



# City of Broken Arrow

## Legislation Details (With Text)

<b>File #:</b>	20-1183	<b>Name:</b>	
<b>Type:</b>	General Business	<b>Status:</b>	Agenda Ready
<b>File created:</b>	9/21/2020	<b>In control:</b>	Broken Arrow City Council
<b>On agenda:</b>	11/17/2020	<b>Final action:</b>	
<b>Title:</b>	Consideration, discussion, and possible action on an appeal to the Hearing Officers decision declaring 520 West Detroit Street, Broken Arrow, Oklahoma 74012; Lots 15 & 16, Block 23, Broken Arrow - Original Town, Tulsa County; as a dilapidated structure and a public nuisance and authorization to demolish the property. Violations: Title 11 O.S. § 22-111 and § 22-112; City Nuisance Code 15-1 C.15 and 15-4 and 15-1 D.10 a & b		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Notice to Abate a Nuisance Public Hearing, 2. Order of Abatement, 3. Photographs Building Permit Legal, 4. Notice of Appeal, 5. Minutes from August 6, 2020 Public Hearing, 6. Minutes from September 3, 2020 Public Hearing		

Date	Ver.	Action By	Action	Result
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### Broken Arrow City Council Meeting of: 11-17-2020

**Title:** Consideration, discussion, and possible action on an appeal to the Hearing Officers decision declaring 520 West Detroit Street, Broken Arrow, Oklahoma 74012; Lots 15 & 16, Block 23, Broken Arrow - Original Town, Tulsa County; as a dilapidated structure and a public nuisance and authorization to demolish the property. Violations: Title 11 O.S. § 22-111 and § 22-112; City Nuisance Code 15-1 C.15 and 15-4 and 15-1 D.10 a & b

**Background:** The house located at 520 West Detroit Street was damaged by a fire on April 26, 2018, after an incident on the property in which Broken Arrow Police Department were called to the scene. During the Fire Departments response to extinguish the fire, the house also suffered water damage. I spoke with the occupant Joey Brashears and told him he needed a plan to make repairs. Mr. Brashears indicated he needed time to figure out what he was going to do with the structure. The City has successfully worked with Mr. Brashears over the years when there were other issues on the property. Upon re-inspection of the property no repairs had been made, at the property. The only improvement that had been made was a large tarp over the hole in the roof. On November 26, 2019, Mr. Brashears obtained a remodel permit, but he never called in for any inspections. On April 24, 2020, the permit expired because of time limits and not calling for any inspections. The only work that had been done was installing another tarp over the hole in the roof. On June 25, 2020, after inspection of the property, a case was opened by Code Enforcement and a Notice to Abate a Public Nuisance was posted on the property and sent to the property owner of record with a Public Hearing date set for the August 6, 2020. Mr. Brashears was present at this meeting and blamed the Broken Arrow Police Department for his situation. He told us that he was going to receive help from FEMA and the Methodist Church. The Hearing Officer continued the

case until the Public Hearing on September 3, 2020, to allow Mr. Brashears time to make substantial improvements to the property. At the Public Hearing on September 3, 2020, this case was heard again by the Hearing Officer. Mr. Brashears did not attend the hearing. Code Enforcement reported, upon reinspection of the property no improvements had been made at that time. Hearing Officer Russell Gale declared the house to be a dilapidated structure and signed the order for demolition. Mr. Brashears filed an appeal with the City Clerk on September 14, 2020, appealing the Hearing Officer's decision.

**Cost:** \$0

**Funding Source:** None

**Requested By:** Larry R. Curtis, Community Development Director

**Approved By:** City Manager Office

**Attachments:** Notice to Abate a Nuisance Public Hearing  
Order of Abatement  
Photographs Building Permit Legal  
Notice of Appeal  
Minutes from August 6, 2020 Public Hearing  
Minutes from September 3, 2020 Public Hearing

**Recommendation:**

Recommend the appeal be denied and the Public Hearing Officer's decision be upheld.