

**TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 527
Tuesday, January 16, 2024, 1:30 p.m.
Williams Tower 1
1 West 3rd Street, St. Francis Room**

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

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, January 4, 2024, at 4:01 p.m. as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

* * * * *

Mr. Hutchinson stated that they are typically a five-person Board, however, only four members were there today with Mr. Hicks running late.

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

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, **Wendell Brewer**, **WITHDREW** his case before the meeting.

Interested Parties:

None

Comments and Questions:

None

Board Action:

None

LT 1 BLK 1, VINING ACRES, 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

Presentation:

The applicant has asked to **CONTINUE** her case to February 20, 2024, due to surgery. Previously **continued** from November 19, 2023 and December 19, 2023.

Interested Parties:

None

Comments and Questions:

None.

Board Action:

On **MOTION** of **HOUSTON**, the Board voted 3-0-0 (Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstention”, and Charney, and Hicks “absent”, to **CONTINUE** the Variance of the street frontage from 30' to 0' in an AG district to permit a lot split (Section 207).

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

Mr. Hicks entered the meeting at 1:42 p.m.

CBOA – 3124 Brenda Mendenhall

Action Requested:

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

Location: 5712 N Norfolk Ave

Presentation:

Brenda Mendenhall, 5712 North Norfolk, Tulsa, Oklahoma, 74126, stated that she and her husband **Mr. Mendenhall**, 1910 North Cincinnati Avenue, Skiatook, Oklahoma, 74073, have set this mobile home up for his wife's mother and needs to get the utilities set up for her. Her house burned down, and they want her to be comfortable in this mobile home. The mobile home has skirting, tie downs, city sewer, and the car will be parked on asphalt. He needs to get the permit so he can get the electricity and other utilities turned on.

Interested Parties:

Jason Turley, 1701 East 63rd Street North, Tulsa, Oklahoma, 74130, stated that he has known this family for a long time, and he would help them with the driveway and parking situation.

Comments and Questions:

Mr. Tisdale stated that he could support this request.

Board Action:

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all "ayes"; no "nays"; no "abstention", and Charney "absent", to **APPROVE** a Special Exception to permit a manufactured home in the RS district (Section 410), subject to the following conditions such as tie downs, skirting, any DEQ requirements, and hard surface parking for a vehicle.

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:

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

NEW APPLICATIONS

CBOA – 3126 Sherry Rackliff

Action Requested:

Use Variance to permit Use Unit 16 - Mini-Storage in an AG district (Section 310).

Location: 6455 E 106th St N

Presentation:

Sherry Rackliff, 398449 West 4000 Road, Ramona, Oklahoma, 74061, stated that they are requesting to put a mini-storage facility on an AG zoned property. She stated that she works for a non-profit childcare program, and they want to supplement the income for their program. They will be metal buildings architecturally like the existing buildings. The storage areas will be of varied sizes and will all be inside storage. The day care is vacant and is for sale. It will be a separate tract and they will be splitting it into two five-acre tracts. The parking areas around the buildings will be asphalt or concrete. All the buildings will be the same architectural design with the same or similar materials and it all will be fenced.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hutchinson stated that it is a 10-acre tract. There is a day care center on the west side of the property and will be on a separate 5-acre tract when it is sold. He would feel more comfortable if the mini-storage buildings had a wainscotting like the day care center instead of plain metal.

Board Action:

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “ayes”; no “nays”; no “abstention”, and Charney “absent”, to **APPROVE** a Use Variance to permit Use Unit 16 - Mini-Storage in an AG district (Section 310) subject to the following conditions that the interior portion of the drive area encompassed by the buildings, and the design be similar to that of the other buildings on the property itself. Finding that the hardship to be that it is a good intersection that would be useful of that nature.

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:

SE SE SE SEC 10 21 13 10ACS, Tulsa County, State of Oklahoma

CBOA – 3127 Justin and Kerry Banzet

Action Requested:

Special Exception to permit a Pet Aquamation facility (Use Unit 2) in an RE district (Section 410). Location: 17707 N 129th E Ave

Presentation:

Justin and Kerry Banzet, 17707 North 129th East Avenue, Collinsville, Oklahoma, 74021, stated that Pet Aquamation is flameless cremation and instead uses water and lye. It is overseen by the Cremation Association of North America and International Association of Pet Cemetery's and Cremation, plus the Environmental Protection Agency. They will be taking care of dogs and cats. The machine takes a maximum weight of 400 lbs. that is partitioned for each animal. The water will be disposed of offsite. The byproducts are the bones which are ground up and given back to the pet owner. The water, which is about 120 gallons per 400 lbs. of animal, is put into a large tote and taken offsite to use as a fertilizer. All the research states that it is safe to put back in the sanitary sewer system. There will be one machine that does the entire process, there will also be a commercial refrigerator and a bone processor. The building is twenty feet by thirty feet and is already there.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hutchinson stated that there had been one letter of correspondence from Mr. Crutchfield which addressed concerns that he had, but he was not against it.

Mr. Hutchinson stated that this was all new, but he could support it. It would be a good idea to have them come back in two years to review it since it is a new process.

Mr. Hicks just wanted to know that the water would not be poured out onto the ground on that property.

Mr. Tisdale was satisfied that the EPA and DEQ would monitor the water and disposal of the water. He agreed that a two-year review would be a promising idea.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all "ayes"; no "nays"; no "abstention", and Charney "absent", to **APPROVE** a Special Exception to permit a Pet Aquamation facility (Use Unit 2) in an RE district (Section 410) subject to the conditions that they have DEQ approval of the removal of waste water, any other permits approved such as EPA, come back in two years, not to exceed 400 lbs. per machine and small animals only.

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 500N & 16.5E SWC SW TH N347.50 E313.26 S347.50 W313.26 POB SEC 4 22
14 2.499ACS, Tulsa County, State of Oklahoma**

CBOA – 3128 Luis Flores

Action Requested:

Special Exception to permit a single-family home in the CH district (Section 710).

Location: 6332 N Quaker Ave

Presentation:

Ronnie Rogers, 2951 North Wood Drive, Okmulgee, Oklahoma, 74447, stated that he was there on behalf of Luis Flores, and Muskogee Creek Nation Housing Development. The property had a dilapidated home on it and they are using HUD funds to get the woman who lived there a new home. It will be a manufactured home, but not like a double-wide mobile home. It is built on stem walls. The existing home has been there since 1933. They will raze the house and they will install the manufactured home there in its place. The full site has been demolished along with the sheds. The footprint will be about the same size.

Interested Parties:

Jason Turley, 1701 East 63rd Street North, Tulsa, Oklahoma, 74130, stated that he owns property north and was concerned about how this would affect his property. He was not against it, but wanted to ask that it be continued until water drainage could be addressed.

Mr. Hutchinson stated that this would have to go through County Engineering when it goes through for permitting and they will look at the water drainage at that time.

Rebuttal:

Mr. Rogers stated that he understood the concerns, but he stated that the property will be better, and they will address all the issues as they arise. This will help the property value in the area.

Comments and Questions:

Mr. Hutchinson stated that he could support this, and it will improve the neighborhood and help the woman who lives there, even though it is in a CH Zoning.

Mr. Hicks stated that he could support the request and that he felt comfortable with Muskogee Nation doing the building.

Mr. Tisdale stated that Muskogee Nation has upgraded other properties and they have gone over and beyond to improve any number of issues.

Board Action:

On **MOTION** of **HOUSTON**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “ayes”; no “nays”; no “abstention”, and Charney “absent”, to **APPROVE** a **Special**

Exception to permit a single-family home in the CH district (Section 710), subject to the following conditions if any such as drainage issues be approved by County Engineering.

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. 200 S NE COR W 184.8 S 50 E 184.8 N50 TO BEG BLK 16, GOLDEN HILL
SECOND ADDN, Tulsa County, State of Oklahoma**

CBOA – 3129 Larry Chalmers

Action Requested:

Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an RE District (Section 410). Location: South of the SWC E 76th St N & N 117th E Ave

Presentation:

Larry Chalmers, 7274 North 117th East Avenue, Owasso, Oklahoma, 74055, stated they want to build a 50-foot by 70-foot barn with approximately 1,000 square feet of living space in it. They would like to defer the living space within the building for a period of two years or so. They are paying as they go and would like to eliminate the storage they are renting at this time. They will have the plumbing and wiring installed when they are building it. This space is for them personally.

Mr. Hutchinson stated that this is different than most of the ones that come before the Board because the living space of approximately 1,000 square feet is encompassed in the building itself.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hutchinson stated that since the applicant was not trying to build a shop first and then add a dwelling as another building this was different than what the Board usually sees. The applicant is already putting an aerobic system in, water meter, electrical, and plumbing.

Board Action:

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “ayes”; no “nays”; no “abstention”, and Charney “absent”, to **APPROVE** a Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an RE District subject to permitting with Tulsa County.

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:

**PRT SW NW BEG 494.99N SECR N/2 SW NW TH N164.94 W331.33 S164.99
E331.05 POB SEC 32 21 14 1.246ACS.**

CBOA – 3130 Marlene Brown

Action Requested:

Special Exception to permit Use Unit 5 - Community Service and Similar Uses to permit a school (Section 310). Location: 8050 W Old North Road

Presentation:

Applicants were not present.

Interested Parties:

No interested parties were present.

Comments and Questions:

There was concern about what had happened to the applicant since they had been there before the meeting started and whether to continue it.

Board Action:

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “ayes”; no “nays”; no “abstention”, and Charney “absent”, to **CONTINUE** the Special Exception to permit Use Unit 5 - Community Service and Similar Uses to permit a school (Section 310) until the February 20, 2024 meeting of the Tulsa Board of Adjustment meeting.

**BEG 1428N SWC NW TH E500 S413 E660.05 TO PT 1015 N SL NW TH N TO CL
OLD NORTH ROAD TH NWLY ALG CL TO NL SEC TH W TO NWC NW TH S592.3
POB SEC 6 19 12 17.980ACS**

CBOA – 3131 Sally McGrew

Action Requested:

Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E). Location: 5821 S 58th W Ave

Presentation:

Sally McGrew, 1101 East 38th Street, Tulsa, Oklahoma 74105, stated that she wants to build a pole barn on mentioned property that is larger than is allowed by code. It will be a 30-foot by 40-foot enclosed building with one overhead door and two walk-through doors. The side walls would be ten feet high. There is an old house with a garage on the property where she stores lawn and garden equipment. No one currently lives in the house, but she has rented it out in the past. All the buildings on the property will stay. She has 750 square feet presently and she would be adding 1,200 square feet. The building will be all metal. It will have electricity only for lighting. It will have a four inch concrete pad.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hutchinson stated that he could easily support this proposal. It is a large tract of land of close to an acre.

Board Action:

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “ayes”; no “nays”; no “abstention”, and Charney “absent”, to **APPROVE** a Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E), subject to the conditions that it be per the additional drawing of the building the applicant provided at the meeting. The hardship is that the lot is so large that the lot could accommodate two houses.

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:

LTS 10 THRU 20 BLK 16, EAST ADDN, Tulsa County, State of Oklahoma.

NEW BUSINESS

OTHER BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

There being no further business, the meeting adjourned at 3:05 p.m.

Date approved: _____

2/20/24

David E. Chorny

Chair