

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 528
Tuesday, February 20, 2024, 1:30 p.m.
Williams Tower 1
1 West 3rd Street, St. Francis Room

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

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.

Mr. Hoyt read the rules and regulations.

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

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-1 (Houston, Hicks, Hutchinson, and Tisdale all “aye”; no “nays”; Charney “abstained”) to **APPROVE** the Minutes of January 16, 2024 (Meeting No. 527).

UNFINISHED BUSINESS

CBOA – 3130 Marlene Brown WITHDRAWN BY APPLICANT

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

NEW APPLICATIONS

CBOA – 3132 Jakes Fireworks - Jason Marietta

Action Requested:

Special Exception to allow a fireworks stand (Use Unit 2) in an AG zoned district. (Sec. 310); Variance of the all-weather surface material requirement for parking (Section 1340.D). **Location:** 17734 E 121st St S

Presentation:

Jason Marietta, 1500 East 27th Terrace, Pittsburg, Kansas, 66762, stated that they want to continue their Special Exception as it has been for the past five years. The hours of operation would remain the same. There have not been any complaints from any neighbors.

Interested parties:

No interested parties were present.

Comments and Questions:

None

Board Actions:

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all “aye”; no “nays”; no “abstinence”) to **APPROVE** a Special Exception to allow a fireworks stand (Use Unit 2) in an AG zoned district. (Sec. 310); Variance of the all-weather surface material requirement for parking (Section 1340.D), per the conceptual plan in the agenda packet. Following the conditions previously set in terms of the hours and dates. Finding the hardship to be that this is only for one month out of the year and has been in operation for several years.

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.

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:

N273.58 W990.15 LT 4 SEC 1 17 14 6.219ACS, Tulsa County, State of Oklahoma

CBOA – 3133 Bob Lomax

Action Requested:

Variance of the street frontage from 30' to 0' in an AG district to permit a lot split (Section 207). **Location:** 16404 S Yale Ave

Presentation:

Bob Lomax, 16412 South Yale Avenue, Bixby, Oklahoma, 74008, stated that he wants to split his property so his daughter can have one half and he can have the other half. There will be two driveways to service each home. The 30-foot easement on the west side of the property will serve as a driveway for the new home. The easement is on the plat.

Mr. Charney suggested that legal document be prepared by an experienced real estate attorney that has the terms of an actual easement being there in perpetuity, the maintenance of it, and terms associated with it that allows it so you will not have trouble getting mortgage lending or any other issues regarding marketing ability of title. That is for Mr. Lomax and his counsel to decide.

Ms. Pate stated that they have already asked Mr. Lomax to get the mutual access easement submitted at the County Clerks Office. If he splits the land down the middle, he will have the required area on both sides.

Interested parties:

No interested parties were present.

Comments and Questions:

None.

Board Actions:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all “aye”; no “nays”; no “abstinence”) to **APPROVE** the Variance of the street frontage from 30' to 0' in an AG district to permit a lot split (Section 207) contingent upon the applicant filing in the County Land Records an easement that is depicted on 5.7 of the Agenda packet with language regarding the easement and the maintenance obligations associated with the easement. Finding that the hardship being the long skinny nature of this tract running east to west it would be impractical to require the standard thirty feet of frontage for the westerly half and that this easement accomplishes the same thing.

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:

N/2 N/2 N/2 SE NE SEC 28 17 13 5.03AC, Tulsa County, State of Oklahoma

CBOA- 3134 Billy Conley

Action Requested:

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330). **Location:** 15105 N Peoria Ave

Presentation:

Billy Conley, P.O. Box 335, Sperry, Oklahoma, 74073, stated that he wants to move a mobile home onto the land, and they have 2.03 acres. There was a structure on the land that they had cleaned up over the past several months and removed. There was water to the structure and will be used. There is a driveway to where the home would be.

Interested parties:

No interested parties were present.

Comments and Questions:

No other comments or questions.

Board Actions:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all “aye”; no “nays”; no “abstinence”) to **APPROVE** the Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) for this applicant. Finding the hardship to be the unusual configuration of the land having a diagonal boundary on its southeasterly corner resulting in less than the statutory minimum requirement; and that there would be no harm in granting this, it is consistent with spirit of the code and that the unusual configuration would be the reason for finding the hardship in granting the Variance.

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:

TR BEG NWC GOV LT 3 OR NW SW TH E303 S192 SW232 W116 N336 POB SEC 19 22 13 2.028ACS, Tulsa County, State of Oklahoma

CBOA – 3135 Letty Vazquez

Action Requested:

Variance of the street frontage from 30' to 0' in an RS district to permit a lot split (Section 207). **Location:** 5912 W 2nd St S

Presentation:

Letty Vazquez, 5912 West 2nd Street, Tulsa, Oklahoma 74127, stated that she owns 6.53 acres and would like to get a lot split because she wants to place mobile home on the property, and she would have a mortgage now and would like to sell part of the property. She would get a properly drafted easement of record to speak about the easement, vital details, and maintenance. American Title is working on this now.

Interested parties:

No interested parties were present.

Comments and Questions:

Mr. Hicks asked how much acreage she was planning to split this into.

Ms. Vazquez stated that she plans to use only a half of an acre in front where the old house used to be, which has been demolished.

Board Actions:

On **MOTION** of **HICKS**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all “aye”; no “nays”; no “abstinence”) to **APPROVE** the Variance of the street frontage from 30' to 0' in an RS district to permit a lot split (Section 207) subject to the conditions that the applicant has presented to the Board and that get a mutual access agreement through the County filed and put in place. Finding the hardship to be the odd size of the land and this will allow the mortgage needed for the mobile home.

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 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, Tulsa County, State of Oklahoma**

CBOA – 3136 Andrew Wilson

Action Requested:

Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410). **Location:** West of the NWC E 168th St S & S 195th E Ave

Presentation:

Andrew Wilson, 1270 North 254 Road, Mounds, Oklahoma 74047, stated that he and his wife had planned to build a shop on their property to accommodate their singlewide mobile home but no longer intend to. They are empty nesters now and have sold their large home in Bixby and want to build a home on this land soon. They want to wait for the market to start building. They want the mobile home to accommodate them until they build their home. They only want to bring value to the area as he hopes his neighbors do as well. They only want to keep the mobile home on the lot for about a five-year period. There are other mobile homes in the area. They have determined that this lot location will work with DEQ requirements. They are buying four lots to make into one lot. The lots have already been combined into one. There will be no intended commercial use and no additional outbuildings at this time. They are planning to build the fence that was provided to the Board. The fence will be a privacy fence around three quarters and a wrought iron across the front with greenery for privacy. They do not plan on any kind of industrial fence.

Mr. Charney stated that this is not a permanent Exception that you are seeking, but a temporary one pending upon the time that you are ready to build a stick structure. We appreciate you bringing the pictures of the mobile home that you are planning to put on the lot. We also would like him to know that they require the proper approvals from DEQ for the aerobic or septic system and the Boards approval is conditioned upon that approval.

Interested parties:

Troy Manasco, 17280 South Memorial, Bixby, Oklahoma 74008, stated that he owns a house by the Methodist Church. He and his son have rebuilt and restored a couple of older homes in the area. His objection is that he did not want any more mobile homes in the neighborhood. He does not want this to be a permanent structure.

Robert Manasco, 16802 South 159th East Avenue, Bixby, Oklahoma 74008, stated that he objected to the fact that they are putting a manufactured home on the land. The property values are going up in the area and he felt that this will devalue their homes for the next five-year period.

Greg McClain, 15812 East 168th Street, Bixby, Oklahoma 74008, stated that he recently finished a total remodeling of his home. His concern was the talk about this being commercial property, so he met with the applicant. He stated that he is okay with

the five-year temporary Special Exception of the mobile home. If it is not permanent and if he sells the property before he builds it, the mobile home must go.

Rebuttal:

Mr. Wilson stated that he would have been questioning this as well, but he does plan to build a permanent home within the five years, and it will be a lovely home. We will not make it a rental property after our home is built and they will remove it from the property. If he sells the property before the five-year period, he will remove the mobile home from the property.

Comments and Questions:

Mr. Tisdale stated that approves of this request.

Mr. Houston stated that there are consequences to not building and removing the mobile home within the five-year period, which should build more confidence in the neighborhood.

Mr. Hicks stated that he approved of the five-year period, that there will be a no rental stipulation, and that if they sell the property, they must remove the mobile home.

Mr. Hutchinson stated that he approved even if it was longer than five years because real estate being what it is today. He would not vote for anything that would hurt someone else's property.

Mr. Charney stated that he agreed with his fellow Board members.

Board Actions:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all "aye"; no "nays"; no "abstinence") to **APPROVE** the Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410) subject to the following conditions, this will be for a five-year period from today, the unit will be owner occupied with no rentals, should the applicant sell the property to a third party that the home will be removed prior to the consummation of the sale, no commercial uses permitted because this is a RS district, no accessory buildings permitted other than a carport and a hot tub cover until a permanent structure was constructed. There also needs to be skirting, tie downs, hard surface parking, and all DEQ requirements be met.

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:

N/2 N/2 N/2 SE NE SEC 28 17 13 5.03AC, 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