

Agenda
Meeting of The
Bixby Board of Adjustment

116 West Needles, Bixby, Oklahoma 74008

November 1, 2021, at 6:00 P.M.

Call to Order
Chairman

Murray King

Roll Call
Secretary

Donna Crawford

Public Hearing

1. Minutes of the October 4, 2021 Meeting
 2. Director's Report
 3. Variance – BXBA-21.08, Applicant: Carson Powell
 4. Variance – BXBA-21.09, Applicant: Brumble Construction
- Old Business
- New Business

Notice of Posting

This Notice and Agenda was posted on the bulletin board October 29, 2021, on or before 5:00p.m., at City Hall, 116 West Needles, Bixby, Oklahoma.

Respectfully Submitted,
Donna Crawford, Asst. City Planner

Persons who require a special accommodation to participate in this meeting should contact Assistant City Planner Donna Crawford, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or via Email: dcrawford@bixbyok.gov as far in advance as possible and preferably at least 48- hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

City of Bixby Board of Adjustment Meeting Minutes

City Hall Municipal Building

116 W Needles, Bixby, OK 74008

October 4, 2021 6:00 P.M.

The agenda for the regularly scheduled meeting of the Bixby Board of Adjustment was posted on the bulletin board at City Hall, 116 West Needles Avenue, Bixby, Oklahoma on October 1, 2021 on or before 5:00 p.m.

Mr. Donelson, Vice-Chairman, called the meeting to order at 6:00 pm.

Roll Call taken

Members Present

JR Donelson

Richard Altmann

Jim Powell

Jeff Sloan

Other Staff present was Carolyn Back, Director Development Services

Members Absent

Murray King

Public Hearing

Mr. Donelson said Item #1 on the Agenda is:

Approval of Minutes of the June 28, 2021 workshop meeting

Mr. Sloan spoke to make a correction of the date of the workshop, he was in Chicago at the time of the workshop, which was July 28, 2021. Correction noted and made.

Mr. Donelson asked for a motion to approve corrected date of July 28, Mr. Altmann made motion to approve, seconded by Mr. Altman

Yes: Donelson, Altmann, Powell

Abstain: Sloan

No: None

Motion carried to Approve minutes of workshop

Mr. Donelson said Item #2 on the Agenda is:

Approval of Minutes of the August 2, 2021 regular meeting

Mr. Donelson asked for a motion to approve minutes of the August 2, 2021 regular meeting

Mr. Sloan made motion to approve, seconded by Mr. Altmann

Yes: Donelson, Altmann, Powell, Sloan

Abstain: No

No: None

Motion carried to Approve minutes

Mr. Donelson said item #3 on the Agenda is:

Special Exception BXBA-21.07, applicant is First Baptist Church. Mr. Donelson recused himself and indicated that Mr. Altmann would take control of the meeting. Mr. Donelson left the room.

Mr. Altmann asked Ms. Back if discussion was to begin or if she would like to present the staff report. Ms. Back read the staff report pointing out the temporary buildings and the temporary septic system that would need to be decommissioned at time of tying into City Sanitary Sewer Service. Certificate of Occupancy of the permanent church building cannot be issued until city water and city sanitary sewer have been tied into. Applicant was asked by Mr. Altmann if they had anything else to add or any questions, applicant said no.

Mr. Altmann made a motion to approve a Special Exception for church use (UU5) of temporary accessory structures during construction in an AG zone with the following conditions:

Time constraint of 2-years from BOA approval with ability of applying for a 1-year extension, with substantiated circumstances.

Temporary septic system must be decommissioned and filled in before issuance of Certificate of Occupancy

Certificate of Occupancy shall not be issued until permanent structure(s) are connected to public utilities (City of Bixby water & sanitary sewer)

All temporary structures must be removed before issuance of Certificate of Occupancy

Motion seconded by Mr. Sloan

Yes: Altmann, Powell, Sloan

Abstain: None

No: None

Motion carried to Approve BXBA-21.07

No Old Business to discuss

No New Business to discuss

Meeting adjourned at 6:08pm

PUBLIC NOTICE

THE SCHEDULE OF REGULAR MEETINGS FOR CALENDAR YEAR 2022

BIXBY BOARD OF ADJUSTMENT

AND

BIXBY PLANNING COMMISSION

CITY OF BIXBY, OKLAHOMA

Public Notice is given and filed with the Bixby City Clerk that, for Calendar Year 2022, except as otherwise noted below, The Bixby Board of Adjustment and the Bixby Planning Commission of the City of Bixby, Oklahoma will hold its regular monthly meetings on the Third Monday of each month. These regular meetings will be held at 6:00pm in the City Council Chambers of the Bixby Municipal Building, located at 116 West Needles Avenue, in the City of Bixby, Oklahoma. (Authority: Title 25 Oklahoma Statutes, Section 311 (A).)

REGULAR MEETING DATES & APPLICATION DEADLINES

1. Meetings will begin at 6:00pm
2. Third Monday of every month *

*unless there is a City Holiday or otherwise designated

MONTH	DATE	DAY OF WEEK	APPLICATION DUE DATE
January	*18	*Tuesday	Tuesday, December 7, 2021
February	*22	*Tuesday	Tuesday, January 4, 2022
March	21	Monday	Tuesday, February 1, 2022
April	18	Monday	Tuesday, March 1, 2022
May	16	Monday	Tuesday, April 5, 2022
June	20	Monday	Tuesday, May 3, 2022
July	18	Monday	Tuesday, June 7, 2022
August	15	Monday	Tuesday, July 5, 2022
September	19	Monday	Tuesday, August 9, 2022
October	17	Monday	Tuesday, September 6, 2022
November	21	Monday	Tuesday, October 4, 2022
December	19	Monday	Tuesday, November 1, 2022
January	*17	*Tuesday	Tuesday, December 6, 2022

6:00 P.M. in the City Council Chambers

Bixby Municipal Building

116 West Needles Avenue, City of Bixby, Oklahoma 74008



City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Board of Adjustment

From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant City Planner

Date: Monday November 1, 2021

RE: BXBA 21.08 – Variance of the maximum allowed square footage for an accessory building from 800 square feet to 1200 square feet in the RS-1 District.

Location: 8510 East 122 Street South, Bixby, OK 74008
Platted: Lots 4 & 5, Block 3, Houser Addition

STR: Section 01, Township 17N, Range 13E

Project: Carson Powell Variance

Applicant: Carson Powell, Homeowner

Staff Review

The applicant has applied for a Variance of the maximum allowed square footage for an accessory building from 800 square feet to 1200 square feet, located in the rear yard of the single-family residential (RS-1) Houser Addition. (Section 11-8-8 B.5.)

In the City of Bixby Zoning Code a Variance is required to prove a hardship.

Hardship: The applicant's stated hardship is hiring a building contractor that did not check the City of Bixby Zoning Code or apply for and secure a building permit for the accessory structure.

The Board of Adjustment may grant a variance after finding that:

1. By reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of this title would result in unnecessary hardship.

2. Such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same district.
3. The variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit and intent of this title or the Comprehensive Plan.

Provided, that the board, in granting a variance, shall prescribe appropriate conditions and safeguards if they deem necessary to enforce.



Figure 1: City of Bixby Zoning Map

Existing Zoning; Use:

(RS-1); Single-Family lot; Residential Single-Family dwelling

Abutting Zoning; Uses:

(RS-1) Single-Family; Residential Single-Family dwellings

Public Comments: No comments were received at the time of writing this Staff Report.

Staff Comments: Staff recommends approval.

Variance Action of the Board:

The Board of Adjustment shall hold the hearing and, upon the concurring vote of three (3) or more members, may grant the Variance after finding that:

1. By reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of this title would result in unnecessary hardship.
2. Such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same district.
3. The variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit and intent of this title or the Comprehensive Plan.

Provided, that the board, in granting a variance, shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

Sample Motion:

In BOA Case BXBA-21.08 I move that we (approve/deny) a Variance of the maximum allowed square footage for an accessory building from 800 square feet to 1200 square feet in the RS-1 District, with the following conditions:

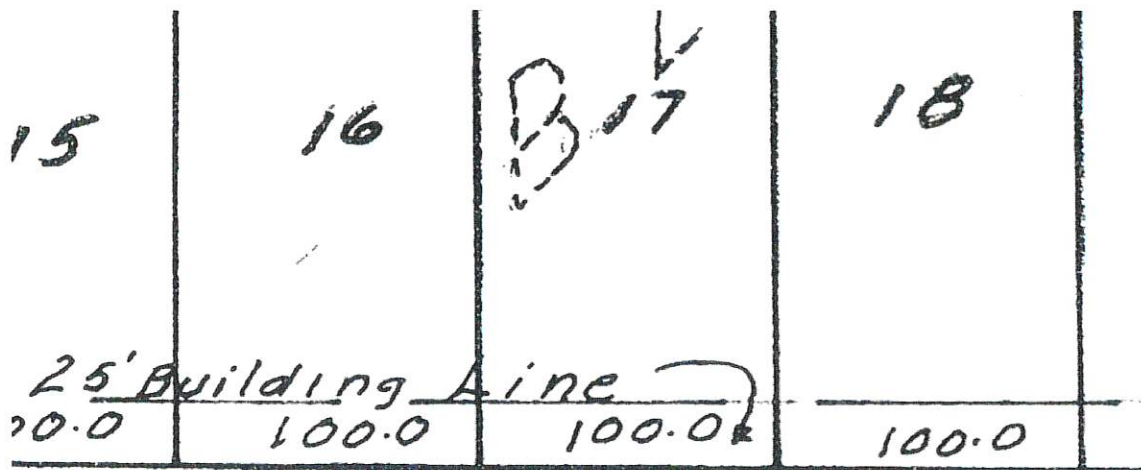
Figures:

Figure 1: City of Bixby Zoning Map

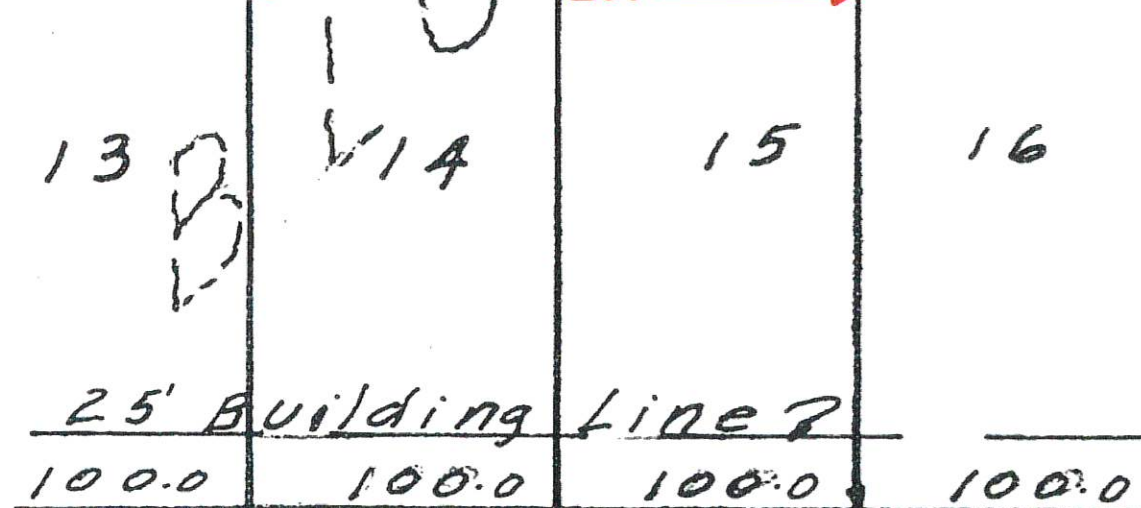
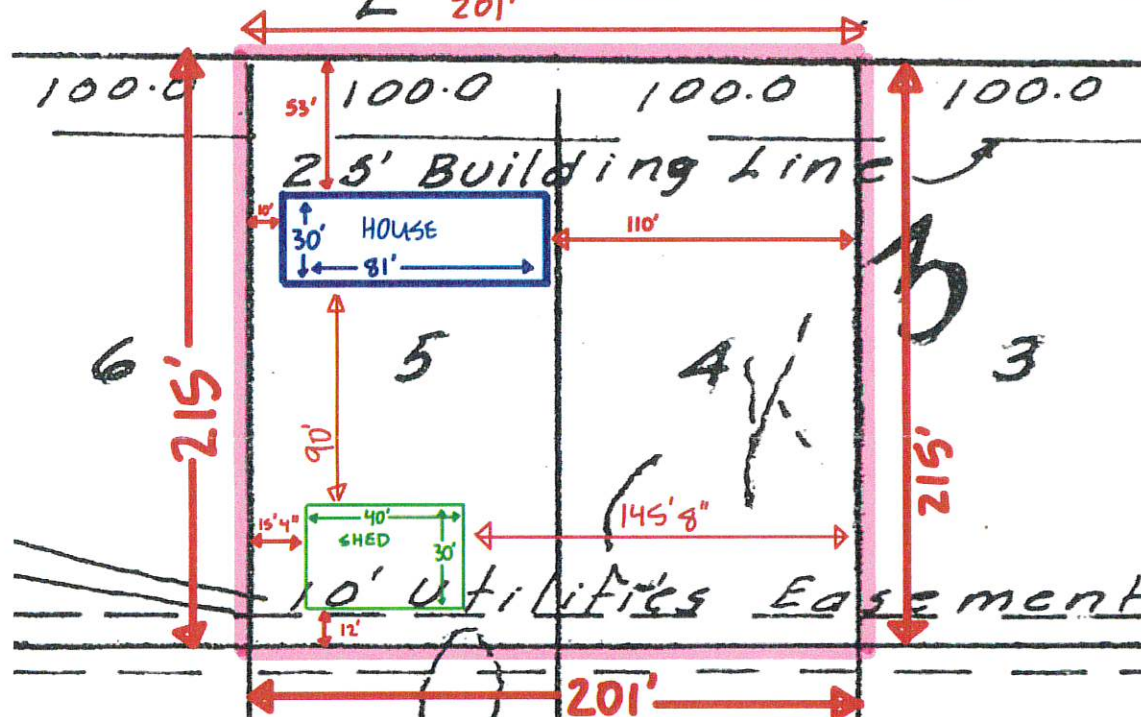
Attachments:

Exhibit A: Excerpt from Plat Map

Exhibit B: Aerial Photo of subject lot

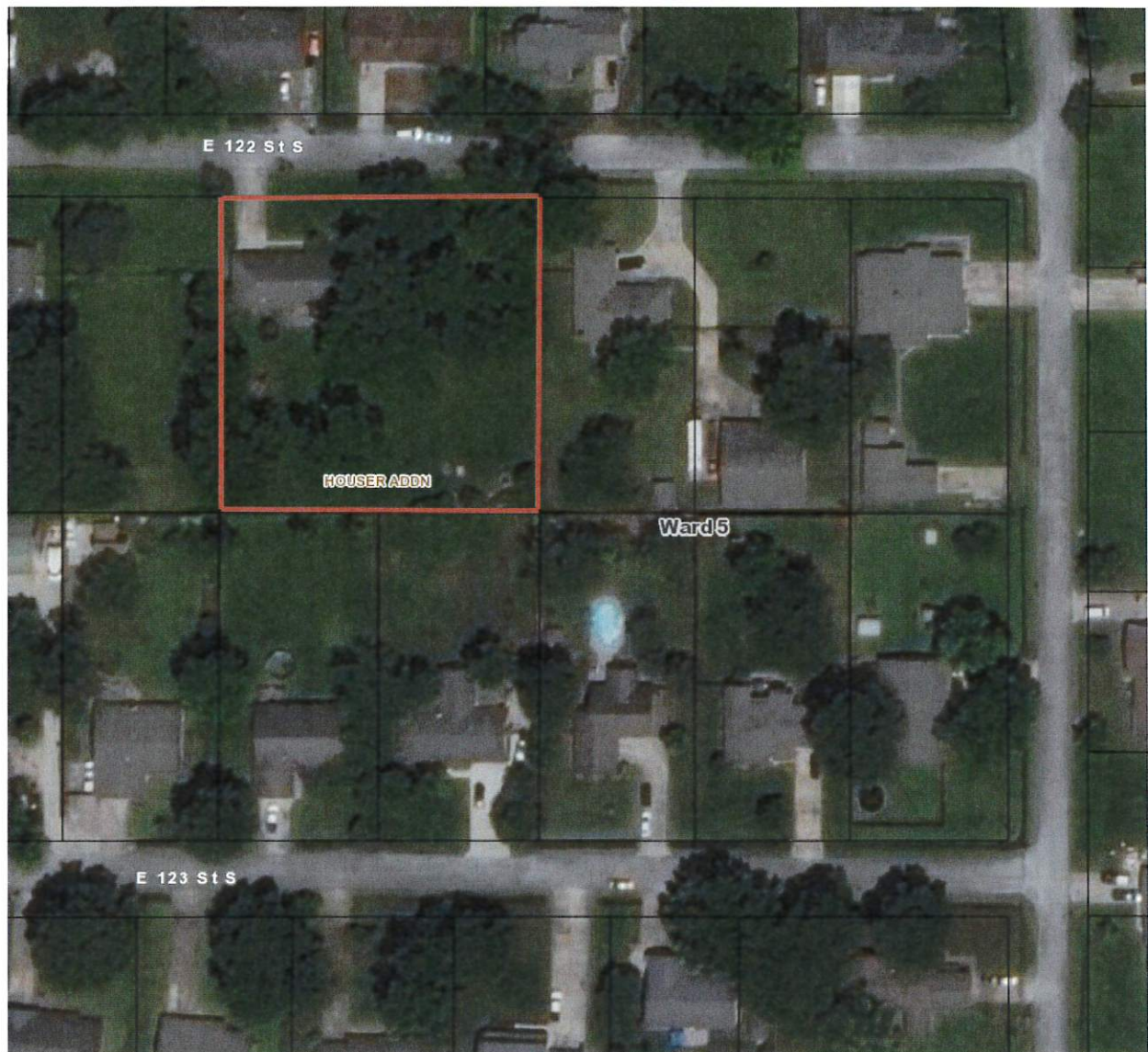


E-914.44 E 122ND STREET



East-750.0' 123RD







City of Bixby
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Board of Adjustment

From: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant Planner

Date: Monday November 1, 2021

RE: BXBA 21.09 – Variance of the rear yard setback from 20 feet to 19.5 feet to allow for single-family structure in the CG District. (PUD-76).

Location: 7410 East Place South, Bixby, OK 74008
Platted: Lot 8, Block 2, Quail Creek Villas

STR: Section 02, Township 17N, Range 13E

Project: Brumble Construction Variance

Applicant: Danny Brumble, Brumble Construction

Staff Review

The applicant has applied for a Variance of the rear yard setback from 20 feet to 14 feet to allow for single-family structure in the CG District. (PUD-76).

In the City of Bixby Zoning Code a Variance is required to prove a hardship.

Hardship: The lot is more wide than deep as compared to other lots in the same cul-de-sac.

The field error was not determined until the house was finished, closing title work was performed, and the Mortgage Inspection Report disclosed the 6-inch encroachment.

This particular lot is extraordinary, within exceptional conditions and circumstances not applying generally to other lots in the same cul-de-sac due to the shallow depth.

The Board of Adjustment may grant a variance after finding that:

1. By reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of this title would result in unnecessary hardship.
2. Such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same district.
3. The variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit and intent of this title or the Comprehensive Plan.

Provided, that the board, in granting a variance, shall prescribe appropriate conditions and safeguards if they deem necessary to enforce.

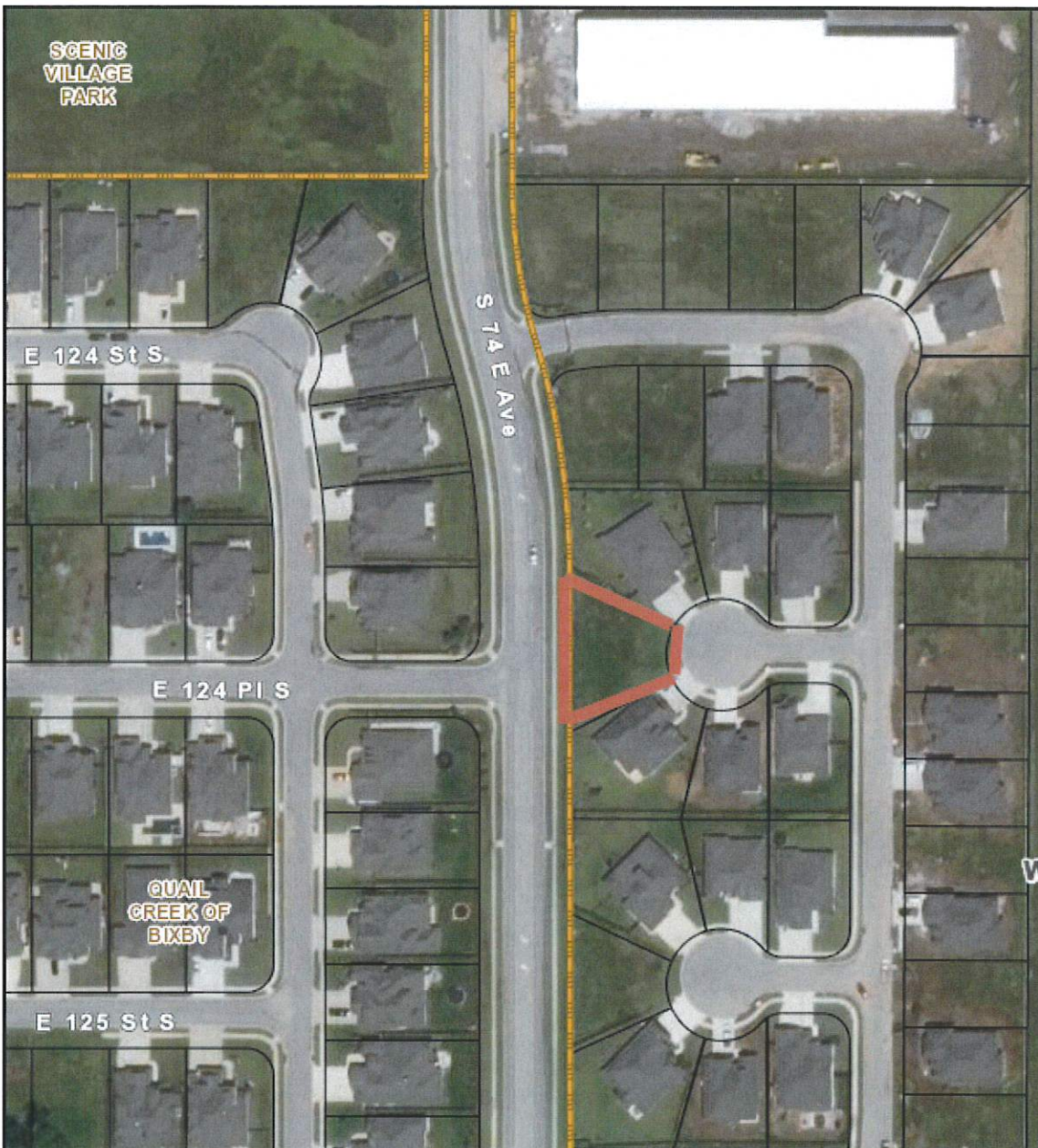


Figure 1: City of Bixby Zoning Map

Existing Zoning; Use:

(CG, PUD-76); Residential Single-Family lot; Single-Family dwelling

Abutting Zoning; Uses:

(CG, PUD-76) Single-Family; Residential Single-Family dwellings

Public Comments: No comments were received at the time of writing this Staff Report.

Staff Comments: Applicant is working with Public Works on a utility encroachment agreement that will go before City Council.

Staff Recommends approval as the 6-inch setback Variance should not cause substantial detriment to the public good or impair the purposes, spirit and intent of the Zoning Code or Comprehensive Plan.

Variance Action of the Board:

The Board of Adjustment shall hold the hearing and, upon the concurring vote of three (3) or more members, may grant the Variance after finding that:

1. By reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of this title would result in unnecessary hardship.
2. Such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same district.
3. The variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit and intent of this title or the Comprehensive Plan.

Provided, that the Board, in granting a variance, shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

Sample Motion:

In BOA Case BXBA-21.09 I move that we (approve/deny) a Variance of the rear yard setback from 20 feet to 19.5 feet to allow for single-family structure in the CG District, with the following conditions:

Figures:

Figure 1: City of Bixby Zoning Map

Attachments:

Exhibit A: Plat Map

Exhibit B: Boundary Survey

Exhibit C: Aerial Photo of subject lot



NORTH
 Scale: 1"=40'
 Tanner Consulting

LEGEND

- B/L BUILDING LINE
- B/U BUILDING LINE & UTILITY
- EASTMENT
- DOC DOCUMENT
- EMT EASEMENT
- F/L FENCE AND LANDSCAPE
- BASEMENT
- OVERLAND DRAINAGE EMT
- RES RESERVE
- SIP INTER SEWERAGE INSTRUMENT
- U/E UTILITY EASEMENT
- U/S UTILITY
- 2000 ASSIGNED ADDRESS



Location Map
 Scale: 1"=2000'

SUBDIVISION CONTAINS:
 FORTY-SIX (46) LOTS
 IN TWO (2) BLOCKS
 WITH FOUR (4) ALLEYS
 GROSS SUBDIVISION AREA: 56.62 ACRES

East 121st Street South

POINT OF COMMENCEMENT
 NORTH CORNER E/2
 SECTION 2, T-17-N R-13-E

South Memorial Drive

PUD 76 Quail Creek Villas OF BIXBY

PART OF THE EAST HALF (E/2) OF SECTION TWO (2),
 TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTYTHREE (13) EAST OF THE INDIAN MERIDIAN
 A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

OWNER/DEVELOPER:
121st & Memorial, LLC
 CONTRACT: W-0000000
 6528 East 101st Street South
 D-1, Suite 409
 Tulsa, Oklahoma 74133
 Phone: (918)938-3003

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
 DAN L. TANNER, P.E., L.S.
 OKLA. NO. 2461, EXPIRES 1/30/2017
 5323 South Lewis Avenue
 Tulsa, Oklahoma 74105
 Phone: (918)745-9525

Notes:

- THIS PLAT MEETS THE OKLAHOMA MEASUREMENTS STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LAND SURVEYING FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- ALL PROPERTY CORNERS ARE SET 3/4" BROWN REBAR WITH YELLOW CAP STAMPED "TANNER L.S. LAST" UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (CSLL), NORTH AMERICAN DATUM 1983 (NAD83).
- ACCESS AT THE TIME OF PLAT WAS PROVIDED BY SOUTH 74TH EAST AVENUE BY VIRTUE OF RIGHT-OF-WAY DEDICATED BY TRAIL PLAT OF "QUAIL CREEK OF BIXBY", AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA PLAT 8831.
- ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED UPON IN PLACE OF THE LEGAL DESCRIPTION.

Curve Table

CURVE	LENGTH	DELTA	CHORD BEARING	CHORD (FOOT)
1	39.32	25.00	S 87°49'03" E	34.68
2	77.30	42.00	S 10°51'18" E	77.20
3	40.42	25.00	S 87°49'03" E	36.16
4	60.54	37.50	S 74°43'58" E	60.47
5	15.41	25.00	S 74°43'58" E	15.37
6	15.41	25.00	S 74°43'58" E	15.37
7	39.32	25.00	S 87°49'03" E	34.68
8	39.32	25.00	S 87°49'03" E	34.68
9	21.03	15.00	S 87°49'03" E	20.41
10	21.03	15.00	S 87°49'03" E	20.41
11	39.32	25.00	S 87°49'03" E	34.68
12	107.49	25.00	S 87°49'03" E	106.60
13	44.57	25.00	S 87°49'03" E	43.37
14	61.83	113.00	S 1°42'23" E	61.74
15	59.15	159.00	S 1°42'23" E	59.01
16	44.57	25.00	S 87°49'03" E	43.37
17	44.57	25.00	S 87°49'03" E	43.37
18	28.16	25.00	S 87°49'03" E	26.69
19	258.46	100.00	S 87°49'03" E	256.80
20	26.19	25.00	S 87°49'03" E	25.18
21	50.20	300.00	S 1°42'23" E	49.86
22	22.15	10.00	S 87°49'03" E	21.94
23	22.15	10.00	S 87°49'03" E	21.94
24	22.15	10.00	S 87°49'03" E	21.94
25	120.40	60.00	S 87°49'03" E	119.39
26	140.40	50.00	S 87°49'03" E	139.61
27	241.19	50.00	S 87°49'03" E	239.19
28	135.79	450.00	S 1°42'23" E	135.39
29	218.95	745.00	S 1°42'23" E	218.17
30	495.15	300.00	S 87°49'03" E	491.75

CERTIFICATE

I hereby certify that all real estate taxes involved in this plat have been paid as reflected by the current tax rolls. Security as required has been provided in the amount of \$17,655.00 per front receipt no. 14539 to be applied to 2016 taxes. This certificate is NOT to be construed as payment of 2016 taxes, but is given in order that this plat may be recorded. 2016 taxes may exceed the amount of security deposit.

Dated: 10/28/2016
 Dan L. Tanner, P.E., L.S.
 Tulsa County Surveyor
 By: [Signature] Deputy

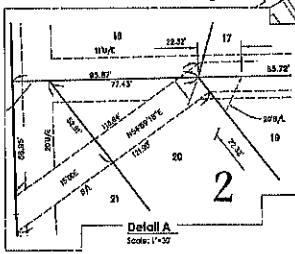
FINAL PLAT
 CERTIFICATE OF APPROVAL

I hereby certify that this plat was approved by the City Council of the City of Bixby, Oklahoma, on September 19, 2016.

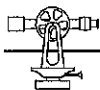
By: [Signature] MAYOR-VICE MAYOR

This approval is void if the above signature is not endorsed by the City Manager or City Clerk.

By: [Signature] CITY MANAGER-CITY CLERK



DATE OF PREPARATION: September 23, 2016



WHITE SURVEYING COMPANY

providing land surveying services since 1940

9936 E. 55th Place • Tulsa, OK 74148 • 918.663.6924 • 918.664.8366 fax

BOUNDARY SURVEY

INVOICE NO.: STK 21-105897
CLIENT: THE BRUMBLE GROUP, LLC

LEGEND
— FENCE
U/E UTILITY EASEMENT
D/E DRAINAGE EASEMENT
M/P METERING POINT
CB CHORD BEARING
B/E BURIED ELECTRIC & TELEPHONE CABLE EASEMENT (APPROXIMATE LOCATION)



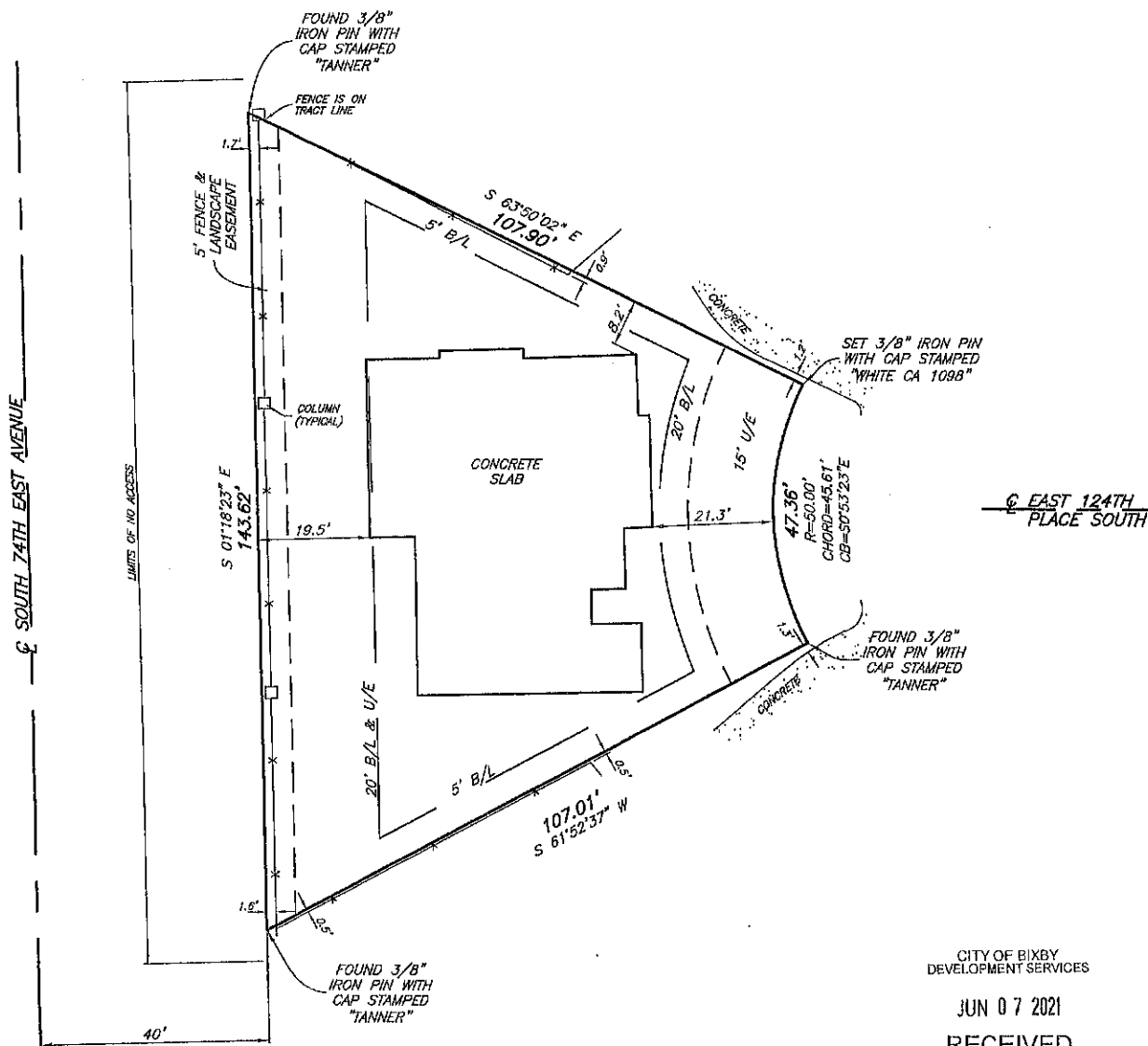
BEFORE YOU DIG,
CALL ONE FOR
LOCATION OF
UNDERGROUND UTILITIES.
DAL 811

GENERAL NOTES

THE BEARINGS SHOWN HEREON ARE BASED ON: THE OKLAHOMA STATE PLANE COORDINATE SYSTEM NAD 83 (2011).

THE PROPERTY DESCRIBED HEREON CONTAINS 0.20 ACRES, MORE OR LESS.

FIELD WORK COMPLETED JUNE 4, 2021.



CITY OF BIXBY
DEVELOPMENT SERVICES

JUN 07 2021

RECEIVED

LEGAL DESCRIPTION:

LOT EIGHT (8), BLOCK TWO (2), QUAIL CREEK VILLAS OF BIXBY, A SUBDIVISION WITHIN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND KNOWN AS 7410 EAST 124TH PLACE SOUTH.

SURVEYOR'S STATEMENT

WHITE SURVEYING COMPANY, AN OKLAHOMA CORPORATION, AND THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT IN OUR PROFESSIONAL OPINION THE ABOVE BOUNDARY SURVEY IS AN ACCURATE REPRESENTATION OF THE PROPERTY DESCRIBED HEREON, AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION. WE FURTHER STATE THAT THE ABOVE AND FOREGOING BOUNDARY SURVEY ACCURATELY SHOWS THE LOCATION OF THE BOUNDARY CORNERS AND THEIR MONUMENTATION, THE DIMENSIONS OF THE PROPERTY, THE LOCATIONS OF ALL BUILDINGS ON PERMANENT FOUNDATIONS, ALL RECORDED PLAT EASEMENTS AND BUILDING SETBACK LINES (IF APPLICABLE), AND ALL OTHER SUCH EASEMENTS WHICH HAVE BEEN DISCLOSED BY A CURRENT TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE AND COPIES THEREOF PROVIDED TO US PRIOR TO THE TIME OF THIS SURVEY AND THAT THIS PLAT OF SURVEY IS PREPARED SOLELY FOR THE PARTIES LISTED HEREON AS OF THIS DATE AND MAY NOT BE USED FOR ANY SUBSEQUENT LOAN CLOSING, REFINANCE, OR OTHER TRANSACTION.



WHITE SURVEYING COMPANY
CERTIFICATE OF AUTHORIZATION NO.
CA1088 (RENEWAL 6/30/2023)

BY: *Randy K. Shoefstall* DATE: 6/7/2021
REGISTERED PROFESSIONAL LAND
SURVEYOR OKLAHOMA NO. 1676

