

**TULSA COUNTY BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 530**  
**Tuesday, April 16, 2024, 1:30 p.m.**  
**Williams Tower 1**  
**1 West 3rd Street, St. Francis Room**

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Charney, Chair Hutchinson, Vice - Chair Hicks Houston Tisdale		S. Tauber J. Hoyt	Edinborough - County

The notice and agenda of said meeting were posted at the County Clerk’s office, County Administration Building, April 8, 2024, at 10:33 a.m. as well as in the Office of INCOG, 2 West Second Street, Suite 800.

Mr. Hoyt read the rules and regulations.

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

\*\*\*\*\*

On **MOTION** of **TISDALE**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all “aye”; no “nays”; no “abstentions”) to **APPROVE** the Minutes of March 19, 2024 (Meeting No. 529).

**UNFINISHED BUSINESS**

**CBOA – 3113 Linda Morton**

**Action Requested:**

Variance of the street frontage from 30' to 0' in an AG district to permit a lot split (Section 207). **Location:** 2652 E 171st St S

**Presentation:**

The applicant was not present at the meeting.

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all “aye”; no “nays”; no “abstentions”) to **DISMISS** the Variance



of the street frontage from 30' to 0' in an AG district to permit a lot split (Section 207) due to the applicant not being at the meeting and that the Board has continued the case for several months.



## **CBOA 3151 – Anchor Stone**

### **Action Requested:**

**Special Exception** to permit Use Unit 24 - Mining and Mineral Processing in an AG district (Section 310, Table 1). **Location:** S & E of E 151st St S & S Garnett Rd

### **Presentation:**

**Joseph Farris**, 1335 East 35<sup>th</sup> Place, Tulsa, Oklahoma, 74105, stated that he was there on behalf of Anchor Stone and landowner, Mr. B. F. Carter. Mr. Farris pointed to four tracts on a large map that are owned by Mr. Carter. These are the tracts that are subject to along with a seventy-foot easement they will obtain from the City of Tulsa contingent upon this application. There will be no mining on the shore itself. All the mining of the sand will be in the river bottom. The equipment is all that will be on the shore. The trucks that will pick up the sand will come down 129<sup>th</sup> over to the access easement to pick up the sand and then exit the same way. They will not use Garnett because the bridge is not weight sufficient to accommodate the trucks. This land is all in a flood plain. They will build a driveway to facilitate the trucks an easier access to the street for ingress and egress. The operation will be from 7:00 a.m. to 5:00 p.m., Monday through Friday and that is all for truck access. It is possible that the plant will operate to extract sand from the river bottom on weekends but there will be absolutely no trucks coming in or out during that time. Anchor does not have any trucks. The trucks are all from Anchor's customers. They are independent truck drivers. The two houses on the street are going to see more traffic because the existing Anchor Valentine plant is northeast of here. This new plant will replace the existing Valentine plant. None of the vegetation will be removed except to widen the entrance and exit.

The sand plant is regulated by several regulatory agencies and under the supervision of The Oklahoma Department of Mines, DEQ, ODM, and EPA. The Corps of Engineers encourages that extraction of sand from the river bottom because it facilitates the flow of the river without impairments. Anchor is going to help supply the road materials to improve the road to access this property.

There will be water trucks daily to take care of the dust on the road and this will not change the elevation of this road. There will be no change to any of the topography of the property. The mining will be in the riverbed itself because that is where the quality sand is located, not on the shore.

The plant itself will be diesel until they can get electricity to it. The plant may need to operate on the weekend to keep up with supply and demand; however, it will not be regular business to operate on weekends. There is an option to move the entrance gate further south to accommodate the trucks from lining up in the road.



**Interested Parties:**

**Malcolm Rosser**, 222 North Detroit Avenue, Tulsa, Oklahoma 74120, stated that he is representing a group of landowners in the neighborhood. The people in the audience with green stickers on are here in opposition to this matter. The case law in Oklahoma about Special Exceptions the applicant has the burden of proof, so the applicant has to prove that all the required elements are met such as the applicant must be in harmony with the spirit and intent of the code, the proposed activity will not be injurious to the neighborhood, and will not be detrimental to the public welfare.

The existing sand mining operations in this neighborhood. Sand mining operations run from 141<sup>st</sup> Street to 151<sup>st</sup> Street, these people in this neighborhood are already suffering. They are already burdened by the heavy truck traffic all the way up to the Creek Turnpike. That brings vibration, noise, danger, trucks wrecking, and danger to pedestrians and bicyclists. On page 3.61 of your Agenda packet shows just one of the trucks in the neighborhood. All the trucks will have to use the entrance and exit will be in front of the home on the north side of 151<sup>st</sup>.

To the east is Ms. O'Hara's property and all the trucks will go by her house just like they will at the Kaisers. In addition to the danger of trying to get out of her driveway, there was a gate, but it was destroyed by trucks crashing into it. The road conditions are rough from all the trucks. A sand truck and a car cannot pass each other safely on a seventeen-foot road without one of them having to go onto the grass. The current numbers are sixty-five vehicles a day south of the existing mining entrance and 134 vehicles north of the mining entrance. That is about seven trucks an hour or one every nine minutes. The proposed mining will make this worse.

The City of Broken Arrow is objecting to this because it is within their fence line, and they have a vested interest in what happens. Michael Spurgeon, Broken Arrow City Manager, has sent a detailed letter setting out why the application should not be granted. The letter is in your Agenda packet. This would not be consistent with their Comprehensive Plan. A Special Use permit would not be granted. They are the city and municipality that has a vested interest in this area. The City of Broken Arrow plans to build the Aspen Landing project which will be downstream from this proposed mine. The existing sand mining has harmed what the City of Broken Arrow has there. There was a sand bar that protects its sports complex and now they have mined all of that. These people have borne their fair share of the burden long enough and they should not have to shoulder more than their fair share.

The most severe harm will be the truck traffic to 129<sup>th</sup> and 151<sup>st</sup>. The County is going to have to spend a lot of money to upgrade these two roads and Anchor is giving them sand is not going to help that cost greatly.





**Susan Bevard**, 13137 South 125<sup>th</sup> East Avenue, Broken Arrow, Oklahoma, 74011, stated that she is a licensed realtor and serves as a trustee of Bagwell Properties along 151<sup>st</sup> Street. Mr. Farris stated that there were only two houses there, however, there are four houses including the Bagwell's. Use Unit 24 is normally in an IM or IH district, but this is an AG and RS district. She asked the Board to deny this request.

**Deborah O'Hara**, 15101 South 129<sup>th</sup> East Avenue, Broken Arrow, Oklahoma, 74011 In summary, The Board gave Ms. O'Hara the opportunity to speak at length. Her presentation expressed concerns about the effects on her property from the existing Valentine sand plant operation that is north of her property and downstream in the Arkansas River. She felt strongly that the proposed Anchor sand plant would not be good neighbors and that they would not be any more honorable than the existing plant that has been operational for decades. Ms. O'Hara talked at length about the loss of beach front along the river when Valentine sand operations encroached on her land. The plant was operational when she moved to the property, but the size and impact of the sand mining operation expanded toward her property and created a nuisance that was never expected.

Ms. O'Hara stated that she has lived at that location since 2005 and built her home in 2009. She outlined the process that was required during the building permit process to construct her home in the Arkansas River Flood Plain. She was concerned that the upstream operations of the proposed Anchor sand plant would negatively affect the flood elevations that were an important consideration during her building permit process. She commented on the significant financial commitment that was required to build her home in a way that met the county building permit floodplain guidelines and felt that the new plant upstream adjacent to her property would negatively impact her investment.

After the 2019 flood event, the ground was saturated the area for days and felt it was important to mention that effects on the water table should be mentioned because of its effect on her property and its effect the existing street infrastructure.

The county road was constructed in 1973. The patches create bumps and there are always huge potholes. Some of the road that is in front of the existing plant has collapsed. There is truly little space for two cars to pass each other. When a large truck occupies the road one of the vehicles must go off the paved surface to pass each other.

Trespassing is an ongoing problem in the area. The entrance to her property originally had a gate to help prevent trespassing on her land and adjacent property owner's land. Trespassing in this remote area is difficult to enforce by county sheriff's office and many times trespassing must be managed by the property owners. The gate helped but truck traffic destroyed the gate, and it is no longer effective.



As a homeowner, she asked the Board to deny this request.

**Steve Cox**, 14503 South 129<sup>th</sup> East Avenue, Broken Arrow, Oklahoma 74011 stated that he is next to Anchor's current sand plant. The dredging is very loud, and sound is an issue. This company has been bad actors and has not done what they have said they were going to do. Anchor put culverts beside a road they built, and they destroyed the riverbank. His property was flooded because of these culverts. They also built a big ditch to his property line which caused more flooding. They have not been good neighbors to him. If they say there is demand they will run the dredging and the plant seven days a week. They took his beach also and there was no beach left. What they do not take, they push around and take it before they leave. The roads are neglected because the County is not going to replace roads that have all these trucks on them that are going to tear them back up.

He asked that the Board deny this request.

**Tom Austin**, 8523 Fairway Green, Fair Oak Ranch, Texas 78015 stated he was married to one of the owners of the land that is adjacent to the area in question. This will change the complexity and impact of the entire neighborhood. It will increase the noise levels, air quality and dust, safety to others, operating hours, continued road maintenance, and property values. Those concerns are in addition to concerns for the Arkansas River. There is a possibility that it will spoil the banks of the river, change the course of the river, and create an eye-sore when operation is completed. There are already two such operations in the area. If you look at the existing operations, to determine that what the property owners want is no further degradation of the land. The property that is leased by the sand companies now looks terrible from the road. We are opposed to the Special Exception that has been proposed. The City Manager of the City of Broken Arrow has written a letter opposing this request as well.

**Beth Goddard**, 1395 East 27<sup>th</sup> Place, Tulsa, Oklahoma 74114 stated that she was one of the property owners of Robert's property. Mr. Rosser requested that she read a letter from Lauren Kaiser who owns a home directly across the street from the proposed property. Ms. Kaiser stated that her family should have the right to enjoy the peace of the quiet area. Ms. Kaiser asked that the Board deny this request. Ms. Goddard also requested that the Board deny this request.

**Susan Bagwell**, 15088 South 129<sup>th</sup> East Avenue, Broken Arrow, Oklahoma 74011 stated that she owns the property adjacent to the O'Hara's. There is a deep culvert that her parents cannot get through. Trucks have a challenging time getting through there and they do too. Why are they going to do so much for land that is going to be leased? She requests that the Board deny the request. She stated that she was not notified on the first hearing.



**Rebuttal:**

Mr. Farris stated that Ms. O'Hara's house was built in 2009, not 2005 when she bought the land. He stated that they had acknowledged at the outset that there were landowners who were going to be impacted because of the traffic. They are going to close the Valentine plant as there is no reason to have two plants. We are going to be mining from the river bottom not the shore. That is where the sand is they want. If Ms. O'Hara had a legitimate complaint about them trespassing on her land they would have heard about it from the courts, but that did not happen. What we proposed to do is out of sight of all these homeowners except where they enter the road. The noise will be minimal. What you have heard are some unsupported arguments by NIMBY (not in my backyard) people. This land has not been used despite the proximity of Tulsa and Broken Arrow because it is in a flood plain and to the east of a sewage treatment plant. In section 300.1 of the AG Exception Application, it says "the agricultural district is designed to encourage and promote both AG land until an orderly transition to urban development may be accomplished. With all due respect to the protestants, we urge the Board to grant the Special Exception because it will benefit the citizens of Tulsa County at large by providing them with a meaningful and affordable access to construction materials that are needed. Anchor has a history of helping improve the roads of the City and County. Mr. Kelly Dunkerly with the County has stated that the County will work with Anchor to improve the roads.

Mr. Hutchinson stated that he would like a commitment from Anchor that their equipment that backup beepers would not be used, and the least obtrusive technology be used.

Mr. Charney stated that there had been extended operation and mentioned there needs to be limits on when they can operate after the normal operation hours. He appreciated the ideas of roadway improvements to a slightly higher elevation, and the crusher run, and the sand being donated towards that cost. There needs to be a mechanism that can be pursued to deal with this matter.

Mr. Tisdale stated that it was not his intent to infer that Anchor was not responsible for any damages. In driving the area, he did notice that trucks were going straight up 141<sup>st</sup> Street. He is not leaning either way at this point.

Mr. Houston stated that part of this road improvement would involve Broken Arrow and not just Anchor and Tulsa County.

Mr. Hicks stated that he was concerned about truck stacking in the mornings.

Mr. Rosser stated that he understood that he might not prevail and that the Board is required to make conditions when an application is granted. He stated that he had prepared a list of conditions that he would like to suggest that went along with what the



Board had suggested. The list is self-explanatory, but he needed to add a few items such as that the plant can not be operated until the roads are improved as promised. Another one is no Jake breaks and no trees be removed from this property. The last one is about the enforcement mechanism. There needs to be monitors to look after these because these conditions are such a big part of this. A third-party engineer should be hired who will make reports on a website that is publicly available as to whether the conditions are being met.

**Comments and Questions:**

Mr. Charney is thankful to have some ideas on what conditions might be tolerable to counsel of opposition and to the applicant. Perhaps that two counsels can work together to form a joint approach and the Board would consider a continuance so they can work together. He stated that he could support it with the right conditions, but without them he did not know if he could.

Mr. Hicks thought that the chairperson's idea was a great idea. This would give them the opportunity to work through the hours of operation in case of overtime. He would be open to them meeting and looking at the truck stacking. He stated that he could not easily support it, but he could get there with some items of concern. The operations hours are of concern to him.

Mr. Hutchinson stated he thought that it was a promising idea for the two counselors to meet to go through the conditions that could be agreed upon. He was fine voting then or waiting until the May hearing. He stated that he could easily support it.

Mr. Tisdale stated that the parties were reasonable so he thinks it would be a promising idea to work through the conditions. Then if there are items that they do not agree on we can go over them at the next meeting. Mr. Tisdale stated that he could support it but does not want to get too deep into it.

Mr. Houston stated that he could support it. He did think it would be very gracious to consider things that are important to the homeowners.

Mr. Charney stated that they will try to limit their discussions next time to a) there is a desire to do this, and b) what the conditions might be and that there is meat to them.

Mr. Rosser stated that he needed to make it clear that they are opposed to this Special Exception but is willing to meet to see if they could work on the conditions.

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all "aye"; no "nays"; no "abstentions") to **CONTINUE** the **Special Exception** to permit Use Unit 24 - Mining and Mineral Processing in an AG





district (Section 310, Table 1) until the next meeting of the County Board of Adjustment on May 21, 2024.



**CBOA 3140 – Sherry Barbour**

**Action Requested:**

Special Exception to allow a fireworks stand (Use Unit 2) in an AG zoned district;  
Variance of the all-weather surface material requirement for parking (Section 1340.D).  
**Location:** 17316 S Memorial Drive

**Presentation:**

**Melissa Torkleson**, 637 South 193<sup>rd</sup> West Avenue, Sand Springs, Oklahoma, 74063, stated that she was there to represent Sherry Barbour, her mother, and she is the executor of her trust. She was there to extend their approval for 5 years. Her parents own this land and they have been there for over fifteen years. They have not had any problems with their neighbors in the past five years. They would like to put in additional gravel for the parking. The hours of operation will be just as they were in the last application. They want to be open from June 25<sup>th</sup> to July 5<sup>th</sup> this year.

**Interested Parties:**

**Terry Hackler**, 7505 East 175<sup>th</sup> Street, Bixby, Oklahoma, 74008 stated that it sounded like they wanted to put a hard surface in but was now aware that they were not.

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 4-0-1 (Charney, Houston, Hicks, and Tisdale all “aye”; no “nays”; Hutchinson “abstained”) to **APPROVE** the Special Exception to allow a fireworks stand (Use Unit 2) in an AG zoned district; and a Variance of the all-weather surface material requirement for parking (Section 1340.D) for another five year term with the same hours of operation as in the previous application and from June 25, 2024 through July 5, 2024.

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.

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:

**S330 NE NE SEC 35 17 13 10ACS, Tulsa County, State of Oklahoma**



## NEW APPLICATIONS

### **CBOA 3154 - Angela Johnson**

#### **Action Requested:**

Special Exception to permit a manufactured home in the RS district (Section 410), Variance of the number of dwelling units in an RS district to permit second dwelling (Section 208) and a Variance of the minimum land area per dwelling unit (Section 430).

**Location:** 1329 E 59th St N

#### **Presentation:**

**Angela Johnson**, 1329 East 59<sup>th</sup> Street North, Tulsa, Oklahoma 74126, stated that she wanted to put a manufactured home on her property so that her mother can live there in it. Her neighbors have called to say that they agree with this. She would like to put this home on septic, but her home is on sewer.

Mr. Charney stated that she would have to meet DEQ requirements to find out if she could put the home on sewer or septic. The setbacks will establish what size the home can be.

#### **Interested Parties:**

No interested parties were present.

#### **Comments and Questions:**

The Board members agreed that this was a good project. DEQ will be the determining factor as far as sewer or septic is allowed. They advised her to go through the process before she starts this project.

#### **Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a manufactured home in the RS district (Section 410), Variance of the number of dwelling units in an RS district to permit second dwelling (Section 208) and a Variance of the minimum land area per dwelling unit (Section 430) with the conditions that all of the necessary requirements for DEQ be met or tied into the sewer system, with tie downs, skirting, and hard surface parking, and all the setbacks are honored. The hardship being the size and nature of the lot requiring the Board to be accommodating of the second dwelling.

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.



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 17 BLK 7, EAST TURLEY ADDN AMD B1&4-5&8, Tulsa County, State of Oklahoma**





**CBOA 3156 - John Neffendorf**

**Action Requested:**

Variance of the all-weather surface material requirement for parking (Section 1340.D).

**Location:** 1051 W 161st St S

Applicant requested a **CONTINANCE** to May 19, 2024.



**CBOA 3158 - Do More Investments LLC**

**Action Requested:**

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330). **Location:** 9801 N Peoria Ave

**Presentation:**

**Logan Mayberry**, 5923 East 56<sup>th</sup> Street, Tulsa, Oklahoma, 74135, stated that there is a dilapidated house on the land they are buying but it is zoned AG. His company wanted to tear that house down and build a new home there. They plan to put in a septic system. This will be a permanent stick structure.

Mr. Hoyt stated that to build a new house they will have to comply with the current zoning code which is 2.1+ acres per dwelling unit in an AG zoning area.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Hicks stated that he agreed with this application.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) subject to the following conditions that he removes the dilapidated home that is there prior to starting a new structure and that DEQ requirements are met. Finding the hardship to be this is a .22-acre tract with an existing house on it.

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 175N SWC N/2 SW TH N65 E150 S65 W150 POB SEC 18 21 13 .22 AC**



**CBOA 3159 - Stephen Robison**

**Action Requested:**

Variance of the required rear yard setback in an AG district (Section 330). –

**WITHDRAWN BY APPLICANT**



**CBOA 3160 - Jessica Callaway**

**Action Requested:**

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) **Location:** 7612 E 106th St N

**Presentation:**

**Devon Callaway**, 7612 East 106<sup>th</sup> Street North, Owasso, Oklahoma, 74055, stated that he and his wife wanted to put a mobile home for his grandparents on their lot. It will be a single wide mobile home with tie downs, skirting hard surface parking. They have received approval for the DEQ as well for a septic lagoon. We have a 1.2 acres lot. They talked to our neighbors before they brought it up with his grandparents and there was no objection. We will get rid of it after the grandparents are not able to live there any longer. They will use his garage and driveway as well. They will have the same access to the property.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Charney stated that this is like other requests that have come before the Board, and they are aware of all the conditions that come with a mobile home.

**Board Action:**

On **MOTION** of **HUTCHINSON**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) subject to the following conditions that DEQ requirements are met, and that tie downs, skirting, and hard surface parking are met as well. Finding the hardship to be that this is a large tract of land of 1.28+ acres.

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:

**E156 N374.75 E/2 NW NE LESS N16.5 THEREOF FOR RD SEC 14 21 13 1.282ACS,  
Tulsa County, State of Oklahoma**





**CBOA 3161 - Sandra Quinton**

**Action Requested:**

Variance to permit two dwelling units on a single lot of record in an RE district (Section 208), Variance of the land area per dwelling unit in an RE district (Section 430).

**Location:** 7009 N 117th E Ave

**Presentation:**

**Sandra Quinton**, 7009 North 117<sup>th</sup> East Avenue, Owasso, Oklahoma, 74055, stated that the lot is over one acre, and it came with a house on it. After being in the home, they wanted to build a second residence that sits behind the original one that will suit their needs better. They want to build the home themselves, so it will be built in phases. They plan on either dismantling the original home or they hope to find someone that wants to move it. The neighbors have said that they have no problem with this. They hope to have the new home built within three years. They plan to keep the aerobic system that is currently in use. They have gravel in front of the original home and asphalt in front of their pole barn.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

The Board members all agreed that this sounded like a good plan.

**Board Action:**

On **MOTION of HICKS**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all "aye"; no "nays"; no "abstentions") to **APPROVE** the Variance to permit two dwelling units on a single lot of record in an RE district (Section 208), and the Variance of the land area per dwelling unit in an RE district (Section 430) subject to the following conditions that there will be a time limit of a four year period to build the new home and remove the original home. The hardship being that they want to build the new home in phases for loan purposes.

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 NWC NW NE SW TH E245 S245 W245 N245 POB LESS W40 & N25 THEREOF  
FOR RD SEC 32 21 14 1.025ACS**



**CBOA 3162 - Yensy Merari Carbajal Flores**

**Action Requested:**

Special Exception to permit a manufactured home in the RS district (Section 410).

**Location:** 5721 S. 39th W. Ave

**Presentation:**

**Eric Miranda**, 5721 South 49<sup>th</sup> West Avenue, Tulsa, Oklahoma, 74107, stated that they want to bring a manufactured home onto this property. There is an existing home on the lot, and they are trying to demolish it and bring the newer one in. There is a septic system there now and will get proper tie downs, septic system per DEQ requirements and hard surface parking. The neighbors have not said anything negative about this matter.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Charney, Houston, Hicks, Hutchinson, and Tisdale all "aye"; no "nays"; no "abstentions") to **APPROVE** the Special Exception to permit a manufactured home in the RS district (Section 410) subject to the following conditions that all the appropriate skirting, tie downs, and hard surface parking requirements are satisfied and that any DEQ conditions be obtained prior to living in the home.

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 7 BLK 2, GANTZ ADDN, Tulsa County, State of Oklahoma**



\*\*\*\*\*

NEW BUSINESS

OTHER BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

\*\*\*\*\*

There being no further business, the meeting adjourned at 5:04 p.m.

Date approved: \_\_\_\_\_

5/21/24

*David E. Avery*

Chair

