

**TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of a *SPECIAL* Meeting No. 520
Tuesday, June 26, 2023, 1:30 p.m.
Williams Tower 1
1 West 3rd Street, St. Francis Room**

Members Present

Hicks
Tisdale
Hutchinson, V. Chair
Houston

Members Absent

Charney, Chair

Staff Present

S. Tauber
J. Hoyt

Others Present

Nicholas Williams,
Legal

The notice and agenda of said meeting were posted at the County Clerk’s office, County Administration Building, June 22, 2023, at 12:05 pm, as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Vice-Chair Hutchinson called the meeting to order at 1:30 p.m.

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Mr. Hutchinson stated that they are typically a five-person Board, however, there would only be four members there today. He stated that he would be acting as Chairperson.

Mr. Hoyt read the rules and procedures for the Board of Adjustment Public Hearing.

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On **MOTION** of **Hutchinson**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, and Tisdale all “aye”; no “nays”; no “abstention”) to **APPROVE** the Minutes of May 16, 2023 (Meeting No. 519).

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UNFINISHED BUSINESS

3065 - Robin Mayhugh

Action Requested:

Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E) **Location:** 5654 S 167th W Ave (**CD 2**)

Presentation:

Robin Mayhew, 5654 South 167 West Avenue, Sand Springs, Oklahoma, 74063, stated that she had a storage building accessory building on her property which is about seven hundred square feet. Her intention was to build it just over one thousand square feet, but because of the current restrictions on that, they made it smaller. We can put her motor home inside, so it is not sitting out. Her application is to add an extra 350 on the side of that. That allows the parking of one vehicle and extra storage area behind the house.

Mr. Hutchinson asked if she wanted to add 350 square feet to the building that is currently there.

Ms. Mayhugh stated that was correct and that it is an all-metal building. She went to the original company that did it, and it will all be matching. So just to add on to the side of it like lean to off the side but all enforced. And that would allow her to enclose her motor home. She thought it would improve things since she would not have vehicles sitting outside.

Mr. Hicks asked if she had received any comments or feedback from any of your neighbors.

Ms. Mayhugh stated that she received one call. They thought she was putting in two buildings, because they asked if she was going to put another one thousand square feet building there and she told them that she was not and only wanted to add on to it which takes it over one thousand square feet.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hutchinson stated that since she had a 50,000 square foot lot, he did not have any concerns about this issue.

Board Action:

On **MOTION** of **Hutchinson** the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions”, Charney “absent”) to **APPROVE** a Variance to permit a detached accessory building in the RS district to be greater than 750 sf of floor area (Section 240.2.E) per the Conceptual Plans shown on page 2.7 of the Agenda packet. 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:

LT 7 BLK 2, OAK HAVEN II, City of Sand Springs, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

3068 - Michael Grim

Action Requested:

Special Exception to permit fireworks stand (Use Unit 2) in an RE district (Section 410) and a Variance from the all-weather parking surface requirement (Section 1340.D) **Location:** 9924 N Garnett Rd **(CD 1)**

Presentation:

Michael Grim, 4520 West Elgin Place, Broken Arrow, Oklahoma, 74012, stated that he would like to operate a firework stand. A Save-On Printing is at that location, and we want to run a firework stand with my kiddos and family.

Mr. Hutchinson asked if there had been fireworks stand here before.

Mr. Grim stated not to his knowledge.

Mr. Hutchinson stated that the Board typically does a five-year term on firework stands. So, in five years, if it is successful and you want to come back and if it has not been annexed, you can look at that.

Ms. Grim stated that was fine.

Mr. Hutchinson asked what hours of operation they were looking at.

Mr. Grim stated that they planned from 10am until 10pm. We are allowed to sell fireworks from June 15 through July 5, however we will not. It is not open and was supposed to do the inspections and everything. If he gets approved, then he is hoping to get inspections on the 28th or 29th. Then operate through the fourth. It is a twenty by forty tent. We will have security. We have an arrangement with the owner of Save-On Printing.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hicks stated that he was in support of this.

Board Action:

On **MOTION** of **Hicks**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all "ayes", no "nays", no "abstentions", Charney "absent") to **APPROVE** a Special Exception to permit fireworks stand (Use Unit 2) in an RE district (Section 410) and a Variance from the all-weather parking surface requirement (Section 1340.D) per the

Conceptual Plans shown on page 3.7 of the Agenda packet per the following conditions: that there be a five year term to expire on June 25, 2028; operating hours to be 10:00 a.m. through 10:00 p.m. through July 3rd and from 10:00 a.m. to 12:00 p.m. on the July 4th.

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:

PRT NE SE BEG 347N SECR SE TH W190 S24 W90 N127 E280 S TO POB LESS E50 THEREOF FOR RD SEC 18 21 14 .593ACS, City of Broken Arrow, County of Tulsa, State of Oklahoma.

3069 - Robin Hausner

Action Requested:

Use Variance to permit an RV Park (Use Unit 17) in an AG district (Section 310).

Location: 128 W 91st St N (CD 2)

Presentation:

Patricia Hausner, 3199 West 103 Street North, Sperry, Oklahoma, 74073 and **Robin Hausner**, 3199 West 103rd Street North, Sperry, Oklahoma, 74073, stated that they are proposing to put in an RV lot. The property that says just west of us is a mobile home park. And they have about 60 to 70 mobile homes on the property. We already have our permits from the City of Sperry for building permits, plus the gas, water, and sewer. We have already bought our taps for all that and we have already contacted PSO to find out what it was going to take and have already gotten approval from them. We have given them a utility right away on our property. We are going to start with ten to see how successful it is, and we are already getting phone calls and inquiries. Then we plan to add about twenty more, so we would have a total of thirty to see how successful it can be. If it is not, then we are a demolition company and we can start over

We were going to put a building with a laundromat with a couple of washers and dryers and even put in shower stalls because these are small. Then we want to put in a little gazebo, a little park area, little place for them for their dogs to take them to so they can walk around. For the first ten everything was done except the Board's approval.

Mr. Hutchinson asked if the first stage we look at ten and then if it is successful, goes all the way up to forty. The next phase may be another ten. Are all of these going to be metered separately or are you all going to have one meter for each ten?

Mr. Hausner stated there would be a meter for ten. The tenants will be responsible for their own utilities, but we will pick up the water, sewer, and electricity.

Mr. Hutchinson asked if they had spoken to any of the neighbors.

Ms. Hausner stated that they had, and the neighbors want them to buy the mobile home park. We will have somebody that is going to live there on the premises and is going to take care of security.

Mr. Hausner stated that police officers rent houses from us, and they said they would patrol which will not let anybody get in there either. We have three rail pipe fencing around the property, and it is brand new, so it is not old and worn down.

Mr. Hutchinson asked if they would have a place for trash containers and everyone uses the same trash dumpster. What we would really like to see is to make sure it stays clean, which helps you keep better tenants.

Mr. Hicks asked where on the property they would be placed.

Ms. Hausner stated that they are on the east side of the property.

Mr. Hicks asked if there were already existing homes there.

Mr. Hausner stated that those are rentals as well.

Mr. Hoyt stated that they will need all weather surface requirements for a parking area. Anything that is permitted needs all weather surface requirements, just where the cars would park would need to be either asphalt or concrete.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION of Tisdale**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions”, Charney “absent”) to **APPROVE** a Use Variance to permit an RV Park (Use Unit 17) in an AG district (Section 310), per the Conceptual Plans shown on page 4.8 of the Agenda packet; subject to the following conditions that all pad must have all weather parking surfaces. The hardship is the large plot 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:

PRT N/2 SE BEG 66S & 600W NEC NE SE TH S250 W175 S344.88 W516.50 N595.03 E691.50 POB SEC 23 21 12 8.058ACS, City of Sperry, County of Tulsa, State of Oklahoma.

3070 - Eric & Jaci Gillette

Action Requested:

Modification of a previously approved conceptual site plan (CBOA-2631) to permit a lot-split in an AG District. **Location:** 17219 S. Harvard Ave **(CD 3)**

Presentation:

Eric Gillette, 17219 South Harvard Avenue, Mounds, Oklahoma 74047 and **Jaci Gillette**, 17219 South Harvard Avenue, Mounds, Oklahoma 74047 stated that when they originally bought the land and the house that sits on it, it was to provide my husband with a music studio for his place of business. The plan was always to build our dream home next to the music studio. We were told when we bought the lot that it had already been split and approved for a second dwelling place. Then when we picked floor plans to build it was not large enough, so we just needed to slide a lot line over. It was approved to be split, but the way that they have split it before us is not going to be enough room for the house that we are building.

Mr. Hutchinson stated that they are making the second lot a little bit bigger.

Ms. Gillette stated that was correct.

Mr. Hutchinson stated that this is zoned AG, but it has been through the commercial designation on the music studio.

Mr. Hutchinson asked Mr. Hoyt about this being zoned AG, and then it says land use Designation Neighborhood Commercial and is that because of the music studio.

Mr. Hoyt stated that it was designated by the comprehensive plan in the area. It had nothing to do with the use at the time.

Mr. Hutchinson asked the Gillette's if they had visited with their neighbors.

Ms. Gillette stated nobody has had any negative comments.

Mr. Hutchinson stated that it would be a stick-built house.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hutchinson stated that he did not have any issues with this plan.

Board Action:

On **MOTION** of **Hutchinson**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all "ayes", no "nays", no "abstentions", Charney "absent") to **APPROVE** a Modification of a previously approved conceptual site plan (CBOA-2631) to permit a lot-

split in an AG District, per the Comprehensive Plan shown on page 5.7 through 5.8 of the Agenda packet.

Finding the proposed modifications compatible with and not injurious to the surrounding area and meet the previously granted Board relief and meet the zoning requirements per the code.

For the following property:

BEG 495S NWC NW NW TH E440 S281 W100 N13 W142 N52.23 W198 N POB LESS W50 THEREOF SEC 33 17 13 2.252AC, City of Mounds, County of Tulsa, State of Oklahoma.

3071 - Joshua & Brittany Reese

Action Requested:

Variance to permit two dwelling units on a single lot of record in an RS district (Section 208). **Location:** 12303 E 136th St S **(CD 3)**

Presentation:

Brittney Reese, 12303 East 136 Street South, Broken Arrow, Oklahoma, 74011, stated that they bought this house last July and it has a two-story building in the back that was just used as a workshop. We just want to make the bottom half a dwelling unit for an aunt that is retired and has health issues. She moved from Georgia to be closer to family for help, so we just want to make the downstairs her own little space, so she is close to family.

Mr. Hutchinson stated that the shop itself will stay the same, you are wanting to add living quarters.

Ms. Reese stated that they want to add water to it.

Mr. Hutchinson asked if later you want to make this a rental property or keep it available in case kids or other relatives.

Ms. Reese stated that I think initially we had just planned to help our family out.

Mr. Houston asked if there is a current parking area there.

Ms. Reese stated that they have a long drive. Her husband was going to put gravel up the side and just on the side of the house have a concrete pad for her car to park right next to it.

Mr. Hutchinson asked if she would have her own kitchen and everything, so she is well independent living per se in that she does not have to come over to your place to take a shower or eat unless you just invite her.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Tisdale and Mr. Houston stated that they were each fine with this.

Board Action:

On **MOTION** of **Houston**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all "ayes", no "nays", no "abstentions", Charney "absent") to **APPROVE** a Variance to permit two dwelling units on a single lot of record in an RS district (Section 208) per the Conceptual Plans found on page 6.7; subject to the following conditions that there be a

gravel drive and a hard surface parking for this unit. Finding the hardship to be that it is a large lot, and they could help take care of family using this facility.

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 5 BLK 2, HICKORY HILLS 3RD ADDN, City of Broken Arrow, County of Tulsa, State of Oklahoma.

3072 - James Kent

Action Requested:

Special Exception to allow a fireworks stand (Use Unit 2) in an RS zoned district. (Sec. 410); Variance of the all-weather surface material requirement for parking (Section 1340.D). **Location:** 4503 South 49 Avenue West **(CD 2)**

Presentation:

Applicants were not present.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **Hutchinson**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all "ayes", no "nays", no "abstentions", Charney "absent") to **CONTINUE** a Special Exception to allow a fireworks stand (Use Unit 2) in an RS zoned district. (Sec. 410); Variance of the all-weather surface material requirement for parking (Section 1340.D). until the next County Board of Adjustment meeting of July 18, 2023. For the following property.

LT 24 BLK 1, BRIDGES THIRD SUB, City of Tulsa, County of Tulsa, State of Oklahoma.

3073 - Randy Scott

Action Requested:

Special Exception to permit fireworks stand (Use Unit 2) in an RS district (Section 410) **Location:** 1035 W 4 ST N (CD 1)

Presentation:

Applicant requested a **CONTINUANCE** until July 18, 2023.

Interested Parties:

No interested parties were present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **Hutchinson**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all "ayes", no "nays", no "abstentions", Charney "absent") to **CONTINUE** to July 18, 2023, of the County Board of Adjustment meeting a Special Exception to allow a fireworks stand (Use Unit 2) in an RS zoned district. (Sec. 410). For the following property:

LOT-9-LESS A TRACT BG. SW-COR. N. 9.10' SE 178.8' S.10.4 MW 179.6'TO BG. BLK-21, CHARLES PAGE HOME ACRES NO 2 & RESUB PRT B10-12, VALLEY VIEW ESTATES, City of Tulsa, County of Tulsa, State of Oklahoma.

3074 - Kyle Butterworth

Action Requested:

Variance of the street frontage from 30' to 0' in an RS district (Section 207)

Location: 6003 S 70th W Ave (**CD 3**)

Presentation:

Kyle Butterworth, address 6003 South 70th West Ave, Tulsa, Oklahoma, 74107, stated that they are trying to put a modular home in on this property and trying to get this permit for the footage approved. On the property of his girlfriend's grandfather.

Mr. Hutchinson asked Mr. Hoyt if this had any road frontage.

Mr. Hoyt stated that it does not. It has a right of way but there has been no road constructed there. No county-maintained road. The right of way has been dedicated, but there has been no county-maintained road constructed, which is the threshold.

Mr. Hutchinson asked if this was a private road that everyone chips and works on.

Mr. Hoyt stated that in terms of the county code, it has county right of way. It just has not been constructed and that is where they draw the threshold.

Mr. Hutchinson asked if it was not built to county standards.

Mr. Hoyt stated that it is not a county road even though it has right of way.

Mr. Hutchinson stated that we tried to prevent this today because it is considered a "wild-cat sub-division" and has been this way for years.

Mr. Houston asked if there was a house there before this.

Mr. Butterworth stated that there were two houses.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Tisdale asked if the lot lines were going to be like having two residents there before.

Mr. Hutchinson stated that they have .75 acres.

Board Action:

On **MOTION** of **Hutchinson**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all "ayes", no "nays", no "abstentions", Charney "absent") to **APPROVE** a Variance of the street frontage from 30' to 0' in an RS district (Section 207) per the Conceptual Plans. Finds the hardship to be that the County has a longstanding easement.

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:

LTS 1-10 BLK 56, TANEHA, City of Tulsa, County of Tulsa, State of Oklahoma.

3075 - Shirley & Jerry West

Action Requested:

Variance of the minimum lot area in an AG-R district to permit a lot split (Section 330 Table 3). **Location:** 13090 N. 91st Ave & 13070 N. 91st Ave **(CD 1)**

Presentation:

Shirley West, 13070 North 91st East Avenue, Collinsville, Oklahoma, 74021, stated that her son resides at 13090, next door to her house. Their goal is to place the front two dwellings off which leaves not an acre on the back, and we will be building a new house back there that faces 131st Street North. Leaving the two existing homes with just over half acre each. They have approval from the water district for a new meter. We put my son in a new meter, and we took advantage of his meter.

Mr. Hutchinson asked when you build a new house, you will take his existing and will need to get a different meter.

Ms. West stated that they already got that date and in place. It is at 131st Street North and 97 East Avenue. Her son is on the corner, and we are right next to the south of him.

Mr. Houston asked if the existing shed would remain.

Ms. West stated that it will be on the new lot where we are going to build. It will face 131st Street North.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hutchinson stated that he knows the area and does not have any issues with this plan.

Board Action:

On **MOTION** of **Hicks**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all "ayes", no "nays", no "abstentions", Charney "absent") to **APPROVE** a Variance of the minimum lot area in an AG-R district to permit a lot split (Section 330 Table 3), per the Conceptual Plans shown on page 10.7 of the Agenda packet. The hardship being that there are two houses there of an equivalent size on a large 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:

N/2 LT 1 BLK 6; S/2 LT 1 BLK 6, NORTH-DALE ACRES, City of Collinsville, County of Tulsa, State of Oklahoma.

3077 - Heath Timmerman

Action Requested:

Variance to reduce the required 15-foot side setback in the AG District to permit a lot split (Sec. 330, Table 3) **Location:** 16140 S. Elwood Ave. **(CD 3)**

Presentation:

Keith Timmerman, 16140 South Elwood Avenue, Glenpool, Oklahoma, 74033, stated that he owns 9.42 acres, and he wants to take a 30-foot road access to the back of his property. He is going to sell the house and 2.5 acres, but his barn, with the 30-foot road access would be 10.1 feet off the line and it needs to be fifteen feet off the road. He did not know if he could go thirty feet then jog it over. He thought it would look weird because the other one is forty feet. It goes back and will picture frame to the new one. Then it would be 40 to 50 to 50 and ours would be like two fifty to then not have the thirty. He thought it would be more symmetrical. It is a decent barn. It is a metal shop with two garage doors.

Interested Parties:

No interested parties were present.

Comments and Questions:

Mr. Hutchinson stated that he could support this.

Board Action:

On **MOTION** of **Tisdale**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all "ayes", no "nays", no "abstentions", Charney "absent") to **APPROVE** a Variance to reduce the required 15-foot side setback in the AG District to permit a lot split (Sec. 330, Table 3) per the Conceptual Plans shown on page 11.6 of the Agenda packet. Finding the hardship to be it is a large parcel 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:

BEG 24.75W & 1699.28N SECR NE TH N282 W1298.24 S387.75 E423 N105.75 E875.27 TO POB SEC 26 17 12 9.430ACS, City of Glenpool, County of Tulsa, State of Oklahoma.

3078 - Chris Garr

Action Requested:

Variance to allow a third dwelling unit in an AG district (Section 208) **Location:**
13952 N Memorial Dr **(CD 1)**

Presentation:

Applicants were not present.

Interested Parties:

No interested parties were present.

Comments and Questions:

None

Board Action:

On **MOTION** of **Hutchinson**, the Board voted 4-0-0 (Hicks, Houston, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions”, Charney “absent”) to **CONTINUE** a Variance to allow a third dwelling unit in an AG district (Section 208) to the July 18, 2023, County Board of Adjustment meeting for the following property:

BEG SECR NE SE TH N486.42 W660 S486.55 E660 POB LESS E16.5 THEREOF FOR RD SEC 26 22 13 7.186ACS, City of Collinsville, County of Tulsa, State of Oklahoma.

OTHER BUSINESS

None

NEW BUSINESS

None

BOARD MEMBER COMMENTS

None

There being no further business, the meeting adjourned at 2:20 p.m.

Date approved: ~~8/10/23~~ 8/15/23

David E. Amy Chair