

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 533**  
**Tuesday, July 16, 2024, 1:30 p.m.**  
**Williams Tower 1**  
**1 West 3rd Street, St. Francis Room**

**Members Present**

Charney, Chair  
Hutchinson, Vice -  
Chair  
Hicks  
Houston

**Members Absent**

Tisdale

**Staff Present**

S. Tauber  
J. Hoyt  
C. Pate

**Others Present**

T. Tosh – County  
K. Edinborough -  
County

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.

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Hutchinson, all "aye"; no "nays"; no "abstentions", Tisdale absent) to **APPROVE** the Minutes of May 21, 2024 (Meeting No. 531).

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Hutchinson, all "aye"; no "nays"; no "abstentions", Tisdale absent) to **APPROVE** the Minutes of June 18, 2024 (Meeting No. 532).

**UNFINISHED BUSINESS**

**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:**

**Jeremiah Mefford**, P.O. Box 423, Kiefer, Oklahoma, 74041, stated that he would like to build a structure on the part of his property that is across the street for the clients of his fishing guide company to have somewhere to stay. The building will be a 45-foot by 100-foot metal building and will be split into three separate units. This is just step one of the processes to begin this project.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Charney stated that this is an unusual configuration and since it is separate from the other tract it makes sense to him to permit it. The true nature and configuration of the land is a hardship.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Hutchinson, all “aye”; no “nays”; no “abstentions”, Tisdale absent) to **APPROVE** the Variance of the minimum lot area and land area per dwelling unit requirement in an AG district (Sec. 330) subject to the following conditions that they must go through Tulsa County for permits and inspections. Finding the hardship to be that this is a unique piece of property due to its configuration.

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 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.**

## **NEW APPLICATIONS**

### **CBOA 3185 - Dean Belcher**

#### **Action Requested:**

Variance of the land area per dwelling unit in an AG district (Section 330) and a Variance of the lot area requirement in an AG district (Section 330). **Location:** 21330 W Hwy 51

#### **Presentation:**

**Dean Belcher**, 21330 West Highway 51, Sand Spring, Oklahoma, 74063, stated that he had a mobile home that needs restoration, but he would like to put a newer one on it and take the old one out. There was water and septic in the old mobile home.

Mr. Hoyt stated that the Tulsa County Zoning Code requires 2.1 acres for a dwelling, but the lot area has a minimum of two acres even.

#### **Interested Parties:**

**Brad Sherrill**, 21550 West Highway 51, Sand Springs, Oklahoma 74063, stated that his property borders Mr. Belcher's on the south and on his west property line. The setbacks on Mr. Belcher's property will have to have a Variance as well.

Another question he had was regarding the stormwater runoff.

Mr. Charney stated that what was before them was the right to use this land and the Board does not deal with stormwater runoff. That is dealt with by the County.

#### **Rebuttal:**

Mr. Belcher stated he did not have a lot of money to invest in this property.

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

Mr. Hutchinson stated that this would be an improvement to the land, and he could support it. Mr. Charney, Mr. Hicks, and Mr. Houston agreed.

#### **Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Hutchinson, all "aye"; no "nays"; no "abstentions", Tisdale absent) to **APPROVE** the Variance of the land area per dwelling unit in an AG district (Section 330) and a Variance of the lot area requirement in an AG district (Section 330) subject to the conditions before a new structure can be constructed, the old structure be removed, and that any new structure comply with the Building Code requirements and setbacks. Finding the hardship of being an unusually configured piece of land that is small in nature surrounded by other tracts. Given its size and the way it is configured and adjacency to the highway.

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 1153.78E & 201.75S NWC NE TH S128.25 E165 N128.25 W165 POB SEC 15 19 10 .485AC, Tulsa County, State of Oklahoma.**

**CBOA 3186 - Joshua Harbin**

**Action Requested:**

Special Exception to permit a fireworks stand (Use Unit 2) in a CH district for a period of five years 3 (Section 710, Table 1). **Location:** 5602 N Lewis Ave

**Presentation:**

Applicant not present.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Hutchinson, all “aye”; no “nays”; no “abstentions”, Tisdale absent) to **Continue** the Special Exception to permit a fireworks stand (Use Unit 2) in a CH district for a period of five years 3 (Section 710, Table 1) until August 20, 2024, the next Tulsa County Board of Adjustment meeting.

**CBOA 3187 - Jon & Diana Kreder**

**Action Requested:**

Variance of the land area per dwelling unit in an AG district (Section 330) and Variance of the lot area requirement in an AG district (Section 330) to permit a lot split. **Location:** 13019 N 97th E Ave

**Presentation:**

**Diana Kreder**, 13019 North 97 East Avenue, Collinsville, Oklahoma, 75021, stated that there are two dwellings on this property that have been there for about 30 years and are occupied. We want to do a lot split so we can put the deed in proper names. They would like her brother-in-law and sister-in-law to have their own personal deeds. They are also in the process of having trust drawn up for their properties. There is electricity, water, septic, and a driveway for each dwelling. They had not completed a survey completely at that time, but it is scheduled.

Mr. Hoyt stated that this would just be to allow a lot split to be lower than the allowed lot and land area amount.

Ms. Pate stated that the lot split is a separate issue.

Mr. Hutchinson stated that it would be helpful to see a lot configuration so they could see what it will look like. He would like to put off a decision until next month so they could see a drawing. He did not need a full penned survey, but a drawing would suffice.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Hutchinson, all “aye”; no “nays”; no “abstentions”, Tisdale absent) to **Continue** the Variance of the land area per dwelling unit in an AG district (Section 330) and Variance of the lot area requirement in an AG district (Section 330) to permit a lot split until August 20, 2024, the next Tulsa County Board of Adjustment meeting.

## **CBOA 3188 - Terry Crow**

### **Action Requested:**

Use Variance to allow for recreational vehicles (Use Unit 17) in an RS district (Section 410). **Location:** 5769 W 1st St

### **Presentation:**

**Terry Crow**, 5769 West 1<sup>st</sup> Street, Tulsa, Oklahoma, 74127, stated that he had bought this piece of land with the plans to build on it. In the meantime, he moved a fifth wheel camper on it, paid to have an electric pole, and a meter box put in to live there until he could start building his home. He has not been able to get the electricity turned on by the County. He could not guarantee when he would be able to build his home.

Mr. Charney stated that the Board believed that he would pay his electric bill, however there is a rule that says that this is a residential zoning district you cannot have a recreational vehicle unless you have special permission. In a residential zoning district, you must have a stick-built home. We care about you having electricity for yourself and your dog. We cannot give someone permanent rights without a period for the house to be built because it is not fair to the other people in the neighborhood of stick-built homes.

### **Interested Parties:**

**Martha Steward**, 14864 Smith Circle, Claremore, Oklahoma 74017, stated that she owns rental property on this street. It is a residential housing addition, and she was concerned about having any RVs in the neighborhood. She was opposed to this request.

### **Rebuttal:**

Terry Crow stated that the only hardship he has is financial and wanting to be near family.

### **Comments and Questions:**

Mr. Hutchinson stated that the only hardship in this case was financial, which is not acceptable. He had compassion for Mr. Crow but could not support this request.

Mr. Hicks asked staff if the County has procedures in place in case someone does not build their home in the period they have stated. He would only be open to this if it was a temporary basis.

Ms. Tosh stated that is difficult for the County to do.

Mr. Houston stated that he had compassion for Mr. Crow, but the neighbors are important too.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Hutchinson, all “aye”; no “nays”; no “abstentions”, Tisdale absent) to **DENY** the Use Variance to allow for recreational vehicles (Use Unit 17) in an RS district (Section 410).

**LT 13 BLK 1, SUNSET ACRES, Tulsa County, State of Oklahoma**

Mr. Charney left the meeting at 2:49 p.m.



## **CBOA 3189 - Bennie Thurman**

### **Action Requested:**

Special Exception to permit a single-wide manufactured home (Use Unit 9) in the AG-R district (Section 310). **Location:** 13831 N 90th E Ave

### **Presentation:**

**Bennie Thurman**, 2107 East 73<sup>rd</sup> Street North, Tulsa, Oklahoma, 74130 stated that they want to put in a singlewide mobile home in an AG/R district. They have removed the dilapidated mobile home that was on the land and want to put in a new singlewide mobile home. They have put in a new driveway, new work sheds, and want to put the new mobile home in where the old one was located. They are using the existing electricity, water, and septic. There are singlewide and doublewides in the area. They will be adding a carport with hard surface parking. There are no objections from the neighbors.

### **Interested Parties:**

No interested parties were present.

### **Comments and Questions:**

Mr. Hutchinson stated that this was an enhancement to the area and already making the area look better. He could support this request.

### **Board Action:**

On **MOTION** of **HOUSTON**, the Board voted 3-0-0 (Houston, Hicks, and Hutchinson, all “aye”; no “nays”; no “abstentions”, Tisdale and Charney absent) to **APPROVE** the Special Exception to permit a single-wide manufactured home (Use Unit 9) in the AG-R district (Section 310) subject to the following conditions that the older mobile home be removed from the property, skirting, tie downs, DEQ requirements to be met, 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:

**BEG 984.31S & 329.70E NWC W/2 SE TH S331.63 E329.70 N331.62 W329.70 POB LESS W25 FOR RD SEC 25 22 13 2.32 ACS, Tulsa County, State of Oklahoma.**

**CBOA 3190 - Dennis R. Eastham**

**Action Requested:**

Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410). **Location:** 13808 E 60th PI N

**Presentation:**

**Dennis Eastham**, 6020 North 140<sup>th</sup> East Avenue, Owasso, Oklahoma, 74055, stated that has land that he wants to put a singlewide mobile home. He has other doublewide mobile homes in the same neighborhood. He has spoken with the neighbors, and none has opposed.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Hutchinson stated that there are several mobile homes in the area, and he could support this request.

**Board Action:**

On **MOTION** of **HICKS**, the Board voted 3-0-0 (Houston, Hicks, and Hutchinson, all “aye”; no “nays”; no “abstentions”, Tisdale and Charney absent) to **APPROVE** the Special Exception to permit a manufactured home (Use Unit 9) in the RS district (Section 410) subject to the following conditions that the mobile home be tied down, have skirting, hard surface parking, and that all DEQ requirements be met.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, for the following property:

**W/2 N332.89 S2308.89 E330 W653.39 SE LESS N25 FOR RD SEC 4 20 14 1.17ACS,  
Tulsa County, State of Oklahoma**

Mr. Charney returned to the meeting at 3:03 p.m.

## **CBOA – 3191 Jody Cullison**

### **Action Requested:**

Variance of the land area per dwelling unit and lot area in an AG district (Section 330) and Variance of the 30 ft frontage requirement in an AG district (Section 207). **Location:** 9236 N Cincinnati Ave

### **Presentation:**

**Randy Bogart**, 1500 Hensley Drive, Tahlequah, Oklahoma 74464, stated that he was there on behalf of the Cherokee Housing Authority for Ms. Cullison who is on the new construction program through Cherokee Nation. The easement of record gives her legal access to the property. There was not an application for a lot-split at that time, but there will need to be one.

### **Interested Parties:**

**Michael Robertson**, 205 West 92<sup>nd</sup> Street North, Sperry, Oklahoma 74073, stated that he wanted to know where the easement that provides access is located. 92<sup>nd</sup> Street ends in his yard.

### **Rebuttal:**

Randy Bogart stated that the easement goes down a fence line and does not go onto Mr. Robertson's property. He showed the Board a survey that was not in the Agenda packet that was prepared by the surveyor and it shows a piece of property that comes from Cincinnati on the east side of the property. It will not impact Mr. Robertson's land. There will be a new driveway and Ms. Cullison will not be charged any cost to do so. Ms. Cullison will be responsible for the maintenance of the driveway after that.

### **Comments and Questions:**

None.

### **Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Hutchinson, all "aye"; no "nays"; no "abstentions", Tisdale absent) to **APPROVE** the Variance of the land area per dwelling unit and lot area in an AG district (Section 330) and Variance of the 30 ft frontage requirement in an AG district (Section 207) subject to the following conditions that the eventual access easement to the property be properly recorded and constructed by the Cherokee Nation pursuant to the survey by a Mr. Goss and presented to the Board for their review. Finding the hardship to be that this unusually configured piece of land given its interior location separated from any publicly dedicated roadway.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the

terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

**N/2 NW SE NE SEC 23 21 12 5ACS, Tulsa County, State of Oklahoma**

**NEW BUSINESS**

**OTHER BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

\*\*\*\*\*

There being no further business, the meeting adjourned at 3:18 p.m.

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

8/20/24

David E. Conway

Chair