

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 531**  
**Tuesday, May 21, 2024, 1:30 p.m.**  
**Williams Tower 1**  
**1 West 3rd Street, St. Francis Room**

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Charney, Chair		S. Tauber	Edinburgh -
Hutchinson, Vice -		J. Hoyt	County
Chair		C. Pate	
Hicks			
Houston			
Tisdale			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, April 8, 2024, at 10:33 a.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 **TISDALE**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all "aye"; no "nays"; no "abstentions") to **APPROVE** the Minutes of April 16, 2024 (Meeting No. 530).

**UNFINISHED BUSINESS**

**CBOA 3156 - John Neffendorf**

**Action Requested:**

Variance of the all-weather surface material requirement for parking (Section 1340.D).

**Location:** 1051 W 161st St S.

**Presentation:**

**John Neffendorf**, 19255 Carriage Court, Mounds, Oklahoma, 74047, stated that he is putting in a recreation facility and had received the building permit. He would like to start the parking lot with gravel and get it asphalted later. This will require a Variance.

The building is 16,000 square feet and the parking lot is about 8,000 square feet. It would operate on weeknights and weekends like a high school basketball gym. He would like to have the gravel parking lot for about five years.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Charney stated that the only other cases that he remembered where they granted temporary use of gravel was for fireworks stands, which are for short durations. This is a more permanent use.

Mr. Hutchinson stated that he could understand delaying this for a couple of years, unless the money was escrowed, and if the building sold there is no recourse for the County to come back to have them do that.

Mr. Charney stated that historically the Board's analysis of a Variance request had to do with matters that are temporal in nature or geographic in nature with some sort of unique aspect of the land itself to create a hardship. This is for financial reasons and that is not appropriate for a Variance hardship in the code. The County prefers that this be denied.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all "aye"; no "nays"; no "abstentions") to **DENY** the Variance of the all-weather surface material requirement for parking (Section 1340.D).

**S653.40 W400 W/2 SE SEC 23 17 12 6ACS**

## **CBOA 3151 – Anchor Stone**

### **Action Requested:**

Special Exception to permit Use Unit 24 - Mining and Mineral Processing in an AG district (Section 310, Table 1). **Location:** S & E of E 151st St S & S Garnett Rd.

Mr. Charney summarized what had taken place between the two opposing parties at the last meeting. He stated that the Board had received a follow-up letter that the counsel for some of the protestants is no longer representing them. There were some proposed conditions that hopefully Mr. Farris can inform the Board of what Anchor Store was comfortable doing.

### **Presentation:**

**Joe Farris**, 1335 East 35<sup>th</sup> Place, Tulsa, Oklahoma, 74105, stated that he had responded to the conditions to Mr. Austin of the protestants. Some of the conditions were readily agreed to follow. Anchor Stone agrees to have the trucks tarped that are coming and going from the plant. They agreed to limit the operation hours Monday through Friday to 7:00 A.M. to 5:00 P.M. and limit Saturdays to dredging the river only when needed, which is out in the river and not on the bank from 7:00 A.M. to 3:00 P.M. Also, back-up alarms on the trucks will be replaced with buzzers which are less intrusive, and this is a new regulation. They have agreed to move the gate to access the plant to be opened early and the gate moved a half a mile down the access road to accommodate the trucks that line up in the morning and during the day, so they are off the road. We are monitored by the Oklahoma Department of Mines, DEQ, EPA, and the neighbors themselves and do not feel third party monitoring is necessary. There will be fencing all along both sides of Anchor's driveway. When the County does the road improvements along these roads Anchor will supply road materials (sand and gravel) free of charge.

### **Interested Parties:**

**Tom Austin**, 8523 Fairway Green, Fair Oaks Ranch, Texas 78015, stated that he represents the Roberts family that owns the land that is adjacent to the Carter property. One of the things that was not addressed in the conditions was the number of trucks per day and he did not hear anything about the time limit on the Special Exception. We want to restrict it to thirty trucks per day. In the application, Anchor mentioned that they may have as many as one hundred trucks per day. That defeats the purpose of what the protestants are saying that creates a lot of noise and traffic and takes away from the quiet enjoyment of the neighborhood. The Special Exceptions that have been granted in the past have been unlimited in the amount of time that you grant them, but it is not a requirement the protestants would like a limited in the number of years Anchor can operate there. The protesters suggest a limit of three years instead of forever and they would like some help with that.

**Rocky Henkel**, 200 South 1<sup>st</sup> Street, Broken Arrow, Oklahoma, 74012, stated that he was the Community Development Director for the City of Broken Arrow, and on behalf of Michael Spurgeon, the City Manager, he was before the Board to asked that they deny this application. The subject property is in an unincorporated area of Tulsa County but is within the fence line of Broken Arrow. As such, there is potential that this property may be annexed into the City of Broken Arrow in the future. The City of Broken Arrow is concerned that properties within the fence line are not in conformance with Broken Arrow Zoning Ordinance and the future development of their comprehensive plan. The Broken Arrow Zoning Ordinance allows the mining and processing of raw materials in Agricultural (A1), Industrial Heavy (IH) zoning districts with the use of a Specific Use Permit. The City of Broken Arrow allows land use system to classify properties in the Future Development Guide that includes seven levels of Land Use. The Land Use system designates which zoning districts are allowed in each level in conformance with the Comprehensive Plan. According to the Land Use system for A1 zoning is in conformance with Level One and IH is in conformance with Level Seven. In accordance with these seven levels are land uses designated as Greenway and Flood Plain. Public recreation, private recreation, and public/semi-public. The property that is subject to this Special Exception request is designated as Greenway/Flood Plain in the future zoning guide. The proposed mining and mineral processing use on this site would not be in conformance with the Comprehensive Plan in the Greenway/Flood Plain designated area. The Federal Emergency Management Agency, National Flood Insurance Program indicates that most of this property is in a public area and other portions of the site are in a flood plain. Areas that are designated as Floodway and Flood Plain within the City of Broken Arrow are zoned Flood Plain District (FD) and are designated as Greenway Flood Plain in the Comprehensive Plan. Further, the proposed sand mining use is not designated as a permitted use of land in the Storm Management Program Section 25-31z of the Broken Arrow Municipal Code. Only flood water tolerant land uses such as parks, open space, golf courses, parking lot, agricultural uses and regional retention facilities may be permitted in these areas designated as Floodway or Flood Plain. Therefore, the proposed sand mining use is in non-conformance with the Zoning Code, Comprehensive Plan, and/or the Storm Water Management Program. The City of Broken Arrow also has safety and quality of life concerns due to the increased truck traffic in the proposed sand mining operation will have on residence and our community according to the information provided in the application packet. The sand will be extracted from the Arkansas River along the southern portion of the subject tracts. Access to these tracts will be via connection to East 151<sup>st</sup> Street should this request be approved. All area roadways that lead to access 151<sup>st</sup> Street, 141<sup>st</sup> Street, Garnet, 129<sup>th</sup> Street are two lane roads in this section of Broken Arrow. The additional volume of truck traffic will increase the already existing impact of sand mining operation to the local traffic and roadways and increase concerns related to safety, noise, and the quality of life.

In closing, we have concerns that this Special Exception request is neither in conformance with the Comprehensive Plan, has potential adverse effects on public safety, quality of life, and has potential of adverse effect on proximity to land uses specifically those on the City of Broken Arrow and within its fence line.

To summarize, the proposed site of this request is within the City of Broken Arrow fence line, and its use of raw materials that are not in the conformance the Comprehensive Plan, the City of Broken Arrow Zoning District in which the proposed use is not in conformance with said Comprehensive Plan designation of Greenway Flood Plain. The site of the proposed sand operation is partially within the floodway and partially within the flood plain. The City of Broken Arrow does not permit development within the Floodway or Flood Plain other than flood tolerant land uses as sited in Section 25-317 Storm Water Management Program. A specific use is required for approval of mining and processing of raw materials in the City of Broken Arrow and proposed Sand Truck traffic will impact the safety, noise, and quality of life of the Broken Arrow citizens. On behalf of the City Manager, Michael Spurgeon, and the City of Broken Arrow, we recommend that the Board of Adjustments deny this application.

**Susan Bagwell**, 13137 South 125<sup>th</sup> East Avenue, Broken Arrow, OK 74011, stated that she represents the Bagwell Family and Lauren Kaiser. They have land on the northside of 151<sup>st</sup> where the entrance would be and there are ninety-nine acres under contract with a developer and they are looking at putting homes in there in half acre lots. The engineer has stated that with a pond this would be taken out of the flood plain. She asked what type of driveway it would be that Mr. Farris was speaking of earlier. Will it be asphalt, concrete, or gravel? If it is gravel or dirt, the homes around there will have to deal with the dirt and dust, as well as the exhaust from the trucks. How many times do the agencies that Mr. Farris spoke of inspect that property in a year? The County has stated that they do not have the road repair for this area in the budget and they will not do anything about those roads. We respectfully ask if you would deny this application.

**Rebuttal:**

Mr. Farris stated that the area where the entrance and exit on 151<sup>st</sup> Street will be asphalt. The rest of the driveway will be gravel and will be gone over with a watering truck regularly to help with the dust from the road.

The inspections do occur, and Anchor will have to get a permit from the Department of Mines before this can be opened. If you are a good operator, they come less than if you are a bad operator. Anchor has a stellar compliance record at their stone quarry and their other sand plants.

The number of trucks per day will be limited by the demand, the amount of usable sand, and to the extent that Anchor can process that sand during the hours of operation. The

weather also makes a difference in how many trucks of sand can be loaded within a day.

The subject tract is not within the City Limits of Broken Arrow, but within a broad fence line. The City of Broken Arrow has no jurisdiction whatsoever. The fact that it is within the fence line is a legal novelty that means nothing under the law. Their zoning code and ordinances do not apply to this area. Anchor Sand is dealing with Tulsa County laws and regulations, not the City of Broken Arrow. The area is in a flood plain and down the street from a sewage treatment plant.

Mr. Hicks stated that this plant is a replacement for the Valentine Plant further down north on the Arkansas River. The Valentine Plant will be closed when this plant is opened.

Mr. Houston stated that this plant will be further away from the City of Broken Arrow than the Valentine Plant.

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

Mr. Hutchinson stated that he could support the application.

Mr. Charney stated that the raw materials are within the flood zone in the river and that he was in favor of the application.

Mr. Hicks stated that Anchor has addressed many of the concerns. The road conditions are out of the Board's jurisdiction and the County will be responsible for that. He stated that could support this application.

#### **Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit Use Unit 24 - Mining and Mineral Processing in an AG district (Section 310, Table 1) with the following conditions imposed upon the granting of this application. 1.) The days and hours of the loading of sand operations will be Monday through Friday, 7:00 A.M. to 5:00 P.M., 2.) This will permit dredging in the river on occasional/rare Saturdays from 7:00 A.M. to 3:00 P.M., 3.) That the backup alarms on all the equipment owned by the applicant will have vibrating buzzers and not the loud beeping and honking sounds, 4.) We will require an entrance gate system be constructed pursuant the exhibit that was presented to the Board showing the dimensions for and the asphalt component as shaded on the exhibit and the rest of the driveway be gravel back to the plant to permit stacking of trucks off 151<sup>st</sup> Street, 5.) This plant would become operational only after the Valentine Plant is closed. 6.) Fencing provided by the applicant along either side of the access road from the entry back to the loading area. 7.) When the County rebuilds or repaves the road that the paving

materials be contributed gratis by the applicant to that effect if the County request it. 8.) We do not wish to limit the number of trucks per day or a time limit for this Special Exception 9.) That Anchor follow all regulatory requirements by the Oklahoma Department of Mines, DEQ, EPA, and all other regulatory agencies involved.

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:

**LTS 2 3 4 & W30 E/2 NE SEC 20 17 14 84.87AC; LT 6- OR PART SE SW SEC-20-17-14; LT 5 OR PART SW SE SEC 20-17-14**

## **NEW APPLICATIONS**

**CBOA 3163 - Roberto Chacin**

**Action Requested:**

Variance to permit two dwelling units on a single lot of record in an RS district (Section 208). **Location:** 6640 N Trenton Ave

**Presentation:**

The applicant was not present.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

**Board Action:**

On **MOTION** of **TISDALE**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all “aye”; no “nays”; no “abstentions”) a **CONTINUANCE** to the next Board of Adjustment meeting to be held on June 18, 2024 for a Variance to permit two dwelling units on a single lot of record in an RS district (Section 208).

**S 90 N 200 LOT 1 BLK 12, GOLDEN HILL ADDN, Tulsa County, State of Oklahoma**



## **CBOA 3164 - Kyle Tate**

### **Action Requested:**

Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an AG District (Section 310), Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) and a Variance of the minimum lot area requirement in an AG district (Sec. 330). **Location:** 16355 S Peoria Ave

### **Presentation:**

**Kenna Evans**, 4422 East 76<sup>th</sup> Street, Tulsa, Oklahoma, 74136, stated that she is the applicant's sister. The house belonged to her father who had recently passed away. She and her brother would like to retain the storage building and sell the home. The storage building will be used for personal storage and there will never be a business. There will not be any undue traffic. We are waiting for the Variances to be approved to proceed with the lot split. The storage unit will become the primary use of the one lot. There is heat and air in the building, but no plumbing. The neighbors to the east have said that they would like to buy the lot if they ever decide to sell it. They have an interested buyer in the house.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Mr. Charney stated that he was comfortable with separation.

### **Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Houston, Hicks, and Hutchinson "ayes"; no "nays"; Tisdale "abstained") to **APPROVE** the Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an AG District (Section 310), Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) and a Variance of the minimum lot area requirement in an AG district (Sec. 330) finding the hardship to be that this is a large 2+ acre tract and will be split into 1.2 acres with the condition that there will be no commercial activities.

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:

**W361 S306.1 N/2 NW SW NW LESS N5 & W50 FOR RD SEC 30 17 13 2.150ACS,  
Tulsa County, State of Oklahoma.**

**CBOA 3165 - Brian Miller / Crimson Buildings**

Variance of the side setback from 15' to 10' in an AG district (Section 330). **Location:**  
4345 S 61st W Ave

**Presentation:**

**Brian Miller**, 9410 South 426 Road, Inola, Oklahoma, 74036, stated that he is the contractor to put in a residential storage building with no commercial use for the owner. The customer wants the building to be five feet larger and ten feet away from the property line. There is a creek on the other side and the owner is limited in the way his property is laid out. There is a bathroom, but no kitchen or sleeping quarters. The height is ten feet to the eaves, and it is a gable roof. There is a berm on the northside of the building and there will be no drainage forced on the neighbors. The exterior is metal, and it will be charcoal and ash gray in color.

**Interested Parties:**

**Sherylyn Yowell**, 5934 West 43<sup>rd</sup> Street, Tulsa, Oklahoma 74107, stated that she is the neighbor to the north of the subject property. She was concerned that there would be run off onto her property and the view of her property. She asked that there be no lights or windows on the north side of the building.

**Rebuttal:**

Brian Miller stated that he and the owner are committed to not having any run-off issues onto the neighbor's property and that there would not be any windows or lights on the north side of the building. He and the owners would open to some sort of landscape screening on the north side of the building if it did not impede the drainage or room for mowing of the property.

**Comments and Questions:**

Mr. Houston stated that he could support the request.

**Board Action:**

On **MOTION** of **TISDALE**, the Board voted 5-0-0 (Charney, Houston, Hicks, and Hutchinson "ayes"; no "nays"; no "abstentions"; to **APPROVE** the Variance of the side setback from 15' to 10' in an AG district (Section 330) subject to the following conditions that there be no lights or windows on the north side of the building, landscaping if it does not impede water drainage or mowing, and no dwelling unit or commercial activity. Finding the hardship to be the size and configuration of the property.

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 SE NW BEG NWC SE NW TH S100 E435.75 N100 W435.75 POB LESS W30  
THEREOF FOR ST SEC 29 19 12 0.93AC**

Mr. Hutchinson left the meeting for prior engagement at 3:04 p.m.

## **CBOA 3166 - Terrie Lynn McDowell**

### **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:** 5422 S 67th W Ave

### **Presentation:**

**David Thompson**, 26007 West 47<sup>th</sup> Street, Sand Springs, Oklahoma, 74063, stated that they want to build a building larger than 750 square feet. The owners want to keep their tractors, cars, and additional storage. The lot size is about 6/10<sup>ths</sup> of an acre, and the building will be 1,800 square feet. There will be no commercial activity held here and it will be for personal use only. There will be no water or bathroom.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Mr. Charney stated that he was in support of this.

### **Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, and Hicks, "ayes"; no "nays"; no "abstentions"; Hutchinson "absent") to **APPROVE** the Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E) consistent with the drawings submitted by the applicant of a building not to exceed 1,800 square feet, with the condition that that it is not used for dwelling or commercial uses within the building. Finding the hardship to be the unusual nature of this platted lot in that it is larger than a standard city lot.

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

**LTS 1 - 14 BLK 35, NORTH TANEHA, Tulsa County, State of Oklahoma**

**CBOA 3167 - Melissa Torkleson**

**Action Requested:**

Special Exception to allow a fireworks stand (Use Unit 2) in a CS zoned district for a period of five years. **Location:** 6001 W 41st St

**Presentation:**

**Melissa Torkleson**, 637 South 193<sup>rd</sup> West Avenue, Sand Spring, Oklahoma, 74063, stated that they wanted to renew their extension on their fireworks stand for 5 years. We would like the same hours of operation that they have had in the past and opening June 25<sup>th</sup> through July 5<sup>th</sup>.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

None.

**Board Action:**

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Charney, Houston, and Hicks, “ayes”; no “nays”; no “abstentions”; Hutchinson “absent”) to **APPROVE** a Special Exception to allow a fireworks stand (Use Unit 2) in a CS zoned district for a period of five years subject to the following conditions that they follow the operating time of 10:00 a.m. to 9:00 p.m. daily and then for July 3<sup>rd</sup> and 4<sup>th</sup>, the time would be 10:00 a.m. to 12:00 p.m.

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 SW SE SW BEG 50N & 338W SECR SW SE SW TH N268 E283 S60 E55  
N402.08 W632.36 S610.30 E294.28 POB SEC 20 19 12 6.85ACS, PLEASURE  
ACREAGE 3RD ADDN, Tulsa County, State of Oklahoma**

## **CBOA 3168 - Lou Reynolds**

### **Action Requested:**

Special exception to permit a Residential Treatment Center (Use Unit 5) in the AG and RS districts; Variance of Section 1205.3(D) of the Tulsa County Zoning Code to permit a Residential Treatment Center to be located within 1,320 feet of a protective shelter.

**Location:** 7303 W 7th St S

### **Presentation:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Tulsa, Oklahoma, 74114, stated that his client is The First Step Male Diversion Program. On March 28, 2024, they had a neighborhood meeting at the Zion Community Church that was very well attended. The property is approximately 1.7 acres, and the building is far offset from the road. This property was previously a campsite for private retreats. We propose to use it for a residential living center as well as the operational quarters for part of the program. We are a rehabilitation program for men ages 18 to 25 who are facing non-violent charges. Their goal is to keep these men out of the system, and they have a great record of success and provide them with the skills to become successful members of the community. It is an 18-to-24-month process. This property will be Phase I, being where they start their program. The residences are all under the supervision of a Tulsa County District Court Judge. They have a professional staff including counselling, therapy, career training and job placement. There will be fourteen residents at this house, a house manager who lives in the principal building, in addition to the staff, and programming. The residence will have ankle monitors and a security system. They will be driven to work and to all appointments.

The accessory buildings will be used as classrooms, therapy sessions, as well as the programs administrative offices. We believe that this property is very uniquely situated to fit the program's needs. It will not be injurious to the neighborhood strict application process of non-violent program residents and the security system. This is a Tulsa solution by Tulsan's for Tulsa. This is not a residential neighborhood; it is an agricultural and commercial area.

Mr. Houston stated that he had been driven by the property, and it is the most remote piece of property you could find this close to the city of Tulsa.

Mr. Charney stated that he was aware of this program and was aware that it has been set as the gold standard of programs like this.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Mr. Charney stated that he felt this was an ideal location for this program.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, and Hicks, “ayes”; no “nays”; no “abstentions”; Hutchinson “absent”) to **APPROVE** a Special exception to permit a Residential Treatment Center (Use Unit 5) in the AG and RS districts; and a Variance of Section 1205.3(D) of the Tulsa County Zoning Code to permit a Residential Treatment Center to be located within 1,320 feet of a protective shelter. Finding the hardship to be the unique figuration of this piece of the L shaped tract and the actual distance to other properties.

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:

**BEG SECR SW TH W300 N425 E150 S345 E150 S80 POB SEC 06 19 12 1.739ACS,  
Tulsa County, State of Oklahoma**

## **CBOA 3169 - Jennifer Johnson**

### **Action Requested:**

Use Variance to allow for recreational vehicles (Use Unit 17) in an AG district (Section 310). **Location:** 1611 E 161st St S

### **Presentation:**

**Jennifer Johnson**, 12217 South Glen Court, Jenks, Oklahoma, 74037, stated that they want to live in their recreational vehicle while they are building their home. Due to unforeseen circumstances, the building of their home has been delayed. They have started clearing the land. They plan to move her husband's father in with them and this will require modifications and cost. This will be a temporary situation until their home can be built. They expect to break ground in 2025 and we understand that any approval from the Board of Adjustment will be time limited. Living there in their RV will prevent their children from having to change their school district and allow them to be on site during the building process. They are hoping that the building will take 6 months after breaking ground and hoping it will not take more than 9 months. They are currently working with an architect and will decide on the builder in the coming months. The waste disposal for their RV has two options. They have a portable septic tank that they have utilized in the past for long trips, but their goal would be to apply for a septic system, and they will see how that works out in their plans.

### **Interested Parties:**

**Ralph Faulkenberry**, 1923 South Cheyenne Avenue, Tulsa, Oklahoma, 74119, stated he was not sure about the Variance that was being asked for and was concerned that it was going to be an RV park or something like that. He owns the property across the street from this property and after hearing what Ms. Johnson said, it sounds reasonable to him.

**Tanner Rumley**, 18301 South Peoria, Mounds, Oklahoma, 74047, stated that he was relieved after hearing Ms. Johnson speak and was concerned about any extra waste or trash to impede the cattle on his property which is adjacent to this property.

### **Comments and Questions:**

Mr. Hicks stated that he could support this request.

### **Board Action:**

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Charney, Houston, and Hicks, "ayes"; no "nays"; no "abstentions"; Hutchinson "absent") to **APPROVE** a Use Variance to allow for recreational vehicles (Use Unit 17) in an AG district (Section 310) subject to the following conditions: the time period would be a two year time period, proper sewage disposal, and a single RV only.



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:

**E200 S544.51 GOV LT 4 LESS S50 THEREOF FOR RD SEC 19 17 13 2.270ACS,  
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**

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There being no further business, the meeting adjourned at 3:11 p.m.

Date approved: \_\_\_\_\_

10/17/23

Chair

Daniel E. Chrosty