City of Broken Arrow Zoning Ordinance, Section 6-3-5.3: Appeals

Subsec. 6-3-5.3: Appeals

A. Specific Review Criteria. Recommendations and final decisions shall be based on applicable criteria, including the following :

1. *Record and Evidence.* The administrative decision was appropriate considering the written record of the case and the evidence presented; and
2. *Ordinance Requirements.* The decision reflects the requirements contained in this Ordinance.

B. Specific Review Procedures.

1. *Routes of Appeals.*
   a. *Administrative Decisions.* All administrative final decisions or any order, requirement, permit, decision, determination, refusal, or interpretation made by the Director in interpreting and/or enforcing the provisions of this Ordinance may be appealed to the Board of Adjustment.
   b. *Planning Commission Decisions.* Final decisions made by the Planning Commission based upon this Ordinance may be appealed to the City Council.
   c. *Board of Adjustment or City Council Decisions.* Final decisions made by the Board of Adjustment or the City Council based upon this Ordinance may be appealed to a court of competent jurisdiction.
2. *Transmission of Records.* The Director shall transmit all of the documents constituting the record of the appealed action to the entity to which the decision is being appealed.
3. *Burden of Proof in Appeals.* The appellant shall present sufficient evidence and have the burden to justify a reversal of the decision being appealed. For Administrative decisions, the Board of Adjustment shall presume the final decision being appealed to be valid.

C. Effect.

1. *Stay of Proceedings.* An appeal of any order, requirement, decision, or determination shall stay all proceedings unless the Administrator certifies that a stay would cause imminent peril to life or property.
2. *No Variance*. A decision on an appeal decision cannot grant or issue a Variance.

Effective Date: 7/1/2025