



City of Broken Arrow
Minutes
Board of Adjustment

City of Broken Arrow
Council Chambers
220 S 1st Street
Broken Arrow OK
74012

Monday, August 8, 2016

5:00 PM

Council Chambers

1. Call to Order

The meeting was called to order by Chairperson, Archer Honea, at 5:00 p.m.

2. Roll Call

Present 4 - Randy Cherry, Stanley Evetts, Archer Honea, and Harold Tohlen

Absent 1 - Steve Knight

3. Consideration of Consent Agenda

Archer Honea said before continuing on to agenda items, the Board would like to recognize Ralph Crotchett, who recently retired from the Board.

Mr. Honea said Ralph Crotchett served on the Board of Adjustment with distinction and integrity. He said working with Mr. Crotchett was an honor and in an effort to express a token of appreciation, the Board and Staff wanted to present a plaque to Mr. Crotchett.

Ralph Crotchett stepped to the podium and Archer Honea presented him with a plaque of recognition for his many years of service on the Board of Adjustment.

A. [16-860](#) **Approval of Board of Adjustment Special Meeting Minutes held, October 28, 2015**

Randy Cherry said an adjustment needs made to page two, third paragraph of the minutes where it says, "...He said the site supervisor, for the house construction, called him requesting a setback inspection. ..." Mr. Cherry asked if this should say footing inspection instead of setback inspection.

Farhad Daroga said the two terms are interchangeable. A setback is the generic term for where a footing can come up to.

Archer Honea said the inspection was predicated on the fact that the builder could not find the corner pin for the footing and neither could the City inspector. Randy Cherry asked how they can do a setback inspection.

Farhad Daroga said the footing is part of the structure. The setback is the measurement,

that had to be 25 feet.

Archer Honea asked Randy Cherry if, in his experience, they are two different types of inspections. Randy Cherry said an inspector typically looks at the steel, depth and construction of a footing and how it has been dug. Mr. Cherry said there are procedures to verify that the distance is correct, according to the building, which is the builder's responsibility, not the inspector's.

Farhad Daroga said inspector's also check dimensions. Randy Cherry said this is done when the pins are available; however, inspector's check the dimensions as a courtesy more than a requirement of the inspection. Mr. Cherry said the minutes are fine; the question was raised due to terminology.

A motion was made by Stanley Evetts, seconded by Randy Cherry, that this Consent Item be approved, as presented. The motion carried by the following vote:

Aye: 3 - Randy Cherry, Stanley Evetts, and Archer Honea

Abstain: 1 - Harold Tohlen

4. Public Hearings

- A. [16-818](#) **Public hearing, consideration, and possible action regarding BOA 716, Iron Horse Ranch, Lot 2, Block 1, 0.25 acres, RS-3, request to reduce the building setback line along 2805 W. Imperial Street from 25 feet to 23 feet, located one-half mile west of Aspen Avenue, north of Jasper Street**

Brent Murphy presented this case saying this was a variance request to reduce the building setback line from 25 feet to 23 feet, at 2805 W. Imperial Street. The property is located on Lot 2, Block 1 of Iron Horse Ranch Addition, and is approximately one-half mile west of Aspen Avenue and north of Jasper Street. In December 2015, a survey was conducted for the second buyer of the home. The survey found the very northwest corner of the building is located over the setback line by 1.7 feet.

Staff reviewed the six conditions required of a variance application and feel this case meets those requirements and recommended approval of BOA 716 for the existing structure only. Any new construction will require compliance with the current Zoning Ordinance.

The applicant, Barbara Rau, 2805 W. Imperial Street, addressed the board. She was asked if the measurement for the survey included the porch post or if it was from the corner of the house itself. She said her builder said when the house was originally being built, the cul-de-sac was not completely finished and he took his measurement from what he thought was the center of the cul-de-sac. Subsequently, he found he was off by 1.7 feet. She was not sure if he was measuring to the edge of the porch or to the edge of the house because her builder did not say.

Farhad Daroga asked if the porch was covered and the applicant said yes. When asked, Lesli Myers, Legal Department, said they could approve the variance to reduce the setback to the edge of the existing porch.

No one spoke in opposition to the case.

A motion was made by Randy Cherry, seconded by Stanley Evetts, that BOA 716 be approved for the existing structure only. The motion carried by the following vote:

Aye: 4 - Randy Cherry, Stanley Evetts, Archer Honea, and Harold Tohlen

Absent: 1 - Steve Knight

- B. [16-841](#) Public hearing, consideration, and possible action regarding BOA 717, Kenwood Addition, Lot 1, Block 2, 0.30 acres, R-2, request to reduce the building line setback along both N. Kenwood Avenue and N. Highland Drive to accommodate the encroachment of the existing structure into the building line setback requirement, located one-half mile east of Elm Place, north of Kenosha Street at 1036 N. Kenwood Drive**

Brent Murphy presented the case stating this was a variance request to reduce the front building setback on North Kenwood Avenue and North Highland Drive for the existing structure on the property. The existing structure encroaches approximately 20 feet into the 25-foot building setback along North Highland Drive and approximately 15 feet into the 25-foot building setback along North Kenwood Avenue. This home is located on Lot 1, Block 2 in the Kenwood Addition, which is located one-half mile east of Elm Place, north of Kenosha Street. The actual address is 1036 North Kenwood Drive. In May 2016, there was a survey completed for mortgage purposes because the existing owner is selling the property. The survey revealed a 30 foot setback according to the plat from 1940. The Zoning Ordinance requires a 25 foot setback. The house was built in the 1950's and was not in the city limits at that time, but was annexed in 1983. The current owner purchased the property in the 1990's and was unaware of any setback issues.

Staff has reviewed the six conditions for a variance request and feel this case meets those requirements and recommends BOA 717 be approved for the existing structure only and any future additions will be in compliance with the Zoning Ordinance. Discussion continued.

Ronald Whiting, 1036 N Kenwood Avenue, spoke in favor of the variance. No one spoke against the variance.

A motion was made by Stanley Evetts, seconded by Randy Cherry, that BOA 717 be approved for the existing structure only. The motion carried by the following vote:

Aye: 4 - Randy Cherry, Stanley Evetts, Archer Honea, and Harold Tohlen

Absent: 1 - Steve Knight

5. General Board Business

Farhad Daroga introduced the new staff planner, Amanda Yamaguchi. He said she would be working closely with the Board of Adjustment. Mr. Daroga also said there would probably be a meeting in September. The issue of a Vice Chairperson should be discussed. He also suggested that with the infrequency of meetings, the Board might consider approving a meeting schedule for 2017 at that time as well.

Archer Honea introduced Harold Tohlen, the newest Board of Adjustment member. Mr. Tohlen gave his background, saying he has been in public service nearly his entire working career.

6. Remarks, Inquiries, and/or Comments by the Board and/or Staff (No Action)

7. Adjournment

A motion was made by Randy Cherry, seconded by Stanley Evetts, to adjourn. The motion carried by the following vote:

Aye: 4 - Randy Cherry, Stanley Evetts, Archer Honea, and Harold Tohlen

Absent: 1 - Steve Knight