

AGENDA
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
116 WEST NEEDLES
BIXBY, OK 74008
September 08, 2015 6:00 PM

CALL TO ORDER

1. Annual nominations and elections for Chairperson, Vice-Chairperson, and Secretary (Board of Adjustment By-Laws, Ord. # 772).

MINUTES

- (2) 2. Approval of Minutes for July 06, 2015

OLD BUSINESS

NEW BUSINESS

- (13) 3. **BBOA-603 – Dale Bennett for Woodlake Assembly of God.** Discussion and possible action to approve a Variance from certain sign standards of Zoning Code Sections 11-7A-3.B.2 and 11-9-21 for a Use Unit 5 church in the AG Agricultural District for part of the E/2 of the E/2 of Section 25, T18N, R13E.
Property located: 10444 S. Mingo Rd.
- (24) 4. **BBOA-604 – Chris & Rachel Taylor.** Discussion and possible action to approve a Variance from certain bulk and area requirements in the AG Agricultural District per Zoning Code Section 11-7A-4 Table 3, including the minimum lot width for part of the NW/4 of the NE/4 of Section 27, T17N, R13E.
Property located: 5858 E. 161st St. S.

ADJOURNMENT

Posted By: E. Enyart

Date: 09/01/2015

Time: 1:45 PM

AGENDA – Board of Adjustment

September 08, 2015

Page 1 of 1

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

Persons who require a special accommodation to participate in this meeting should contact City Planner Erik Enyart, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: eenyart@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.

**MINUTES
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
116 W. NEEDLES AVE.
BIXBY, OK 74008
July 06, 2015 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: Larry Whiteley, Jeff Wilson, JR Donelson Murray King, and Darrell Mullins.

Members Absent: None.

MINUTES

1. Approval of Minutes for April 06, 2015

Chair Jeff Wilson introduced the item and asked to entertain a Motion. JR Donelson made a MOTION to APPROVE the Minutes of April 06, 2015 as presented by Staff. Darrell Mullins SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	King, Wilson, Donelson, Whiteley, & Mullins
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	5:0:0

2. Approval of Minutes for June 01, 2015

Chair Jeff Wilson introduced the item and asked to entertain a Motion. Discussion ensued regarding which members were in attendance at that meeting.

After further discussion, Murray King made a MOTION to APPROVE the Minutes of June 01, 2015 as presented by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: King, Whiteley, & Mullins
NAY: None.
ABSTAIN: Donelson and Wilson.
MOTION CARRIED: 3:0:2

OLD BUSINESS

Chair Jeff Wilson asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS

3. **BBOA-601 – Roger H. Grant.** Discussion and possible action to approve a Special Exception per Zoning Code Section 11-7A-3.A Table 2 to allow a farrier hammer and tools assembly, online sales, and related activities as a home occupation within a detached accessory building for part of the S/2 of the SE/4 of the NE/4 of Section 20, T17N, R13E, located within the AG Agricultural District.
Property located: 15506 S. Harvard Ave.

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: Thursday, July 02, 2015
RE: Report and Recommendations for:
BBOA-601 – Roger H. Grant

LOCATION: – 15506 S. Harvard Ave.
– Part of the S/2 of the SE/4 of the NE/4 of Section 20, T17N, R13E
LOT SIZE: 5 acres, more or less
ZONING: AG Agricultural District
SUPPLEMENTAL None
ZONING:
REQUEST: Special Exception per Zoning Code Section 11-7A-3.A Table 2 to allow a farrier hammer and tools assembly, online sales, and related activities as a home occupation within a detached accessory building for property located within the AG Agricultural District
SURROUNDING ZONING AND LAND USE:

North: AG & CS; The "Automotive Specialists" automotive repair business and a single-family house on 10 acres abutting subject property to the north; farther north are agricultural, vacant, and rural residential tracts along the west side of Harvard Ave., all zoned AG. There is an agricultural 1-acre tract at the southwest corner of 151st St. S. and Harvard Ave. zoned CS, and agricultural land containing approximately 40 acres of CS zoning at the southeast corner of 151st St. S. and Harvard Ave.

South: AG & RS-2; An automobile junkyard on a 5-acre tract zoned AG; farther south are agricultural, vacant, and rural residential tracts along both sides of Harvard Ave. zoned RS-2 and AG.

East: (Across Harvard Ave.) RS-2; Agricultural land including 26 acres belonging to Bixby Public Schools at the 15500:15600-block of S. Harvard Ave.

West: AG; Vacant/wooded and agricultural land, with rural residential to the northwest along 151st St. S.

COMPREHENSIVE PLAN: Corridor + Low Intensity/Development Sensitive + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES: (not necessarily a complete list)

BBOA-182 – Paul Hughart – Request for Variance from the 300' required lot width in the AG district for a then-20-acre tract, the S/2 SE/4 NE/4 of Section 20, T17N, R13E, addressed 15504 S. Harvard Ave., to allow a Lot-Split separating the S. 8.25', which S. 8.25' became part of the subject property – Applicant amended the request to only the south 10 acres – BOA Approved as modified 02/09/1987.

BL-120 – Paul Hughart – Request for Lot-Split for a 20-acre tract, the S/2 SE/4 NE/4 of Section 20, T17N, R13E, addressed 15504 S. Harvard Ave., to separate the S. 8.25', which S. 8.25' became part of the subject property – PC Denied 01/26/1987 and Conditionally Approved 02/23/1987.

BBOA-602 – Roger H. Grant – Request for Variance from Zoning Code Sections 11-2-1 and 11-7B-5.B to allow to allow a farrier hammer and tools assembly, online sales, and related activities as a home occupation within a detached accessory building in the AG Agricultural District for subject property – Pending BOA consideration 07/06/2015.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list)

BZ-75 – B. V. Blackburn for McRae Development Co. – Request for rezoning from AG to RS-1 for approximately 198.5 acres to the south and southeast of subject property in Sections 20 and 21, T17N, R13E – PC recommended Approval 01/29/1979 per approved Minutes but case notes state the PC "Denied" 01/29/1979. City Council action documentation not found.

BZ-128 – Lynn Burrow for D.A.L. Corporation / The Timbercrest Companies, Inc. – Request for rezoning from AG to RE and CS for approximately 318 acres to the south and southeast of subject property in Sections 20 and 21, T17N, R13E – Withdrawn December 1982.

BBOA-127 – Aubrey Miller – Request for Special Exception to allow a Use Unit 5 church in an AG district for a 3-acre agricultural tract, the E/2 NE/4 NW/4 NW/4 of Section 21, T17N, R13E, located to the northeast of the subject property at the 3600-block of E. 151st St. S. (abuts New Beginnings Baptist Church to the west) – BOA Conditionally Approved 05/14/1984.

BZ-154 – Charles E. Norman for D.A.L. Management Corporation Defined Pension Trust, et al. – Request for rezoning from AG to RS-3, RM-1, and CS for approximately 315 acres to the south and southeast of subject property in Sections 20 and 21, T17N, R13E – PC recommended Modified Approval for CS, RD, and RS-2 on 08/02/1984 and City Council Approved Modified zoning per the PC recommendation 08/14/1984 (Ord. # 508).

BZ-175 – Gerald Pope – Request for rezoning approximately 30 acres from AG to CS, the NW/4 NW/4 less the NW/4 NW/4 NW/4 of Section 21, T17N, R13E, located to the north of the subject property – PC recommended Approval 06/30/1986 and City Council Approved 07/22/1986 (Ord. # 542).

BL-203 – Pastor Kevin Lewis for Midwest Agape Chapel, Inc. – Request for Lot-Split approval for a 3-acre agricultural tract, the E/2 NE/4 NW/4 NW/4 of Section 21, T17N, R13E, located to the northeast of the subject property at the 3600-block of E. 151st St. S. (abuts New Beginnings Baptist Church to the west), to separate the 3-acre tract from the north 250', taken as right-of-way for State Highway 67 – PC Conditionally Approved 11/20/1995.

BZ-241 – George Suppes for Paul Hughart / Mike's Lawn Service, Inc. – Request for rezoning approximately 5 acres from AG to CG, the S/2 S/2 S/2 SE/4 NE/4 of Section 20, T17N, R13E, for a

landscaping business, abutting subject property to the south – PC Tabled the application 07/20/1998 (no documentation found indicating appeal to the City Council).

BBOA-353 – Midwest Agape Chapel Foundation for Sitton Properties – Request for Variance to allow an outdoor advertising / billboard sign in a CS district for a 3-acre agricultural tract, the E/2 NE/4 NW/4 NW/4 of Section 21, T17N, R13E, located to the northeast of the subject property at the 3600-block of E. 151st St. S. (abuts New Beginnings Baptist Church to the west) – BOA Denied 02/07/2000.

BBOA-355 – New Beginnings Baptist Church – Request for Special Exception to allow a Use Unit 5 church in an AG district for 17-acre church property to the northeast of subject property at 4104 E. 151st St. S. – BOA Approved 03/06/2000.

PUD 41 – CedarCrest Business Park – Randall Pickard for Kevin Walsh – Request for rezoning from AG to CS and PUD 41 for a “CedarCrest Business Park” commercial and “office warehouse” development on an 8.32-acre tract to the northeast of subject property (abuts New Beginnings Baptist Church to the east) – PC Recommended Approval 06/20/2005 and City Council Approved 07/11/2005 (Ord. # 908).

BZ-324 – Jim Ham – Request for rezoning approximately 0.9 acres from AG to CG for commercial resale, located to the north of subject property at the southwest corner of the 151st St. S. and Harvard Ave. intersection – Applicant amended the request to CS zoning at the PC meeting on 01/16/2007 – PC recommended Approval of CS zoning 01/16/2007 and City Council Approved CS 02/12/2007 (Ord. # 959).

BBOA-522 – JR Donelson, Inc. for Bixby Public Schools – Request for Special Exception per Zoning Code Section 11-7A-2 Table 1 to allow a Use Unit 5 school facility, including a football field, in an RS-2 Residential Single Family District for 26 acres abutting subject property to the east at the 15500:15600-block of S. Harvard Ave. – BOA Approved 06/22/2010.

BBOA-523 – JR Donelson for Bixby Public Schools – Request for a temporary Variance from Zoning Code Section 11-10-4.H to allow a gravel parking lot and drives for the school football field facility in an RS-2 Residential Single Family District for 26 acres abutting subject property to the east at the 15500:15600-block of S. Harvard Ave. – BOA Conditionally Approved 09/07/2010.

BACKGROUND INFORMATION:

BBOA-601 and BBOA-602 have been filed pursuant to a code enforcement complaint filed against the property for operating a business without Zoning approval.

ANALYSIS:

Property Conditions. The subject property consists of two (2) tracts, both zoned AG Agricultural District:

1. The N/2 of the S/2 of the S/2 of the SE/4 of the NE/4 of Section 20, T17N, R13E, containing 5 acres, more or less, and
2. The S. 8.25' of the N/2 of the S/2 of the SE/4 of the NE/4 of Section 20, T17N, R13E, containing .250 acres, more or less.

The subject property is moderately sloped and appears to primarily drain to an upstream tributary of Posey Creek, which flows northerly through the west end of the subject property. A small part of the front/east end of the subject property appears to drain to Harvard Ave., which drains south via borrow ditches to another upstream tributary of Posey Creek. The property contains a single-family house and large accessory building behind/west of same, and is otherwise vacant/wooded and has some area toward the front which may be used for agriculture. Per the Tulsa County Assessor's parcel and aerial and GIS data, the accessory building measures 60' X 50' and contains 3,000 square feet.

There is a driveway along the south side of the property which provides access to the house and also to the 5-acre tract abutting to the south, which presently contains a storage building and a large number of junk automobiles, which automobiles are to be removed pursuant to an open code enforcement case.

Special Exception Request. The Applicant is requesting a Special Exception per Zoning Code Section 11-7A-3.A Table 2 to allow The RG Tool Company, www.rgfarriertool.com, a farrier hammer and tools assembly, online sales, and related activities as a home occupation within a detached accessory building for property located within the AG Agricultural District.

Zoning Code Section 11-2-1 defines “Home Occupation” thus:

“HOME OCCUPATION: That accessory use of a dwelling which constitutes some or all of the livelihood of a person living in the dwelling.”

Per the application and other information secured from the Applicant, Staff understands that the farrier tool assembly and online sales business home occupation is a relatively benign accessory use. See the attached narrative and photographs describing the scale and scope of activities.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor, (2) Low Intensity/Development Sensitive, and (3) Vacant, Agricultural, Rural Residences, and Open Land. Staff believes that the proposed home occupation by Special Exception as an accessory use to the existing single-family dwelling should not be found inconsistent with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Abutting the subject property to the north is the "Automotive Specialists" automotive repair business and a single-family house on 10 acres zoned AG. The automotive repair business is operating in violation of the Zoning Code, and is the subject of an open code enforcement case. Additional metal screening fencing has recently been installed between the subject property and the 10-acre tract. Farther north are agricultural, vacant, and rural residential tracts along the west side of Harvard Ave., all zoned AG. There is an agricultural 1-acre tract at the southwest corner of 151st St. S. and Harvard Ave. zoned CS, and agricultural land containing approximately 40 acres of CS zoning at the southeast corner of 151st St. S. and Harvard Ave.

Abutting the subject property to the south is a 5-acre tract zoned AG, which presently contains a storage building and a large number of junk automobiles, which automobiles are to be removed pursuant to another open code enforcement case. Farther south are agricultural, vacant, and rural residential tracts along both sides of Harvard Ave. zoned RS-2 and AG.

Since the nonresidential uses of the tracts abutting to the north and south are both the subject of code enforcement actions and will likely be vacated, these nonresidential uses should not logically be used to support the nonresidential character of the application.

Across Harvard Ave. to the east is agricultural land, including 26 acres belonging to Bixby Public Schools at the 15500:15600-block of S. Harvard Ave, zoned RS-2.

West of the subject property is vacant/wooded and agricultural land, with rural residential to the northwest along 151st St. S.

The City of Bixby does not see many applications for Special Exception for home occupations. The last one Staff was able to locate was BBOA-538 – Bill Bromley, a request for Special Exception per Zoning Code Section 11-7B-3.A Table 2 to allow internet retail sales and limited trade show sales as a home occupation in the RS-3 Residential Single Family District for Lot 7, Block 2, WoodCreek, addressed 11225 S. 73rd E. Ave. The Board of Adjustment Conditionally Approved that application on April 04, 2011. In that case, the Board ascertained from the Applicant at the meeting that "no sales would be conducted at the residence, but incidental storage of sale items may be involved. Mr. Bromley stated that there would be deliveries, but that they would be no different than normal [FedEx] or UPS deliveries and that there would not be many at a time." Staff also recalls testimony that there was occasional equipment assembly and maintenance included as a part of that case's accessory use. The Applicant had also submitted a narrative explaining how the "internet retail sales and limited trade show sales" would comply with all of the use conditions for a home occupation per Zoning Code Section 11-7B-5.B.

Recognizing the broad language used to define "Home Occupation" in Zoning Code Section 11-2-1 and the relative dearth of home occupation cases, the Board of Adjustment should approach such applications with caution and an eye for avoiding the establishment of unfortunate precedents.

Staff believes that the proposed farrier tool assembly and online sales business is materially similar to BBOA-538. However, Staff believes that the accessory use is relatively more intensive, and more intensive than most home occupations contemplated by the Zoning Code, and further may not be an appropriate home occupation in Residential zoning districts or neighborhoods.

Zoning Code Section Zoning Code Section 11-7B-5.B.9 provides:

"All business activities associated with a home occupation shall be conducted entirely within an enclosed structure, either within the primary dwelling unit or an accessory building on the same parcel in which the home occupation is conducted. A maximum limit of six hundred (600) square feet of floor area shall be allowed to be utilized for home occupation purposes in the RE and RS residential districts. A maximum limit of one thousand (1,000) square feet of floor area shall be allowed to be utilized for home occupation purposes in the AG agricultural district where the gross land area of the AG parcel in which the home occupation is conducted exceeds a minimum of one acre in physical land area size." (emphasis added).

It is clear, based on the above passage, that the Zoning Code intends greater flexibility be extended to properties zoned AG and of sufficient size (greater than 1 acre). The intent should be projected further onto the subject property and present application. Since the subject property is zoned AG, contains five (5) acres, and is in an exceptionally rural context presently, and since the locus of activity is within an accessory building behind the house and approximately 437' from the centerline of Harvard Ave., Staff believes that the more intensive form of home occupation presented in this application should be found acceptable in this case.

Based on the relatively benign nature of the home occupation activity and the Comprehensive Plan and surrounding zoning and land use patterns, Staff believes that the proposed farrier tool assembly and online sales business home occupation accessory use would be in harmony with the spirit and intent of the Zoning Code and would not be incompatible or inconsistent with surrounding zoning and land use patterns, injurious to the neighborhood, or otherwise detrimental to the public welfare, provided it maintains its residential character and complies with the use conditions of Zoning Code Section 11-7B-5.B.

Zoning Code Section 11-7B-5.B.9 provides that the Board of Adjustment, upon Special Exception approval, may grant an allowance of operating hours beyond 8:00 AM to 6:00 PM. Per a discussion with the Applicant on July 02, 2015, Staff understands that the tool assembly operations sometimes occur at varying hours of the day, and internet sales worldwide may occur at any time of day. Based on the characteristics of the proposed activity and the circumstances of the area, Staff has no objection to removing restrictions on hours of operation.

Staff Recommendation. *Unless constructive criticism from neighbors reveals need for additional approval conditions, for all the reasons outlined above, Staff recommends Approval subject to:*

- (1) The subject property shall maintain its residential character and the use shall maintain full compliance with the use conditions of Zoning Code Section 11-7B-5.B.*
- (2) The approval should be generally restricted to the scale and scope of business activities as outlined in the application. A radical departure or substantial increase in the scale or scope of the business, if and as may be determined by the Board of Adjustment at such future date, should require new Zoning approval as may then be required.*
- (3) The restrictions on hours of operation are suspended pursuant to Zoning Code Section 11-7B-5.B.9.*

Erik Enyart stated, pertaining to the third recommended Condition of Approval, that Roger Grant had said that he does his tool assembly work a various hours and sales occurred worldwide around the clock. Mr. Enyart stated that he had no objection to suspending the hours of operation, as he believed the use was fairly benign, and based on the context of the area.

Chair Jeff Wilson asked if the Applicant was present and wished to speak on the item. Applicant Roger Grant of 15506 S. Harvard Ave. was present and showed the farrier hammer and various constituent parts used to create the hammers. Larry Whiteley asked, and Mr. Grant stated that the hammers were used for shoeing horses.

JR Donelson confirmed with Roger Grant that he did not forge hammerheads. Mr. Grant stated that those are supplied by *Modern Investment [Casting Company]* of Ponca City. Mr. Donelson confirmed with Mr. Grant that he did not have retail sales of the hammers from the site. Mr. Grant stated that his website, developed by a company out of California, "makes it sound like [a] GM [manufacturing plant] back there." Mr. Grant stated that he has three (3) customers in-state, and the rest are out.

Murray King asked how many employees he had, and Roger Grant stated, "Me." Mr. Grant stated that he took the hammers up to *FedEx*. Mr. King confirmed with Mr. Grant that he did not have them picked up.

Larry Whiteley asked how long Roger Grant had been operating the business, and Mr. Grant responded eight (8) to 10 years.

Patrick Boulden asked Roger Grant if the business generated much noise, such as would disturb the peace of the neighbors. Mr. Grant indicated that the business was not too noisy, and that the belt sander made some noise, but that the greatest noise came when the phase converter turned on.

In response to a question, Roger Grant stated that the business occurred in the detached accessory building behind the house, and estimated that his house was 100 yards from Harvard Ave., and then another 85' to the building.

Patrick Boulden asked Roger Grant if he had had any [previous] complaints about the business, and Mr. Grant responded, "No."

Chair Jeff Wilson recognized Kevin Holland of 8209 S. New Haven Ave., Tulsa, from the Sign-In Sheet. Mr. Holland stated that he owned five (5) acres on the south side of the subject property, which was about the same size as the subject property. Mr. Holland stated that the driveway was shared between Roger Grant and himself, and was either 15' or 30' in width, each owner having ½ of the width. Mr. Holland stated that he had a 30' X 60' building in the back. Mr. Holland stated that his biggest issue was the liability that [approval] would bring. Mr. Holland stated that there were crew cab, dual-axle trucks coming into the property to [allow Roger Grant] to perform horse shoeing. Mr. Holland stated that they could not back out, and so would go onto his driveway. Mr. Holland complained about delivery trucks hitting the oak trees [along the shared driveway], and mailpersons damaging the driveway and fence. Mr. Holland complained about the condition and lack of maintenance of the driveway.

Erik Enyart addressed Chair Jeff Wilson and Kevin Holland and asked to clarify this matter. Mr. Enyart stated that, as for the shoeing of horses, the property was zoned AG Agricultural, so it was already zoned for this. Mr. Holland reiterated concerns previously expressed. Mr. Enyart continued that the shoeing of horses was already allowed, so the complaint about large trucks bringing in horse trailers [was not relevant]. Mr. Enyart stated that, secondly, the two (2) owners evidently shared the driveway, but the City did not have information on arrangements, easements, or rights-of-way, and the private access issue was between the two (2) private parties and not a matter before the Board of Adjustment for consideration. Mr. Holland continued to express concern over large vehicles damaging the driveway, overhead wires, and other structures attending the driveway.

A Board member asked Kevin Holland what he used his property for, and Mr. Holland responded that [the grass] was grown up on [the front of the lot], and he was trying to get someone to bale the hay. Mr. Holland expressed concern for liability, and suggested a horse could get away and come on his property, step in a gopher hole, and get hurt, or young children could get run over, and if they got run over, "I'm liable." A Board member discussed liability insurance with Mr. Holland.

Larry Whiteley discussed driveway matters with Kevin Holland. Mr. Whiteley suggested Mr. Holland could put up a fence.

Kevin Holland stated that he did not have a problem with Roger Grant assembling hammers, and that his only concern was for liability.

Larry Whiteley suggested Mr. Holland could put up a fence and gate, and Mr. Holland indicated agreement.

Kevin Holland expressed concern for activities occurring outside the building. Erik Enyart asked Mr. Holland what outdoor activities he was referring to, and Mr. Holland responded, "Shoeing horses." Mr. Enyart stated that the property was already zoned for shoeing horses, and that shoeing horses was not before the Board for consideration.

Patrick Boulden asked Kevin Holland if his main concern was not actually the delivery of parts, and Mr. Holland indicated agreement.

Chair Jeff Wilson recognized Noelle Waller of 3127 E. 161st St. S. from the Sign-In Sheet. Ms. Waller stated that she had horses that [Roger Grant] had shod for her, and that he was a good farrier. Ms. Waller stated that she had rescue horses, and even then they are unlikely to run [because Mr. Grant is a good farrier]. Ms. Waller stated that [Mr. Grant's business] has no noise or increase in traffic. Ms. Waller stated, "We can see straight into the property from ours," and it "doesn't seem to be causing" any problems. Ms. Waller stated that [the situation] seemed to be a personal issue.

Chair Jeff Wilson recognized Donald Waller of 3127 E. 161st St. S. from the Sign-In Sheet. Mr. Waller approached the dais and, on his large cellphone, showed the Board members an aerial photograph of the subject property and the Kevin Holland property to the south, both of which he identified. A Board member noted that the Kevin Holland property [resembled an automobile] "salvage," and asked Mr. Holland if he was salvaging cars. Mr. Holland responded, "No, I don't. I work on cars." JR Donelson estimated there were about 50 cars in the aerial photograph. Mr. Holland stated that there were not that many. Mr. Donelson stated that he stopped counting at 30 and there were probably 20 more he didn't count. Mr. Holland stated that these were his "personal stuff." Mr. Donelson asked Mr. Holland if he used the common road [to transport cars], and Mr. Holland responded "Yes, but mostly on mine."

Roger Grant stated that the "road" had already been put in when he bought his property from Bill Hughart, and that the "road" comes into the property on his property. Mr. Grant and Kevin Holland were both asked, in turn, if the "road" was there when they bought their properties, and both responded "Yes" in turn.

Patrick Boulden stated that the driveway "issue is a distraction."

Roger Grant stated that there were no semi[-tractor trailers] [entering the property as a part of his tool business, but rather] UPS "box trucks," which delivered hammerheads once or twice a year.

Darrell Mullins stated that this was "not pertinent to us."

Larry Whiteley and other Board members clarified with Erik Enyart that the final recommended Condition of Approval in the Staff Report granted a suspension of the restriction on hours of operation.

There being no further discussion, JR Donelson made a MOTION to APPROVE BBOA-601 with the Conditions of Approval as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	King, Wilson, Donelson, Whiteley, & Mullins
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	5:0:0

4. **BBOA-602 – Roger H. Grant.** Discussion and possible action to approve a Variance from Zoning Code Sections 11-2-1 and 11-7B-5.B to allow to allow a farrier hammer and tools assembly, online sales, and related activities as a home occupation within a detached accessory building for part of the S/2 of the SE/4 of the NE/4 of Section 20, T17N, R13E, located within the AG Agricultural District.
Property located: 15506 S. Harvard Ave.
-

Chair Jeff Wilson introduced the item. Erik Enyart stated that, when he was first approached about this issue, he read the definition of Home Occupation in the Zoning Code, which stated that the home occupation was to occur within the house. Mr. Enyart stated that, based on this, he advised the Applicant that a Variance was also required to be permitted to maintain the home occupation business in an accessory building. Mr. Enyart stated that, when he examined the other part of the Zoning Code pertaining to this, he discovered that it provided that the home occupation could occur within an accessory building. Mr. Enyart stated that he believed that discrepancies should be interpreted based on the most flexible interpretation. Mr. Enyart advised the Board that it could Table the application and the City would issue the Applicant a refund of fees.

Larry Whiteley made a MOTION to TABLE BBOA-602 as recommended by Staff. Darrell Mullins SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	King, Wilson, Donelson, Whiteley, & Mullins
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	5:0:0

ADJOURNMENT

Larry Whiteley made a MOTION to ADJOURN. Murray King SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	King, Wilson, Donelson, Whiteley, & Mullins
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	5:0:0

Meeting was Adjourned at 6:40 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary

BIXBY BOARD OF ADJUSTMENT
SIGN IN SHEET
DATE: July 06, 2015

NAME	ADDRESS	ITEM
✓ 1. <u>Kevin Holland</u>	<u>8209 S. New Haven</u>	<u>SPECIAL EXCEPTION PER ZONING</u>
✓ 2. <u>Ray H. Grant</u>	<u>1550 S. Harvard</u>	<u>EXCEPTION</u>
3. <u>Nelle Waller</u>	<u>3127 E. 161st St. S.</u>	<u>EXCEPTION ZONING</u>
✓ 4. <u>DONALD WALLER</u>	<u>3127 E. 161st St.</u>	<u>EXCEPTION ZONING</u>
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19. _____	_____	_____
20. _____	_____	_____



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 *EE*
Date: Tuesday, September 01, 2015
RE: Report and Recommendations for:
BBOA-603 – Dale Bennett for Woodlake Assembly of God

LOCATION:

- 10444 S. Mingo Rd.
- Southwest corner of the intersection of 104th St. S. (a.k.a. 103rd Pl. S.) and Mingo Rd.
- Part of the E/2 of the E/2 of Section 25, T18N, R13E

SIZE: 27 acres, more or less

ZONING: AG General Agricultural District

SUPPLEMENTAL
ZONING: None

EXISTING USE: Vacant / wooded with Use Unit 5 church under construction

REQUEST: Variance from certain sign standards of Zoning Code Sections 11-7A-3.B.2 and 11-9-21 for a Use Unit 5 church in the AG Agricultural District

SURROUNDING ZONING AND LAND USE:

North: RT/PUD 35 & RT/PUD 36; Attached single-family residential in *Spicewood Pond* and detached single-family residential in *Spicewood Villas* across 95th E. Ave. / 104th St. S. (a.k.a. 103rd Pl. S.).

South: RS-3; Single-family residential in *Legends II*.

East: (Across Mingo Rd.) R-1, R-2, and R-2/PUD-112; The *Cedar Ridge Country Club* and single-family residential in several "Cedar Ridge" subdivisions, all in the City of Broken Arrow.

West: RS-3 & RT/PUD 35; Detached single-family residential in *Legends II* zoned RS-3 and attached single-family residential in *Spicewood Pond* to the northwest across 95th E. Ave.

COMPREHENSIVE PLAN: Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES:

BBOA-431 – Merwin Pickney of Woodlake Assembly of God for AGO Trust – Request for Special Exception to allow a Use Unit 5 church for subject property – BOA Approved 11/01/2004.

BBOA-582 – Rosenbaum Consulting, LLC for Woodlake Assembly of God – Request for Special Exception per Zoning Code Section 11-7A-2 Table 1 to allow a Use Unit 5 church in an AG Agricultural District for subject property (BBOA-431 had expired per Zoning Code Section 11-4-9.D due to non-utilization) – BOA Conditionally Approved 01/06/2014.

BBOA-583 – Rosenbaum Consulting, LLC for Woodlake Assembly of God – Request for Variance from certain landscaping tree requirements of Zoning Code Section 11-12-3.C for property in an AG Agricultural District for subject property – Withdrawn by Applicant in January, 2014 due to lack of need.

Plat Waiver for Woodlake Assembly of God – Request to Waive the platting requirement per BBOA-582 for subject property – City Council Conditionally Approved 06/23/2014 upon acceptance of separate instrument dedications of right-of-way, Utility Easement, and Drainage Easement.

Plat Sidewalk Waiver for Woodlake Assembly of God – Request to temporarily Waive the sidewalk requirement per the 06/23/2014 Plat Waiver for a southerly portion of subject property – City Council Conditionally Approved temporary Waiver 02/23/2015, with the sidewalk construction requirement to be restored prior to the development of the southerly acreage.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list; case history not available in the City of Broken Arrow)

PUD 35 – Spicewood Pond – Tanner Consulting, LLC – Request for PUD approval and RT underlying zoning for *Spicewood Pond* abutting subject property to the northwest – PC Recommended Approval 11/15/2004 and City Council approved 12/13/2004 (Ord. # 899).

PUD 36 – Spicewood Villas – Tanner Consulting, LLC – Request for PUD approval and RT underlying zoning for *Spicewood Villas* abutting subject property to the north – PC Recommended Approval 12/20/2004 and City Council approved 01/24/2005 (Ord. # 900).

BZ-311 – Brumble Dodson Construction – Request for rezoning from AG to RS-3 for approximately 93 acres (now *Legends*, *Legends II*, and *Village at Legends*) abutting subject property to the west and south – PC Recommended Approval 08/15/2005 and City Council Approved 09/12/2005 (Ord. # 912).

PUD 36 Minor Amendment # 1 – Request for Minor Amendment to PUD 36 (abutting subject property to the north) to provide flexibility to allow for 0' and 10', or 5' and 5', or

any combination of two (2) side yards which ultimately results in all dwellings maintaining a 10' separation between each other dwelling – PC Approved 09/17/2007.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of 27 acres, more or less, is vacant and wooded and is zoned AG Agricultural District. Per the approved site plans, the Use Unit 5 Woodlake Church church campus under construction will ultimately occupy the north approximately 15.170 acres of the 27-acre tract. The subject property is believed to have been part of a former tree farm. It is moderately sloped and appears to drain to the south. It is in the Oliphant Drainage and Detention System / Fry Creek # 1 drainage basin.

Per the legal description, the subject property has 1,589.61' of frontage on Mingo Rd., and 974.34' of frontage on 95th E. Ave. / 104th St. S. (a.k.a. 103rd Pl. S.). The name of the east-west segment of the street is not clear. It was dedicated with *Spicewood Villas* as 104th St. S., and Staff has found no ordinance renaming it. That name was also recognized with the plat of *Spicewood Pond* (Plat # 5923 recorded 11/17/2005). However, it has "103rd Pl. S." street signs, and the Tulsa County E-911 system recognizes it as "103rd Pl. S."

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 sign codes are primarily found in Zoning Code / City Code Section 11-9-21, but those provisions do not pertain to signs in the AG Agricultural District. Zoning Code Section 11-7A-5.A.1 provides: "The accessory use provisions of the agricultural district pertaining to signs are applicable to accessory signs for uses permitted by special exception."

The Woodlake Church property is zoned AG, and so the following from Section 11-7A-3.B.2 applies:

"2. Accessory Signs In AG District:

- a. One bulletin board may be erected on each street frontage of an educational, religious, institutional or similar use requiring announcement of its activities. The bulletin board shall not exceed thirty two (32) square feet in display surface area, nor twenty feet (20') in height, and illumination, if any, shall be by constant light.
- b. One identification sign may be erected on each street frontage of a permitted nonresidential use. The sign shall not exceed two-tenths ($\frac{2}{10}$) of a square foot of

15

display surface area per linear foot of street frontage; provided, however, that in no event shall the sign be restricted to less than thirty two (32) square feet nor be permitted to exceed one hundred fifty (150) square feet of display surface area. The sign shall not exceed twenty feet (20') in height, and illumination, if any, shall be by constant light."

The Zoning Code strictly limits signage for allowable Use Unit 5 churches in the AG districts, and perhaps did not fully contemplate or comprehensively provide for such more intensive uses. The above subsection b. allows one "identification sign." An "identification sign" is not defined in the definitions, and may allow for its placement on a building wall (making it a "wall sign") or in the ground (making it a "ground sign"). Per the approved site plans, the church's one (1) allowable "identification sign" will take the form of a wall sign attached to the front of the building exhibiting the logo "WC" and attendant text "Woodlake Church." The church would like to have another, non-illuminated wall sign on the south-facing elevation of the building reading "WC Kids," to identify the children's church building entrance. This application therefore makes a request for Variance to be permitted to have another identification / wall sign. The "WC Kids" wall sign will measure 4' in letter height, approximately 13' in aggregate letter width, and so will contain 51.92 square feet in display surface area.

Peculiar, Extraordinary, or Exceptional Conditions or Circumstances. The Applicant claims that the subject property and its *Condition or Situation is Peculiar, Extraordinary, and/or Exceptional* by stating "Only church in the area." The provided argument does not appear to correspond to the question asked.

At four 27 acres in size, the subject property is fairly large, and is the largest developed parcel fronting on Mingo Rd. from the Creek Turnpike to 121st St. S. The subject property also has 1,589.61' of frontage on Mingo Rd., and 974.34' of frontage on 95th E. Ave. / 104th St. S. (a.k.a. 103rd Pl. S.), which is the most of any developed parcel within said area. The building on the subject property is also fairly large, especially in respect to the size of the proposed signage.

Recognizing the church is only permitted one (1) identification sign that is fairly restricted as to display surface area in relation to the subject property's size and street frontage, and building size, and for the other reasons set forth herein, Staff believes that the Application substantially meets the *Peculiar, Extraordinary, or Exceptional Conditions or Circumstances* test and standard.

Unnecessary Hardship. The Applicant claims that an unnecessary hardship would be caused by the literal enforcement of the Zoning Code because "Create confusion on where to drop off children at a certain location on the property." The Applicant is referring to the "wayfinding" or "directional" purpose for the "WC Kids" sign. The sign, likely visible from Mingo Rd., may also serve as additional identification for the church.

As suggested in the "Nature of Variance" section above, a Use Unit 5 church is allowed by Special Exception in an AG district, but when permitted, it is not allowed the same measure of signage as is afforded other churches in most other Zoning districts.

Therefore, there appears to be an evident disconnect between allowing a Use Unit 5 churches in an AG district, but not similarly allowing wall signage typical, customary, and reasonably necessary for such use, which, strictly enforced, would put the Applicant at a competitive disadvantage to other churches employing such signage. This disadvantage by the disallowance of the additional sign may be considered an *Unnecessary Hardship* on the property owner.

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 "Signage is not large or obtrusive to the surrounding area. It is used only for a wayfinding sign." Staff concurs that the proposed "WC Kids" wall sign will be relatively small in relation to the size of the building, size of the property, and amount of street frontage. It should also be observed that the church has elected not to have a ground sign, or the allowed bulletin board sign (which often take the form of LED / Electronic Message Board signs), both of which signs are almost always employed for new church campuses.

The subject property is located on a Secondary Arterial, a County road which, by definition, is planned (as future resources allow) to be widened to four (4) lanes, with or without an additional center turn lane. The posted speed limit on Mingo Rd. between 101st St. S. and 111th St. S. is 50 MPH in both directions. Most intensive uses may reasonably be expected to have signage appropriate for the speed of traffic and intensity of uses along the Secondary Arterial. Therefore, it would not appear to *cause substantial detriment to the public good or impair the purposes, spirit and intent of the Zoning Code or the Comprehensive Plan* if the subject property was allowed signage typical, customary, and reasonably necessary for a church of this size and scale.

Finding of Minimum Necessary. The Applicant claims that the requested Variance would be the *Minimum Necessary to Alleviate the Unnecessary Hardship* because "Minimum square footage on signage, and non-illuminated."

Per the sign plans included with the site plan, the front/east-facing building wall will have "WC" and attendant text "Woodlake Church" with an aggregate of 143.7 square feet of display surface area, which complies with the two-tenths (2/10) of a square foot of display surface area per linear foot of street frontage (150 square feet ultimate maximum). Thus, only the second identification sign requires a Variance.

Recognizing the Applicant proposes a secondary "WC Kids" wall sign at 51.92 square feet in display surface area, a Variance of 51.92 square feet would appear to be the *Minimum Necessary to Alleviate the Unnecessary Hardship*, should hardship be determined.

Staff Recommendation. Staff believes that the arguments provided by the Applicant and Staff appear to substantially meet the tests and standards of the Zoning Code and State Statutes. The Board may also wish to consider other arguments that the Applicant and Board may discover during public hearing and consideration of this case at the meeting. Approval should be subject to a maximum of one (1) additional wall sign at 51.92 square feet of display surface area as proposed in the application.



City of Bixby Board of Adjustment Application

Applicant:

Address:

Telephone:

DALE BENNETT

CNF SIGN 1223 N. LANSING TULS-OK 74106

918-587-7171 Cell Phone: 918-521-9077 Email: DALE@CNFSIGNS.COM

Property Owner:

Property Address:

Existing Zoning:

Proposed Use:

WOODLAKE CHURCH

If different from Applicant, does owner consent? YES

10445. MINGO BIXBY OK.

AG

Existing Use:

Use Unit #:

CHURCH

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

SECTION 25 TOWNSHIP 18 RANGE 13

Does Record Owner consent to the filing of this application?

☒ YES

☐ NO

If Applicant is other than Owner, indicate interest: BUILDING SIGNAGE FOR CHURCH

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?

CREATE CONFUSION ON WHERE TO DROP OFF CHILDREN AT A CERTAIN LOCATION ON THE PROPERTY

b. What makes your property peculiar, extraordinary, or exceptional as compared to other properties in the same district?

ONLY CHURCH IN THE AREA.

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.

SIGNAGE IS NOT LARGE OR OBTRUSIVE, TO THE SURROUNDING AREA. IT IS USED ONLY FOR A WAYFINDING SIGN.

d. Explain why the variance would be the minimum necessary to alleviate the unnecessary hardship.

MINIMUM SQUARE FOOTAGE ON SIGNAGE, AND NON-ILLUMINATED.

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: CLAUDE NEON FEDERAL SIGNS
1225 N. LANSING TULSA OK 74106 DALE BENNETT
(ADDRESS) (CITY) (NAME) (PHONE) 9185219077

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

Signature: Dale Bennett Date: 7.31.15

APPLICANT - DO NOT WRITE BELOW THIS LINE

BBOA-603 Date Received 07/31/2015 Received By Emyert Receipt # 0126924
Board of Adjustment Date 09/08/2015

1 Sign(s) at \$ 50.00 each = \$ 75.00; Postage \$ 816.00; Total Sign + postage \$ 891.00

FEES:	Variance	Special Exception	Appeal/Interpretation	BASE FEE	ADD.	TOTAL
	\$75.00	or \$100.00	or \$25.00	= <u>250.00</u>	+ <u>891</u>	= <u>\$1,141.00</u>

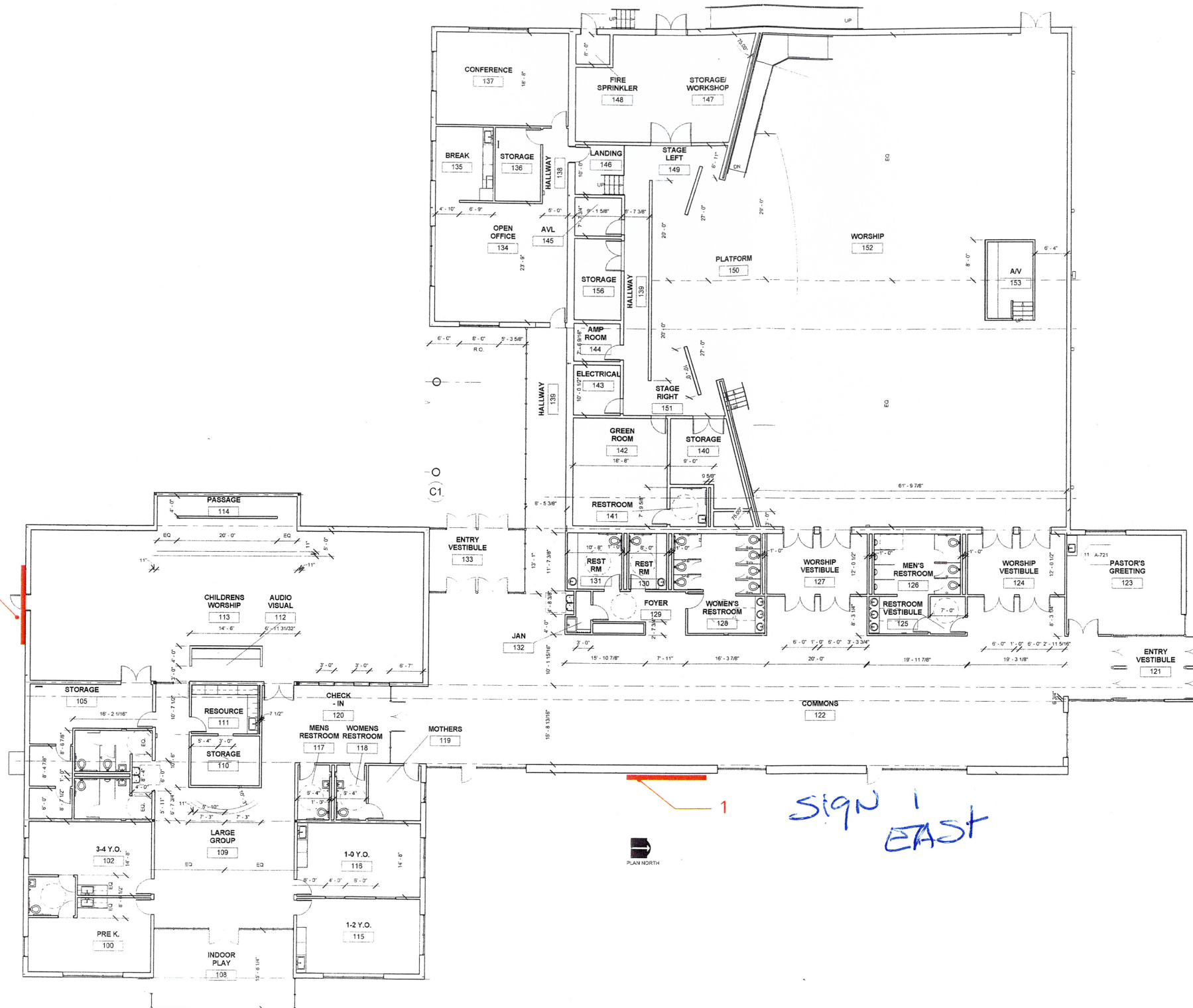
BOA Action: _____ Conditions: _____

Date: _____ Roll Call: _____

Staff Rec. _____

20

2
SIGN SOUTH



1
SIGN EAST

These drawings are the exclusive property of Claude Neon Federal Signs, Inc. and are the result of original work by it's employees. They are submitted for the sole purpose of your consideration of whether to purchase these plans, or to purchase from CNF, signage manufactured in accordance to these plans. Distribution or exhibition of these plans to others is expressly forbidden. © 2014 CNF Signs

CNF
CLAUDE NEON FEDERAL SIGNS
1225 North Lansing Avenue
Tulsa, Oklahoma 74106
ph: 918.587.7171
fax: 918.587.7176
web: cnfsigns.com

I hereby give my approval to proceed with fabrication of the signage depicted in these drawings in order to meet the project deadline in a timely fashion. I understand that any changes (additions, deletions, or modifications) to the fundamental structure, underlying design, or the specific features of this signage may result in stoppage of the completion date, additional resource requirements or additional cost.

☐ Approved as shown ☐ Approved as noted
X
Client Name _____
Date _____

PROJECT/CLIENT NAME:
WOODLAKE CHURCH

LOCATION:
BIXBY, OK

ACCOUNT EXECUTIVE:
MELISSA MIRSAEIDI

DESIGNER:
JOE KESTERSON

DATE OF ORIGINAL DWG:
SEPT 4, 2014

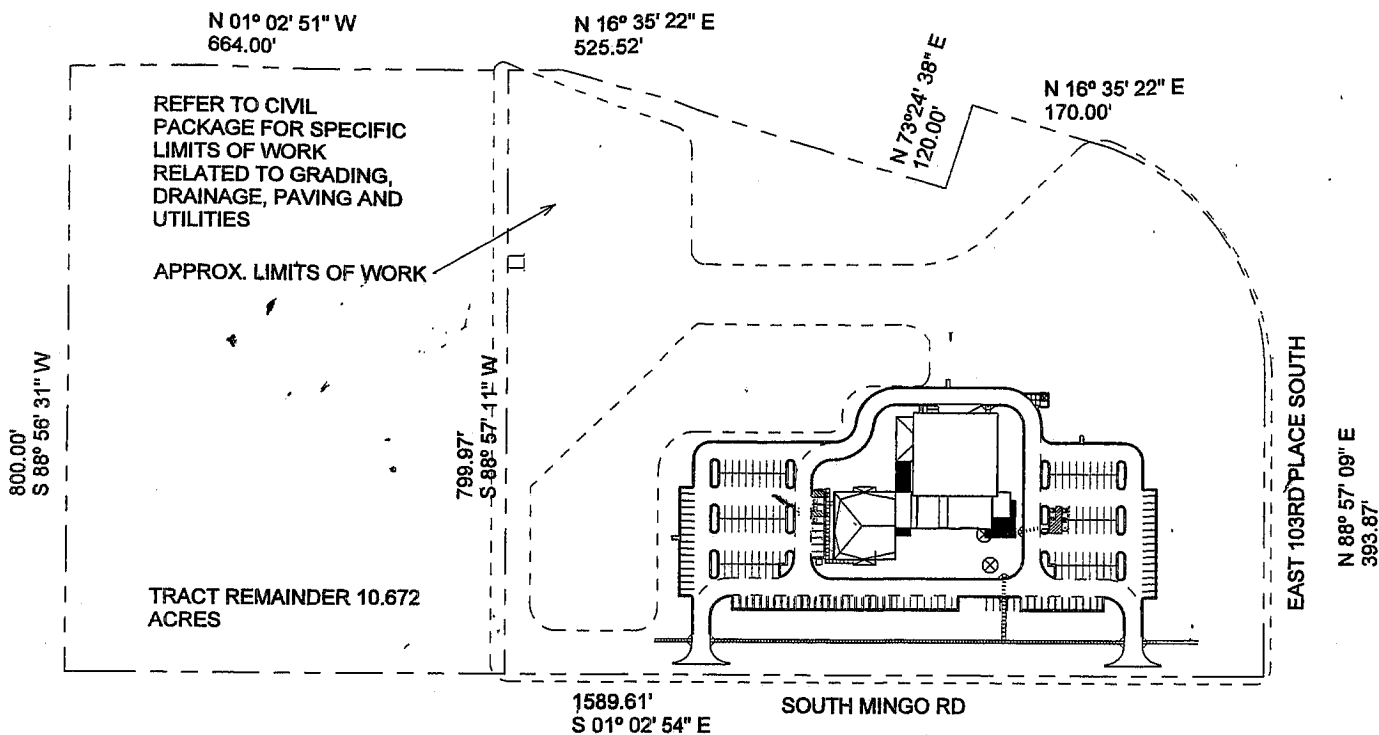
REVISION HISTORY:
09.04.14
09.22.14

v 1.0 v 2.0	WORK ORDER #:	DUE DATE:
	DEPT COPY: METAL FAB ROUT/VINYL	PAINT NEON
SHIP-USE ONLY:		FINAL ASSEMBLY INSTALLATION

SIGN TYPE/DESCRIPTION:
SIGN LOCATION PLAN

SHEET NAME:
SLP

22

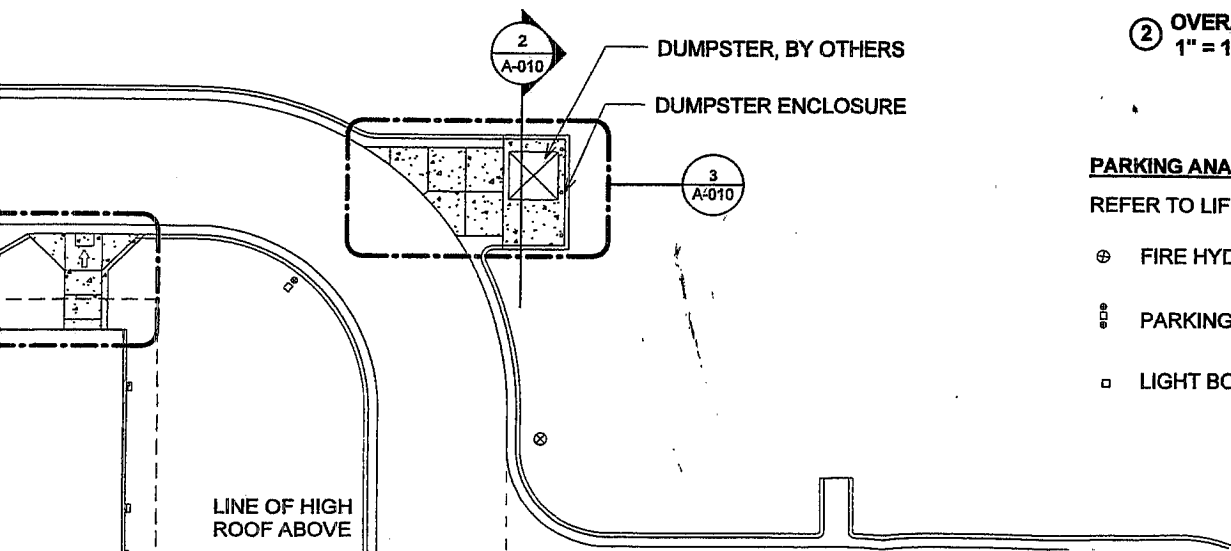


② OVERALL ARCHITECTURAL SITE PLAN
1" = 160'-0"

PARKING ANALYSIS

REFER TO LIFE SAFETY CODE SHEET

- ⊕ FIRE HYDRANT
- ⊙ PARKING LOT LIGHT
- LIGHT BOLLARD



Good Fulton & Farrell Architects



214.302.1500/TH
214.302.1512/Fax
www.gff.com

2808 Fairmount Street
Suite 300
Dallas, Texas 75301

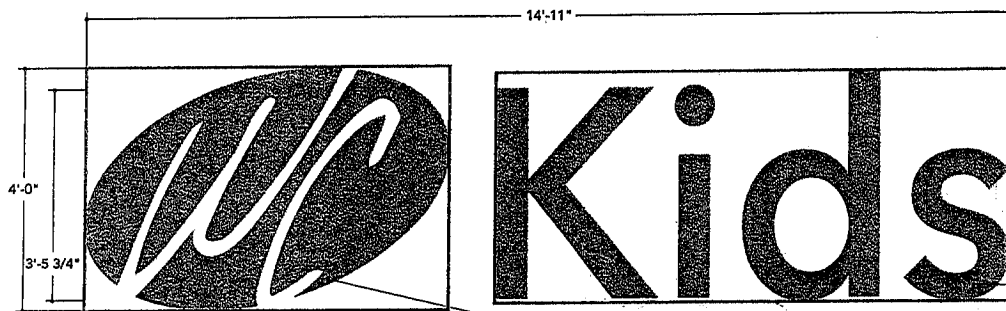
© Good, Fulton & Farrell 2014

KEY PLAN



ISSUED FOR
CONSTRUCTION

CH



A | Elevation
scale: 1/2" = 1'-0"

23.52 SqFt

28.4 SqFt

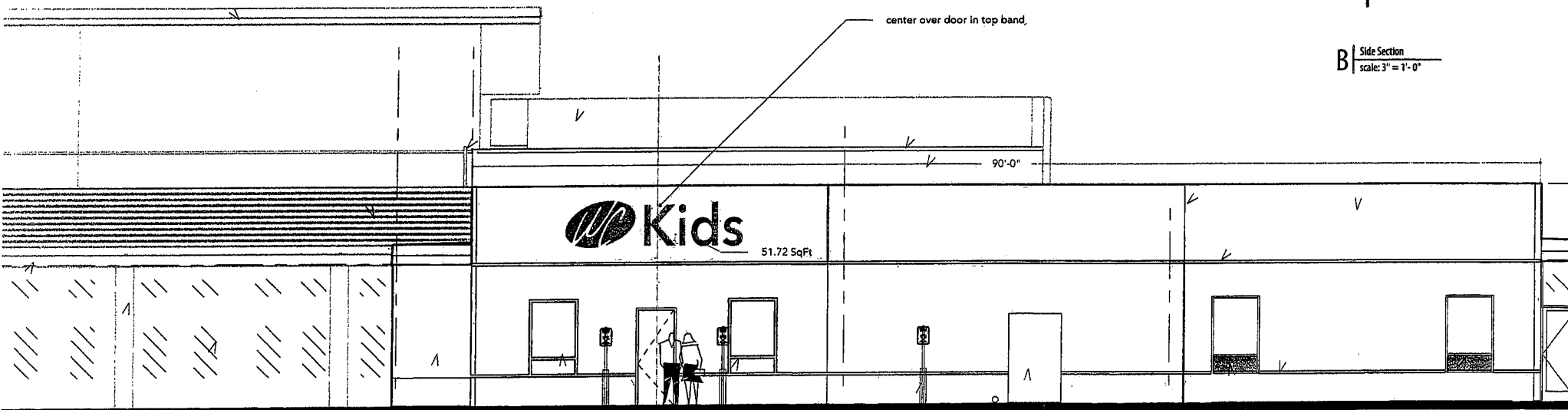
Install with pin-drive anchors into precast concrete wall.
Studs welded to back side of FCO letters. 1" spacers used

non-illuminated letters. Laser cut from .25" aluminum.
Stud mount spaced 1" off wall. Painted to match PMS 306u

non-illuminated logo. Laser cut from .25" aluminum.
Stud mount spaced 1" off wall. Painted white/ PMS 306u

center over door in top band.

B | Side Section
scale: 3" = 1'-0"



C | West Elevation
scale: 1/8" = 1'-0"

These drawings are the exclusive property of Claude Neon Federal Signs, Inc. and are the result of original work by its employees. They are submitted for the sole purpose of your consideration of whether to purchase these plans, or to purchase from CNF, signage manufactured in accordance to these plans. Distribution or exhibition of these plans to others is expressly forbidden. © 2014 CNF Signs

1225 North Lansing Avenue Tulsa, Oklahoma 74106 ph: 918.587.7171 fax: 918.587.7176 www.cnfsigns.com	I hereby give my approval to proceed with fabrication of the signage depicted in these drawings in order to meet the project deadline in a timely fashion. I understand that any changes (additions, deletions, or modifications) to the fundamental structure, underlying design, or the specific features of this signage may result in slippage of the completion date, additional resource requirements or additional cost. ☐ Approved as shown ☐ Approved as noted X _____ Client Name _____ Date	PROJECT/CLIENT NAME: WOODLAKE CHURCH		LOCATION: BIXBY, OK	DESIGNER: JOE KESTERSON	REVISION HISTORY: <table border="1"> <tr> <td>v 1.0</td> <td>08.04.14</td> </tr> <tr> <td>v 2.0</td> <td>09.08.14</td> </tr> <tr> <td>v 3.0</td> <td>08.11.14</td> </tr> <tr> <td>v 4.0</td> <td>09.22.14</td> </tr> </table>	v 1.0	08.04.14	v 2.0	09.08.14	v 3.0	08.11.14	v 4.0	09.22.14	WORK ORDER #:	DUE DATE:	SIGN TYPE/DESCRIPTION: WALL ID SIGN	SHEET NAME: ST-2.0
		v 1.0	08.04.14															
		v 2.0	09.08.14															
		v 3.0	08.11.14															
v 4.0	09.22.14																	
ACCOUNT EXECUTIVE: MEJSSA MIRSAEIDI		DATE OF ORIGINAL DWG: SEPT 4, 2014	DEPT: METAL FAB	PAINT: NEON	FINAL ASSEMBLY INSTALLATION													
			ROUT/VINYL															

23



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 *EE*
Date: Wednesday, September 02, 2015
RE: Report and Recommendations for:
BBOA-604 – Chris & Rachel Taylor

LOCATION: – 5858 E. 161st St. S.
– Part of the NW/4 of the NE/4 of Section 27, T17N, R13E

LOT SIZE: 4.33 acres, more or less

ZONING: AG Agricultural District

SUPPLEMENTAL None
ZONING:

EXISTING USE: Vacant/wooded

REQUEST: A Variance from certain bulk and area requirements in the AG Agricultural District per Zoning Code Section 11-7A-4 Table 3, including the minimum lot width

SURROUNDING ZONING AND LAND USE:

North: (across 161st St. S.) RE, RM-3, and CG; Approximately 236 acres of agricultural and vacant/wooded land zoned RE, RM-3, and CG, previously proposed for an "Atherton Farms Equestrian Estates" housing addition (never built), and a 2.7-acre unplatted, rural residential tract zoned RE and CG at 15802 S. Sheridan Rd.

South: RS-1; Residential homes and vacant land in an 80-acre RS-1 district, the S/2 of the NE/4 of this Section, including *Atkinson Acres, Atkinson Acres Blocks 4, 5, and 7,*

Atkinson Acres (Amended Plat (Blocks 1 & 6), and Atkinson Acres II, and a 4.6-acre unplatted tract at 16522 S. Joplin Ave.

East: AG; Rural residential, agricultural, and vacant/wooded land along 161st St. S. and S. Sheridan Rd.

West: AG; Rural residential, agricultural, and vacant/wooded land along 161st St. S.

COMPREHENSIVE PLAN: Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES: (none found)

RELEVANT AREA CASE HISTORY: (not a complete list)

BZ-73 – Roger Miner for Town of Bixby on behalf of J.R. Atkinson – Administrative rezoning from AG to RS-1 to resolve a zoning designation change upon annexation for approximately 30 acres abutting subject property to the south, which 30 acres was later partially platted as *Atkinson Acres Blocks 4, 5, and 7*, partially platted as *Atkinson Acres II*, and otherwise consists of a 4.6-acre unplatted tract at 16522 S. Joplin Ave. – PC Recommended Approval 01/08/1979 and City Council Approved 01/15/1979 (Ord. # 372).

BBOA-76 – William C. Bailey – Request for Special Exception to allow a mobile home in an AG district on 40 acres abutting subject property to the east including current rural residential tracts at 6300 and 6440 E. 161st St. S. – BOA Conditionally Approved 07/08/1980.

BBOA-77 – Sherman Lewis – Request for Special Exception to allow an existing double-wide mobile home in an AG district on a 1-acre tract to the east of subject property at 6408 E. 161st St. S. – BOA Conditionally Approved 08/12/1980.

BBOA-91 – Eugene L. Harrison – Request for Special Exception to allow oil well drilling in an AG district on approximately 50 acres abutting subject property to the east including rural residential tracts at 6300, 6440, and 6408 E. 161st St. S. and 16210 and 16352 S. Sheridan Rd. – BOA Conditionally Approved 09/14/1981.

BBOA-95 – Eugene L. Harrison – Request for Special Exception to allow oil well drilling in an AG district on approximately 13 acres to the west of subject property and including rural residential tracts at 5712 and 5716 E. 161st St. S. – BOA Conditionally Approved 02/08/1982.

BBOA-105 – Randy Buchanan of Home Folks, Inc. for Claude E. & Dewell Bailey / William C. & Gertrude Bailey – Request for Special Exception to allow an addition to an existing mobile home in an AG district on 40 acres abutting subject property to the east including rural residential tracts at 6300 and 6440 E. 161st St. S. – BOA Conditionally Approved 05/18/1982.

BZ-120 – Calvin Tinney – Request for rezoning from AG to RS-3 for the E/2 of the SW/4 of Section 22, T17N, R13E (80 acres) to the northwest of subject property – PC Recommended Approval 08/30/1982 and City Council Approved 09/07/1982 (Ord. # 460).

BZ-126 – Georgina Landman – Request for rezoning from RS-3 to RS-1 for approximately 80 acres (E/2 SW/4 Section 22, T17N, R13E) to the northwest of subject property – Applicant did not own the property requested for downzoning – PC Recommended Approval 12/27/1982 and City Council Denied 01/03/1983 upon recommendation of City Planner and City Attorney.

BZ-132 – J.R. Atkinson for Atkinson et al. – Request for rezoning from RS-1 to AG for gas or oil well drilling for approximately 13 acres abutting subject property to the southwest, which 13 acres was later rezoned to RS-1 (BZ-146) and platted as *Atkinson Acres II* – PC Recommended Approval 02/28/1983 and City Council Approved 03/07/1983 (Ord. # 475).

BBOA-114 – J.R. Atkinson for J.R. Atkinson Development Co. – Request for Special Exception to allow oil well drilling in an AG district on approximately 18 acres abutting subject property to the south, which 18 acres was later platted as *Atkinson Acres II* and otherwise consists of a 4.6-acre unplatted tract at 16522 S. Joplin Ave. – BOA Conditionally Approved 03/14/1983.

BBOA-124 – Shaun McLaury for Reggie Cooke – Request for Special Exception to allow a mobile home on approximately 1.5 acres (E. 1.5 acres of the NE/4 NE/4 NE/4 NE/4; less right-of-way = 0.95 acres) to the east of subject property at the southwest corner of 161st St. S. and Sheridan Rd., which acreage is a part of the rural residential tract at 16210 S. Sheridan Rd. – BOA Denied 03/12/1984.

BBOA-166 – Gertrude Bailey – Request for Variance to allow for Lot-Split per BL-111 (Denied 05/22/1986) / BL-116 (Denied 08/25/1986) / BL-123 (Approved 08/31/1987 but not now divided as approved) for a 5-acre tract to the east of subject property at 6300 E. 161st St. S. – BOA Conditionally Approved 06/09/1986.

BZ-181 – W.S. Atherton – Request for rezoning from AG & RS-3 to CG, RM-3, and RE for approximately 240 acres abutting subject property to the north, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, for an “Atherton Farms Equestrian Estates” residential subdivision (never built) – City Council Approved 06/23/1987 (Ord. # 562).

BBOA-190 – W.S. Atherton – Request for “Use Variance” to allow the keeping of horses on individual lots as an accessory use for approximately 240 acres located to the west of subject property, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, for an “Atherton Farms Equestrian Estates” residential subdivision (never built) – BOA Approved 07/13/1987.

BBOA-218 – Marthell Laster – Request for Variance from the bulk and area requirements in the AG district for a former 5-acre tract to the east of subject property at 6800/6802 E. 161st St. S. to allow for a Lot-Split – BOA Approved 11/19/1989.

BBOA-244 – James E. Bruner – Request for Special Exception to allow a mobile home on approximately 4.33 acres to the west of subject property at 5716 W. 161st St. S. – BOA Approved 08/05/1991.

BBOA-307 – Bobby & Karrie Applegarth – Request for Special Exception to allow a mobile home on a 6.4-acre tract to the east of subject property at 6710 E. 161st St. S. – BOA Conditionally Approved 11/16/1995.

BBOA-310 – Gary Goins for Juanita Watkins – Request for Variance from bulk and area requirements to allow for Lot-Split per BL-205 (Approved 12/18/1995 but not now divided) for a 4.33-acre tract abutting subject property to the east at 5988 E. 161st St. S. – BOA Approved 01/02/1996.

PUD 20 – Atherton Farms Equestrian Estates – Phillip Faubert – Request for rezoning from AG & RS-3 to CG, RM-3, and RE for approximately 240 acres abutting subject property to the north, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, for an “Atherton Farms Equestrian Estates” residential subdivision (never built) – PC Recommended Approval 01/20/1998. However, this case was evidently never presented to the City Council, as it did not appear on any agenda from January 26, 1998 to April 27, 1998, no Ordinance was found relating to it, and there are no notes in the case file suggesting it ever

went to City Council. Further, PUD 20 does not exist on the official Zoning Map. An undated application signed by Phillip Faubert from circa March, 2001 was found in the case file requesting to "rescind PUD 20," but no records or notes were found to determine the eventual disposition of this request, if any.

BZ-238 – W.S. Atherton – Request for rezoning from AG to RE for approximately 10 acres located to the north of subject property for part of an "Atherton Farms Equestrian Estates" residential subdivision (never built), part of 240 acres located to the west of subject property, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E – Approved by City Council 02/23/1998 (Ord. # 768).

BZ-246 – Al Osko of Metro Realty of Tulsa, Inc. for Atkinson Trust – Request for rezoning from AG to RS-2 for approximately 13 acres abutting subject property to the southwest, which 13 acres was later platted as *Atkinson Acres II* – PC Recommended Approval of RS-1 zoning 11/16/1998 and City Council Approved RS-1 zoning 03/22/1999 (Ord. # 789; RS-2 zoning shown on official Zoning Map in error and correction request to INCOG placed 09/01/2015).

BBOA-386 – Catholic Diocese of Tulsa – Request for Special Exception to allow the construction of a church, private school, and associated uses in the AG district for the E/2 of the NW/4 of this Section (80 acres) to the west of subject property – BOA Approved 07/01/2002.

PUD 48 – "Pecan Meadows" –Tanner Consulting – Request for rezoning from AG to RS-2 and PUD approval for approximately 40 acres to the southeast of subject property, the SW/4 of the NW/4 of Section 26, T17N, R13E for a residential subdivision (never built) – PC Recommended Approval 11/21/2005 and City Council Approved 12/12/2005 (Ord. # 927).

BZ-334 – Jack Byers – Request for rezoning from AG to RE for approximately 3.5 acres tract to the east of subject property at 16101 S. Sheridan Rd. to facilitate a Lot-Split application (BL-349) – Withdrawn by Applicant prior to PC meeting 09/17/2007.

BBOA-485 – Phillip Faubert – Request for Special Exception per Zoning Code Section 11-7D-2 Table 1 to allow a Use Unit 6 single-family dwelling and customary accessory structures in the CG district for a 2.7-acre tract at 15802 S. Sheridan Rd., located to the northeast of subject property within 240 acres, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, previously proposed to be the "Atherton Farms Equestrian Estates" residential subdivision (never built) – BOA Approved 08/04/2008.

BBOA-486 – Phillip Faubert – Request for Variance from certain bulk and area requirements of Zoning Code Section 11-7D-4 Table 2, including, but not necessarily limited to: The setback from an abutting R district and the 100-foot minimum street frontage requirement, to allow a Use Unit 6 single-family dwelling and customary accessory structures in the CG district for a 2.7-acre tract at 15802 S. Sheridan Rd., located to the northeast of subject property within 240 acres, the SE/4 and the E/2 of the SW/4 of Section 22, T17N, R13E, previously proposed to be the "Atherton Farms Equestrian Estates" residential subdivision (never built) – BOA Approved 08/04/2008.

BBOA-503 – Brandon & Elisha Long – Request for (1) A Variance from the Zoning Code to allow a garage accessory structure as a principal use prior to the construction and occupancy of the principal dwelling, and (2) A Variance from the Zoning Code to allow said accessory structure to be used as a residence, including after such time as the primary residence is constructed and occupied, all in the AG Agricultural District, for a 6.4-acre tract to the east of subject property at 6710 E. 161st St. S. – BOA Conditionally Approved 04/06/2009.

BBOA-514 – Jerry & Mary Ezell – Request for (1) A Variance from the minimum public street frontage standard of Zoning Code Section 11-8-4, and (2) a Variance from certain other bulk and area standards of the AG Zoning District as per Zoning Code Section 11-7A-4 Table 3, all to allow for the construction of a house on an existing lot of record in the AG Agricultural District for approximately 2.04 acres to the southeast of subject property at 16315 S. Sheridan Rd. – BOA Approved 12/07/2009.

BBOA-575 – Blake Fugett – Request for a Variance from the accessory building maximum floor area per Zoning Code Section 11-8-8.B.5 to allow a new 40.25' X 60.25' (2,425) square foot accessory building in the rear yard for property in the RE Residential Estate District for approximately 1.2 acres to the northwest of subject property at 5257 E. 161st St. S. – BOA Approved 04/01/2013.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property is an unplatted tract containing approximately 4.33 acres of vacant/wooded land zoned AG. It is a narrow, deep tract having 190.42' of frontage on 161st St. S. and 1320.05' (1/4 mile) of depth, according to the provided survey.

The subject property is moderately sloped and appears to drain to the north to 161st St. S.

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 has submitted a Building Permit application seeking to build a house on the subject property. The subject property has 190.42' of frontage on 161st St. S. The southerly half of the tract, at 94.70', is narrower than the front half.

Lot width is defined by Zoning Code Section 11-2-1 as:

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

The average of the front and rear lot lines is 142.56'. Per Zoning Code Section 11-7A-4 Table 3, the minimum lot width in the AG district is 200', and so the subject property does not meet the minimum lot width required in the AG district. The lot and the house appear to meet the other bulk and area standards for the AG district.

Zoning Code Section 11-8-1 restricts the issuance of building permits for nonconforming lots.

Therefore, the Applicant is requesting Variance from certain bulk and area requirements in the AG Agricultural District per Zoning Code Section 11-7A-4 Table 3, including the minimum lot width, to allow for the construction of a house on an existing lot of record in the AG Agricultural District.

Unnecessary Hardship. The Applicant claims that an *Unnecessary Hardship* would be caused by the literal enforcement of the Zoning Code because “The property was purchased to build our home. If we can’t build, it is worthless. The only use is for a homesite.”

Staff agrees with the Applicant that the literal enforcement of the Zoning Code would result in the prohibition of home construction. Further, the subject property is presently completely “unbuildable” due to its illegally nonconforming status and Zoning Code Section 11-8-1, including for agricultural buildings. Strict application of the bulk and area standards to the subject property would cause a severe *Unnecessary Hardship*, by disallowing the proposed house or any other building on the subject property.

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, “The shape of the southern property is narrow. This area is only +/- 1 acre of 4.3 total.”

As suggested by the Applicant, it appears that the tract configuration is irregular. This irregularity contributes to the lack of lot width, but does not cause it, however.

Staff searched all Lot-Split records and found no record of any Lot-Split approval pertaining to the subject property. Staff searched all Board of Adjustment records and found no record of any Variance or other application pertaining to the subject property. Some of the older case maps from the 1970s and 1980s reflected that the subject property was part of a larger tract, suggesting the land was divided in the 1980s or later, while within the Bixby City Limits. However, at 4.33 acres, and as the other adjoining tracts likely previously sharing parent tracts with the subject property are also 4.33 acres in lot area, the threshold for requiring a Lot-Split would not have been reached. Thus, when the parent tracts were divided, the City of Bixby would not have been in the position to review or advise the then owner of the pending creation of a Zoning nonconformity.

Such *Extraordinary or Exceptional Conditions or Circumstances* may be considered *Peculiar* to the subject property and do not apply generally to other property in the same district because substandard lots of record are generally not permitted to be created by the City of Bixby within the AG or other districts, and a survey of existing AG districts in Bixby would likely prove this statement true.

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 “The site is surrounded by homes. This home will help/increase property values in the area.”

Of the several fundamental purposes for imposing minimum lot size, land area, and lot width 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 and lot width. 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 and lot widths.

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 primarily rural residential area between the 5700- to 6900-blocks of E. 161st St. S. that has a divergent mix of land uses, lot sizes, lot widths, and substandard lots of record. Abutting to the west of the subject property are two (2) tracts, one with a mobile home and one vacant/wooded, both having only 142.5' of lot width and ¼ mile of depth. Several tracts near the intersection of 161st St. S. and Sheridan Rd. have inadequate lot area/land area, lot widths, and/or frontage in the AG district. Many tracts in the area were created by Lot-Splits, and some (such as the subject property) did not meet the threshold for requiring Lot-Split approval. Many of the tracts, when divided, were granted Variances from bulk and area requirements. When considering the enumerated purposes above, Staff believes that the allowance of the existing 142.56'-wide tract would not detract from the neighborhood, which has little regularity or uniformity in bulk and area metrics.

The subject property has evidently existed in its present state for many years without record of any complaints or evidence of adverse impacts on adjoining properties.

Zoning Code Section 11-11-5.A provides:

“A. Residential Districts: In the residential districts, on any lot which title is filed of record on or before April 2, 1974, or on any lot within a subdivision having received the approval of the city council on or before April 2, 1974, a single-family detached dwelling may be erected without complying with the required area or width of the required side yard which abuts a public street; provided, that no side yard shall be less than five feet (5') and all other requirements of the use district are complied with.”

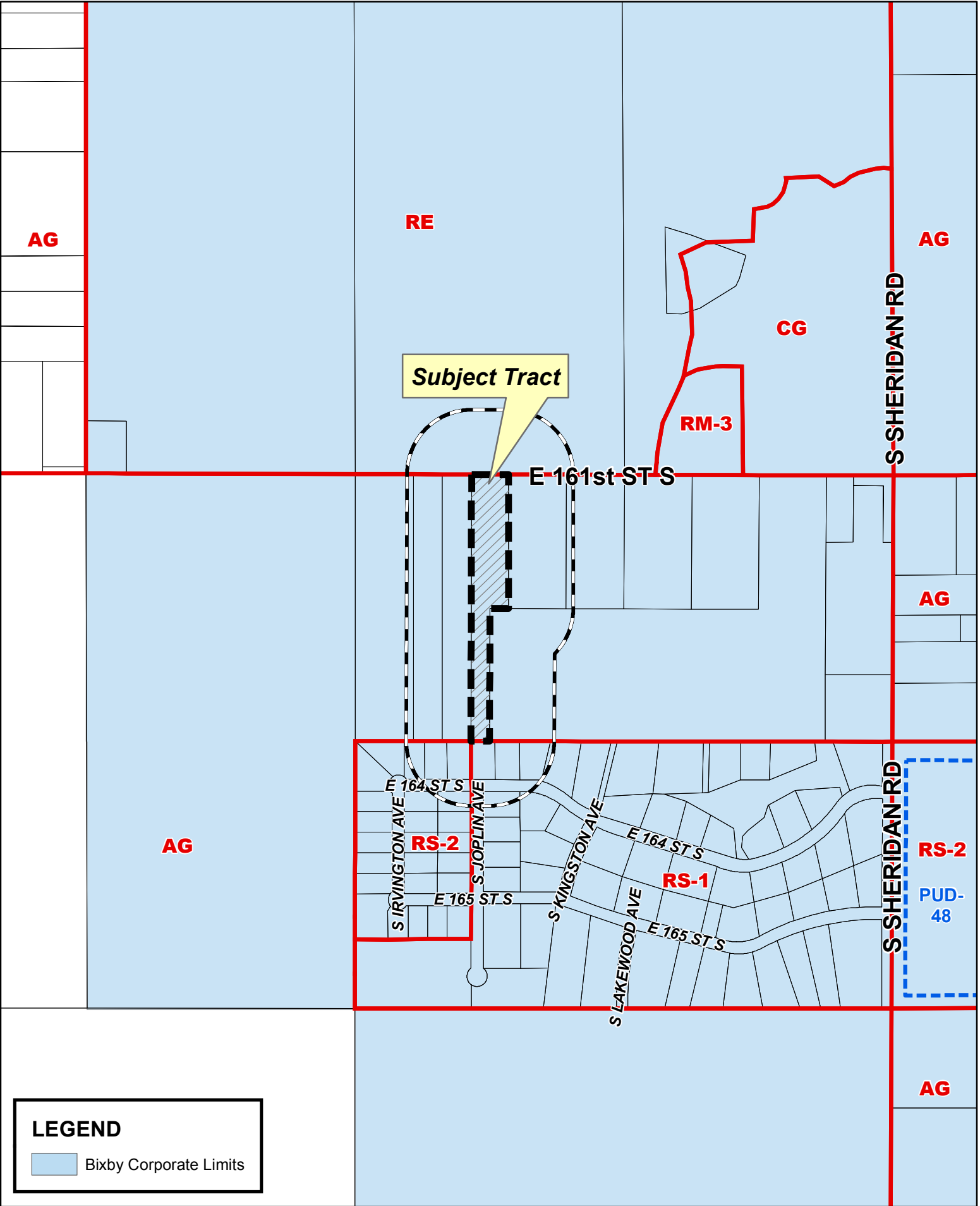
As noted elsewhere herein, some of the older case maps from the 1970s and 1980s reflected that the subject property was part of a larger tract, suggesting the land was divided in the 1980s or later, while within the Bixby City Limits. Thus, it appears that the exemption of Zoning Code Section 11-11-5.A, using "grandfathering" date April 02, 1974, does not apply to the subject property. However, Staff believes it demonstrates legislative intent to promote single-family house construction on nonconforming lots of record, which would appear to weigh in favor of this test and standard for granting Variance.

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 "Without the Variance we will not be allowed to build."

Staff believes that the Variance of approximately 57.44' of lot width, the difference between the 200' required and the 142.56' of existing lot width, would be the *Minimum Necessary to Alleviate the Unnecessary Hardship.*

Staff Recommendation. Staff believes that the arguments provided by the Applicant and Staff appear to substantially meet 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 subject property maintaining its present bulk and area metrics, so as not to allow further land division absent zoning approval.



LEGEND

Bixby Corporate Limits



City of Bixby Board of Adjustment Application

Applicant: CHEIS & RACHEL TAYLOR
Address: 12431 S 16TH
Telephone: 918-844-4623 Cell Phone: SAME Email: CDTAYLORTX@GMAIL.COM

Property Owner: CHEIS & RACHEL TAYLOR If different from Applicant, does owner consent?
Property Address: 5858 E 161ST ST BIXBY OK 74008
Existing Zoning: Existing Use: Use Unit #:
Proposed Use: HOME SITE

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

Does Record Owner consent to the filing of this application? ☒ YES ☐ NO

If Applicant is other than Owner, indicate interest:

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)

- Why would the literal enforcement of the Zoning Code create an unnecessary hardship?
THE PROPERTY WAS PURCHASED TO BUILD OUR HOME.
IF WE CAN'T BUILD, IT IS WORTHLESS. THE ONLY USE IS FOR A HOME SITE.
- What makes your property peculiar, extraordinary, or exceptional as compared to other properties in the same district?
THE SHAPE OF THE SOUTHERN PROPERTY IS NARROW. THIS AREA
IS ONLY ± 1 ACRE OF 4.3 TOTAL.
- 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.
THE SITE IS SURROUNDED BY HOMES. OUR HOME WILL HELP INCREASE
PROPERTY VALUES IN THE AREA.
- Explain why the variance would be the minimum necessary to alleviate the unnecessary hardship.
WITHOUT THE VARIANCE WE WILL NOT BE ALLOWED
TO BUILD.

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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: CHRIS TAYLOR
12431 S. 16th St. Jenks 918-804-4234
(ADDRESS) (CITY) (PHONE)

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

Signature: [Signature] Date: 8.4.15

APPLICANT - DO NOT WRITE BELOW THIS LINE

BBOA-604 Date Received 08/07/2015 Received By Enyak Receipt # 01270222
Board of Adjustment Date _____

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

FEES: Variance \$75.00 or Special Exception \$100.00 or Appeal/Interpretation \$25.00 BASE FEE ADD. TOTAL
= ✓ + ✓ = \$439.00

BOA Action: _____ Conditions: _____

Date: _____ Roll Call: _____

Staff Rec. _____

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5858 E. 161st St

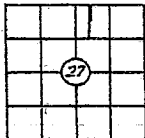
FOR: BILL LEE

LANG SURVEYING COMPANY

902 N. HUGHES
MORRIS, OK 74445

TELEPHONE 918-733-4218
FAX 918-733-2662

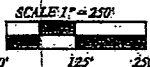
SHEET ONE OF TWO



SEC. 27 T-17-NR-13-E
TULSA COUNTY, OK

PLAT of SURVEY

THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL
STANDARDS FOR A BOUNDARY SURVEY AS ADOPTED
BY THE BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS FOR THE STATE OF
OKLAHOMA.



CONTROL CORNER
NW CORNER NE/4
SEC 27 T-17-NR-13-E

570.00'

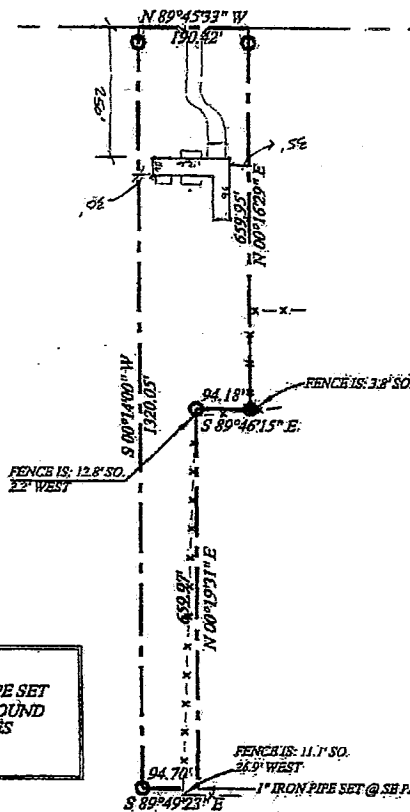
N 89°45'33" W

190.42'

1899.86'

CONTROL CORNER
NE CORNER NE/4
SEC 27 T-17-NR-13-E

NOTE:
BASIS OF BEARINGS FOR SURVEY
NORTH LINE NE/4 SEC 27 T-17-NR-13-E
(ASSUMED BEARING)



LEGEND	
○	= 1" IRON PIPE SET
●	= CORNER FOUND
---	= PROP. LINES
-X-	= FENCE

CERTIFICATE

I Lloyd G. Lang of Okmulgee County, State of Oklahoma, and a Professional Surveyor, do hereby certify that I have made a careful survey of the following property, to-wit:
PART OF THE NORTHWEST QUARTER, NORTHEAST QUARTER, SECTION 27, TOWNSHIP 17 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, DESCRIBED AS BEGINNING 570 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 1324 FEET; THENCE EAST 94.7 FEET; THENCE NORTH 662 FEET; THENCE EAST 94.66 FEET; THENCE NORTH 662 FEET THENCE WEST 190.42 FEET TO THE POINT OF BEGINNING, CONTAINING 4.33 ACRES MORE OR LESS.

I further certify that the above is a plat of said survey as determined by measurements made on the ground and corners were set as shown. WITNESS my hand and seal this 28th day of FEBRUARY 2013

BOOK-92

PAGE-1

C.A. 2405 EXPIRES 6-30-2015

Registered Professional Land Surveyor No. 1114



CITY OF BIXBY
JUL 20 2015
RECEIVED

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