

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 532
Tuesday, June 18, 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	
Hutchinson, Vice -		J. Hoyt	
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, Chairperson Charney called the meeting to order at 1:30 p.m.

UNFINISHED BUSINESS

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:

Tina Johnson, (unable to understand her address and she did not sign in) stated that she was the property manager of this property, and they were there to get permission for their ADU. They had begun building it before they realized they had to have a permit. They now have the permit, and it was a garage before. They have added eight feet to the structure at the back of the building to make it two bedrooms and one bathroom. This unit sits beside the main structure. It has a separate driveway. The width will remain the same. There was sewer to the ADU prior to this buildout and is on its own meter. The main house is occupied. It is ten feet to the property line.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hutchinson stated that he could support it as did Mr. Charney.

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 **APPROVE** the Variance to permit two dwelling units on a single lot of record in an RS district (Section 208) finding the hardship to be that it is a large lot of 17,864 square feet.

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:

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

NEW APPLICATIONS

CBOA 3170 - Caleb Sensintaffer

Action Requested:

Use Variance to Allow an Office (Use Unit 11), Warehouse (Use Unit 23) and indoor and outdoor storage (Use Unit 16) in an AG district (Section 310) **Location:** 7530 W 41st St S

Presentation:

Caleb Sensintaffer, 2822 North State Highway 97, Sand Springs, Oklahoma, 74063, stated that he has a roofing company that they want to build at this location and a future storage building on the backside of the property. We want to put in a sheet metal building for office and warehouse. The backside of the property will be mini storages in variety of sizes, and they will be sheet metal as well. There will be concrete driveway entrances and around the building will be gravel. There is a pond on the front that will manage all the water flow on the front half of the property. The back half of the property will drain into a retention pond that they are planning to put in. This pond will drain into the creek that runs on the backside of the property. There is a gravel drive between this property and the Army Reserves building. The office space is planned to be about 3,000 square feet, the warehouse space is about 10,000 square feet, and there is an awning in the back which will be about 3,000 square feet. The storage structure is about 45,000 square feet and this is the structure that will be leased out. The fence around this area will be wrought iron or chain link with a gate. The outdoor storage will be on the south side of the property, and it is for the roofing company's trailers and some products that can be stored outside. The buildings will be made of concrete with metal prefabricated buildings with 8-foot doors for a 10-foot-tall structure and some will be larger.

Susan Christensen, 5749 South 97th West Avenue, Sand Springs, Oklahoma, 74063, stated that she is the current property owner. The abstract states that there is an access easement for the current resident and any future development. The Military Department is responsible for maintaining and upkeeping the section that goes between them and the current self-storage and the gravel that goes between east of the subject property is maintained by the property owner. The property line goes down the middle of that.

Interested Parties:

Michael Hall, 5911 West 41st Street, Tulsa, Oklahoma, 74107, stated that he was there about the addressing since it is not actually on 41st Street. His concern is a good address so that 911 can find the address easily. A water hydrant would have to be within 1,000 feet.

Mr. Charney stated that if the request is approved, that will start an entire process that will address his concerns.

Mr. Tisdale left the meeting at 1:54 p.m. and returned at 2:00 p.m.

Comments and Questions:

Mr. Charney stated that he was comfortable with this request.

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 Use Variance to Allow an Office (Use Unit 11), Warehouse (Use Unit 23) and indoor and outdoor storage (Use Unit 16) in an AG district (Section 310) pursuant to the Conceptual Plans shown page 2.7 of the Agenda packet. Subject to the conditions that the proper addressing be determined and a properly recorded easement is on record and is for the benefit of the subject tract and other potential tracts. Finding the hardship to be the long and narrow of this 5-acre tract.

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:

S/2 W/2 W/2 NE NW SEC 30 19 12 5AC Tulsa County, State of Oklahoma

CBOA 3171 - AAB Engineering, LLC

Action Requested:

Special Exception to permit Use Unit 6 - Single-Family Dwellings in a CS district (Section 710). **Location:** S & E of Hwy 75 & E 86th St N

Presentation:

Alan Betchan, P.O. Box 2136, Sand Springs, Sand Springs, Oklahoma, 74063, stated that they had requested a Special Exception for storage about 18 months ago. Since that time, there have been two storage facilities constructed at this intersection. They have had a great deal of interest in single family half-acre lots for this location. There are single family homes to the south and around the close area. The use, but not a use by right. The code recognizes that single family homes are a viable use within the CS zoning. When they plat it, the plat will have the restriction that it will single family only so the lots will be restricted to residential.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that this is a well-conceived plan and that he can support it.

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 6 - Single-Family Dwellings in a CS district (Section 710) pursuant to the plat that is shown in the Agenda packet.

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:

A TRACT OF LAND LYING IN PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4 NE/4; THENCE SOUTH 01°17'26" EAST ALONG THE EAST LINE OF SAID NE/4 NE/4, A DISTANCE OF 401.28 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°17'26" EAST ALONG SAID EAST LINE, A DISTANCE OF 920.27 FEET TO THE SOUTHEAST CORNER OF SAID NE/4 NE/4; THENCE SOUTH 88°38'50" WEST ALONG THE SOUTH LINE OF SAID NE/4 NE/4, A DISTANCE OF 1010.36 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY SEVENTY-FIVE (75); THENCE NORTH 02°35'51" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF

315.34 FEET TO A POINT OF CURVE; THENCE FOLLOWING SAID EAST RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,345.84 FEET, A CHORD BEARING OF NORTH 10°11'01" EAST, A CHORD DISTANCE OF 353.13 FEET AND A CURVE DISTANCE OF 354.15 TO A POINT OF CURVE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE , ON A CURVE TO THE LEFT HAVING A RADIUS OF 113.79 FEET, A CHORD BEARING OF NORTH 19°32'38" EAST, A CHORD DISTANCE OF 11.10 FEET, AND A CURVE DISTANCE OF 11.10 FEET; THENCE NORTH 18°14'59" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 264.40 FEET; THENCE NORTH 88°37'52" EAST A DISTANCE OF 826.35 FEET TO THE POINT OF BEGINNING; CONTAINING 873,699 SQUARE FEET OR 20.06 ACRES.
Tulsa County, State of Oklahoma

CBOA 3173 - Hector Fierro

Action Requested:

Variance of the required rear yard setback in an AG district (Section 330); Variance of the land area per dwelling unit in an AG district (Section 330). **Location:** 11359 E 66th St N

Presentation:

Hector Fierro, 5020 South 87th Avenue, Tulsa, Oklahoma, 74145, stated that this is a one-acre lot, and he wants to go from a forty foot to a 20-foot setback on the rear yard. This is to help get his stick-built house out of the flood zone.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hutchinson stated that this would be an improvement to the area, and he could support it.

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 **APPROVE** the Variance of the required rear yard setback in an AG district (Section 330); Variance of the land area per dwelling unit in an AG district (Section 330), finding the hardship to be that topographic of the property and this will get the house out of the flood zone.

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 578 W SE COR SE TH N 197 W 221.12 S 197 E 221.12 TO BEG SEC 31-21-14
County of Tulsa, State of Oklahoma.**

CBOA 3174 - John Williams

Action Requested:

Variance of the required rear yard setback in an AG district (Section 330). **Location:**
2543 E 171st St S

Presentation:

John Williams, 2543 East 171st Street South, Mounds, Oklahoma, 74047, stated that he wants to build a shop on the rear of his property. If he comes forward with the shop, it will be on top of the buried utility line that goes to his house.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that he could support it.

Board Action:

On **MOTION** of **HICKS**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all “aye”; no “nays”; no “abstentions”) to **APPROVE** the Variance of the required rear yard setback in an AG district (Section 330), finding the hardship to be an existing underground power line forcing that structure to be moved back on 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:

E277.2 S/2 SE SW SW LESS S60 THEREOF SEC 29 17 13 1.718AC
County of Tulsa, State of Oklahoma.

CBOA 3175 - DTP Wrecker, LLC / Daniel Pollet

Action Requested:

Use Variance to permit Use Unit 27 for a commercial wrecker service storage facility in an AG district limited to 10,000 sf area at the west middle portion of property (Section 310). **Location:** 18227 S Elwood Ave

Presentation:

Daniel Pollet, 18227 South Elwood Avenue, Mounds, Oklahoma, 74047, stated that he wanted to put in a storage yard for his company. It would be a 10,000 square foot storage facility with 6-foot fencing around it. The land is 1.4 acres, so this is a portion of that acreage, and the location is shown on the site plan along the dedicated roadway. The storage facility will be for wrecked cars, and towed vehicles for law enforcement and insurance companies. The hours of operation would be between 8:00 a.m. to 5:00 p.m. There will be no office on site. They would expect 3 to 5 vehicles on an average day. There would be backup beepers and motor noise. Occasionally, there would be a delivery in the middle of the night. They will put padding under the vehicles to collect any drainage so it will not pollute any runoff.

Interested Parties:

Cynthia Pinkie, 18131 South Elwood Avenue, Mounds, Oklahoma, 74047, stated that her property is to the north of the subject property. Mr. Pollet has been doing the wrecker service for approximately two years. He now has three trucks, and it has added to the traffic and noise in the area. Expanding his business will be a burden on his neighbors in this rural agricultural area with homes. They do not want a commercial business and she does hear his trucks every time they pull out. She and her neighbors have livestock that eat the grass that will be subjected to the pollutants and dust from this site. The area does not get much road maintenance and these trucks will tear up the roads.

Lorenzo Adane, 18211 South Elwood Avenue, Mounds, Oklahoma, 74047, stated that he owns the property directly north of Mr. Pollet. The property line is seven feet from the back of his shop. The noise is a lot. They are not just from 8 to 6. They are there sometimes at 6:00 a.m. He was concerned about the noise and the extra weight of these trucks on their road. The road is not built for that type of traffic. They did not put any type of barrier down when they put in the gravel to protect the ground from any pollutants in the future. Between the noise, traffic, and future growth, it is going to affect the property values in the area. There are available commercial properties less than two miles from them that could purchase or rent. He would like the Board to vote against this request.

Rebuttal:

Daniel Pollet stated that this is just a temporary yard for them. When they start adding more trucks, they will be looking for a larger facility. He and his family live in this area as

well and do not want ten trucks out of this yard. The building that Mr. Adane was referring to is a storage building for their personal items. This is temporary use, and we are parking the trucks in their driveway. The trucks will be parked inside the fence, and this is not going to be a salvage yards. If this is approved, we plan to put down a barrier under the gravel.

Comments and Questions:

Mr. Hicks stated that his concern was the idling trucks while they do their business in them and the noise that will disturb the area.

Mr. Hutchinson stated that he drives by this every day, and it is beginning to look like an industrial setting. He thought that it needs to be in more of an industrial setting and not in an agricultural/residential setting. There is not any industrial/commercial setting anywhere around this. He could not support it. He is for business, but not at this site.

Mr. Tisdale stated that he would hate to see Mr. Pollet put a lot of time and money into this if he is going to move. He would not be able to support this request.

Mr. Houston stated that from the complaint letters that they have received, he would feel better if they found an industrial/commercial place to fill their needs.

Mr. Charney stated that he agreed with all that the other Board members had expressed. He stated that he could not see a hardship that was not economic in nature.

Board Action:

On **MOTION** of **TISDALE**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all “aye”; no “nays”; no “abstentions”) to **DENY** a Use Variance to permit Use Unit 27 for a commercial wrecker service storage facility in an AG district limited to 10,000 sf area at the west central portion of property (Section 310).

**PRT GOV LT 4 BEG 866S NWC TH S341 E664 N341 W664 TO POB LESS W50
THEREOF FOR RD SEC 1 16 12 4.807ACS**

CBOA 3176 - Jose R. Cruz

Action Requested:

Special Exception to permit a manufactured home in the RS district (Section 410), Variance of the number of dwelling units in an RS district to permit second dwelling (Section 208). **Location:** 6035 N Lewis Ave

Presentation:

Jose Cruz 4680 South Urbana Avenue, Tulsa, Oklahoma, 74135, stated that he purchased this property, remodeled the house in the front and it had an old, manufactured home in the back that has electricity, and sewer. He remodeled it and made it livable and so it does not look like a mobile home. He did this thinking it was an approved structure until he wanted to get the power turned on. It will be used for a mother-in-law suite. The water is connected to the main house, but the manufactured home has its own electricity meter. The sewer has a separate connection. It is on an acre lot.

Mr. Hutchinson stated that he wanted to commend Mr. Cruz for rehabilitating both homes.

Interested Parties:

No interested parties.

Comments and Questions:

No comments were made.

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 **APPROVE A Special Exception** to permit a manufactured home in the RS district (Section 410), and a Variance of the number of dwelling units in an RS district to permit second dwelling (Section 208).

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, and 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 9 BLK 1, RODDEN ACRES, County of Tulsa, State of Oklahoma.

CBOA 3178 – Leann & Melissa Barrett-Ramirez

Action Requested:

Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410). **Location:** 6304 N Rockford Ave

Presentation:

Ken Kennedy, with Oakwood Homes, 12547 East Skelly Drive, Tulsa, Oklahoma, 74128, stated that he was representing the applicants. The lot is seventy feet by 125 feet and would not sustain a normal house and maintain the park like setting in the area. It has sewer service. It will have tie downs, skirting, and hard surface parking.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that he was comfortable with this request.

Board Action:

On **MOTION** of **HOUSTON**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all “aye”; no “nays”; no “abstentions”) to **APPROVE A Special Exception** to permit a manufactured home (Use Unit 9) in the RS district (Section 410) with the conditions be met: 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:

LT 21 BLK 1, PHILLIPS FARMS ADDN, GOLDEN HILL SECOND ADDN, County of Tulsa, State of Oklahoma.

CBOA 3179 - Jeremiah Mefford

Action Requested:

Variance of the minimum lot area and land area per dwelling unit requirement in an AG district (Sec. 330) **Location:** 3706 S 265th W Ave

Presentation:

Applicants were not present.

Interested Parties:

No interested parties were present.

Comments and Questions:

None

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 **CONTINUE** the Variance of the minimum lot area and land area per dwelling unit requirement in an AG district (Sec. 330) until the next Tulsa County Board of Adjustment meeting of July 16, 2024.

**BEG SWC NW SW TH E1207.87 N945 E1324.60 N371.49 W2535.45 S1324.36 POB
SEC 19 19 10 48.034ACS, County of Tulsa, State of Oklahoma.**

CBOA 3180 - Jonathan Lopez & Ashley Diaz

Action Requested:

Variance to permit two dwelling units on one lot of record in the AG-R district (Section 208) and a Variance of the land area per dwelling unit in an AG-R district (Section 330).

Location: 12615 E 113th St N

Presentation:

Jonathan Lopez, 12615 East 113th Street North, Owasso, Oklahoma, 74055, stated that he wanted to have a mother-in-law/pool house. There exists a barn with electric and water there currently and it will come down. There are no plans to lease it out to anyone else.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that it is a large lot and certainly room for this ADU. He could support it as could Mr. Hutchinson.

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 **APPROVE** a Variance to permit two dwelling units on one lot of record in the AG-R district (Section 208) and a Variance of the land area per dwelling unit in an AG-R district (Section 330), finding the hardship to be that this is a large 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:

LT 3 BLK 1, FOX MEADOW ESTATES, County of Tulsa, State of Oklahoma.

CBOA 3181 - Hunter Delacerda

Action Requested:

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330). **Location:** 3402 S Campbell Creek Rd

Presentation:

Hunter Delacerda, 336 East 40th Street, Sand Springs, Oklahoma, 74063, stated that he wanted to build a shop with a mother-in-law suite and then a main dwelling within a year. It is on a 2.25-acre lot. We will start the building project if this request is approved.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that he could support it if the main dwelling was completed within a year after the ADU/shop was completed.

Mr. Hutchinson stated that he could support it too.

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** a Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) subject to the following conditions that the main dwelling unit on the subject tract be completed within one year of the ADU/shop being built for a family member. Finding the hardship to be that unusual tract of land for a residential unit and given the large size of the 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:

**BEG 200E & 40S & 55E NWC SW NE TH E460 S235 W460 N235 POB LESS 0.22AC
FOR RD 2.27ACS**

CBOA 3182 - Sally McGrew

Action Requested:

Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an RS District (Section 410). **Location:** 5821 S 58th W Ave

Presentation:

Sally McGrew, 1101 East 38th Street, Tulsa, Oklahoma, 74105, stated that she had a house on this property torn down because of its dilapidation. There is a new metal building where this house was and there is no house there now. There is a high homeless and transient population in this area. She uses the metal building to store lawn equipment to take care of the property and for gardening materials for her vegetable garden. It is for personal use only. It is about four acres, and it has been in her family since 1940 and it is kept up well. There is electricity only to the building and no other services. The property sits on one block, and it is split into three parcels on the property tax records. The subject tract is 1.2 acres.

Interested Parties:

Michael Hall, 5911 West 41st Street, Tulsa, Oklahoma 74107, stated that this retains its residential status. There is a movement to improve the Oakhurst area in general and if there is a new house built, we request that it has a new address.

Comments and Questions:

Mr. Charney stated that they would welcome a request for a residential structure on the property, especially since this is such an unusual request as it started out as a residence. The Board would want this to be for personal use only and not commercial. He stated that he could support it if it had these stipulations.

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** a Use Variance to permit Use Unit 23, Warehousing and Wholesaling in an RS District (Section 410), subject to the following conditions that the current structure not be used for commercial use and only for personal use. Finding the hardship to be that there were unusual circumstances that required the demolition of the adjoining primary residence structure, and it was the best interest of all to have that structure taken down and leaving the other use in place.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial

detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

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

CBOA 3183 - David Lacy

Action Requested:

Special Exception to permit a home occupation, surveying service, in an RS district (Section 440) and a Variance to permit five employees who are not immediate members of the family (Section 440.B.1). **Location:** 3139 S 61st W Ave

Presentation:

David Lacy, 3139 South 61st West Avenue, Tulsa, Oklahoma, 74107, stated that he wants to continue running his business out of his home with five parking spaces in the driveway. He has a surveying service that operates out of his home with five employees. The employees are there Monday through Friday from around 7:30 a.m. to about 5:00 p.m. No clients come to the house/office, and they have been at this location since January 2024. He has a lot of personal vehicles that have been moved from the front of the house. They have talked with the neighbors and were blind sighted by the complaints. There has been a parking problem with all his personal vehicles and his employees' vehicles, but that has been resolved. The large driveway was the draw to rent this house. His goal was to have no on street parking.

Interested Parties:

Michael Haley, 3174 South 61st West Avenue, Tulsa, Oklahoma, 74107, stated that he lived directly across the street from the subject property. He has talked to the sheriff's department because he felt that there was a safety issue, but they did not want to get involved. They suggested calling a tow truck at the owner's expense. This parking issue has been a problem since January 2024. His driveway has been blocked and Mr. Lacy has a total disrespect for him and his neighbors. Mr. Haley read an email statement he had mailed in to the Board and was in the Agenda packet. Mr. Lacy has dismissed Mr. Haley concerns when they spoke in person. He opposes this request due to traffic safety concerns of residents and school children, community impact, having too many employees for a home business, and property values. Mr. Haley strongly requests that the Board deny this request for this size of business.

Frank Mason, 3315 South 61st West Avenue, Tulsa, Oklahoma, 74107, stated that he lives a few houses down the street from the subject property. He walks and drive up and down this street often. He has a tough time getting past this property with his truck and a fire truck would have a tough time getting past this property. There is a narrowing of the road there already by the bridge and Mr. Lacy's vehicles cause a lot of problems. This is a public safety issue, a child safety issue, and a traffic safety issue.

Michael Hall, 5911 West 41st Street, Tulsa, Oklahoma, 74107, stated that if it is to be a commercial structure, it will have to meet all the safety standards of a commercial requirements. The fire department would need to be able to enter the house at any given time.

Rebuttal:

Mr. Lacy stated that they rent this and do not use the upstairs space. They rented it because of the big driveway. He has tried to be friendly with the neighbors. He did approach Mr. Haley, and he would rather be allies than in disagreement with his neighbors. He was happy to address any questions that the Board might have. All the parking will be on the concrete going forward. The stated hardship was that he would like to move his business to a commercial area, but the economy is holding him back at this time.

Comments and Questions:

Mr. Charney stated that there are two requests before them. It must have a Variance to allow this and a Special Exception for five employees. He thought that he had not seen a home-based office with five employees. The Board must be shown a hardship that is not economically based. There does not appear to be a valid hardship for this request. He could not support this request for that reason.

Mr. Hicks stated that he does not think that he knows of any other home businesses that have five employees. It is usually one of the homeowners and no employees.

Mr. Hutchinson stated that he was all for home-based businesses, but not when there are five employees in a residential neighborhood. He thought they should have an office space outside of the home. He puts himself in the shoes of the neighbors and he would not want to support something that would be detrimental to someone's safety or property value.

Mr. Tisdale stated that he regretted not taking pictures when he was out at the property the past week because today is drive-by looked scripted.

Mr. Houston stated that they could not rule out safety for pedestrians, traffic, and that of the neighbors.

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 Special Exception** to permit a home occupation, surveying service, in an RS district (Section 440) and a **Variance** to permit 5 employees who are not immediate members of the family (Section 440.B.1).

LT 12 BLK A, BERRY HILL GARDENS, County of Tulsa, State of Oklahoma.

CBOA 3184 - Jared Redyke

Action Requested:

Use Variance to allow for recreational vehicles (Use Unit 17) in an AG district (Section 310). **Location:** 9579 E 201st St S

Presentation:

Jared Redyke, 18727 South Memorial Drive, Bixby, Oklahoma, 74008, stated that he has approximately four hundred acres in Tulsa County, and they run a performance horse and cattle operation. He has a 160-acre tract at the corner of 201st and Mingo and it had a doublewide house on it when he purchased it. The mobile home has been moved off. He occasionally uses employees in his regular business to come to work on the ranch and that is why he needs a place to put their campers in this area. There is water, electric, and septic onsite. This will be for his own employees only and there will be four spots there. There will be no RV park. There is no end date.

Interested Parties:

Timothy Glass, 5421 East 66th Street, Tulsa, Oklahoma, 74136, stated that he owns forty acres on the northeast corner of 201st and Mingo. He owns Green Country Appraisal Company. He was opposed to this request because it has to potential of changing the character of this neighborhood. He would prefer that these employees live in stick-built homes.

Rebuttal:

Mr. Redyke stated that he has put a significant amount of investment into his main dwelling and into the property. He does not want to mess up the neighborhood. He plans on being there for a long time and it is going to look better than it has looked with the double-wide home on it. He does not plan to put any more than his employees' four campers on the property and they are not there all the time because they travel the country for his work. He is a rock, drilling, and blasting contractor. They will not be rented or leased to anyone else.

Comments and Questions:

Mr. Hoyt stated that a single wide or a double wide is all owed by right in an AG zone.

Mr. Hicks did not think that the RV's were close enough to the road to be a visual detriment to the area.

Mr. Hutchinson stated that he did not have a problem with it since it was just four RV's.

Mr. Charney stated that he felt that he could support it with only four RVs for the applicant's employees. He thought of a check-in after three years to see how it looked at that time.

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 Use Variance** to allow for recreational vehicles (Use Unit 17) in an AG district (Section 310) subject to a maximum of four RVs pursuant to the Site Plan that was submitted in the Agenda packet by the applicant with significant set back from the road, only to the employees of the applicant and not for 3rd party leasing for profit, and a three year limit on it to make sure it is being cared for nicely and not an eyesore on a large 400 acre piece of land.

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

**SE LESS BEG 823.82E SWC THEREOF TH N24.75 NE494.81 E270 ELY693.77
S24.75 W1450.01 POB SEC 12 16 13 157.789ACS, County of Tulsa, State of
Oklahoma.**

NEW BUSINESS

OTHER BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

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There being no further business, the meeting adjourned at 4:50 p.m.

Date approved: July 16, 2024
David E. Chavely Chair