

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 546
Tuesday, September 16, 2025, 1:30 p.m.
Williams Tower 1
St. Francis Conference Room, 1st Floor
1 West 3rd Street
Tulsa, Oklahoma 74103

Members Present	Members Absent	Staff Present	Others Present
Charney, Chair	Houston	S. Tauber	K. Edinburgh
Hicks		K. Davis	
Hutchinson, V. Chair		D. Wilkerson	
Tisdale			

The notice and agenda of the said meeting were posted at the County Clerk's office, County Administration Building, September 10, 2025, at 12:35 p.m. as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

On **MOTION of HICKS**, the Board voted 4-0-0 (Charney, Hicks, Hutchinson, Tisdale all "ayes"; no "nays"; no "abstinence", Houston "absent") to **APPROVE** the Minutes of August 19, 2025 (Meeting No. 545). Spelling corrections were made to the Minutes after the vote was approved.

Mr. Davis read the rules and regulations.

Consider, Discuss and/or Take Action On:

UNFINISHED BUSINESS

CBOA 3265 – Ted Schwendemann

Action Requested:

Variance of the rear yard setback (Section 3.040, Table 3-3, and a Variance to permit an accessory building in the side yard in an RS district (Section 18.080-C, Table 18-1)

Location: 6832 W. 41st PI

Presentation:

Ted Schwendemann, 6832 West 41st Place, Tulsa, Oklahoma 74107, stated that he was back before the Board to seek approval for the shop that he has built on his

property. He stated that at the last meeting he was asked to provide a site plan of what it looks like and pictures. He asked if there were only four members present, and the motion gets denied if he should wait until there are all five members present.

Mr. Charney stated that if there are four votes in support of the motion, it will pass. If there are three votes in support of the motion, then it will pass. If there are two votes in support of it, then it will not pass, and it will be a final decision by the Board and would be the result of it. There may be legal appeals that may be available to the applicant that are beyond the Boards purview.

Mr. Schwendemann stated that he would like to proceed. He stated that he had sent in new documents, and he also sent in Google Earth pictures that show his barn on the lot. The reason he moved from the neighborhood across the street to this estate was because he knew he could have a building. His neighbors have buildings that are like his. He was told that there was no HOA, so he proceeded to build the barn. He spoke with a neighbor that did not want it to be close to the fence, so it was moved as far away from the fence that was reasonably be possible. The reason he has the barn is to enable him to park a converted school bus and storage for other items. There are no restrictions on size or height, the restriction is the side yard placement and how far back. The applicant knew that the Board had suggested that he brick the front to look like the house, but he said that was cost prohibitive. If he has limited funds, he would rather spend that money putting guttering on the barn, French drains, and the fence. He asked the Board to approve this variance so that he could finish his barn.

Mr. Charney stated that the site plan shows a proposed barn when it has already been built. There is a letter from ODEQ (Oklahoma Department of Environmental Quality). In looking back at the last meeting minutes, the Board had requested several items from the applicant. The motion stated that the following details must be shown on the site plan presented to the Board: provide an architectural rendering of the existing accessory building with proposed modifications adding brick and stone details, illustrate building dimensions and setbacks of the structure, and provide fences details.

Mr. Hutchinson stated that one of his concerns was the architectural style, however, the applicant did not provide those and made comments that he did not want to do that.

Mr. Schwendemann stated that his barn matches the other barns in his neighborhood and that bricking it would be cost prohibitive. He stated again that there was not an HOA to prohibit him from not bricking the building. He stated that he had never seen a copy of the covenants that have been mentioned at the previous meetings.

Mr. Hutchinson stated that his main concern was that he wanted it to match the front of the applicant's house. It appeared to Mr. Hutchinson that the applicant did not intend to match the front of his house and was not interested in providing a rendering.

Mr. Schwendemann stated that if supplying the rendering and bricking the front of the barn was the only way it would be approved that he would do it. He did not want to spend the money to do that and that he would rather spend the money on guttering, French drains, and fencing. The guttering would not change the water standing in his neighbor's yard.

Mr. Hutchinson stated that the guttering would change the direction of the water and direct it another direction.

Mr. Charney stated that the applicant was at the meeting asking for a variance for something that is not permitted by Tulsa County. The Board gave you a list of things that were important to them regardless of what a HOA or covenants say. There may be separate private covenant issues here. The Board generally is concerned about architecturally matching buildings, water flow, and the mending of other structures such as the fence and it is important to them.

Mr. Hicks stated that he appreciated the letter from ODEQ, however he requested ODEQ address the reduced amount of vegetation and that the aerobic system would still work with the barn in its location. The letter that the applicant provided stated that there had been a complaint about exposed sewage that they inspected and did not find any evidence. This letter does not say that the aerobic system will still function properly.

Mr. Schwendemann stated that ODEQ did not provide him with any other documents, but they said in the letter that everything was operating.

Mr. Tisdale stated that the Board was clear at the last meeting that they wanted to know what the front facade would look like, and the applicant stated that he would provide that for this meeting. How can the Board take anything that the applicant commits to doing seriously if in two meetings these documents have not been provided?

Mr. Schwendemann stated that he could have the site plan wording to state that the barn exists and not proposed. Would the Board continue to the next meeting so he could provide a rendering of the barn with brick as the house?

Mr. Charney asked if the applicant had any discussions with the neighbors before this meeting.

Mr. Schwendemann stated that the three neighbors around him do not have any issues with the barn as it is. If other people are not in compliance with rules and regulations, they are not supposed to complain either.

Interested Parties:

Dewey Miller, 6655 West 42nd Street, Tulsa, Oklahoma 74107, stated that he was the developer of this subdivision and was at the last meeting where he stated his opposition to this variance. Ninety percent of the residents of this subdivision signed a petition indicating that they are directly opposed to the barn as it is. The petition was taken by the Board at the last meeting. There has been no HOA for the past 25 years because everyone has complied with the covenants which are attached with the property when they purchased their property. Specifically, RV's and boats are supposed to be removed within three days. The applicant has implied that if he does not build this shed that everyone would have to look at the bus. When the applicant talks about the other buildings that are like his in the neighborhood, he overlooks the legal requirements which the other people have gone through to allow them to build those structures. They did not build first and asked for permission later.

Mr. Miller stated that he was in full support of the decision of the Board.

Mr. Charney asked Mr. Miller, as the developer, whether he would state to the Board that in addition to the filing of the plat there was a set of covenants that were filed with the plat.

Mr. Miller stated that there were covenants filed with the plat.

Mr. Charney stated that this Board does not render opinions on private covenant violations. He asked Mr. Miller to explain what the private covenant provisions regarding accessory buildings.

Mr. Miller recalled that accessory buildings were not to be permitted unless the developer approved it. He is out of the picture now, but he recalls that there are stipulations regarding accessory buildings that are stated in the covenants.

Rebuttal:

Mr. Schwendemann stated that he would still like a copy of the covenants.

Mr. Charney stated that covenants are a matter of public record in the County Clerk's office.

Comments and Questions:

Mr. Hutchinson stated that the only way he could support this variance would be the façade being matching the house, a French drain, fencing, and a letter from ODEQ. He personally wants to see it match the house.

Mr. Hicks stated that he wanted to see a rendering that it matched the house in material and confirmation from ODEQ that the aerobic system would work properly with the building on the land. He had a tough time supporting it just because the previous request had been ignored.

Mr. Tisdale stated that the rendering and other requests have been made twice with the applicant not complying. Therefore, he cannot support the variance requested. He would hate him to have to remove the structure, but at the same time the applicant is not complying.

Mr. Charney stated that he shared the concerns of the Board. If the Board had in front of them the four requested items including a professionally drawn rendering of the structure in conformity with the house; same with the French drain system, a diagram of where it would be and where it would take the water; how the guttering system would be designed; how the fencing would be designed and then the ODEQ confirmation that there is sufficient area to handle the house of that size given the structure of the barn. The questions become how they are going to vote.

Mr. Hutchinson stated that he would add to Mr. Charney's list and require a site plan showing the building as it was built because their biggest concern was the actual setbacks as they currently are. There was no date or signature line on the site plan provided.

Mr. Tisdale stated that a concern of his is that the applicant stated that he did not have the money to do everything the Board was requiring. This puts the Board in a position even if they give him another month, he did not believe the applicant would do all of it. Then you must narrow it down to what is fair. This has been convoluted more as this goes along from the beginning of the application. It was tough to support this request. If the Board could put together something that he could support he would have been willing to support it, but as it stands now, he could not.

Mr. Hutchinson stated that if they were to approve it as it stands the County staff would not be able to enforce the findings. He did not want to put the County staff in that position. He did not mind putting the decision off for a month if he could provide the requested items.

Mr. Hicks stated that the Board has bent over backwards trying to help in his three years on the Board. He was concerned that even if delay the vote another month and even if he provided the documents, it would be hard to find a hardship other than financial and that is not acceptable. These items have been requested twice and ignored.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 2-2-0 (Charney, Hutchinson all "ayes"; Hicks, Tisdale "nays"; no "abstinance", Houston "absent") to **CONTINUE** for one month until October 21, 2025. The motion failed.

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Charney, Hicks, Hutchinson, Tisdale all "ayes"; no, "nays"; no "abstinance", Houston "absent") to **DENY** a Variance of the rear yard setback (Section 3.040, Table 3-3) and a Variance to permit an accessory building in the side yard in an RS district (Section 18.080-C, Table 18-1).

CBOA 3278 - Charles & Monica MacDonald

Action Requested:

Special Exception to permit a type 1 home occupation of Soap and Candle Making in the AG district (Section 8.120). **Location:** 15405 E Hwy 64

Presentation:

Charles MacDonald, 15405 East Highway 64, Bixby, Oklahoma, 74008, stated that he and his wife are requesting that they be allowed to operate an online soap and candle company out of their home. The business is 100% online and no customers will be coming to their home. They will either ship at the post office or through a carrier. There are no environmental effects from this business. The wax is hand poured. There are letters of approval from the neighbors in the packet.

Mr. Hutchinson asked if one of the two buildings is where the candles are made and how the candles are made.

The applicant stated that the candles are made in one of the buildings and stored in another building. They heat the wax and pour it into the jars; it is that simple. There is no waste.

Mr. Hicks asked if the applicant was planning any signage on the highway at all.

Mr. MacDonald stated that they are not planning any signage.

Interested Parties:

None

Comments and Questions:

Mr. Hutchinson and Mr. Charney each stated that they could easily support this request.

Board Action:

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Charney, Hicks, Hutchinson, Tisdale all "ayes"; no, "nays"; no "abstinance", Houston "absent") to **APPROVE** the Special Exception to permit a type 1 home occupation of Soap and Candle Making in the AG district (Section 8.120) subject to that they stay within the description provided to the Board.

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:

LOT 5 BLOCK 1 DEERFIELD CREEK, County of Tulsa, State of Oklahoma.

CBOA 3290 - Gricelda Lopez

Action Requested:

Special Exception to permit a manufactured housing unit, single section, in an RS-3 District (Sec. 3.030) **Location:** 5859 N. Norfolk Ave. East

Presentation:

Monica Santoyo, daughter of **Gricelda Lopez**, 4008 North Birch Lane, Broken Arrow, Oklahoma 74011, stated that she was there to translate for her mother and they have put a mobile home on this land and her mother did not know that she had to go through the Board for a Special Exception.

Mr. Charney stated that there are requirements for a mobile home to be approved. There must be skirting around the home, tie downs, and hard surface parking for a vehicle. He also asked if it would tie into a septic system or a city sewer.

Mr. Hutchinson asked if the house in the picture was unlivable and are there plans to tear it down.

Ms. Santoyo stated that they plan to tear the rest of the house down.

Interested Parties:

None

Comments and Questions:

None.

Board Action:

On **MOTION of HICKS**, the Board voted 4-0-0 (Charney, Hicks, Hutchinson, Tisdale all "ayes"; no, "nays"; no "abstinenace", Houston "absent") to APPROVE the Special Exception to permit a manufactured housing unit, single section, in an RS-3 District (Sec. 3.030) subject to the following requirements that there be skirting, tie downs, hard surface parking and all ODEQ 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:

**BEG 626.9E NWC SE SE TH E173 S200 W173 N200 POB SEC 1 20 12 .794ACS
County of Tulsa, State of Oklahoma**

NEW APPLICATIONS

CBOA 3293 - Matt Crutchfield

Action Requested:

Variance of the rear setback from 25 ft in the RE district to 5ft or 6ft; (Section 310, Table 3). **Location:** 8861 E 104 PL N

Presentation:

Matt Crutchfield, 8861 East 104th Place North, Owasso, Oklahoma, 74055, stated that he wanted to build an accessory building but the RE code says it needs to be twenty-five' from the rear of the property. He would like it to be 5 feet from the rear of the property, and he is asking the Board for their approval of this request. He wanted to build a 20 feet x 30 feet shop and if he had it where the code states, the front would almost touch his house. He has a corner lot. He is unable to move it further east because of a drainage ditch and is west is where the aerobic system is located. He has spoken with his neighbor to the north, and the neighbor is aware of what he has planned to do. This will be a permanent building on a foundation. This will be for storage only. The HOA president has no issues with this building, and it will match his house.

Interested Parties:

None.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Hicks, Hutchinson, Tisdale all "ayes"; no, "nays"; no "abstinance", Houston "absent") to **APPROVE** a Variance of the rear setback from 25 ft in the RE district to 5ft; (Section 310, Table 3) finding the hardship to be that this corner lot restricts where the building can be placed.

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 6 BLK 4 RANCH CREEK ADDN, County of Tulsa, State of Oklahoma.

CBOA 3294 - Sheldon and Mia Liggins

Action Requested:

Variance of ten feet for the side yard setback in the RE district to permit an accessory structure (Garage) (Sec. 030-A) **Location:** 204 W. 164th PI S

Presentation:

Sheldon and Mia Liggins, 204 West 164th Place South, Glenpool, Oklahoma, 74033, stated that she and her husband moved here in November from Texas and talked to the City of Glenpool and was not informed that they needed to contact Tulsa County for a permit. The building is on a slab, it is the mirror image of their house, and construction had started with the County Inspector stopped by to tell them that they needed a permit. They have submitted renderings and statements from their neighbors. The placement of the septic placement would not allow them to move the garage any closer to their home.

The proposed detached garage is in the side yard of the lot, outside the side setback and behind the front facade of the existing house as required in the zoning code.

However, the front of the proposed garage is 10 feet north of the rear yard where an accessory building is allowed.

Our request is to allow the detached garage to extend beyond the rear yard line 10 feet north into the side yard as shown on the site plan.

The existing septic system prohibits moving the garage further south of the zoning code at that location.

Interested Parties:

Steven Gardner, 215 West 164th Place South, Glenpool, Oklahoma, 74033, stated that he lives across the street from the Liggins. The building is beautiful, and the workmanship is great. He is in favor of this request.

Comments and Questions:

Mr. Hutchinson asked staff if they had attached the garage, it would not have been an issue.

Staff stated that he was correct.

Mr. Hutchinson stated that he could easily support this, and Mr. Charney agreed.

Board Action:

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

allow an accessory building that will encroach 10 feet into the side yard of an R zoned lot (Section 8.030-A) and subject to the following conditions that they continue to follow the renderings presented in the Agenda packet. The hardship being that any other placement would interfere with the septic tank location.

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 9 BLOCK 4 ELWOOD MEADOWS BLOCKS 1-4, County of Tulsa, State of Oklahoma.

CBOA 3295 - Platinum Pest & Lawn - Jennifer

Action Requested:

Special Exception to permit a home occupation of Pest control and lawn service in the AG district (Section 8.120). **Location:** 12831 N 135th East Ave

Presentation:

Jared and Jennifer Johnson, 12831 North 135th East Avenue, Collinsville, Oklahoma, 74021, stated that they had started a pest and lawn company in 2011. They are licensed with Oklahoma Department of Agriculture and have maintained a good standing. They are requesting the Board to continue operating in their home where they have been for eight years. There was an existing shop with an overhang on the property when they bought it. At that time, they enclosed the overhang to create an office space and got the necessary permits at that time. They have operated out there since 2017. Last fall they learned that someone that they knew was living out of her car. We had been a mobile home on their property and they had it torn down and hired a contractor to build a tiny home on that space. He turned out to be a con artist, started the job, and took off with their money. They have joined a class action against this man, and it is with the Attorney's General office. During this process, they learned that permits had not been granted or filed. An inspector came to look at the building, saw the building on the back of their shop and he told them that they needed to get a Special Exception to continue to run the business there. The partial structure that is in litigation must remain because of the legal evidence for this action. To their knowledge, there has never been a complaint about their pest control company being located where it is. Depending on the season, they have four to five employees that do come there in the morning and take their company trucks out for the day. They also have office staff that come to work during the day. Their property is at the start of the cul-de-sac, so their traffic does not go further into the neighborhood. They do get deliveries sometimes but nothing bigger than a FedEx truck. They do not have big machines or any trucks larger than an F2-50. They have two trash bins, and they try to keep it contained. There is a line of trees by the building that hides it especially during the summer. There are no signs on the street or highway. They do not have a residence there. Once the legal action is settled, they plan to put the tiny home on the property.

Mr. Hutchinson asked if they had thought about zoning it commercial. The properties to the south are all up for sale as commercial. There are six properties across the highway that are either already zoned commercial or in the process of being zoned commercial.

Ms. Johnson stated that they had considered asking for commercial zoning but at that point there was not a need to do so. The future land use plan south of 126th is planned to be commercial. Some neighbors do not want the street to become commercial. Their main goal is to continue to operate there as it is.

Interested Parties:

Matt Anderson, 12834 North 135th East Avenue, Collinsville, Oklahoma, 74021, stated that he was in opposition to this request. He was a lifetime resident of this street. He had submitted an email to the Board and a petition of nine of the residents of the street in opposition to this request. It is the coming and going of the employees. There is no home on the property. To counter their thoughts on the commercial property aspect of it. Realtors had promised big money to everyone on the street if they would list their property as commercial, but they are not zoned commercial. They may potentially be commercial, but they are not. The whole street would have to sign up to make it a commercial district. If the Johnson's lived on the property or were a respected member of the neighborhood, this would be a different story.

David Pykiet, 12826 North 135th Ease Avenue, Collinsville, Oklahoma, 74021, stated that he lives directly across the street from the property in this request. He was opposed to changing the zoning in his neighborhood. His older neighbors next to him are concerned about the random traffic all day long. Please do not turn their neighborhood into an industrial park. Mr. Pykiet stated that this request will decrease the property value. When they are doing job interviews it increases the traffic is insane. Their trash is also an issue. The trash gets knocked over by the wind and no one is there to clean it up. The neighbors are left to clean it up. They let the grass grow up and must come in with a brush hog to get it where it looks decent. He and a neighbor have mowed the ditch for them so it would look better. Their employees do have to come back during the day on a regular basis. This makes it feel like it is unsafe to live there. There is a picture that shows seven employee vehicles.

Rebuttal:

Ms. Johnson stated that regarding the vehicles and traffic, they do have five employees, but she and her husband do not go there every day. She homeschools their children and she comes in approximately two days a week from 9:15 a.m. to 1:45 p.m. On occasion, they do have job interviews. They do a group interview where everyone comes all at once. It is not a regular occurrence. April was the last group interview that they had. Our office staff leaves at 5:00 p.m. The trash cans have never been mentioned to them; however, they will do something about that. The grass sometimes does grow long because of the weather, and the front of the property is low and holds water. Some of the neighbors were concerned that they were going to make it a tiny home park which is not what they are going to do.

Mr. Hicks asked what their plans were for building the home where the trailer was, but they may have to put it in another place because of the length of the litigation. It would be an investment property. They do not plan to live there.

Comments and Questions:

Mr. Hutchinson stated that he drives by this property every day. I could easily support it because that whole area is changing. 1) It is within the Collinsville fence line, and their future plans are for all of this to be commercial. 2) There are a lot of people that do not want to see there property going commercial until they see the price. Commercial is not something that just happens, you must have rooftops before you have the commercial zoning. There is commercial activity on the east side of the highway. A real estate did come in and offer them commercial prices and a lot of people put their properties up for sale. The back side of the building just looks like a farm building. He drives down the street often and he has never noticed the cars.

Mr. Hicks stated that he is struggling a bit himself because when he hears home occupation he thinks of someone operating a business out of their home. In this case, they are building a rental house there with a business on the backside of the property. It is not a negative, he is just on the fence.

Mr. Tisdale stated that he had driven the area, and Mr. Hicks has made a good point.

Mr. Charney stated that in the past, we had had cases like this, but they bought this with the structure in existence. There are normal conditions that the Board would put on a property that may not apply to this property.

Mr. Hutchinson stated that it sounded like they would be willing to put in the rental home.

Ms. Johnson stated that they will do it as soon as possible. They were already working on it when they found out about coming before the Board. They will upgrade their trash cans to secure.

Mr. Charney stated that there need to be some conditions on it.

Mr. Wilkerson reminded the Board that there is a Type 2 Occupation limited in the zoning code. Just from this conversation from the applicant about their number of employees may not be appropriate. A home is prerequisite for a home business. Also, no more than three clients or customers can be present at any time. It only allows one non-residential employee to be on the site. Even if there is an inclination to approve a home-like occupation, it does not sound like it satisfies the zoning code.

Mr. Charney stated that this was an issue. The Board has heard the opposition, they have seen the application of what the applicant is seeking, and it sounds like there may be another relief that would be suit their needs and if so, what is it.

Mr. Wilkerson stated that rezoning had been mentioned and that it may be more appropriate. It would be helpful to meet with everyone involved and come back next month. This request may not satisfy the applicants' needs.

Mr. Charney stated that the action requested may not meet the needs of the applicant. It may be wise to continue this for thirty (30) days so that the applicant can meet with the County staff to see how they can proceed.

The applicants stated that they would be willing to continue this until the next meeting.

Board Action:

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Charney, Hutchinson all "ayes"; Hicks, Tisdale "nays"; no "abstinence", Houston "absent") to **CONTINUE** the Special Exception to permit a home occupation of Pest control and lawn service in the AG district (Section 8.120). for one month until October 21, 2025.

CBOA 3296 - Annette Shaeffer

Action Requested:

Special Exception to permit a Rural Retreat on an AG district. (Sec. 6.50-G) Location:
4706 S 229th West Ave.

Presentation:

Annette Shaeffer, 4701 South 229th West Avenue, Sand Springs, Oklahoma, 74063, stated that this property adjoins her other property where her home is located. She stated that we wanted to have rural retreats to do educational workshops that are nature based. She is a licensed professional counselor and wants to provide workshops for other counselors as well as education on the benefits of nature and mental health. This is agricultural land. The land has been in her husband's family for approximately one hundred years. They would be small groups of ten to twelve people every two months or so. The applicant has attended retreats like these herself in different states. Some of the retreats do not have running water and some that have more amenities. As of now, she has no facilities, but she does have running water. She lives east of the property. Her son has an acre between the properties. She has no desire to have large retreats and will not have any signage. It would only be day retreats for the foreseeable future. She does not plan to build any cabins. The retreat would be outdoors, and it would be educational for continuing education credits for other therapists. She has the certification to do that. The education part would be to learn the benefits of being outdoors and outdoor activities. The property north of is owned by her husband's cousin but she plans to keep the activities on her land which is 3.1 acres. She wants to fence in her acreage for insurance purposes.

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Charney, Hutchinson all "ayes"; Hicks, Tisdale "nays"; no "abstinence", Houston "absent") to **APPROVE** a Special Exception to permit a Rural Retreat on an AG district. (Sec. 6.50-G) subject to the conditions that there were fewer than twenty attendees and no more than ten retreats a year.

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 315S & 905E NWC SE TH E205 N810 W205 S810 POB SEC 28 19 10
3.812ACS, County of Tulsa, State of Oklahoma.**

CBOA 3298 - Alexis Packham Johnson

Action Requested:

Special Exception to allow a duplex use in an RS-3 district (Sec. 3.030, Table 3-2)

Location: 13115 S 121st East Ave.

Presentation:

Alexia Johnson, 13115 South 121st East Avenue, Broken Arrow, Oklahoma, 74011, stated that she wants to put in a duplex in her backyard for her mom and stepfather. She stated that they were thinking of doing a lot split, putting the duplex in the backyard facing north toward 131st Street. The neighbor who is directly behind her is the most effected by this and she supports. There are duplexes in the neighborhood. This is not a platted subdivision in an RS-3 zoning district.

Mr. Hutchinson asked if the applicant had septic or sewer. There are ODEQ requirements that you must have 22,500 square feet for an aerobic system. A .55-acre tract split in half, she would not have the required area for an aerobic system.

Mr. Charney stated that he had the same concern. There is concern among the Board that makes this worthy of a discussion. It may be that the Board would suggest that the applicant seeks council from ODEQ as to how you would divide individual sewage disposal systems for this proposal.

Mr. Wilkerson stated that the special exception for the use is independent of all of that; however, the Board is correct. He thought that a lot split process would be the first thing and find out what she had to do to make that happen. There needs to be sewer, water, and other utilities services for each lot.

Mr. Hutchinson stated that the applicant could talk to someone in Broken Arrow to find out where their sewer line was and what the cost would be to if the applicant wanted to hook on to it. Since she is not in a platted subdivision, ODEQ will not allow her to have a septic system.

Mr. Charney stated that there were a lot of concerns before the Board and the applicant. 1) There are a group of protestants that have come to the meeting may or may not feel strongly that they do not want a duplex use in a RS-3 district. 2) The more fundamental question is whether a lot split can be obtained. 3) Mr. Charney stated that he would suggest that the applicant consults a civil engineer to help you with a lot split applications and they will tell you the rules, and requirements.

Mr. Wilkerson stated that he wanted to add that if the house is removed it is conceivable to build a duplex on the site without making a lot split, then there may be room for it.

Mr. Hutchinson stated that it all depends on the sewer and ODEQ requirements. With a half-acre and an aerobic system, he did not see ODEQ allowing a second aerobic system on the same lot.

Mr. Charney stated that his concern was the people that came to speak and took off work on something that may be mute. The best result is to get advice from a qualified professional engineer. It may change the nature of the application.

Mr. Hutchinson stated that the duplex is strictly for the applicant's mother or family, she could look at an ADU instead of a duplex. But contacting a civil engineer and ODEQ should be the first step.

Interested Parties:

Mr. Charney stated to the audience members that they were interested in this case that if they had sent something to INCOG, then their statements or emails were in the packet. There will be another opportunity in 60 days to come back to be heard. Also, he encouraged the interested parties to check the website because the matter may be withdrawn. This is a complex matter and the Board cared about their concerns.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hutchinson all "ayes"; Hicks, Tisdale "nays"; no "abstinence", Houston "absent") to **CONTINUE** a **Special Exception** to allow a duplex use in an RS-3 district (Sec. 3.030, Table 3-2) subject to the ODEQ requirements and an engineering consultation until the November 18, 2025, Tulsa County Board of Adjustment.

CBOA 3299 - Nathan S. Cross

Action Requested:

Special Exception to allow Mining and Mineral Processing in an AG District (Sec. 6.010,

Table 6-1) Location: 55th Street N. & 66th Street NW of N. 145th E. Ave

Continuance required for amended newspaper re-notice to October 21, 2025, meeting.

Presentation:

Continuance required for amended newspaper re-notice to October 21, 2025, meeting.

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hutchinson all "ayes";
Hicks, Tisdale "nays"; no "abstinance", Houston "absent") to **CONTINUE** the Special
Exception to allow Mining and Mineral Processing in an AG District (Sec. 6.010, Table 6-
1) to the Tulsa County Board of Adjustment meeting of October 21, 2025.

CBOA 3300 - Timber Wolf Excavating

Action Requested:

Special Exception to allow Mining and Mineral Processing in an AG District (Sec. 6.010, Table 6-1) **Location:** 8405 N. Memorial Drive

Presentation:

Kim Thorpe, 530 North 45th Place, Broken Arrow, Oklahoma, 74014, stated they want to mine dirt for a huge pond for irrigation. It is from water drainage that has accumulated over a long time. They discovered that they needed an Earth Change Permit on top of the Mining Permit. The north side is being handled by the owner, and they are handling the south side. Her company does not have anywhere to store a large amount of dirt. They want to sell it to get rid of it faster. They have used it on multiple projects; they do not have anything now for the mass amount of dirt that is going to come out of this project. They will either sod or seed the dirt. All slopes, all drainage into the pond and other areas will be graded so the water runoff will go into the pond. The record owner of this project is Honor Enterprise out of Phoenix.

Mr. Hutchinson stated that the reason they are seeking a Mining and Mineral Processing is so they can sell the dirt; otherwise, it is just a pond and not a true mining project.

Mr. Charney stated that there is a lot of development in the region and New Leaf is their neighbor. He stated that this company has a good reputation, and he appreciated them coming in to do this correctly. It is especially important that this is left nicely. It is important to the Board that this be left nicely. Things like sodding and proper mowable slopes are important. He asked if there would be an engineered outlet structure.

The applicant stated that the pond being as large as it is that the drawing from the engineer said that with the flow that comes down from the slopes that if there is any overflow that it would flow into the ditch east of the pond. It should never reach that point because of the way the slopes are cut. Wallace Engineering is a consulting firm. This is the lowest part of the surrounding area.

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Hutchinson all "ayes"; Hicks, Tisdale "nays"; no "abstinance", Houston "absent") to **APPROVE** a Special Exception to allow Mining and Mineral Processing in an AG District (Sec. 6.010, Table 6-

1) subject the following conditions that they leave it in nice condition, proper maintenance, and thick gravel for roadway for trucks.

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:

S1/2 SW NW SEC. 25-21-13 County of Tulsa, State of Oklahoma.

OTHER BUSINESS

ELECTION OFFICERS:

Current Positions Held:

David Charney - Chair
Don Hutchinson - Vice Chair
Michael Hicks - Secretary
Scott Houston
William Tisdale

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Hutchinson all "ayes"; Hicks, Tisdale "nays"; no "abstinance", Houston "absent") to sustain the current office positions.

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:15 p.m.

Date approved: 10-21-2025
Chair: D. M. E. Charney

