

**AGENDA
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
116 WEST NEEDLES
BIXBY, OK 74008
February 02, 2015 6:00 PM**

CALL TO ORDER

MINUTES

1. Approval of Minutes for November 03, 2014

OLD BUSINESS

NEW BUSINESS

2. **BBOA-597 – Rebecca Coffee for Dorothy L. Biggers Trust.** Discussion and possible action to approve a Variance from certain bulk and area requirements in the AG Agricultural District to allow for a Lot-Split for property in the NE/4 of Section 21, T17N, R13E.
Property located: 15400 S. Yale Ave.

ADJOURNMENT

Posted By: Enyart
Date: 01/08/2015
Time: 4:40 PM

AGENDA – Board of Adjustment

February 02, 2015

Page 1 of 1

All items are for Public Hearing unless the item is worded otherwise

**MINUTES
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
116 W. NEEDLES AVE.
BIXBY, OK 74008
November 03, 2014 6:00 PM**

In accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Section 311, the agenda for this meeting was posted on the bulletin board in the lobby of City Hall, 116 W. Needles Ave., Bixby, Oklahoma on the date and time as posted thereon, a copy of which is on file and available for public inspection, which date and time was at least twenty-four (24) hours prior to the meeting, excluding Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

STAFF PRESENT:

Erik Enyart, AICP, City Planner
Patrick Boulden, Esq., City Attorney

ATTENDING:

See attached Sign-in Sheet

CALL TO ORDER

Meeting called to order by Chair Jeff Wilson at 6:00 PM.

ROLL CALL

Members Present: Jeff Wilson, JR Donelson, Murray King, and Darrell Mullins.

Members Absent: Larry Whiteley.

MINUTES

1 Approval of Minutes for August 04, 2014

Chair Jeff Wilson introduced the item and asked to entertain a Motion. Murray King made a MOTION to APPROVE the Minutes of August 04, 2014 as presented by Staff. JR Donelson SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: King, Wilson, Donelson, & Mullins

NAY: None.

ABSTAIN: None.

MOTION CARRIED: 4:0:0

OLD BUSINESS

2. **BBOA-589 – Randy Even for Paul Reynolds.** Discussion and possible action to approve plans for matching exteriors for an Accessory Dwelling Unit conditionally approved on August 04, 2014 per case # BBOA-589 for property in the RE Residential Estate District.

Property located: Lot 12, Block 1, *Bixby Ranch Estates*, City of Bixby, Tulsa County, Oklahoma; 13466 E. 205th St. S.

Chair Jeff Wilson introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: *Bixby Board of Adjustment*
From: *Erik Enyart, AICP, City Planner*
Date: *Tuesday, October 28, 2014*
RE: *Report and Recommendations for:
BBOA-589 – Randy Even for Paul Reynolds (Outstanding Condition of Approval)*

LOCATION: – *Lot 12, Block 1, Bixby Ranch Estates, City of Bixby, Tulsa County, Oklahoma*
– *13466 E. 205th St. S.*

LOT SIZE: *5 acres, more or less*

ZONING: *RE Residential Estate District*

REQUEST: *Approve plans for matching exteriors for an Accessory Dwelling Unit conditionally approved on August 04, 2014 per case # BBOA-589 for property in the RE Residential Estate District*

SURROUNDING ZONING AND LAND USE: *RE & AG; Single-family rural residential homes and vacant/wooded lots zoned RE to the west, north, east, and southeast in Bixby Ranch Estates, and vacant/wooded land to the south zoned AG in unincorporated Tulsa County.*

COMPREHENSIVE PLAN: *Vacant, Agricultural, Rural Residences, and Open Land + Residential Area*
PREVIOUS/RELATED CASES:

BBOA-589 – Randy Even for Paul Reynolds – Request for Special Exception per Zoning Code Section 11-8-5 to allow an Accessory Dwelling Unit in an RE Residential Estate District for subject property – BOA Conditionally Approved 08/04/2014.

BBOA-590 – Randy Even for Paul Reynolds – Request for Variance from the matching exterior materials requirement of Zoning Code Section 11-8-5.G for a proposed Accessory Dwelling Unit in an RE Residential Estate District for subject property – BOA Approved a temporary Variance for five (5) years on 08/04/2014.

BBOA-595 – Randy Even for Paul Reynolds – Request for Variance from the accessory building maximum floor area per Zoning Code Section 11-8-8.B.5 to allow a new, approximately 50' X 72', 3,600 square foot accessory building in the rear yard for property in the RE Residential Estate District for subject property – BOA Approved Variance for 3,000 square feet on 08/04/2014.

RELEVANT AREA CASE HISTORY: *(not a complete list; includes only accessory building BOA cases in Bixby Ranch Estates; does not include cases in unincorporated Tulsa County)*

BBOA-369 – Lorrie Penrose & Garret Roth – Request for Special Exception to allow a 3,081 square foot detached garage for storing vintage vehicles for property at 20227 S. 138th E. Ave. in Bixby Ranch Estates – Approved 08/06/2001.

BBOA-371 – Michael Gonker & Rebecca L. Holloway – Request for Special Exception to allow a 1,900 square foot detached garage for property at 13108 E. 201st St. S. in Bixby Ranch Estates – BOA Approved 09/04/2001.

BBOA-394 – Larry & Tammi McBurnett – Request for Variance to allow a 30' X 50' (1,500 square foot) metal garage and storage building for property at 13821 E. 203rd St. S. in Bixby Ranch Estates – BOA Approved 11/04/2002.

BBOA-422 – Alan R. Harris – Request for Variance to allow a 1,596 square foot detached garage for property at 13118 E. 205th St. S. (abutting subject property to the east) – BOA Approved 06/07/2004.

BBOA-462 – Wes Jones – Request for Variance to allow a 1,500 square foot accessory building for property at 13262 E. 205th St. S. (2 lots to the west of subject property) – BOA Approved 11/05/2007.

BBOA-465 – Jeff Seager – Request for Variance to allow a 30' X 40' (1,200 square foot) accessory building for property at 14015 E. 205th St. S. – BOA Approved for 1,500 square feet 11/05/2007.

BACKGROUND INFORMATION:

History of Accessory Dwelling Units (ADUs). One of the several changes the “General Cleanup” Zoning Code Text Amendment (Ord. # 2031 approved December 21, 2009) made included providing an approval process for Accessory Dwelling Units (ADUs). Zoning Code Section 11-2-1 now provides a definition for an ADU:

“DWELLING UNIT, ACCESSORY (ADU): A subordinate residential unit incorporated within, attached to, or detached from a single-family residential unit and having its own sleeping, cooking, and sanitation facilities. Such subordinate unit shall not be subdivided or otherwise segregated in ownership from the principal residential unit. Such unit shall not be occupied by more than three (3) persons. See Section 11-8-5.”

Section 11-8-5 was amended to read as follows:

“11-8-5: ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD:

Not more than one single-family dwelling may be constructed on a lot, except in the case of a lot which is within an approved planned unit development or an Accessory Dwelling Unit (ADU) approved by Special Exception as follows:

- A. A lot of record which is subject to a restrictive covenant prohibiting more than one (1) dwelling unit per lot shall not be eligible for an ADU Special Exception;*
- B. The Board of Adjustment shall consider the specific plans for the ADU and its relation to the principal dwelling and surrounding neighborhood and shall place reasonable conditions on the Special Exception approval as may be necessary to prevent undue adverse impacts;*
- C. ADUs, if detached from the principal dwelling, shall meet the requirements prescribed for a detached accessory building;*
- D. An ADU shall not be subdivided or otherwise segregated in ownership from the primary residential unit;*
- E. An ADU shall not contain more than one (1) bedroom;*
- F. Manufactured and modular homes shall not be used as ADUs;*
- G. ADUs, whether detached from or attached to the principal dwelling, shall match the exterior materials of the primary residential unit and comply with the restrictive covenants affecting the lot, if any;*
- H. An ADU shall not be considered in calculating livability space or land area per dwelling.”*

ADUs are recognized as part of the same Use Unit 6 single family dwelling use for those lots of record on which they are located. They are structured such that they depend on the continued existence of the principal dwelling, and may be considered something like a “satellite” of the principal home.

BBOA-589, now Conditionally Approved, was third Special Exception for an ADU requested under the new ADU amendment to the Zoning Code. The first, BBOA-524 – Richard Ekhooff, was Conditionally Approved 08/02/2010 for an acreage located at 9024 E. 101st St. S. The second, BBOA-579 – Paul & Jimme Beth Hefner for Mary Elizabeth Brown, was Conditionally Approved 07/01/2013 to construct an

ADU as a building addition to the existing barn building on a 16-acre agricultural tract at 9013/9017 E. 161st St. S. (not since constructed, however).

History of the Application. On August 04, 2014, the Board of Adjustment approved BBOA-589 with the five (5) Conditions of Approval as recommended by Staff plus a restriction on occupancy to family members pursuant to the City Attorney's statements on occupancy and rental. The five (5) listed Conditions of Approval were:

1. The ADU approval shall only extend to that part of the proposed accessory building as proposed by the Applicant.
2. The ADU shall fully comply with the Building Code.
3. If the Board of Adjustment does not approve a Variance from the matching exterior materials standard of Zoning Code Section 11-8-5.G per BBOA-590, the Applicant shall prepare plans showing how the proposed accessory building will be made to match the house, which plans must be submitted for presentation, at a later meeting date, to the Board of Adjustment and approved by the Board as a part of this application. This application shall not be deemed fully approved until such has occurred.
4. If the ADU building is ever substantially damaged, meaning for these purposes that the cost to repair such damage would exceed 50% of the pre-damaged value of the building, the Special Exception shall expire and be automatically vacated and the ADU use of the building addition shall not be restored, absent further Zoning approval as may be then required.
5. If any of the facilities necessary to support living quarters (sleeping, kitchen/cooking, sanitation, etc.) are disabled or removed, the Special Exception shall expire and be automatically vacated and the ADU use of the building shall not be restored, absent further Zoning approval as may be then required.

The third Condition of Approval remains outstanding at this point. At the same August 04, 2014 meeting, the Board Approved a temporary Variance for five (5) years, subject to Board of Adjustment approval of plans for matching exteriors as per the approval conditions of BBOA-589.

On October 01, 2014, Staff received new plans for the ADU building and information on how the ADU exteriors will compare to that of the principal dwelling. The plans have been revised from the set provided the Board of Adjustment in August to reflect the reduced size (3,000 square feet) and a slightly altered ADU building location on the lot. The new location will comply with Zoning Code requirements.

ANALYSIS:

Property Conditions. The subject property is a vacant/wooded lot containing approximately 5 acres and zoned RE. In the second quarter of 2014, the City of Bixby issued a Building Permit to allow the construction of a residence on the lot, and house and ADU construction are proceeding.

General. Zoning Code Section 11-8-5.G provides, "ADUs, whether detached from or attached to the principal dwelling, shall match the exterior materials of the primary residential unit and comply with the restrictive covenants affecting the lot, if any."

In satisfaction of the matching materials requirement, the Applicant had provided a narrative and a drawing. Staff has paraphrased the proposed plans as follows:

1. Masonry Exterior: House will have partial rock, and ADU will have 4'-tall matching rock "wainscoat" applied to the front/north elevation.
2. Non-Masonry Exterior: gray color (to match)
3. Roofing: Both to be dark gray color; house to have asphalt shingles and ADU to have metal roof.
4. Front Door, Garage Door, and Windows: Matching

The applicant in the case of BBOA-524 proposed, and the Board of Adjustment approved plans to upgrade an existing metal storage building with approximately 3' of brick "wainscoat" matching that used on the house, adding a veranda with columns matching the house, adding wood trim with detail and paint to match the existing on the house, and painting the door and window trim to match the existing used on the front of the house.

The applicant in the case of BBOA-579 was approved to add an ADU extension to an existing barn building, but matching exteriors was not required since the principal dwelling on the lot was a manufactured home.

Staff Recommendation. Staff has no objection to the plans for matching exteriors.

Randy Even clarified that he could not guarantee the gray paint would match between the metal structure and the house due to the manufacturer's availability. Mr. Even stated that his client may use the rock on the corners of the building but substitute brick for the "wainscoat" between them.

There being no further discussion, Murray King made a MOTION to APPROVE the plans for the matching exteriors per BBOA-589 as presented. JR Donelson SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: King, Wilson, Donelson, & Mullins
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

NEW BUSINESS

3. Approval of schedule of meetings and application cutoff dates for 2015

Chair Jeff Wilson introduced the item and called on Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the memo and proposed schedule from the agenda packet as follows:

To: Bixby Board of Adjustment
From: Erik Enyart, AICP, City Planner
Date: Tuesday, October 28, 2014
RE: Board of Adjustment meeting schedule and application deadlines for 2015

The following is proposed to be the amended 2015 schedule for the Board of Adjustment:

<u>DATE</u>	<u>TIME</u>	<u>PLACE OF MEETING</u>
January 05, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
February 02, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
March 02, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
April 06, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
May 04, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
June 01, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
July 06, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
August 03, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
September 08, 2015 (Tue)	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
October 05, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
November 02, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby
December 07, 2015	6:00 PM	116 W. Needles, City Hall Council Chambers, Bixby

APPLICATION DEADLINES

Four (4) weeks prior to the meeting, or the [Tulsa Business & Legal News'] Public Notice publication deadline plus one (1) working day, whichever is sooner. The City Manager shall have the authority to make an exception to the deadline in cases of hardship or unusual circumstances.

Erik Enyart observed that, other than the month of September, in which the meeting would be the day after the Labor Day holiday, all other months would have the meeting on the first Monday of the month.

JR Donelson made a MOTION to APPROVE the schedule of meetings and application cutoff dates for 2015. Murray King SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: King, Wilson, Donelson, & Mullins
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

ADJOURNMENT

Chair Jeff Wilson made a MOTION to ADJOURN. JR Donelson SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: King, Wilson, Donelson, & Mullins
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

Meeting was Adjourned at 6:06 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

BIXBY BOARD OF ADJUSTMENT
SIGN IN SHEET
DATE: November 03, 2014

NAME	ADDRESS	ITEM
1. Randy Evers	14326 S Howell	#2 BBOA-589
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CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430
(918) 366-6373 (fax)

STAFF REPORT

To: Bixby Board of Adjustment
From: Erik Enyart, AICP, City Planner 
Date: Wednesday, January 28, 2015
RE: Report and Recommendations for:
BBOA-597 – Rebecca Coffee for Dorothy L. Biggers Trust

LOCATION: – 15400 S. Yale Ave.
– Part of the NE/4 of Section 21, T17N, R13E

LOT SIZE: 139 acres, more or less

ZONING: AG Agricultural District & CS Commercial Shopping Center District

SUPPLEMENTAL ZONING: Corridor Appearance District (partial)

EXISTING USE: Agricultural land and a single-family dwelling

REQUEST: Variance from certain bulk and area requirements in the AG Agricultural District to allow for a Lot-Split for property in the NE/4 of Section 21, T17N, R13E

SURROUNDING ZONING AND LAND USE:

North: (across 151st St. S.) AG, CS, RD, RS-3, OL, OM, and IL, with PUDs 3, 12, 12-D, and 55; To the northwest is agricultural and vacant/wooded land in PUD 12-D with multiple zoning classifications and the 300'-wide AEP-PSO overland transmission powerline right-of-way zoned AG, partially unplatted and partially within *Sitrin Center Addition*; to the north is vacant/wooded land along the west side of Kimberly-Clark Pl. zoned CS, OL, OM, and IL with PUD 12; to the north on the

east side of Kimberly-Clark Pl. is vacant land zoned CS and RD/RS-3/PUD 3 in *Sitrin Center Addition*, the *The Auberge' Village* residential subdivision zoned RS-3 with PUD 55, and the *White Hawk Golf Villas* residential subdivision zoned RS-3 with PUD 3; to the northeast across Yale Ave. is a commercial building and vacant commercial lots in *Hendrix Business Park* zoned CS and OM with PUD 3 and vacant land and the *White Hawk Golf Club* zoned OM, RM-2, and RS-3 with PUD 3.

South: AG; 160-acres of agricultural land, the SE/4 of this section, zoned AG.

East: (across Yale Ave.) AG, CG, OM, RM-3, RE, & AG; The 150-acre Lutheran Church Extension Fund-Missouri Synod agricultural tract to the zoned CG, OM, RM-3, and RE and rural residential to the southeast zoned AG.

West: AG, RS-2, RD, CS, and CS/PUD 41; The 300'-wide AEP-PSO overland transmission powerline right-of-way zoned AG, an 8-acre agricultural tract zoned CS with PUD 41, the *New Beginnings Baptist Church* on 16.8 acres zoned AG, and agricultural, vacant/wooded land, and rural residential zoned RS-2, AG, CS, & RD.

COMPREHENSIVE PLAN: Corridor + Development Sensitive + Water + Community Trail + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES:

BZ-162 – J.C. Biggers – Request for rezoning from AG to CS for the NE/4 NE/4 NE/4 of this section, consisting of the northeast approximately 10 acres of subject property – PC recommended Approval 04/29/1985 and City Council Approved 05/14/1985 (Ord. # 528).

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

Per BL-396, the owner is seeking Lot-Split approval to separate approximately 2.09 acres with the existing dwelling addressed 15400 S. Yale Ave. from the balance of the agricultural tract. The proposed tract does not meet the minimum land area requirements, and potentially other bulk and area standards of the existing AG district. The buyer of the smaller tract does not want the zoning changed, such as to a Residential district that would allow for the Lot-Split to be approvable. The buyer and seller are seeking a Variance from the bulk and area standards in the AG district to allow the Lot-Split to be approved. The Planning Commission Continued the Lot-Split from the January 20, 2015 meeting to the February 17, 2015 meeting, pending the disposition of BBOA-597.

ANALYSIS:

Subject Property Conditions. The subject property consists of the NE/4 of Section 21, T17N, R13E, Less & Except right-of-way and other tracts sold. It contains 139 acres, more or less, and is zoned AG Agricultural District, except for the NE/4 NE/4 NE/4, approximately 10 acres, which is zoned CS Commercial Shopping Center District. It contains a house addressed 15400 S. Yale Ave. It contains branches of an upstream tributary to Posey Creek along its westerly side, and generally slopes downward and drains to the west toward same. It also contains a few

farm ponds, an AEP-PSO overhead electric transmission line, fences, and miscellaneous farm and oil extraction structures.

Tests and Standard for Granting Variance. Oklahoma State Statutes Title 11 Section 44.107 and Bixby Zoning Code Section 11-4-8.A and .C together provide the following generalized tests and standards for the granting of Variance:

1. Unnecessary Hardship.
2. Peculiarity, Extraordinary, or Exceptional Conditions or Circumstances.
3. Finding of No Substantial Detriment or Impairment.
4. Variance would be Minimum Necessary.

Nature of Variance. The Applicant is requesting a Variance from certain bulk and area requirements of the AG Agricultural District to allow for a Lot-Split. Per statements from the Applicant, Staff understands that the intent of the Lot-Split would be to allow for the sale of the proposed 2.09-acre tract with the existing dwelling, which the application states will be used for "AG / residence." Per the submitted drawing and the Applicant's statements, the proposed 2.09-acre tract would not meet the 2.2-acre minimum land area requirement of the AG district. Staff has not yet received the survey for the Lot-Split, and these area and so this estimated acreage may change upon the completion of the survey. It is also possible that there would be other bulk and area standards which would be compromised by the Lot-Split.

Zoning Code Section 11-2-1 defines "land area" as:

"LAND AREA: The area of a lot plus one-half ($\frac{1}{2}$) or thirty feet (30'), whichever is less, of the right of way of any abutting street to which the lot has access."

The subject property is unplatted and the only right-of-way in place would appear to be the 24.75'-wide Statutory Sectionline R/W for Yale Ave. The subject property's legal description and Assessor's parcel reflect ownership to the Sectionline. If the 24.75'-wide Statutory Sectionline right-of-way was subtracted from the subject property, it would have less than 2.09 acres of lot area, and less than the 2.0 acres lot area required in the AG district. This could be another bulk and area standard from which Variance would be required, and it would be included with any approval of this application, but it is reflexive with the land area standard and so not analyzed separately here.

The land area has different purposes within the Zoning Code, but in the case of unplatted tracts, may be designed to account for the future dedication or acquisition of attendant right-of-way.

Based on the dimensions provided, it appears that the subject property would meet the 200' minimum lot width standard in the AG district. The lot width is defined by Zoning Code Section 11-2-1 as:

"LOT WIDTH: The average horizontal distance between the side lot lines."

The subject property is "L"-shaped, being wider at the back/west end and narrower at the front end. Using the proportional share of widths, Staff calculated the lot width to be approximately

218'. This number may change upon completion of the survey. If it should fall below the 200' minimum required, it would need a new Variance, as that Variance is not explicitly requested or analyzed here.

Unnecessary Hardship. The Applicant claims that an *Unnecessary Hardship* would be caused by the literal enforcement of the Zoning Code because "Would require a larger tract of ground. Do not want to add more land to this tract at this time. This property is under real estate contract."

The Board must find that this argument, or other arguments that the Applicant and Board may discover during public hearing and consideration of this case at the meeting, adequately satisfy this test and standard provided in State Statutes and the Bixby Zoning Code.

Peculiar, Extraordinary, or Exceptional Conditions or Circumstances. The Applicant responded to the question asking how the subject property and its *Condition or Situation is Peculiar, Extraordinary, and/or Exceptional* by stating, "It does not. Zoning is AG for this parcel and when split adjoining property will remain AG."

Although the Applicant's statement appears to disclaim peculiar, extraordinary, and/or exceptional conditions or situations, it appears that the tract configuration, for the most part, is intended to correspond to the existing white pipe fence, which contains the residential yard area of the subject property. However, the rear yard line does not appear to correspond to existing site conditions, and may be variable and expandable to achieve the 2.2 acres minimum land area standard. There may be an oil access drive partially lying in the way of farther westward expansion. The survey and/or the Applicant may have additional information on this possibility.

To the extent the arguments are found lacking, the Board may wish to consider other arguments that the Applicant and Board may discover during public hearing and consideration of this case at the meeting.

Finding of No Substantial Detriment or Impairment. The Applicant claims that the requested Variance would *Not Cause Substantial Detriment to the Public Good or Impair the Purposes, Spirit and Intent of the Zoning Code or the Comprehensive Plan* because "It is currently zoned AG. It has been zoned AG for many years. Remaining zoned AG should cause no one any problems."

The response does not appear to address this test and standard for the Variance requested.

Of the several fundamental purposes for imposing minimum lot size and land area requirements, Staff believes the primary reason is for the prevention and mitigation of overcrowding, blight, substandard housing, inadequate sunlight, air, and open space, and other such historic urban problems which originally inspired these standards. Other intended results may have included the maintenance and promotion of aesthetics and property values. Regardless of time period in which constructed, house value is typically corollary to house size, which is itself corollary to lot size. Property values may also be maintained or promoted by the

value added to individual properties when located in a neighborhood with regularity, uniformity, and basic minimum standards for lot and house sizes.

In sum, the regulations from which the Variance seeks relief were likely originally designed to:

1. Prevent and mitigate overcrowding, blight, substandard housing, inadequate sunlight, air, and open space,
2. Maintain and promote aesthetics,
3. Maintain and promote property values, and
4. Create meaningful open space for private use and recreation and privacy between domestic neighbors.

Overcrowding in this area of Bixby does not appear to be the case here, and in any event does not compare to the extreme densities and crowding issues experienced by older, highly urban centers of the late 1800s and early 1900s, when the Zoning laws regulating such bulk and area standards were originally designed.

The subject property is located in a small area around the 15300-block of S. Yale Ave. that has a divergent mix of land uses, lot sizes, and substandard lots of record. Abutting to the north of the proposed 2.09-acre tract with the house on it is an approximately 1-acre tract with a telephone exchange and/or other communications service building owned by Bixby Telephone Company. To the north of that is an approximately 2.5-acre agricultural/vacant tract. To the north of that is an approximately 2.5-acre rural residential/agricultural tract at 15230 S. Yale Ave. To the north of that is an approximately 2.5-acre rural residential tract at 15220 S. Yale Ave. Any additional activities which may occur on the rural residential tracts has not been researched here. All of these tracts to the north have less than the 200' of lot width required in the AG district, and typically measure about 165' in width. When considering the enumerated purposes above, Staff believes that the allowance of the proposed 2.09-acre tract would not detract from the neighborhood, which has little regularity or uniformity in land uses or metrics.

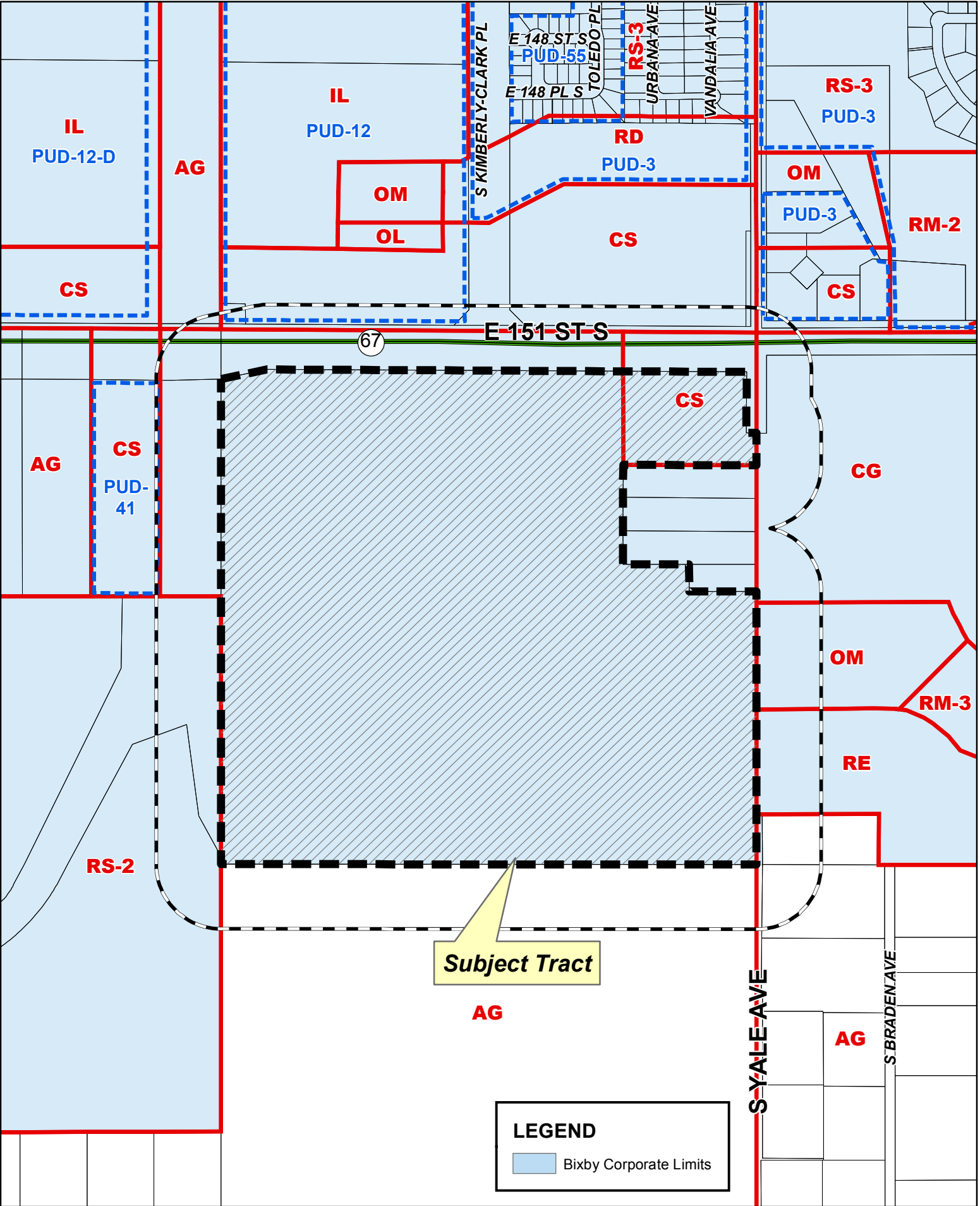
For minimum lot size and land area standards in AG districts, the intended purposes may also include an estimation of the minimum amount of land needed for effective agricultural operations, and to ensure premature residential development does not encroach established agricultural districts. The proposed 2.09-acre tract is not presently being farmed, and already contains a house, bounded by a white pipe fence establishing a meaningful domestic area, and which house is evidently is no longer used as a farmhouse for the balance of the agricultural land. Thus these additional AG district purposes do not appear to be the case here.

For all the reasons set forth above, Staff believes that that approval of the requested Variance would *Not Cause Substantial Detriment to the Public Good or Impair the Purposes, Spirit and Intent of the Zoning Code or the Comprehensive Plan.*

Finding of Minimum Necessary. The Applicant claims that the requested Variance would be the *Minimum Necessary to Alleviate the Unnecessary Hardship* because "There is not adequate size per real estate contractual terms, to meet necessary standards. Seller is not willing to sell more land on this contract."

If approved for Variance, the Board must determine that the difference between the 2.2-acre minimum land area standard and the approximately 2.09-acres proposed, approximately 0.11 acres, would be the *Minimum Necessary to Alleviate the Unnecessary Hardship*.

Staff Recommendation. Except as noted otherwise hereinabove, Staff believes that the arguments provided by the Applicant and Staff appear to substantially meet some of the tests and standards of the Zoning Code and State Statutes. To the extent the arguments are found lacking, the Board may wish to consider other arguments that the Applicant and Board may discover during public hearing and consideration of this case at the meeting. If the Board should approve, it should be subject to the Lot-Split application resulting in not more than two (2) tracts, the smaller of which shall be not less than 2.05 acres upon the findings of the final survey.



Subject Tract

LEGEND

 Bixby Corporate Limits



City of Bixby Board of Adjustment Application

CASE # BBOA - 597

\$ 75.00
50.00
\$ 125.00 TOTAL

Applicant: Rebecca Coffee
Address: 15400 S. Yale Ave. Bixby, OK 74008
Telephone: 918-249-8150 Cell Phone: _____ Email: coffeehb@windstream.net

Property Owner: Dorothy L. Biggers Trust If different from Applicant, does owner consent? Yes
Property Address: 15400 S. Yale Ave. Bixby, OK 74008
Existing Zoning: AG Existing Use: AG/Residential Use Unit #: _____
Proposed Use: AG / Residence

LEGAL DESCRIPTION (If unplatted, attach a survey with legal description or copy of deed):

Part of 21-17-13 containing approx. 2.0884 acres M/L. (Exact legal description to be determined by survey. Stewart Collins)

Does Record Owner consent to the filing of this application?



YES



NO

If Applicant is other than Owner, indicate interest:

Daughter - mother deceased

Is subject tract located in the 100 year floodplain?



YES



NO

Application for:



Variance



Special Exception



Appeal



Interpretation

SET OUT BELOW THE SPECIFICS OF YOUR APPLICATION. WHERE APPLICABLE, INDICATE PERTINENT ORDINANCES, PROVISIONS, USES, DISTANCES, DIMENSIONS, ETC. YOU SHOULD ATTACH ANY PLOT PLANS, PHOTOGRAPHS, AND OTHER FACTUAL INFORMATION WHICH WILL ASSIST THE BOARD IN DETERMINING THE MERIT OF YOUR APPLICATION:

APPLICANTS FOR VARIANCE COMPLETE THE FOLLOWING: (attach a longer narrative if desired)

- a. Why would the literal enforcement of the Zoning Code create an unnecessary hardship?
Would require a larger tract of ground. Do not want to add more land to this tract At this time. This property is under real estate contract.
- b. What makes your property peculiar, extraordinary, or exceptional as compared to other properties in the same district?
IT DOES NOT. ZONING IS AG FOR THIS PARCEL AND WHEN SPLIT ADJOINING PROPERTY WILL REMAIN AG.
- c. Explain why the granting of a variance will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Zoning Code or Comprehensive Plan.
IT IS CURRENTLY ZONED AG. IT HAS BEEN ZONED AG FOR MANY YEARS. REMAINING ZONED AG SHOULD CAUSE NO ONE ANY PROBLEMS.
- d. Explain why the variance would be the minimum necessary to alleviate the unnecessary hardship.
THERE IS NOT ADEQUATE SIZE, PER REAL ESTATE CONTRACTUAL TERMS, TO MEET NECESSARY STANDARDS. SELLER IS NOT WILLING TO SELL MORE LAND ON THIS CONTRACT.

City of Bixby

Board of Adjustment Application

APPLICANTS FOR A SPECIAL EXCEPTION COMPLETE THE FOLLOWING: (attach a longer narrative if desired)

Describe the Special Exception and the Use Unit for the Special Exception as indicated in the Bixby Zoning Code. Explain why the Special Exception will be in harmony with the spirit and intent of this title, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

APPLICANTS MAKING AN APPEAL OF A BUILDING OFFICIAL ACTION COMPLETE THE FOLLOWING: (attach a longer narrative if desired)

Describe the nature of the appeal in detail:

APPLICANTS REQUESTING AN INTERPRETATION OF THE ZONING CODE OR MAP COMPLETE THE FOLLOWING: (attach a longer narrative if desired)

Describe the nature of the request in detail:

BILL ADVERTISING CHARGES TO: _____
(NAME)

(ADDRESS) (CITY) (PHONE)

I do hereby certify that the information submitted herein is complete, true and accurate:

Signature: Rebecca Coffee Date: 1-2-15

APPLICANT – DO NOT WRITE BELOW THIS LINE

BBOA-547 Date Received 01/05/2015 Received By Enyart Receipt # 01216472
Board of Adjustment Date 02/02/2015

1 Sign(s) at \$ 50.00 each = \$ 50.00; Postage \$ -; Total Sign + postage \$ 50.00

FEES: Variance \$75.00 or Special Exception \$100.00 or Appeal/Interpretation \$25.00 BASE FEE ADD. TOTAL
= \$75.00 + 50 = \$125.00

BOA Action: _____ Conditions: _____

Date: _____ Roll Call: _____

Staff Rec. _____

