

AGENDA

BOARD OF ADJUSTMENT

CITY HALL COUNCIL CHAMBERS
116 WEST NEEDLES
BIXBY, OK 74008
October 3, 2016 ~ 6:00 PM

CALL TO ORDER

MINUTES

1. Approval of Minutes for August 1, 2016

PUBLIC HEARING

2. BXBA-16.05 G & P Consulting: Discussion, review and action on a request for a Special Exception from the Board of Adjustment, to permit a fence beyond the face of the house and to allow the fence to exceed the 4 ft. Height limitation as required by the Zoning Ordinance 11-8-8 (B 3) in Southwood Memorial Acres, No 2 Corrected Subdivision, zoned (RS-2) Residential Single-Family, Residential Area Land Use District, the property is generally located: east of Memorial and south of 121st Street, Section 1, T17N, R13E

OTHER BUSINESS

3. Election of Secretary
4. Discussion, Review and Acceptance of the BOA Opening Rules
5. Approval of 2017 Calendar

NEW BUSINESS

ADJOURNMENT

Posted By: *Marcae' D. Hilton*

Date: September 28, 2016

Time: 5:00 PM

AGENDA – Board of Adjustment

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 Marcae' Hilton, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430, or via Email: mhilton@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.

MEETING MINUTES
BOARD OF ADJUSTMENT

CITY HALL COUNCIL CHAMBERS
116 WEST NEEDLES, BIXBY, OK 74008

August 1, 2016 6:00 PM

CALL TO ORDER: Chair Richard Altmann 6:01 PM

ROLL CALL:

PRESENT: Richard Altmann
Chair Murray King
Darrell Mullins
Vice-Chair JR Donelson
Larry Whiteley

STAFF PRESENT:

Patrick Boulden, Esq., City Attorney
Marcaé Hilton, City Planner
Jason Mohler, Development Services Director & City Engineer (DSD)
Ike Shirley, Chief of Police

MINUTES

1. Approval of Minutes for March 7, 2016
MOTION TO APPROVE: JR Donelson
SECOND: Larry Whiteley
APPROVED: 4-0-1

PUBLIC HEARING-PRESENTED BY **Presented by Marcae' Hilton**, BXBA-16.04 MORADI,
Discussion, review and possible approval of a Special Exception from the Board of
Adjustment, to permit an Accessory Building as the initial structure on a (RS) Residential
Single-Family, Low Intensity District undeveloped parcel

Section 11, T17N, R13E

Property Generally Located: ¼ mile west of Memorial and south of 131st Street

REQUEST: Permit an Accessory Building as the initial structure on a (RS)
Residential Single-Family undeveloped parcel

LOCATION: 13200 block of 78th E. Ave.
Generally located: ¼ mile west of Memorial and south of 131st
Street

STR: Section 11, T17N, R13E

SIZE OF TRACT: 5.65 acres, more or less

LOT INFO: 1 Lot-undeveloped

ZONING: RS-1 Residential Single-Family District

EXISTING USE: Undeveloped

PUBLIC INPUT: Staff is aware of 3 calls as of July 21, 2016

1. Neighbor: What is the pad for?
2. Neighbor: What is being built?
3. Son of Neighbor: Is a church going in? Are they going to run a business out of their home?

BACKGROUND INFORMATION:

GENERAL: The property was rezoned in 1978 from AG to RS-1 per BZ-63 (Alfred A. Smith, Ord. #362) but was never developed. The current applicant, Mr. Moradi, purchased this property (2 parcels) for developing the parcels into (5) five lots, (1) one lot as an area for detention/retention and (4) four lots for single-family residences (BL-399). Originally a Lot split application was submitted for Mr. Moradi, after reviewing the application, staff recommended *per Zoning Code Section 11-8-13, no Building Permit for any future home or otherwise may be issued until the property has been platted* the 2 parcels to be platted were to conform to the Subdivision Regulations. On August 18, 2015, the lot split was tabled indefinitely. The Planning Commission on October 14, 2015 heard the Preliminary Plat of Misty Hallow Estates. Staff believes the Final Plat has not been submitted due to costs related to development. Mr. Moradi has constructed a concrete pad for the installation of a shipping container to be used for storage during the construction of his residence. A shipping container (accessory structure) can only be allowed through a special exception as seen below.

11-4-9: SPECIAL EXCEPTION:

A. General: The board of adjustment, upon application and after hearing, subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

7. Accessory buildings, as authorized in the zoning district, may be allowed as the initial structure on the lot, prior to the construction of the principal dwelling, or on adjoining lots under common ownership with the owner of a principal dwelling, provided:

a. Special exception approval shall expire and be automatically vacated upon the sooner of: 1) one year from issuance of a building permit for the accessory structure, or 2) completion of construction and issuance of a certificate of occupancy for the principal dwelling, at which point it will become a conforming accessory structure as to use.

b. Special exception approval shall expire and be automatically vacated if the structure is maintained or used as a dwelling unit, permanently or temporarily (except in the case of an approved accessory dwelling unit), or maintained or used for nonresidential purposes, other than as a temporary staging area used exclusively for and during the period of construction of the principal dwelling.

c. If either of the above conditions is violated, the city of Bixby, at the direction of the city council, may require the vacation of use of the structure or its demolition, or other such remedies at law as deemed necessary and appropriate. (Ord. 2031, 12-21-2009)

SURROUNDING ZONING AND LAND USE:

North: RS-1 Residential Single-Family District
South: RMH Residential Mobile Home District
East: RS-4 Residential Single-Family District
West: RS-1 Residential Single-Family District
AG-Agriculture, IL Industrial Low Intensity District

COMPREHENSIVE PLAN:

LAND USE INTENSITIES: LOW, MEDIUM, DEVELOPMENT SENSITIVE
LAND USE: RESIDENTIAL
URBAN DESIGN ELEMENTS: CORRIDOR
PUBLIC FACILITIES: NONE

EXHIBITS: AERIAL MAP
LOCATION MAP

STAFF RECOMMENDATION: Staff recommends Approval subject to: (Ord. 2031, 12-21-2009)

a. Special exception approval shall expire and be automatically vacated upon the sooner of: 1) one year from issuance of a building permit for the accessory structure, or 2) completion of construction and issuance of a certificate of occupancy for the principal dwelling, at which point it will become a conforming accessory structure as to use.

b. Special exception approval shall expire and be automatically vacated if the structure is maintained or used as a dwelling unit, permanently or temporarily (except in the case of an approved accessory dwelling unit), or maintained or used for nonresidential purposes, other than as a temporary staging area used exclusively for and during the period of construction of the principal dwelling.

c. If either of the above conditions is violated, the City of Bixby, at the direction of the City Council, may require the vacation of use of the structure or its demolition, or other such remedies at law as deemed necessary and appropriate. (Ord. 2031, 12-21-2009)

Mr. Moradi, Applicant-build a single family home about 3000 square feet, place building there for supplies while building. Shipping container 40' x 8' wide, new or one trip from China

Discussion ensued: 320 Square feet building

Joseph Keifer, Citizen: Can the Special Exception be extended after one year?
Can it end up being a permanent building?

Marcae' Hilton: it will become a conforming structure after the house is built, assuming it is built within one year.

Discussion ensued: business license required for other use, no loophole, cannot run a business without a license, separate discussion (JR) about business –uses- concerned about traffic if it is a business, skeptical about special exception potential to be used as a business
SHIPPING CONTAINER DISCUSSION: building or shipping container? Discussion ensued, 8 feet tall, hidden among trees, no exterior design constraints, no covenant constraints equals more flexibility

Moradi, Applicant: I am not a businessman, I am a chemist, I do not run a business from my house.

Billy Williams, Citizen: multiple structures around this parcel, I don't think I want a shipping container to look at. Dead End Road. Bixby Telephone across the street. Tiny home concern

Discussion ensued: He will have to come back to the BOA to use the structure for anything else

Paul Harris, Citizen: 4 units to 1 unit, with accessory structure, no school or any other use can be allowed out of the house

Norma Leonard, Citizen: what kind of building are you building back there? Is it permanent?

Discussion ensued: allowed to have an accessory structure on a residential lot, he has one year from the day he gets his permit on accessory structure or gets certificate of occupancy, if after one year, it has to be removed. He is going to build a home; this is for storage during the process of building his home. The storage building can be permanent.

MOTION TO APPROVE: Larry Whiteley

SECOND: Richard Altmann

APPROVED: 4-1-0, Mullins voted no

NEW BUSINESS- New system of identifying projects, due to inconsistency in filing the following changes have been made:

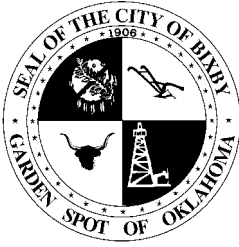
BX (Bixby) BA (Type of case)

-16 (Year)

.00 (Project Number)

Will start over each year.

ADJOURNMENT: JR MOTION TO ADJOURN



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

STAFF REPORT

To: Bixby Board of Adjustment

From: Marcae' Hilton, City Planner

Date: October 3, 2016

RE: Report and Recommendations for:
BXBA-16.05 G & P Consulting:
Discussion, review and action on a request for a Special Exception from the Board of Adjustment, to permit a fence beyond the face of the house and to allow the fence to exceed the 4 ft. height limitation as required by the Zoning Ordinance 11-8-8 (B 3) in Southwood Memorial Acres, No 2 Corrected Subdivision, zoned (RS-2) Residential Single-Family, Residential Area Land Use District, the property is generally located: east of Memorial and south of 121st Street, Section 1, T17N, R13E

REQUEST: Permit a fence which projects into and encloses the front yard and to allow the fence to exceed the 4 ft. Height limitation on an (RS-2) Residential Single-Family parcel

LOCATION: 12419 S 87th East Ave., east of Memorial and south of 121st St.

STR: Section 1, T17N, R13E

SIZE OF TRACT: One Lot

LOT INFO: One Lot

ZONING: RS-2 Residential Single-Family District

EXISTING USE: Residence

PUBLIC INPUT: Staff is aware of (4) four calls as of September 28, 2016

1. Neighbor: Against the fence. Will lower property values
Will stick out like a sore thumb.
2. Neighbor: Against the fence. Wondering what they are trying
to hide, will lower property values.
3. Neighbor: Against the fence. Concerned the fence will lower
property values

BACKGROUND INFORMATION:

GENERAL: The property was platted in 1967 as “Corrected Plat,” *Southern Memorial Acres NO. 2*. The applicant, G&P Consulting, Inc., Christie Propps, President, has asked the City of Bixby, Board of Adjustment to consider allowing the complete installation of a black, vinyl, chain-link fence six feet in height to enclose the entire residential lot. The property will be accessed through a mechanical gate made of split-face block columns and ornamental wrought iron. The Fire Marshal has reviewed the gate and can consent to approval with conditions. Several surrounding residents have expressed concerns about the appearance and disapprove the fence and gate.

The City of Bixby Zoning Regulations can allow for this fence modification request through the Special Exception process, please see the excerpt below. In this case, there is no corner traffic visibility issue; the fence does not exceed eight feet (8’), but the applicant requests a special exception to allow the front portion of the fence to be six feet in height.

Chapter 8

11-8-8: YARDS:  

3. Fences, hedges, plant materials and walls may be located in any yard; provided, that corner traffic visibility is maintained in accordance with the city traffic code. Fences and walls within yards shall not exceed a height of eight feet (8’). Any fence or wall which projects into or encloses a required front yard shall not exceed a height of four feet (4’). The board of adjustment, as a special exception, may modify these limitations.

(Ord. 2020, 7-27-2009)

SURROUNDING ZONING AND LAND USE:

North: RS-2 Residential Single-Family District, *Houser Addition*

South: RS-4 Residential Single-Family District, *Bixby Landing Second, PUD 57*

East: City of Bixby-Trails and Frye Ditch Creek

West: RS-1 Residential Single-Family District, *Southern Memorial Acres No. 2 Corrected, Gre-Mac Acres*

COMPREHENSIVE PLAN:

LAND USE INTENSITIES: LOW

LAND USE: RESIDENTIAL AREA

URBAN DESIGN ELEMENTS: NONE

PUBLIC FACILITIES: REGIONAL TRAIL

EXHIBITS: AERIAL MAP
LOCATION MAP

STAFF RECOMMENDATION: Staff recommends Approval subject to staff and Fire Marshal comments.

1. FIRE MARSHAL COMMENTS: The gate located at 12419 S. 87th E. Ave is approved by this office with the following caveats:
 - a. Gate to remain open and unlocked until the gate opener is repaired and operational.
 - b. The homeowner has provided the fire department with the current gate code and has agreed to keep the code current with the fire department's records upon changes.
 - c. Homeowner to contact the fire department upon repair of the gate opener.



Figure 1-GOOGLE: 87TH E AVE-LOOKING NORTH



Figure 2-GOOGLE: 87TH E AVE LOOKING SOUTH



Figure 3-GOOGLE: WEST VIEW FROM SUBJECT PROPERTY



Figure 4-GOOGLE: LOOKING NORTH OF 87TH E AVE

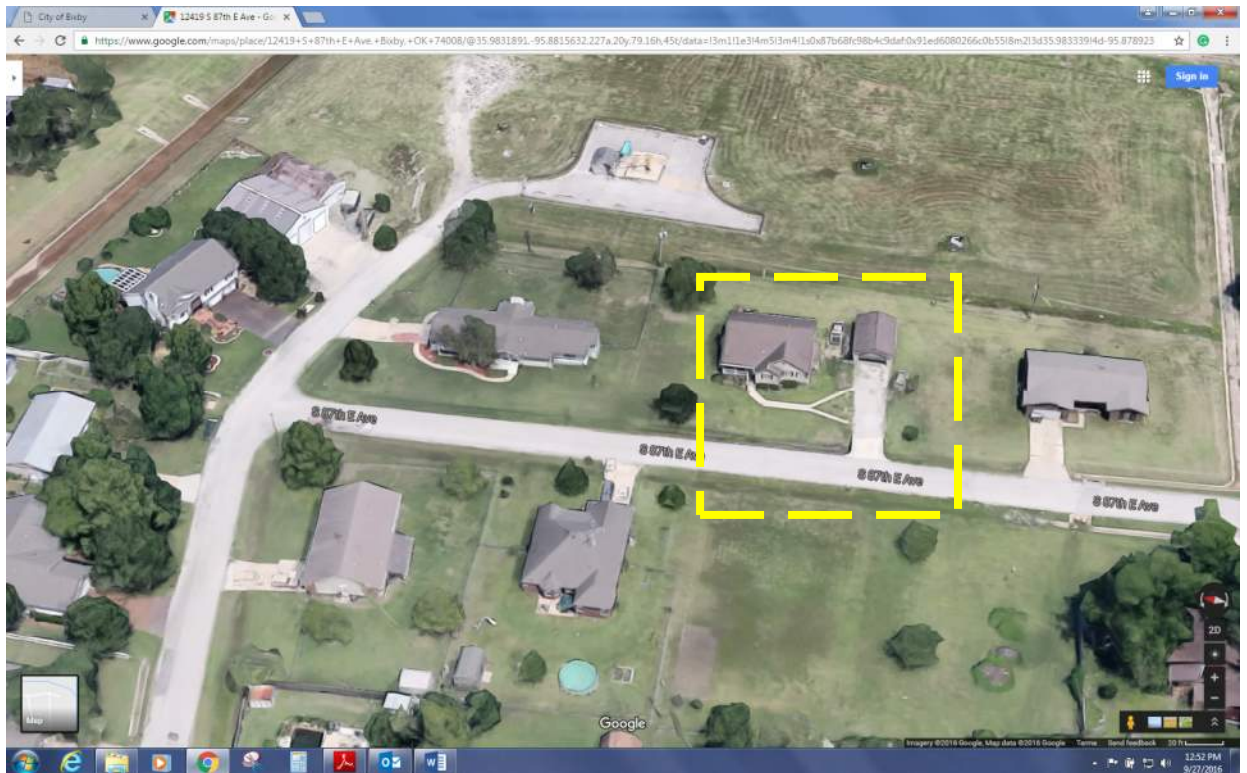


Figure 5-GOOGLE: AERIAL VIEW



Figure 6-GOOGLE: ONE FENCE IN NEIGHBORHOOD (NORTH) PICKET SEPARATES 3 LOTS BEYOND FACE OF HOUSE



Figure 7-GOOGLE: SUBJECT PROPERTY LOOKING NORTHEAST (BEFORE INITIAL CONSTRUCTION OF FENCE)

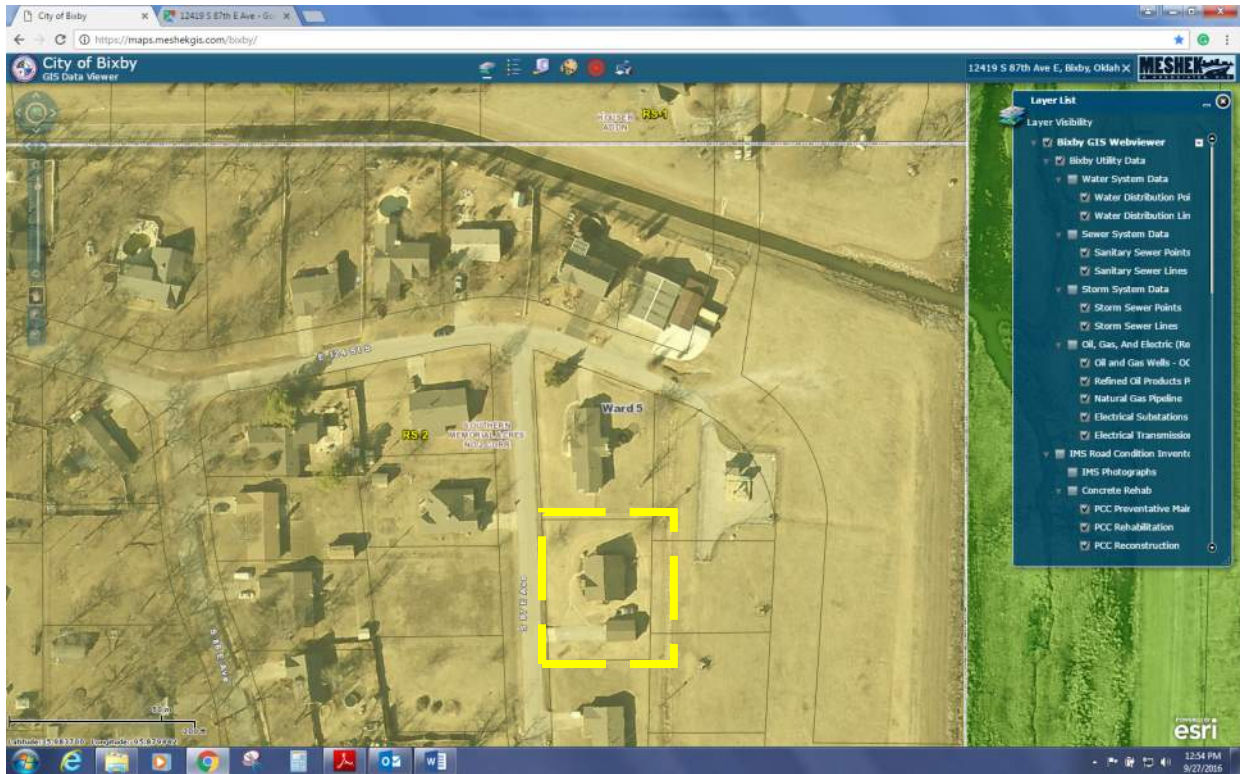
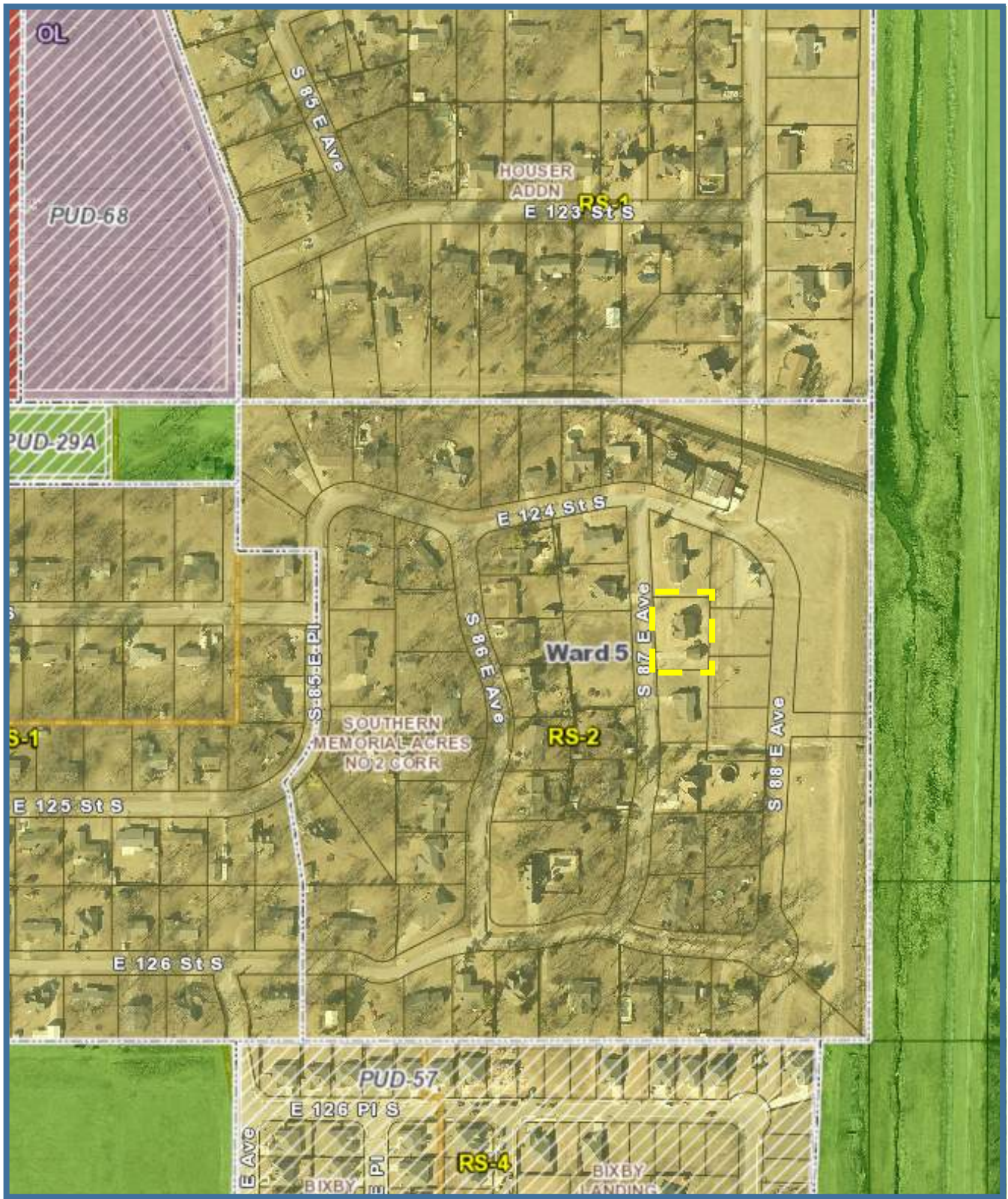
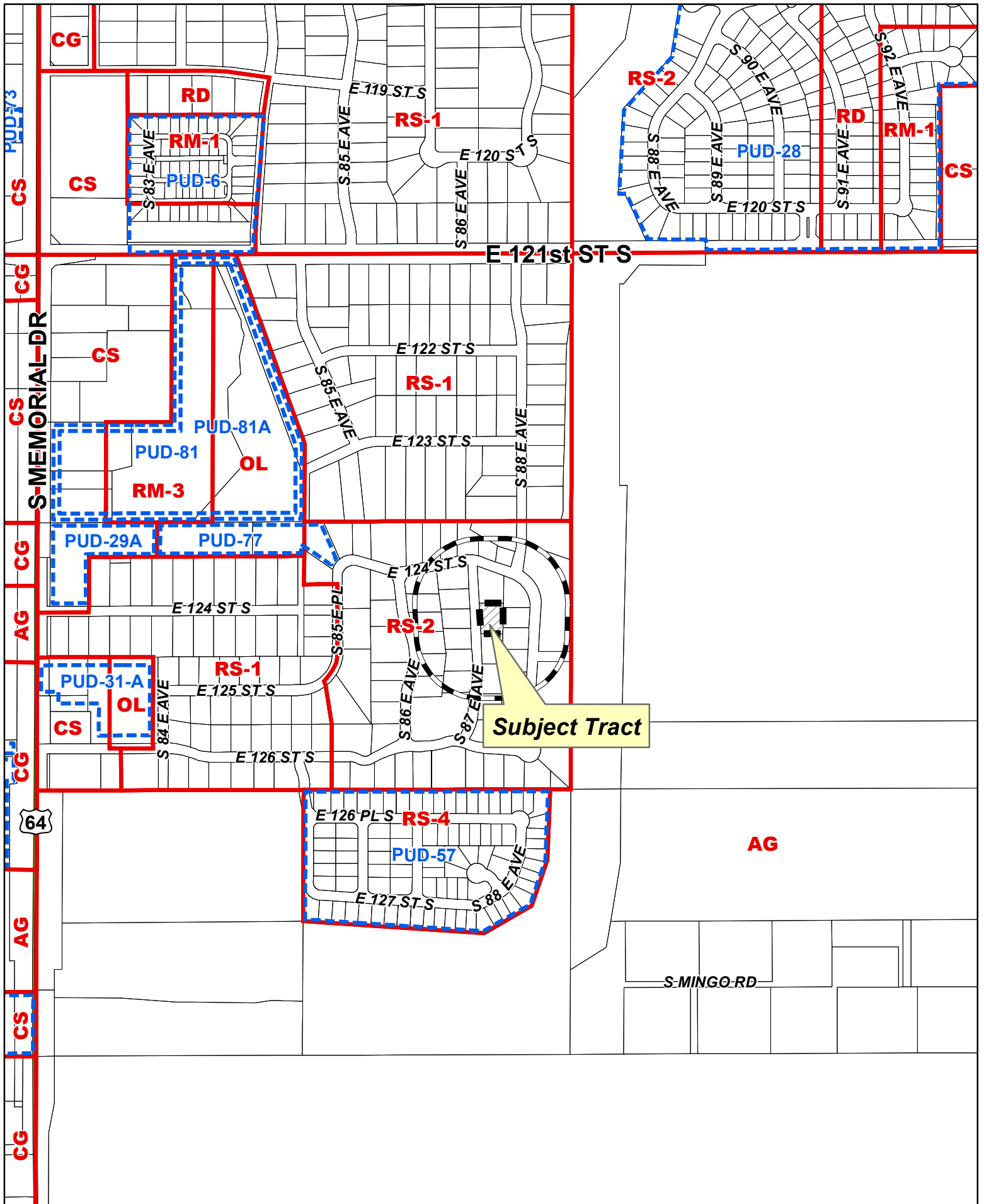


Figure 8-BIXBY MAP: AERIAL VIEW



Figure 9-9.28.16 PHOTO: GATE





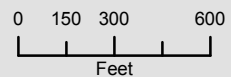
300' Radius



Subject
Tract

BXBA-16.05

Page 14 of 16



01 17-13



Bixby Board of Adjustment (BOA)

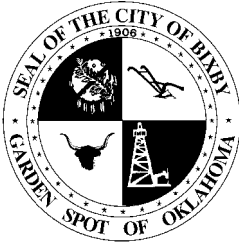
~ MEETING PROCEDURES ~ THANK YOU FOR YOUR PARTICIPATION

In order to conduct the public hearing in an orderly manner, we ask that you abide the following rules:

- 1) The BOA will first hear from the Staff:
 - a. Explanation of the proposed item
 - b. Physical facts of the property under application
 - c. Surrounding property
 - d. Presentation of the Staff's recommendation
- 2) The Board will hear the applicant's presentation (not to exceed 10 minutes)
- 3) The Board will hear from any interested parties or Protestants.
 - a. Each speaker will have up to 5 minute times
 - i. No Sharing of minutes
 - ii. One (1) opportunity to speak
 - iii. 30 minutes or less total (public hearing portion)
 - b. **THOSE WISHING TO SPEAK MUST USE THE SIGN-IN SHEET**
- 4) Please For Public Record, if you do choose to speak
 - a. State your name
 - b. State your address
- 5) The Board will hear the applicant's rebuttal, if any, not to exceed ten (10) minutes.

During the hearing, the BOA may ask questions of staff, the applicant or interested parties.

In the room are representatives of the Legal Department and the City of Bixby Staff. We do have a taping system; therefore, please direct all of your comments into the microphone.



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

STAFF REPORT

To: Bixby Board of Adjustment

From: Marcae' Hilton, City Planner

Date: October 3, 2016

RE: Report and Recommendations for:
Discussion, review and take action on the **Bixby Board of Adjustment-
2017 CALENDAR**

REQUEST: Please discuss, review and take action on the 2017 calendar details for *2017 BIXBY BOARD OF ADJUSTMENT*

1. Meetings will begin at 6:00 pm
2. First Monday of every month
*If there is a City holiday on the regularly scheduled meeting night the meeting will be moved to Tuesday of the same week
3. The due date for applications will be four (4) weeks prior, on Tuesday

MONTH	DATE	DAY OF WEEK	APPLICATION DUE DATE
January	3	*Tuesday	Tuesday, December 6, 2016
February	6	Monday	Tuesday, January 10
March	6	Monday	Tuesday, February 7
April	3	Monday	Tuesday, March 7
May	1	Monday	Tuesday, April 4
June	5	Monday	Tuesday, May 9
July	3	Monday	Tuesday, June 6
August	7	Monday	Tuesday, July 11
September	5	*Tuesday	Tuesday, August 8
October	2	Monday	Tuesday, September 5
November	6	Monday	Tuesday, October 10
December	4	Monday	Tuesday, November 7