



# City of Broken Arrow

## Minutes Board of Adjustment

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Judd Hatch Chairman*  
*Rebecca Hinkle Vice Chair*  
*Kamara Washington Board Member*  
*George Ghesquire Board Member*  
*Michelle Bergwall Board Member*

**Wednesday, November 13, 2024**

**Time 5:30 p.m.**

**Council Chambers**

### 1. Call to Order

Chairman Judd Hatch called the meeting to order at approximately 5:30 p.m.

### 2. Roll Call

**Present: 4 -** Judd Hatch, Rebecca Hinkle, George Ghesquire, Michelle Bergwall

### 3. Consideration of Consent Agenda

#### A. 24-1513 Approval of Board of Adjustment Meeting Minutes of October 14, 2024

Rebecca Hinkle made a motion to approve Board of Adjustment Minutes from October 14, 2024

MOTION: A motion was made by Rebecca Hinkle, seconded by George Ghesquire.

**Move to approve**

**The motion carried by the following vote:**

**Aye: 4 -** Michele Bergwall, George Ghesquire, Judd Hatch, Rebecca Hinkle

### 4. Public Hearings

#### A. 24-1514 Public hearing, consideration, and possible action regarding VAR-001786-2024, 2807 N Lions Drive Variance, 0.21 acres, R-3/PUD130A, request to reduce the front building setback line from 25 feet to 20 feet along the front property line of North Lions Drive, located approximately one-quarter mile north of Albany Street (61st Street), one-quarter mile west of Elm Place (161st East Avenue) at 2807 North Lions Drive

Henry Bibelheimer, Staff Planner, presented Variance 1786 for 2807 North Lyons Drive, a 0.21-acre property zoned R3/PUD 130A. The applicant, Patrick Delahanty, Villa Homes, requests reducing the front setback from 25 feet to 20 feet along North Lyons Drive to allow driveway access there despite restricted access requirements. Initially, the building permit (issued May 29, 2024) allowed a 20-foot setback and a driveway onto North Lyons, but staff later identified a 25-foot requirement due to restricted access. Consequently, the builder adjusted plans to access West Elmira Street, keeping the 20-foot setback but resulting in a nontraditional driveway layout.

To grant this variance, the Board of Adjustment must confirm six conditions are met. Staff found that (1) the property's corner location imposes unique conditions; (2) these conditions are not typical in the neighborhood; (3) the applicant is not responsible for the initial setback oversight; (4) the property can conform by using Elmira Street but with non-preferred access; (5) granting the variance will not alter neighborhood character; and (6) the variance represents the minimum needed for relief.

Given these findings, staff recommends approving Variance 1786 to reduce the front setback to 20 feet, allowing the preferred driveway access onto North Lyons Drive.

The board discussed the significant development. The builder for this lot is the same one responsible for most of the lots. Initially, the city approved a driveway onto North Lyons Drive, but after construction had started, staff realized that this did not meet setback requirements. They informed the builder, who shifted the driveway to West Elmira Street, to avoid construction delays. As the house nears completion, the potential buyer prefers a driveway onto North Lyons, prompting the builder to request a variance from the Board of Adjustment to revert the driveway access back to North Lyons.

Patrick Delahanty, from Villa Homes explained that construction began after the initial application and approval. However, the HOA raised concerns based on the PUD requirements, prompting the builder to approach the city, which recommended finding an alternative driveway solution or going through the Board of Adjustment (BOA). Due to the homeowner's tight timeline, especially with an upcoming baby, they opted for an alternative driveway on West Elmira Street to avoid construction delays. The permit was updated accordingly.

Later, HOA members expressed a preference for the driveway on Lyons Drive. This led Villa Homes to pursue the BOA process for approval, as both the HOA and the homeowners favored the original plan. Access from Lyons is also more practical, as the Elmira entry requires a longer, less convenient driveway that would interfere with a required accessible ramp at the front corner. Thus, a driveway onto Lyons Drive remains the most suitable option.

Jerry Bayles, president of the Stonewood Crossing HOA, clarified that the HOA became aware of the construction after it was well underway and reviewed the plans from Villa Homes, identifying an error related to the setback off Lyons Drive. While the HOA does not have the authority to decide on setbacks or driveway placement, it supports the driveway on Lyons Drive to maintain architectural integrity and neighborhood appearance. Bayles emphasized the HOA's backing of the builder's plan but acknowledged that the decision ultimately lies with the city.

Courtney Miller, a former HOA board member at Stonewood Crossing, expressed strong opposition to granting the driveway variance for the home on North Lyons Drive. She highlighted safety concerns, noting that the location near a busy intersection and school bus stops creates a risk for children, as cars parked in the shortened driveway might extend onto the sidewalk, forcing children into the street. She argued that the additional five feet are essential for safety and pedestrian access.

Ms. Miller emphasized that the lot's smaller size and high-traffic area make it unsuitable for such a large home with limited setback. She pointed out that other homes in the development followed setback guidelines and fit within their lots without issues. Additionally, she mentioned ongoing traffic and speed challenges on Lyons Drive, emphasizing the need to prioritize neighborhood safety over the builder's preference.

Jerry Bayles clarified that 32 feet from the garage to the sidewalk provides sufficient space for cars to park without overhanging onto the sidewalk. Additionally, the home features an oversized three-car garage, which they believe will mitigate parking issues and prevent safety concerns related to children crossing the street. They acknowledged the busy intersection but emphasized that the setback space should be adequate.

Mr. Bayles explained that the only reason the Board of Adjustment was revisiting this issue was due to the HOA's preference for the driveway off Lyons Drive. The delay in finalizing this driveway decision has impacted the construction timeline, and they expressed a desire to complete the project and clear the streets. They acknowledged the HOA's concerns but maintained that the current setup should be safe and sufficient.

Mr. Bayles clarified several points regarding the driveway variance request for the property on North Lyons Drive. The board and Mr. Bayles discussed the setback of 20 feet requested due to easement issues, but it was explained that 32 feet between the garage and sidewalk should prevent cars from obstructing the sidewalk. Currently, a secondary plan approved by the city routes the driveway off of Elmira, although the HOA and homeowners prefer the original driveway off Lyons Drive.

Mr. Bayles and the board discussed issues that surfaced because the building permit was initially issued based on the mistaken 20-foot setback off Lyons. When the HOA flagged the PUD requirement, the city issued a new permit for the Elmira driveway option. However, stakeholders' broad preference for access off Lyons prompted the current appeal. The driveway construction is on hold pending the board's decision.

It was also noted that other nearby homes have setbacks and driveway configurations adhering to the PUD requirements, with some accessing Lyons and others Elmira. The final decision will address concerns about traffic, safety near a bus stop, and compliance with setback requirements.

Michele Bergwall made a motion to approve the required change.

MOTION: A motion was made by Michele Bergwall, seconded by George Ghesquire.

**Move to approve**

**The motion carried by the following vote:**

**Aye: 3 -**

Michele Bergwall, George Ghesquire, Judd Hatch

**Nay 1 -**

Rebecca Hinkle

**5. General Board Business - NONE**

**6. Remarks, Inquiries, and/or Comments by the Board and/or Staff (No Action) - NONE**

**7. Adjournment**

MOTION: A motion to adjourn was made by George Ghesquire, seconded by Rebecca Hinkle.

**Move to adjourn**

**The motion carried by the following vote:**

**Aye: 4 -**

Michele Bergwall, George Ghesquire, Judd Hatch, Rebecca Hinkle

The meeting was adjourned at approximately 6:00 p.m.

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Mayor

\_\_\_\_\_  
City Clerk