

TULSA COUNTY BOARD OF ADJUSTMENT

MINUTES of Meeting No. 543

Tuesday, May 20, 2025, 1:30 p.m.

Williams Tower 1

1 West 3rd Street, St. Francis Room

Members Present

Charney, Chair

Houston

Hutchinson, V. Chair

Tisdale

Members Absent

Hicks

Staff Present

S. Tauber

J. Hoyt

C. Pate

Others Present

Tosh

The notice and agenda of the said meeting were posted at the County Clerk's office, County Administration Building, May 8, 2025, at 9:18 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, Hutchinson, and Tisdale all "ayes"; no "nays"; no "abstinence", Hicks "absent") to **APPROVE** the Minutes of March 18, 2025 (Meeting No. 542).

UNFINISHED BUSINESS

CBOA 3261 - Lonnie Basse

Action Requested:

Modification of a previously approved Special Exception to Permit a Fireworks stand for a period of 5 Years (Section 9.040-B) **Location:** 526 S 209th W Ave

Presentation:

The applicant was not present.

Interested Parties:

None

Comments and Questions:

None

CBOA 3262 – William Frisbie

Action Requested:

Variance of the lot area per dwelling unit and a Variance of the required side yard setback in an AG district (Section 2.040, Table 2-3) **Location:** 11440 S 26th W Ave

Presentation:

William Frisbie, 11330 South 26th West Avenue, Jenks, Oklahoma, 74037, stated that they are seeking a 10-foot reduction on their side setbacks. It is a hardship with their lot configuration in that it is very narrow and deep. The dimensions are 104-feet wide by 517-feet deep, so the current setbacks of 30-feet total cutting their lot width down to 74-feet. He stated that they want to set the house back deeper in the lot to 100-feet depth to preserve the front and backyard useability of the lot. All the utilities are run on South 25th Street on the east side of the property. The whole lot slopes downhill to the southwest, so water drainage should not be an issue. The variance only applies to the east side of the property. The neighbors on the west side are familiar with the request and they are in approval. The house that is on the property currently will be dozed down. The gutters will drain to the west.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that he understood the nature of the request.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstinence”, Hicks “absent”) to **APPROVE** the Variance of the lot area per dwelling unit and a Variance of the required side yard setback in an AG district (Section 2.040, Table 2-3) finding the hardship to be that it is a narrow and long 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 688.3 S NE COR SE NW TH S 104.33 W 417.4 N 104.33 E 417.4 TO BEG SEC 34-18-12 LESS E 30' FOR RD

CBOA 3264 – Lajos & Natalia Kosa

Action Requested:

Variance to permit a Recreational Vehicle as a living space in an AG district (Section 2.030) **Location:** 7544 W 51st St S

Presentation:

Natalia Kosa and Lajos Kosa, 7544 West 51st Street, Tulsa, Oklahoma, 74107, stated that they would like to live in a Recreational Vehicle for a matter of time while they build their home. They will be building their home themselves. All their belongings are on the land, and they feel that they must be out there to protect their animals and belongings. She stated that they expect to be in the RV for no longer than one year. They are in the process of having the septic system, water, and electricity set up for the RV. She explained that her neighbors were in support of this variance.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that since it was a temporary use and there were no neighbor complaints, he could support this request.

Board Action:

On **MOTION of HOUSTON**, the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstinence”, Hicks “absent”) to **APPROVE** the Variance to permit a Recreational Vehicle as a living space in an AG district (Section 2.030) subject to the following conditions that this will be for a period of twelve months while they are in the process of building of permanent home. Finding the hardship to be that this is a large lot, it is in a remote area, and they will be improving the condition 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:

**BEG 888.03S & 414.61E NWC NE NW TH N645.38 CRV LF94.02 SE131 S579.41
W215 POB SEC 31 19 12 3.011 ACS COUNTY OF TULSA, STATE OF OKLAHOMA**

egregious and a monstrosity. The other homes that have accessory buildings are constructed to look like the home.

Rebuttal:

Mr. Schwendemann stated that the size of the lots and price of the homes that was stated earlier was incorrect. He chose the color of the building with the neighbor that he purchased the property from. He thought this building would increase property values because the bus that he is refurbishing is not visible from the street. His neighbor behind him and to the east of him have steel buildings like this one. The building is 40 feet by 60 feet. His house is brick and the barn that he built is steel, but they are the same color. The rear setback is 5 feet, and it is supposed to be 20 feet.

Mr. Hutchinson asked Ms. Tosh, since the applicant did not have a permit, what is the mechanism now for him to obtain one.

Ms. Tosh stated that they have had buildings removed and it is a court action that is conducted through the district attorney's office. It is a lengthy process and that is the purpose of getting a permit before starting a building. There is a penalty for issuing a permit after the building is built. It is the cost of the permit plus 3 times that amount. If he were to get a permit now, there would be certain inspections that will have "no inspect" since they could be covered or hidden.

Mr. Houston asked if the photograph that they received was taken after the building was built or before it was built.

Mr. Charney stated that the record will show that the rectangle on the last page of the case packet is where the actual building sits today.

Comments and Questions:

Mr. Houston stated that he would like to have seen a picture of the building as it is today because it is much larger than a shed to put a lawnmower.

Mr. Charney stated that the Board had not seen a case quite like this. He is in a platted area, so they do not know if there are covenants of record or not. Some covenants vary where they new over a certain period and some expire. The Board has never let that be a driving factor in their decisions. The irregular shaped lot and generally that triggers something for the Board in that they want to be help, but this is big.

Mr. Hutchinson stated that it was a good thing that there was not a slab floor and they could state that the applicant gets a permit, and that he finishes the outside so that it matches the house.

CBOA 3266 – Jeffery Lindstrom

Action Requested:

Variance to permit a Recreational Vehicle as a living space in an RS-3 district (Section 8.160) and a Variance of the number of dwellings on an RS-3 zoned lot (Section 6.010, Table 6-1) **Location:** 7208 W Brady St

Presentation:

The applicant was not present.

Interested Parties:

None

Comments and Questions:

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstinence”, Hicks “absent”) to **CONTINUE** of the Variance to permit a Recreational Vehicle as a living space in an RS-3 district (Section 8.160) and a Variance of the number of dwellings on an RS-3 zoned lot (Section 6.010, Table 6-1) to the July 17, 2025, meeting of the County Board of Adjustment.

Cases CBOA 3268, CBOA 3269, CBOA 3270 (all related) were all heard together and voted on together. Michael Dean Cummings is applicant for all 3 parcels.

CBOA 3268 – Micheal Dean Cummings

Action Requested:

Variance of the street frontage from 30' to 0' in an AG district for all 3 parcels(Section 2.050, Table 2-3). **Location:** 5759 E 96th St N

Presentation:

Michael Dean Cummings, 14145 East 66th Street, Owasso, Oklahoma, 74055, stated that his family bought 150-acres and divided it into 18-acre sections for 3 of the siblings on the back of the property. Two of them are permitted to start the build process and then to go through this process for the street frontage. He explained that he pulled together an easement for all three of the properties.

Mr. Charney stated that what he understood was that tract A, B, & C for the three houses and the remainder tract D where the applicant granted an easement over all of tract D. The applicant refers to the easement as a mortgage survey plat that says that the easement is depicted as not a part of these. Mr. Charney stated that he was not clear where the easement is located. It states that it is pictorially represented by a mortgage plat of survey. It is such a broad easement over all of tract D. He requested that the applicant have this survey studied one more time by a title lawyer to make certain that it is adequate for what he is wanting. Not just permitting, but for all of it. The easement is not attached with any of the specifics just over the remaining tract. It says that the access easement is depicted on the attached mortgage inspection plat prepared by a licensed surveyor dated August 21, 2024. That was not part our package. This is unusual and we look for how that easement attaches to a publicly dedicated street. This is so you will not have trouble when down the line. It could be a simple restatement of this, and the applicant would be better off depicting and describing the actual easement. This is not legal advice, and the applicant should do what he finds best.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that this excludes gravel and maintenance of the easement and sometimes mortgage bankers find that important. They want to know that it is going to be properly maintained.

CBOA-3269 was heard and approved concurrently with CBOA- 3668 and CBOA-3270.

CBOA 3269 – Micheal Dean Cummings

Action Requested:

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

Location: 10277 N Yale Avenue

Board Action:

Motion **APPROVED ABOVE** the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstinence”, Hicks “absent”) to **APPROVE** the Variance of the street frontage from 30' to 0' in an AG district (Section 2.050, Table 2-3) on **Cases CBOA 3268, CBOA 3269, and CBOA 3270**. Finding the hardship to be the recessed tracts on which the building will be constructed on all three of these cases for setback deep into a large mother tract and that setback prevents them from having access to the publicly dedicated street, but it is mitigated by the existence of a broad mutual access easement from the publicly dedicated street to each of the building sites.

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:

CBOA 3269 LEGAL DESCRIPTION:

**BEG SWC SE NW TH E1195.78 N660.44 W1195.78 S660.44 POB SEC 15 21 13
18.130 ACS COUNTY OF TULSA, STATED OF OKLAHOMA**

CBOA 3272 – Clark Boyd

Action Requested:

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

Location: 4625 S 225th W Ave

Presentation:

Clark Boyd, 4625 South 225th West Avenue, Sand Spring, Oklahoma, 74063, stated that the property has an old, manufactured home that needs repair. He would like to remove it and put a double-wide manufactured home in its place. He would also like to put a tiny home off to the side for his aging mother to live in. Two dwellings are allowed in AG zoning, but they only have 1.3 acres and need a variance to add the tiny home.

Mr. Hutchinson confirmed with staff that the tiny home would have to have its own utilities.

Ms. Tosh stated that there may be a problem going from the single wide to a double wide home because DEQ does everything on the number of bathrooms. DEQ must approve it, but County Permitting cannot approve the septic system.

Mr. Charney stated that the Board could permit this dwelling unit variance, but he suggested getting it all worked out with DEQ and the utilities beforehand.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that he thought this was a fair request.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstinence”, Hicks “absent”) to **APPROVE** the Variance of the lot area per dwelling unit in an AG district (Section 2.040, Table 2-3) subject to the following conditions that the single-wide mobile home be removed from the property, that all of the utilities be separate, and DEQ approval. Finding the hardship to be that this is a large tract 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:

CBOA 3274 – Kevin Shed

Action Requested:

Variance of the rear yard setback in the AG-R district (Section 2.040, Table 2-3)

Location: 16947 S 11th W Ave

Presentation:

Kevin Shed, 16947 South 11th West Avenue, Glenpool, Oklahoma 74035, stated they he has a very narrow and long lot. He would like to build an accessory building that is 50 feet by 40 feet. The building must be 40 feet from the rear of their house which is almost impossible to do. His rear yard is very shallow. He would like to place it in another area. His neighbor on the east side gave him a letter stating that he in in support of this and the HOA gave their approval as well.

Interested Parties:

No interested parties were present.

Comments and Questions:

Board Action:

On **MOTION** of **HOUSTON**, the Board voted 4-0-0 (Charney, Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; no “abstinence”, Hicks “absent”) to **APPROVE** the Variance of the rear yard setback in the AG-R district (Section 2.040, Table 2-3) subject to the following conditions the this be per the site plan drawings. Finding the hardship to be that this is an unusually shaped tract of land that is long and narrow, and the house now faces west, there is no backyard to build this building.

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:

LOT 6, BLOCK 4 GLENDALE ACRES II B1-4 COUNTY OF TULSA, STATED OF OKLAHOMA

Mr. Charney recused himself of CBOA 3271, CBOA 3273 and left the meeting.

CBOA 3271 – Kyle Gift

Action Requested:

Variance to permit a seasonal snow cone stand in an AG district (Section 6.010, Table 6-1) **Location:** 14003 E 116th St N

Presentation:

Kyle Gift, 37640 North 4035 Drive, Talala, Oklahoma, 74080, stated that he and his wife have decided to open a snow cone business on their churches land. The church itself has a commercial exemption in place and the area around the church is zoned agricultural. This is 30 feet by 30 feet in the church parking lot. They will be renting the spot from the church and have been incredibly supportive. It will be seasonal, and it is a trailer that will be hauled off and not permanently parked there.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hutchinson stated that he was in support of this request.

Board Action:

On **MOTION** of **HOUSTON**, the Board voted 3-0-0 (Houston, Hutchinson, and Tisdale all “ayes”; no “nays”; Charney “abstained”, Hicks “absent”) to **APPROVE** a Variance to permit a seasonal snow cone stand in an AG district (Section 6.010, Table 6-1) subject to the following condition that it will be seasonal and the trailer will be relocated out of season. Finding the hardship to be that it is in the parking lot of a church that has given its permission.

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 1 LESS BEG SWC TH N100 CRV LF 336.22 NW57.57 E276.63 SE259.98 CRV LF 120.91 CRV RT 170.63 S9.42 NW414.61 POB BLK 1 COUNTY OF TULSA, STATED OF OKLAHOMA

Rebuttal:

Mr. Farris stated that he appreciated the comments. These are rational comments. Anchor Stone would support any ordinance or regulation that would cause trucks to not take 56th Street. The lake is a requirement under the Department of Mines to have a reclamation project, and Anchor must pump water out of the quarry constantly to keep the quarry from filling up with water.

Ms. Tosh stated that with some of the sand plants there has been where the company's made concessions for handing out instructions to the drivers stating the hours they could come in. They said that if the truck drivers wanted to purchase their material these are the guidelines. They did try. Even if it only prevented 70% of the trucks it would make a difference.

Mr. Hutchinson encouraged Anchor to make this effort with the truck drivers. He thought Anchor was a good neighbor.

Comments and Questions:

Mr. Hutchinson stated that the Board could ask Anchor to hand out flyers asking the truck drivers not to go down 56th Street and go down to 145th Street to 46th Street.

Board Action:

On **MOTION of TISDALE**, the Board voted 3-0-0 (Houston, Hutchinson, and Tisdale all "ayes"; no "nays"; Charney "abstained", Hicks "absent") to **APPROVE** the Request for a Special Exception to permit mining or mineral processing (Section 6.070-E) subject to the following conditions that they keep the operating hours and remain good neighbors.

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:

TRACT "A"

The Southeast Quarter of the Northeast Quarter of the Southwest Quarter LESS AND EXCEPT the South 35 feet of the West 35 feet of the thereof AND The East 35.00 feet of the East Half of the Southeast Quarter of the Southwest Quarter LESS AND EXCEPT the South 16.5 feet thereof ALL in Section 33, Township 21 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma.

TRACT "B"

The East Half of the Southeast Quarter of the Southwest Quarter of Section 33, Township 21 North,

88°38'58" West for 386.00 feet to the POINT OF BEGINNING.

TRACT "E"

A tract of land being a part of the Southwest Quarter of the Northeast Quarter of the Southwest

Quarter (SW/4 NE/4 SW/4) of Section 33, Township 21 North, Range 14 East of the Indian

Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government

Survey thereof, said tract being described as follows: Beginning at the Southwest corner of the

SW/4 of the NE/4 of the SW/4; Thence North 01°08'51" West along the West line of the

SW/4 of the NE/4 of the SW/4 for 150.00 feet: Thence North 88°38'58" East for 386.00

feet: Thence South 62°56'49" East for 313 .23 feet to a point on the East line of the SW/4 of the NE/4 of the SW/4; Thence South 01°10' 19" East along the East line of the

SW/4 of the NE/4 of the SW/4 for 1.00 feet to the Southeast corner of the SW/4 of the NE/4 of the SW/4; Thence South 88°38'58" West along the South line of the SW/4 of

the NE/4 of the SW/4 for 662.05 feet to the Point of Beginning, AND the South 35.00

feet of the West 35.00 feet of the Southeast Quarter of the Northeast Quarter of the Southwest

Quarter (SE/4 NE/4 SW/4) AND the West 35 .00 feet <:>f the East Half of the Southeast

Quarter of the Southwest Quarter (E/2 SE/4 SW/4) of Section 33, Township 21 North,

Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.