



City of Broken Arrow

Minutes Board of Adjustment

City Hall
220 S 1st Street
Broken Arrow OK
74012

Chairperson Mindy Payne
Vice Chair Judd Hatch
Member Michelle Bergwall
Member George Ghesquire
Member Kamara Washington

Monday, June 13, 2022

Time 5:00 p.m.

Council Chambers

1. Call to Order

Chairperson Mindy Payne called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 5 - Richard Carter, Michelle Bergwall, George Ghesquire, Mindy Payne, Kamara Washington

3. Consideration of Consent Agenda

Chairperson Payne presented the Consent Agenda.

A. 22-770 Approval of Board of Adjustment meeting minutes of April 11, 2022

MOTION: A motion was made by Judd Hatch, seconded by George Ghesquire.

Move to approve the Consent Agenda

The motion carried by the following vote:

Aye: 4 - Mindy Payne, Judd Hatch, George Ghesquire, Kamara Washington

Abstain: 1 - Michelle Bergwall

4. Public Hearings

A. 22-769 **Public hearing, consideration, and possible action regarding BOA-729, Lot 3, Block 1, Foxboro, 1.00 acres, R-2, request to reduce the front building setback line along Juniper Place from 25 feet to 20 feet, located approximately one-half mile west of Elm Place, one-quarter mile north of Jasper Street (131st Street) at 7911 South Juniper Place**

Planning Section Manager Amanda Yamaguchi reported BOA-729 involved a request for a variance to reduce the front building setback line along Juniper Place from 25 feet to 20 feet. She indicated the property, which was platted as Lot 3, Block 1, Foxboro, was located approximately one-half mile west of Elm Place, one-quarter mile north of Jasper Street (131st Street) at 7911 South Juniper Place. She stated in the R-2 district, buildings were required to setback 25 feet from the street right-of-way line. She stated the applicant was requesting to reduce the front setback to 20 feet, in order to allow for separation of the proposed home from Reserve A to the east. She stated the eastern half of Lot 3, Block 1 was designated as 100-year floodplain and an additional area running through the center of the lot is designated as Reserve A, which restricted the construction of any building, structure, screening, fencing, or grade alteration. She reported according to the applicant, the proposed home met the setback requirements of the plat; however, in order to prevent future foundation issues, they would feel more comfortable if the home was setback an additional five feet from Reserve A in the rear yard. She stated by State law and by the City of Broken Arrow Zoning Ordinance, for a variance to be granted, all six conditions listed in the Staff Report must be met. She indicated in Staff's opinion, based upon the information provided by the applicant, the request for a variance to reduce the front building setback line along Juniper Place from 25 feet to 20 feet met the conditions required for the Board to grant a variance; therefore, Staff recommended BOA-729 be approved.

Member Ghesquire asked about the side setbacks.

Ms. Yamaguchi indicated the side setbacks would be met per Zoning Ordinance. She stated the front setback would remain 25 feet for the remaining lots in the subdivision. She noted code required there be no more than 5 feet difference between front setbacks of houses, so with the 20 feet this requirement would be met.

Chairperson Payne asked if this was the only lot in the floodplain.

Ms. Yamaguchi displayed and discussed a map which showed where the floodplain was in this subdivision; there were multiple lots within the floodplain; however, this lot in particular had a narrower buildable area than the other lots within the floodplain.

Member Bergwall noted she drove to the site and asked about the lot and existing home.

Ms. Yamaguchi indicated the applicant might better answer Member Bergwall’s questions as she was not familiar with the site.

The applicant, Jeremy Holm with Holm Sweet Home Construction, indicated there was an existing house on lot 4 and lot 2 was a vacant lot. He noted he owned these two lots last year and sold said lots to two different homeowners. He noted lot 2 and lot 3 were empty and this application was for lot 3.

Member Bergwall asked if lot 4 had the existing home.

Mr. Holm responded in the affirmative.

Member Bergwall indicated she looked at the setback and she felt, because of the curve, bringing the home 5 feet closer to the street **would interrupt** the site lines of the existing homes.

 **would not interrupt**

Mr. Holm agreed. He stated he wanted the home to look good and not stick out on the street, but the way the street curved the extra five feet was not noticeable.

Chairperson Payne asked if the new home would affect the farmhouse behind the lot.

Mr. Holm responded in the negative. He stated there was no home on the backside of lot 3; there was a ravine and creek.

Chairperson Payne asked if it would affect or change the creek in any way.

Mr. Holm responded in the negative; there was a 20 to 30 foot elevation change between the creek bed and the proposed building. He stated the home would be constructed well out of the floodplain and a survey would mark the elevation of the pad. He stated nothing would change in the creek aside from cleaning up a few trees to make the area look more park-like.

Vice Chair Hatch asked if moving the home forward 5 feet was needed to move the home out of the floodplain.

Mr. Holm responded in the negative; this was simply to make the homeowners feel a little more comfortable with the foundation location and put a little more distance between the home and the drop off.

Member Ghesquire stated he felt the layout on the lot was wisely done in following the curve of the floodplain.

Mr. Holm said thank you. He stated he worked with the architect to design the house to fit the lot.

MOTION: A motion was made by Michelle Bergwall, seconded by Kamara Washington.
Move to approve BOA-729

The motion carried by the following vote:

Aye: 5 - Judd Hatch, Mindy Payne, George Ghesquire, Kamara Washington, Michelle Bergwall

5. General Board Business

There was no General Board Business.

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

Chairperson Payne welcomed Michelle Bergwall.

Planning and Development Manager Jill Ferenc welcomed Kamara Washington.

7. Adjournment

The meeting adjourned at approximately 5:14 p.m.

MOTION: A motion was made by George Ghesquire, seconded by Kamala Washington.
Move to adjourn

The motion carried by the following vote:

Aye: 5 - Mindy Payne, Judd Hatch, Michelle Bergwall, George Ghesquire, Kamara Washington