



25 feet to 20 feet. The property, which has been platted as Lot 3, Block 1, Foxboro, is located approximately one-half mile west of Elm Place, one-quarter mile north of Jasper Street (131st Street) at 7911 South Juniper Place.

In the R-2 district, buildings are required to setback 25 feet from the street right-of-way line. The applicant is 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. The eastern half of Lot 3, Block 1 is designated as 100-year floodplain. An additional area running through the center of the lot is designated as Reserve A, which restricts the construction of any building, structure, screening, fencing, or grade alteration.

According to the applicant, the proposed home meets 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.

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:

According to the applicant, "The slope of the property, shifting of the soil, and previous soil erosion is present. Moving the house five feet helps mitigate this issue. The lot is narrower, which puts the house closer to where the hill slopes off".

According to the plat of the property, this lot has a narrower buildable area than other lots in the neighborhood. Staff is in agreement that this condition has been met.

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

Analysis:

According to the applicant, the unusual circumstances or conditions associated with Lot 3, Block 1 do not exist on any other lots in the subdivision. "Other houses in the neighborhood have a smaller slope gradient".

Staff agrees that this lot is narrower and presents a unique challenge in situating a house on the lot.

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

Analysis:

According to the applicant, "The applicant has not performed any modification to the property. Additionally, the house has to meet certain criteria (square footage) to fit within the covenants of the development, and out of the applicant's control".

Staff believes this condition was not created by the applicant. The covenants of the property state that a two-story structure must contain a minimum of 2,500 square feet of livable area. The conceptual site plan shows the home at 2,580 square feet including a three-car garage.

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

Analysis:

According to the applicant, "This condition is met as previously stated in item 1".

The site plan provided by the applicant shows that the proposed home could fit within 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. The City of Broken Arrow Stormwater Manager is supportive of the request to move the home forward 5 feet.

**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:

According to the applicant, moving the setback line five feet closer to the street will not alter the essential character of the neighborhood.

Staff agrees that this condition has been met.

**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:

According to the applicant, "The condition is met. We are asking for a minimal five feet closer to the street. This results in a setback of 20 feet instead of 25 feet".

The covenants of the property require a minimum square footage that makes developing this lot difficult due to the narrowness of the buildable area. According to the applicant, there is no homeowner's association in place to request relief from this requirement.

**Attachments:**

- Case map
- Aerial Photo
- Comp Plan
- May 9, 2022 letter from the applicant and property owner
- Conceptual Site Plan
- Proposed Floor Plan
- Proposed Elevations
- Property Photos
- Foxboro 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, 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 does meet the conditions required for the Board to grant a variance. Therefore, Staff recommends that BOA

729 be approved.

**Reviewed and Approved by:**        **Jill Ferenc**

ALY