

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 519**  
**Tuesday, July 18, 2023, 1:30 p.m.**  
**Williams Tower 1**  
**1 West 3<sup>rd</sup> Street, St. Francis Room**

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Charney, Chair		S. Tauber	Williams, Nicholas
Hicks		J. Hoyt	Legal
Hutchinson, V. Chair			Edenborough,
Houston			Kerrick - County
Tisdale			Inspection
			Bruton, William -
			County Inspection

The notice and agenda of said meeting were posted at the County Clerk’s office, County Administration Building, July 12, 2023, at 3:56 p.m. as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Charney 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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**UNFINISHED BUSINESS**

**3038 - Raychel & Rusty Stamper**

**Action Requested:**

Use Variance to allow (Use Unit 15) in an AG District to permit other trades and services (Section 310). Variance of the all-weather surface requirement for parking. **Location:** 11716 N 97 E Ave **(CD 1)**

**Presentation:**

**Rusty Stamper**, 11716 North 97<sup>th</sup> East Avenue, Collinsville, Oklahoma, 74021, stated that he was there to request a Use Variance around a small plumbing company. He uses the area around his home and buildings to store materials, equipment, trailers, and things like that associated with the business. We do not actually work at this property; it is just as a storage area.

Mr. Charney asked how long the business has been in operation.

Mr. Stamper stated that they had lived there for seventeen years. He has always had a truck and tractor. His father had the same company before he passed away. He had an influx of materials, equipment, and trucks. He has been working to try to get rid of it since the January meeting. He has moved one more truck off the property, a trailer, and a small tractor. He was able to make room and move another vehicle that was there that was outside and put it inside. He moved the pipe and everything that was asked for was the last time to take out of view that had all been put away or put inside.

Mr. Charney asked if he had discussions with any of the neighbors during this interim time.

Mr. Stamper stated that one gentleman and he briefly spoke one day. Mr. Stamper told him he was trying to do something to help remedy the standing water situation. Also, so just want to try to pick up the pipes and things to move to a less conspicuous area. He dug a ditch down where it would hold water in that bar ditch on the side and cleaned up my driveway and the property next door to me.

Mr. Hutchinson asked are you saying that now water is being directed onto you and not your neighbor.

Mr. Stamper stated that it was not necessarily that water would be directed over there. There has always been a driveway that came from the street all the way up to the buildings back there. From the time we were there. Water stood on that side, but now he laid some pipes. Now the water basically flows freely from the north, across his lot.

Mr. Hutchinson asked if he had put in a French drain.

Mr. Stamper stated that it was a gravel driveway. He put in conduit pipe underneath the driveway to lift the water.

Mr. Hutchinson stated that the culvert does not run alongside the fence.

Mr. Houston asked if he was still in the process of removing other materials.

Mr. Stamper stated that the materials are gone, but he does have a few things that were his dads like an air compressor. He has an extra trailer there. These are all things that he was still in the process of trying to liquidate and get off the property.

Mr. Houston asked if he had any idea about the timeframe when he would finish the project.

Mr. Stamper stated that for the most part is just a couple of items on there. Depending on it being a slower summer for his industry than it normally is, he would stay for six months.

**Interested parties:**

**David McAlvain**, 11881 North 93<sup>rd</sup> East Avenue, Collinsville, Oklahoma, 74021, stated that his property is two properties North of Mr. Stamper. He is on high enough ground that the water flow does not affect him. His issue is diminished value and junk. He had a stack of pictures to give the Board. They are in date order. The first one is February 2019. I was photographing my horses out in the snow and ice. You may remember that, but it gives a good view of the back of Mr. Stamper's property. The next one is May of 2021, and it also shows a lot of stuff that is not there now. Somewhere around the first of April, he drove down to Mr. Stamper's house because he did not have his phone number to tell him that his goats were out crossing through a plastic fence into the neighbor's pasture. The problem with that is that the next fence was a three rail plastic bins that goes onto 116th Street North, and that can cause problems. He left his number with the son, and he never received a call. The kid went up and checked the fence. On May 1, he has different pictures of goats in the neighbor's pasture just because they were there. Then on June 18, the wind blew the night before and he took a picture of a tree that he had down in the garden that shows all the junk that is still there.

The last pictures are from July 6, and he cannot see a whole lot of difference from that and the pictures that he showed you six months ago except maybe he is moved some of the PVC pipe. There are more trucks than that going in out there than for two employees. Anyway, the Variance to him opens the floodgates for lots of junk when a piece of property is way too close to my house because most of those pictures you are looking at were taken from my back porch and it is unsightly. The Variance is in perpetuity.

**Todd and Angie Godfrey**, 11804 North 97<sup>th</sup> Avenue, Collinsville, Oklahoma, 74021 stated they live on the north side of Mr. Stamper. His property is between Mr. Stamper and Mr. McAlvain. These pictures were taken the day after our last rain, and it had rained all night. The next morning, he took these pictures. He hired an engineer for the drainage issue.

Mr. Charney stated that Mr. Godfrey had shown us for the record can reflect some photos of your place that has significant standing water. Was there an event that occurred in the last little bit with the placement of gravel that caused a damming effect of some sort? Can you please describe something that we do not have in your history in context?

Mr. Godfrey stated that they have lived there for 27 years. We have never had a drainage problem until the storage containers, and the gravel was built up. Since that time, it has just been a problem and these drainage pipes are not going to take care of a three- or four-inch rain especially since they run up hill.

Mr. Charney stated that they had been given photos and an engineering report. Have you had any conversations with him?

Mr. Godfrey stated that he tried to, and he told me to quit complaining.

Mr. Charney asked if he had seen the cleanup efforts that have been carried out since our last meeting.

Mr. Godfrey stated that he has done more outside work in the last six months than he has done in the last 15 years. What he has cleaned up has nothing to do with the water.

Ms. Godfrey stated that there had been a semi that pulled up on 97th Street and Mr. Stamper got his forklift and drove out onto the road. The business is too big to be there. If you choose to approve this, how long does this last?

Mr. Charney stated that Variances when and if granted by a Board can be done in such a manner that they run with the land and they are there with the land in perpetuity. However, there have been many Variances that this Board has granted that have conditions on them or even timelines on we have discretion if you will, to either make them permanent, or to have a temporary status to see how things are. He has seen us do it both ways. He thought that the staff and our legal counsel would agree, they had seen this Board and done a bunch of both of those. We have that discretion. That is one of the factors we look at when we do sometimes grant items that that we think need ongoing attention.

Ms. Godfrey asked if you have somebody that checks in and that drives by the property to see if anything has changed. Or do you depend on the neighbors to do that?

Mr. Charney stated that it was triggered by someone calling and saying we would like you to look at something.

Mr. Godfrey asked if this is not approved will all the things need to be removed.

Mr. Charney let the record reflect we have also been handed an exhibit prepared by this protestant and to speak to areas of gravel removal that in the engineering opinion would need to be removed for the natural waterflow to no longer be obstructed. We will show that received by us.

**David McAlvain**, 11881 North 93<sup>rd</sup> East Avenue, Collinsville, Oklahoma, 74021, stated that the last time we were here, we discussed the Variance for the business, and it was a wide scope. Is there a way to limit the Variance to the current owner and the current scope of the business.

Mr. Charney stated that he would answer it as directly as I am able to. We can place time for frames on it. He has seen it as limited to certain uses. He has not seen one where it ceases upon conveyance. If there should be a conveyance of that underlying asset, I imagined, we are given a broad leeway on conditions and limitations. We would not want to permit it if we were so inclined to permit this particular use and then a more noxious use was to come in. That would be a violation of the spirit that we would have granted this one.

**Rebuttal:**

It seems like everyone is really concerned about the water. The water is running across from Mr. McAlvain, crosses Mr. Godfrey land, and then comes across mine. He thought in the state of Oklahoma a person of residential individuals required to have their water flow, not their neighbors. Mine has the flattest land right now. Now his land has flooded trying to appease everybody. The way these lots are fixed there are six lots are all about five and a half acres. One house sits on two lots. Then there are four of our houses that sit in a row. Mr. McAlvain sits at the very back of the field, where everyone else sits on the front. His neighbor does have a bad view of my property because the back is where everyone else keeps storing things, too. That is where he has the water issue, there has always been water standing there. Mr. Stamper is trying to do my best to remedy it and move it. He has had his LLC since 2016. He worked for his father's company all his life and was working out of his residence. We have three work trucks that we usually drive on almost a daily basis. My brother is a plumber as well. The extra traffic they see is when he needs to borrow equipment or something like that, he comes up to my house to borrow. Last time we came in, Mr. Godfrey had gone around and told all the neighbors Mr. Stamper was trying to get my property turned into a completely commercial property. He told everyone that was going to raise their property taxes and make the value of their homes go down. Mr. Godfrey came with eleven signatures last time, but Mr. Stamper has spoken to several neighbors and gotten their approval.

**Comments and Discussion:**

Mr. Hutchinson asked if any of this conflict manifested prior to you inheriting your father's materials.

Mr. Stamper stated that he has tried to be good to my neighbors. He helped Mr. Godfrey trench an electric line for his barn, and to go dig up a tree in his backyard. When he has time, he is happy to help and when he is too busy, he is not able to help. Between work and four children, he stays busy.

Mr. Hicks asked if there was a way to revise your gravel area to accommodate the natural flow that was there previously, would you be open to that.

Mr. Stamper stated that yes, he gets paid to make water flow downhill. They have a creek on their side where their land breaks off to Mr. McAlvain's house, but everyone wants to push everything on him.

Mr. Tisdale stated that water is just one of the issues. The other is the operation.

Mr. Stamper stated that Mr. Godfrey spoke with me that day. He said he did not have a problem with Mr. Stamper running his business from your house. They must do something about the water.

Mr. Tisdale stated that the recommendation for a privacy fence is not going to stop the water right.

Mr. Godfrey stated that the water was a natural flow through there. It goes across my Mr. Stamper, and another couple of neighbor's properties. That goes on all the way to 116th Street.

Mr. Houston stated that no one is saying he is forcing the water on you, it is that he created a berm that prevented the flow of the water.

**Comments and Questions:**

Mr. Charney stated that we have two Variances before us, one has to do with the permitted use, and the other has to do with if we are to permit that use, whether we should allow an all-weather surface to waive the all-weather service requirement for the parking those are the two matters before us.

Mr. Hicks stated that this report provides a lot more clarity for me. He does think part of it is storage of material. He drove past the house before he realized it, not realizing it was not a business. It is on the backside of the house, but his biggest concern is water. There is an image in here from the report that shows from 2020 to 2023. There is an evident dam that has been created that stops the water flow. It is on the backside of the gravel, which would also affect some of the structures on the backside. If that were addressed, he would feel more comfortable.

Mr. Hutchinson stated that he also had an issue with water.

Mr. Charney stated that he is familiar with the area. He did not think he could support it. This is a business use.

Mr. Hutchinson stated that the corridor is in the process of transforming by the City of Owasso, bringing the four lanes, and adding the lights building their facilities. He cannot support this either.

Mr. Tisdale stated that he agreed with both Mr. Hutchison and Mr. Hicks. He would say while water is an issue, the storage of material is of equal concern.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all "ayes"; no "nays"; no "abstains"); to **DENY** the Use Variance to allow (Use Unit 15) in an AG District to permit other trades and services (Section 310) and the Variance of the all-weather surface requirement for parking.

Mr. Tisdale asked about what happens now that the all-weather parking is denied.

Mr. Charney stated that he believed that denial of these motions would trigger an action on behalf of the County to no longer permit this use. He would leave it to the County to enforce this in the manner that is appropriate and consistent with them with their legal duties. He thought it would be his intention, if there was intention would be that if there

was an improper obstruction to the flow of stormwater that that would need to be removed. It was placed there in furtherance of this business use. He wanted to make certain by asking our legal counsel or any member of our Staff here to say what would these two denials then trigger?

Mr. Williams stated that the denial triggers it to return to the status quo in which it has been. He did not think there are any obligations or restrictions that arise just by virtue of denying the application.

Mr. Charney stated that the same condition was in. Are you suggesting there is a private right of action for someone improperly obstructing the flow of stormwater separate from us? Trying to be a good steward of our citizens concerns here, he thought that the denial, would mean that this particular use, the operator of this business would no longer be permitted by the County at this location. Whether it would trigger the removal of this alleged obstruction right now, it is just an alleged construction of the flow of stormwater?

Mr. Williams stated that he understood that this was constructed in pursuance of the business.

Mr. Charney stated that is what we have understood. Now maybe it has been enhanced. Maybe it was always there in some capacity. That is the part that we do not know.

Mr. Williams stated that there was not previously Variances authorized by the Board at all.

**A TRACT OF LAND IN S/2 SE BEG 724.17N SECR SE TH N200 W1210.66 S200 E1210.9 POB LESS E16.5 FOR RD SEC 1 21 13 5.483ACS, City of Collinsville, Tulsa County, State of Oklahoma**

**3072 - James Kent**

**Action Requested:**

Special Exception to allow a fireworks stand (Use Unit 2) in an RS zoned district. (Sec. 410); Variance of the all-weather surface material requirement for parking (Section 1340.D). **Location:** 4503 South 49 Avenue West **(CD 2)**

**Presentation:**

**James A. Kent**, 4513, South 49th West Avenue, Tulsa, Oklahoma, 74107, stated that they have had a firework stand for 19 years straight. They have never had a problem with parking or anything like that. He was here before the Board five years ago, and they gave me a five-year Variance.

Mr. Charney stated that sometimes they ask when they are renewing these when there have not been any issues, no complaints, and no safety issues what the hours of operation are. Were there any discussions the last time regarding that or would you stay within compliance within the permit?

Mr. Kent stated that they had stayed in compliance, and we usually close by eleven every night. On Saturday night, they are open until midnight. They have complied with all the regulations and everything. They have been inspected every year passed every year without any problems.

Mr. Charney asked for the dates of operation.

Mr. Kent stated that they are open between the 15th of June and the 5th to July.

**Interested parties:**

No interested parties were present.

**Comments and Discussion:**

None.

**Board Action:**

On **MOTION** of **TISDALE**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all "ayes"; no "nays"; no "abstains"); to **APPROVE** a Special Exception to allow a fireworks stand (Use Unit 2) in an RS zoned district. (Sec. 410); Variance of the all-weather surface material requirement for parking (Section 1340.D) per the following conditions; that the dates of operation are June 15 through July 5; for a term of five years; and operating the same hours as previously granted.

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:

**LT 24 BLK 1, BRIDGES THIRD SUB, Tulsa County, State of Oklahoma**

**3073 - Randy Scott**

**Action Requested:**

Special Exception to permit fireworks stand (Use Unit 2) in an RS district (Section 410) **Location:** 1035 W 4 ST N **(CD 1)**

**Presentation:**

**Randy Scott**, 12336 South 737<sup>th</sup> Avenue, Coweta, Oklahoma, 74229 stated that they have been in the fireworks business for over 50 years. They have not had any major problems in all those years. This is a new location for us. We have eighty locations that we operate. We have done it for so long, we would go about all the city, state, federal ordinances, property owner, whatever they want.

Mr. Charney asked if he had heard any responses from any of the surrounding neighbors to this application. Given your experience in the history and working of these, do you see anything unique with this site that might lead to anything you would proactively call to our attention?

Mr. Scott stated that it is a new site for them. Usually in your first year, you are not going to sell a whole lot and decide what you want to do five years or 10 years or not even put it in.

Mr. Charney asked if we were to grant this, and we are going to be conditioning this to operate from June 15 to July 5, according to the hours of operation of your permit for a five-year period, would that seem fair to you.

Mr. Scott stated that he agreed.

**Interested parties:**

No interested parties were present.

**Comments and Discussion:**

Mr. Charney stated that he thought they could see on our aerial where it is located just off Highway 412 off the service road.

Mr. Hutchison stated that he was assuming you get good visibility on 412.

Mr. Scott stated that it was extremely good visibility, one direction and pretty good from the other. It is this gentleman here that owns the property. He is a member of the Masons and the Masons wanted to rent it last year.

Mr. Charney asked would you imagine the ingress and egress to this site that the access to it off the driveway that is just to the west of it. Is the applicant, along with you, the person who wishes to operate it?

Mr. Scott stated that they had done it for so long, and in so many different locations over the years. We will do whatever we need to do.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstains”); to **APPROVE** a **Special Exception** to allow a fireworks stand (Use Unit 2) in an RS zoned district. (Sec. 410); with the condition that it be a term of five-years; operate June 15 through July 5; and the same hours as previously operated.

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.

**LOT-9-LESS A TRACT BG. SW-COR. N. 9.10' SE 178.8' S.10.4 MW 179.6'TO BG. BLK-21, CHARLES PAGE HOME ACRES NO 2 & RESUB PRT B10-12, VALLEY VIEW ESTATES, Tulsa County, State of Oklahoma**

**3078 - Chris Garr**

**Action Requested:**

Variance to allow a third dwelling unit in AG (Section 208) **Location:** 13902 N Memorial Dr **(CD 1)**

**Presentation:**

**Chris Garr**, 13902 North Memorial Drive, Tulsa, Oklahoma, 74021, stated they want to move two more mobile homes to the location. They plan to remodel them and to make it a nicer property.

Mr. Charney asked if the existing one will remain where it is, which is in the northerly part. Then you have two of them evenly spaced; one double wide, and one single wide. There is a notice on the site plan that mobile homes will all have brick wainscotting. If we were to make that a condition, was that something you are willing to live with, sir? Sometimes it is also important to us that we know that you have properly tied down, properly skirted with the wainscotting, and that you have a hard surface parking, not necessarily the whole drive, but a hard surface place for the car to park overnight. That is the vehicles that are residents of that mobile home. The driveway may be gravel. The bigger issue is that you have a fair amount of frontage, and you want three total dwelling units on that. It is about 650 feet deep. All of this is toward the front by Memorial.

Mr. Garr stated that we meet the requirements for space that you need for one mobile home on the property. It is that they just need more than two dwellings.

Mr. Hutchinson asked if they had thought of doing a lot split.

Mr. Garr stated that they had they thought about that, but there is a level of costs involved in that. It was too costly to do the survey, and everything involved. They are starting to add a subdivision right across the street and that is why we are trying to make it nice. We will have an aerobic system for all three.

Mr. Hicks stated that he noticed in the packet the property owner is listed as my 918 Wrecker Service. Are you going to do any business at is the house?

Mr. Garr stated that no business will be conducted at this location.

Mr. Charney stated that it is important to this Board that you make this property look nice.

**Interested parties:**

No interested parties were present.

**Comments and Discussion:**

None.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstains”); to **APPROVE** the Variance to allow a third dwelling unit in AG (Section 208) per the Conceptual Plans shown on page 4.8 of the Agenda packet, per the following conditions that the homes be tied down, skirting is to be brick wainscotting, the septic meets DEQ requirements; and a hard surface for parking for each unit.

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 SECR NE SE TH N486.42 W660 S486.55 E660 POB LESS E16.5 THEREOF FOR RD SEC 26 22 13 7.186ACS, Tulsa County, State of Oklahoma**

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## NEW APPLICATIONS

### **3079 - Yong Yang**

#### **Action Requested:**

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) **Location:** 12857 N 143rd E Av **(CD 1)**

#### **Presentation:**

**Yong Yang**, 12857 North 143<sup>rd</sup> East Avenue, Collinsville, Oklahoma, 74021, daughter spoke for her and stated her mother wants to build a new house on that property and to remove the mobile home. They were trying to apply for a permit, but the Planning Director stated that our property is too small for agriculture zoning. Then they spoke to INCOG, and they helped. Her mom wants to build the house first and then remove the mobile home.

Mr. Hutchinson asked if she also owned the property behind her .65 acres.

Ms. Yang stated that her father owns that land.

Mr. Charney stated that if the Board were to grant you permission to build this new house on this small lot, then you would give us your commitment in exchange for that permission. Once the home is built and occupied, the mobile that is on there would be moved off. We would have your commitment, your promise.

Ms. Yang stated that yes, they agreed.

Mr. Hicks asked if there was a timeframe on how long they thought it would take to build the new home.

Ms. Yang stated that they did not know right now. They need to find a contractor.

Mr. Charney stated that sometimes it is important to us to know that it is not a five-year project. It may be important when we are granting this request to know that it will be within a year or two. It is a fair question for the board to want to know. You say that you are lining up the contractors who will do the work.

#### **Interested parties:**

Mr. Hutchinson asked about a statement in the letter that we had coming in. It talks about the property behind that. This is a separate tract about which we are talking.

**Jeremiah Fields**, 12903 North 143rd East Avenue, Collinsville, Oklahoma, 74021, stated that he owns the subject property just to the north to the requested site. The email in question that you have is what he submitted last evening. He spoke with several

neighbors as well, to understand exactly what we are looking to see in the future. There are several of them who have a concern that A) if permitted to build, that the subject property that is already there, and the trailer that is already there would not be removed. B) The other thing is, what type of structure it is going to be to that is unknown, but the proximity to the road, and the size of it would be. He understands that it is all family owned, but it is split into two separate sections. It is a confined space. They have a shared driveway that goes through the area. It concerns us and those that are listed on my petition as well, that it would further deteriorate the valuation of our properties. Some other additional concerns that we have are related to water flow or let us talk about the DEQ aspect of it. Do they have separate septic systems? It is my understanding that a lot of the properties out there used to have a shared unit. The neighbor to the south, who also signed the petition as well stated that there were some lateral lines that were not working efficiently. These were directed onto this property. He spoke with the Yang's, and they had since redirected, and from one of my exhibits, you can see where it was redirected to the pond right there behind.

On that particular lot that we are talking about there are several structures, some of which are on the shared tract, and some of which are on a particular section. That is a question that are still has cages and tubes related to their property next to their dwelling, which also is right next to where ours is as well. We have a fair amount of odor that comes from that as well. There are free range poultry and other things that run around the yard. We have seen an increased number of predatory animals coming up from the land behind us to the point of we can leave our small animals outside unattended for long, let alone small children, because it is easy picking for them.

Document five has a portion of the current subject tract in question as part of it, which would be my assumption without seeing property lines and maps. We have also got where it shows the current trailer structure that is currently there. Where the subject property would be directly in front of that which would be to the west, the main road is toward the bottom of the page. His main concern is the devaluation of our current property if they do not remove the mobile home.

Mr. Hutchinson stated that our County Staff will confirm that they must be on their own separate water, electric, and gas, they do not share. That is all submitted in permitting. We could put a limitation that once the occupancy permit was established, the existing mobile home had to be removed. Then we can also put a timeline of how long it would take to build the house. Because we would not want to go for five years. We do not ever want to do anything that would devalue someone's property. Your house is a very nice house, that area is a lot better, especially after the county came in and put a new asphalt road down through there.

Mr. Charney did want to reinforce something that my colleague and our staff mentioned, it would not get to the point of issuing a building permit or occupancy permit if this did not have its own separate functioning aerobic sewage disposal system. That is not a function of perk tests, it would be a different system, or they would never get the approvals to do so. It is all contingent upon that and we would want you to be aware of

that. If there is an existing issue in that regard, that would have to be remedied before you ever got the opportunity to build it or move in. We could also condition occupancy, even if we have the power to upon that existing home being removed. They got about fifty feet to turn that thing and go, he did not know what they needed, but they had better plan properly. We appreciate the extensive work you did to help educate us.

**Rebuttal:**

Ms. Yang stated that they showed the blueprints to the Planning Director. She stated that her dad does have a chicken coup, but the chickens are in a cage, and they do not come out. If they do come out, they stay on their land.

Mr. Charney stated that this lot is so small they may not be able to have chickens on it.

Mr. Hutchinson stated that it might be important for us that there would be no animals stored on that lot. No outdoor animals on that site. It can be at your dad's where they are but not on that site.

**Comments and Questions:**

Mr. Charney stated that he thought this could be done in a way that would enhance the area.

Mr. Hutchinson agreed with the Chair.

Mr. Hicks stated that he agreed also, and he does not have any problems with the aerial image of the chickens.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstains”); to **APPROVE** the Variance to the minimum land area per dwelling unit requirement in an AG district (Sec. 330), per the Conceptual Plans shown on page 5.8 of the Agenda packet; with the following conditions that plans must be submitted to the County Inspector; septic meet DEQ requirements; the stick built house be built within twenty-four months; and the mobile home must be removed before the Certificate of Occupancy is granted.

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:

**W220 N150 S220 N1320 E/2 E/2 SE LESS W30 THEREOF FOR RD SEC 33 22 14.654AC, City of Collinsville, Tulsa County, State of Oklahoma.**



**3080 - William Reed**

**Action Requested:**

Special Exception to permit a single-wide manufactured home in an RS district (Section 410). **Location:** 5716 N Norfolk Av E **(CD 1)**

**Presentation:**

**Michelle Reed**, 5910 North Owasso Avenue, Tulsa, Oklahoma, 74126 stated that they want to put a modular home on a piece of property that they purchased about a year ago.

It was a vacant lot. About 20 years ago, there was a house there and then behind the house used to be a mobile home, but all that is gone. The last couple of months, we have been out there cleaning the property out. We are going to build a home for her and her husband. We own a single wide mobile home where our daughter and our grandson live. They also have another property down the road. It is two acres, and we have a double-wide mobile home that we live in there. We are wanting to move to get something a little bit smaller just for me and him away from the kids, the grandbabies. It will improve the neighborhood. There is a little bit of trash next to us, but we plan on cleaning that up, but it is not on our land.

Mr. Charney asked if there are other manufactured homes in the area.

Ms. Reed stated yes there were.

Mr. Hutchinson asked if this had city water and a sanitary

Ms. Reed stated that they are on city water and sewer.

Mr. Charney stated that when we permit manufactured homes, it is important that certain requirements be met, including the parking pad. Yes, it is all if you are willing to comply with all of those if we were to grant and the other members of the board have questions for our applicant regarding this application.

Mr. Houston asked if there was a driveway into the lot.

Ms. Reed stated that there is a little bit of concrete when you get up the road, but that is about it, all the rest is just dirt.

Mr. Charney stated that they had to have a pad that is hard surface and if you can only do a gravel driveway up to it, but you will need to ensure that will be part of the requirement that you have some sort of gravel drive or a hard surface drive if you can do that it might be best you decide. The requirement will be a parking pad, solid surface, for your vehicle.

**Interested parties:**

No interested parties were present.

**Comments and Discussion:**

No comments or discussion items were brought up.

**Board Action:**

On **MOTION** of **HICKS**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstains”); to **APPROVE** the Special Exception to permit a single-wide manufactured home in an RS district (Section 410)with the conditions that CBOA 1643 is no longer valid; they must have tie downs, skirting , 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:

**700' W & 399.5 S NE COR. SE SE TH. W. 280' SWLY ON RY ROW TO PT. E. 285'N. 60' TO BEG. SEC.-1-20-12, City of Tulsa, Tulsa County, State of Oklahoma.**

**2694-A - William Vernon Bearden Jr.**

**Action Requested:**

Modification to a previously approved Special Exception (CBOA-2694) for a firework stand (Use Unit 2) to extend the time limit (Section 310). **Location:** 17137 S Mingo Rd **(CD 3)**

**Presentation:**

Applicants were not present.

**Interested parties:**

None

**Comments and Discussion:**

None

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstains”); to **CONTINUE** the Modification to a previously approved Special Exception (CBOA-2694) for a firework stand (Use Unit 2) to extend the time limit (Section 310) until the County Board of Adjustment meeting of August 15, 2023.

### 3082 - Darren Yates

#### Action Requested:

Variance to permit two dwelling units on a single lot of record in an RE district (Section 208). Special Exception to permit a single-wide mobile home in an RE district (Section 410). **Location:** 12208 N 75th E Ave **(CD 1)**

#### Presentation:

**Darren Yates**, 12208 North 75<sup>th</sup> East Avenue, Collinsville, Oklahoma, 74021, stated that the purpose of this request is his 86-year-old father. He is in a position where he can no longer care for himself. There was a PDF presentation that was submitted yesterday. The whole idea behind this is to provide and care for his dad. He took care of me for his entire life. For 33 years he saw me through school now that he is eighty-six it is his turn to look after his father. After the passing of his mom, he is no longer able to care for himself without help. We looked at all the options. We want him involved in our life and he wants to be involved in our lives, as well. We have two and a half acres on Airman Acres airport. What we are looking to do is produce a creative solution to allow him to spend his remaining days with us. The house that we have right now is not set up for an aging parent. Mr. Yates also has three boys. Two of them have special needs. We are trying to find balance, independent living, but also making sure that we are there with him and our goal is for him to spend his last days there in the house.

His father is currently staying in an assisted living facility. He told me he feels like he lives in prison. We do the best that we can to help him break from prison. We take him out every morning. We have been looking at smart cottages or the tiny home concept. He is looking at manufactured because those are turnkey. He can get them customized, with the roll in shower. He wants something that is HUD approved and that is ADA compliant, to support him. This is a one bedroom, one bath, small living area. He comes from an over four thousand square foot home in Ponca City, which is over one hundred miles away. He said he wants to be on Airman Acres. We are both pilots and he really love being out there. It is quiet. His favorite thing to do right now is he sits on our back porch. The manufactured approach is really kind of the key.

He talked to one of our neighbors and their concern was if there was a risk of dividing up the property. That is one thing we do not want to do. We bought two and a half acres. We live there because we wanted two and a half acres. We want the space, and we love it out there. What he does not want to do is set it up in a position where it can be split. Every day is a gift that we have with him.

Mr. Charney asked if there were any restrictive covenants in Airman Acres that prevented this. You have talked to a neighbor who is concerned with lot split, not whether you were going to do this right. Have any neighbors expressed to you their discontent with this idea?

Mr. Yates stated that no one has any other concerns that he knows of. We have a neighborhood page and we posted this to show them a picture of the property or update

of what we are wanting to do to provide him that the important thing is we want to give him the porch, facing the runway basically to enjoy his life. Everybody is supportive of the concept.

Mr. Hutchinson asked Staff about this being connected to the house with the covered breezeway. They never would come to us this kind of house is coming before us because it is a manufactured?

Mr. Hoyt stated that he believed that is the reason.

Mr. Hutchinson asked Mr. Yates if this picture here of the modern farmhouse is this the exact one you are purchasing.

Mr. Yates stated that is that is the model that we want. The color will match our house and our style.

Mr. Hutchinson stated that he is very familiar with Airman Acres, and he thinks this is a perfect plan for what you want. It is very commendable of what you are wanting for your father.

Mr. Charney stated that he was familiar with the neighborhood as well. He agrees with everything. This is a little jewel out there for many people to live there. That is why he is curious about the whole idea. This is becoming more popular across the country; they are going to come out with more frequency. This is the poster child of how to handle it.

**Interested parties:**

No interested parties were present.

**Comments and Discussion:**

Mr. Charney stated that this was a wonderful presentation and appreciated it that the applicant had posted his plans on his neighborhood website so everyone could see what he was planning.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstains”); to **APPROVE** a Variance to permit two dwelling units on a single lot of record in an RE district (Section 208). Special Exception to permit a single-wide mobile home in an RE district (Section 410), per the Conceptual Plans shown on page 8.8 of the Agenda packet; per the conditions that there will be a breeze way between the two dwellings.

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.

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 S/2 E/2 W/2 SW NE SEC 2 21 13, City of Collinsville, Tulsa County, State of Oklahoma.**

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**OTHER BUSINESS**

None

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**NEW BUSINESS**

None

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**BOARD MEMBER COMMENTS**

Mr. Charney extended a formal welcome to Dwayne Wilkerson for is formally on board with the County at INCOG. He has many years of experience, and we are pleased to have him here with us.

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There being no further business, the meeting adjourned at 3:36 p.m.

Date approved: 8/15/23

Dwaine E. Charney  
Chair