

City of Broken Arrow
Meeting Agenda
Board of Adjustment

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

Harold Tohlen
Steve Knight
Randy Cherry
Stanley Evetts

Monday, February 11, 2019

5:00 PM

Council Chambers

1. Call to Order

2. Roll Call

3. Consideration of Consent Agenda

- A. [19-147](#) Approval of Board of Adjustment Meeting Minutes held, November 13, 2018

Attachments: [11 13 2018 Board of Adjustment Minutes](#)

4. Public Hearings

- A. [19-195](#) Public hearing, consideration, and possible action regarding BOA 721, Lois McCleary Property, 0.30 acres, R-2, request to allow a recreational vehicle to be parked in front of the building line of a single-family residence, located one-third mile east of Elm Place (161st E. Avenue), north of Jasper Street (131st Street) at 8202 S. Ash Avenue

Attachments: [2-CASE MAP](#)
[3-AERIAL](#)
[4-SURVEY](#)
[5-COUNTRY CLUB ESTATES ADDITION](#)
[6-VARIANCE REQUEST PRESENTATION](#)

5. General Board Business

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

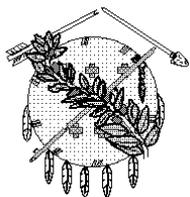
7. Adjournment

NOTICE:

- 1. IF YOU HAVE A DISABILITY AND NEED ACCOMMODATION IN ORDER TO PARTICIPATE IN THE MEETING, PLEASE CONTACT THE PLANNING DIVISION AT 918 259 8412 TO MAKE ARRANGEMENTS.**
- 2. EXHIBITS, PETITIONS, PICTURES, ETC. PRESENTED TO THE BOARD OF ADJUSTMENT MAY BE RECEIVED AND DEPOSITED IN CASE FILES TO BE MAINTAINED AT BROKEN ARROW CITY HALL.**
- 3. RINGING/SOUND ON ALL CELL PHONES AND PAGERS MUST BE TURNED OFF DURING THE MEETING.**

Posted on _____ 2018, at _____ am/pm.

CITY CLERK



City of Broken Arrow

Request for Action

File #: 19-147, Version: 1

Broken Arrow Board of Adjustment

02-11-2019

To: Chairman and Board Members

From: Development Services Department

Title:

Approval of Board of Adjustment Meeting Minutes held, November 13, 2018

Background: Minutes recorded for the Board of Adjustment Meeting of November 13, 2018.

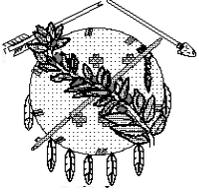
Attachments: Minutes from the November 13, 2018 Meeting

Recommendation: Approve minutes of Board of Adjustment Meeting, November 13, 2018, as presented.

Reviewed By: Larry R. Curtis

Approved By: Michael W. Skates

ALY



City of Broken Arrow

Minutes Board of Adjustment

City Hall
220 S 1st Street
Broken Arrow OK
74012

*Chairman Stanley Evetts
Vice Chairman Steve Knight
Board Member Randy Cherry
Board Member Harold Tohlen*

Thursday, November 13, 2018

Time 5:00 p.m.

Council Chambers

1. Call to Order

Vice Chairperson Steve Knight called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 3 - Randy Cherry, Harold Tohlen, Steve Knight

Absent: 1 - Stanley Evetts

3. Consideration of Consent Agenda

There was no Consent Agenda.

4. Public Hearings

There were no Public Hearings.

5. General Board Business

A. 18-1299 Consideration and possible approval of 2019 Board of Adjustment meeting schedule

Plan Development Manager Larry Curtis reported this Item was in regard to the Board of Adjustment Meeting dates for 2019 which were standard once a month meetings at 5:00 p.m. in Council Chambers. Board Member Harold Tohlen asked if the meetings would continue to be held the second Monday of each month. Mr. Curtis responded in the affirmative. Board Member Randy Cherry noted the exception was November 12, 2019 meeting which fell on a Tuesday. Mr. Curtis concurred.

MOTION: A motion was made by Randy Cherry, seconded by Harold Tohlen.

Move to approve the 2019 Board of Adjustment Meeting schedule

The motion carried by the following vote:

Aye: 3 - Randy Cherry, Harold Tohlen, Steve Knight

B. 18-1302 Election of Board of Adjustment Members for 2018-2019

Mr. Larry Curtis stated this Item purported the election of the Board of Adjustment Members. He asked the Board to appoint a Chairman and Vice Chairman for 2018-2019. Board Member Cherry nominated Mr. Stan Evetts for Chairman and Mr. Steve Knights for Vice Chairman.

MOTION: A motion was made by Harold Tohlen, seconded by Randy Cherry.

Move to elect Mr. Stan Evetts for Chairman and Mr. Steve Knights for Vice Chairman for 2018-2019

The motion carried by the following vote:

Aye: 3 - Randy Cherry, Harold Tohlen, Steve Knight

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

Assistant City Attorney Lesli Meyers stated she had distributed an information packet to the Board of Adjustment at the request of City Attorney Trevor Dennis. She asked the Board to please call her with any questions regarding the information packet.

Mr. Curtis stated the American Planning Association would be holding the Quad State Conference in Tulsa in 2019 which was a combination of Missouri, Kansas, Oklahoma and Arkansas. He stated as a part of the Broken Arrow Training Program the Board of Adjustment Members would be asked to consider attending the Conference in late September 2019. He stated a technology training session and Board of Adjustment refreshment course was planned for late spring 2019 as well.

10. Adjournment

The meeting adjourned at approximately 5:06 p.m.

MOTION: A motion was made by Harold Tohlen, seconded by Randy Cherry.

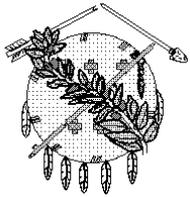
Move to adjourn

The motion carried by the following vote:

Aye: 3 - Randy Cherry, Harold Tohlen, Steve Knight

Mayor

City Clerk



City of Broken Arrow

Request for Action

File #: 19-195, Version: 1

**Broken Arrow Board of Adjustment
02-11-2019**

To: Chairman and Board Members
From: Development Services Department
Title:

Public hearing, consideration, and possible action regarding BOA 721, Lois McCleary Property, 0.30 acres, R-2, request to allow a recreational vehicle to be parked in front of the building line of a single-family residence, located one-third mile east of Elm Place (161st E. Avenue), north of Jasper Street (131st Street) at 8202 S. Ash Avenue

Background:

Applicant: Lois McCleary
Owner: Lois McCleary
Developer: NA
Surveyor: Collins Land Surveying, Inc.
Location: One-third mile east of Elm Place (161st E. Avenue), north of Jaspser Street (131st Street) at 8202 S. Ash Avenue
Size of Tract 0.30 acres
Number of Lots: 1
Present Zoning: R-2
Comp Plan: Level 2

BOA 721 involves a request for a variance to allow a recreational vehicle (RV) to be parked in front of the building line of a single-family residence. The property is located one-third mile east of Elm Place (161st E. Avenue), north of Jasper Street (131st Street) at 8202 S. Ash Avenue.

According to Tulsa County records, the house at 8202 S. Ash Avenue was built in 1987. Applicant purchased the property in June 2017. Applicant states that the RV is her primary vehicle that she also uses for her work as a photographer. Applicant further states that her lot is narrow with insufficient space to park behind the front building line and that her RV is comparable in size to parking a full size pickup truck.

Section 5.4.K.4 of the Zoning Ordinance limits the amount of camping or travel trailer, hauling trailer, or recreational vehicle to one per household on any residential lot to one (1) for a period not to exceed twenty-four (24) hours unless such is located behind the front building line. In 2018, Code Enforcement had 184 cases involving recreational vehicles or trailers parked in front of the building line.

For a variance to be granted, there are six conditions that must be found by the Board of Adjustment.

1. There are unique physical circumstances or conditions, such as irregularity, narrowness, or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.

Analysis:

The home at 8202 S. Ash Avenue was built in 1987. Access to the property is from S. Ash Avenue, which is a low design speed, low traffic count cul-de-sac street. The lot associated with BOA 721 is 95 feet in width, which is consistent with most interior lots in the Country Club Estates Addition. Corner lots are typically 115 feet wide, and cul-de-sac lots vary in width. Applicant states that the property at 8202 Ash Avenue is one of the narrowest lots in the neighborhood. In reviewing the Country Club Estates plat, staff concluded there are 38 lots with 95 feet of lot frontage. The property is zoned R-2 which requires a front setback of 25 feet and side setbacks of five feet on one side and ten feet on the other. With 11 feet, 3 inches on the north side of the residence, the property exceeds the zoning requirement for side setbacks. Therefore, no unique physical circumstances or conditions were found to be peculiar to the affected property.

2. The unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.

Analysis:

In examining an aerial photo and through a site visit, two homes were observed to have recreational vehicles that were parked along the side of the home. One of these homes is on a 95-foot-wide lot. The house on this particular property is smaller than the house at 8202 S. Ash Avenue; thus, the footprint allows for wider side yards. The other home is on a 115-foot-wide corner lot with a wider side yard. No unusual circumstances or conditions exist on this property or throughout the neighborhood in which the property is located.

3. Such physical circumstances or conditions were not created by the applicant.

Analysis:

The home has existed on the property since 1987, and the applicant purchased the property in June 2017. The setback requirements for the location of this lot within the subdivision includes a 35-foot front building line and 5-foot side setbacks. Placement of the house on the lot meets all setback requirements. According to the lot survey (attached), the north side yard is 11 feet 3 inches. Applicant states that the side yard is too narrow to park her recreational vehicle on either side of the house particularly because the overhang of the house extends into the side yard. The applicant's desire to park a recreational vehicle on the lot is a circumstance created by the applicant. Therefore, this condition is not met.

4. Because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Ordinance.

Analysis:

No physical circumstances or conditions have been identified that would preclude the property from being reasonably developed in conformity with the provisions of this Ordinance. The property is developed with one single-family house and meets all setbacks in conformity with the Zoning Ordinance. The request to allow a recreational vehicle to be parked in front of the front building line exceeds what is permitted by this Ordinance.

5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.

Analysis:

While the City does not enforce covenants, Item Number (1) of the Deed of Dedication and Covenants states that “No lot shall be used except for residential purposes.” Further, Item Number (9) states that “Trucks with tonnage in excess of $\frac{3}{4}$ ton shall not be permitted to park on the streets, driveways.” Approval of a variance to allow a recreational vehicle to be parked in front of the building line on this property may alter the character of the neighborhood.

6. The variance, if granted, would be the minimum variance that will afford relief and is the least modification possible of the provisions of this Ordinance that are in question.

Analysis:

Granting a variance to allow a recreational vehicle to be parked in front of the building line of a single-family residence is the minimum variance required.

Attachments: Case map
 Aerial
 Survey
 Country Club Estates Addition
 Variance Request Presentation

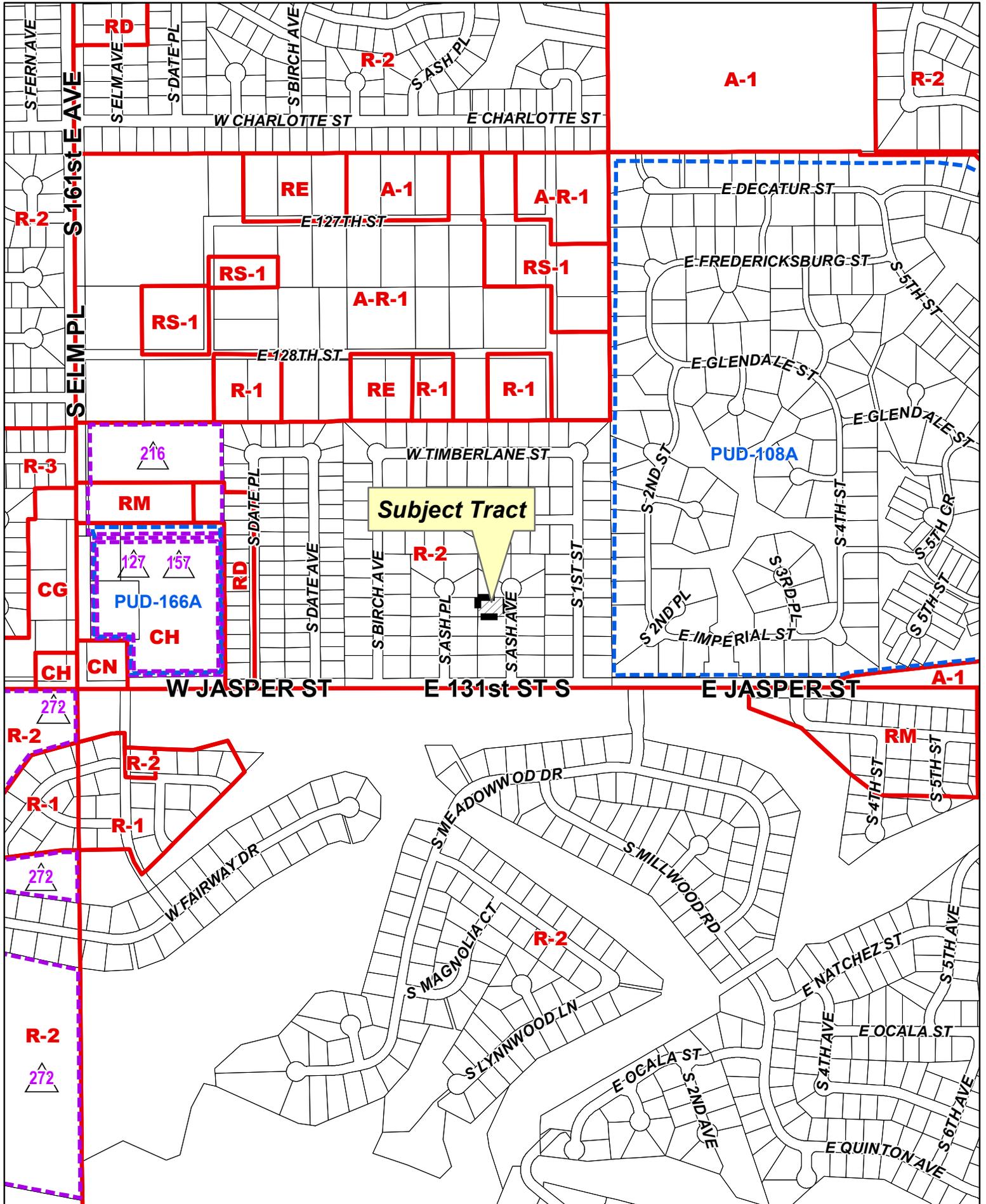
Recommendation:

By State law and by the City of Broken Arrow Zoning Ordinance, for a variance to be granted, all six conditions listed above must be met. In Staff’s opinion, the request for a variance to allow a recreational vehicle to be parked in front of the building line of a single-family residence 8202 S. Ash Avenue does not meet the six conditions for the Board to grant a variance. Conditions 1 through 5 have not been met but Condition 6 has been met. Therefore, Staff recommends that BOA 721 be denied.

Reviewed by: Larry Curtis

Approved by: Michael Skates

LRC: JMW

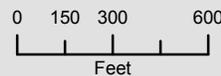


300' Radius



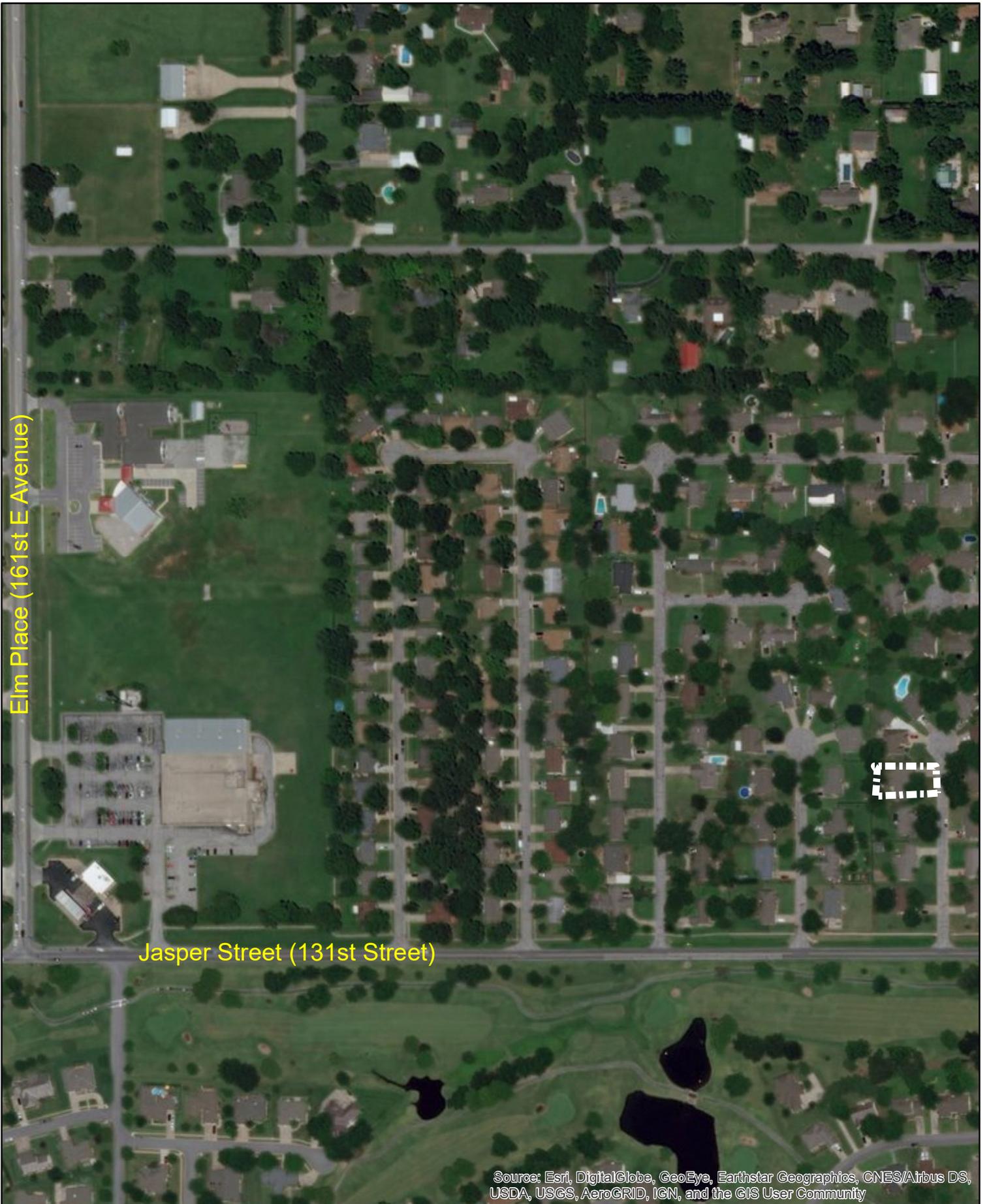
Subject Tract

BOA-721



02 17-14



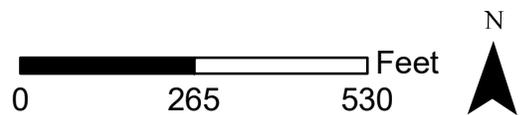


Elm Place (161st E Avenue)

Jasper Street (131st Street)

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

BOA-721
Lois McCleary Property



REGISTERED LAND SURVEYOR'S INSPECTION
 PLAT AND CERTIFICATE FOR MORTGAGE
 LOAN PURPOSE

COLLINS LAND SURVEYING, INC.

3340 W. 151st ST. S. - P.O. Box 250
 KIEFER, OK. 74041

OFFICE (918)321-9400 FAX (918)321-9404

J.O. NO.: 17-05-132

Customer: First American Title
 & Trust Company

Borrower: McCleary, Lois R.
 2241736-TU02

Plat No: 3293

B/L=Building Line
 U/E=Utility Esmt.
 F/E=Fence Esmt.

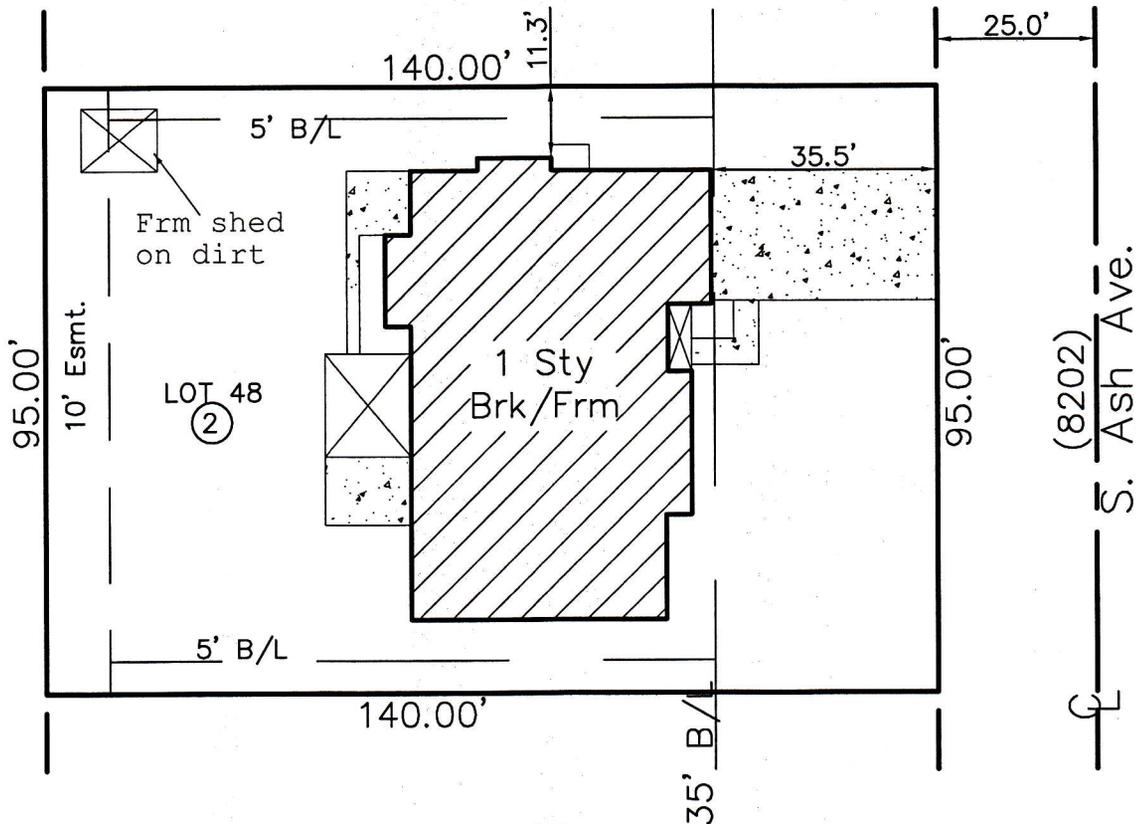
OB/L=Out Building Line
 SW/E=Sidewalk Esmt.
 R/W=Right of Way

D/E=Drainage Esmt.
 B/E=Buried Tele. & Elec. Cable Esmt.
 S/E=Service Entrance

SCALE: 1"=30'



SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "UNSHADED X" AN AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FIRM MAP#400236 0456L, DATED 10/16/2012.



THIS PLAT IS MADE FOR AND AT THE REQUEST OF: First American Title & Trust Company /
 Gateway Mortgage Group, LLC, ISAOA/ATIMA

FOR MORTGAGE LOAN PURPOSES ONLY COVERING LEGAL DESCRIPTION AS PROVIDED

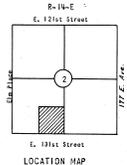
Lot Forty-eight (48), Block Two (2), COUNTRY CLUB ESTATES
 ADDITION to the City of Broken Arrow, Tulsa County, State of
 Oklahoma, according to the recorded Plat No. 3293.

Property address: 8202 South Ash Avenue, Broken Arrow, Oklahoma

COUNTRY CLUB ESTATES

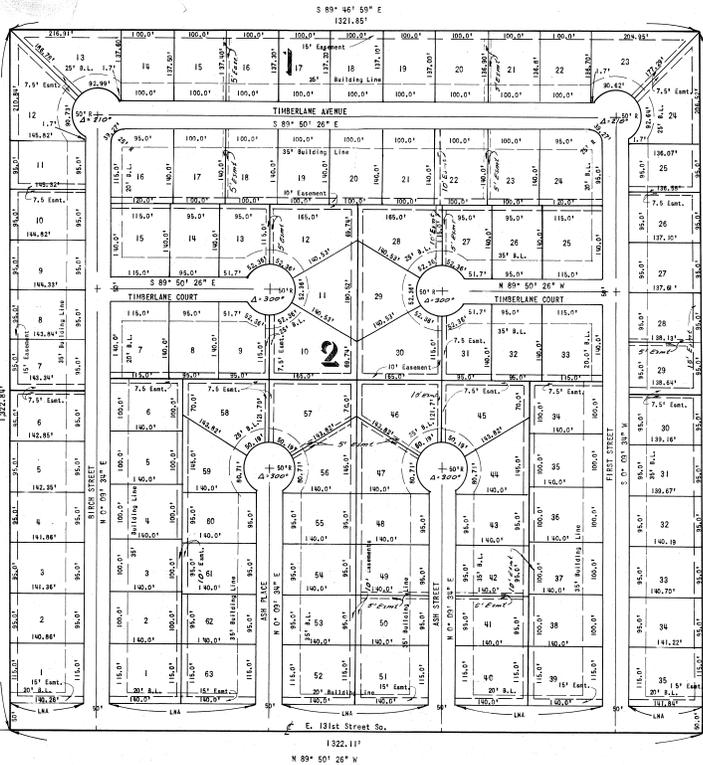
An addition to
Broken Arrow, Oklahoma
An addition in the SE 1/4, SW 1/4 of Section 2, T.17-N,
R.14-E, Tulsa County, Oklahoma

UNPLATTED



OWNERS
Frank D. Moskowitz
Jack W. Morse
William P. Morse
Michael T. Myers
Donald F. D. Stafford
1701 S. Boston
Tulsa, Oklahoma

ENGINEER & SURVEYOR
Jack L. Spradling & Associates
4680 E. 30
Tulsa, Oklahoma



1322.11' to S.W. Corner of Sec. 2

1322.11'
N 89° 50' 28" W

OWNERS CERTIFICATE OF DEED OF DEDICATION AND COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

That, Frank D. Moskowitz, Jack W. Morse, William P. Morse, Michael T. Myers, and Donald F. D. Stafford, being the owners of the aforesaid title in and to a certain tract of land known and described as the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 2, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, containing forty (40) acres, more or less and have caused the same to be surveyed, staked, and platting into lots, blocks and streets, originating the same as Country Club Estates Addition to the City of Broken Arrow, Oklahoma.

Whereas the above named owner being desirous of maintaining conformity to the covenants and provisions heretofore made and to all laws in this regard and to provide the necessary streets and other conveniences, and hereby declare themselves as owners on said plat, and upon the following restrictive covenants for the mutual benefit of themselves and their successors in title to all or any portion of said tract, hereinafter referred to as lots, and to create covenants as hereinafter described to which it shall be incumbent upon them or their successors to adhere and observe in full, to-wit:

- No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling and no accessory building.
- The first floor area of the main structure, exclusive of open porches and garages, shall be not less than 1,000 square feet, or 1,000 square feet in the case of a two-story dwelling.
- No building shall be located on any lot nearer than 35 feet to the front lot line, or nearer than 15 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line.
- Construction of no building shall be permitted, it being the intent of this covenant to prohibit the moving of any existing building onto a lot or remodeling or converting same into a dwelling unit in this subdivision.
- No building shall be erected, placed, or altered on any lot until the construction plans and specifications and a plan showing the location of the structure has been approved by the architectural committee as to quality of workmanship and materials, harmony of exterior design with existing structures, and as to location with respect to topography and final grade elevation.
- The architectural control committee is composed of Michael T. Myers, Donald F. D. Stafford & Leon Regalado. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining member shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the three record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or resign to it any of its powers and duties.
- The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or in an event, if no action is taken to begin the construction of same commencing prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.
- No dwelling shall be erected or placed on any lot having a width of square foot area less than that shown on recorded plat.
- Exposed exterior wall area, exclusive of doors, windows and gable area, shall be 90 percent masonry or masonry veneer. Masonry material shall be of quality and appearance equal or superior to the standard brick or shale common brick, color pigment Portland Cement brick or quarter glaze brick, exclusive of the required masonry area, shall be of highest construction material selected and designed to add to the architectural appearance of the building.
- No dwelling shall hereafter be erected or placed upon any lot which has a roof composed of asphalt composition material, or a roof pitch of less than 2/12 (19.1). No asbestos material is to be used on the exterior walls.
- No fence shall be constructed or allowed to remain in front of the minimum building setback line.
- Trucks with tongue in excess of 8/16 ton shall not be permitted to park on the streets, alleyways, or lots overnight and no vehicle of any size which normally transports inflammable or explosive cargo may be kept in subdivision at any time.
- No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be so noxious or offensive as to annoy the neighborhood.
- No structure of a temporary character, trailer, structure, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.
- No sign of any kind shall be displayed to the public view on any lot except upon a professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or sign used by a builder to advertise the property during the construction and sales period.
- All easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and it is further provided that no driveway, fence or other obstruction shall be placed in any easement and that all right of ingress and egress shall be kept clear over any installed easement for the location, operation, maintenance, repair or removal of any utility together with the right to remove any obstruction that may be placed in such easement that would constitute interference operation or installation of such utility.
- No lot, nor shall all wells, tanks, tunnels, windmills or shafts be permitted upon or in any lot. No electric or other utility poles may be kept, provided that they are not used, erected, or maintained for any commercial purposes.
- No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste shall not be kept except in sanitary containers, all incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

- No fence, wall, hedge or other planting, which obstructs sight lines at elevations between 2 and 6 feet above the roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines indicated.
- No individual water supply system or sewerage disposal system shall be permitted on any lot.

- Overhead pole lines may be installed along the east side of said dwelling elements, all supply of electric conductors shall be located underground in the easement reserved for general utility purposes, shown on the attached plat. Service pedestals and transformers, in excess of supply of secondary voltage may also be located in said easement area. Underground service cables and conductors to all houses which may be located on all lots in said addition may run from the nearest service pedestal or transformer to the point of usage determined by the location and construction of such house as may be located upon said lots provided that upon the installation of such a service cable to a particular house, the supplier of electric service shall thereafter be deemed to have the exclusive, permanent, effective, and exclusive right of way easement on said lot, covering a five foot strip extending from the service pedestal or transformer to the service entrance of said house.

The supplier of electric service, through its proper agents and employees, shall at all times have right of access to all such easement ways shown on said plat, or previous for in this deed of dedication for the purpose of installing, maintaining, repairing or replacing any portion of said underground electric facilities as installed by it.

The foregoing covenants shall be enforceable by the supplier of electric service, and the owner of each lot agrees to be bound hereby.

- These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty five years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.
- Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.
- Invalidation of any one of these covenants by judgments of court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

The undersigned owners further dedicate to the public use all easements and right-of-way as shown and designated on the accompanying plat for the purpose of construction, maintaining, operating, repairing or rebuilding streets, sanitary sewers and other lines and express upon said right-of-way for the use and purposes aforesaid, so long as the foregoing easements are used for public use.

Dated this 21st day of May 1972.
Frank D. Moskowitz
Jack W. Morse
William P. Morse
Michael T. Myers
Donald F. D. Stafford

STATE OF OKLAHOMA }
COUNTY OF TULSA } ss

Before me, the undersigned, a Notary Public in and for the said county and state on this 24th day of May 1972, personally appeared Frank D. Moskowitz, Jack W. Morse, William P. Morse, Michael T. Myers, and Donald F. D. Stafford, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal this 24th day of May, 1972.
My commission expires 06/16/1973

SURVEYOR'S CERTIFICATE
I, Jack L. Spradling, a Registered Land Surveyor in the State of Oklahoma, do hereby certify that I have plotted into Lots, Blocks and Streets, County of Tulsa, Oklahoma, an addition to the City of Broken Arrow, Oklahoma, and that the above plat is a true and correct representation of said survey.

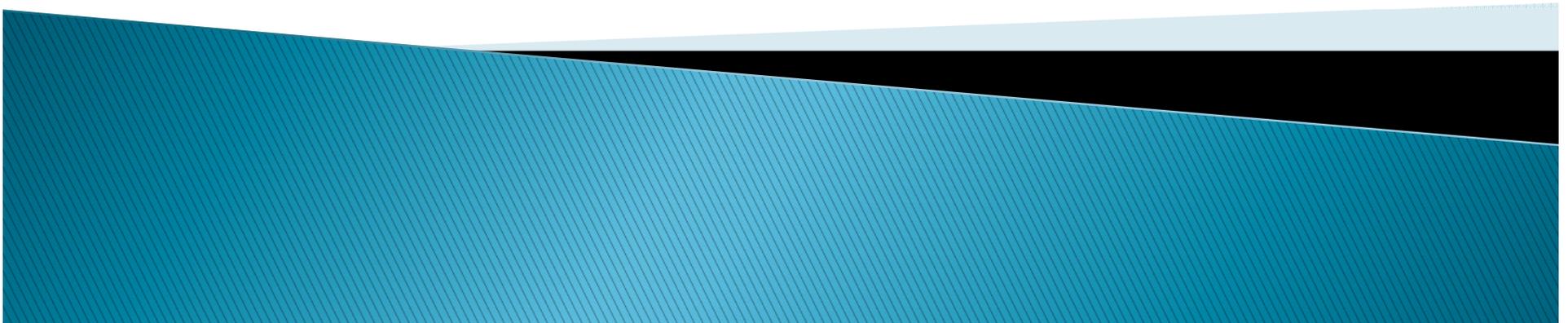
STATE OF OKLAHOMA }
COUNTY OF TULSA } ss
Before me, the undersigned, a Notary Public in and for the said county and state on this 19th day of May 1972, personally appeared Jack L. Spradling, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.
WITNESS my hand and seal this 19th day of May 1972.
My commission expires 04/15, 1972.
Notary Public

CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT
THIS PLAT WAS SUBMITTED BY
ENGINEER AND SURVEYOR
JACK L. SPRADLING, P.L.S., TO ME
ON 05-17-72
2000 Subdivisions Secretary
By C.C.

Mini Motorhome Variance

Development Standards Section 5.4 K.4

Board of Adjustment
February 11, 2019



Development Standards Section 5.4 K.4

4. Recreational Vehicle (RV) and Boat Parking

- ▶ K.4 No more than one (1) camping, or travel trailer, or hauling trailer, or recreational vehicle per household shall be permitted on any residential lot, and no more than one (1) boat and its associated trailer, per household shall be parked or stored on any residential lot exclusive of those vehicles entirely stored within a fully enclosed structure. Provided that no trailer, boat, or recreational vehicle shall be parked or stored on the premises for more than a single period not to exceed twenty-four (24) hours in length during any week **unless such is located behind the front building line**. On corner lots burdened by building lines from two streets, no such vehicle shall be parked or stored unless such is located behind both building lines. The Director or a designee may authorize the parking of Recreational Vehicles in front of building lines for periods of up to three (3) days plus extensions not to exceed ten (10) days cumulative, where temporary special circumstances would justify such a nonrecurring use for visitors to the household, and all streets, sidewalks, and sight triangles remain clear. For the purposes of this section, a week shall be defined as a period of time commencing at 12:00 a.m. Sunday morning, and ending at 11:59 p.m. Saturday evening.



Reason for Request

- ▶ I am requesting a variance to Section 5.4 K.4 to allow my mini motorhome to be parked on my driveway in front of my building line.
- ▶ This variance is necessary because my property does not have enough space on either side of my house to enable me to adhere to the zoning code by parking my mini motorhome behind the building line.
- ▶ This is my primary vehicle.
- ▶ I utilize my mini motorhome multiple times per week, so storing it offsite is not an option.



Other Factors

- ▶ I use the mini motorhome for my sole source of income as a professional photographer.
- ▶ I also use this vehicle for personal trips to the grocery store, the dog park and other activities.
- ▶ In most instances, my dogs accompany me on these trips.
- ▶ Although I have a secondary vehicle, it does not fulfill my needs for security of my photography equipment, safety for myself and my dogs, nor the requirement of having everything I need for my photography work.





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Lois_McCleary



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1 of 3



**HOUSTON
WORLD
SERIES
OF DOG
SHOWS**

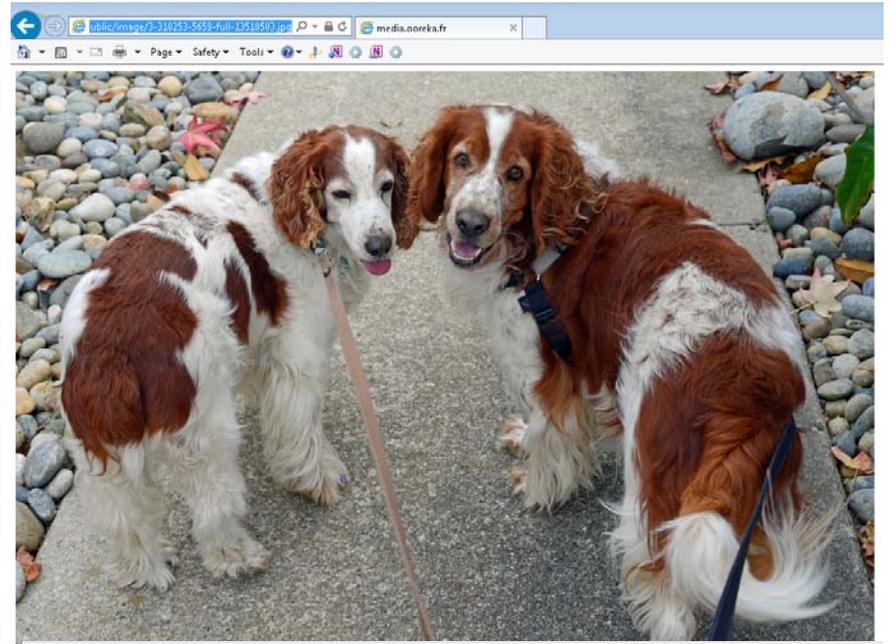
JULY 19TH
4 PM CST/5 PM EST

JULY 20TH
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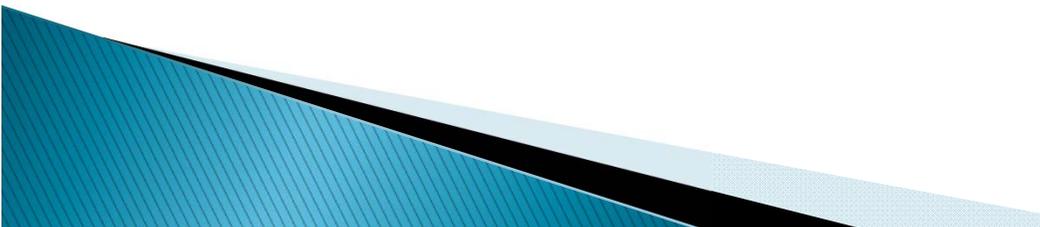
HOUSTON WORLD SERIES OF
DOG SHOWS
COME. SIT. STAY.



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 Welsh Springer Spaniel: Schöner Hund aus Großbritannien Gefällt mir 0 Save



Mit seinem treuen Blick und dem langen Fell ist der Welsh Springer Spaniel ein schöner Hund – Bild: Shutterstock / Lois McCleary



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1 Pawhuska Tallgrass Prairie 334



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3 Sequoyah SP Trail 804



4 Cherokee Landing Tenkiller SP



5 Osage Hills SP 115



6 Cherokee Area Grand Lake 451



7 80 Hwy Gibson Dam 206



8 Gibson Lake 413



9 Sequoyah State Park 291



Riverside Parkway 202



Seminole Campground 430



Sequoyah SP Marina 768

Six Criteria for Approval of a Variance

1. There are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other physical conditions peculiar to the affected property.

- ▶ My lot is one of the narrowest lots in the neighborhood at 95 feet.
- ▶ There is insufficient width on either side of my house to park behind the building line due to the footprint of my house and its placement on the lot.
- ▶ In addition, the hip roof, the extended side wall of house and the air conditioning unit all contribute to the narrowness of the side yard.



Plat Map

<p>REGISTERED LAND SURVEYOR'S INSPECTION PLAT AND CERTIFICATE FOR MORTGAGE LOAN PURPOSE</p>			<p>J.O. NO.: <u>17-05-132</u> First American Title Customer: <u>& Trust Company</u></p>		
<p>COLLINS LAND SURVEYING, INC. 3340 W. 151st ST. S. - P.O. Box 250 KIEFER, OK. 74041 OFFICE (918)321-9400 FAX (918)321-9404</p>			<p>Borrower: <u>McCleary, Lois R.</u> <u>2241736-TU02</u></p>		
<p>Plat No: <u>3293</u></p>			<p>SCALE: 1"=30'</p> <p style="text-align: center;">↑ NORTH</p>		
<p>B/L=Building Line U/E=Utility Esmt. F/E=Fence Esmt.</p>	<p>OB/L=Out Building Line SW/E=Sidewalk Esmt. R/W=Right of Way</p>	<p>D/E=Drainage Esmt. B/E=Buried Tele. & Elec. Cable Esmt. S/E=Service Entrance</p>			
<p>SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "UNSHADED X" AN AREA OF MINIMAL FLOOD HAZARD AS SHOWN ON FIRM MAP#400236 0456L, DATED 10/16/2012.</p>					
<p>THIS PLAT IS MADE FOR AND AT THE REQUEST OF: First American Title & Trust Company / Gateway Mortgage Group, LLC, ISAOA/ATIMA FOR MORTGAGE LOAN PURPOSES ONLY COVERING LEGAL DESCRIPTION AS PROVIDED Lot Forty-eight (48), Block Two (2), COUNTRY CLUB ESTATES ADDITION to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3293. Property address: 8202 South Ash Avenue, Broken Arrow, Oklahoma</p>					
<p>SURVEYORS STATEMENT</p>					



RV width = 123 inches
Side yard width = 133 inches

Criteria for Approval (Continued)

2. The unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.

- ▶ The lots in the neighborhood vary in width from 95 feet to 115 feet wide.
- ▶ Footprints of homes in the neighborhood vary due to home style and overall home size.
- ▶ Placement of homes within their lots vary, with some centered and others placed closer to one side.
- ▶ Some homes in the neighborhood have sufficient space to park a motorhome behind the building line, but others do not.



Variation in Spaces Between Homes



Lots 001 f



Lots 003 f



Lots 005 f



Lots 007 f



Lots 009 f



Lots 011 f



Lots 014 f



Lots 016 f



Lots 018 f

Criteria for Approval (Continued)

3. Such physical circumstances or conditions were not created by the applicant.

- ▶ There are no obstacles created by me that affect the situation.

4. Because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this ordinance.

- ▶ There is no way the property can reasonably be modified to enable the vehicle to be parked behind the property line.



Criteria for Approval (Continued)

5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.

- ▶ Parking the mini motorhome in the driveway is similar to parking a full size pickup truck in the driveway.
- ▶ Other homeowners in the neighborhood frequently park three or four vehicles in their driveways.
- ▶ My mini motorhome takes up significantly less space in the driveway than the multiple vehicles commonly parked by other neighbors.
- ▶ There is sufficient space in my driveway to park the mini motorhome and as many as three other vehicles there, but I only park the mini motorhome in the driveway.



Size Comparison to Ford F250 – Grills lined up



Length 22' vs. 23'10"



Multiple Cars in Driveways – My Street



Multiple Cars in Neighborhood Driveways



004 cf



007



009



018 cf



025



041



043



045



053



Plenty of room in driveway



Criteria for Approval (Continued)

6. The variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of this ordinance that are in question.

- ▶ Only the variance to be able to park a single mini motorhome on the driveway is needed.

