



# City of Broken Arrow

## Request for Action

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**File #:** 19-563, **Version:** 1

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**Broken Arrow Board of Adjustment  
05-13-2019**

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

**Public hearing, consideration, and possible action regarding BOA 721, Lois McCleary Property, 0.30 acres, R-2, request to allow a recreational vehicle to be parked in front of the building line of a single-family residence, located one-third mile east of Elm Place (161st E. Avenue), north of Jasper Street (131st Street) at 8202 S. Ash Avenue**

**Background:**

**Applicant:** Lois McCleary  
**Owner:** Lois McCleary  
**Developer:** NA  
**Surveyor:** Collins Land Surveying, Inc.  
**Location:** One-third mile east of Elm Place (161st E. Avenue), north of Jaspser Street (131st Street) at 8202 S. Ash Avenue  
**Size of Tract** 0.30 acres  
**Number of Lots:** 1  
**Present Zoning:** R-2  
**Comp Plan:** Level 2

BOA 721 involves a request for a variance to allow a recreational vehicle (RV) to be parked in front of the building line of a single-family residence. The property is located one-third mile east of Elm Place (161<sup>st</sup> E. Avenue), north of Jasper Street (131<sup>st</sup> Street) at 8202 S. Ash Avenue.

According to Tulsa County records, the house at 8202 S. Ash Avenue was built in 1987. Applicant purchased the property in June 2017. Applicant states that the RV is her primary vehicle that she also uses for her work as a photographer. Applicant further states that her lot is narrow with insufficient space to park behind the front building line and that her RV is comparable in size to parking a full size pickup truck.

Section 5.4.K.4 of the Zoning Ordinance limits the amount of camping or travel trailer, hauling trailer, or recreational vehicle to one per household on any residential lot to one (1) for a period not to exceed twenty-four (24) hours unless such is located behind the front building line. In 2018, Code Enforcement had 184 cases involving recreational vehicles or trailers parked in front of the building line.

On February 11, 2019, the Board of Adjustment heard and denied this variance request (3-0 vote). Subsequent to this meeting, it was determined that two of the Board of Adjustment members had not yet been reappointed.

The City Council has since reappointed the Board members. Accordingly, re-hearing the variance request is necessary. The public hearing notice was published in the newspaper, public hearing notices were mailed to property owners within 300 feet of the property, and a sign was posted on the property for the April 8, 2019 Board of Adjustment meeting. After giving proper notice of the variance request, the applicant informed staff that she would not be available to attend the April 8, 2019 meeting, and the Board of Adjustment continued this item to the May 13, 2019 meeting at the applicant's request. The public hearing notice was published in the newspaper, public hearing notices were mailed to property owners within 300 feet of the property, and a sign was posted on the property for the May 13, 2019 meeting as well.

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 at 8202 S. Ash Avenue was built in 1987. Access to the property is from S. Ash Avenue, which is a low design speed, low traffic count cul-de-sac street. The lot associated with BOA 721 is 95 feet in width, which is consistent with most interior lots in the Country Club Estates Addition. Corner lots are typically 115 feet wide, and cul-de-sac lots vary in width. Applicant states that the property at 8202 Ash Avenue is one of the narrowest lots in the neighborhood. In reviewing the Country Club Estates plat, staff concluded there are 38 lots with 95 feet of lot frontage. The property is zoned R-2 which requires a front setback of 25 feet and side setbacks of five feet on one side and ten feet on the other. With 11 feet, 3 inches on the north side of the residence, the property exceeds the zoning requirement for side setbacks. Therefore, 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:

In examining an aerial photo and through a site visit, two homes were observed to have recreational vehicles that were parked along the side of the home. One of these homes is on a 95-foot-wide lot. The house on this particular property is smaller than the house at 8202 S. Ash Avenue; thus, the footprint allows for wider side yards. The other home is on a 115-foot-wide corner lot with a wider side yard. 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 home has existed on the property since 1987, and the applicant purchased the property in June 2017. The setback requirements for the location of this lot within the subdivision includes a 35-foot front building line and 5-foot side setbacks. Placement of the house on the lot meets all setback requirements. According to the lot survey (attached), the north side yard is 11 feet 3 inches. Applicant states that the side yard is too narrow to park her recreational vehicle on either side of the house particularly because the overhang of the house extends into the side yard. The applicant's desire to park a recreational vehicle on the lot is a circumstance created by the applicant. Therefore, this condition is not met.

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

Analysis:

No physical circumstances or conditions have been identified that would preclude the property from being reasonably developed in conformity with the provisions of this Ordinance. The property is developed with one single-family house and meets all setbacks in conformity with the Zoning Ordinance. The request to allow a recreational vehicle to be parked in front of the front building line exceeds what is permitted by this Ordinance.

**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:

While the City does not enforce covenants, Item Number (1) of the Deed of Dedication and Covenants states that “No lot shall be used except for residential purposes.” Further, Item Number (9) states that “Trucks with tonnage in excess of  $\frac{3}{4}$  ton shall not be permitted to park on the streets, driveways.” Approval of a variance to allow a recreational vehicle to be parked in front of the building line on this property may 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 allow a recreational vehicle to be parked in front of the building line of a single-family residence is the minimum variance required.

**Attachments:** Published BOA Staff Report, February 11, 2019  
Published BOA Staff Report, April 8, 2019  
Case map  
Aerial  
Survey  
Country Club Estates Addition  
Mini Motorhome Variance - Condition 6  
Mini Motorhome Variance Presentation, May 13, 2019  
Applicant Response to Development Services Department Analysis

**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 recreational vehicle to be parked in front of the building line of a single-family residence 8202 S. Ash Avenue does not meet the six conditions for the Board to grant a variance. Conditions 1 through 5 have not been met but Condition 6 has been met. Therefore, Staff recommends that BOA 721 be denied.

**Reviewed and Approved by:** Larry Curtis

LRC: JMW