

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 537
Tuesday, November 19, 1:30 p.m.
Williams Tower 1
1 West 3rd Street, St. Francis Room

Members Present	Members Absent	Staff Present	Others Present
Charney, Chair	Hutchinson, V.	S. Tauber	Edinborough
Hicks	Chair	J. Hoyt	
Houston		C. Pate	
Tisdale			

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, November 12, at 4:24 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 4-0-0 (Charney, Houston, Hicks, and Tisdale all "ayes"; no "nays"; no "abstentions", and Hutchinson "absent") to **APPROVE** the Minutes of October 15, 2024 (Meeting No. 536).

NEW APPLICATIONS

CBOA 3213 – Amanda Avey

Action Requested:

Variance of the street frontage from 30' to 0' in an AG district (Section 207). **Location:**
22254 W 22nd St S

Presentation:

Amanda Avey, 416 Plaza Court, Sand Springs, Oklahoma 74063, stated that her land is landlocked, and she wants to get a Variance for an easement to give her access to a public road. Her land is locked in by family members and they have no problem working with her on this. She stated that she planned to put a new mobile home of her property.

Mr. Charney stated that there is a process with obtaining this easement. The Board cannot give legal counsel, but it is very important that there is a properly drawn up easement with signatures granting access to her.

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 Tisdale all “ayes”; no “nays”; no “abstentions”, and Hutchinson “absent”) to **APPROVE** a Variance of the street frontage from 30’ to 0’ in an AG district (Section 207) subject to obtaining a properly executed and recorded access easement and present when seeking the applicants building permit.

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 N/2 SE NW & S495 E990 NE NW SEC 15 19 10 21.25ACS, Tulsa County, State of Oklahoma

CBOA 3221 - Terry Cooper

Action Requested:

Use Variance to allow for recreational vehicles (Use Unit 17) in an AG district (Section 310). **Location:** 19305 S Harvard Ave

Presentation:

Terry Cooper, 19305 South Harvard Avenue, Bixby, Oklahoma 74008, stated that his daughter wanted to put a 35' travel trailer on their property until she can build or move somewhere else. He would like to have the option to keep the trailer there for his grandchildren to use when they come in from college or graduate. It will be situated about 40 feet off the road. He has a driveway there with water access, an electric pole close and he would need to place the propane tank there. He will work with DEQ and the County for sewage.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney suggested that the motion conditions should have DEQ requirements met, hard surface parking, and only one livable RV on the property.

Board Action:

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Tisdale all "ayes"; no "nays"; no "abstentions", and Hutchinson "absent") to **APPROVE** a Use Variance to allow for recreational vehicles (Use Unit 17) in an AG district (Section 310) subject to the conditions that the applicant follow the DEQ requirements and regulations, provide a hard surface parking for a vehicle, and this Variance is only applicable to one RV dwelling unit on the property.

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

**S/2 S/2 S/2 NW NW LESS W50 FOR RD & S4 OF N/2 S/2 S/2 NW NW SEC 9 16 13
4.927 ACS, County of Tulsa, State of Oklahoma.**

CBOA 3222 - Fredrick Collinsworth

Action Requested:

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

Location: 18304 N Lewis Ave

Presentation:

Fredrick Collinsworth, 11195 South 235th East Avenue, Broken Arrow, Oklahoma 74014, stated that he and his brother inherited a little more than 3 acres, and it was his wish that his two sons split the property, and he was there to get the Variance. There is a single-family dwelling on the property which is a doublewide manufactured home. He provided a drawing of how the property would be split due to the lateral lines. The two pieces make an inverted L shape. They would honor all the setback codes for a new home. He will need a lot split but has not applied for it yet.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Tisdale stated that he was in favor of this request.

Board Action:

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Tisdale all "ayes"; no "nays"; no "abstentions", and Hutchinson "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 all of the setback be observed. Finding that the hardship is this is a large piece of 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:

**TR IN SE NE BEG 360S NEC SE NE TH W394 S360 E394 N360 POB LESS .14AC
FOR RD SEC 6 22 13 3.11ACS, COUNTY OF TULSA, STATE OF OKLAHOMA.**

CBOA 3223 - Roberta Hall

Action Requested:

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

Location: 12460 N Peoria Ave

Presentation:

Roberta Hall, 12466 North Peoria Avenue, Skiatook, Oklahoma, 74070 stated that they had sold their home and wanted to buy a mobile home to put on their daughter's property. They would comply with all the requirements and regulations to do so.

Interested Parties:

Douglas Gorman, 4428 West Kent Circle, Broken Arrow, Oklahoma 74012, stated that he had information on the mobile home that the applicants were going to purchase, and he handed pamphlets to the Board members. This will be a "net-zero" home. It is solar panel ready.

Comments and Questions:

Mr. Charney stated that he could support this request.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Tisdale all "ayes"; no "nays"; no "abstentions", and Hutchinson "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 if it is the applicant's intention to place a single-wide manufactured home on this half acre piece that it be done to all code requirements including the DEQ requirements for an aerobic system. Finding the hardship to be that this square tract of land is situated in such a way that it is surrounded by a larger rural platting.

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

**SE NE NE NE LESS BEG NEC THEREOF TH W330 S331 E165 N132.4 E165 N198.6
POB SEC 1 21 12 .502ACS**

CBOA 3224 - Guadalupe Juan/Adiel Garcia-Juan

Action Requested:

Use Variance to permit a food truck in an RS District (Section 6.010, Table 6-1)

Location: 1648 E 66th St N

Presentation:

Adiel Garcia-Juan, 2810 East 40th Place North, Tulsa, Oklahoma 74110, stated that they have a food truck that they are buying and operating in front of a storage business which is wanting to purchase the building. The food truck business is take-out as there is only one bench to sit on. The operation hours are from 11:00 a.m. to 7 or 8:00 p.m.

Mr. Hicks and Mr. Charney wanted him to know that he would have to come back before the Board for when he buys the storage building because this is a residential district.

Mr. Charney stated that there would be concerns the ingress and egress, parking, and trash cans.

Interested Parties:

Jason Turley, 1701 East 63rd Street North, Tulsa, Oklahoma 74130, stated that the taco truck is within walking distance of his home. There is ample parking, and the trash has not been a problem. He brought a petition to show that the neighborhood is in favor of this food truck. He hoped the request was approved.

Mayrenell White, 6530 North Victor Avenue, Tulsa, 74130, stated the property looks like a salvage dump yard at that time. The music is loud and starts early and plays late. The taco truck itself is not a problem.

Rebuttal:

Adiel Garcia-Juan stated that most of the junk cars have been cleaned up and he understood that there should not be any loud music. This was toward the rear of the property and will be completely cleaned up.

Comments and Questions:

Mr. Houston stated that it sounded like they were in the process of cleaning the junk cars up and taking care of the loud music.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Tisdale all "ayes"; no "nays"; no "abstentions", and Hutchinson "absent") to **APPROVE** a Use Variance to permit a food truck in an RS District (Section 6.010, Table 6-1) subject to the following conditions: the hours not to exceed 11:00 a.m. to 8:00 p.m.; no loud music in association with the operation of the food truck or the site itself; and that no inoperable vehicles will be on the site. All other non-conforming uses are not addressed

by this motion whether they be storage in nature or any other use that is not residential or uses besides the food truck. It is up to the applicant to take further steps as they deem necessary to bring the other uses into conformity.

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 N/2 W19.68ACS LOT 2 LESS W155 & LESS S205 THEREOF SEC 6 20 13
1.828ACS County of Tulsa, State of Oklahoma.**

CBOA 3225 - Jeffrey S Smith

Action Requested:

Variance of the required 40 ft rear yard setback in the AG district (Section 2.040, Table 2-3) **Location:** 13975 N Yale Ave

Presentation:

Jeffrey Smith, 14075 North Yale, Collinsville, Oklahoma 74021 stated that his son and his family wanted to buy land and raise livestock. The property was purchased in 2021 they did not know how soon they would be building their homes on the property. They needed a hay barn first. He was not aware of the permitting requirements at that time. The back of the hay barn is approximately 17 feet from the fence line, but the back wall of the hay barn is 27 feet from the fence line.

Interested Parties:

Kristi Prough, 315 East 20th Street, Tulsa, Oklahoma 74055, stated that she wanted to make sure it would not become a place to park old vehicles. She was very complimentary of what he had done so far.

Mr. Charney stated that the Board was only looking at what was before them and no future buildings. Other buildings will have to abide by the setback requirements.

Rebuttal:

Jeffrey Smith stated that the homes that they have built are very nice and if he builds anything else he will abide by the requirements. He will keep the property clean for his neighbor's sake as well as his own.

Comments and Questions:

None

Board Action:

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Tisdale all "ayes"; no "nays"; no "abstentions", and Hutchinson "absent") to **APPROVE** a Variance of the required 40 ft rear yard setback in the AG district (Section 2.040, Table 2-3). The hardship being that the applicant did not intentionally build this to be improper or not approved by the County.

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 878.26S NWC SE TH E1319.85 S518.06 W1319.53 N517.91 POB LESS W50
THEREOF FOR RD SEC 27 22 13 15.098 ACS County of Tulsa, State of Oklahoma**

CBOA 3226 - Raul Cisneros

Action Requested:

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

Location: 10535 N Sheridan Rd

Presentation:

Crystal Molina, 8717 South 69th East Avenue, Tulsa, Oklahoma 74133 stated that she was there to speak on behalf of Raul Cisneros. Mr. Cisneros wants to split his property and build two separate dwellings. There was no residence at that time. If this were approved, they would apply for a lot split. He would need to put in a septic system and follow all the rules and regulations of the DEQ. One dwelling would come off the north road and the other would enter from the west road.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Charney stated that given how open the area is and the size of this tract and has artillery streets on two sides, he feels comfortable with this request. This is only approving the right to have two dwellings on the property. There will be another step to split the lot.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Tisdale all "ayes"; no "nays"; no "abstentions", and Hutchinson "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 condition that both dwelling units comply with all necessary setbacks, DEQ requirements, and the hardship is the configuration of the tract that is surrounded by AG lots with one section line road on the north side and one on the west side.

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 NW NW NW LESS S278 THEREOF & LESS N16.5 THEREOF & LESS BEG 16.5S & 16.5E NWC NW TH E312.61 S13.5 W240.79 CRV LF 47.44 S327.70 W8 S271.25 W33.5 N643.3 POB SEC 14 21 13 2.184ACS County of Tulsa and State of Oklahoma.

CBOA 3227 - Brent & Rachel Pringle

Action Requested:

Special Exception to permit a single-wide manufactured home in the RS district (Section 3.030, Table 3-2). **Location:** 1540 E 72nd St N

Presentation:

Brent and Rachel Pringle, P.O. Box 511, Owasso, Oklahoma 74055 stated that they are currently living in a mobile home that is in the Owasso City Limits. It is in excellent condition. The property that they want to move to has all the utility's deposits have been made and sewer is pending this meeting. There is a driveway, and it will have all the skirting, tie downs, and hard surface parking. They will be moving the mobile home to their new property. It is a vacant lot, and they have cleaned it up and put the fence back up. He has hauled 16 tons of debris off and will have another load. There was a homeless camp on the property and has been removed. There are other mobile homes in their neighborhood.

Interested Parties:

Nelson Sager, 1410 East 73rd Street North Peoria Avenue, Tulsa, Oklahoma 74132 stated that he is the Fire Chief for Turley Park. He has a concern about the single-wide because they were supposed to be temporary before they were upgraded to a doublewide. This has never happened. He has a home close by, and he is losing value because of these singlewides. If a single wide catches fire, they burn very quickly. They are being built better now, but he is opposed to this request.

Comments and Questions:

Mr. Houston stated that he felt like the lot is better now than it was as they have cleaned up the trash and debris improving the lot.

Mr. Hicks stated that he has gone to places that have approved single wide homes, and it was an improvement.

Mr. Charney stated that with the rising cost of homes he felt they will see more single wide homes in the future. On balance, given the shortage of homes and the clean-up of the lot it was more likely to improve the area.

Board Action:

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Tisdale all "ayes"; no "nays"; no "abstentions", and Hutchinson "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 that proper skirting, tie downs, hard surface parking, DEQ requirements and regulations met, and keeping the property clean.

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:

105 LOT 2 BLK 7, GOLDEN HILL ADDN County of Tulsa, State of Oklahoma.

CBOA 3228 - John & Julia Fugate

Action Requested:

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

Location: SWC E 86th St N & N Lewis Ave

Presentation:

John and Julia Fugate, P. O. Box 774, Sperry, Oklahoma 74130, stated that they are selling a portion of their land and in the process, they are having to do a couple of lot splits. The road that runs in front of the property is a private road.

Mr. Charney stated that there needs to be a properly recorded and executed deeded easement that gives access from wherever the public street is to this new piece for each of these parcels of land. Each property needs a document that grants them legal access from publicly dedicated roads on this private road. He suggested that they get a seasoned title attorney that can you an easement of record that runs from a publicly dedicated street to the parcels. It may need a survey showing an easement in an exhibit.

Interested Parties:

No interested parties were present.

Comments and Questions:

No further comments were made.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Tisdale all "ayes"; no "nays"; no "abstentions", and Hutchinson "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 the following conditions that the applicant produces for County review a properly executed and recorded easement with a survey attachment that indicates legal access from a publicly dedicated road to the subject tract. The agreement needs to speak to the record owners and any maintenance, operation, and utilities related thereto. The hardship to be that the land is landlocked and is adjacent to a publicly dedicated street.

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:

**E/2 NE NE & NW NE NE LESS ALL THAT PRT S575 N705 NE NE LYING EAST
NORTH LEWIS AVE & LESS BEG NEC NE W751.39 S60 E310 SE325.70 E123.2
N130 POB SEC 30 21 13 27.097ACS County of Tulsa, State of Oklahoma.**

CBOA 3229 - John & Julia Fugate

Action Requested:

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

Location: South of the SWC E 86th St N & N Lewis Ave

Presentation:

John and Julia Fugate, P. O. Box 774, Sperry, Oklahoma 74130, stated that they are selling a portion of their land and in the process, they are having to do a couple of lot splits. The road that runs in front of the property is a private road.

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 Tisdale all "ayes"; no "nays"; no "abstentions", and Hutchinson "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 the following conditions that the applicant produces for County review a properly executed and recorded easement with a survey attachment that indicates legal access from a publicly dedicated road to the subject tract. The agreement needs to speak to the record owners and any maintenance, operation, and utilities related thereto. The hardship to be that the land is landlocked and is adjacent to a publicly dedicated street.

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:

SW NE & NW SE NE & S/2 SE NE SEC 30 21 13 70ACS County of Tulsa, State of Oklahoma

CBOA 3230 - Branch Communications

Action Requested:

Special Exception to permit a 160' freestanding tower (Section 6.010) and a Special Exception to allow less than 110% setback in an AG district (Section 7.190.E.6)

Location: 8301 N Memorial Dr

Presentation: **WITHDRAWN BY APPLICANT**

Interested Parties:

Comments and Questions:

Board Action:

CBOA 3231 - Tina R Baker

Action Requested:

Variance to permit 3 dwellings on one lot of record in the AG district (Section 2.030, Table 2-2) **Location:** 21517 W 41st St S

Presentation:

Tina Baker, 21517 West 41st Street, Sand Springs, OK 74065 stated that they want to place a doublewide 35' from her father's old house that is falling apart. That house will be removed. There are two other homes on the property.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Tisdale all "ayes"; no "nays"; no "abstentions", and Hutchinson "absent") to **APPROVE** a Variance to permit 3 dwellings on one lot of record in the AG district (Section 2.030, Table 2-2) subject to the following conditions that her father's old home will be removed and this doublewide home will be taking the place of that home. Finding the hardship to be that lot is large and that existing homes are on the property, and they are on different corners 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 SWC W/2 SE TH N691.17 E247.68 S225.20 E609.60 TO WR/W MUD CREEK RD TH SELY ALG R/W 468.30 TH W POB SEC 22 19 10 10.654ACS County of Tulsa, State of Oklahoma.

CBOA 3232 - Donna Savant

Action Requested:

Variance of the side yard setback in the AG district to permit a carport (Section 2.050, Table 2-3) **Location:** 4617 E 171st St S

Presentation:

Applicants were not present.

Interested Parties:

Comments and Questions:

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Houston, Hicks, and Tisdale all “ayes”; no “nays”; no “abstentions”, and Hutchinson “absent”) to **CONTINUE** a Variance of the side yard setback in the AG district to permit a carport (Section 2.050, Table 2-3) until the next County Board of Adjustment meeting to be held on December 17, 2024.

OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:34 p.m.

Date approved: _____

12/17/24

David E. Chansong Chair

