



City of Broken Arrow
Meeting Agenda
Board of Adjustment

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

Pablo Aguirre
Harold Tohlen
Steve Knight
Randy Cherry
Stanley Evetts

Monday, November 13, 2017

5:00 PM

Council Chambers

1. Call to Order

2. Roll Call

3. Consideration of Consent Agenda

4. Public Hearings

- A. [17-2836](#) Public hearing, consideration, and possible action regarding BOA 720, Michal M. Gordon Property, 0.20 acres, R-3, request to reduce the building setback line from 20 feet to 15 feet along the west property line for an existing single-family residence, located one-third mile north of Washington Street, one-quarter mile west of 9th Street, at 800 E. Richmond Place

5. General Board Business

- A. [17-2861](#) Consideration and possible approval of 2018 Board of Adjustment meeting schedule
- B. [17-2862](#) Election of Board of Adjustment Chair and Vice-Chairperson for the remainder of 2017 and for the year, 2018

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 _____ 2017, at _____ am/pm.

CITY CLERK



City of Broken Arrow

Fact Sheet

File #: 17-2836, **Version:** 1

Broken Arrow Board of Adjustment

11-13-2017

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

Public hearing, consideration, and possible action regarding BOA 720, Michal M. Gordon Property, 0.20 acres, R-3, request to reduce the building setback line from 20 feet to 15 feet along the west property line for an existing single-family residence, located one-third mile north of Washington Street, one-quarter mile west of 9th Street, at 800 E. Richmond Place

Background:

Applicant: Michal M. Gordon
Owner: Michal M. Gordon
Developer: NA
Surveyor: David L. M. Louy
Location: One-third mile north of Washington Street, one-quarter mile west of 9th Street at 800 E. Richmond Street
Size of Tract 0.20 acres
Number of Lots: 1
Present Zoning: R-3
Comp Plan: Level 2

BOA 720 involves a request for a variance to reduce the building setback line on a corner lot from 20 feet to 15 feet along the west property line for an existing single family residence. The property is located one-third mile north of Washington Street, one-quarter mile west of 9th Street at 800 E. Richmond Place. According to a recent survey, the west part of the property is located 15 feet from the property line.

In the R-3 district, when more than two sides abut a public street, the front yard may be reduced to 15 feet along those rights of way that have no vehicular access. In such instances, there shall be no obstruction in a 15-foot front yard and vehicular access should be from the street with the lowest design speed and capacity and lowest traffic volume. However, the jog in the front yard between the two lots shall not exceed five feet. Vehicular access to this property is from Richmond Place, which a cul-de-sac street. The abutting property to the north has its access from 6th Street and is setback 25 feet from the property line. Consequently, according to the Zoning Ordinance, the building setback distance along 6th Street for the property associated with BOA 720 should be 20 feet. As a result, the property associated with BOA 720 encroaches five feet into the building setback line along 6th Street.

According to the applicant, the house was built in the early 1970's. Applicant purchased the property in 1979. At the time of purchase, no information regarding any encroachments over the building setback line were provided to the applicant. Applicant is now in the process of selling the property. During the title survey, it was discovered that the building encroached into the building setback 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 was built in the early 1970's. Access to the property is from Richmond Place, which is a low design speed, low traffic count cul-de-sac street. It is unknown how the building was constructed to be setback only 15 feet from the property line in the early 1970's. The plat shows a 25-foot building setback line along all street frontages. The lot associated with BOA 720 is 70 feet in width, which for a corner lot is a narrow lot. In addition, it is not known when the house on the abutting property was constructed. If the house to the north had been oriented facing north with similar setbacks, the house associated with BOA 720 would be in compliance with the Zoning Ordinance. It is also possible that the house to the north could have been constructed after the house associated with BOA 720. No access restrictions are shown on the plat. Consequently, the narrowness of the lot for a corner lot could have impacted why the house was built only 15 feet from the property line along the west boundary.

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

Analysis:

In examining the aerial photo, no other houses in the immediate area appear to fail to meet the setback requirements on corner lots.

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

Analysis:

Applicant is in the process of selling the house and only became aware of the setback encroachment as part of a title survey. When he purchased the house in 1979, no encroachment issues were identified to him. Therefore, the encroachment into the west side yard building setback line was not created by the applicant.

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

Analysis:

Without a variance to the setback line, the house will have to be demolished because the entire west side of the house encroaches five feet into the building setback line. Because of the existing conditions, the property cannot be reasonably redeveloped in accordance with the provisions of this Ordinance, and this structure has been at this location since it was constructed in the early 1970's.

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:

A variance on this property would not alter the character of the neighborhood. Demolishing all or part of the home would create a hardship on the owner and potentially 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 reduce the building setback line along the west boundary to accommodate the existing structure will allow the structure to remain in the current placement on the lot and is the minimum variance required.

Attachments: Case map
 Aerial Photo
 Survey
 Oak Crest 4th Addition plat

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 reduce the building setback line for the existing structure at 800 E. Richmond Place meets the six conditions for the Board to grant a variance. Therefore, Staff recommends that BOA 720 be approved for the existing structure only. Any future additions onto the property shall be in compliance with the Zoning Ordinance. In addition, as stipulated by the Zoning Ordinance, no vehicular access shall be allowed to 6th Street.

Reviewed by: Larry Curtis

Approved by: Michael Skates

LRC: BDM



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

800 E. Richmond Place
Michal M. Gordon

100 0 100 Feet



STREET MAP OF TULSA
TULSA COUNTY
FILED FOR RECORD

Plat 3174

122652

1271-4-1-11-12-17

OAK CREST 4TH. ADDITION

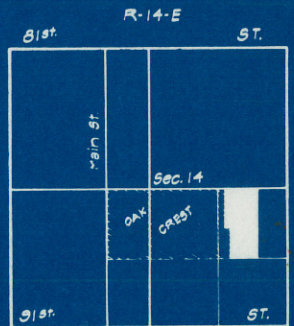
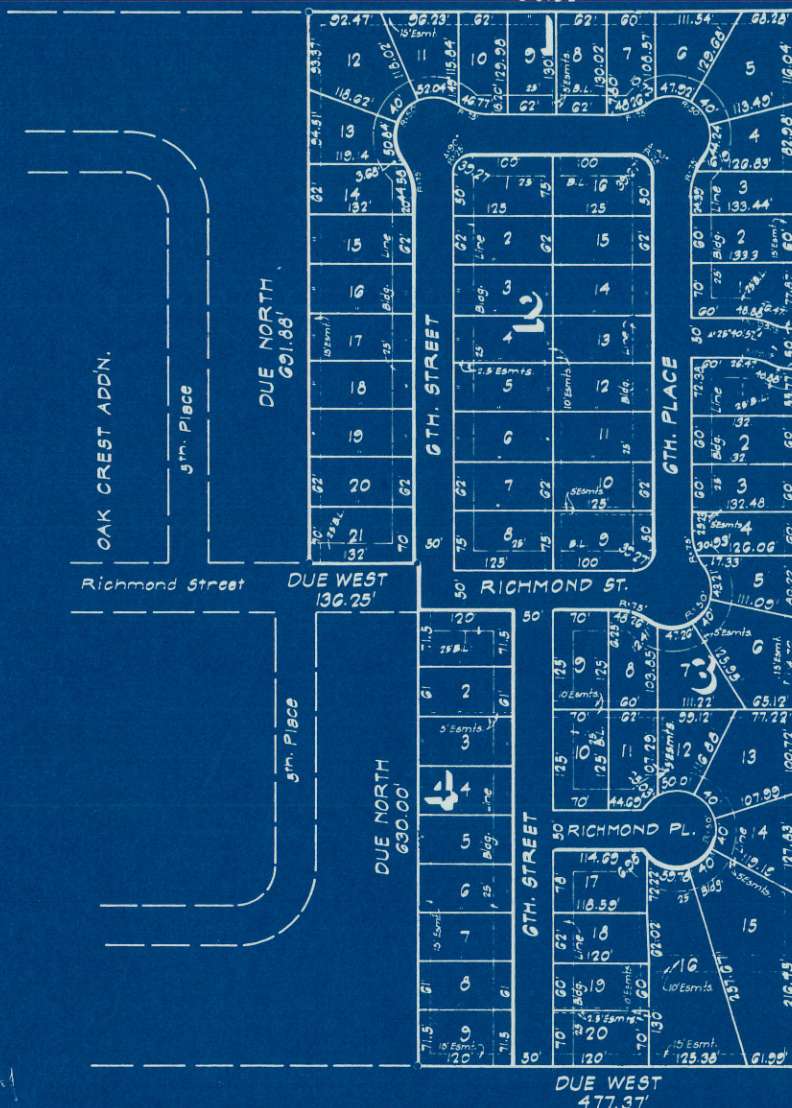
To The City Of Broken Arrow, Tulsa County, Oklahoma. A Subdivision of
A Part Of The NE $\frac{1}{4}$ Of The SE $\frac{1}{4}$ Of Sec. 14, T-16-N, R-14-E.

OWNER:
G.W. Roland
12727 E. 137TH. ST. 90.
Broken Arrow, OKIA.

Garland L. Kneiff

Unplatted

N-89°58'41"E
616.52'



LOCATION MAP



CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT THIS
WAS APPROVED BY THE
BROKEN ARROW PLANNING
COMMISSION ON 11/15/11
Commissioner, Broken Arrow

J.B. ENGINEERING CO.
5827 E. 31ST ST. 50.
TULSA, OKLAHOMA

7/20/11
7/20/11

3-18-71
John F. Campbell
P. 21



City of Broken Arrow

Fact Sheet

File #: 17-2861, **Version:** 1

Broken Arrow Board of Adjustment

11-13-2017

To: Chairman and Board Members
From: Development Services Department
Title: Consideration and possible approval of 2018 Board of Adjustment meeting schedule

Background:

For the past several years, Board of Adjustment meetings have been scheduled for the second Monday of each month, at 5:00 p.m. These meetings are held in the City Council Chambers at Broken Arrow City Hall. In instances where the second Monday, of the month, falls on a City acknowledged holiday, the meeting was scheduled for the Tuesday immediately after the Monday Holiday.

Attachments: 2018 BOA meeting schedule

Recommendation:

Staff recommends the Board of Adjustment approve the current meeting schedule of the second Monday of each month for the 2018 calendar year. In instances where the second Monday of the month is a holiday, the meeting shall occur on the Tuesday after the Monday holiday. Meetings shall occur at 5:00 p.m. in the City Council Chambers

Reviewed By: Larry R. Curtis

Approved By: Michael W. Skates

KJF

**2018 CALENDAR YEAR
SCHEDULE OF REGULAR MEETINGS
BOARD OF ADJUSTMENTS
CITY HALL COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA**

<u>DATE</u>	<u>TIME</u>	<u>PLACE</u>
January 8, 2018	5:00 p.m.	City Council Chambers
February 12, 2018	5:00 p.m.	City Council Chambers
March 12, 2018	5:00 p.m.	City Council Chambers
April 9, 2018	5:00 p.m.	City Council Chambers
May 14, 2018	5:00 p.m.	City Council Chambers
June 11, 2018	5:00 p.m.	City Council Chambers
July 9, 2018	5:00 p.m.	City Council Chambers
August 13, 2018	5:00 p.m.	City Council Chambers
September 10, 2018	5:00 p.m.	City Council Chambers
October 8, 2018	5:00 p.m.	City Council Chambers
November 13, 2018	5:00 p.m.	City Council Chambers
December 10, 2018	5:00 p.m.	City Council Chambers

Posted this _____ day of _____ 2017, at _____ am/pm

Signed: _____
City Clerk



City of Broken Arrow

Fact Sheet

File #: 17-2862, **Version:** 1

Broken Arrow Board of Adjustment

11-13-2017

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

**Election of Board of Adjustment Chair and Vice-Chairperson for
the remainder of 2017 and for the year, 2018**

Background:

Currently, the Board of Adjustment is without a Chairperson due the expiration of term for the former Chairperson. On September 12, 2016, the Board of Adjustment voted for Vice-Chairperson and Chairperson for 2017-2018. City Council, in their meeting of June 15, 2017, appointed Pablo Aguirre, to fill the opening from the expiring term of the Chairman.

The current Vice Chairperson is Stanley Evetts, whose term expires May 1, 2018. The Board of Adjustment will need to nominate and vote for a new Chairperson. In addition, the Board may nominate and vote for a new Vice Chairperson, if they choose.

Attachments: None

Recommendation: Elect a Chairperson for 2017-2018 and possible election of Vice Chairperson.

Reviewed By: Larry R. Curtis

Approved By: Michael W. Skates