



City of Bixby Board of Adjustment Meeting Agenda

**Chairwoman Kaylin Coody
Vice Chair Paul Blair
Board Member Jason Mohler
Board Member Mike David
Board Member Jeff Sloan**

Monday, September 16, 2024

6:00 PM

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

Public comments are limited to items on the agenda. Those wishing to speak on agenda items will need to appear in the City Council Chamber.

Call to Order

Chairman

Roll Call

Secretary

Consent Agenda

- 1) Consider and approve Gladys Gill as Board of Adjustment Secretary.
- 2) Consider and approve the minutes of the August 19, 2024, Board of Adjustment Meeting.
- 3) Discussion, consideration, and possible vote to approve the schedule of Regular Meetings for the calendar year of 2025 for the Bixby Board of Adjustment.

Public Hearing

- 1) Variance – BXBA-24.03 | Applicant: Dean and Terri Guthrie

Old Business

New Business

Adjournment

Notice of Posting

This Notice and Agenda was posted on the bulletin board on September 13, 2024, at or before 6:00 p.m. at City Hall, 116 W. Needles Bixby, Oklahoma.

Respectfully Submitted

Gladys Gill
Secretary

Note: All cell phones and pagers must be turned off or operated silently during all meetings.

21 O.S. Section 280 provides the following: A. It is unlawful for any person, alone or in concert with others and without authorization, to willfully disturb, interfere or disrupt state business, agency operations or any employee, agent, official or representative of the state. B. It is unlawful for any person who is without authority or who is causing any disturbance, interference or disruption to willfully refuse to disperse or leave any property, building or structure owned, leased or occupied by state officials, employees, agents or representatives or used in any manner to conduct state business or operations after proper notice by a peace officer, sergeant-at-arms, or other security personnel. C. Any violation of the provisions of this section shall be a misdemeanor punishable by imprisonment in the county jail for a term Oklahoma Statutes - Title 21. Crimes and Punishments Page 94 of not more than one (1) year, by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. D. For purposes of this section, "disturb, interfere or disrupt" means any conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others.

For Special Accommodations

Individuals requiring special accommodations to participate in this meeting must contact Gladys Gill, Planner I at 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or via Email: GGill@bixbyok.gov at least 48 hours before the meeting. TDD users must contact Oklahoma Relay at 1-800-722-0353, and voice calls should be made to 1-800-522-8506 to facilitate communication between hearing telephone users and TDD users.

Board of Adjustment Meeting Minutes

Municipal Building
116 W. Needles Ave., Bixby, OK 74008
August 19, 2024 at 6:00 PM

The scheduled City of Bixby Board of Adjustment meeting agenda was posted on the bulletin board at City Hall, 116 West Needles Avenue, Bixby, Oklahoma on August 16, 2024, at or before 6:00 p.m.

Call to Order

Vice Chair Paul Blair called the Board of Adjustment meeting to order at 6:05 p.m.

Roll Call

Gladys Gill, Planner I, conducted roll call, and the following individuals were in attendance:

Members Present

Paul Blair
Mike David
Jason Mohler

Members Noted Absent

Kaylin Coody
Jeff Sloan

Staff Present

Joey Wiedel, Development Services Director
Gwen Plante, Acting Assistant City Planner
Gladys Gill, Planner I

Consent Agenda

Minutes of January 16, 2024, Board of Adjustment Meeting

Vice Chair Blair asked for a motion to approve the minutes for January 16, 2024. Board Member David motioned, seconded by Vice Chair Blair. The vote was taken with the following results:

Motion carried: 3-0
Ayes: David, Blair, Mohler
Nays: 0

Public Hearing

Variance – BXBA-24.03 | Applicant: Dean and Terri Guthrie

Vice Chair Paul Blair said item 1 was up for discussion and consideration. Joey Wiedel presented to the Board a variance submitted by Dean and Terri Guthrie, the applicants.

Mr. Guthrie gave the Board a comprehensive background on the reasons behind their request for a variance. He detailed the specific circumstances that necessitated the variance and stated that they

were led to believe by the builder that they would be able to construct a 30x50 accessory building on their property, a size that exceeds the current zoning regulations. Mr. Guthrie emphasized that his belief was based on assurances from the builder, which influenced their decision to purchase their home in Bixby Meadows. He argued that the variance is necessary to avoid significant financial loss. Following his presentation, an in-depth discussion occurred among the Board members, exploring the implications and potential outcomes of granting the variance.

During the discussion, Mrs. Guthrie also addressed the Board, offering additional insights and clarification. She provided further context to support their case, emphasizing the undue burden they would face without the variance. Her input highlighted the practical challenges and reinforced the need for the Board’s consideration.

Staff recommended continuing the item so that the City Engineer and City Attorney could review the case before the Board of Adjustment made a final decision on the matter.

Vice Chair Blair asked for a motion, Board Member David made a motion to continue the item to the following meeting in September. The motion was seconded by Board Member Mohler. The vote was taken with the following results:

Carried: 3-0
Ayes: David, Mohler, Blair
Nays: 0

Old Business

There was no old business to discuss.

New Business

There was no new business to discuss.

An adjournment was called at 6:47 p.m.

Chair or Vice Chair

Secretary

PUBLIC NOTICE

THE SCHEDULE OF REGULAR MEETINGS FOR THE CALENDAR YEAR 2025

BIXBY BOARD OF ADJUSTMENT

AND

BIXBY PLANNING COMMISSION

CITY OF BIXBY, OKLAHOMA

Public Notice is given and filed with the Bixby City Clerk that, for Calendar Year 2025, except as otherwise noted below, The Bixby Board of Adjustment and the Bixby Planning Commission of the City of Bixby, Oklahoma, will hold their regular monthly meetings on the Third Monday of each month. These regular meetings will be held at 6:00 p.m. in the City Council Chambers of the Bixby Municipal Building, located at 116 West Needles Avenue, in the City of Bixby, Oklahoma. (Authority: Title 25 Oklahoma Statutes, Section 311 (A).)

REGULAR MEETING DATES & APPLICATION DEADLINES

1. Meetings will begin at 6:00 pm

2. Third Monday of every month *

*unless there is a City Holiday or otherwise designated

<u>MONTH</u>	<u>DATE</u>	<u>DAY OF WEEK</u>	<u>APPLICATION DUE DATE</u>
January	*21	*Tuesday	Tuesday, December 3, 2024
February	*18	*Tuesday	Tuesday, January 7, 2025
March	17	Monday	Tuesday, February 4, 2025
April	21	Monday	Tuesday, March 4, 2025
May	19	Monday	Tuesday, April 1, 2025
June	16	Monday	Tuesday, May 6, 2025
July	21	Monday	Tuesday, June 3, 2025
August	18	Monday	Tuesday, July 1, 2025
September	15	Monday	Tuesday, August 5, 2025
October	20	Monday	Tuesday, September 2, 2025
November	17	Monday	Tuesday, October 7, 2025
December	15	Monday	Tuesday, November 4, 2025
January	*21	*Tuesday	Tuesday, December 2, 2025

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

Bixby Municipal Building

116 West Needles Avenue, City of Bixby, Oklahoma 74008



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

Staff Report

To: City of Bixby, Board of Adjustment

From: Joey Wiedel, Development Services Director
Gladys Gill, Assistant Planner I

Date: September 16, 2024

RE: BXBA 24.03 – Variance, to allow an accessory building to exceed the 800 square feet allowed in an RS-2 (Residential Single Family) District.

Location: 15415 South 37th Court, Bixby, OK 74008
Platted: Lot 17, Block 1, Bixby Meadows Amended

STR: Section 21, Township 17N, Range 13E

Project: Variance, Accessory Building

Applicant: Dean and Terri Guthrie

Staff Review

The applicant has applied for a Variance to exceed the maximum square footage allowed in a residential development for an accessory building.

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

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

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

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

Figure 1: INCOG 300-foot radius map

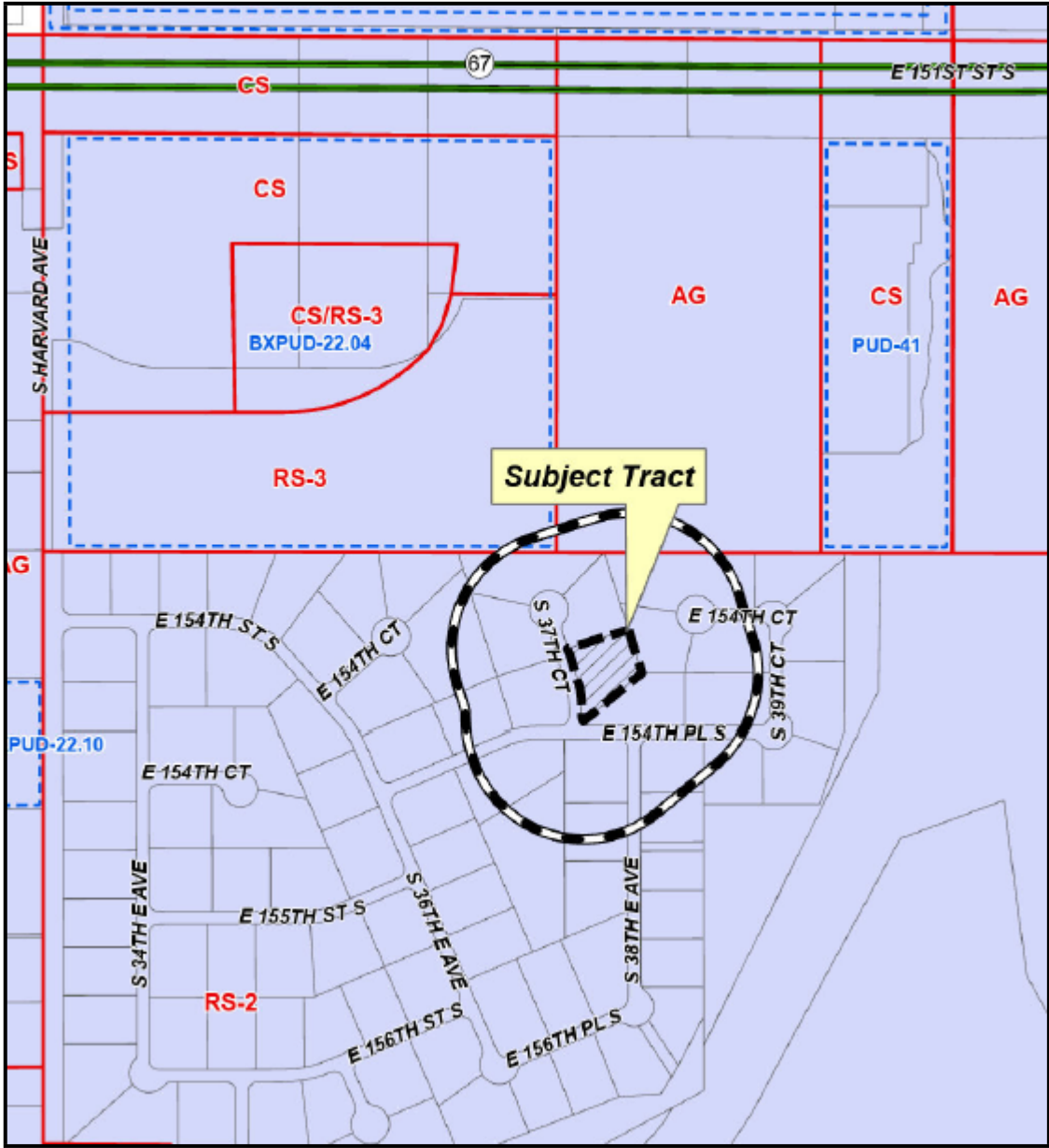
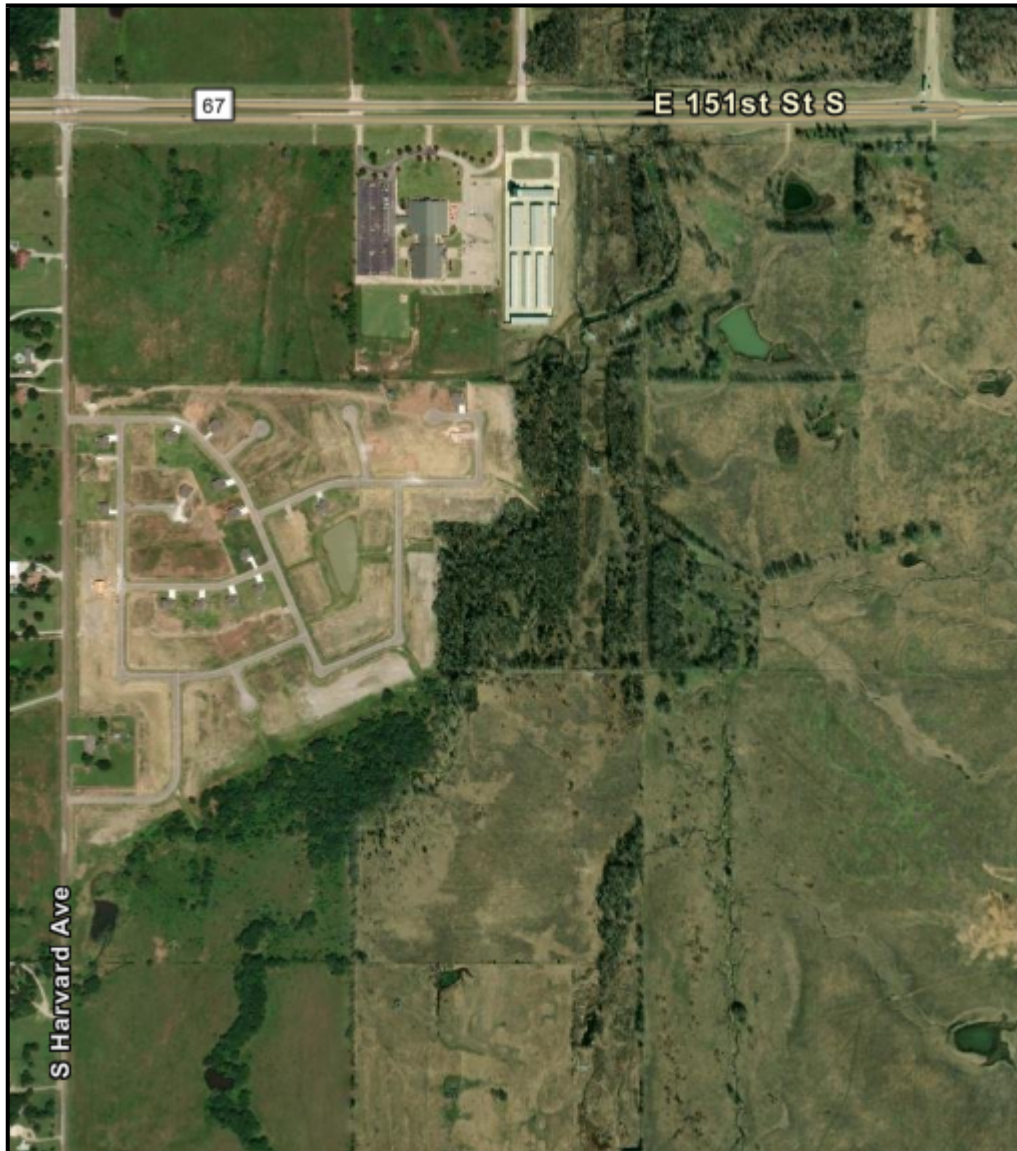


Figure 2: Aerial Map of Bixby Meadows



Existing Zoning; Use:

(RS-2) Single-Family; Single –Family Dwelling

Abutting Zoning; Use:

North: (RS-2) Single-Family; Residential Single-Family dwelling

East: (RS-2) Single-Family; Residential Single-Family dwelling

South: (RS-2) Single-Family; Residential Single-Family dwelling

West: (RS-2) Single-Family; Residential Single-Family dwelling

Staff Comments:

According to the applicant in the submitted summary, Mr. Guthrie was under the impression by a representative of Shaw Homes that a 1500-square-foot shop building would be allowed to be built on his property. Mr. Guthrie also understands that any outbuilding of any size must have the Architectural Committee's written approval (see Exhibit B), and all driveways to the outbuilding must be concrete, no gravel or asphalt.

BOA heard this case on August 19, 2024. The board continued the case and requested input from the City Engineer and Legal Counsel.

Engineer Comments:

The City Engineer has thoroughly reviewed the proposed building's location and believes that the addition of the building and subsequent driveway will not negatively impact the designed storm system. Please refer to Exhibit D for details.

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

Variance Action of the Board:

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

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

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

Sample Motion:

In BOA Case Number BXBA-24.03, I move that we (approve/deny) the Variance to exceed the 800 square feet allowed in an RS-2 District located at 15415 South 37th Court, Bixby, OK 74008, with the following conditions:

Figures:

Figure 1: INCOG 300-foot radius map

Figure 2: City of Bixby Aerial Map of Bixby Meadows

Attachments:

Exhibit A: Letter from Homeowner

Exhibit B: Architectural Review Committee – Request for Approval

Exhibit C: Site Plan, Pre-Construction Drainage, Erosion Control, Post-Construction Drainage

Exhibit D: City Engineer's Comment

Continued from Item #4

Our understanding when purchasing the property was that we had the ability to build a shop of substantial size, specifically up to 30X50 feet, as confirmed by Chad Lane of Shaw Homes and subsequently by other representatives.

Despite our thorough inquiries and receiving assurances both verbally and in writing, we were recently informed about a zoning restriction that prohibits us from building the 24X50 structure we intended. This news has come as a disappointment, particularly because it significantly impacts our plans for utilizing the property effectively.

We feel that we took all necessary steps to clarify our options before finalizing our purchase, relying on the information provided to us by Shaw Homes representatives. However, the discrepancy between what we were told and the actual zoning restrictions now poses a challenge that we were not prepared for.

We are currently incurring an additional monthly expense for boat storage due to this situation, which is not only inconvenient but also financially burdensome. Moreover, it means that we are unable to realize our original plans for the property, which is disappointing given our initial excitement about being part of the Bixby Meadows community.

Architectural Review Committee – Bixby Meadows

Property Modification Request for Approval

No barn, shed, shop, pool house, Accessory Dwelling Unit, fence, deck, pool, patio, extra concrete, sports court, additions, walls, painting, or other may be erected or altered (including exterior painting) on any Lot until plans and specifications have been approved in writing by the Architectural Review Committee (ARC). The purpose of this form is to facilitate the ARC's ability to review the requisition in accordance with the Covenants. The ARC will endeavor to complete the review and recommendation process as quickly as possible and within thirty (30) days. Please make sure you read the covenants and Architectural Guidelines before making your submittal. Submitting ALL information requested below is required for ARC review.

1. Homeowner's Name DEAN & TERRI GUTHRIE
2. Address of Property to be Altered 15415 S. 37th Ct.
3. Best phone number to reach you during day 918-752-5748
4. Email address CARDSBB62@YAHOO.COM
5. Type of alteration proposed (barn, shed, shop, pool house, ADU, fence, deck, pool, patio, extra concrete, sports court, additions, walls, painting, other) SHOP, CONCRETE, FENCE
6. Brief description of the proposed alteration ADD A 24' x 50' SHOP, CONCRETE ENTRANCE & FENCE (WOOD PRIVACY FENCE), ELECTRIC TO SHOP
7. Name of person or contractor(s) who will perform the work CLINT SCISUL
8. Start date 7/15/24 APPROX.
9. Finish date 10/1/24 APPROX

You must also submit ALL the following items with this form:

1. Site plan – Show entire lot with existing house, proposed building location, driveway, etc. Include all dimensions of proposed building as well as distance from all property lines and house. All drawings must be to scale.
2. Set of plans with elevations or picture of what finished building will look like (similar to pictures above).
3. Samples or pictures of the actual colors to be used for all siding, roofing, brick, trim, doors, paint, etc.

By signing below, I acknowledge and understand that this process may take (30) days. I understand that any work performed or costs incurred by me prior to receiving written approval will be done so at my own risk as disapproval of my request may result in my requirement to restore my property to its original condition. I certify by my signature that I have read and familiarized myself with all applicable Deed of Dedication and Restrictive Covenants. I insure that all modifications to my property will not violate those covenants and will follow only the plans and specifications that are expressly approved.

Dean Guthrie

Signature of Homeowner

6/15/24

Date

Submit this form filled out in its entirety along with all supporting drawings and specifications to:

frontdesk@shawhomes.com

Bixby Meadows Architectural Comm.
6/18/24 [Signature] Page 1 of 3

Approved subject to the following

- ① Set building back a minimum of 15 ft. ^{Behind} ~~from~~ front of house
- ② Do not connect driveways. Culvert pipe size to match existing to insure proper drainage

REV. D



SNC • LAVALIN

6555 S. Lewis Ave.
Tulsa, OK 74136
(918) 523-7960

CLIENT

DATE _____

PROJECT TITLE

SHT. NO. _____

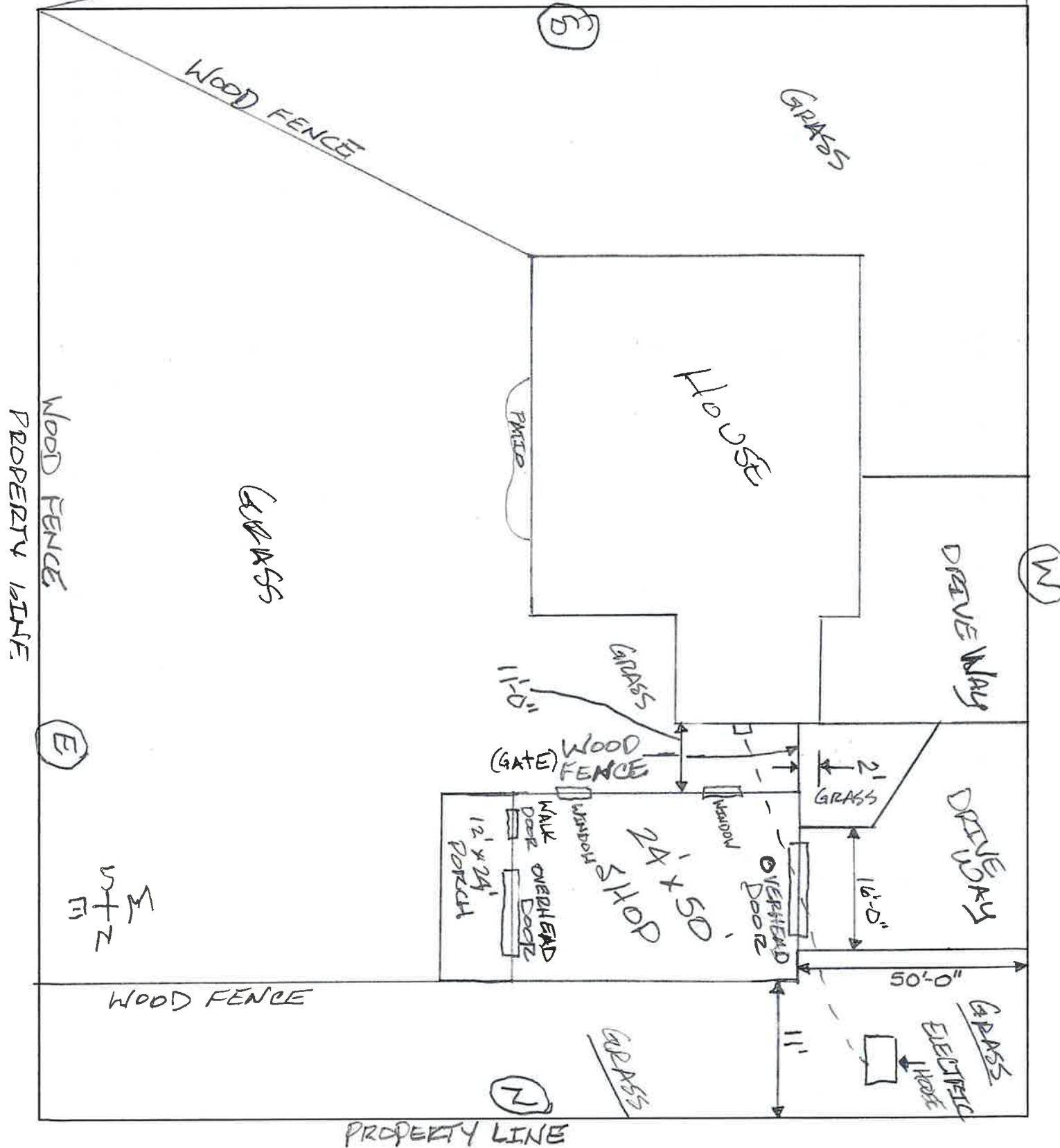
OF

BY

CHK'D BY

SUBJECT_

DOCUMENT NO.





SNC • LAVALIN

6555 S. Lewis Ave.
Tulsa, OK 74136
(918) 523-7960

6/16/24 REV. 0

CLIENT _____ DATE _____

PROJECT TITLE _____

SHT. NO. _____ OF _____ BY _____ CHK'D BY _____

SUBJECT _____

DOCUMENT NO. _____

SHOP

24' x 50'

14' EVE HEIGHT

12' x 24' PORCH
(EAST END OF SHOP)

1- 12' x 12' GARAGE DOOR (FRONT)
WEST END

1- 8' x 8' GARAGE DOOR BACK
(EAST END)

1- 3/0 x 8/0 WALK DOOR (EAST END)

2- 3/0 x 3/0 WINDOWS (SOUTH SIDE)

3/12 PITCH 2" x 6" RAFTERS & 2" x 6" CEILING
JOISTS

5' CENTERS ON TRUSSES

2" x 4" SPACED 2' ON CENTER

TOP PLATES 2" x 8"

4' WAINSCOT AROUND ENTIRE BUILDING

WHITE-BASE COLOR

CHARCOAL WAINSCOT & TRIM

29-GUAGE WALLS PANEL-LOC

26-GUAGE ROOF PANEL-LOC

FENCE

6' WOOD
PRIVACY FENCE

Outbuilding Criteria – Bixby Meadows

No outbuilding of any size or kind (barns, sheds, shops, pool houses, Accessory Dwelling Units, etc.) may be installed without the prior written approval of the Architectural Review Committee. All driveways to outbuildings must be concrete. No gravel or asphalt driveways will be allowed. It is the homeowner's responsibility to obtain necessary permits and construct buildings according to all local codes and restrictions. Architectural Review Committee approval is only for approval of the general design elements and in no way constitutes approval by the municipality to proceed with construction.

1. Metal buildings – Outbuildings may be allowed provided they are of a two-tone color scheme as shown below. The maximum dimensions of any outbuilding shall be 30 ft. wide and 50 ft. deep and not exceed one thousand five hundred square feet (1,500 SF). The maximum wall height shall not exceed fourteen feet high (14 ft). The roof shall be gabled with a maximum pitch of 6/12 and be metal roof panels or asphalt shingles. No lean-tos or open storage will be allowed on outside of buildings. A concrete footing and concrete slab must be installed under all outbuildings.



2. Vinyl Shed - A manufactured two-tone vinyl shed outbuilding may be considered by the architectural committee, see below. A concrete footing and concrete slab must be installed under all outbuildings.

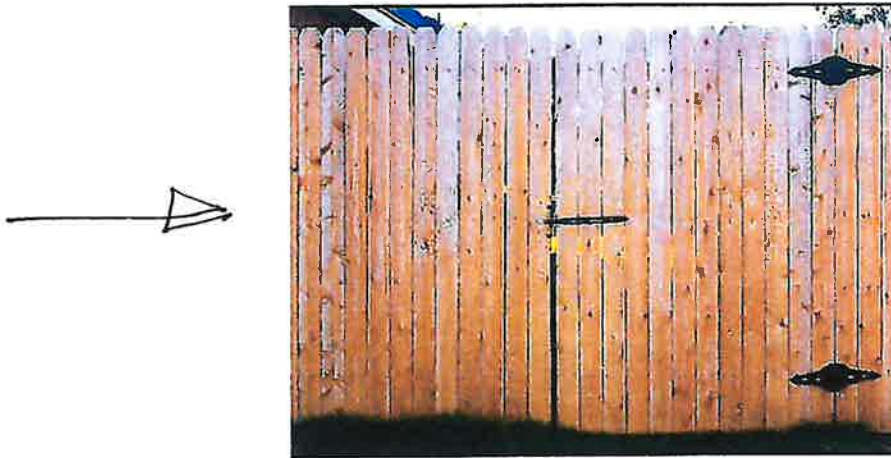


3. Other buildings – Other outbuildings may be permissible provided the architectural design, brick, roofing, siding, materials, and colors match the existing home. A concrete footing and concrete slab must be installed under all outbuildings.

Fencing Criteria – Bixby Meadows

No fencing of any size or kind may be installed without the prior written approval of the Architectural Review Committee. All perimeter fencing must be typical wood privacy with a maximum height of 6 feet. Smooth side must face the street where applicable. All fence must stop at least 5 feet behind front façade of home. Wood cap is allowed but not required. No stain color other than clear or natural finish is allowed. It is the homeowner's responsibility to obtain necessary permits and construct fencing according to all local codes and restrictions. Architectural Review Committee approval is only for approval of the general design elements and in no way constitutes approval by the municipality to proceed with construction.

1. Wood Privacy – Allowed up to 6 feet high



2. Chain Link – **NOT** Allowed



3. Other Fencing – Other fencing such as brick, stone, or wrought iron may be permissible provided the architectural design, materials, and colors match the existing home.

Outbuilding Criteria - Bixby Meadows

No Outbuilding of any size or kind may be installed without the prior written approval of the Architectural Committee. All driveways to outbuildings must be concrete, no gravel or asphalt.

Metal buildings – Outbuildings may be allowed provided they are of a two-tone color scheme as shown below. The maximum dimensions of any outbuilding shall be 20 ft. wide and 40 ft. deep. The wall height shall not exceed fourteen feet high (14 ft). The outbuilding shall have a concrete floor supported by concrete footings and shall not exceed eight hundred square feet (800).

Other buildings - Outbuildings under 150 square feet shall be permissible provided the exterior siding is painted to match the main home and the roof is covered with composite roofing shingles that match the main home. A concrete footing concrete slab must be installed under outbuildings. A manufactured two-tone vinyl outbuildings may be considered by the architectural committee, see below.

