

**Tulsa County Board of Adjustment  
MINUTES of Meeting No. 550  
Regularly Scheduled Meeting  
Tuesday January 20, 2026, 1:30 p.m.  
Williams Tower I  
1 West 3rd Street, St. Francis Room**

**Consider, Discuss and/or Take Action On:**

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Charney		S. Tauber	County Inspectors:
Hicks		K. Davis	L. Airehrour
Houston		J. Rojas	T. Tosh
Tisdale		D. Wilkerson	

The notice and agenda of the said meeting were posted to the County Clerk's office, County Administration Building, January 12, at 3:06 p.m. as well as to the Office of INCOG, 2 West Second Street, Suite 800.

Mr. Davis read the rules and regulations.

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

**Consider, Discuss and/or Take Action On:**

**CBOA 3324 - Melissa Torkelson - Big Blast**

Special Exception to Permit a Fireworks stand for a period of 5 Years (Section 9.040-B)

**Location:** 524 N. 49th W. Ave., Tulsa

Mr. Davis explained that according to the current zoning code limits fireworks Special Exception approval to a maximum of three years.

**Presentation:**

**Melissa Torkelson**, 37 S. 193<sup>rd</sup> West Avenue, Sand Springs, Oklahoma 74063, stated that their company has three locations and this is one of them. One of the neighbors (Ms. Jones) in this area has complained about them and they have tried to reach out to her to take care of her concerns. They have been able to contact three other neighbors and received positive feedback from them. Ms. Jones, who was not present, previously

complained about no toilet on site and loud music. Ms. Torkelson committed to placing a port-a-john in the parking area and no music is played any longer. The legal window to open is from June 15<sup>th</sup> through July 5<sup>th</sup> but we will be open 7 to 8 days before the 4<sup>th</sup> of July. The hours of operation are 10 a.m. to 10 p.m. and then on the 3<sup>rd</sup> and 4<sup>th</sup> of July they will be open until midnight.

Mr. Tisdale stated that he wanted to commend Ms. Torkelson on their communication with Ms. Jones.

Mr. Wilkerson stated that the zoning map shows part of this property in the City of Tulsa and that is not correct. This is for Unincorporated Tulsa County only.

**Interested Parties:**

None

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **HICKS**, the Board voted 4-0-0 (Charney, Hicks, Houston, Tisdale all "ayes"; no "nays", no "abstinence", to **APPROVE** a Special Exception to Permit a Fireworks stand for a period of 3 Years (Section 9.040-B) conditioning that this is only in the Unincorporated Tulsa County jurisdiction subject to the following conditions that the operating hours of 10:00 a.m. to 10:00 p.m. except for the dates of July 3<sup>rd</sup> and July 4<sup>th</sup> when they will remain open until midnight and not open except for before June 15<sup>th</sup> or after July 5<sup>th</sup>. Also the applicant will clean up property during operation and after the operation of their use, during the evening they assure that the light be turned off when they close in the evenings, no music shall be played during the time that they are on-site, and that the placement of the port-a-john stays where it has been placed for the past three years.

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:

**TR.13 BG.24.75 S.& 1200 E. NW COR. LT 1 OR NE NE TH. S.330E.98.4 N.330 W.99. 25 TO BG.SEC.5-19-12 County of Tulsa, State of Oklahoma**

**CBOA 3325 - John and Jenny Kuhn**

**Action Requested:**

Variance of the land area per dwelling unit in an AG district (Section 2.040) (table 2-3)

**Location:** 16333 S. Rockford Ave., Bixby

Mr. Davis stated that on the agenda it looks like the survey has been cut off, so it is shown on the screen in full.

**Presentation:**

**Jonathan Kuhn**, 16333 South Rockford Avenue, Bixby, Oklahoma 74008, stated that he and his wife, Jenny, had lived there for approximately four years and his family owned it before that time. They want to split off a half-acre in a family transfer for their mother. They use the land for pastureland. They have contacted the neighbors around them and none of them have opposed this.

Mr. Hicks stated that in the packet an exhibit illustrates a lot line adjustment. If Mr. Kuhn were to receive approval from the Board, he confirmed that the plan is for his mother's tract will grow to + 3 acres and his acreage would then be 1.62 acres.

**Interested Parties:**

None

**Comments and Questions:**

Mr. Charney stated that he understood what the applicant wants to do and is in favor of it.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Houston, Tisdale all "ayes"; no "nays", no "abstinence", to **APPROVE** a Variance of the land area per dwelling unit in an AG district (Section 2.040) (table 2-3) pursuant to the survey that the Board has been provided, subject to the following conditions that the new lot on the westerly side will now be approximately 1.6 acres in area and that the finding of the hardship is that the moving of the lot line is necessary to keep the pasture area and the garage associated with the original east half of the parent tract and because of the figuration of the over arching combined tracts a hardship would be created for that use if the Board did not permit this lot split.

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 LT 1 BLK 3, FAULKENBERRY ESTATES County of Tulsa, State of Oklahoma.**

**CBOA 3326 – Freedom Homes (Roger Criner)**

**Action Requested:**

Variance of minimum street frontage requirements from 30' to 0' in an AG district (Sec. 2.040 Table 2-3)

**Location:** 20620 S 103 AV E

**Presentation:**

**Robert Munson**, 8319 East 164<sup>th</sup> Place, Bixby, Oklahoma 74008, stated that they have a tract of land that is separated from a public roadway and they want to receive a Variance to permit them to construct something on the lot despite the fact that there doesn't appear to be a public road that comes right up to it. South 103<sup>rd</sup> E. Ave pavement terminates before it gets to their tract.

Mr. Charney stated that there are two things that make up a roadway in Oklahoma and the right-of-way and the pavement or graveling of that road. It had been brought to the Board's attention that a legal right-of-way did exist up to and along side the eastern boundary of the applicant's property. It was important for the Board to know that there is a publicly dedicated right-of-way that provides legal access to the applicant's home. The county is not responsible for the paving, graveling or the maintenance of this portion of the road.

Mr. Wilkerson stated that the drawing the right-of-way is accurate, so they do have a public right-of-way, but there is no street and it is not all-weather hard surface.

Ms. Tosh stated that the code states that it must be all-weather hard surface thirty feet in width.

Mr. Charney stated that historically they have permitted a gravel road to provide access to a driveway.

Mr. Wilkerson stated that the nuance is the publicly maintained roadway is required in the zoning code. The county engineer is going to have to accept maintenance of that publicly maintained roadway. The Zoning Code allows the lot split and allows the parcel that there is no one living there. When the applicant lives there, it becomes health and safety with the fire department, and the pavement standards are with the County Engineer. He thought that the county is going to want improvements on S.103 East Ave. to make it a publicly maintained road.

Ms. Tosh does see a lot of homes accessed on roads that the County has no intention of maintaining. The reason they are here is because of the requirement for a publicly maintained road access.

Mr. Charney stated that if the pavement maintenance terminates a few hundred feet south of this, the Board would be granting a Variance to this applicant to permit them to have zero frontage on a publicly maintained road.

Ms. Tosh stated that the access agreement that the county engineer has vouched for protects the need to have filed for that easement.

**Interested Parties:**

**Greg McLaughlin**, 20627 South 103<sup>rd</sup> East Avenue, Bixby, Oklahoma 74008, stated that in 1990 he bought forty acres of land that the subject tract is in and there was not a public road. In 1993, he petitioned the County and all the neighbors there paid to have 209<sup>th</sup> and a little bit of 103<sup>rd</sup> installed up to county standards. 103<sup>rd</sup> does not make it all the way to his property so he has no paved road anywhere to his property. 206<sup>th</sup> and 103<sup>rd</sup> do not make it to his property.

**William Long**, with Freedom Homes, 25235 East 91<sup>st</sup> Street South, Broken Arrow, Oklahoma 74014 stated that he wanted to clarify that in looking at it the street view this property is encompassed by the landowner's property. His company will be putting a new manufactured home on this lot and when they pulled the permit they ran into this situation. There is financing involved, but not with the landowner.

Mr. Charney stated that there appears to be a right-of-way up to this point and they need an easement that needs to be recorded that gives legal access to a publicly dedicated and maintained street/road.

Mr. Tisdale stated that it looked to him like they were getting the cart before the horse. If it terminates where the applicant says, is that a private road?

Mr. Charney stated that anything beyond this is not maintained by the county and the county has no duty to install anything to maintain it.

Ms. Tosh stated that this subdivision was never built so there may be roads and alleyways dedicated but nothing has been built there or around it.

Mr. Charney stated that the Board would normally be inclined to grant that Variance because there is right-of-way dedication to the lot and that gives a way for the need for an easement. He wanted to maintain the position that a gravel roadway is never enough to an interior lot. In a subdivision the streets are up to a certain standard.

Ms. Tosh stated that when the Board granted the required thirty feet to zero feet, pavement was never a requirement. The attachment to a property is primarily for police, fire, and ambulance so they can turn off the County maintained roadway and not across other people's property. An access easement protects the owners from any potential

future feud. The Board would not be granting the length or shortness of getting to the actual residence just granting the required thirty feet to zero feet.

Mr. Charney stated that if this Board was comfortable making that decision, is Ms. Tosh's group and permitting can comfortably take it from there.

Ms. Tosh stated that they would be comfortable with this. If it is granted, and police, fire, and ambulance departments know that there may be some stipulations and that the property owner maintain their driveway.

Mr. Hicks stated that by granting this the County is not going to require the applicant to pave to the corner.

Ms. Tosh stated that they will not require that they do need hard surface parking where they park their vehicles.

Mr. Wilkerson stated that the survey exhibit shows a driveway coming out of the south property line. That drive is not going to be used for access to this site.

**Comments and Questions:**

None

**Board Action:**

On **MOTION of CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Houston, Tisdale all "ayes"; no "nays", no "abstinence", to **APPROVE** a Variance of minimum street frontage requirements from 30' to 0' in an AG district (Sec. 2.040 Table 2-3) with the condition that the access be contained within the existing right-of-way because of the adjacent to the property. Finding the hardship to be the lack of publicly maintained roadways up to the perimeter up to and including 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:

**A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION EIGHTEEN (18), TOWNSHIP SIXTEEN (16) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

COMMENCING AT A THE NORTHWEST CORNER OF THE SW/4 OF SAID SECTION 18; THENCE SOUTH 01°02'14" EAST ALONG THE WEST LINE THEREOF 365.71 FEET; THENCE NORTH 88°57'46" EAST AND DEPARTING SAID EAST LINE 1,685.60 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°59'27" EAST 367.00 FEET; THENCE SOUTH 01°00'33" EAST 208.00 FEET TO THE NORTHWEST CORNER OF THE RIGHT-OF-WAY FOR SOUTH 103rd EAST AVENUE; THENCE SOUTH 01°00'33" EAST ALONG THE WESTERLY LINE OF SAID RIGHT-OF-WAY 30.00 FEET; THENCE SOUTH 88°59'27" WEST AND DEPARTING SAID RIGHT-OF-WAY LINE 367.00 FEET; THENCE NORTH 01°00'33" WEST 238:00 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 87,346.00 SQ. FEET OR 2.005 ACRES. BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3501 OK N), NORTH AMERICAN DATUM 1983 (NAD83).

**OTHER BUSINESS**

**NEW BUSINESS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:22 p.m.

Date approved: 3/17/20

Chair: David E. Chantry