

**TULSA COUNTY BOARD OF ADJUSTMENT  
MINUTES of Special Meeting No. 513**

Tuesday, November 15, 2022, 1:30 p.m.  
Williams Tower 1  
1 West 3<sup>rd</sup> Street, St. Francis Room  
Tulsa, Oklahoma

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Hutchinson, V. Chair Hicks Houston Tisdale	Charney, Chair	S. Miller S. Tauber J. Hoyt	K. Edenborough, County Inspections Nicholas Williams, Legal

The notice and agenda of said meeting were posted at the County Clerk’s office, County Administration Building, 13<sup>th</sup> of November 09, 2022, as well as in the Office of INCOG, 2 West Second Street, Suite 800.

Mr. Hutchinson explained that the Chair, Mr. Charney, was not able to attend this meeting to the applicants and interested parties that there were only four board members present. He explained that this Board had five-member board member, a volunteer board. We have one that has gone today, there are times that there are five of us here. If your case is heard today, if it comes down to two-to-two vote, it will be denied. You must have three, at least three for it. It would be necessary to receive an affirmative vote from three board members to constitute a majority. Mr. Hutchinson asked if anyone would like to continue their case and if they understood. Everybody nodded in understanding, and one requested a continuance.

After declaring a quorum present, Vice Chair Hutchinson called the meeting to order at 1:30 p.m.

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Mr. Hoyt read the rules and procedures for the Board of Adjustment Public Hearing.

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**MINUTES**

On **MOTION** of **TISDALE**, the Board voted 4-0-1 (Houston, Hutchinson, Tisdale all “aye”; no “nays”; Hicks “abstained”; to **APPROVE** the Minutes of September 20, 2022 (No. 511).

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “aye”; no “nays”; no “abstentions”); to **APPROVE** the Minutes of October 18, 2022 (No. 512).

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**UNFINISHED BUSINESS**

**2914-A - Joanna Ford**

**Action Requested:**

Modification to previously approved conditions regarding exterior material of accessory building. **Location:** 12833 S 121 Ave E (**CD 3**)

**Presentation:**

**Natalie Coronet**, 2727 21st Street, Suite 200, Tulsa, Oklahoma, 74114 stated that they were requesting a modification of a condition that was imposed on an accessory building, which was approved about this time last year at the board's October meeting. As one of the conditions of approval for the success rebuilding, the Board required that it be of masonry material. And we are requesting that the material be permitted to be Hardie architectural, fiber cement siding that has a stucco finish. When this accessory building was being built, there were significant supply chain issues going on with materials and particularly masonry and this product was chosen. It is from a cost equivalency standpoint, about the same if not a little bit more in cost than the brick material. It is white in color. The house itself is a light, white brick. And the cost of material for this Hardie board is about \$1,400 more than the brick and it is not an inferior material than masonry. There are throughout this neighborhood. He directed them to some of these exhibits that we have provided, it should be in your Staff report. If you will turn to page 3.7, this is a photograph of the principal residence, and then which is on the right side of your page. Then the accessory building, which is on the left side of the page. You can see that as far as sort of how they look, the brick is quite light, it is not sort of most of the red brick that you would think when you think masonry. Then on page 3.8 is a photograph of the accessory building as it stands today and 3.9 is a close of that stucco finished Harty fiber cement. So that is the material that exists today. And we are requesting that the board permit that material to remain. The rest of the photos in your packet that that have been provided are photos of accessory buildings throughout this neighborhood. They are abundant, and none, if not all of them, the materials do not match the principal residence. In this packet, we have provided that on page 3.11. This is an accessory building directly behind the subject property to the east. These are not coming through very well in the print off but the house itself is brick. As you continue through, we have on 3.12, a metal accessory building with a stucco house. They are similar in color. Again, 3.3 metal accessory buildings and mason brick home. There is a metal barn that is a traditional barn painting. There is also on 3.15, another large metal building with a brick house. She would not belabor the point on those, you

can look through them yourselves, but as far as being consistent with the pattern development pattern in the neighborhood, it is not injurious or out of character with what is going on and what has been developed around there. She was happy to answer any questions that you have. Josh, the property owner, was there as well. He presented the case to you last time so if you have any questions for him, he was there as well.

Mr. Hutchinson asked about the supply chain issues there. There is enough brick for the house, but not the shop.

**Josh Ford** 4512 East Glendale Street, Broken Arrow, Oklahoma, 74011 stated that the supply chain issues were that there was not enough brick. What happened was because the house was started, and the barn got delayed so that we could do the first Board of Adjustments meeting. Brick at that time was four-to-six-month delivery time. So that is the supply chain issue. The house was already ready for brick, the shop was not so that is our supply chain issue. It is not the bricks not available. It is just if the barn and the house are both start at the same time, brick would arrive for both products.

Mr. Hutchinson asked if he was saying that the Hardie board cost more than the brick and the labor.

Mr. Ford stated that Hardie has dropped in price today, but when they bought that Hardie, it was just shy of \$2.50 per square foot. Typically, it is only about \$1.25 per square foot but price increases with material have been 125% over the past two years and not controllable.

Mr. Hutchinson stated that if he remembered correctly, you were going to lease the house and keep the shop for yourself. Mr. Ford stated that was correct.

Mr. Hutchinson stated that he had questions for Staff because we had some issues from the very beginning on this. Was it not the setback and the side door the rear yard? Can you help me follow along the chronological order of all this because he was getting lost on some of it.

Ms. Tosh stated that we had we had to have them seek Board of Adjustment approval. It was started without a permit, she thought and then we spoke to them, and they had to come because it was larger than allowed. She did not have all those details in front of me but there was that and the side yard setbacks.

Mr. Hutchinson stated that he thought because Mr. Ford was saying it was language barrier.

Mr. Ford stated for the house lab, he told the Hispanic workers not to do anything on the barn because were not permitted. He went out the next morning and they had both slabs poured. At that point, we put the barn on complete hold till we came here and went on with the house. That is what gave us the time difference. Then the setback question is that you had to approve two different issues on the barn, the size, because

zoning is nothing larger than 750 square foot sign, and not in the side yard. There were two zoning issues that were approved that they were the side yard and square footage.

Mr. Hicks asked at what time during the process from the time you got approved to now did you realize you were not meeting what you agreed to do. Why are you here now, is it because you cannot get it approved or we get this final sign off?

Mr. Ford stated that he cannot get my Certificate of Occupancy unless the Board either accepts the change or he must figure out a way to brick on the shop. There are other problems with slab that was poured or was not supposed to be poured. It was poured incorrectly as well. Typically, when you build a house, you pour your footing bigger than your house the other brick ledge center brick on. The shop slab was poured the exact dimensions of my footing.

Mr. Hicks asked if the Hardie board product that you used, is it a prefinished set color or is it painted.

Mr. Ford stated that it was painted. He does not use the pre-finished is because if you scratch it, you cannot fix it.

Mr. Tisdale asked if it was already installed and paid for. Mr. Ford stated that was correct.

Mr. Hutchinson stated that they had a lot of different issues on this with the setback, the footings, the slab, and the brick. Mr. Ford stated that out of about four hundred houses this has been a challenging house, ranked within the top five.

Mr. Hutchinson stated that he knew they had received a lot of stuff from the neighbors to like emails up and comments.

Mr. Ford stated that until last night, they have just been dealing with one neighbor contesting.

Mr. Hicks asked on those sides and the rear, is the Hardie board exposed all the way to the vegetated ground or do you have a concrete edge there at all.

Mr. Ford stated that when you do a metal shop versus Hardie typically the mental sit down in my head about which you are talking. So, the Hardie sits down to the vegetation, but it does not go to the ground. You have your slab, and the Hardie remains about an inch and a half off the grass.

Mr. Hutchinson asked how much footing is there at this time for the brick ledge.

Mr. Ford stated that it is exactly forty by sixty, the same as the shop.

Mr. Tisdale stated even if you had ordered brick, you would not have been able to install it. There was an error in the foundation correct.

Mr. Ford stated that was correct. We would have to figure out how to dig a footing and attach it to an existing footing to carry the weight of the brick of a 16-foot wall. That would be a cold joint between the two footings. So, we would need to drill in and tie off some rebar and suck them together.

Mr. Hutchinson asked if this 12-inch lap siding.

Mr. Ford stated that no, which is called the board and bat. It is four by eight sheets with your Harty bats that cover up the joints.

Mr. Hicks asked if the stucco finish is manufacturer made, it is not something you added to it.

Mr. Ford stated no, it is stamped. It is a useful product; he would not ever use anything other than Hardie on any of my houses. He uses it on all my soffits and facias just because you do not experience the wood rot that you do on traditional paper siding.

Mr. Hicks asked if he would you be open to entertain placing a narrow concrete edge along the edge because where he was going was with that product all the way down to the ground and weed eating over time stuff like that. It is just going to tear it up.

Mr. Ford stated that he agreed. If it gets approved and we do this, we will finish the James Hardie stuff on there, he will take some roof flashing and what you do is you tuck it up underneath the bottom, so Hardie appears to sit in the flashing protective and then he paints out the same color and you never know it is there, so it just protects it from the water. It is a four-inch roof flashing. The Hardie will still be about an inch and a half off the ground. It would just be wrapped in the flashing. It would wrap up on the exterior and a small amount on the interior side that comes up on the exterior about three to four inches. It is mechanically attached to the side

Mr. Houston stated that Mr. Ford mentioned as of last night you do not really have an issue with one neighbor. Is that the only you had or was there something else?

Mr. Ford stated that he saw an email come through last night or it could have been the day before. The guy behind me that has a brown and red barn does not have a problem it. A lady to the south thinks it is a beautiful property they are supposed to email her support to.

Mr. Ford stated say we put brick on this barn and painted it, it looks the same. It is the same it is not going to change the look of the barn. His house is white painted brick and if you are standing on the street, you do not know what you are looking at. Could be stucco, could be brick, or could be siding.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Hicks stated that, the Hardie plank is a good product. It is not an equal comparative product to the mainstream products, but it a good product. The one email we got, as a complaint was about the size and whether this is brick. What is now the size is the size. But my biggest concern was just this product comes down to the age to make sure you overtime weed eating; it does not get torn up. Because it is already exposed directly to weed eater.

Mr. Hutchinson stated that the problem he had is we said brick, the pad was already poured, and he should not have said he was going to go with brick. He felt as though we were misled throughout this whole thing on this matter. It has been one thing after another. He did not think he had ever seen a case with this many things come up.

Mr. Tisdale stated that he agreed. That is his concern that he is asking for forgiveness than really getting permission, it is already done. The question is the integrity of the product is used as just the method in which it was how everything has been done on this project.

Mr. Hicks stated that he thought it would have been an easier discussion had the applicant come back to us right when he realized he was in a dilemma or at least approach that he was presuming.

Mr. Hutchinson stated that the slab was already poured whenever he came before us, and we asked him if he was going to be brick and he said yes. He knew if he had a footing or not.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 3-1-0 (Houston, Hutchinson, Tisdale all "ayes", Hicks "nay", no "abstention", Charney "absent") to **DENY** the **Modification** to previously approved conditions regarding exterior material of accessory building.

**LT 8 BLK 11, WILLOW SPRINGS ESTATES ADDN, CITY OF BROKEN ARROW,  
COUNTY OF TULSA, STATED OF OKLAHOMA.**

### **3009 - Janetta & Bobbi Martin**

#### **Action Requested:**

Variance to allow a horse (Use Unit 3) on RS zoned property (Section 410)

**Location:** 6504 W. 60th St. South **(CD 2)**

#### **Presentation:**

**Janetta Martin**, P.O. Box 429, Oakhurst, Oklahoma, 74050, stated that she was there to ask the Board to get the grant her a Variance to keep her horse on this property as she does serve as a therapy type horse. Not only before us but many neighbors have also found benefit in this as well.

Mr. Hutchinson asked if she lived on this property.

Ms. Martin stated that she did not live on it. She was in the process of trying to clean it up, make it where we can come back get the paperwork, we need to have a home put out there and live there ourselves. Yes.

Mr. Hutchinson asked if there was one there.

Ms. Martin stated that there had been one there and they are wanting to put another one there.

Mr. Hutchinson asked how long you have been cleaning it up.

Ms. Martin stated that they have owned it for a year, and we have been doing a lot of work to clean it up.

Mr. Hutchinson asked how long you have owned the horse.

Ms. Martin stated that she had owned one of two horses that she has had for several years.

**Bobbi Martin**, P.O. Box 429, Oakhurst, Oklahoma, 74050, stated that we have them on the property because they have nowhere else to put them. One is inside the shop for her safety and the other one is in the pin.

Mr. Hutchinson asked where they kept them before they owned this property.

Ms. Janetta Martin stated that her brother let me keep them out there before he left the state. But he lost his property.

Mr. Hutchinson pointed out that point one five acres is an exceedingly small lot. a day.

Ms. Janetta Martin stated that they get fed twice a day every day. The one horse is not able to be out in the running area because of its bad leg we must keep her confined and just hand exerciser. The other one gets exercise all the time.

Mr. Hutchinson when you say exercise, do you have a walker or rider.

Ms. Janetta Martin stated we just walk around in there. She is got a bad leg also. She hurt her ankle. So, we are doctoring her, but we still make sure she gets walked.

Mr. Hicks asked Staff if page 4.8 is provided by the applicant or somebody else.

Mr. Hoyt stated that was provided by someone else.

Mr. Hutchinson asked how long would it take you if the Board decided and he are not saying we would or would not? How long would it take for you to clean up the place before we decided on the horse to be allow?

Janetta Martin stated that the biggest thing she must clean up is a pile of brush that they been cleaning. Most of it is cleaned up already.

**Interested Parties:**

**Carl Woods**, 4607 South 81st West Avenue, Tulsa, Oklahoma 74107 stated that on the horse issue sent some paperwork in and OSU says you need five to ten acres. They have 6500 square feet which is nowhere near what the horses need. The horses bring flies, mosquitoes, and ticks. After they have been cooped up like they are cooped up now you also have the smell. It is zoned residential, single family and if you open the door for this one then the guy across the street wants a cow, etc.

Mr. Hutchinson asked Mr. Wood where his house in relation is to this one.

Mr. Wood stated that he had rental property about three blocks west and rental property about a block south.

**Rebuttal:**

Janetta Martin stated that there are other horses in that same area that are not hers. On the opposite corner that same block is a gentleman that has a horse as well that is in a smaller area than what mine is in. They have no problem with their horse.

Mr. Hutchinson stated that it may be that they have not been caught. He asked about the trailer house out there now.

Janetta Martin stated that there is a camper that we are turning into our office. It is not livable, so we do not live in it, and nobody knows.

Mr. Hutchinson stated that the barn is in rough shape as well.



Mr. Tisdale ask if it was a barn or a shop.

Janetta Martin stated that it is a shop that used to be a machine shop.

Mr. Hutchinson stated that she is wanting the trailer to stay, and it is going to be your office. What kind of office?

Janetta Martin stated that she deals with rescue horses. They do not come there because there is no water and power going to that trailer at all right.

Mr. Hutchinson stated that they had water and power at the property though because it is in town.

Janetta Martin stated that there is a water meter out there, but it has not been turned on yet.

Mr. Hutchinson asked how they are watering the horses.

Janetta Martin stated that they haul water in from our other house that we live at in North Tulsa. We are trying to get this property set up so we can live there instead of renting.

Mr. Houston asked is they had to move the horses at all.

Janetta Martin stated that they had moved them before. Her brother let us keep him them out there. But he is no longer in state he does not have the property where she can keep them, and they cannot afford to board them out as the cost of boarding is remarkably high.

Mr. Hutchinson asked if they could find a bigger place to lease to.

Bobbi Martin stated that they have been looking.

Mr. Hutchinson stated that .15 acre is too small for a horse. They pull the grass up. They are not like a cow.

Janetta Martin stated that is why they get fed every day. Not just feed, but hay and water them every day. If you look at the horses, they are not skinny. They are not underfed, and they are well taken care of. We do take care of where they are as well.

**Interested Parties:**

**Richard Gonzales**, 303 West 1st Street, Tulsa, Oklahoma, 74103 stated that he works for the Tulsa County Sheriff's Office and please forgive my tardiness. He was not used to coming down to anything Williams. H got my steps and on my Fitbit. He did want to say on this issue, that as Sheriff's Deputy, he is in Community Policing. He does two functions at the sheriff's office; he enforces crimes that are environmental in nature. And

he also investigates elder abuse cases. Those are quite different, but sometimes they go hand in hand. There was one day that he did happen to be across this particular property that is being discussed. He does enforce zoning issues, but he does enforce the environmental issues, and the environmental issues of the trash, litter, garbage, and debris on the property was in violation of State Statute 21-1205. You cannot have the garbage, rubbish, and debris within one hundred yards of the center of the roadway, or one hundred yards of another residence. That is per state statute. He did work up a case, but he did not file a charge because he was in communication with the homeowner and during that time, my wife suffered a massive stroke. And he could not really follow through with the charge. He is going to evaluate if the property is or is not within compliance of state statute. The other environmental crime that could be committed as well is the trailers on the property. That has multiple zoning issues. Again, we do not enforce those, but a lot of times with travel trailers that people will dump their refuse onto the ground. That is a felonious crime, which is a violation of the Oklahoma Pollutant Act. When someone knowingly pollutes that verbiage its uses elsewhere, and so elsewhere, other than a waterway, though it is also elsewhere would be on the ground. So that is another concern as well, that he had. He did not know if that is occurring, but again, having a travel trailer out there could be problematic as well. He just wanted to address that.

Mr. Hutchinson thought it was a regular trailer, but you stated that it is a travel trailer in questions for the deputy. How long has it been since you were by the property?

Mr. Gonzales stated that the day of his wife's stroke was September 16. That was the last time he was there.

Mr. Hutchinson thanked Mr. Gonzales and wished him good luck on his wife. Ms. Martin, you're welcome to come back up and speak on this. If you wish. Normally.

**Rebuttal:**

Janetta Martin stated that she the travel trailer that he is talking about, they do not live in it. We do not throw trash out on the ground. Last time you saw we had city cleanup. A lot of the trash he had seen out there has been cleaned up and removed from the property.

Mr. Hutchinson asked about City Clean Up are you talking about a group of people.

Janetta Martin stated that Oakhurst did a lot of the stuff and we got rid of a lot that was able to away and we are still gathered from pile. There is still trash yes but we are cleaning it up. We are removing it from property .

Mr. Tisdale asked if the shop floor was concrete or dirt. Is it padded or anything where you are keeping the horses?

Janetta Martin stated that they have hay in there on the floor for her. It is made soft for her to stand on.

**Comments and Questions:**

Mr. Hutchinson stated that he could not support it on .5 acres. It is way, way too small for the keep to horses.

Mr. Tisdale stated that he owned twenty acres it barely kept two horses on. He could not imagine keeping them on that and in that condition in the shop.

**Board Action:**

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions”, Charney “absent”) to **DENY** the Variance to allow a horse (Use Unit 3) on RS zoned property (Section 410).

**LTS 1 2 BK 60, TANEHA, CITY OF OAKHURST, COUNTY OF TULSA, STATE OF OKLAHOMA**

### **3010 - Chase Slatton**

#### **Action Requested:**

Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330) **Location:** 2727 W. 114 St. S. **(CD 2)**

#### **Presentation:**

**Chase Slatton**, 2727 West 114 Street, Tulsa, Oklahoma, 74037, stated that he was purchasing part of the land from his grandma to build a house on. We have pigs, chickens, and sheep. We are wanting to get a horse or two. The part that he is purchasing runs halfway through the pond. We do not want to put up any fences. The animals could still just do their thing on the original plot. If we went AG-R, we would end up having restrictions for the animals and we would end up having to build a fence.

Mr. Hutchinson stated that Mr. Slatton's property that you are proposing is ninety-three foot on the north end and one hundred foot on the south end. It has a jog in it.

Mr. Slatton stated that it just goes 150 foot on that frontage and then goes straight back.

Mr. Hutchinson stated he was talking about on the east side.

Mr. Slatton stated that was correct for the east side. It goes ninety-three foot then comes in a little bit that goes back maybe a little more than one hundred feet.

Mr. Hutchinson stated that he thought it comes back in about forty-four foot based off your engineer. It is almost pan handle a little bit, but not quite. What is the total acreage of track that you are wanting?

Mr. Slatton stated that it is like 1.32 acres he thought.

Mr. Hutchinson stated that Mr. Slatton's grandmother's house is a two-story house to the west and you are not looking to build anything right now. You are just looking to do lot splits.

Mr. Slatton stated that they are looking to build a house. They just got that permit approved.

Mr. Hutchinson stated that based on if this is approved.

Mr. Slatton stated that regardless, we are allowed to have two houses on AG land. We have already gotten that approved. Either way we are going to do it. We are either going to do AG or AG-R. It will make everything a lot simpler. We will not have to build a fence to keep the animals off which we were hoping not to, just because we want the animals to do whatever they want. We want to keep everything how it is.

**Interested Parties:**

**Jeff Zoller**, 11312 South 26 West Avenue, Jenks, Oklahoma 74037, stated that it is a public forum. He just met Chase earlier and he is an excellent, nice young man. Wishing him the best. He thought that in Tulsa County and one of the reasons we are here for the tract split was that in Tulsa County you were required two and a half acres per home. So, he could not put two houses unless you had that. He believed Mr. Slatton's grandma owns four 4.28. Or is that correct?

Ms. Tosh stated that it is 2.1 acre per dwelling unit.

Mr. Zoller stated that it is still under the limit, my opinion that his property touches 60 or 80 feet of his north fence. Mr. Zoller is sitting on the north side of him on the northeast corner of his property. He has approximately six acres to the north and to the east. He shares a long driveway and where it splits off to the south is his house. His west-southwest corner touches part of the four and a half acre. Chase was explaining that out there it is septic. He was saying that he needed to get an aerobic system because it did not perk. The pad it looks like that he has staked off is close to the north property line. If he puts aerobic and they said to stay fifty feet away from the house. He does not want any aerobic spray being on his property.

Mr. Hutchinson stated that he did not believe that he is allowed to spray on your property.

Mr. Zoller stated that 26th West Avenue is a one lane blacktop road that services the neighborhood. Everybody that touches me is on four acres or more. It is paved but it has not really kept up very well by the city. You must pull over. He understands progress and everybody is splitting lots and we keep growing out there. There are not any covenants in the County. This Board is the covenants for me living out there point five years. More houses, means more shops, more outbuildings more pets. Agriculture, he talks about the animals he had now and are starting to squeeze down. Where we end with that. He does know there was a hearing on a track split north of him. They went from two and a half acres and split three quarters off and got a permit that house is no longer there. The modular home that they did make a recommendation on that three-quarter acre, just it could not have any farm animals. So just lots of things to consider out there. It is just his area. He wishes him the best. He was not here to disrupt his plans by no means, but it is his right to speak. There will be more people on the road. The road really does not supply adequate access. It is zoned AG. He does keep a cow or bull in front of his place on three acres.

Mr. Hutchinson asked if 26th West Avenue was a dead-end street.

Mr. Zoller stated that it ends just south of 114<sup>th</sup> Street. That is what he wants the Board to consider. We are getting traffic increase. It is zoned agriculture for additional farm

animals. He did not know if they are going to bring any more than already out there today. He does not have a problem with that with what is out there today. But then, you know, there's just excess buildings that come along with another zone split on smaller three acre versus 2.1.

**Rebuttal:**

Mr. Slatton stated that he thought a lot of the things that Mr. Zoller was worried about is going to happen regardless, just because we are building the house either way, on the same place, whether the lot split or not. We do not plan on building anything else out there. We are not bringing any more animals, the aerobic is going to be on the front of the property, not the back where he is. He goes out there every day and call my on grandma. She is getting kind of old. The traffic will be the same regardless.

Mr. Hicks asked since you are allowed to do this without the lot split would you explain again why you are wanting to do the lot split.

Mr. Slatton stated that his grandmother wants to do it for like his protection going on. Because whenever she passes, and she does just she wants to make sure that like that section of it goes to me.

**Comments and Questions:**

Mr. Hutchinson stated that he was fine with it. Without the lot split, it is a difficult to get financing to . He personally would rather see a lot split than two houses on one parcel, just because it makes it a little cleaner.

**Board Action:**

On **MOTION of TISDALE**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all "ayes", no "nays", no "abstentions", Charney "absent") to **APPROVE** the Variance of the minimum lot area and land area required in an AG district to permit a lot split (Sec 330) per the Conception Plan shown on pages 5.6 & 5.7 in the Agenda packet, finding hardship to be that this land is a large track.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**E228 W456 N454.6 SE NW & BEG 456E NWC SE NW TH E155.95 S245.9 E44 S208.7 W212 N454.6 POB SEC 34 18 12 4.278ACS, CITY OF JENKS, COUNTY OF TULSA, STATE OF OKLAHOMA.**

### **3011 - Ronald W. Hale**

#### **Action Requested:**

Variance to allow two dwelling units on a single lot of record in an RE district (Section 208) **Location:** 9210 N Yale Ave. East **(CD 1)**

#### **Presentation:**

**Ron Hale**, 14201 North 145th E. Avenue, Collinsville, Oklahoma 74021 stated he was there regarding our property at 9210 North Yale. We recently purchased the property eight months ago, built a forty by sixty-five shop on it for storage so that we could build our house out there and have a place to use for storage. When he filed with INCOG they listed it as 3.81 acres. On our real estate documents, it shows 4.31. He did not know if that was effective. We currently are in the process of selling our existing home in Collinsville, we would like to build our new home out there on the property along with a shop.

Mr. Hutchinson asked if the shop we it have right now is a forty by sixty and has living quarters.

Mr. Hale stated that was correct and as per Tulsa County Code, we built a one hundred square foot habitable space in it, along with a full bathroom to meet the requirements.

Mr. Hutchinson asked that if the Board decided to let you build or have a second dwelling, what are your plans with that space.

Mr. Hale stated that the one hundred square foot habitable space will be removed. It will only be used to store our motorhome along with my shop tools.

Mr. Hutchinson asked if they are looking to lease it out and get into the rental business. Now, the second was not this property platted at one time. They ended up not doing that.

Mr. Hale stated that J. R. Donaldson originally platted it, and he built a road for the back two lots so that nobody would have an easement on there.

#### **Interested Parties:**

No interested parties were present.

#### **Comments and Questions:**

Mr. Hutchinson stated that he did not have a problem with this.

#### **Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all "ayes", no "nays", no "abstentions", Charney "absent") to **APPROVE** a

Variance to allow two dwelling units on a single lot of record in an RE district (Section 208), per the Conceptual Plan shown on page 6.7 in our Agenda packet, subject to the following conditions that Mr. Hale will keep it as his own personal use and is not going to be leasing it out. Finding the hardship that this is on a large tract of land 3.86 acres plus or minus. It is going to be a house with a shop. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**BEG 267.04N SECR NE TH N393.75 W540 S316.36 E195.10 CRV RT 86.54 SE97.44  
CRV LF 73.97 E101.73 POB LESS E50 THEREOF FOR RD SEC 21 21 13 3.862 ACS,  
CITY OF COLLINSVILLE, COUNTY OF TULSA, STATE OF OKLAHOMA.**



## **3012 - Steve Lowe**

### **Action Requested:**

Variance of the street frontage requirement in an AG district from 30 ft to 0 ft (Section 207) **Location:** North and east of the northeast corner of East 126<sup>th</sup> St. N and N. Peoria Ave. **(CD 1)**

### **Presentation:**

**Shonda Campbell**, 6001 South 13th Street, Broken Arrow, Oklahoma 74011. We are here to request a Variance of the street frontage on her uncle's land from thirty feet to zero feet. The intent is to get a permanent easement granted of a driveway that is already there. This was originally twenty acres that my uncle owned and has now been split into the back ten acres of his son's property. The back ten acres and the front ten are now with his son. But in doing that, he was landlocked, and nobody realized that was what happened. There was a driveway in place that was in use, so we are just trying to get it corrected, and get that variance granted. Mr. Quaid advised me that the county engineer had requested an easement which we have done we have drawn up and it is notarized. That is the intent, but we were told we had to do the Variance before to get the easement so that is what we are trying to do.

**Steve Lowe**, 1415 East 126<sup>th</sup> North, Tulsa, Oklahoma, stated that the abstract has been there for years. Prior easements that were done person to person.

Mr. Hutchinson asked if his driveway is one that goes south to 126th Street.

Mr. Lowe stated that it goes all the way up to 126th Street and the easement runs through on the east side. It has been open there for years. It was an oil easement and it had been there forever. He stated that he was willing to willing his ten acres to his two grandsons, half, and half. He is going to put a trailer house back on my son and he thought he does not have long time so when he is gone the grandkids will have something. He has a neighbor that lives back in there. They lived on the east side he viewed that for years just was in existence this was an oil easily what it was, and he has putting on houses and septic systems and he never got a permit for anything. He wants to be legal so that is why he was there. His son is landlocked through the way it reads.

Shonda Campbell stated that all the prior easements were done person to person which is what happens. As they sold everything off, all the easements were no good. So that is why we have a blanket easement that has been drafted so that it goes to with the property to stop this issue from happening again.

Mr. Hutchinson asked if his easement tied to the property and not the person to person right

Ms. Campbell stated that the easement is a blanket easement as to the property as the county engineer had requested.

Mr. Hutchinson stated that easement is to protect you down the road. Yes. Some of the things we go through right now can be a headache, but it is to prevent further headaches.

Ms. Campbell stated that if this been done properly, we would not have had to have done this. So that is what we are trying to make sure we do it all correctly the right way.

Mr. Lowe stated that he wanted to make sure his son has it for a lifetime.

Mr. Hutchinson stated that if you go for financing, which is going to be one of the requirements.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Hutchinson stated that he was glad that they are going about it the right way to anything further from happening. Mr. Hoyt did send him an email from the County Engineer.

**Board Action:**

On **MOTION** of **HICKS**, the Board voted, 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions”, Charney “absent”) to **APPROVE** a Variance of the street frontage requirement in an AG district from 30 ft to 0 ft (Section 207) **Location:** North and east of the northeast corner of East 126<sup>th</sup> St. N and N. Peoria Ave per the Conceptual Plan shown on page 7.6 of the Agenda packet and a mutual access agreement, the hardship to be that's the there was an easement previously or person to person has been used as access previously, there's no change in the current uses what is being used as.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**NE SW SW SEC 31 22 13 10ACS, CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA.**

### **3013 - Mitchel Gibson**

#### **Action Requested:**

Special Exception to permit a single-wide mobile home in an RS district (Section 410).

**Location:** 6511 N. St. Louis Ave (CD 1)

#### **Presentation:**

**Mitchell Gibson**, 2632 East 27th Street North, Tulsa, Oklahoma, stated that this is regarding the area at 6511 North St. Louis. There was a home on this area prior, it became dilapidated, and we had to remove it. Since then, the idea is to put a home on that area. The request here is that there is a single wide trailer on the area. He attached drawn diagram. The one that he had with him is the same except it just gives you the dimensions. It shows the actual dimensions to see that or not.

Mr. Hutchinson asked if there were any single wide trailers in your area.

Mr. Gibson stated that there are in several locations of the neighborhood. There are houses, there are double wide trailers, and then in just several portions because to the north there is a big open land lot when you are at that landlord you can just see people that have trailers several different areas. Some of them even look like they are just camper trailers.

Mr. Hutchinson stated that this is a dead-end street. Yours is the very last one on the right. Have you talked to the neighbors? We got a few letters.

Mr. Gibson stated that he and spoke with the neighbors and was not aware of any issues. The neighbors have come to talk to me personally. There is a neighbor that is where he pointed to. She owns all the land in that vicinity. She owns several houses. He has talked to her and told her what his plans were. She did not seem like she had any kind of problem. But she is the one surround in my entire area.

Mr. Hutchinson asked if he realized that if single wide is put in you do have to have it tied down, skirting, either asphalt or concrete where you park the car, not the whole driveway but where we parked the car.

Mr. Gibson stated that he had been made aware of that. An engineer came out and told him the logistics of putting power hooking up everything and as far as sewage. He has talked to everyone on how that would have been achieved with a single wide.

Mr. Hutchinson stated that with PSO, he would assume they have gotten a powerline going right down the street there.

Mr. Gibson stated that PSO has a power line going down the street, but what they will do is put a device on the ground that they can either run into the ground, or they will have a pole that goes higher than usual that just attaches down and then it will attach directly to it.

Mr. Houston asked if he had said there was a home previously on that property.

Mr. Gibson stated that it was just a small house built in the thirties. And it just became worn over time and then the tree fell on it. My mother is the one who was living there. It got unlivable for her, so we had to remove it and the idea is she is going to be the one that resides in this trailer in the same spot.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Hutchinson stated that he was familiar with it. Not that street, but all around that area.

Mr. Hicks stated that in other areas we have on occasion allowed a single wide residential area when it was all right.

Mr. Hutchinson stated that he was not a huge fan. But under the circumstances, conditions we are under right now, he could support it.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted, 3-0-0 (Hicks, Houston, Hutchinson, all "ayes", no "nays", no "abstentions", Tisdale and Charney "absent") to **APPROVE** a Special Exception to permit a single-wide mobile home in an RS district (Section 410), per the Conceptual Plans shown on page 8.6 of the Agenda packet, with the conditions that the area must be cleaned up, the mobile home must have shirting, be tied down and an asphalt or concrete parking surface.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**LT 30 BLK 3, PHILLIPS FARMS ADDN, CITY OF TULSA, COUNTY OF TULSA,  
STATE OF OKLAHOMA**

Mr. Tisdale stepped out of the meeting at 2:38 and returned at 2:48.

### **3014 - Claude Taylor**

#### **Action Requested:**

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) **Location:** 12438 N Lewis Ave **(CD 1)**

#### **Presentation:**

**Claude Taylor**, 15109 East 110 Street North, Owasso, Oklahoma 74055, stated that he was there to seek a variance for a second dwelling on a property that is 3.69 acres. My intention with this second dwelling is to make it more of a recreational place for the kids around our area, which there are about fifteen kids the same age as my kids that range from about thirteen to three years old.

Mr. Hutchinson stated that on your design, it says approximately 4.6 acres on this is supposed to be 3.6 acres. And it looks like you would put up a continual windbreak to the north. Is your house already there?

Mr. Taylor stated that no, we just got the permits for it.

Mr. Hutchinson stated that you are wanting to build your house and then build a rec center. On the Rec Center, are you are you going to be charging a monthly fee? Mr. Taylor stated no.

Mr. Hutchinson stated that he did have a question for Staff. Do they have to have been this sprinkled and all that because people are gathering there?

Ms. Miller stated that they were just looking at how it is going to be used. What is before the board is a second residence, that it is not a residence. It is more like a business.

Mr. Hutchinson asked if it had to be re-noticed. Because what they have down is in what was mailed that was a second residence and that your residence and rec building is not a residence, it is more of a more of a gathering place. They would have to look to see what zoning requirements that would fall under. Because it is an assembly building. Everything changes dramatically for safety purposes.

Mr. Hicks stated that there are bedrooms on the second floor.

Mr. Hutchinson stated that even though there are bedrooms on the second floor, it still must be re-notified.

Ms. Miller stated that it is going to fall into another category.

Mr. Hutchinson stated that they we could table this for 30 to 60 days to be able for Staff and Mr. Taylor get together to see what the proper zoning and all that.

Ms. Miller stated that they needed to figure out what the use is. If we did that, we could notice it for the December meeting. If we can do it that quickly.

Mr. Hutchinson stated that they can make a motion to table it up to 60 days. That way if you get it done fine. We may hear it next month or we may hear it in January.

Ms. Miller stated that this is different. You must continue to a date certain, but it looks like you are going to have to re-notice again anyway. It still feels like it needs a date, because then that the chain of notice will not be broken.

Mr. Hutchinson asked if Mr. Taylor would you be opposed if we decided to move this to the January 17, 2023, to make sure because once they figured out what use is the issue it must be re-notified that once you find out what all you would have to do on this building, you may want to proceed or he may say, he does not want to proceed.

Mr. Taylor stated that he would be okay that.

Mr. Tisdale asked how close you were to beginning construction. Are you not at that stage just getting approvals right now?

Mr. Taylor stated that they had gotten the permits for the building of our home. Okay. They started this week on footings and piers and stuff like that. We have a lot of parties for kids birthdays, it will be more of that scenario.

Mr. Hutchinson stated that they will let you and Staff figure that out and so that you and the County are covered.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all "ayes", no "nays", no "abstentions", Charney "absent") to **CONTINUE** the Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) until January 17, 2023.

**PRT GOV LT 1 BEG 802.30S NEC NE TH W988.79 S266.79 E553.92 N237.16 E435 N30 POB LESS E50 THEREOF FOR RD SEC 6 21 13 3.659 ACS, CITY OF OWASSO, COUNTY OF TULSA, STATE OF OKLAHOMA.**

**3015 - Edgar Duesenberg**

**Action Requested:**

Special Exception to permit a mobile home dwelling in the AG district (Section 310)

**Location:** 6115 E 106th St N **(CD 1)**

**Presentation:**

Edgar Duesenberg has withdrawn his case.

### **3016 - Nathalie Cornett**

#### **Action Requested:**

Variance of the minimum land area per dwelling unit requirement and the minimum lot area requirement in an AG district to permit a lot split (Section 330, Table 3). **Location:** 16400 S Yale Ave. East **(CD 3)**

#### **Presentation:**

**Nathalie Cornett**, 2727 East 21st Street, Suite 200, Tulsa, Oklahoma, stated that they were requesting the Variance of the two-acre minimum land area and then the 2.1 acre land per dwelling unit to permit a lot split, and the configuration shown on page 11.6 of your materials, there is an existing residence and the intent is to split that residence off from the remaining nine acres, and the residence would be on a one acre tract. The property owners do are under contract for deed. While it is not as typical, if she imagined it would have been flagged in a more difficult sale, but the contract for deed that did not go through the title company where we normally would. There are two access points currently to the property off Yale one the driveway directly into the house and another one to the back nine acres. The house is fenced off around that acre portion. And the folks who live there now who are purchasing it have been the tenants for about five years. They have lived there, the property owners then access the back nine through their second point of access north, along Yale. If you look at 11.5, the aerial photograph, it is not the best aerial and Google does not do the best job either. But the road, the access point to the back nine extends its clips right between that what you can see as a detention pond, and then the fence of the one-acre tract. The way that we have configured the lot split, preserves that access point. The pond really limits us to accessing any other way to get to the back part. The West portion of the property and any other way so we are requesting a variance to allow that and based on that unique physical feature.

Mr. Hutchinson asked if there are any other plans in the future to subdivide this.

Ms. Cornett stated no. Now, the folks who own it, use this as their land. They live in Texas and come up and enjoy this as they are just for land purposes.

Mr. Hutchinson stated that we could put a restriction that it could not be split anymore without a platting process.

Ms. Miller stated that she did not know how many times it has been divided.

Mr. Hutchinson stated it would come before you Staff first anyway correct. And you could say yes go through the platting process.

Ms. Cornett stated that on the back nine if we, if they will, if we ever have a split again, we still have a less than five-acre track so we would have to get some sort of approval lot split.



**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Hutchinson stated that he could support it.

**Board Action:**

On **MOTION of TISDALE**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions”, Charney “absent”) to voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions”, Charney “absent”) to **APPROVE** the Variance of the minimum land area per dwelling unit requirement and the minimum lot area requirement in an AG district to permit a lot split (Section 330, Table 3) per the Conceptual Plans shown on page 11.6 of the Agenda packet, finding the hardship to be size of the lot.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**The South Half of the North Half of the Southeast Quarter of the Northeast Quarter (S/2 N/2 SE/4 NE/4 of Section 28, Township North, Range 13 East, Tulsa County, State of Oklahoma**

**OTHER BUSINESS**

**ELECTION OF OFFICERS:**

**Current Positions Held:**

- David Charney – Chair
- Don Hutchinson – Vice Chair
- Vacated – Secretary
- Scott Houston
- Michael Hicks
- William Tisdale

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPOINT** David Charney Chairman of the Board.

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPOINT** Don Hutchinson Vice Chairman of the Board.

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson “aye”; no “nays”; no “abstentions”; Charney “absent”) to **APPOINT** Michael Hicks Secretary of the Board.

**Approval of 2023 Meeting Schedule**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions”, Charney “absent”) to **APPROVE** the 2023 Meeting Schedule.

\* \* \* \* \*

**NEW BUSINESS**

\* \* \* \* \*

**BOARD MEMBER COMMENTS**

None

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**OTHER BUSINESS**

None

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There being no further business, the meeting adjourned at 3:00 p.m.

Date approved:

12/20/22

David E. Crowley

Chair