

**Tulsa County Board of Adjustment
MINUTES of Meeting No. 554
Regularly Scheduled Meeting
Tuesday July 21, 2026, 1 :30 p.m.
Williams Tower I
1 West 3rd Street, St. Francis Room**

Meeting No.556

Consider, Discuss and/or Take Action On:

Members Present	Members Absent	Staff Present	Others Present
Charney - Chair		S. Tauber	County Inspector -
Hicks – Vice Chair		K. Davis	Kerrick Edenborough
Tisdale		J. Rojas	
Houston		D. Wilkerson	
Bonebrake			

The notice and agenda of the said meeting were posted at the County Clerk's office, County Administration Building, July 15, 2026, at 1.57 p.m. as well as in the Office of INCOG, 2 West Second Street, Suite 800.

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

Mr. Davis read the rules and regulations.

On **MOTION** of **TISDALE**, the Board voted 5-0-0 (Bonebrake, Charney, Hicks, Houston, Tisdale) all "ayes"; no "nays"; no "abstinence to **APPROVE** the Minutes of May 19, 2026 (Meeting No. 554).

UNFINISHED BUSINESS

CBOA 3358 - Jose Soto

Action Requested:

Variance of fence height requirement (Sec. 8.100-A) from 4ft to 6 ft for front yard maximum and Appeal of Tulsa County's requirement that the property owner obtain a Special Exception and/or Variance for a pre-existing carport (Sec.14.110)

Location: 3139 S. 59th W. Ave. Tulsa, OK

Presentation:

Jose Soto, 3139 South 59th West Avenue, Tulsa, Oklahoma 74107, stated that he is asking for a Continuance because he just received the minutes from the prior meeting. He understands that the fence must be addressed before he can get a permit for the

carport. When he turned the minutes over to the engineer he had hired, they stated that there is a substantial grade from the street to the fence. Also, the actual gate itself is very heavy and cutting two feet off the top of the fence is not a good idea. In the next thirty days, he needs suggestions from the Board about what he needs to do about the fence.

Mr. Tisdale stated that he was hearing that Mr. Soto was not looking for a Continuance, but to Appeal the Board's decision from May.

Mr. Wilkerson reminded the Board that in the June minutes that there was action taken on the fence and it allowed a six-foot fence at the gate and within ten-feet on either side of the gate and everywhere else the fence needed to be had to come down to four-feet. The action on the carport was Continued so that he could bring in a building permit for the relocation of the carport. The Continuance discussion should only be for the carport.

Mr. Charney stated that it was fair to summarize that the Board had a problem with the six-foot privacy fence due to the Zoning Code of Tulsa County. We are not here to revisit their decision in his opinion. The Board is happy to Continue if it has to do with the carport, but that is all. Concerning the carport, the Board needs to see a permit detailing the moving of the carport from its' original place to the new location.

Mr. Rojas asked to remind Mr. Soto that he also wanted to get it specified where the ten-foot started before the fence had to be cut down to four feet.

Mr. Charney stated that the fence is to be down to four feet, ten feet from the gate. The only gate that this address is the entrance main gate facing the street.

Ms. Tosh stated that the carport has been referred to as the existing carport and she wanted the Board to be aware that this is a new carport. There was an old carport there and in a different location, so this is not an existing carport. When you tear down the old one and build a new one in a different location you must have a new permit for the new carport.

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Bonebrake, Charney, Hicks, Houston, Tisdale) all "ayes"; no "nays"; no "abstentions" to **CONTINUE** the subject of the carport matter only to the August 18, 2026, meeting. The previous decision regarding the fence height stands as directed at our last meeting concerning CBOA 3358.

NEW APPLICATIONS

CBOA 3367 - Bee Herr

Action Requested:

Use Variance to permit a food stand/restaurant use within the AG District pursuant to Section 14.100 of the Tulsa County Zoning Code.

Location: 11440 E. 126th St. N. Collinsville, OK

Presentation:

Bee Herr, 11440 East 126th Street North, Collinsville, Oklahoma 74021, stated that he and his wife are retired and would like to open a food stand on their property. Cooking is their passion and have had two previous restaurants in Wisconsin. They would like to serve breakfast and lunch with specialty drinks such as Chi Iced Tea. Their hours of operation will be 7:00 a.m. to 2:00 p.m., Monday through Saturday. This will be orders to go. The structure will be a food trailer. They are on over three acres of land. This is in a largely commercial use area. The parking lot will hold twenty to twenty-five cars, and it will be a gravel parking lot. There will be several trash receptacles that will be emptied daily. The only light will be from inside the trailer.

Interested Parties:

None

Comments and Questions:

Mr. Charney stated that this is a use that is consistent with the zoning and the long-term planning of the Owasso.

Mr. Wilkerson stated that the only path forward through the zoning code is a Use Variance. In this case it is a light touch, and this seems to fit in a place where it could be acceptable. The Board can put limits on it to see how it does.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Bonebrake, Charney, Hicks, Houston, Tisdale) all "ayes"; no "nays"; no "abstentions" to **APPROVE** a Use Variance to permit a food stand/restaurant use within the AG District pursuant to Section 14.100 of the Tulsa County Zoning Code, subject to the following conditions that the hours of operation are 7:00 a.m. to 2:00 p.m., Monday through Saturday. A well maintain gravel parking lot will be permitted with efforts to keep the dust to a minimum. Also, there are proper trash receptacles nearby for the customers' use, with a time limit of two years and to come back then for review.

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:

W440 E2200 OF N/2 NW LESS S990 THEREOF SEC 5 21 14 3.33ACS, County of Tulsa, State of Oklahoma.

CBOA 3368 - Cody McCoy

Action Requested:

Special Exception to permit a manufactured housing unit, single section, in an RS-3 District (Sec. 3.030)

Location: 913 W 10 ST N, Sand Springs, OK

Presentation:

Cody McCoy, 913 West 10th Street North, Sand Springs, Oklahoma 74063, stated that they bought this land and would like to put a singlewide manufactured home the lot. We had to have a new septic tank installed. The manufactured home is a repo that is a 2017 model. He has talked to the neighbors, and they are all supportive of this request. There will be proper tie downs, skirting, all weather hard surface parking for his vehicle and a gravel drive.

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **BONEBRAKE**, the Board voted 5-0-0 (Bonebrake, Charney, Hicks, Houston, Tisdale) all "ayes"; no "nays"; no "abstentions" to **APPROVE** a Special Exception to permit a manufactured housing unit, single section, in an RS-3 District (Sec. 3.030) subject to the condition that it meets DEQ requirements, and other standard requirements for a manufactured home.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, for the following property:

Lot 13, Block 27, Charles Page Home Acres No.4, an Addition in Tulsa County, State of Oklahoma, according to the Recorded Plat No. 1381, County of Tulsa, State of Oklahoma.

CBOA 3369 - Neal Durham

Action Requested:

Variance of minimum street frontage requirements to a public maintained road from 30' to 0' in an RS-3 district (Sec. 3.050, Table 3-3)

Location: 14020 N. 113th E. Ave. Collinsville, OK

Presentation:

Neal Durham, 14020 North 113th East Avenue, Collinsville, Oklahoma 74021, stated that he would like to replace a mobile home with a brand new one for his parents and need daily care. There is a publicly dedicated right-of-way (141st Street), but it is not publicly maintained. An application for a lot split that has been submitted and it is contingent upon the approval of this request.

Mr. Wilkerson stated that the Zoning Code only requires that publicly maintain roadways, so if we give a Variance with that requirement, it give the building permit office the ability to issue the permit knowing the applicants are going to understand that it is not a publicly maintained street and it will be their maintenance responsibility. The County Street Department has no intention of maintaining this road.

Mr. Durham stated that what they call 141st Street is his driveway, so he maintains it.

Mr. Charney stated that Mr. Durham applied for a Variance to have no true maintained frontage in front of these two homes. The Board understands that and more than likely would grant that Variance. However, a singlewide manufactured home is not by right. If they had a doublewide, it would be by right, but it will need a Special Exception. The Board will only be able to address the matter that is before them today and another application will have to be made for a Special Exception for the singlewide manufactured home.

Interested Parties:

None

Comments and Questions:

Mr. Charney stated that there would need to be another application made for the Special Exception so the Board would only be able to vote on the Variance that is in this request.

Board Action:

On **MOTION** by **CHARNEY**, the Board voted 5-0-0 (Bonebrake, Charney, Hicks, Houston, Tisdale) all "ayes"; no "nays"; no "abstentions" to **APPROVE** a Variance of minimum street frontage requirements to a public maintained road from 30' to 0' in an RS-3 district (Sec. 3.050, Table 3-3) finding that on the north side of both tract 1 and 2 there is an existing driveway that is privately maintained that sits on a publicly dedicated road and because of that unusual nature and the hardship being this existing right-of-way that was never publicly accepted.

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:

The West One Hundred and Twenty-four Feet (124') of Block Eight (8), MORROW HEIGHTS ADDITION to the City of Collinsville, Tulsa County, State of Oklahoma, according to the recorded thereof.

CBOA 3370 - Monty Kapchinsky

Action Requested:

Special Exception to allow a fireworks stand in an RS-3 district for a period of 3 years (Sec. 9.040-B)

Location: 6605 W 7th St, Sand Springs, OK

Presentation:

Monty Kapchinsky, P.O. Box 2326, Claremore, Oklahoma 74018, stated that he is back before the Board to extend his Special Exception for another three years. This has been operating for the past three years with no incidents. There have not been any complaints from neighbors that he has heard. The hours are from 10:00 a.m. to 10:00 p.m.

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **BONEBRAKE**, the Board voted 5-0-0 (Bonebrake, Charney, Hicks, Houston, Tisdale) all "ayes"; no "nays"; no "abstentions" to **APPROVE** a Special Exception to allow a fireworks stand in an RS-3 district for a period of 3 years (Sec. 9.040-B) subject to the following conditions regarding the hours of operation being 10:00 a.m. to 10 p.m. and on July 4th the hours of 10:00 to midnight.

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:

**BEG SECR SE SE TH W776.50 N228.04 NE384.91 S81.51 NE119.64 SE116.32
NE168.67ILESS E30 FOR RD POB SEC 6 19 12 3.23ACS, County of Tulsa, State of
Oklahoma.**

CBOA 3371 - Rodney Goins

Action Requested:

Variance to allow an accessory building in the side yard in an RE district. (Sec. 8.030)

Location: 4205 E 84th St N, Sperry, OK

Presentation:

Rodney Goins, 4205 East 84th Street North, Sperry, Oklahoma 74073, stated that would like to build a pool house and extra garage in the side yard of their property. There is a park behind the house that serves as an obstacle to putting it in the back. It will be an extra garage, an entertainment room with a porch. It will be 1,700 square feet with the garage. The structure will have a brick façade to match the house and conform with the neighborhood covenants.

Interested Parties:

None

Comments and Questions:

None.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 5-0-0 (Bonebrake, Charney, Hicks, Houston, Tisdale) all "ayes"; no "nays"; no "abstentions" to **APPROVE** a Variance to allow an accessory building in the side yard in an RE district. (Sec. 8.030) subject to the conditions that the dwelling is as depicted as shown on the site plan submitted by the applicant, and that the building architecturally conforms to the dwelling as set forth in our Agenda packet. Finding that the hardship is that the rear yard is a lake and leaves no room for additional buildings.

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:

Lot One (1), Block One (1), COUNTRY CORNER ESTATES II, a Subdivision in Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

CBOA 3372 – Heather Rogers – Continue to 8-18-2026

Action Requested:

Special Exception to allow a manufactured housing unit, single section, in an RS-3 District (Sec. 3.030)

Presentation:

None

Interested Parties:

None

Comments and Questions:

None

Board Action:

On **MOTION** of **BONEBRAKE**, the Board voted 5-0-0 (Bonebrake, Charney, Hicks, Houston, Tisdale) all ayes, no nays, no abstentions, to **CONTINUE** the Special Exception to allow a manufactured housing unit, single section, in an RS-3 District (Sec. 3.030) to the August 18, 2026, meeting.

CBOA 3373 – Daniel Hert

Action Requested:

Variance to allow an accessory building in the side yard in an RE district (Sec. 8.030).

Location: 9006 N 71st East Ct., Owasso, OK

Mr. Charney stated that the Board was in receipt of the correspondence from staff included legal counsel of the Homeowner's Association. There had not been formal HOA approval which is required before any accessory buildings could be permitted. Regarding private covenants in a neighborhood, our Board does not sit in judgement of whether HOA regulations have been followed in a subdivision. The Board cares about it and we want people to know about it, but our focus today is one of the planning of land use. The covenants are a separate matter.

Presentation:

Daniel Hert, 9006 North 71st East Court, Owasso, Oklahoma 74055, stated that he would like to put in an ADU on the side lot for his in-laws to live there. Their health is deteriorating and having them close will allow care for them as they get older. The main hardship associated with this lot is that they are on a cul-de-sac. Building placement is limited because of the aerobic wastewater treatment unit and logical access to the driveway as well. The exterior is compatible with the architecture of the main dwelling unit.

Interested Parties:

Brett Crawford, 9015 North 70th East Avenue, Owasso, Oklahoma 74055, stated that Mr. Hert stated that is problematic connecting the ADU wastewater line and Mr. Crawford did not believe that to be accurate. They would have to be longer lines if it were behind his house if the ADU was behind his house as is required, but there he would not have any physical limitations. Mr. Crawford also mentioned it would prevent connection to their garage. That could be handled several different ways. Also mentioned was the location of the sewer system sprinklers which can be moved. This lot is larger than many of the other lots in the neighborhood. His diagram shows that he has a large backyard that would allow room for the ADU. There are no other ADU structures like this in the neighborhood.

Renee Crawford, 9015 North 70th East Avenue, Owasso, Oklahoma 74055, stated that the applicant has a very large property with a very open backyard. She also would prefer that he built the ADU in his backyard. It concerns her the precedence it sets for the other neighbors. Ms. Crawford stated that she and her husband were on the HOA board and they rejected the application for this side yard ADU. The HOA board decided to hire legal counsel for this issue.

Rebuttal:

Mr. Hert stated that the reason that this is nothing in his backyard currently is because they had heard from his in-laws that they were interested in coming out to retire there so

everything has been on hold since that point. Their in-laws take priority. Mr. Hert stated that he deals with pipes as a living and has knowledge and experience of waste pipes flowing from one side of the home to the other. That plumbing gets a lot more difficult the further away that it gets. There is a hardship for elderly people to maneuver the driveway around the house. The HOA board has not ruled on anything on the ADU, and the board is comprised entirely of the Crawford couple. He has had support from many of his neighbors regarding the aesthetics and being more family minded.

Ms. Tosh stated that each dwelling must have its' own septic system. It is not an allowed use to tie them in together.

Mr. Charney stated that they always have in the Motion that all DEQ requirements must be met.

Comments and Questions:

Mr. Hicks asked if there was a difference between an accessory building and an ADU in the Zoning Code.

Ms. Tosh stated that the request is for the side yard. The setback is the issue that they are asking for in this request.

Mr. Wilkerson stated that the Zoning Code shows that the ADU is a subsidiary of the accessory building setback requirement. This will be dealt with further at permitting when the building permit comes in for approval. Either one would be a use by right had it been in the backyard.

Mr. Charney stated that as Chair he was comfortable with this analysis of this building being in the side yard for purposes of their discussion. There have been some stated hardships that should allow it to do with the locations of the existing items. The slope of the yard and aerobic system is in the backyard.

Board Action:

On **MOTION** of **BONEBRAKE**, the Board voted 5-0-0 (Bonebrake, Charney, Hicks, Houston, Tisdale) all ayes, no nays, no abstentions, to **APPROVE Variance** to allow an accessory building in the side yard in an RE district (Sec. 8.030) with the conditions that it meets DEQ approval, meets setbacks, conformity with the site plan in the Agenda packet, and architectural compatibility with the main dwelling unit, finding the hardship is the topography of the lot and its slope, the current wastewater disposal system and including hard surfaces that are peculiar to this lot with the understanding that this building will be used as a dwelling unit.

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:

Lot Two (2), Block Six (6), SHERIDAN CROSSING PHASE IV, an Addition to Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

OTHER BUSINESS

NEW BUSINESS

Director's update.

Mr. Charney read the letter that Mr. Wilkerson handed out to the Board members. The letter states that to start out there will be some one-year appointments and after that time it will be two-year appointments. Each County Commission will appoint a member. The idea that by the September meeting we should have a new Board of Adjustment. We would like it to remain the same with each of our present Board members, but we do not know at this time.

Mr. Houston stated that regretfully due to his employment, as he has mentioned before, he will not be able to continue as a Board member. He hoped to serve until they find someone to replace him.

Mr. Wilkerson stated that the other thing that this would affect the Board staff is that the County Commissioners also agreed that they are going to take over the staffing of this world and all of us will be unemployed or go to work at the County. That is supposed to happen by January 1, 2027. When the City of Tulsa decided to separate the City and County portions of the Planning Commission, it required the County to operate under a different State Statute. We were under State Statute Title 19, 863 and now we will be under State Statute Title 19, 868. It puts the County Engineer's office in a supervisory position over planning and the permitting office.

The Planning Commission will be one meeting a month at the County Headquarters and the CBOA will continue as is until the end of the year.

BOARD MEMBER COMMENTS

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:05 p.m.

Date approved: 08/18/26

Chair: 