

***AMENDED* AGENDA**
Tulsa County Board of Adjustment
Regularly Scheduled Meeting
Tuesday November 18, 2025, 1:30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room
Meeting No. 548

Consider, Discuss and/or Take Action On:

Members Present	Members Absent	Staff Present	Others Present
Charney, Chair	Houston	S. Tauber	County Inspectors:
Hicks		K. Davis	K. Edinburgh
Hutchinson, V. Chair		J. Rojas	T. Tosh
Tisdale		D. Wilkerson	

The notice and agenda of the said meeting were posted at the County Clerk's office, County Administration Building, November 10, at 4:35 p.m. as well as in the Office of INCOG, 2 West Second Street, Suite 800.

Mr. Davis read the rules and regulations.

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

UNFINISHED BUSINESS

CBOA 3298 - Alexis Packham Johnson

Action Requested:

Special Exception to allow a duplex use in an RS-3 district (Sec. 3.030, Table 3-2)

Location: 13115 S 121st East Ave, Broken Arrow

Presentation:

Alexis Packham Johnson, 13115 South 121st East Avenue, Broken Arrow, Oklahoma 74011, stated that she had filed an application with the DEQ and they approved an additional septic system for the duplex that she wanted to build. She stated that existing tract is half of an acre.

Mr. Charney stated that this property was currently zoned for single family use.

Interested Parties:

Kevin Lacy, 13125 South 121st East Avenue, Broken Arrow, Oklahoma 74011, stated that a duplex would alter the neighborhood significantly, and objected.

Jerry Tilley, 13150 South 121st East Avenue, Broken Arrow, Oklahoma 74011, objected because of density on a small lot.

Chris Jacobsen, 13434 South 121st East Avenue, Broken Arrow, Oklahoma 74011. He is opposed to this request for the following reasons: 1) The zoning is rural residential estates, and a duplex is not rural. 2) There are no duplexes in the area. The nearest duplex is a mile and half away from this area. 3) This will set a precedent that could open the door for multi-family use development.

Todd Guy, 13327 South 121st East Avenue, Broken Arrow, Oklahoma 74011, stated that he was at the meeting to represent multiple neighbors. He and his direct neighbors object to increased density.

Rebuttal:

Alexis Packham Johnson stated that she did not think that a duplex would create chaos. There are large structures on surrounding properties.

Comments and Questions:

Mr. Charney stated that as Mr. Tisdale had mentioned, an ADU for a parent is different from what is being requested.

Mr. Hutchinson stated that he did not have a problem with an ADU, but he did have a problem with a duplex, especially if it is for elderly parents. A two-story duplex would be ill advised for elderly parents. He could support an ADU, but not a duplex.

Mr. Hicks stated that this is a different use than having a large garage on a property. They are not the same.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Hutchinson, and Tisdale all "ayes"; no "nays"; no "abstinence", to **DENY** the Special Exception to allow a duplex use in an RS-3 district (Sec. 3.030, Table 3-2). Finding that it would not be in harmony with the spirit of the code and would be injurious to the neighborhood and otherwise detrimental to the public welfare.

Legal Description:

S98.375 N148.375 W295 N/2 NE LESS W50 FOR RD SEC 8 17 14 .553AC

NEW APPLICATIONS

CBOA 3308 - Gloria Buck

Action Requested:

Variance of the side yard requirements to place accessory structure in side yard
(Sec.3.050 table 3-3)

Location: 13109 W. 40th St. S., Sand Springs

Presentation:

Gloria Buck, 13109 West 40th Street South, Sand Spring, Oklahoma 74063, stated that there was a carport on the side of the house when she purchased the home and it fell apart. She wants to build a garage where the carport was. The old carport has been torn down. The septic system is behind the house, and she is unable to put the garage over it. The garage will be twenty feet by thirty feet. Her request is to put the garage in the side yard instead of the backyard. The original carport was in the side yard. Her neighbors are fine with this request.

Interested Parties:

None.

Comments and Questions:

Mr. Hutchinson stated that he could easily support this request.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Hicks, Hutchinson, and Tisdale all "ayes"; no "nays"; no "abstinence", to **APPROVE** a Variance from the requirement to place an accessory structure in the rear yard and allow an accessory structure in the side yard. Finding the hardship to be that there was a previous structure there and septic in the back of the house.

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:

Legal Description:

BG.710N. & 1320W SECR SE TH W330 N660 E330 S660 POB SEC.21- 19-11

CBOA 3309 - Debbi and Paul Nichols

Action Requested:

A Variance to increase the maximum height requirement from 18.0 feet to 26.8 feet. & a Variance of the rear yard requirement to permit an accessory building in an RE district. (Sec. 8.030)

Location: 16719 S 2nd East Place, Glenpool

Presentation:

Edward McInfoosh, 9451 Highway 52, Okmulgee, Oklahoma 74447, stated that he represented the construction company that Mr. Nichols has contracted to do the construction of this RV garage. Mr. Nichols has provided documentation from HOA that they have approved this request as well as his neighbors. The garage will match the exterior of the dwelling. All the necessary side and rear yard setbacks would be honored.

Ms. Teresa Tosh, Building Inspector for Tulsa County stated that the diagram shows that it is in the side yard instead of the rear yard.

Staff stated that the exhibit included in the agenda packet shows the proposed location for the building and it looks like there is an easement along the property line.

Interested Parties:

None.

Comments and Questions:

None

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Hicks, Hutchinson, and Tisdale all "ayes"; no "nays"; no "abstinence", to **APPROVE** a Variance to increase the maximum height requirement from eighteen feet to 26.8 feet. and a Variance of the rear yard requirement to permit an accessory building in an RE district in the side yard. (Sec. 8.030). The hardship being the nature of the purpose that the structure must be 26.8 feet for the proposed use, and the shape of the lot. Subject to the condition that all setbacks must be honored as shown in the site 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:

Legal Description:

LOT 7 BLOCK 14 Elwood Crossing II, a subdivision in County of Tulsa, State of Oklahoma

CBOA 3310 - Sundance Investment Group, LLC

Action Requested:

Special exception to operate a ready-mix concrete / concrete (batch) plant business on IM district (Sec. 6.070-C).

Location: 3330 N Mingo Rd, Tulsa

Presentation:

Joel Parks, 7114 East 136th Place North, Collinsville, Oklahoma 74021, stated that he represented Sundance Investment Group for a 4-acre parcel within a parcel of 177-acres for the operation of a ready-mix concrete (batch) plant business. They store the materials to mix the concrete on site. There will be dump trucks delivering the materials daily. There will be seven to eight mixer trucks daily. The hours of operation will be 1:00 a.m. to 5:00 p.m., five days a week.

Interested Parties:

Sarah Johnson, 7777 Airport Drive, Tulsa, Oklahoma 74105 stated that she was there to represent the Tulsa International Airport Authority and she was there to say that the Tulsa Airport Authority supported this request.

Comments and Questions:

Mr. Hutchinson stated that he thought it was a good use of this land.

Mr. Charney asked the applicant for information regarding the storefront name of this company. Mr. Charney was not familiar with the company and did not recuse himself.

Board Action:

On **MOTION** of **TISDALE**, the Board voted 4-0-0 (Charney, Hicks, Hutchinson, and Tisdale all "ayes"; no "nays"; no "abstinence", to **APPROVE** Special exception to operate a ready-mix concrete / concrete (batch) plant business on IM district (Sec. 6.070-C) subject to the following conditions that operation be limited to the 4 acre tract that is highlighted in the Agenda packet, and be consistent with the conceptual plan presented by applicant.

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:

Legal Description:

BEG 120.9W NEC NE TH W APPROX 2530.69 S APPROX 1336.98 SE APPROX 1544.978 E APPROX 779.05 S APPROX 506.19 E APPROX 1412.21 N APROX 693.82 W10 N30 E10 N APROX 267 W10 N60 E10 NAPROX 2196.27 NW APPROX 100.3 TO POB SEC 24 20 13 177.774ACS County of Tulsa, State of Oklahoma

CBOA 3311 - Jared Redyke

Action Requested:

Special Exception to allow a duplex use in an AG district (Sec. 2.030 Table 2-2)

Location: 4915 S. 257th W. Ave., Sand Springs

Presentation:

Jared Redyke, 18727 South Memorial Drive, Bixby, Oklahoma 74008, stated that the back story was that they received approval last Spring. They are building a performance horse barn, and this will be for their assistant trainers and helps housing. They decided to change it from a single-family dwelling to a duplex for privacy. It will be two duplexes with the same square footage, just two separate structures for a total of four dwelling units. The only thing that has changed from the original plans is they have put in dividing walls and an extra door for each side of the duplex. They do not want to make this a subdivision. It is just housing for the employees and as agricultural as possible.

Interested Parties:

None.

Comments and Questions:

Mr. Charney stated that he could see that this would be helpful in the running of his business.

Staff Comment:

Mr. Davis clarified that the address of the subject tract is 11835 South Memorial Drive, Tulsa, Oklahoma. Only the staff report was incorrect.

Ms. Tosh with Tulsa County Inspector's department reminded the applicant that he needs amended plans for the new structures because even though he has been permitted on the single structure, the County needs the new plans for the duplexes.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Hicks, Hutchinson, and Tisdale all "ayes"; no "nays"; no "abstinence", to **APPROVE** Special exception to allow a duplex use in an AG district (Sec. 2.030 Table 2-2) subject to the following conditions: two duplex structures/four dwelling units for the operation of this business.

In approving a special exception, the board of adjustment is authorized to impose such conditions and restrictions as the board of adjustment determines to be necessary to ensure compliance with the standards of §14.080-G, to reduce or minimize the effect of the Special Exception upon other properties in the area, and to better carry out the general purpose and intent of these zoning regulations.

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:

Legal Description:

The Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of the Section One (1), Township Sixteen (16) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa Conty, State of Oklahoma, according to the United States Government Survey.

CBOA 3312 - Branch Towers (Kole Talbot)

Action Requested:

Special Exception to permit freestanding communication tower in AG district (Sec. 6.010, Table 6-1) and Special Exception to reduce setback requirement pertaining to the height of the tower (Sec. 7.190-E.6a).

Location: 7841 N 75th E Ave., Owasso

Presentation:

Troy Williams, 2761 East Skelly Drive, Tulsa, Oklahoma 74105, stated that he represents Branch Communications/Kole Talbot. This is a ten-acre tract zoned agricultural. The cell tower will be in the far Southeast corner of the property. They are trying to put the tower in the back corner of the property away from as many homes as possible with a 50-foot reduced setback from the South and the East. The zoning code asks for 165-foot setbacks for a 150-foot tower. Communities with the best coverage have the high property values. This will be a zero-fall radius so in a catastrophic event, the cell tower will crumple and not fall straight. The top is eight feet tall and there are three carriers, one on each triangle. It is a monopole so there are no guy wires. There will be full bar 5G coverage in this area. There is poor cell phone coverage in this area and 1st Responders need better coverage to serve this community.

Interested Parties:

Shana Mann, 8101 North 74th East Avenue, Owasso, Oklahoma 74055, stated that she objects to the location and that she lives in the neighborhood and her children go to school that is in this area. She asked the Board to think of their children and put this in an area away from homes and schools.

Laura Mietus, 7608 East 81st Place North, Owasso, Oklahoma 74055, objects to the location. The tower will be an eyesore. She is concerned about the health matters of this, and she has great cell coverage. She is opposed to this request.

Sabina Shorb, 7406 East 81st Place North, Owasso, Oklahoma 74055, stated that she objects to the location. She is concerned about the value of their homes losing value.

Katie Witten, 7502 East 81st Place North, Owasso, Oklahoma 74055, stated that she objects to the location.

Kimberly Leach, 7840 North 75th East Avenue, Owasso, Oklahoma 74055, stated that she objected and she had sent in an email and wanted to reiterate that there is no reason for this cell tower to go here.

Charles Hancock, 7867 North 71st East Avenue, Owasso, Oklahoma 74055, objected and stated that this is the third time to oppose the placement of this cell tower in their area.

Adam Doverspike, 110 North Elgin Avenue, Suite 200, Tulsa, Oklahoma 74120, stated that he was there on behalf of the Leach family, and they asked him to represent them today. He read the letter that he handed to the Board wherein he asked that the application be denied. This tower should not be in the middle of a residential area, and it would be better in the industrial area south of 76th Street North. All the schools in the Owasso area are hard-wired and do not need a cell tower to enhance their coverage. Cell towers can be used by right in industrial zones and there are some industrial zones nearby. The cell coverage is good in this area. This would be injurious because it is not in the character of a residential or agricultural neighborhood. It is appropriate in an industrial or commercial zone for the same reason that it fits the character of those zoning characteristics. If there are cases where it is impossible to put the cell tower in an industrial or commercial zone, you might need a Special Exception. This is not that situation for a Special Exception. The burden is to the company to find the exception to the rule.

Paul Nosak, 7841 North 75th East Avenue, Owasso, Oklahoma 74055, owns the subject property and supports the request. He stated that he did not sign the contract with AT&T to place this on his land to offend his neighbors.

Rebuttal:

Troy Williams stated that the radiation from the cell tower is non-ionizing mean that it is not skin penetrating. During the pandemic, everyone was trying to work from home, and everyone was trying to be on them and could not use their data because of the overload. They have tried to place the tower in multiple properties in the area, and this is where they landed. He thanked the Board for their time.

Comments and Questions:

Mr. Hutchinson stated that he had supported this in the past and he still supports it. Poor cell service would devalue a home much faster than having a cell tower.

Mr. Hicks stated that the last time this came up he was against it. Currently, the property is zoned agricultural, but that is not the long-range vision of the site and if you look at the residential development, the surrounding development to him is falling in line with the comprehensive plan and that is what the intent was for. For that purpose, he had the same opinion as he had before. He felt this was the wrong location for a cell tower.

Mr. Tisdale stated that he was wavering this time because he remembered from last time that the location issues were then and it needed to be in an inconspicuous area so that it would not be an issue. He hears both sides but the thing that concerns him the most is the random selection of where this is to be located. With all the protestants at the meeting, no one complained about the coverage.

Mr. Charney stated that he was absent the last time AT&T was here and stated that he was swayed by the comments Mr. Hicks made about the Comprehensive Plan for this region and nearby industrial opportunities. He did not feel that he could render an opinion based on a study by different groups on either side, but what he is swayed by is that you do have to have a Special Exception to get AG or residential areas for a reason. There is a lot of vacant land to the south, and he was inclined to think that this request is not consistent with the spirit of the code (a) because of Owasso's Comprehensive Plan, and (b) the alternatives that are available.

Board Action:

On **MOTION** of **TISDALE**, , the Board voted 3-1-0 (Charney, Hicks, and Tisdale all "ayes"; Hutchinson "nay"; no "abstinence", to **DENY** the Special exception to permit freestanding communication tower in AG district (Sec. 6.010, Table 6-1) and Special Exception to reduce setback requirement pertaining to the height of the tower (Sec. 7.190-E.6a).

Legal Description:

The Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of the Section One (1), Township Sixteen (16) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey.

CBOA 3313 - Insta-Shed West LLC

Action Requested:

Special Exception to allow Portable Building Sales located in a CS zoned District. Sec. 6.060-D Wholesale Sales and Distribution

Location: 6001 W 41st St S, Tulsa

Presentation:

Thomas Toliver, 1370 Panther Lane, Sapulpa, Oklahoma 74066, stated that he wanted to sell portable outdoor storage units at the Berryhill location. The zoning is commercial and the Variance is needed because the storage units are outside. He has spoken with his neighbors, and they agree with the request. The property will be mowed and edged all year and kept looking neat and clean. There will be a gravel area for parking. The lot itself will not be concrete or gravel; it will be well kept grass. The entrance will be on the east side of the property. The entrance will be concrete. There will be a small office there for paperwork. The landlord will approve the signage.

Interested Parties:

None.

Comments and Questions:

Mr. Charney stated that he was in support of this request.

Board Action:

On **MOTION** of **HICKS**, the Board voted 3-0-0 (Charney, Hicks, and Hutchinson all "ayes"; no "nays"; no "abstinence", to **APPROVE** a Special Exception to allow Portable Building Sales located in a CS zoned District. Sec. 6.060-D Wholesale Sales and Distribution subject to the condition that the location of sales is east of 6089 W. 41st St. S in-between that lot and the fire station.

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:

Legal Description:

**PRT SW SE SW BEG 50N & 338W SECR SW SE SW TH N268 E283 S60 E55
N402.08 W632.36 S610.30 E294.28 POB SEC 20 19 12 6.85ACS, PLEASURE
ACREAGE 3RD ADON Tulsa County, State of Oklahoma**

CBOA 3314 - Mark Curtsinger

Action Requested:

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

Location: 794 E 73rd St N., Tulsa

Presentation:

Aaron Mollenhauer, 800 East 73rd Street North, Tulsa, Oklahoma 74126, and 794 East 73rd Street North, Tulsa, Oklahoma 74126, stated that he owns these two parcels and wants to put a house on the lot. He was told that he needed an address for the back parcel for utilities, but it now has no frontage to the street. The dilapidated property will be removed so they can move forward. He was given the address but did not go through a lot split with INCOG.

Interested Parties:

None

Comments and Questions:

Ms. Tosh, with Tulsa County Inspection, stated that on the County Assessor's website, it does show two parcels. One has no frontage. It is drawn like there is a panhandle, but it does not have the panhandle. The Assessor's shows it as two squares; one has frontage and does not.

Mr. Charney stated that the Board is inclined to help someone do what the applicant wants to do. They would say the Board needs an easement of records that the applicant could show the Board from the East 71st Street south up to this rectangular parcel. Mr. Charney would counsel the applicant to go to a real estate attorney and get an easement with a description of where that easement needs to be. The attorney should prepare one and the applicant would execute it and give it to yourself. Overall, the easement will serve two parcels, and you will not have this issue any longer. The County would ask for this when he goes in for a permit.

Ms. Tosh stated that the applicant would have to call the assessor's office and get him to combine the lots.

Mr. Charney stated that the applicant has the choice to combine the lots or if he wants to split the lots, he will need an approved easement for the back.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Hicks, and Hutchinson all "ayes"; no "nays"; no "abstinence", to **APPROVE** Variance of street frontage requirements from 30' to 0' in an AG district (Sec. 2.040 Table 2-3) subject to the

following conditions that the applicant would have an attorney prepared easement executed, filed of record, and delivered to the County staff to show that there is a legal means for ingress and egress from the publicly dedicated road of East 73rd Street North to the southern parcel. Finding that this is an existing circumstance and considered a remedy to the previous configuration.

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:

Legal Description:

The East Half of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (E/2 NW/4 SW/4 NE/4) LESS the North Two Hundred Fifty-two (252) feet of the East Half of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (E/2 NW/4 SW/4 NE/4) of Section Thirty-six (36), Township Twenty-one (21) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof.

Mr. Charney left the meeting at 3:45.

CBOA 3315 - Robert E. Parker

Action Requested:

Variance of side setback requirements in RS-3 district from 5' to 2'10" (Sec. 3.040, Table 3-3).

Location: 7317 E 90th PI N, Owasso

Presentation:

Ashton Ballard, 8522 East 61st Street, Tulsa, Oklahoma 74133, stated that she was there to represent Robert E. Parker and Marsha Richardson who represent the Property owners, Simmons Homes Residential Group LLC. Ms. Ballard stated that this Variance concerns Lot 413, Magnolia Ridge III located at 7317 East 90th Place North in Owasso, Tulsa County. They are requesting a Variance to reduce the size of the side setback requirements from five feet to two feet ten inches as well as the building line on the westside to be reduced from five feet to two feet ten inches. During construction, the home was placed slightly over the left 5-foot building line. This was done by mistake and was not done intentionally. The Variance will not negatively affect the property utilities, drainage, or access. Adjacent owners are not impacted, and the house otherwise complies with all applicable setbacks. The frame is up. There was a retaining wall to the west side that they used as a pinpoint on the survey that caused miscommunication.

Interested Parties:

None.

Comments and Questions:

Mr. Hutchinson stated that he could understand how this mistake could happen. Mr. Charney recused himself for this case.

Board Action:

On **MOTION** of **HICKS**, the Board voted 3-0-1 (Hicks, Hutchinson, and Tisdale all "ayes"; no "nays"; Charney "abstained"), to **APPROVE** the Variance of side setback requirements in RS-3 district from 5' to 2'10" (Sec. 3.040, Table 3-3) subject to the conditions that are set forth in the Agenda packet. Finding the hardship to be that during the construction and a faulty location was based on a retaining wall location mistake.

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:

Legal Description:

LOT 4 BLOCK Magnolia Ridge III a subdivision in County of Tulsa, State of Oklahoma

Mr. Charney returned to the meeting at 4:29 p.m.
Mr. Tisdale left the meeting at 4:30 p.m.

CBOA 3316 - Teresa Gwin

Action Requested:

Variance of the rear yard requirement to permit an Accessory building in an RS-3 District (Sec. 8.030)

Location: 4526 S. 47th W. Ave, Tulsa

Presentation:

Teresa Gwin, 4502 S. 47th West Avenue, Tulsa, Oklahoma, 74107, stated that she owns a house that is south of her main house. She wants to put a three-sided carport on her lot but is unable to put it in the backyard. The house sits too far back, and the septic system is back there as well. Her yard is on the south side of the house and wants to put the carport in her side yard. The driveway takes you to the carport. She has talked with her neighbors and family that live on the street, and no one has any concerns about it being put there.

Mr. Wilkerson with the CBOA staff noted that part of this property is zoned IL. She does not have a choice but to put it in the side yard because of the IL zoning. This enhances the need for the Variance.

Interested Parties:

None.

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Hicks, and Hutchinson, all "ayes"; no "nays"; no "abstinence", to **APPROVE** the Variance of the rear yard requirement to permit an Accessory building in an RS-3 District (Sec. 8.030) and permit it to be in the side yard. The hardship is the configuration of the lot and the inability to place the Accessory building on a septic field coupled with the underlying zoning on the subject tract compels it to be in the side yard.

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:

Legal Description:

**E/2 LT 28 & PRT LT 29 BEG SECR LT 29 TH W122 N50 E122 S50 POB & PRT LT 28
BEG NEC W/2 LT 28 TH S98 W37.50 N98 E37.50 POB BLK 1, Bridges Third
Subdivision, Tulsa County Ok**

CBOA 3317 - Heather Miller

Action Requested:

Special Exception for carport with Permitted Setback Obstruction in R Zoning District (Sec.18.080-C, Table 18-1).

Location: 12850 E 131 St. S, Broken Arrow

Presentation:

Heather Miller, 12850 East 131st Street South, Broken Arrow, Oklahoma 74011, stated that they purchased this property in January of 2025, and it is approximately one and a half acres. Their house has a true mother-in-law suite, and her mother-in-law lives with them. Her mother-in-law has requested her own parking space by the entrance to her living space which is on 129th Street. She has requested a carport, and they put one up for her and Ms. Miller is there to right the wrong of putting it up before they get permission. They were not aware that they needed permission to do so. They are in an unplotted area as they are not in a neighborhood. Ms. Miller has talked to all her neighbors, and they are all in agreement with her request. The house does not sit straight on the property, so the carport looks like it is in the front yard, but it is not. It is truly on the side of their house.

Mr. Rojas stated that this was an unusual request. The zoning code allows carports except when it obstructs the setbacks. It is only by Special Exception that this is allowed.

Mr. Wilkerson stated that they asked for a site plan and they still do not have that. They have a sketch that shows something that does not make sense in the planning world. In the zoning code a carport is an obstruction allowed without limitation, but it needs a Special Exception.

Mr. Charney stated that the Board needed to know how many feet the building was from the setback lines.

Interested Parties:

None

Comments and Questions:

Mr. Charney stated that he was inclined to try to help them accomplish this request.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 3-0-0 (Charney, Hicks, and Hutchinson, all "ayes"; no "nays"; no "abstinence", to **APPROVE** the Special Exception for carport with Permitted Setback Obstruction in R Zoning District (Sec.18.080-C, Table 18-1) subject to the following conditions based on the information in the Agenda packet.

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:

Legal Description:

**N267 N595 E295 N/2 NE LESS N25 & E25 THEREOF FOR RD SEC 8 17 14 1.50ACS
County of Tulsa, State of Oklahoma.**

CBOA 3318 - Gareth Howard

Action Requested:

Variance of the rear yard setback in a RE District (Section 8.030-A), Table 8-1

Location: 8823 E. 105th St. N., Owasso

Presentation:

Gareth Howard, 8823 East 105th Street North, Owasso, Oklahoma, 74055, stated that he wants to build an accessory building in the side yard as opposed to the rear yard.

The reason he wanted to put it in the side yard is that it is the only level part of his yard. It is level because the original owner had an RV pad there. There also has been a lot of grading done on the lot to take care of the storm water.

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Hicks, and Hutchinson, all "ayes"; no "nays"; no "abstinence", to **APPROVE** the Variance of the rear yard setback in a RE District (Section 8.030-A), Table 8-1 pursuant to the site plan submitted by the applicant subject to the following conditions that the site plan be followed. Finding the hardship to be unusual nature of the topography in the rear yard backing up to 106th Street.

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

Legal Description:

Lot 13, Block 3 Ranch Creek Addition, Section 13, T21N, R13E, I.M. County of Tulsa, State of Oklahoma.

CBOA 3320 - Earth Property Management, LLC

Action Requested:

A Special Exception to allow an RV park in an AG district (Sec. 6.010) Table 6-1

Location: 3404 E. 66th St. N., Tulsa

Presentation:

Morgan Totten, 1324 North 171st East Avenue, Tulsa, Oklahoma 74116, stated that the goal is to develop approximately six RV spaces on the northeastern side of the property and total acreage is +/- 32 acres. These will be next to the residential house which is vacant at this time undergoing renovation. They are not in a flood zone. The road that services this area is a hard surface and part of it is dirt. They would add gravel to area going back to the RV spaces. They have met with PSO to get utilities to the pads and there are two septic systems on the property. They have a property management company that is familiar with utilities, septic, and drainage. They have also contacted DEQ for the septic concerns. They want to get permission before moving forward with any other plans.

Mr. Hutchinson asked staff if this was the proper way to put in a RV park or is it better to get it rezoned.

Ms. Tosh stated that even if the Board approves this Special Exception, it will go to the County Inspectors, and they will have a lot of questions. There will be all weather hard surface parking the RV and one parking space for a vehicle. The road will need to be addressed and drainage, calculation done on engineering, electrical for the RV pads and utilities. If it is approved, there will be a lot to discuss and address. Because this is a commercial project, it takes commercial drawn plans.

Mr. Charney stated that the Board would not give a blanket approval for the thirty-two acres but rather specify the area for the six RV spaces.

Interested Parties:

None.

Comments and Questions:

Mr. Charney stated that this is a reasonable request and is a decent use of the property.

Mr. Hutchinson stated that Ms. Totten will have to work very closely with Tulsa County. Tulsa County will have different stipulations than Wagoner County where they are putting in another RV Park.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Hicks, and Hutchinson, all "ayes"; no "nays"; no "abstinence", to **APPROVE** the A Special Exception to allow an RV park in an AG district (Sec. 6.010) Table 6-1 subject to the following conditions that they be limited to seven RV spaces pursuant to a rough sketch provided by the applicant and that all the Tulsa County regulations be followed. It is limited to the northeast quadrant of the 32-acre tract.

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:

Legal Description:

**GOV LT 4 LESS BEG SWC SW NW NW TH N456 SE TO EL 5W NW NW S144 W66O
POB & LESS BEG SECR NW NW TH W408.04NE474.2 NE109.8 S420 POB & LESS
W756 N40 FOR RD & LESS BEG NEC NW NW TH W513.4 EKT791.92 S17 ELY125
5E74.32 ELY129.77 TO EL NW NW N80 POB SEC County of Tulsa, State of
Oklahoma.**

CBOA 3321 - Midwest Housing Solutions, LLC c/o Dane Searle

Action Requested:

Appeal of administrative official decision regarding non-conforming status for Horspen Creek Mobile Home Community (Sec. 16.040)

Location: 15838 N 113th East Avenue, Collinsville

Mr. Wilkerson stated that this is the first appeal of the administrative official decision since the current Zoning Code has been adopted. Staff requested a written determination of what a non-conforming use and non-conforming structure might be associated with that Zoning Code. Staff received a written interpretation from the County, and the determination was that this mobile home park had lost its' non-conforming status. The applicant disagrees with that determination, and they are present at this meeting to appeal to the Board on the written determination. The applicant then must write a statement stating that they want to come to the Board to appeal that decision. Staff are on solid footing with the process.

Ms. Tosh stated that there will be more of these appeals because the way the new Zoning Code is there are definitions and interpretations that will be made.

Presentation:

Dane Searle, 4695 South 1900 West, Suite 6, Roy, Utah 84067, stated that he represented Horsepen Creek Mobile Home Park. This park has been in continuous operation since 1970. At no point has this park closed. Utilities have remained active. Infrastructure which includes pads, utility connections, driveways, etc., has remained in place and maintained, has not expanded or contracted. The County's concern stems from the fact that some homes were removed or put in the park as the homes are owned by the occupants. The applicants do not own most of the homes although they do own a few. This park was purchased in March of this year. It was an operating park when it was purchased. Fifteen families were in the park and they still live there. Turnover is a normal part of the park operations. The removal or replacement of tenant owned home is not abandonment, it is simply routine activity of a mobile home park. The use is the operation of a mobile home park and that has been consistent since 1970. There has been no discontinuance of use and no intent to abandon it. Every action they have taken, and the previous owners have taken steps to show active ongoing operations of the park as a unified use. For these reasons, they request that the Board continues the non-conforming status of the park in its entirety. The subjects of zoning implications are on the homeowners that live in the park, there are currently eighteen vacant spaces in the thirty-three spaces on the one parcel that are available for lease. It is unplatted. When they purchased the park, the previous owner had some health difficulties and was not upkeeping the park in an acceptable manner. After purchasing the park, they started cleaning up the park, removing twenty dumpsters worth of debris from the property. There were six homes on the property that were not occupied. Mr. Searle's company requested permission with a letter confirming their non-

conforming status so they could remove them and replace them with new homes. His company has an approved Oklahoma State Dealers license. Mr. Searle proceeded to remove the homes in good faith and intended to bring the new homes. In this case, that turned out to be the wrong action. County told him that if you remove a home off its' space, that space goes back to become agricultural land. However, the Tulsa County Code defines a mobile home park as a lot or lots which contain spaces available for lease. The mobile home park is the land and the infrastructure that allows those homes to come in. Those homes that come in are personal property and they come and go. It is like a camp site. People and their personal property come and go but when you leave it is still a camp site. The utility hook ups remain. The use is the land and not the home. The mobile home community is dependent on having as many of those spaces occupied as possible. There are eighteen homes there and there are spaces for thirty-three and some of the homes are not occupied. They want new homes brought to the property but have a few for sale that are called a Handyman Special. They are older homes and need some repairs. In exchange for a two-year lease, we offer the lessee to purchase the home for a highly reduced rate. Horspen Creek would prefer to replace them with new homes. They want to clean up this property so it will not be an eyesore any longer and help address the affordable housing issue. The quality of manufactured homes has improved drastically.

Teresa Tosh, Tulsa County Headquarters, 218 West 6th Street, Tulsa, Oklahoma 74103, stated that she serves as the Director of County Inspection also the County Inspector and Building Official under Title 19 of Oklahoma's Statute and the Flood Plain Administrator. A sizable portion of the subject property lies within the Special Flood Hazard Area, both the Floodway and Zone AE also known as the 100-year Flood or the 1% Flood Zone. It is important to note that several of the homes located on this property fall within the designated Floodplain areas. She stated that she was there to explain why damaged or removed mobile homes that were within that area were currently a legal non-conforming use. The County has not taken away their legal non-conforming use. There are still mobiles there and it is being operated as a mobile home park. That legal non-conforming use is still there operating on all the mobiles that are still in the park. They were there in existence when the Zoning Code came into being therefore, they received that legal non-conforming status. The problem is that with that status of non-conforming use it cannot be expanded or enlarged in any way. That determination is supported by the Tulsa County Zoning Code by Oklahoma Case Law and well-established zoning code principles recognized across the United States. Non-conforming uses are those that were lawful when they were established that do not comply with current zoning codes or zoning regulations. There were a lot of things that were pre-existing and they became legal non-conforming uses. When those things wear out, go away, or are destroyed or damaged then the current Zoning Code comes into play. They must go away at some point. While these uses may continue, they are not intended to expand, to intensify, or to regenerate. That is the purpose of the non-conforming use. The purpose of the Zoning Code is to guide land towards conformity

over time and allowing replacement of destroyed or removed mobile homes would extend and perpetuate a non-conforming use. It would never go away if you kept replacing it and there would never be an adherence to the Zoning Code. AG Zoning does not allow more than two dwellings per lot, and this land is currently zoned AG. A mobile home park is not permitted in an AG Zoning. The park exists only a legal non-conforming use in its current state. When a mobile home is removed or destroyed non-conforming use ceases. Installing a replacement unit constitutes new development not a continuation of the previous non-conforming use. It is prohibited under the Zoning Code. The Zoning Code is clear that a non-conforming use cannot be enlarged or extended in any way. Additionally, if a non-conforming structure is damaged beyond a certain threshold or declared unsafe it cannot be rebuilt except in full compliance with current zoning requirements which requires a Special Exception. In the case of that many mobile homes in an AG Zoning because it is not a true mobile home park. The inspector's office was requested and did issue a written interpretation on the issue and that is in the agenda packet. The inspector's office has researched this subject extensively in Oklahoma itself and in other parts of the country. Oklahoma courts have upheld these principles that were presented today. In the case of Paul's Valley, Wilkerson Vs. The City of Paul's Valley, like this case. The court held that although a non-conforming mobile home park could continue operating as it existed, individual pads where homes were destroyed or removed could not be reoccupied. Replacing units was deemed an unlawful extension of the non-conforming use. Other states including Florida, North Carolina, Georgia, and Texas all had almost identical scenarios of those pre-existing legal non-conforming use in mobile homes because when this came into being property owners would large acreages and start parking mobile homes and call it a park. Those cases were found and submitted them as well. In all these cases the findings were that the replacement or removal of damaged mobile home in any non-conforming park is prohibited because it intensifies a use that the zoning aims to phase out. Allowing replacement of mobile homes in parks will increase the intensity of the non-conforming use. That does not align with AG Zoning and would contradict the intent and spirit of the zoning codes and undermine the long zone principles. For these reasons, replacement of damaged or removed mobile homes in this non-conforming part should not be permitted until proper zoning action has been taken to rezone or obtained the required Special Exceptions or Variances from the Board of Adjustment. Their office has encouraged the owners to rezone the property and had a couple of discussions about that. They look forward to continued growth however; development must be organized and well planned and meet current development standards. The County Inspector's office knows of none of these things at this mobile home park. Storm water drainage, flooding issues must be addressed, hard surface parking is not in place and proper sewage is not in place. They have lagoons that are placed in flood hazard areas. By extending this non-conforming use it further extends the time that these deficiencies remain unaddressed. With all the foregoing's that have been outlined, the County would request that their interpretation and decision cannot allow a legal non-conformity use to expand and that is the key point. They are not denying that it was a

non-conforming use, they are denying the ability legally to expand that use as it has filtered down in time and become smaller to not expand it. The property needs to be rezoned properly and adequately allow the planning process to proceed like any other subdivision so that engineering, flood plains, and the fire marshal all can address life safety concerns like they would do on any subdivision.

The County is not going to penalize the property owners but must require change at some point. For the mobile homes in the flood zone, they would have to meet current zoning and building codes. Compliance must come in at some point.

When a subdivision or a mobile home park is built, they must think ahead about the planning issues that must be addressed. It must be well thought out and well planned. They would be required if they rezoned to do that because that was never done or addressed. They would have to put those homes at an elevation two feet above established FRMA flood elevation. Tulsa County is now CRS rated and that is a huge responsibility to give everyone in Tulsa County cheaper insurance rates. Because of this new rating with the NFIP program and FEMA, now everyone in Tulsa County can get a reduced rate. If these requirements and guidelines are not adhered to Tulsa County can be taken out of that program. There are areas in the subject property that can be used that are not in the flood zone.

Mr. Hutchinson asked if there was a way it could be done in steps or phases.

Ms. Tosh stated that the original problem of the legal non-conformity and rezoning and making it a legal status comes back to square one again. The County cannot prolong or continue the status by permitting something that could get them in jeopardy with the County's flood plain management program. They do not know if they could even get a firetruck into any of these homes.

Mr. Charney stated that he would like to seek counsel from the Assistant District Attorney to see what his opinion would be. He would like to know if the Oklahoma Supreme Court had given an opinion on a case like this and if they deemed it to be an expansion.

Mr. Wilkerson stated that the way the zoning code was structured, the Assistant District Attorney was an integral part of the enforcement process and how this process should play out. The process would be to do what had been done here at the meeting. If the Board's decision were to stand by the administrative official decision, then that applicant has the right to go to that court and have them revisit it. The next logical place is to go to court. Before that there is the concept of rezoning the property and that could be rezoned with a development plan, a PUD, which defines a segmented development that would be a phased plan.

Rebuttal:

Mr. Searle stated that their legal council saw valid points on both sides of this issue. They agreed that every new home that comes in would be installed according to the current requirements and out of the flood plain, either vertically or horizontally. It would be in their best interest to one day rezone this, however, this is not the time for that. There is at least one home in the park that is pre-1970's and it would be impossible to bring it up to code. That homeowner would have to move, and they do not think there is a mover that would take that risk. It costs a minimum of \$5,000 to move a home. It is an unfair burden to place on those homeowners to make them abandon their home or try to figure out a way to move it. If we were given the option to take the away these delapidated homes, they would prefer to do that. At this time, they cannot do that. Right now, their only option is to get to a place to where they can survive financially if they have eighteen lots, they can survive financially but they cannot upgrade the infrastructure. They would not have money in the future to do the engineering to get to a point where they could be rezoned. If they were allowed to bring in new homes that are installed according to the current zoning ordinances, then they would have a different business model. The other homes have potential issues too. They have communities where they have gone through at their expense and have replaced every one of the piers underneath, however, lifting them is not possible while keeping the home in its place. It costs thousands of dollars for the homeowner for their company to rezone this property.

Rezoning in the future is to their best interest and then we/they do not have to deal with this ever again. If the time comes when they either want to sell, the future owners will not have to deal with it, and it makes it more appealing for everyone. Today, it is not worth the risk, it is not worth the investment, not to mention the hardship on the homeowners to rezone currently. His company believes that after exploring this in detail, as it is today, their options are either get the opportunity to bring new homes in and replace the park that way and then in the future we can do a rezoning. They want to do a rezoning. They forecast 24-36 months to have the new homes in place depending on what kind of demands are in place. At that point, they also encourage anyone in the park to upgrade their homes. They are hoping that in 24-36 months instead of fifteen homes that are going to be impacted that they only have a few. At that point, they will also have a park that is operating in such a way that they can aid them to get those homes either brought up to code or replaced so that they can do the rezoning. That would be their preference and best-case scenario.

Mr. Charney asked if it was the hardship on a few owners that was keeping them from rezoning at this time.

Mr. Searle stated that he was on the City Council where he lives in Utah and he is the Mayor Pro Tem. He attends a lot of planning commission meetings, and he honestly

cannot answer that question until he listened to a handful of Planning Commission meetings here in Tulsa County. If he were in Clinton City, Utah, he would say that he would not do it because of the risk of being told no.

Mr. Charney stated that one of the issues if the Board were to let him do what he was wanting to do, forgetting the legal underpinnings, is that there is still this old lagoon in a flood plain. He was not certain that would be an easy thing to cure. An eventual zoning considering all those things would not be good public policy either because they do not know that they will do the things that need to be done.

Mr. Searle stated that the sewer lagoon is a lot higher than the surrounding area. You must walk right up to it to see it. As he has learned from his council work in Utah that sewer lagoons are far less concerning than one would think.

Mr. Charney stated that he heard the commitment and was respectful of their case.

Mr. Searle stated that their council has found case law to support each side. They have several parks that are non-conforming. His company's commitment to is to make this better. They promise that every home that comes in will be above or out of the flood plain and they will be installed according to the regulations. They will be new homes. He is not opposed to some kind of phased approach. This project puts them at risk of losing the Oklahoma Dealer license, and all their financing. What that does to their company's reputation could be catastrophic. It is not just this park; it has further reaching implications. He believed that the Board had the opportunity to help them make this park better. He thought that the best way to take action to make this park as good as it can be is to grant them the opportunity to bring in brand new homes.

Interested Parties:

None

Comments and Questions:

Mr. Hicks asked if the Board had the option to entertain a phased project.

Mr. Charney stated that it was not clear to him whether the Board can condition this. The matter before us is the appeal of that interpretation. He did not know that if it was like the legal world, you can recommend it for further instructions or investigations. It states that in certain circumstances the Board may need to get more clarity. There is a hint that they can limp along with the 15 to 18 that they have now. If the Board were to support or deny the appellants' request and they quickly filed an action with the District Court, that should be considered because there is a legal issue here that is not fact-based. There is a summary judgment where the appellant can go in and say this is the situation, the ADA would brief it, their capable council would brief it, and they would say how they read it. Mr. Charney commented that the Board always wants to help people

and on this one, if the idea is to authorize them to do a lot of upgrades, they could get in a worse situation.

Mr. Hicks stated that when he looks at the use of a mobile home park he would have a stronger concern if this was a landowner that had owned it for 30 years. However, this owner bought it in March with full intentions to bring it into good repair.

Mr. Hutchinson stated that this is a difficult situation. He understood both sides of the argument. He wanted to get to where it is zoned correctly because as of this time it is being called a mobile home park, but it is not. The zoning and the things that staff are trying to do is for the betterment of Tulsa County. It is a no-win situation. That was why he was looking for a way to think creatively with regards to phasing the projects.

Mr. Charney stated that if he balanced the two, he is inclined to support the staff statements. There are times when you need a quiet and calm reflection of it by equal scholars to direct us. In the meantime, he supports staff pending an expert weighing in on it. The nature of a non-conforming use is that you want people to make it nicer.

Board Action:

On **MOTION** of **CHARNEY**, On **MOTION** of **CHARNEY**, the Board voted 3-0-0 (Charney, Hicks, and Hutchinson, all "ayes"; no "nays"; no "abstinence"), to **DENY** an Appeal of administrative official decision regarding non-conforming status for Horsepen Creek Mobile Home Community (Sec. 16.040).

OTHER BUSINESS

Mr. Charney wanted to set up a meeting with the staff to have a Work Session on some ways we can streamline certain requirements when the applications come in and talk about other things before the next meeting on January 20, 2026.

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:46 p.m.

Date approved: _____

3/17/26

Chair:

Dan E. Chorney