

**TULSA COUNTY BOARD OF ADJUSTMENT - AMENDED
MINUTES of Meeting No. 526
Tuesday, December 19, 2023, 1:30 p.m.
Williams Tower 1
1 West 3rd Street, St. Francis Room**

Members Present	Members Absent	Staff Present	Others Present
Charney, Chair	Tisdale	S. Tauber	Higginbotham -
Hutchinson, V. Chair		J. Hoyt	Legal
Houston		C. Pate	
Hicks			

The notice and agenda of said meeting were posted at the County Clerk’s office, County Administration Building, December 12, 2023, at 11:37 a.m. as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chairperson Charney called the meeting to order at 1:30 p.m.

* * * * *

Mr. Charney stated that they are typically a five-person Board, however, only four members were there today.

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

On **MOTION** of **TISDALE**, the Board voted 3-0-1 (Charney, Houston, Hutchinson, all “aye”; no “nays”; Hicks “abstained”, Tisdale “absent”) to **APPROVE** the Minutes of November 21, 2023 (Meeting No. 525).

UNFINISHED BUSINESS

CBOA – 3095 Wendell Brewer

Action Requested:

Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an RS District (Section 410). **Location:** 412 W 61st St N

Presentation:

Applicant was not present.

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson all “aye”; no “nays”; no “abstention”, and Tisdale “absent”, to **CONTINUE** the Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an RS District (Section 410) to the January 16, 2024, meeting of the Tulsa County Board of Adjustment.

LT 1 BLK 1, VINING ACRES, Tulsa County, State of Oklahoma

CBOA - 3096 Tillman Infrastructure

Action Requested:

Special Exception to permit a 273 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3); and a Special Exception to reduce the required tower setback (110% of the tower height) from 300 ft to 129 ft (Section 1204.3). **Location:** 20014 S 129th E Ave

Presentation:

Greg Ferris, 144 South Bay Country Court, Wichita, Kansas, 67201, stated that he had met with the Interested Parties of this case from a couple of months ago and they asked that the tower be moved to West. We no longer need the Special Exception to reduce the required tower setback (110% of the tower height) from 300 ft to 129 ft. (Section 1204.3). They are now over 300 ft from the property lines that is reflected in the revised plans dated 12-07-2023. Now they only need the Special Exception to permit a 273 Ft. Wireless Communications Tower (Use Unit 4-Public Protection and Utility Facilities) in an AG district (Section 1204.3).

Mr. Charney stated that he appreciated the way he had communicated with the neighbors.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson all “aye”; no “nays”; no “abstention”, and Tisdale “absent”, to **APPROVE** Special Exception to permit a 273 ft. Wireless Communications Tower (Use Unit 4 - Public Protection and Utility Facilities) in an AG district (Section 1204.3). The Board considered each of the stated factors of Section 1204.3 and ones in the code and find that the application complies with those requirements to the Boards satisfaction and would tie the **MOTION** to the site plan shown on page 3.10 of the Agenda packet dated 12-07-2023.

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, for the following property:

TR 100 X 660 ON W SIDE NE NE SW SEC 31-21-13, GOLDEN HILL ADDN, Tulsa County, State of Oklahoma

CBOA – 3102 Luis Raul Hernandez Galindo

Action Requested:

Special Exception to permit a manufactured home in the RS district (Section 410).

Location: 6314 N Trenton Ave

Presentation:

Luis Raul Hernandez Galindo, 6314 North Trenton Avenue, Tulsa, Oklahoma, 74126, stated that he would like to move a manufactured home onto this site for his family. The lot was vacant.

Mr. Charney asked if he was aware of the rules and regulations regarding having the manufactured home tied down, property skirting, DEQ requirements for septic and hard surface parking. Carmen Pate (staff) translated all of this to Mr. Galindo in Spanish, and he agreed that he was aware of the requirements.

Mr. Charney stated that there is such a need for affordable housing that he thought that this would be acceptable in this RS district.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson all “aye”; no “nays”; no “abstention”, and Tisdale “absent”, to **APPROVE** the Special Exception to permit a manufactured home in the RS district (Section 410), subject to the proper skirting, tie downs, DEQ requirements, and hard surface parking.

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, for the following property:

LT 13 BLK 3, PHILLIPS FARMS ADDN, Tulsa County, State of Oklahoma

CBOA – 3113 Linda C. Morton

Action Requested:

Variance of the street frontage from 30' to 0' in an AG district to permit a lot split (Section 207). **Location:** 2652 E 171st St S Applicant requests a **CONTINUANCE** to January 16, 2024.

Presentation:

Applicant requested a **CONTINUANCE** to January 16, 2023.

Interested Parties:

No interested parties were present.

Comments and Questions:

None

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson all “aye”; no “nays”; no “abstention”, and Tisdale “absent”, to **CONTINUE** a Variance of the street frontage from 30' to 0' in an AG district to permit a lot split (Section 207) to be continued to the Tulsa County Board of Adjustment meeting of January 16, 2024.

E/2 NE SW NW & NW SE NW LESS E40 THEREOF & W40 E80 SW NE NW & W40 E80 NW NE NW SEC 31 17 13 15.606ACS, Tulsa County, State of Oklahoma

NEW APPLICATIONS

CBOA - 3120 Mark Fleming

Action Requested:

Variance of the minimum land area per dwelling unit requirement in an AG-R district (Sec. 330), and a Variance to permit two dwelling units on one lot of record in the AG-R district (Sec. 208). **Location:** 9489 E 126th St N

Presentation:

Mark Fleming, 9489 East 126th Street North, Collinsville, Oklahoma, 74021, stated that he would like to build a detached shop building on his property and wants to put a living quarter for his son there as well. He had always thought that he had 2.5 acres but has learned that he has less than 2 acres. Since this is less than 2 acres, he needs a Variance to permit the construction of this building. It will be in the northwest corner of the lot. The shop will be 1,000 square feet and the living quarters will be 1,200 square feet for a total of 2,200 square feet. One of his neighbors stated that he was in favor of the building.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that this was a reasonable request and that he was inclined to support it.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson all “aye”; no “nays”; no “abstention”, and Tisdale “absent”, to **APPROVE** the Variance of the minimum land area per dwelling unit requirement in an AG-R district (Sec. 330), and a Variance to permit two dwelling units on one lot of record in the AG-R district (Sec. 208). Finding that the because of the unusual configuration of this land being slightly smaller than the 2.1+ acres that it would allow for a second dwelling to occur without unnecessary disturbance of the surrounding area and would not disturb the special conditions stated in the Code and it would not be a detriment to the public good.

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:

E/2 LT 3 BLK 3, NORTH-DALE ACRES, Tulsa County, State of Oklahoma

CBOA - 2866-A Robert Hopper

Action Requested:

Modification of a previously approved Special Exception (CBOA-2866) to extend the time limitation from March 2023 to March 2025 to permit a horticulture nursery (Use Unit 3) in an AG-R district (Section 310 Table 1). **Location:** 13818 N 92nd E Ave

Presentation:

Isaiah Brydie, 2121 South Columbia Avenue, Suite 602, Tulsa, Oklahoma, 74114, stated that he is the attorney of record for Robert Hopper. There is a medical cannabis business on this property and has been lawfully licensed and registered since 2020. There have been no complaints made about this business of any kind since it opened. This is a grow operation and shipped to other businesses.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 3-0-1 (Charney, Hicks, Houston, all “aye”; no “nays”; Hutchinson “abstained”, and Tisdale “absent”, to **APPROVE** the Modification of a previously approved Special Exception (CBOA-2866) to extend the time limitation to permit a horticulture nursery (Use Unit 3) in an AG-R district (Section 310 Table 1) for an additional two years to permit the horticulture nursery to exist and operate.

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, for the following property:

BEG 1160.63N & 329.71W SECR W/2 SE TH W659.41 N165.81 E659.4 S165.81 POB LESS W30 & E30 THEREOF FOR RD SEC 25 22 13 2.282ACS, Tulsa County, State of Oklahoma

CBOA – 3121 Letty Vazquez

Action Requested:

Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410)

Location: 5912 W 2nd St S

Presentation:

Letty Vazquez, 5912 West 2nd St., Tulsa, Oklahoma 74127, stated that the property had a dwelling on it, but it had black mold in it and must be demolished. She wants to put a single wide manufactured home on the lot. She will build a two-car garage next to the home with a gravel driveway to it. The manufactured home will be tied down, skirted, hard surface parking and all the DEQ requirements met for the septic.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson all “aye”; no “nays”; no “abstention”, and Tisdale “absent”, to **APPROVE** the Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410) subject to the following conditions that the existing house be demolished and removed, hard surface parking, tie downs, skirting, and all DEQ requirements be met for the septic system.

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, for the following property:

**BEG NWC OF SE SW TH W714.08 NE244.63 NW208 NE451.03 E63.01 SE166
NE70.65 S TO POB SEC 5 19 12 5.98 ACS, BLUE RIDGE SUB, Tulsa County, State
of Oklahoma**

CBOA - 2150-B Mark Simpson

Action Requested:

Modification of the previously approved site plan (CBOA-2150, CBOA-2150-A)

Location: 5161 E 171st St S

Presentation:

Kyle Willis, 13306 South 20th Street, Bixby, Oklahoma, 74008, stated that he was representing the applicant, Mark Simpson. The site plan adjustment to add a new children's wing for their church. It is a prefabricated structure that was donated from Hillcrest South and is about 7,000 square feet. Ultimately, the goal is to create one building under one roof but will be assembled with several smaller buildings joined together. The height of the structure will be less than 20 feet and will be architecturally in style with what is there.

Michael Kropiewnicki, 2613 West Decatur Street, Broken Arrow, Oklahoma, 74011, stated that he was an elder of the church.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hutchinson stated that he loved to see churches grow and this was a generous donation.

Board Action:

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson all "aye"; no "nays"; no "abstention", and Tisdale "absent", to **APPROVE** the Modification of the previously approved site plan (CBOA-2150, CBOA-2150-A) subject to the information provided and shown Agenda packet on page 9.7 with the site plan. Finding that the proposed Modification is compatible with and non-injurious to the surrounding area and meets the previous granted relief for the following property:

**LT 1 & RESERVE A & B BLK 1, SOUTH TULSA COUNTY MAINTENANCE CENTER,
MIDWEST AGAPE CHAPEL ADDN PRT RESUB QUAD CENTER, Tulsa County,
State of Oklahoma**

CBOA – 3122 Crystal River Asset Management, Inc.

Action Requested:

Use Variance to allow for recreational vehicles (Use Unit 17) in an RM-2 district (Section 410). **Location:** 810 S 65th W Ave

Presentation:

Chad Mast, Post Office Box 661, Cushing, Oklahoma, 74023, stated that this property had gone through eminent domain and now is getting back to private ownership. They want to restore it to an RV park. The City main goes into the property. The City of Tulsa will provide water and sanitation. RM-2 requires a Variance. The area is dilapidated and most of the houses to the East are vacant. They have already been cleaning up the property and the other neighbors have been excited to see this improvement. We foresee 78 to about 156 RV spaces currently.

Mr. Hicks asked if there were any plans to build a common use building for laundry and such.

Mr. Mast stated that there was a shopping center going in next door where there will be a laundry mat, office, and showers there. This is the second RV park they have done in Oklahoma.

Interested Parties:

No interested parties were present.

Comments and Questions:

The taping device did not pick up any audible conversation from the Board.

Board Action:

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson all “aye”; no “nays”; no “abstention”, and Tisdale “absent”, to **APPROVE** the Use Variance to allow for recreational vehicles (Use Unit 17) in an RM-2 district (Section 410). The hardship being that it was an existing mobile home park, and this will improve the area and the safety of the area making it usable.

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 NE LYING S OF US HWY 64 LESS W569.11 & LESS TR BEG 279.73S &
26.46SW NEC NE TH SW519.63 SE150.12 NE278.90 SE54.84 NE84.30 E75.50 N
POB SEC 7 19 12 13.601ACS, Tulsa County, State of Oklahoma**

CBOA – 3123 Russell & Rebecca Harrison

Action Requested:

Location: 4606 S 63rd W Ave

Presentation:

Rebecca Harrison, 4606 South 63rd West Avenue, Tulsa, Oklahoma, 74107, stated that they were in the process of building a home on the property. A lot split was done recently, and they want the RV there to make it look like someone is always there for insurance purposes while their house is being built. We hope to be in the house by March.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hutchinson stated that under these circumstances he could support it.

Mr. Charney stated with the 12-month limitation on it being there, it would lapse as a dwelling unit in a year.

Board Action:

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson all “aye”; no “nays”; no “abstention”, and Tisdale “absent”, to **APPROVE** the Use Variance to allow for recreational vehicles (Use Unit 17) in an RS district (Section 410) subject to the following conditions of the 12-month time limit for it to be occupied. Finding the hardship to be that it is dwelling unit is there to help protect the area as construction is going on for the main residence.

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:

**E/2 LTS 17 & 48 & ALL LTS 3 - 16 & ALL LTS 49 - 62 BLK 49, NORTH TANEHA,
Tulsa County, State of Oklahoma**

CBOA – 3124 Brenda Mendenhall

Action Requested:

Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410) **Location:** 5712 N Norfolk Ave

Presentation:

Applicants were not present.

Interested Parties:

Patricia Green, 5900 N. Madison, Tulsa, Oklahoma, 74126, stated that she is a bishop at the nearby church. Her concern is that there may be a mobile home park in the area in the future. There have been several mobile homes put in the area recently and what the distance of these homes from the church or no distance at all.

Mr. Charney stated that the applicant was not there, but he wanted to make sure that their concerns were heard. He wanted the minutes to record her concerns so that she did not have to come back if the request is continued to another date. The Board cannot respond directly to her concerns until the applicant is there to be fair.

Comments and Questions:

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson all “aye”; no “nays”; no “abstention”, and Tisdale “absent”, to **CONTINUE** the Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410) until January 16, 2024, at the Tulsa County Board of Adjustment meeting.

N120 OF TR BEG 753W & 468.7N OF SECR SE SE TH W430.3 TO RY NELY ON R/W TO PT E285 S POB SEC 1 20 12, Tulsa County, State of Oklahoma

CBOA – 3125 City of Tulsa c/o Max Wells

Action Requested:

Special Exception to permit a Heliport (Use Unit 2) as illustrated on the survey and site plan exhibits 13.10 and 13.13 included in the Agenda packet and located in the IM district (Section 910) for use at the Tulsa Police Academy. **Location:** 6066 E 66th St N

Presentation:

Felicity Good, 175 East 2nd Street, Suite 480, Tulsa, Oklahoma, 74103, stated that she was with the City of Tulsa Planning Office. This property is zoned IM, but the heliport falls under Use Unit 2, Area 1, Special Exception. The property is located on East 66th Street North just east of Highway 75. The existing parcel houses Tulsa Police Academy and it is adjacent to the Tulsa County Sheriff's Training Facility. It is also adjacent to the U. S. Shooting Academy which is a firearms training facility. To the west and north are primarily industrial uses and distribution centers. The AG area to the south down to Bird Creek is undeveloped land. This will fill an urgent need that Tulsa Police has to store their helicopters. Currently, they are using a hanger owned by the Osage Nation, but it is a temporary situation. The Osage Nation has asked the Tulsa Police to find another location to store their helicopters. There is a site plan in the Agenda packet and it shows where the heliport will be built which is near the center of the property. It is setback about 1,000 feet from 66th Street North so that combined with the presence of other buildings, it would not be very visible from the street, but it would connect 66th Street through the internal circulation system that serves the Police Academy. It would feature a hanger, a helipad, and some parking.

Max Well, 175 East 2nd Street, Suite 480, Tulsa, Oklahoma, 74103, stated that the Police Department helicopters take off on an as needed basis and they do two-night patrols. There are two helicopters. They intend to take off straight to the north and follow Lakewood until they reach the altitude they need and head south. They had lengthy discussions with Tulsa International Airport as far as the location and the airport was good with the distance from them.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that he could support this request.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Houston, Hutchinson all "aye"; no "nays"; no "abstention", and Tisdale "absent", to **APPROVE** a

Special Exception to permit a Heliport (Use Unit 2) as illustrated on the survey and site plan exhibits 13.10 and 13.13 included in the Agenda packet and located in the IM district (Section 910) for use at the Tulsa Police Academy pursuant to the packet submitted to the Board.

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, for the following property:

PRT LT 4 BEG 50S & 50W NEC TH S1202.84 W50 S100 E100 S604.64 W1984.14 N369.16 TH ON CRV LF 897.33 E858.15 N914.03 E530 POB BLK 5, CHEROKEE EXPRESSWAY IND DISTRICT, Tulsa County, State of Oklahoma

NEW BUSINESS

OTHER BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

There being no further business, the meeting adjourned at 2:38 p.m.

Date approved: 3/19/24
David E. Conway Chair