

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 539**  
**Tuesday, January 21, 2025, 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	Hicks	S. Tauber	Edenborough
Houston		J. Hoyt	
Hutchinson, V. Chair		C. Pate	
Tisdale			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, January 13, 2025, at 3:01 p.m. as well as in the Office of INCOG, 2 West Second Street, Suite 800.

Mr. Hoyt read the rules and regulations.

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

On **MOTION** of **HOUSTON**, the Board voted 3-0-1 (Charney, Houston, and Hutchinson all "ayes"; no "nays"; Tisdale "abstained", and Hicks "absent") to **APPROVE** the Minutes of December 16, 2024 (Meeting No. 538).

**NEW APPLICATIONS**

**CBOA-3236 Steve Fisher**

**Action Requested:**

Use Variance to permit parking of semi-trucks on an AG zoned lot (Section 6.010, Table 6-1) **Location:** 8105 E 116th St N

**Presentation:**

**Steve Fisher**, P.O. Box 194, Ramona, Oklahoma 74061 stated that 116<sup>th</sup> Street North is a busy street coming off Highway 75. The commercial activity has increased over the past few years with the widening of the street. The street is going commercial. He uses his property to park a few commercial vehicles on and does not plan to expand the number of vehicles.

Mr. Charney stated that there could be restrictions on how many vehicles he could park there. Since this is a side road into Owasso, it would be important to keep it neatly mowed and clean.

Mr. Fisher stated that they mow the property consistently and keep the trash picked up.

Mr. Tisdale was concerned about the ingress and egress, and the environmental repercussions of parking the big trucks there in terms of run off.

Mr. Fisher stated that he was downhill from the property behind him and trucks entering and leaving varies from week to week, but most of the time it is no more than five times. There are three trucks and two trailers.

**Interested Parties:**

No interested parties were present.

**Questions and Comments:**

Mr. Hutchinson stated that he has been by this property many times over the past decade, and it is properly maintained. He could support it and thinks Mr. Fisher need to look at rezoning it in the future.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstentions”, and Hicks “absent”) to **APPROVE Use Variance** to permit parking of semi-trucks on an AG zoned lot (Section 6.010, Table 6-1) subject to the following conditions that it continues to keep it well maintained with no more than three trucks and five trailers. Finding the hardship to be that this is in a commercial use area.

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 SEC TH N261 E419 S261 W419 POB LESS W33 & S33 THEREOF FOR  
RD SEC 1 21 13 2.02AC County of Tulsa, State of Oklahoma**

**CBOA – 3237 Seth Adcock**

**Action Requested:**

Variance of the lot area per dwelling unit in an AG district (Section 2.040, Table 2-3)

**Location:** 16315 S 161st E Ave

**Presentation:**

**Seth Adcock**, 16315 South 161<sup>st</sup> Avenue, Bixby, Oklahoma, 74008, stated that they want to build a house on this property, and it is under the 2-acre minimum. There is an unattached garage currently on the property which they will leave up for the time being. There used to be a house on the property.

**Interested Parties:**

No interested parties were present.

**Questions and Comments:**

No questions were asked.

**Board Action:**

On **MOTION** of **HOUSTON**, the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstentions”, and Hicks “absent”) to **APPROVE** a Variance of the lot area per dwelling unit in an AG district (Section 2.040, Table 2-3) subject to the following conditions that they will abide by all requirements for the location of the new house regarding the property lines. Finding the hardship to be that there was previously a home there and they want to replace it.

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 NW TH N150 E280 S150 W280 TO POB SEC 26 17 14 .964AC**  
**County of Tulsa, State of Oklahoma**

**CBOA – 3238 Beve Allen Bowman**

**Action Requested:**

Variance of the lot area and lot per dwelling unit in an AG district to permit a lot split (Section 2.040, Table 2-3) **Location:** 5958 E 191st St S Bixby

**Presentation:**

**Beve Allen Bowman**, 5958 East 191<sup>st</sup> Street. South, Bixby, Oklahoma, 74008, stated that his wife had been diagnosed with dementia and he needs his son and wife to help with her. He wants to split his lot so his son and his wife could have their own home there. They will have their own driveways and there will be yard space between the driveways. They will have their own utilities and septic system. He had spoken to some of his neighbors, and they were fine with this request.

**Interested Parties:**

No interested parties were present.

**Questions and Comments:**

No questions or comments.

**Board Action:**

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstentions”, and Hicks “absent”) to **APPROVE** a Variance of the lot area and lot per dwelling unit in an AG district to permit a lot split (Section 2.040, Table 2-3) subject to the following conditions that they have separate driveways, utilities, and septic systems. Finding the hardship to be that while it is not a full two acres, they will still have over one acre for each 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:

**BEG 185E NWC E/2 E/2 E/2 W/2 NW NE TH E197.09 S588.65 W197.03 N588.65 POB LESS N50 THEREOF FOR RD SEC 10 16 13 2.437ACS County of Tulsa, State of Oklahoma**

**CBOA – 3239 Douglas Matthews**

**Action Requested:**

Special Exception to permit a single-wide manufactured home in the RS district (Section 3.030, Table 3-2). **Location:** 913 E 63rd St N

**Presentation:**

**Douglas Matthews**, 913 East 63<sup>rd</sup> Street North, Tulsa, Oklahoma 74126 stated that he wanted to put a single-wide mobile home on his property. There had been a home on the lot that had burned down, and it became a homeless camp. They have purchased a new mobile home and want to put it on the lot. They did not know that they needed a permit for this. If we had bought a double-wide, we would not need to get a Special Exception. There is a concrete driveway, and it has its own septic.

**Interested Parties:**

No interested parties were present.

**Questions and Comments:**

Mr. Charney stated that he appreciated that they had gone in and cleaned up the property.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstentions”, and Hicks “absent”) to **APPROVE** a Special Exception to permit a single-wide manufactured home in the RS district (Section 3.030, Table 3-2) subject to the following conditions of skirting, tie-downs, hard surface parking, and meeting all DEQ requirements.

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:

**S. 100 LESS S.5 FOR ST LT 15 BLK 9 NORTH TURLEY ADDITION, County of Tulsa, State of Oklahoma**

**CBOA – 3240 Amy Mirecki Ashworth**

**Action Requested:**

Use Variance to permit Animal Husbandry on an RS zoned lot (Section 6.010, Table 6-1)

**Location:** 1621 E 72nd St N

**Presentation:**

**Amy Mirecki Ashworth**, 1623 East 72<sup>nd</sup> Street North, Tulsa, Oklahoma 74126, stated that she was a fourth generation to farm this land, and they live off the land. They grow their own meat and vegetables. They have chickens, rabbits, goats, and they are no longer going to raise pigs, cows, or ducks. They currently have ten ducks left and their wings are clipped so they should not be a problem to the neighbors any longer. They do have a private garden and are going to install a greenhouse.

**Interested Parties:**

**Jeff Marquette**, 1642 East 73<sup>rd</sup> Street North, Tulsa, Oklahoma 74126, stated that he lives behind the Ashworth's, and they depend on his fence to keep their animals in their land. The Ashworth's altered part of his fence without asking him. The ducks have been flying into his yard and come up to the house. He has yelled at them over the fence to keep their ducks out of his yard. He called Animal Control and was told they the Ashworth's were not supposed to have these animals in a residential area. They have been uncooperative, ignored him, and are not good neighbors. He wanted the Board to deny the request.

**Brad Steele**, 6424 North Wheeling Avenue, Tulsa, Oklahoma, 74130, stated that he is grateful for this family as they have helped him during challenging times with eggs and milk. His daughter must have goat milk due to lactose intolerance. The Ashworth's are a benefit to their community. He hopes the Board approved this request.

**Terrance Thompson**, 6641 North Norfolk Place, Tulsa, Oklahoma, 74120, stated that he has had challenging times and the Ashworth's have helped him with food from their land. He hopes that the Board approved this request.

**Josh Marquette**, 1642 East 73<sup>rd</sup> Street North, Tulsa, Oklahoma 74126, stated that he currently lives with his father Jeff Marquette, and there have never been any farm animals on that property since he was a child. The smell from the subject property is terrible and he is against the request and hopes that the Board denies it.

**William H. Kelly**, 7624 North Victor Avenue, Tulsa, Oklahoma 74073, stated that he thought that getting rid of the pigs will get rid of the smell and that is what they have stated that they are doing. This family does a lot for the community, and they are doing more. They are trying to do good things. He hopes that the Board approves this request.

**Hannah Barnes**, 6424 North Wheeling Avenue, Tulsa, Oklahoma 74130, stated that her mother lives directly west of the Ashworth's. Her mother does not have any issues with their animals, she does not have any issues with the odor and believes them that they are getting rid of the pigs. She is in support of the Ashworth's and hope the Board approves their request.

**Rebuttal:**

Amy Mirecki Ashworth stated that they are using the barn that her grandfather built in the 1950's for their animals. They are working hard to get the pigs and ducks under control and have built a privacy fence to help as well. It was never their desire to be uncooperative and one of the days that the neighbor was yelling at them they were in the middle of an emergency with one of their animals and were not able to respond. The ducks' wings must be clipped every year, and they will do that with the few that are left.

Mr. Houston asked if they would meet with their neighbors and see what damage they are talking about with the fence.

William Ashworth stated that they will be willing to look at the damages and pay for the repairs.

**Questions and Comments:**

Mr. Houston stated that with the pigs and ducks that they are getting rid of that will take care of the main concerns. He would feel comfortable with them meeting the neighbors and repairing the fencing that was damaged. Neighborly relationships are critical to the Board.

Mr. Charney stated that they should come back in a year to make sure that everyone is cooperating as stated.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Tisdale all "ayes"; no "nays"; no "abstentions", and Hicks "absent") to **APPROVE** a Use Variance to permit Animal Husbandry on an RS zoned lot (Section 6.010, Table 6-1) subject to the following conditions that there be no more pigs or hogs, no further ducks fed and raised on the property after thirty days, that there be an inspection by the applicant to see if any damaged needs to be repaired to the neighbors fence, and that there be a one year time frame to the January, 2026 meeting of the Tulsa County Board of Adjustment to examine that these conditions have been complied with. Finding the hardship to be that the land has been farmed and animals have been on the farm for seventy years.

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:

**LOTS 1-5 AND LOTS 8-14 MIRECKI ADDN RESUB L8-9 B5 GOLDEN HILLS ADDN  
County of Tulsa, State of Oklahoma**



## **CBOA – 3241 Richard Wagner III**

### **Action Requested:**

Use Variance to permit a personal shop as the primary use in an RS district (Section 8.010.C-1). **Location:** 4319 W 43rd St

### **Presentation:**

**Richard Wagner**, 1717 North Gilcrease Museum Road, Tulsa, Oklahoma, 74127, stated that he had to close his shop that was located downtown and needs a new place for personal use for his woodworking equipment. There would not be any customers coming to the site. There would only be his trailers to haul his equipment to job sites. The building is approximately 3,000 square feet and the roof height is about eighteen feet tall.

The property had been used as a dump site for about 30 years and they have cleaned it up. There was a house on the property, but it burned down. It has a pad, but they are going to put all the utilities on it: water, gas, electric and septic. The access will be off West 43<sup>rd</sup> Street. In the future, he would like to put a single-family dwelling on the north side of the lot.

Mr. Charney stated that this type of situation comes with a house.

**Sarah Wagner**, 1717 North Gilcrease Museum Road, Tulsa, Oklahoma, 74127 stated that they would have to pour different footing if they put in living quarters to make it a barn dominium and that breaks their budget. They have improved the land whether they build a house or the shop in an otherwise undeveloped and overgrown area. The neighbors are happy with what they have done to date. Her husband has pulled out seventy-five yards of trash and there is more to get rid of. It will not be for commercial purposes.

### **Interested Parties:**

No interested parties were present.

### **Questions and Comments:**

Mr. Charney stated that they have been hesitant to do this in the past, but this one is different. It does not feel like this is a situation that would come back to the Board later. This will enhance the area.

Mr. Hutchinson stated that this is a rural area and even though it is platted, it does not look like it is. It will be a nice structure.

### **Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Tisdale all "ayes"; no "nays"; no "abstentions", and Hicks "absent") to **APPROVE** a

Use Variance to permit a personal shop as the primary use in an RS district (Section 8.010.C-1) subject to the following conditions that this is not going to be commercial and only for personal use. Finding the hardship to be that this is a unique piece of property and the setting that it is in due to the size of the lot and rural setting.

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:

**W/2 BLK 7 BRIDGES PARK County of Tulsa, State of Oklahoma.**

**CBOA – 3242 Holly Bays**

**Action Requested:**

Variance of the street frontage from 30' to 0' in an AG district (Section 2.050, Table 2-3).

**Location:** 13257 N Old Highway 169

**Presentation:**

**Holly Bays**, P.O. Box 863 Collinsville, Oklahoma, 74021 stated that they want to move a house onto the property. There is an access easement on record to get to the house. No one else besides this property owner will be using this easement and it dead-ends into her property. She stated that she had address on record for the fire department.

**Interested Parties:**

No interested parties were present.

**Questions and Comments:**

Mr. Charney stated that this seemed like a reasonable request.

**Board Action:**

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstentions”, and Hicks “absent”) to **APPROVE** a Variance of the street frontage from 30' to 0' in an AG district (Section 2.050, Table 2-3) subject to following conditions that the easement is recorded.

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 1727.28S NWC NE TH S916.63 W998.30 N495.45 NE476.15 N344.72 E528.01  
POB SEC 32 22 14 16.863 ACS County of Tulsa, State of Oklahoma.**

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

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There being no further business, the meeting was adjourned at 3:14 p.m.

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

3/18/25  
Daniel E. Chanley Chair