

**BOARD OF ADJUSTMENT**  
**MINUTES of Meeting No. 518**  
Tuesday, April 18, 2023, 1:30 p.m.  
**Tulsa City/County Central Library**  
**400 Civic Center, Tulsa, OK 74103**  
**Aaronson Auditorium**

**Members Present**

Charney, Chair  
Hutchinson, V. Chair  
Hicks  
Houston  
Tisdale

**Members Absent**

**Staff Present**

S. Tauber  
J. Hoyt

**Others Present**

Nicholas Williams,  
Legal  
K. Edenborough  
Co. Inspection

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, April 12, 2023, at 4:29 p.m. 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. and stated that Chairperson, Charney, was on his way.

\* \* \* \* \*

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

On **MOTION** of **Hutchinson**, the Board voted 3-0-1 (Hicks, Houston, Hutchinson, all "aye"; no "nays"; Tisdale "abstention" (Charney "absent"); to **APPROVE** the Minutes of March 21, 2023 (Meeting No. 517).

\* \* \* \* \*

Mr. Charney joined the meeting at 1:32 p.m.

**UNFINISHED BUSINESS**

**3044 - Steven Graves**

**Action Requested:**

Use Variance to allow Warehousing (Use Unit 23) and Automotive Repair (Use Unit 17) in the RS District (310). **Location:** 5403 S. 113th W. Ave. **(CD 2)**

## **Presentation:**

**Steven Graves**, 1607 North Elm Street, Jenks, Oklahoma, 74037, stated that he wanted to build a building warehouse with some automotive repair at the address in Sand Springs. We have already had a meeting couple of months ago, and he was going to get with my neighbor, who is here, Mr. Noble, and discussed a few of his concerns. We did discuss those concerns. He was here to tell you what the results are.

Mr. Charney stated that the Board appreciates your sharing with us the nature of the conversation. You can share any of the results of that with us and it may impact how we would proceed with the case, or it is not controlling on us but it is helpful to us.

Mr. Graves stated that one of the concerns was the lighting from the building. He agreed with Mr. Noble that no lighting should shine at his property or his house. Another issue was the privacy fence that he proposed. We concluded that maybe of privacy screening with evergreens or something to them that would probably look better and work better. The other issue that he did not know if we nailed down or not it was the hours of operation or the noise control. He was thinking 7 a.m. to 7 p.m. hours. Our business hours, if there is going to be any noise, is what he would propose.

Mr. Charney asked if he would share with the Board the concept of screening, and that is it between your that boundary and Mr. Nobles, is that correct. You had proposed a privacy fence. And now you are thinking that, in addition to that, you would do some evergreen screening or in lieu of fencing?

Mr. Graves stated that they were thinking the privacy fence would not allow air to move through his property. We had the discussion and then we looked at the site, some juniper trees, that were made into a hedge that allow the wind to come through, but act as a privacy screening. We would not have to see each other. He is hoping they would like to see him on a regular basis, but that is up to him.

Mr. Charney stated that he understood, and then your hours of operation, whether it would be automotive repair, or moving goods in and out of the warehouse would be limited to 7am to 7pm.

Mr. Graves stated that it would be six days a week. If they needed to make an exception, he felt that he and Mr. Noble could decide if something had to happen on a Sunday or sometime after seven.

Mr. Hicks stated that he had mentioned last time when you presented it that you were going to occupy one of the spaces, and that was the automotive part. Then could you elaborate, you talked a little bit about what the other three spaces you were thinking you least do not have to.

Mr. Graves stated that he has a family member that has a heat and air business. They need shelter for their equipment, and like heat and air units that they have sold that they have not installed yet. They are professional people that want to store anything that is

inside. A secure warehouse for professionals is basically where he was looking. And there would be three sections. Then there would be me having the fourth section 100 feet by 100 feet, building, divided up into four sections.

Mr. Hicks asked if he would be open if we were to choose to prove it that we limit the automotive repair only to the one bay that applies to you.

Mr. Tisdale stated that he thought we covered this last time, that all storage will be on the inside. Contained within the building, there will not be outdoor storage.

Mr. Houston asked regarding the lighting, what resolution did they arrived at.

Mr. Graves stated that they were going to leave the lighting off on that side. He will need lighting on the front of the building and maybe the opposite side of the building and even the rear of the building. He would be in conversation with Mr. Noble. He may want some light shining off the back for security. But the lighting that he discussed is the lighting adjacent to his property that would have been shining at his house and that he does not want. That would be our south boundary.

Mr. Charney stated that to summarize, it appears to me that they talked with the neighbor about a potential Juniper hedge or landscape big hedge of some sort rather than a privacy fence. They have agreed that no outside storage will occur, it will all be interior storage. One automotive use on the property and that the hours of operation would be approximately 7:00 a.m. to 7:00 p.m., six days a week and then if they had something out of the ordinary, whatever is the agreement with the neighbor and then no lighting on the south side of the building.

**Interested Parties:**

**Jerry Noble**, 5235 South 113<sup>th</sup> West Avenue, Sand Springs, Oklahoma, 74063, stated that he had already spoken with Mr. Graves, and they have an understanding. He said that his concern was the 7 a.m. to 7 p.m. everyday. The area is zoned residential. He and his family have been out there now since 1970 and raised five children. He did not want to be negative and wanted to keep everything positive. He was concerned about the noise and the smells.

Mr. Charney stated that the Board appreciated that, but we also care about the opinions of our residents who live nearby, that is what our purpose is. We are respectful of your thoughts, your feelings, your attitudes to it. That is why we thought maybe a discussion between the two of you can sometimes result in a set of operating conditions if it will make it less bothersome to him and still palatable to the applicant, that was what they were searching for.

Mr. Noble stated that he and his wife do not want lighting in their backyard or shining in their windows. It is going to be noisy, and he and his wife do not want to live in a noisy

area now that the kids are grown and grandkids. When we do get together, we do have a good time. Mr. Graves is a fine gentleman.

Mr. Tisdale stated that he wondered if the automotive bay were moved further away from his house if it would the noise concern be there and if the hours were controlled.

Mr. Nobel stated that was a concern. One time he said he wanted to move twenty-five feet away from his fence. The building should be set back so he could not see it. It would be great if he could build it further north.

Mr. Tisdale stated that since the property is there a happy medium that would sway the Board one way or the other. The last time Mr. Graves came, we suggested that he go out and talk and we gave him a Continuance. He wanted to make certain that this does not infringe upon your privacy, but at the same time, he wanted to know if there was any resolution that we could consider, if we were to prove that we have met that will make you happy and that would keep your peace and serenity of the property that you already own.

**Rebuttal:**

Mr. Graves stated that he agreed with Mr. Noble. It is reasonable to move the building to the north, as far north as he could. He did not know how close he could move it to the line, but 20 or 25 feet off the North boundary is about as far as he could go north and then he did not think they would ever hear him doing automotive work. But he could move my automotive to the to the furthest north section of that building.

Mr. Charney stated that one of the things that was brought up was if he were going to be over hosting an outdoor dinner or outdoor activity in the evening, your thoughts on whether the norm would be a 5 p.m. close a business and then if you had anything out of the ordinary you can go talk with him, or how you feel about the hours of operation that you gave, and you can tell us your thoughts on it and, then we will talk amongst ourselves please.

Mr. Graves stated that the hours of operation for the heat and air guys, sometimes they would be on the job until 6 p.m. and they might be an hour away from home, so they are going to be rolling in at 7 p.m., to put their equipment up. That is going to be challenging. These are professional people, he vetted them well. He thought that he was going to be the best neighbor that he was going to get. He could be wrong, there are other great people out there. If he does not build here and we build somewhere else, this property will be left to somebody else. If you are going to get a better neighbor than he is, he did not know.

Mr. Charney stated that he understood his position. Part of what our perspective is just so you will understand this when we are changing the proposed use from residential to something else that is when we tend to ask these sorts of questions.

Mr. Houston asked if the Heating and Air guys would just be dropping off their equipment. They are not fabricating materials, correct?

Mr. Graves stated that they are not a fabrication shop nor is it a machine shop. These heat and air guys that he knows like to drive nice trucks. Generally, they would have four wheelers and sometimes they store the bass boats and RVs in their place of business. These are professional people that run their business there. They will have their equipment there and they will have units for sale in this warehouse. It is not a fabrication machine shop or industrial fabrication. He has been on that road and there are trucks going down that highway 97 on that hill. They have their Jake brakes going. You go south of him, there is an industrial fabrication place that has these huge lifts, and they are moving huge pieces of metal. They are banging around. He realizes those are noisy for the neighbors there. They must hear it and they must hear those Jake brakes on those trucks. It is a noisy place. They do not know me that well, and he probably does not know exactly what my plans are, but he has been around buildings like these and these people you do not even know are there. They come in and they grab their stuff, and they go to a job site, and come back in the evening time. That is how they do business.

Mr. Hicks stated just to clarify that at this location you are not going to have a point of sale where customers come, and they buy something and leave from any of those businesses.

Mr. Graves stated that they will have signs that it is John's Heat and Air business and stuff like this is what you are going to see from the highway and it's going to look like a building and yeah, they might have something on their front door for somebody who is dropping off a package. You got to know which door to drop it off. It is not like air big air conditioning companies that have big signs and stuff like that.

Mr. Hutchinson asked when he is going to look at lighting, if we do decide this, you can get the lighting that faces downwards, not impeding them or anyone else.

Mr. Graves stated that if we need to keep it pointed down, that is what we will do.

Mr. Tisdale stated that he had questions or concerns we talked about storage of boats and RV. Sometimes they start on the inside, and soon they start showing up on the outside and become an eyesore.

Mr. Graves stated that when you are talking about having a \$250,000.00 motor home, that is the whole part of having a roof to park it inside. Bass boats nowadays are \$100,000.00. People do not leave them outside.

Mr. Tisdale stated that he understood that, but it was not part of your original request. He understood the need for storage for a bass boat and an RV.

Mr. Hutchinson stated that they were not allowed to have outside storage.

**Comments and Questions:**

Mr. Charney stated that he wanted to mention the things that he jotted down here, but he wanted to discuss it with the Board members if we are so inclined. We have had some discussion about that the south boundary would be screened with an evergreen or Juniper hedge. We have discussed that there would be no lighting on the south side of the building, and then all the lighting that is there would be down lighting, there is a particular sort of outside lighting that is that is focused down so that it reduces the light pollution. We have suggested that there be no outside storage, we have said only one bay of automotive repairs for a building. We have suggested that that one automotive bay be now on the far north side, and we have also suggested the site plan being moved to the north so that the north setback is approximately twenty-five feet or whatever is consistent. Okay, so if we were comfortable with twenty-five would be well within twenty-five feet off the north boundary line, we have discussed that, and then the only other thing was the hours of operation originally was discussed 7:00 a.m. to 7:00 p.m. If we were to grant this with our applicant saying less than that would not be feasible was his position, but six days a week from 7:00 a.m. to 7:00 pm for the RF operation. Those are the main notes that he had, and he did not know if anybody had an additional one.

Mr. Hutchinson stated that he was fine with it. It is right on Highway 97. They both appear to be great, gentlemen. He thought they could work out any thinking they are going to have. Mr. Graves has done a great job in as far as he is willing to move everything and to compromise with Mr. Noble.

Mr. Tisdale stated that he thought they both were very reasonable gentlemen. They will figure something out. He thought if we address the items in the Motion, that will suffice.

**Board Action:**

On **MOTION** of **Charney**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Use Variance to allow Warehousing (Use Unit 23) and Automotive Repair (Use Unit 17) in the RS District (310) per the conceptual plans shown on page 2.8 of the Agenda packet, with the exception, that the side yard setbacks will be reversed, that there will be a 25 foot setback on the north and approximately 75 feet or so on the on the south side. And so subject to the following conditions that the automotive used to be in the, in the 25-foot bay, that is the furthest to the north, that the warehousing units would be in the three bays that are further to the south. We also have a condition that there will be no outside storage permitted with regard to the buildings you see there in the automotive or in the warehousing use units, we have also a condition that no lighting be on the south side of the building and that all the other lighting be done professionally with a downlighting mechanism so that it reduces the light pollution, and that the hours of operation would be 7:00 a.m. to 7:00 p.m., six days a week. Rather than a privacy fence between the applicant and the south property owner, we would have a Juniper or evergreen hedge that is planted along the boundary line to provide a screening but one

that would allow the wind and light to move through. Finding that the large nature of this lot right on Highway 97 coupled with the significant setback due to easement from Highway 97 and the configuration of the track, create a hardship that if we were to enforce the literal terms of the code would create that hardship and that by granting this Variance, we are not causing substantial detriment to the public good, or are we impairing the purposes spirit or intent of the code or the comprehensive plan. For the following property:

**N/2 LT 3 BLK 3; S/2 LT 3 BLK 3, BUFORD COLONY SECOND ADDN, CITY OF SAND SPRINGS, COUNTY OF TULSA, STATE OF OKLAHOMA.**

Mr. Tisdale stated he was only concerned about the Saturday relaxation weekend, but that will be the only thing since it is next to him residential. The last thing you want to hear at seven in the morning is cars revving.

Mr. Charney stated that he would encourage our applicant, if you would, sir, when you have the opportunity to speak with your tenant base, that on the weekend, it's especially important to me be cognizant of our neighbors and if they could do what they can to limit disruption to more would be standard business hours will be helpful.

Mr. Graves stated that a discussion would be had.

**3046 - Clifford R & Elizabeth Honeycutt**

**Action Requested:**

Variance of the rear and side setbacks in the AG district to permit a lot split (Section 330- Table 3) **Location:** 12901 N. Memorial Dr. **(CD 1)**

**Presentation:**

**Clifford Honeycutt**, 12901 North Memorial Drive, Collinsville, Oklahoma 74021 stated that he wants to split his lot so he can deed it over to his son for a barn-dominium.

Mr. Charney asked what a barn-dominium was.

Mr. Honeycutt stated that it is It is one of these sheds with a dwelling unit. There are two sheds sitting on the side of the fence line that we do not want to destroy because they are great for putting lawn mowers and tools in. It is only next to one neighbor, and he has said he could care less. He has a letter in writing to it. It has been there for 25 years as it is, and it has not hurt anyone. We just do not want to destroy it because it is useful.

Mr. Charney asked if each of these lots has a frontage on Memorial.

Mr. Honeycutt stated that they do not. His house has the frontage on 83<sup>rd</sup>.

Mr. Charney stated that it is a publicly dedicated road. There is no issue regarding access. It has public access to the site.

Mr. Hutchinson stated that he was fine with it. The buildings have been there for 25 years, and the neighbor is with fine it.

Mr. Hicks asked what the green block on the site plan was. It sounds like to me that the green block area is for the future.

**Interested Parties:**

None

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **Hutchinson**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Variance of the rear and side setbacks in the AG district to permit a lot split (Section 330- Table 3) per the Conceptual Plans on page 3.7 of the Agenda packet. Finding the hardship to be the building has been there for twenty-five years and has posed no problem.

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 330N SWC NW SW TH E630.75 S330 W630.75 N330 POB LESS .314AC FOR RDS SEC 36 22 13 4.686ACS, CITY OF COLLINSVILLE, COUNTY OF TULSA, STATE OF OKLAHOMA.**

Mr. Charney recused himself for the following case and left the meeting at 2:10.

**3047 - Randy Scott**

**Action Requested:**

Special Exception to permit fireworks stand (Use Unit 2) in an AG district (Section 310) **Location:** 14003 E 116th St N **(CD 1)**

**Presentation:**

**Randy Scott**, P.O. Box 22, Coweta, Oklahoma, 74229 stated that he has been in the fireworks business ever since he was thirteen. We came to the Board seven years ago and were Approved for seven years. This year is still fine since it does not expire until September. We would like to go ahead and get it Approved for another seven or ten years. The fireworks business is crazy. Everything comes from China, so he will be ordering next month for 2024. The church has been selling fireworks through my company for probably around 12 years and years before that. They have never had one problem with anything, and they raised a lot of money for their youth group. A lot of kids that help in the tents. They enjoy it. They learn things they learned about tax, money, display, merchandising, and all sorts of stuff.

Mr. Hutchinson asked Staff. We normally Approve for five years and is that standard.

Mr. Hoyt stated that it depends on the Board. He has seen several in the past in the research that are five or seven, depending on the conditions.

Mr. Hutchinson asked Mr. Scott what his hours of operation are.

Mr. Scott stated that Michael, who oversees the youth group, could probably answer that question. They are open normally around 19 days, but his lease with the church is for a month that might give us time to set up, clean up, break down, and clean it up. just like it was before.

**Interested Parties:**

**Michael Black**, 214 West Fifth Street, Claremore, Oklahoma 74017, stated that he is the Youth Pastor at the church that we have fireworks stand. They have been selling fireworks there since they were Pentecostal. It has been about 30 years, but it is a great fundraiser, it sends all our kids to camp because of local missions, and missions overseas. In the profits that we get, we fund kids to go to camp, we let the kids work there at the fireworks stand. They do work and learn sales skills, people skills, and things like that. We open at 10:00 a.m. every day throughout the sale period, which is usually the 16th of June. We close on the 5<sup>th</sup> of July, and we usually begin tearing down on the 5th. The first two weeks, we sell from 10:00 a.m. to 10:00 p.m. There is not a ton of business at 10pm. But we just have it open just for people's sake. During the last week, we opened it up from 10:00 a.m. to 12:00 a.m. We have people on site but again, not that many people come through that late.

**Comments and Questions:**

Mr. Hutchinson stated that he has been by this stand at least three thousand times. The good thing about this is they have a lot of room. There are a lot of people that come in there, it is always done very well, and we are only talking about nineteen days a year. It is a great organization helping the youth and so he can easily support it. He would not even support seven years. We normally do it for five years, but he did not think we have ever done it for 10 years.

**Board Action:**

On **MOTION** of Tisdale, the Board voted 4-0-1 (Hicks, Houston, Hutchinson, and Tisdale all “ayes”, no “nays”, Charney “abstained”) to **APPROVE** a Special Exception to permit fireworks stand (Use Unit 2) in an AG district (Section 310) for a term to expire in seven years from September, 2023.

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:

**LT 1 LESS BEG SWC TH N100 CRV LF 336.22 NW57.57 E276.63 SE259.98 CRV LF 120.91 CRV RT 170.63 S9.42 NW414.61 POB BLK 1, CROSSROADS CHRISTIAN CENTER, CITY OF CLAREMORE, COUNTY OF TULSA, STATE OF OKLAHOMA.**

### **3054 - Ryan Strode**

#### **Action Requested:**

Variance to permit two dwelling units on a single lot of record in an RS district (Section 208). **Location:** 12813 S 128th E Ave **(CD 3)**

#### **Presentation:**

**Ryan Strode**, 4633 South Evanston Avenue, Tulsa, Oklahoma, 74105, stated that they were trying to provide a mother-in-law quarters. Currently, the mother-in-law lives with the homeowner in the house is getting a little small. Originally, we designed the addition that would comply with everything and would not require a Board of Adjustments hearing, but due to the layout and the shape and the structure of his existing home, he could not make it work. So, this was our next best option we went in and knowing that we would have to come to the Board of Adjustment for Approval. This is the layout that we ended up producing that would suit everybody's needs. What this will do when the day comes and she is no longer with us, then the homeowner will use this as a shop and as personal office space. So, this is not for rent, and this will never be for rent. This is what we personally use.

Mr. Charney stated that this is basically what you would consider an ADU or is it a dwelling unit. How many square feet will it be?

Mr. Strode stated that upstairs it is about 860 square feet, and then downstairs which is considered like a lobby and some stairs there are about 110 square feet.

Mr. Charney asked if it will conform generally to the architectural styling of the original dwelling unit.

Mr. Strode stated that it will look as exactly as the original as we can possibly make it. Saying same materials, same wainscoting, lap siding, roofing, everything will be about a similar as we can make it.

Mr. Charney asked in your professional opinion, do you think it would end up blending nicely if it is built as you have envisioned it.

Mr. Strode stated that in the area or it is an RS district, so the lots are a little bigger. Everybody has a little more room out there. What he has seen out there is there are a lot of detached buildings, whether there's big shops that are not as aesthetically pleasing as what we are doing. There are some ADU units that have been built, what the history of that is, he did not know, but they are present in the area. So, this will not be the only detached building anywhere close to there.

Mr. Charney asked if he or his client aware of any opposition of any neighbor to this.

Mr. Strode stated that he was not aware of any opposition.

Mr. Hicks asked if there were any emails in opposition.

Mr. Charney stated that he did have one. He thought it was it is important for us to acknowledge and let the author to know that we review this with the primary objections, believing that there is a property value argument, the streets, that it is not commercial, which is not it is not planned to be commercial. Will the parking for this dwelling unit be done on the street or if it is important to us at the parking be done in the existing driveway or a new driveway?

Mr. Strode stated that a new driveway will be adjacent to the existing. If you look at the site plan, you can see that there is a new driveway there with no street parking going on.

Mr. Charney asked if it were important for us to for that to be a condition that the parking servicing this ADU would be on the subject lot if that would be okay.

Mr. Strode stated that was the plan.

Mr. Hutchinson asked if this was on the sewer.

Mr. Strode stated that it is the City of Broken Arrow. The only reason we had to apply for the county is there is a small pocket in this area, that is Tulsa County jurisdiction not City of Broken Arrow. Everything surrounding this small pocket is City of Broken Arrow.

Mr. Hutchinson stated that he had a question for Staff. Is this Level One, Rural Residential? He did not think he had ever seen Level One. Could you explain that?

Mr. Hoyt stated that they have level intensities, and they subdivide their land uses level intensities, level one residential being the lowest and then goes to level two.

Mr. Charney asked if this is unique to Broken Arrow.

Mr. Houston asked if it is like RS, RS 1, and RS 2. They have their own way.

Mr. Hicks asked whether the height of the ridge line of the new building is the same as the existing building.

Mr. Strode stated that it is lower. The existing house is a two-story house and has a very large gable roof. So, because our footprints are much smaller than the original line of art, or hipped roof is much lower than existing.

Mr. Charney stated that he also wanted to call to our Board's attention, there is one in that email in the packet as well.

Mr. Hoyt stated that it was from the County.

Mr. Charney asked if there was anything at all Mr. Hoyt would like to share with us regarding that email or anything that you think would be helpful for us to know or to be aware of.

Mr. Hoyt stated that no it was just a thing for the applicant to work on permitting.

**Interested Parties:**

No interested parties were present.

**Comments and Questions:**

Mr. Charney that he thought it was a use that we can be supportive of. The whole concept of additional dwelling units is gaining momentum across the country, it is affordable housing and helping others a complacent when you have a commitment here of no commercial use, and only family use. If he understood that one individual a family member use. He thought that we are going to see more and more of these. He was reading more in the literature just to let everyone know that there are jurisdictions that are contemplating in certain states saying these are going to be permitted, regardless of what the local zoning Boards say. It is important to try and achieve a more affordable housing stock. Just a thought, to whatever extent that is relevant to our board, but he understood the nature of it. He thought it was a reasonable use here.

**Board Action:**

On **MOTION** of **Houston**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”, no “nays”, no “abstained”) 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 shown on page 5.7 of the Agenda packet. Subject to the following conditions, we recognize it is never going to be rented and will always be used for their personal use. The hardship to be it is adjacent to the current residence. It fits perfectly into their plan.

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 2 BLK 2, WILLOW SPRINGS PLAZA ADDN, CITY OF BROKEN ARROW, COUNTY OF TULSA, STATE OF OKLAHOMA.**

**3055 - Mildred Williams**

**Action Requested:**

Special Exception to permit a single-wide mobile home in an RS district (Section 410). **Location:** 10881 W 61st St S **(CD 2)**

**Presentation:**

**Mildred Williams**, 111 North Phoenix Avenue, Tulsa, Oklahoma, 74127, stated that she wanted to place a single wide trailer on our property.

Mr. Charney asked if there was anything on the lot currently.

Ms. Williams stated that it is a completely vacant lot.

Mr. Hutchinson stated that it looks of this there are mobiles homes to the east of you. It is kind of hard to tell with our area. Have you visited with any of your neighbors?

Ms. Williams stated that she had not.

Mr. Hutchinson stated that the single wide must be skirted, tied down, and your septic must meet DEQ requirements and then where you park your car must either be asphalt or concrete, not the whole driveway.

**Interested Parties:**

None

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **Hicks**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to permit single-wide mobile home in an RS district (Section 410) per the Conceptual Plans shown on page 6.6 of the Agenda packet, subject to the following conditions, that it be skirted, tied down, that it will have paved parking, and all appropriate approvals through DEQ for septic.

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:

**LT 12 LESS N253 BLK 2, BUFORD-COLONY, CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA.**

**3056 – Al Dennis WITHDRAWN BY APPLICANT**

**Action Requested:** Variance of the required Side setback in the IM district from 75' to 14' (Section 930 Table 2) **Location:** 6518 N Yale Ave **(CD 1)**

**3057 - Casey Allison**

**Action Requested:**

Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) **Location:** 17793 S Harvard Ave **(CD 3)**

**Presentation:**

**Casey Allison**, 17793 South Harvard. Mounds, Oklahoma, 74047, stated that they have 2.33 acres. We are wanting to build a mother-in-law suite. She still lives in town. Whenever she decides to move out there, she wants to go out and have the place ready for her to move in.

Mr. Charney asked if it is attached to the existing dwelling or an entirely separate detached.

Mr. Allison stated that it is an entirely separate detached dwelling. It is going to be to the east of the primary dwelling on the north end of our property. The family to the north has five acres and they are more to the north or middle of theirs to put on that side. And that is beside our driveways.

Mr. Charney asked if he had spoken with that neighbor that is closest to this structure.

Mr. Allison stated that he had on both sides.

Mr. Charney asked what the total square footage would be.

Mr. Allison stated that it should be around 2,000 square feet. It will have its own utilities and we are on propane out there.

Mr. Charney asked if they are both serviced by the same driveway.

Mr. Allison stated that she will have a walkway to her residence, and we will have a garage built into our driveway. We have a three-car garage that she could use.

Mr. Charney stated that for Staff clarification, they are not seeking a lot split where we are simply permitting two dwelling units on a single lot of record. Is that basically where we are?

Mr. Hoyt stated it was a Land Area Per Dwelling Unit.



Mr. Charney stated that was what he wanted Mr. Allison to understand you could not convey one house without the other, at least at this point. What we are doing today is just to permit you to build the second one. We cannot speak to the ability to convey them separately. That is a whole different matter.

Mr. Hutchinson stated that per your letter, this is also going to serve as a pool house.

Mr. Allison stated that would be in the future when she passes. She is currently seventy years old. Her husband is eighty and he is not in great health. When he passes, she wants to have a place to live. She loves it out there. We do not ever plan on it being a rental.

Mr. Hicks asked if he could describe the exterior.

Mr. Allison stated that the primary dwelling has stone wainscot with brick veneer with some wood siding on elevations where brick can be. This will be an all-brick veneer façade. It will match our house color and we are using the same builder.

**Interested Parties:**

None

**Comments and Questions:**

None

**Board Action:**

On **MOTION** of **Tisdale**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Variance of the minimum land area per dwelling unit requirement in an AG district (Sec. 330) per the Conceptual Plans shown on page 8.6 of the Agenda packet, the hardship being the large size of the lot, subject to the following conditions that dwelling unit conform to the architectural style of the existing house, and meet DEQ requirements if on septic.

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 825.01N SWC SW TH N165 E660.71 S164.97 W660.69 LESS W50 THEREOF FOR RD SEC 33 17 13 2.31ACS, CITY OF MOUNDS, COUNTY OF TULSA, STATE OF OKLAHOMA.**

**3058 - Andres Vazquez**

**Action Requested:**

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

**Location:** 6412 W. 60th St. (CD 2)

**Presentation:**

**Andres Vasquez**, 4808. South Elwood Street, Tulsa, Oklahoma 7417, stated that he wanted to put a mobile home at that address. The lot is vacant. It needs utilities and they are ready. We are ready to go.

Mr. Charney asked if he had spoken with any of the neighbors or are you familiar with the area.

Mr. Vasquez stated that he had not, but he did speak with one neighbor yesterday and introduced himself.

Mr. Charney asked if there are other mobile homes in the area. It looks like there may be a couple, but it is hard for me to tell. Have you driven out there and can you tell from the picture?

Mr. Vasquez stated that there are lots of mobile homes in that area. The addresses are right here: 6512 West 60th Street and the other one is 8241 East 32<sup>nd</sup> Place South.

Mr. Charney stated that earlier today, you heard us describe the various items required. If we were to grant this you will need tie downs, skirting, and parking the vehicle on hard surface.

**Board Action:**

On **MOTION** of **Hutchinson**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to permit a manufactured home in an RS district (Section 410). Subject to the following conditions. tie downs, the skirting, as well as a hard surface to park the car on hard surface being either concrete or asphalt and all the DEQ requirements.

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:

**LT 6 & N7.5 VAC ALLEY ADJ ON S BLK 8, NEW TANEHA, CITY OF TULSA,  
COUNTY OF TULSA, STATE OF OKLAHOMA.**

**3059 - Anna Raylynn Blue**

**Action Requested:**

Special Exception to permit a single-wide mobile home in an RS district (Section 410). **Location:** 6511 N Quincy Ave E **(CD 1)**

**Presentation:**

**Anna Raylynn Blue**, 6521 North Quincy, Tulsa, Oklahoma, 74126, stated that the property that we want to place a trailer on for their daughter, granddaughter, and my son-in-law wanted to in.

Mr. Charney asked if it was near your property.

Ms. Blue stated that her mom and dad's house is between us. It has an old garage that we plan to tear down. As far as she is aware, the garage, the front part of it, certainly needs to be taken down.

Mr. Charney stated that sometimes it is important for us to know the whole plan for the lot.

Ms. Blue stated that the shed at the back needs to be removed.

**Jack Blue**, 6521 North Quincy, Tulsa, Oklahoma, 74126, stated that the shed that is in the very far back corner will have to be removed because it has been coming apart. As for the garage, there are a few pieces in the garage that must be either removed or repaired. There was a house on that property 25 years ago, but we now have the house on that property. Years later, we started having kids. So, we bought a different house, which is two houses down.

Mr. Charney stated that if we were to grant this and it is important for us to know if there is an existing structure, you are going to repair it, repaint it, or make it if we feel that it's an improvement that you're trying to accomplish making things nice that sometimes is relevant to us. Can you tell us what you would like to do with the garage please?

Mr. Blue stated that they are going to reskin it, because it is an old cheap, metal building, and reskin that garage. He likes to do a lot of like knickknacks stuff, building things like carpentry work or shelves. It is for my own personal use.

Mr. Charney stated that if we were to grant this, do you understand the nature of the additional requirements, proper tying in either DEQ septic or sanitary sewer, tie downs, skirting, and hard surface parking. Are you familiar with those and if we grant you would agree to do all of those?

Mr. Blue stated that he would, and another thing is that since it had a house on it before had sewer and county water and there is an electric pole on that property.

Mr. Charney stated that sometimes it is important to our Board to know if there are other manufactured homes across the street or on the block. Do you know of any?

Mr. Blue stated that there is one or two down the road. On the corner of 65<sup>th</sup>, there is a manufacturer or mobile home there.

**Interested Parties:**

**David Barker**, 848 Bridgepoint Drive, Grand Prairie, Texas, 75052 stated that he owns the property to the south. We have known each other for a long, long time, we have been neighbors for a while. His mother passed, that was his mom and dad's house, my grandmother and grandfather had the house just south of my mom's house. There was a fire there. There were some transients out there that were in my grandmother and grandfather's house, but they burned the house down.

Mr. Charney asked if he could clarify that you own the property to the south of the subject lot that we are here to talk about today.

Mr. Barker stated that he owns the two properties immediately south of this house. He brought pictures with him of the property where they are proposing to put this trailer is a little is too close. He would want to try and postpone this so we can talk about it, because he really did not realize this till, he got this letter, but it needs to be centered more, if possible, because, if there was another fire it would catch the trailer on fire. So, he thought it was a hazard and that way for them. The second thing is, and you can see in these pictures, that tell him that electric pole that they have runs to my parents' house, and it runs low. If you see that is where the proposed property would go. There are some trailers in the area, but it is the exception most of its houses. He is afraid this will bring my house value down when it is not very high right now, but he would like to request a land survey because it is going to be close to the house. He would also like to take into consideration putting a privacy fence between them. If it were centered more, you could still get to your truck in your garage. Is the trailer going to be new or is it going to be used? He would request a privacy fence and a land survey. How big is the trailer going to be?

Mr. Charney thanked him for traveling to share with us as the adjacent property owner, we appreciate your perspective. The first thing that he wanted was to see if you can speak to our matter of Staff can help him. He could not read the side yard setback on the south side. It is super tiny and written in red.

Mr. Hoyt stated that it was eight feet.

Mr. Charney asked if that was Ms. Blue's understanding.

Ms. Blue stated that was what they had seen.

Mr. Charney asked if it was a new mobile home.

Ms. Blue stated that it was not new.

Mr. Charney asked where the front door was located.

Ms. Blue stated that it would face north.

Mr. Charney asked if the trailer is 14' x 70' approximately.

Ms. Blue stated that was correct.

Mr. Hutchinson asked about the electric lines, and if the trailer would be under that.

Ms. Blue stated that they had a trailer there 25 years ago, and it set right down the driveway line, where we would like to set this one. We had a pole put right beside the garage for our electric to run into.

Mr. Hutchinson stated that he would suggest that if the Board approves this that they get with the appropriate utility companies before you do that because he would hate to see them spend the money to have someone come back out and make you move it or anything like that.

Mr. Houston asked when they had a mobile home there was it in this exact place.

Ms. Blue stated that it was in the same place, but it was a little larger.

Mr. Hutchinson asked Staff what is the setback.

Mr. Hoyt stated that it was five feet for a setback in a RS district.

Mr. Charney asked if the front yard setback here roughly twenty feet.

Mr. Hoyt stated that is what it shows, but it is twenty-five feet.

**Comments and Questions:**

Mr. Charney stated that he was wondering if it were to be any more centered, then it would begin to encroach upon the footprint of the existing garage, it looks like to me. And so, but the eight-foot south side setback is three feet more than the County minimum. as it says, as just draw. He wanted the record to reflect we understood and heard from the interested party, that it is his desire that this matter be continued. Generally speaking, if we have the applicant present, we've got the information before us we tend to address it on the date that it's that it's here before us, but he wants other members of my of our Board, to determine whether they think that anything would be a benefit to any one of us if we had more time or whether we're prepared to pass judgment today. When he looked at it, he thought that there was one there previously. There has been a commitment to reskin and make the existing garage nicer. That could be a condition. He would want you to be aware that is important to us. If it looks like it is

in disrepair. Our Board has felt that the existence of a manufactured home and done nicely in an area that has been neglected is an upgrade. We have felt that, but it is important to us that an upgrade is truly accomplished. If it is a previously owned home, it might be important to us that it is well taken care of, well-established, well skirted, and looks nice. He would like you to know that could be important to us. We had one other matter that was suggested, and sometimes we can condition these whenever they are adjacent to another home is a fence. That is something that we can talk about amongst ourselves, thoughts on the need for a fence on the south side.

Mr. Hutchinson stated that his thought is, first off, to build a new house, you are over \$200 a square foot. The best thing about a privacy fence is firstly, and for that, it is just a maintenance nightmare.

**Board Action:**

On **MOTION** of **Hutchinson**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Special Exception to permit a single-wide mobile home in an RS district (Section 410), per the Conceptual Plans shown on page 10.7 of the Agenda packet. Subject to the following conditions: there must be tie downs, skirting, hard surface parking, and residing on the garage.

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:

**LT 6 & N7.5 VAC ALLEY ADJ ON S BLK 8, NEW TANEHA, CITY OF TULSA, COUNTY OF TULSA, STATE OF OKLAHOMA.**

### **3060 - Tony Atzbach**

#### **Action Requested:**

Use Variance to permit Other Trades and Services (Use Unit 15) on an AG zoned lot. Use Variance to permit Storage, (Use Unit 23) in an AG zoned lot. (Section 310). **Location:** E of the NEC N 137th E Ave and E 156th St N **(CD 1)**

#### **Presentation:**

**Tony Atzbach**, 15609 North 137th East Avenue Collinsville Oklahoma 74021, stated that they have multiple companies but this one is Anytime Septic. We have five acres on that whole corner. The building that we have right now has been there for well over 40 years. Coppedge Septic bought that company out several years ago. The original owner wanted to keep the two acres and we thought it was zoned industrial. Then we went to get permits and found out it had reverted to AG on the two acres. We have a building there right now and we have our original building. We want warehouse space and office space for that building that we are proposing on those two acres.

Mr. Charney asked if this was immediately to the to the east of the existing warehouse industrial buildings. Is that correct?

Mr. Atzbach stated that was correct.

Mr. Charney asked if he had spoken with any of his neighbors.

Mr. Atzbach stated that he saw that we could have talked to him. This is in between two buildings we already own.

Mr. Hutchinson asked if they were buying this property.

Mr. Atzbach stated that they already owned it. We bought it five years ago. It was part of the original five acres, and he just kept two. It reverted to AG.

Mr. Hutchinson stated that it shows owner as Coppedge Family Revocable Trust.

Mr. Atzbach stated that the assessor has not gotten it changed. He had the title; this produced the title company.

This area just to the north is the north of that is a rodeo for green so you know where its building is and industrial by perform very well with it. Well,

#### **Interested Parties:**

No interested parties were present.

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

Mr. Hutchinson stated that he was familiar with this area. Just to the north is the north of that is a rodeo arena. This conforms well with the area.

Mr. Charney stated that with your knowledge of the area he could be supportive of this request.

**Board Action:**

On **MOTION** of **Hutchinson**, the Board voted 5-0-0 (Charney, Hicks, Houston, Hutchinson, and Tisdale all “ayes”, no “nays”, no “abstentions”) to **APPROVE** a Use Variance to permit Other Trades and Services (Use Unit 15) on an AG zoned lot. Use Variance to permit Storage, (Use Unit 23) in an AG zoned lot. (Section 310) per the Conceptual Plans shown on page 11.7 in our agenda packet.

Finding the hardship to be this adjoins is industrial wide area, that area was easily conformed to this.

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 1988.41W SECR SEC 16 TH W281.59 N330 E281.59 S330 POB SEC 16 22 14 2.133ACS, CITY OF COLLINSVILLE, COUNTY OF TULSA, STATE OF OKLAHOMA.**



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**OTHER BUSINESS**

None

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**NEW BUSINESS**

None

\* \* \* \* \*

**BOARD MEMBER COMMENTS**

None

There being no further business, the meeting adjourned at 3:09 p.m.

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

\_\_\_\_\_  
Chair