



City of Broken Arrow

Minutes – Draft

BOA

City of Broken Arrow

Council Chambers

220 S 1st Street

Broken Arrow, OK

74012

Wednesday, October 28, 2015

5:00 PM

Council Chambers

SPECIAL MEETING

1. Call to Order

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

2. Roll Call

Present: 5-Randy Cherry, Stan Evetts, Steve Knight, Ralph Crochet (arrived at 5:10 p.m.), and Archer Honea

3. Consideration of Consent Agenda

A. Minutes, Board of Adjustment meeting August 10, 2015

MOTION: by Randy Cherry to approve August 10, 2015 BOA minutes. The motion was seconded by Stan Evetts.

Aye: 4 - Randy Cherry, Stan Evetts, Steve Knight, Archer Honea

Absent: 1 - Ralph Crochet

MOTION: Approved

4. Consideration of Items Removed from Consent Agenda

None

5. Public Hearing

A. Public hearing, consideration, and possible action regarding BOA 715, Southern Trails Estates, Lot 5, Block 6, 0.27 acres, RS2, request to reduce the building setback line along South Yellowwood Avenue from 25 feet to 20 feet, located one quarter mile south of New Orleans Street, one half mile west of Olive Avenue.

Brent Murphy presented the background saying BOA 715 involves a request for a variance to reduce the building setback line on S. Yellowwood Avenue from 25 feet to 20 feet. The home is located on Lot 5, Block 6 in the Southern Trails Estates addition, one-quarter mile south of New Orleans Street, one-half mile west of Olive Avenue. Applicant began construction on the single-family detached structure in May 2015.

Mr. Murphy said the board heard this case, BOA 714, in their regularly scheduled meeting of August 10, 2015 and there was much discussion on the matter. There was a motion made, at this meeting of August 10th, to not approve the variance request. The vote concluded with two in favor and two against. Since this meeting, a new applicant submitted a new variance request, BOA 715, with additional information.

Brent Murphy said this new application proposes to allow a variance to reduce the setback to Yellowwood Avenue from 25 feet to 20 feet. He said this application meets all six of the conditions required for a variance and Staff recommends approval of this variance request for the existing structure.

Archer Honea requested Staff to read all six conditions. On condition number one, Mr. Murphy said because of the weather affecting this piece of property, the property pins could not be located because of wetness and muddy conditions. Farhad Daroga noted this was the first house to be built on that block eliminating the possibility to use an adjacent house as a point of reference. The Board and Staff discussed the remaining five conditions.

Discussion continued.

Joe Williford, Chief Building Inspector, City of Broken Arrow addressed the Board. He said the site supervisor, for the house construction, called him requesting a setback inspection. He said he made a total of three trips to the site. They were unable to locate the property pins due to the amount of mud from the excessive rainfall. He advised the site supervisor to verify the setbacks before they pour. He said Staff does not carry metal detectors and it is the responsibility of the contractor to locate the property pins; however, the City must attempt to verify the correct setback based on adopted codes and ordinances.

James R. Gotwal, Attorney for the applicant, 525 S. Main Street, Suite 1130, Tulsa, Oklahoma 74103 provided an overview of the construction timeline. He said, at the time, this was the only site being built. He said although Mr. Williford did caution the concrete contractor to proceed at his own risk, this contractor did not advise anyone else of the potential problem and two weeks later the concrete was poured on June 5, 2015. The concrete contractor told the applicant he had contacted the City and it was ok to pour the slab. The applicant, Robert Soden, was not aware of any potential problems with the setback. A survey had been done for the bank and was not provided to the contractor. The bank discovered the discrepancy in the setback, but didn't contact the builder until over two weeks later. Once the Mr. Soden found out about the problem, he stopped work immediately.

The applicant, Robert Soden, 9210 N. 138th East Avenue, Owasso, Oklahoma 74055, addressed the Board. He said a locator works magnetically; however, they do not work well in wet conditions and the contractor usually use shovels to locate pins. He said his former superintendent remeasured the side setbacks but failed to remeasure the front setback.

MOTION: by Stan Evetts to approve BOA 715, as recommended by Staff. The motion was seconded by Steve Knight.

Aye: 2 - Stanley Evetts, Steve Knight

Nay: 3 - Randy Cherry, Ralph Crotchett, and Archer Honea

MOTION: BOA 715 was not approved

6. General Board Business

- A.** Consideration and possible approval of the 2016 Board of Adjustment meeting and calendar schedule.

MOTION: by Randy Cherry to approve the 2016 Board of Adjustment calendar schedule. The motion was seconded by Ralph Crotchett.

Aye: 5 - Randy Cherry, Stanley Evetts, Steve Knight, Ralph Crotchett, and Archer Honea

Nay: 0

MOTION: Approved

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

8. Adjournment

MOTION: by Ralph Crotchett to adjourn at 6:22 p.m. The motion was seconded by Randy Cherry.

Aye: 5- Randy Cherry, Stanley Evetts, Steve Knight, Ralph Crotchett, and Archer Honea

Nay: 0

MOTION: Approved