



# City of Broken Arrow

## Legislation Details (With Text)

**File #:** 19-1136 **Name:**  
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**File created:** 8/30/2019 **In control:** Board of Adjustment  
**On agenda:** 9/23/2019 **Final action:** 9/23/2019  
**Title:** Public hearing, consideration, and possible action regarding BOA (Board of Adjustment) 722, Farabough Homes Property, 0.23 acres, RS-2, request for a variance to allow a reduced rear setback, located one-third mile west of Olive Avenue (129th E. Avenue), one-quarter mile south of New Orleans Street (101st Street) at 3808 S. Willow Avenue

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2-Case Map, 2. 3-Aerial, 3. 4-Design Plan, 4. 5-Southern Trails Estates Recorded Plat, 5. 6-Ordinance No. 2617 Amending R-2S Zoning Code, March 15, 2004

Date	Ver.	Action By	Action	Result
9/23/2019	1	Board of Adjustment		

### Broken Arrow Board of Adjustment 09-23-2019

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

**Public hearing, consideration, and possible action regarding BOA (Board of Adjustment) 722, Farabough Homes Property, 0.23 acres, RS-2, request for a variance to allow a reduced rear setback, located one-third mile west of Olive Avenue (129th E. Avenue), one-quarter mile south of New Orleans Street (101st Street) at 3808 S. Willow Avenue**

**Background:**

**Applicant:** Ryan Farabough  
**Owner:** Farabough Homes, LLC  
**Developer:** Farabough Homes, LLC  
**Surveyor:** None  
**Location:** One-third mile west of Olive Avenue (129th E. Avenue), one-quarter mile south of New Orleans Street (101st Street) at 3808 S. Willow Avenue  
**Size of Tract** 0.23 acres  
**Number of Lots:** 1  
**Present Zoning:** RS-2  
**Comp Plan:** Level 2

BOA 722 involves a request for a variance to allow a reduced rear setback. The property is located one-third

mile west of Olive Avenue (129<sup>th</sup> E. Avenue), one-quarter mile south of New Orleans Street (101<sup>st</sup> Street) at 3808 S. Willow Avenue.

On November 7, 2005, the property associated with Southern Trails Estates was annexed into the City of Broken Arrow. On December 19, 2005, the City Council approved BAZ-1699 and BAZ-1700 to rezone two properties totaling 40.028 acres from A-1 to R-2S. With the 2008 Zoning Code update, the R-2S zoning designation has been converted to RS-2. Following are the dimensional standards for the RS-2 zoning district (Section 4.1.B Residential District Standards, Table 4.1-2).

	R-2S and RS-2 Zoning District	Lot 14 Block 5 Southern Trails Estates (Existing Conditions)
Minimum lot area	8,000 sq ft	10,125 sq ft
Minimum frontage	70 ft	81 ft
Maximum lot coverage, interior lot	50 percent	44 percent
Front yard setback	25 ft	25.4 ft
Side yard setback, both sides	10 ft	27 ft
Side yard setback, one side	5 ft	5.4 ft
Rear yard setback	20 ft	16 ft
Height limit	50 ft	28 ft

The Board of Adjustment may approve a variance only if it finds that all of the following criteria have been met.

**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 property that is the subject of this variance request is platted as Lot 14 Block 5 of Southern Trails Estates. As shown on the recorded plat, the property includes 81 feet of lot frontage and is 125 feet deep. There is a 10-foot-wide utility easement along the front of the property, a 15-foot-wide utility easement along the south side boundary, and an 11-foot-wide utility easement along the rear of the property.

The home at 3808 S. Willow Avenue is currently under construction. Access to the property is from low design speed residential streets. Southern Trails Estates includes 102 lots with lot frontage that ranges from 79 feet to 95 feet in width. Lots with larger frontage tend to be corner lots that require a larger side setback. Lot depth in this subdivision ranges from 101.59 to 153.14 for cul de sac lots with the average interior lot depth ranging from 125 feet to 132 feet deep. There is a slight change in grade across this subdivision but the area topography is relatively flat with the exception of grading that was completed for drainage and detention basins. The lot size and topography of this lot is not irregular when compared to other lots in this subdivision. The existence of a 15-foot-wide utility easement on the south side of the lot may constrain how wide of a house that may be built on this lot. However, the request is for a variance from the rear setback requirement of 20 feet. 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:

Southern Trails Estates is approximately seventy (70) percent built out, and this is the only residence that was identified that did not meet the setback requirements. It is incumbent upon property owners to select a home that will fit on a lot given the zoning requirements. Not only do these other homes meet the zoning requirements, approximately 13 properties have a swimming pool in the back yard as well. As noted previously, the lot at 3808 S. Willow Avenue has 81 feet of lot frontage and is 125 feet deep. Following is a comparison of lot frontage and lot depth of lots within Southern Trails Estates.

Southern Trails Estates - Lot Width and Depth

*Lot Width*

Lots with less than 81 feet of frontage	29
Lots with 81 feet of frontage	11
Lots with more than 81 feet of frontage	50
<u>Cul de sac lots with varying lot frontage</u>	<u>12</u>
Total	102

*Lot Depth*

Lots with less than 125 feet of lot depth	0
Lots with 125 feet of lot depth	16
Lots with more than 125 of lot depth	74
<u>Cul de sac lots with varying lot depth</u>	<u>12</u>
Total	102

From this data, 11 other lots have the same lot frontage, and 16 have the same lot depth as the lot at 3808 S. Willow Avenue. Therefore, 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 RS-2 zoning requires a rear setback of 20 feet. The applicant submitted plans for a building permit with at 16-foot rear setback, and the residential plans examiner inadvertently approved the building permit in error. Further, the application for the building permit indicated that total square footage for the ground floor (including garage) is 2,594 square feet. In researching the Tulsa County Assessor website for information on this property, the assessor's sketch indicates the square footage for the first floor is 2,771 square feet, and the garage is 828 square feet for a total ground floor square footage of 3,599 square feet. With second floor living space of 1,205 square feet, the total livable space of this residence is 3,976 square feet and total area with garage is 4,804 square feet.

Of the homes that have been built in Southern Trails Estates, 27.3 percent are similar in size. Approximately 56 percent of homes are smaller, and 16.6 percent of homes are larger. When considering lot sizes for those that have been built on, 47.0 percent of lots are similar in size to Lot 14 Block 5 (10,125 square feet in area).

Approximately 4.5 percent of lots are smaller, and 48.4 percent are larger than 10,125 square feet in area. Based on these statistics, staff has concluded that a larger home was planned for a smaller lot in comparison to others in the subdivision. The condition that exists was created by the applicant in that he submitted plans for and built a home that does not meet the rear yard setback. When the violation was discovered, the applicant was told to stop work on the property. Staff drove by the property on August 28, 2019 and discovered that construction work was continuing on the property.

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

Analysis:

Approximately fifty (50) homes have been built in this subdivision on similar size lots, and they all meet the setback requirements. No physical circumstances or conditions of the property have been identified that would preclude the property from being reasonably developed in conformity with the provisions of this Ordinance (except that the applicant has built over the rear build line). The request to allow a reduced rear setback exceeds what is permitted by this Ordinance.

Home Size	Number of Homes	Percent
Less than 3,000 SF	16	24.2%
3,000 to 3,499 SF	21	31.8%
<b>3,500 to 3,999 SF</b>	<b>18</b>	<b>27.3%</b>
4,000 to 4,999 SF	9	13.6%
5,000 SF and greater	2	3.0%
Total	66	100.0%

56.0 percent of homes are smaller

27.3 percent of homes are similar in size

16.6 percent of homes are larger

Lot Size	Number of Lots	Percent
Less than 10,000 SF	3	4.5%
<b>10,000 to 10,499 SF</b>	<b>31</b>	<b>47.0%</b>
10,500 to 10,999 SF	16	24.2%
11,000 to 11,999 SF	6	9.1%
12,000 to 12,999 SF	3	4.5%
13,000 and greater	7	10.6%
Total	66	100.0%

4.5 percent of lots are smaller

47.0 percent of lots are similar size

48.4 percent of lots are larger

**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:

The variance, if granted, will not alter the character of the neighborhood, as a whole; however, it may alter the essential character for property owners who immediately abut the rear yard of this lot.

**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 reduced rear setback for 3808 S. Willow Avenue (Lot 14 Block 5) in Southern Trails Estates is the minimum variance required.

On August 26, 2019, staff received a call from a property owner within the 300-foot radius who is opposed to the granting of a variance but did not state a reason for opposing this request.

**Attachments:** Case map  
Aerial  
Design Plan  
Southern Trails Estates Recorded Plat  
Ordinance No. 2617 Amending R-2S Zoning Code, March 15, 2004

**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 reduced rear setback for a single-family residence 3808 S. Willow Avenue does not meet the six conditions for the Board to grant a variance. Conditions 1 through 4 have not been met but Conditions 5 and 6 have been met. Therefore, Staff recommends that BOA 722 be denied.

**Reviewed and Approved by:** Larry Curtis

LRC: JMW