



City of Bixby Board of Adjustment Meeting Agenda

Monday, April 17, 2023

6:00 PM

**Municipal Building
116 W. Needles Ave., Bixby,
OK 74008**

Call to Order

Chairman

Roll Call

OC Walker, Secretary

Oath of Office

- 1) Discussion, consideration, and confirmation of the nomination and appointment of Mr. Mike David to the Bixby Board of Adjustment, filling the resigned seat of Mr. Richard Altmann.

Public Hearing

- 1) Discussion, consideration, and possible vote to approve the Board of Adjustment, February 21, 2023, Regular Meeting.
- 2) Discussion, consideration, and possible vote to approve a variance for property located at 18335 South 154th East Avenue, Bixby, Oklahoma.

Old Business

New Business

Notice of Posting

This Notice and Agenda was posted on the bulletin board this day of April 14, 2023, on or before 6:00 p.m., at City Hall, 116 W. Needles Bixby Oklahoma.

Respectfully Submitted

OC Walker, City Planner

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

CITY COUNCIL AGENDA ITEM COMMENTARY

April 10, 2023

ITEM TITLE: Consider, discuss, and confirm the nomination and appointment of Mr. Mike David to the Bixby Board of Adjustment, filling the resigned seat of Mr. Richard Altman.

INITIATOR: O.C. Walker, City Planner

STAFF INFORMATION SOURCE: MAYOR GUTHRIE

BACKGROUND:

Mayor Guthrie recommends the appointment of Mr. Mike David to the Bixby Board of Adjustment. Mr. Altman's resigned on February 21, 2023, and his term expired on February 24, 2023. Upon review of Mr. David's experience, qualifications, and willingness to serve the Community of Bixby, Mayor Guthrie finds Mr. David to be a suitable candidate for serving on the Board of Adjustment.

BOARD OF ADJUSTMENT SERVICE FOR Mike David

- FIRST APPOINTED: April 10, 2023
- YEARS SERVED TO DATE: N/A
- LAST REAPPOINTED: N/A
- TERM EXPIRED: N/A
- NEW TERM BEGINS: N/A
- TERM EXPIRES: April 10, 2026
-

*Code Information regarding Bixby Board of Adjustment:

10-1-2: MEMBERSHIP

The Board of Adjustment shall consist of five (5) appointive members, all of whom shall be electors of the city. The appointive members shall be nominated by the mayor and appointed by the city council and shall serve for terms of three (3) years, the terms to end on the first Monday in May. Of the original appointive members, one shall serve until the first Monday in the next May after appointment; two (2) shall serve until the first Monday in May a year later; and two (2) shall serve until the first Monday in May two (2) years later. Vacancies shall be filled for the unexpired terms. The members shall serve without compensation. The city council may remove members of the Board of Adjustment for cause. (1993 Code § 19-27)

EXHIBITS: NONE

KEY ISSUE: Appointment to the Bixby Board of Adjustment

RECOMMENDATION: Mayor Guthrie recommends Mike David for appointment to the Board of Adjustment beginning April 10, 2023, with his term ending on April 10, 2026.

BIXBY BOARD OF ADJUSTMENT MINUTES

Tuesday| February 21, 2023 | 6:00 PM

City Hall, Council Chambers | 116 West Needles, Bixby, OK

CALL TO ORDER: 6:04 PM

Roll Call was taken

MEMBERS PRESENT: Murray King, Chairman
Richard Altmann
Jeff Sloan

MEMBERS ABSENT: Kaylin Coody
Jason Mohler

STAFF PRESENT: O.C. Walker, Director of Development Services
Gwen Plante, Assistant City Planner

Public Hearing

Chairman King said Item #1 on the Agenda is:

Approval of Minutes of January 17, 2023, regular meeting

Chairman King asked for a motion to approve the January 17, 2023 meeting minutes. Board Member Altmann made a motion to approve minutes, seconded by Mr. Sloan

Yes: Altmann, Sloan, King
No: None
Abstain: None
Motion carried.

Chairman King said Item #2 on the Agenda is:

Discussion and Consideration and possible vote to approve a Gray Variance BXBA 23.02 to allow an accessory building to exceed 800 sq. ft.

Director O.C. Walker stated that Mr. Gray applied for the variance asking to build an accessory building exceeding 800 sq. ft. The applicant did not provide a required hardship. Mr. Walker said that Southwood HOA had contacted him via email and that the Southwood Neighborhood Association objects to this request, as the applicant did not provide a required hardship and the request is for personal convenience and personal desire to have an oversized outbuilding.

Mr. Gray spoke regarding his application explaining that the entire house is under a remodel, adding a second story and that the existing garage has been enclosed for a larger living room. He is requesting a detached garage and sidewalk for his vehicles, pool equipment, and hunting and sports equipment. Mr. Gray went on to say that the added garage would increase the property value. The garage would not be a tin building it will have the same look as the main house.

Chairman King asked for a motion, and Board Member Altman made the motion to deny the variance for BXBA 23.02 to not allow an accessory building larger than 800 sq. ft. Chairman King seconded the motion.

Yes: Altmann, King

No: Sloan

Abstain: None

Motion is denied.

Chairman King said Item #3 on the Agenda is:

Discussion and Consideration and possible vote to approve a variance BXBA 23.03 to allow an existing house to be over the side yard setback.

Director O.C. Walker stated the house is encroaching on the side yard setback from 5' to 3.45' by approximately 1.55 feet the house is existing and is currently occupied by the owners.

Chairman King asked for a motion, Chairman King made a motion to approve BXBA 23.03, and Board Member Altmann seconded.

Yes: Sloan, Altmann, King

Abstain: None

No: None

Motion is approved.

Chairman King said Item #4 on the Agenda is:

Discussion and Consideration and possible vote to approve a variance BXBA 23.04 to allow the building to extend over the building line 2.6' North and 3.1' South.

Director O.C. Walker stated that the building has been in existence for the past 36 years. The property owner has acquired both lots and the encroachment is not an issue for the neighboring property.

Chairman King asked for a motion, Board Member Altmann made a motion to approve BXBA 23.04 approval of the variance, and Chairman King seconded.

Yes: Sloan, Altmann, King

Abstain: None

No: None

Motion is approved.

Old Business:

None

New Business:

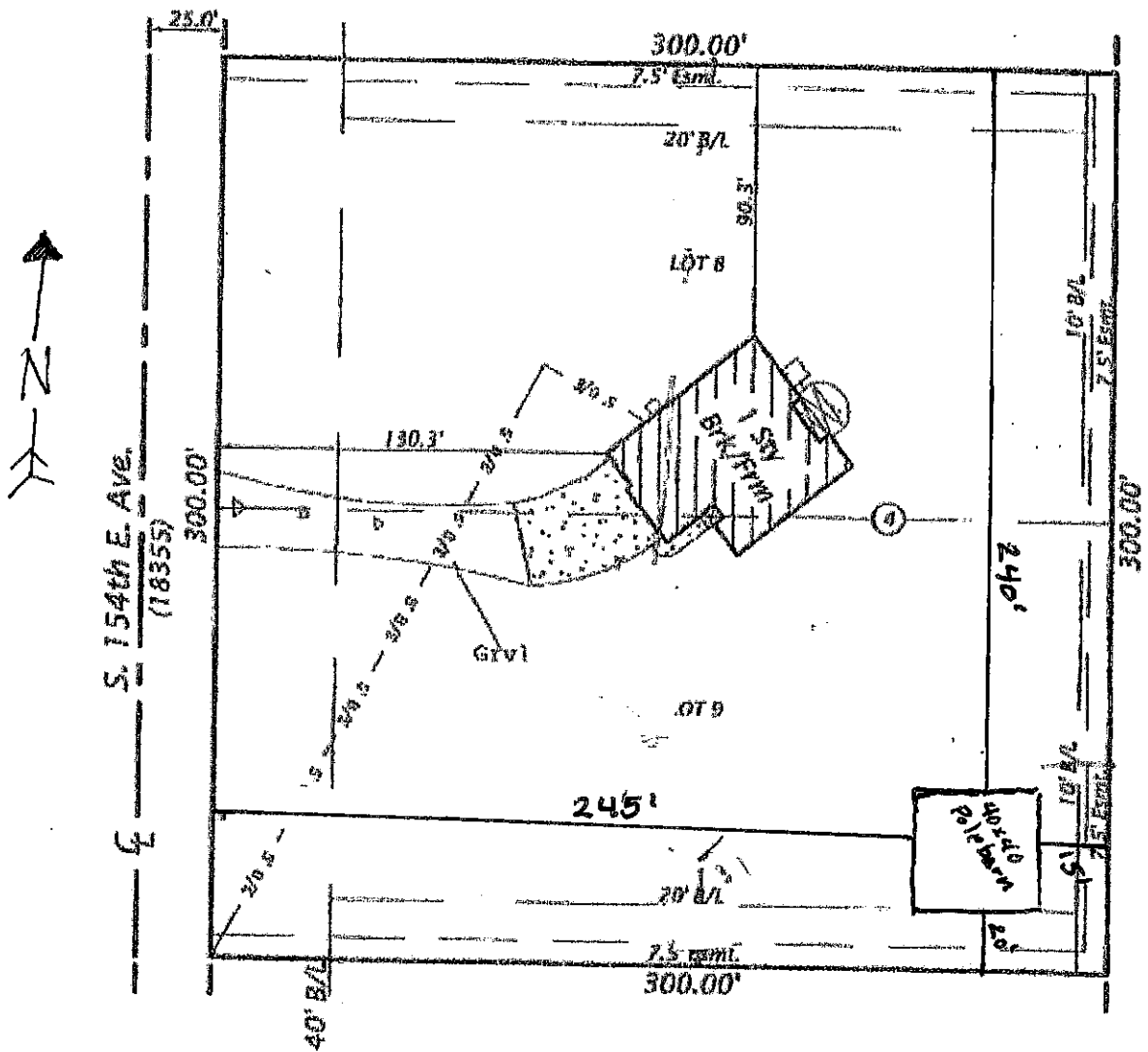
Mr. Walker updated the Board on the selection of Matrix company to update our Zoning Code and Subdivision Regulations. More information will be coming.

Meeting adjourned at 6:21 pm

Murray King, Chairman

O.C. Walker, Secretary

Pending Board Approval





CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Board of Adjustment

From: City of Bixby, Development Services Department

Date: Monday, April 17, 2023

RE: A variance is requested because the size of the proposed accessory building is larger than 800 square feet.

Location: 18335 South 154th East Avenue, Bixby, OK 74008

STR: Section 3, Township 16N, Range 14E

Applicant: Arron Parker, Home Owner

REQUEST: VARIANCE (BXBA-22.09)
A variance is requested because the size of the proposed accessory building is larger than 800 square feet.

A variance of the garage and storage.

EXISTING ZONING; USE: (RE) Residential Estates; Single-Family dwelling

SURROUNDING ZONING; USES:

North: (RE) Residential Estates; Single-Family dwelling
East: (RE) Residential Estates; Single-Family dwelling
South: (RE) Residential Estates; Single-Family dwelling
West: (RE) Residential Estates; Single-Family dwelling

Figure 1: City of Bixby Zoning Map

STAFF REVIEW

This is the second time this property has come before the Board of Adjustments. On December 19, 2023, the BOA denied the request to locate the proposed building in the side yard of his property. The applicant is requesting a variance to construct an accessory building over 800 square feet. A motion was made to deny the request because it would cause hardship for the neighbors. The motion passed 3 -2.

This is a request to place the building the in rear yard, out of the sightline of the neighbors. City Staff received a call from the adjoining neighbor. He was in support of the proposal because the building was being located in the back of the rear yard

The applicant would like to construct a garage with connecting storage. The proposed structure will be 1,600 square feet. According to the zoning code, no accessory building in a Residential District may not exceed 800 square street. Anything over the said amount shall require a Variance with the Board of Adjustments. This property is in *The Bixby Ranch Estates* originally zoned (RE) Residential Estates and the lot is five (5) acres.

UTILITIES/SITE AREA: The property is served by Rural Water and the property is on the septic sewer system.



SITE PLAN:

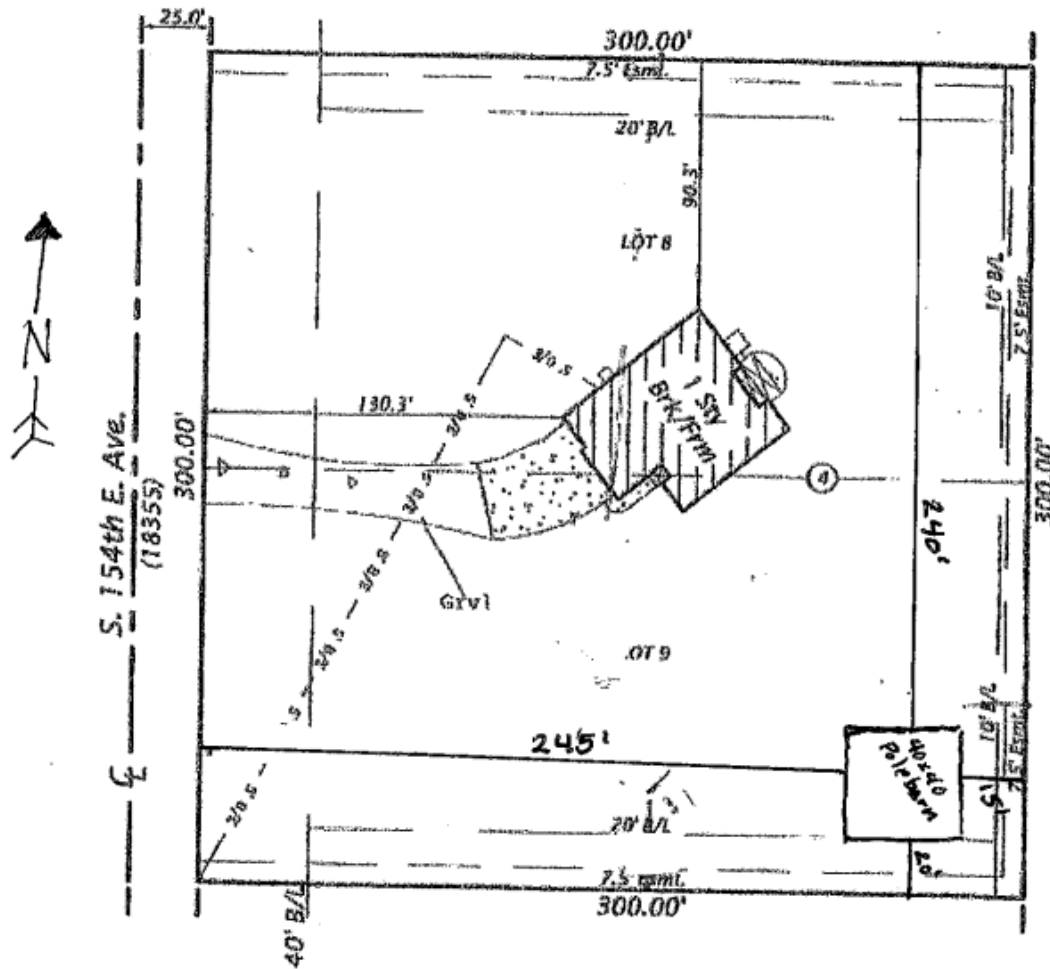


Figure 2: Site Plan

STAFF COMMENTS:

1. The applicant provided a site plan for the subject property and it depicts the location of the proposed building.
2. The proposed building will be 1,600 square feet and located to the South of the property.

PUBLIC COMMENTS: On Tuesday, March 27, 2023. City Staff received a call from Mitch Pilgrim (neighborhood to the south). Mr. Pilgrim called to inquire if Mr. Parker was following all procedures. Staff informed him that all procedures are being followed. Mr. Pilgrim did not have any additional concerns.

VARIANCE ACTION OF BOARD:

The board shall hold the hearing and, upon the concurring vote of three (3) members, may grant a variance after finding that:

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

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

SAMPLE MOTION: *In BOA Case Number BXBA-23.05 I move that we (approve/deny) a Variance is requested due to the proposed accessory building being larger than 400 square feet.*

- Finding Hardship to be _____.
- Per the Conceptual Plan(s) and/or Figures shown on page(s) _____ of the Agenda Packet.
- Subject to the following conditions _____, (if any).

FIGURES:

Figure 1: City of Bixby Zoning Map

Figure 2 Site Plan depicting the location of the proposed building

ATTACHMENTS:

Attachment 1: Staff Report

Attachment 2: Site Plan