

COUNTY BOARD OF ADJUSTMENT
Meeting No. 105
Tuesday, February 14, 1989, 1:30 p.m.
Aaronson Auditorium, Central Library
400 Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Looney Tyndall Walker	Alberty Eller	Jones Moore	Ron Fields, Building Inspection

The notice and agenda of said meeting were posted in the Office of the County Clerk, as well as in the Reception Area of the INCOG offices, on Friday, February 10, 1989 at 3:39 p.m.

After declaring a quorum present, Chairman Looney, called the meeting to order at 1:35 p.m.

MINUTES

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Eller, "absent") to **APPROVE** the **Minutes** of January 10, 1989 (No. 104).

UNFINISHED BUSINESS

Case No. 862

Action Requested:

Use Variance - Section 310 - Principal Uses Permitted in Agricultural Districts - Use Unit 1215 - Request a use variance to allow for an existing flea market and outside storage in an AG zoned district, located 1/4 mile east of North Cincinnati Avenue.

Presentation:

The applicant, Ralph Williams, was not present.

Comments and Questions:

Mr. Jones explained to the Board that a protestant in the audience has informed him that the applicant is attending his father's funeral and does not feel that he will attend the meeting. He noted that the protestant is not opposed to a continuance of the case to the March meeting. A letter (Exhibit A-1) recommending approval of the application, per conditions, was received from the Skiatook Board of Adjustment.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Eller, "absent") to **CONTINUE** Case No. 862 to March 21, 1989.

MINOR VARIANCES AND EXCEPTIONS

Case No. 866

Action Requested:

Variance - Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206 - Request a variance of lot area from 2 acres to 1 1/2 acres to allow for a lot split in an AG zoned district, located 8718 East 116th Street North.

Presentation:

The applicant, Jerry Burd, 8718 East 116th Street North, Owasso, Oklahoma, stated that a new home is being constructed on a 1 1/2-acre lot, which is a portion of a 10-acre tract of land. He informed that the lot split (No. 17134) has been heard and approved by TMAPC on January 18, 1989. A plat of survey (Exhibit B-1) was submitted.

Comments and Questions:

In response to Mr. Looney's question concerning an easement allowing access to the subject property, the applicant replied that the easement has been signed and notarized.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Eller, "absent") to **APPROVE** a **Variance** (Section 330 - Bulk and Area Requirements in Agriculture Districts - Use Unit 1206) of lot area from 2 acres to 1 1/2 acres to allow for a lot split in an AG zoned district; finding that there are other lots in the area that are comparable in size to the lot in question, and granting of the variance request will not be detrimental to the area; on the following described property:

Beginning at a point 1983.12' east of NW/c Section 12, T-21-N, R-13-E, thence south 550', east 200', north 300', west 170', north 250', and west 30' to the Point of Beginning, Tulsa County, Oklahoma.

Case No. 867

Action Requested:

Variance - Section 930.1 - Bulk and Area Requirements in Industrial Districts - Use Unit 1213 - Request a minor variance of lot frontage from 150' to 125' in IL District to allow for a lot split, located NE/c 49th West Avenue and 60th Street.

Presentation:

The applicant, **Charles Norman**, Suite 909, Kennedy Building, Tulsa, Oklahoma, submitted a plot plan (Exhibit C-2) and photographs (Exhibit C-1), and stated that he is representing Mr. and Mrs. Bill Jones, owners of the property in question. He explained that his clients have developed a Shoney's restaurant and a Texaco service station on the tract and the purpose of this application is to create separate ownership of the two businesses. He informed that the lots in the addition were platted 125' wide on 60th Street, with 150' being required in an IL District. It was noted by the applicant that the Waffle House (75' frontage) and an existing motel (50' frontage), two properties to the north of the subject property, have been granted variances of lot frontage. Mr. Norman informed that TMAPC has approved the lot split request (No. 17133) on January 18, 1989, with the recommendation that Lots 9 and 10 be tied to Lot 11. He stated that his client has no objection to that requirement being imposed.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Eller, "absent") to **APPROVE** a **Variance** (Section 930.1 - Bulk and Area Requirements in Industrial Districts - Use Unit 1213) of lot frontage from 150' to 125' in IL District to allow for a lot split; subject to the execution of a tie contract on Lots 9, 10 and 11; finding that there are mixed zoning classifications in the area, and other lots on 49th West Avenue with frontages that are more narrow than that of the subject tract; on the following described property:

The south 125' of Lots 9 and 10, Block 3, Bozarth Acres Addition, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 864

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS zoned district, located east of NE/c of 59th Street North and North Peoria.

Case No. 864 (continued)

Presentation:

The applicant, Robert Warnick, 6139 North Peoria, Tulsa, Oklahoma, submitted a plot plan (Exhibit D-1), and requested permission to place a mobile home on a lot at the above stated location. He explained that the rear portion of his property is zoned for residential use, with the portion that fronts Peoria Avenue being commercially zoned.

Comments and Questions:

Mr. Looney asked if city utilities are available, and the applicant answered in the affirmative.

In response to Mr. Looney's inquiry, Mr. Warnick informed that there is a mobile home one block to the east of his property and others in the general area. He explained that he will only need the mobile home until the business on the Peoria frontage is fully developed.

Interested Parties:

Ray Bates, 6330 North Utica, Tulsa, Oklahoma, stated that he is Chairman of the District 24 Planning Team and is supportive of the application. He noted that he is personally supporting the request, but has not been in contact many people in the area concerning the application. It was noted that there are numerous mobile homes within a square mile of the proposed site.

Protestants: None.

Board Action:

On **MOTION** of TYNDALL, the Board voted 3-0-0 (Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Eller, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS zoned district for a maximum of five years only; subject to a Building Permit and Health Department approval; finding that there are other mobile homes in the surrounding neighborhood, and granting of the special exception request will not be detrimental to the area; on the following described property:

Lots 15 and 16, Block 7, East Turley Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 865

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to allow for a mobile home in an RS zoned district, located north of NW/c 63rd West Avenue and 51st Street.

Presentation:

The applicant, **Arnold Roberts**, 6736 West 78th Street, Tulsa, Oklahoma, requested permission to place a mobile home unit on the subject property. The applicant explained that he is planning to sell the tract and the old house to the rear will be removed and a mobile home installed at that location, utilizing the septic system which is already in place.

Comments and Questions:

Mr. Looney asked if the mobile home will be skirted and tied down, and the applicant answered in the affirmative.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Albery, Eller, "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209) to allow for a mobile home in an RS zoned district; subject to the mobile home being skirted and tied down; and subject to Health Department approval and a Building Permit; finding that there are numerous mobile homes in the general area, and that the granting of the special exception request will not be detrimental to the neighborhood; on the following described property:

Lot 18, Block 1, John Hale Addition, Tulsa County, Oklahoma.

Case No. 868

Action Requested:

Variance - Section 1420.(a) - Nonconforming Use of Buildings or Land - Use Unit 1225 - Request a variance to expand an existing nonconforming business (concrete manufacturing) by adding a 70' by 75' building, located 18910 Wekiwa Road.

Comments and Questions:

It was noted by Mr. Jones that a portion of the subject tract is located in the floodway.

Presentation:

The applicant, **Scott Waller**, Box 640, Sand Springs, Oklahoma, stated that the Mohawk Rock and Sand Company is proposing to expand, and asked permission to construct a building for manufacturing of concrete products. It was noted that the business began operation in 1975. Mr. Waller stated that the expansion will allow the

Case No. 868 (continued)

company to make some new items, but basically the business will continue to operate as it has in the past. He remarked that the neighbors have been notified of the proposed expansion and are supportive of the application. A plot plan (Exhibit E-1) was submitted.

Comments and Questions:

Mr. Looney inquired as to the hours of operation, and the applicant stated that the business will operate from 7:00 a.m. to 5:30 p.m., Monday through Friday. Mr. Waller remarked that the mobile home on the property is used for office and security purposes.

Comments and Questions:

Mr. Tyndall asked if the area floods, and the applicant replied that water was 4' deep in the facility in the 1986 flood and it would flood again under those same conditions.

Mr. Looney asked if someone stays in the mobile home, and Mr. Waller stated that it is imperative that someone stay on the site to prevent vandalism.

Mr. Walker stated that he has conferred with Pat Treadway, Sand Springs planner, and was told that Sand Springs has not made a recommendation on the application because their meeting will not be held until after this date. He stated that Mr. Treadway informed him that they are supportive of the proposed business expansion. Mr. Walker remarked that he lives in Sand Springs and does business with the applicant, but does not feel that this has any bearing on his ability to make a decision concerning this case.

Ron Fields suggested that, if approval is granted by this Board, that it be made per building inspection standards and floodplain requirements.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Eller, "absent") to **APPROVE** a **Variance** (Section 1420.(a) - Nonconforming Use of Buildings or Land - Use Unit 1225) to expand an existing nonconforming business (concrete manufacturing) by adding a 70' by 75' building; per plot plan submitted; and subject to business being in compliance with all building inspection requirements; finding that the business has been in operation at this location since 1975 and has proved to be compatible with the area; on the following described property:

Lot 1, Section 12, T-19-N, R-10-E of the Indian Base and Meridian, Tulsa, County, Oklahoma, LESS AND EXCEPT, a tract of land beginning at the NW/c of Lot 1, Section 12, thence east 225', thence south 500', thence west 225', thence north 500' to the point of beginning, including all riparian rights and accretions thereto, Tulsa County, Oklahoma.

Case No. 869

Action Requested:

Variance - Section 207 - Street Frontage Required - Use Unit 1206 - Request a variance of required street frontage as a public street from 30' to 0', located west of SW/c 181st Street and Highway 75.

Presentation:

The applicant, **Rustin Roberts**, 1112 North 1st Street, Jenks, Oklahoma, stated that five parcels of land are located on a cul-de-sac and are serviced by a gravel road that is not dedicated. He stated that two of the lots have residences (one house and one mobile home), and he is planning to build a house on his property in the future.

Comments and Questions:

Mr. Looney asked the applicant if the easement can become a dedicated roadway, and Mr. Roberts replied that he is not sure.

There was discussion as to the exact location of the property, and Mr. Jones pointed out that this is what is common when tracts meet the 2 1/2-acre size requirement, but do not have the required frontage on a public street. He asked the applicant if a separate roadway easement is filed of record, and Mr. Roberts replied that the easement is filed and attached to the title of the property. Mr. Jones pointed out that the County will not accept this type of road for maintenance because it is not constructed according to County standards; therefore, the applicant and other property owners should be aware that they will be responsible for all upkeep.

Mr. Fields stated that there are forms available in the District Attorney's office that can be signed and notarized, stating that the applicant understands his responsibility for road maintenance.

Protestants: None.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Eller, "absent") to **APPROVE** a **Variance** (Section 207 - Street Frontage Required - Use Unit 1206) of required street frontage as a public street from 30' to 0'; subject to the completion of a form in the District Attorney's office verifying the fact that the property owner has been made aware of his obligation to maintain the existing road which has not been accepted by the County as a dedicated road; and subject to road easement being filed of record (road to serve one home on a 10-acre tract); on the following described property:

The surface interest only in that certain tract of land in the E/2, NW/4 of Section 3, T-16-N, R-12-E of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the US Government Survey thereof, more particularly described as follows:

Case No. 869 (continued)

Commencing at the NW/c of said E/2, NW/4 thence south along west line of said E/2, NW/4, a distance of 1328.0', thence east a distance of 660', thence north a distance of 668', thence west a distance of 660', and thence south a distance of 668' to the point of beginning, containing 10 acres, more or less, subject to an easement for general utilities (water, sewer, electricity, gas, and cable television, etc.) over and across the east 20' of the west 50' thereof, together with a nonexclusive easement for roadway and driveway purposes, for ingress to and egress from the above described property and for general utilities, over and across the following described strips of land:

The north 30' of the said E/2, NW/4, and a strip of land 60' in width, its center line described as beginning at a point 660' east of the NW/c of E/2, NW/4, thence S 00°03'56" E, a distance of 1358.0' to its end point, Tulsa County, Oklahoma.

Case No. 870

Action Requested:

Variance - Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1209 - Request a variance to allow for two dwellings on one lot of record, located 1/2 mile west of 161st West Avenue and 41st Street.

Presentation:

The applicant, **Sharen Kercheval**, Route 3, Box 217, Sand Springs, Oklahoma, submitted a plot plan (Exhibit F-1) and explained that she is proposing to move a house on five acres which has one rental space for a mobile home. She asked the Board to allow her to continue the use of the rental space. It was noted by the applicant that the property in question is not located on a public road.

Comments and Questions:

Mr. Fields informed that the subject property was deeded to the applicant in 1977, and she has recently been granted a valid road access easement from 51st Street South, across her father's land, to her property.

Board Action:

On **MOTION** of **TYNDALL**, the Board voted 3-0-0 (Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Eller, "absent") to **APPROVE** a **Variance** (Section 208 - One Single Family Dwelling per Lot of Record - Use Unit 1209) to allow for two dwellings on one lot of record; per plot plan submitted; subject to filing of a road access easement; finding that the tract has sufficient land area to accommodate two dwelling units; on the following described property:

The W/2, NE/4, SW/4, SE/4, Section 30, T-19-N, R-11-E, Tulsa County, Oklahoma.

Case No. 871

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow for the existing church and for the expansion of the church building.

Variance - Section 1205.3(a)2 - Use Conditions - Request a variance to allow for parking in the required front yard.

Variance - Section 1340.(d) - Design Standards for Off-Street Parking - Use Unit 1205 - Request a variance to allow for gravel parking, located 6515 West 60th Street.

Presentation:

The applicant, **Mark Taynton**, 6515 West 60th Street, Tulsa, Oklahoma, stated that he is minister for the Oak Hills Baptist Church, and represented that organization. He submitted a plat plan, with copy of plat waiver request, (Exhibit G-1) and photographs (Exhibit G-2). The applicant stated that the church has been at the present location for approximately 50 years and the construction of a new building is proposed.

Comments and Questions:

In response to Mr. Looney's question, the applicant stated that the church has 80 members and there are approximately 15 cars parking on the lot at this time. Mr. Taynton remarked that the present membership could double in the future.

Mr. Jones informed that the Technical Advisory Committee has heard and approved the request for plat waiver on the property, subject to the dedication of an additional 20' of right-of-way on South 65th West Avenue, or an additional 17 1/2' utility easement if the 85' setback from centerline is required by the Board. He pointed out that the church would have to relocate the proposed parking lot to the east of the building since the Code does not allow parking on a dedicated easement. Mr. Jones informed that there is sufficient space on the property to relocate the east parking lot and satisfy the parking requirements.

Mr. Looney asked if the parking lot will be covered with a hard surface material, and the applicant replied that the church is not able to finance that project at this time, but will cover the lot after the building is completed.

Case No. 871 (continued)

In response to Mr. Walker's inquiry, Mr. Taynton informed that he does not have a building plan, but that a 75' by 75' metal building has been ordered.

Mr. Looney asked if the metal building will be compatible with the surrounding area, and the applicant replied that the metal structure will be an improvement over the existing structure. He pointed out that the area is made up of low income families, and the metal building will not be detrimental to the neighborhood. There was discussion as to the amount of time required to complete the building project, and the applicant stated that construction should be finished in approximately three years.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Eller, "absent") to **APPROVE** a **Special Exception** - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1205 - Request a special exception to allow for the existing church and for the expansion of the church building; and to **APPROVE** a **Variance** (Section 1205.3(a)2 - Use Conditions) to allow for parking in the required front yard; and to **APPROVE** a **Variance** (Section 1340.(d) - Design Standards for Off-Street Parking - Use Unit 1205) to allow for gravel parking; subject to a 20' right-of-way dedication on 65th West Avenue, gravel parking being allowed for a period of 3 years from this date and Building Inspector approval; finding that the church and gravel parking lot have been at the present location for 50 years and have proved to be compatible with the area; on the following described property:

Block 61, Taneha Addition, Tulsa County, Oklahoma.

Case No. 872

Action Requested:

Special Exception - Section 910 - Principal Uses Permitted in Commercial Districts - Use Unit 1225 - Request a special exception to allow for a machine shop in a CH zoned district, located 6237 North Peoria Avenue.

Presentation:

The applicant, Edward Hyde, 7601 North 174th East Avenue, Owasso, Oklahoma, submitted a plot plan (Exhibit H-1) and asked permission to operate a machine shop on the subject property from 9:00 a.m. to 1:00 p.m., Monday through Saturday. He informed that the shop may occasionally be open from 7:00 a.m. to 4:00 p.m. The applicant explained that a machine shop is presently located next door to the proposed site, with a tire and muffler shop operating to the north.

Comments and Questions:

Mr. Looney asked if the building on the property has previously been used as a machine shop, and the applicant answered in the affirmative.

In response to Mr. Looney's question concerning screening, Mr. Hyde stated that there will be no need for screening because there is no outside storage of materials and all work will be conducted inside the building. The applicant remarked that he will not have employees at this time, and no more than two in the future.

Mr. Jones informed that the Code requires a 6' screening fence on the east property line to protect the residential neighborhood. He pointed out that the commercially zoned property to the north is developed residential, and the Board could require screening along that boundary if they find it appropriate.

Mr. Walker asked if deliveries will be made to the machine shop, and Mr. Hyde replied that his pickup is used for all deliveries.

In answer to Mr. Looney, the applicant informed that a lathe and mill will be the types of equipment used in the business.

Protestants:

Jo Fletcher, 6228 North Quincy, Tulsa, Oklahoma, stated that her house is directly behind the existing machine shop and is opposed to the noise and debris on the lot. She pointed out that the scrap metal poses a danger for the children in the neighborhood and provides a breeding place for rodents. Ms. Fletcher pointed out that the business south of the machine shop has installed a solid screening fence, beginning at the southwest corner of her property and extending to the south.

Case No. 872 (continued)

Mr. Looney asked the protestant if a continuance of the screening across the rear property line of the subject tract would alleviate her concerns, and she answered in the affirmative.

Mr. Tyndall asked Ms. Fletcher if she is opposed to the stated hours of operation, and she replied that she is in agreement with the hours that Mr. Hyde has mentioned. She informed that the existing shop opens early in the morning and is very noisy, with the employees talking loudly to be heard over the noise of the machines. Ms. Fletcher remarked that their voices can be heard inside her home and some of the machines make a high pitched noise that is very annoying.

There was discussion concerning screening of the residences in the CH Zone to the north.

Mr. Hyde remarked that he is leasing the property in question and is not sure the owner will install a screening fence. He explained that he will be forced to move to another location if that condition is imposed and the owner refuses to construct the fence.

Mr. Jones and Mr. Fields agreed that, although the existing machine shop is a nonconforming use, any new action on the property would then, according to the Code, require a 6' solid screening fence along the entire east property line.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Eiler, "absent") to **APPROVE** a **Special Exception** (Section 910 - Principal Uses Permitted in Commercial Districts - Use Unit 1225) to allow for a machine shop in a CH zoned district; subject to the installation of a 6' solid screening fence along the entire east property line; subject to no outside storage of materials; limiting the hours of operation from 7:00 a.m. to 4:00 p.m., Monday through Saturday; finding that there is a machine shop in operation next door to the subject tract, and the granting of the request will not be detrimental to the area; on the following described property:

Lot 7, Bussman Addition, Tulsa County, Oklahoma.

Case No. 873

Action Requested:

Use Variance - Section 310 - Principal Uses Permitted in Agriculture Districts - Use Unit 1215 - Request a use variance to allow for a kennel in an AG zoned district, located north of 116th Street North and east of Highway 169.

Presentation:

The applicant, **Billy Conley**, Route 2, Box 317, Collinsville, Oklahoma, submitted a plot plan (Exhibit J-2) and requested permission to operate a dog kennel on a 3 1/3-acre agricultural tract, which abutts Highway 169 and has limited use because of its size. Mr. Conley stated that a 12' by 14' building will be erected and 12' runs will extend out from the building, with drainage to the south and into the septic system. It was noted that a 6' chain link fence will be installed around the kennel, with the exception of the east side, which will have a 6' screening fence. He stated that the nearest residence is 300' from the kennel and landscaping, along with the screening fence, will be installed on that boundary to help absorb noise. Mr. Conley noted that he is proposing to construct an 8' by 8' isolation unit, which is not shown on the plot plan.

Comments and Questions:

Mr. Looney inquired as to the number of animals that will be housed in the kennel, and the applicant replied that he plans to maintain a 30-dog unit, which will include a training and boarding operation. He informed that he owns five large dogs (akitas), which have been on the property for several years, and this is the only type of dog that would be used for breeding purposes.

In response to Mr. Looney's question, the applicant explained that the hours of operation will be from 9:00 a.m. to 5:00 p.m.

Mr. Looney asked the applicant to state the hardship for this case, and Mr. Conley replied that the power lines on the property, the size of the tract and the slope of the land cause the property to be of little use for agricultural purposes.

Mr. Looney asked why the construction is not proposed for the west side of the property, and the applicant explained that the lateral lines for his home are in that area.

Mr. Jones inquired if Owasso has heard the application, and the applicant stated that Richard Hall notified him that his case was not placed on the agenda for the Owasso meeting. Mr. Jones pointed out that from a planning standpoint, the west side of the lot would be a better location for the facility. He noted that 30 dogs could cause a noise problem for the neighborhood. Mr. Conley stated that he will move the kennel as far to the west as possible.

Interested Parties:

A letter of support (Exhibit J-1) was received from **Doys and Irene McClure**, owners of the property to the north.

Case No. 873 (continued)

Curtis Casement, Route 2, Box 336, Collinsville, Oklahoma, stated that he owns the open pasture land to the south of the property in question, and is supportive of the application.

Delynn Harris, Route 3, Collinsville, Oklahoma, informed that she lives to the east of the proposed kennel and is not opposed to the application.

Mr. Looney asked Ms. Harris if she anticipates a noise problem, and she replied that the akitas have been on the property for several years and have caused no problem. She stated that she lives alone and the dogs will serve as security for her property.

Applicant's Rebuttal:

Mr. Fields pointed out that, if the applicant is planning to erect a sign for the business, the installation should be cleared through the Oklahoma Department of Transportation.

Mr. Walker asked if all the waste on the concrete will be captured, and Mr. Conley replied that drains will be installed inside and outside the building, with all waste being drained to a septic system.

Board Action:

On **MOTION** of **WALKER**, the Board voted 3-0-0 (Looney, Tyndall, Walker, "aye"; no "nays"; no "abstentions"; Alberty, Eller, "absent") to **APPROVE** a **Use Variance** (Section 310 - Principal Uses Permitted In Agriculture Districts - Use Unit 1215) to allow for a kennel in an AG zoned district; per plot plan; subject to landscaping and a 6' wood privacy fence on the east property line; installation of a separate septic system for draining kennel waste; limiting the kennel operation to 30 dogs; subject to hours of operation being from 9:00 a.m. to 5:00 p.m., with the training operation being permitted until dark; and subject to the kennel being constructed as far to the west as existing lateral lines will permit; finding a hardship demonstrated by the small size of the lot in the AG zoned area, and the slope of the land due to the proximity of the tract to Highway 169; on the following described property:

The south 660', west 220', east 2420', S/2, NE/4, less north 25' thereof for road, Section 4, T-21-N, R-14-E, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:15 p.m.

Date Approved

March 21, 1989

Wayne Alberty
acting Chairman