

Agenda
Meeting of The
Bixby Board of Adjustment
116 West Needles, Bixby, Oklahoma 74008
May 16, 2022, at 6:00 P.M.

Call to Order
Chairman

Murray King

Roll Call

Donna Crawford Secretary

Oath of Office

Judge Childers to administer Oath of Office to:

Kaylin Coody

Consent Agenda

1. Minutes of April 18, 2022, Board of Adjustment Meeting

Public Hearing

1. Special Exception– BXBA-22.07 | Applicant: Cherrie Stunkard
2. Special Exception – BXBA-22.05 | Applicant: Cherrie Stunkard
3. Variance – BXBA-22.04 | Applicant: Jake Riffe, Keystone Construction

Old Business

New Business

Notice of Posting

This Notice and Agenda was posted on the bulletin board on May 13, 2022, on or before 5:00p.m., at City Hall, 116 West Needles, Bixby, Oklahoma.

Respectfully Submitted,

Donna Crawford, Asst. City Planner

Persons who require a special accommodation to participate in this meeting should contact Assistant City Planner Donna Crawford, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or via Email: dcrawford@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 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: Donna Crawford, Assistant City Planner

Date: Monday May 16, 2022

RE: BXBA 22.07 – Special Exception to allow Single-Family Dwelling in Commercial Shopping (CS) District

Location: 161st Street & South Mingo Road, Bixby, OK 74008
Unplatted

STR: Section 25, Township 17N, Range 13E

Project: Cherrie Stunkard Special Exception

Applicant: Cherrie Stunkard

Description:

The applicant has applied for a Special Exception to be able to build a single-family dwelling in Commercial Shopping (CS) district.

A previous application, BXBA-17.01, for approval for a Single-Family residence on Office Light (OL)/Commercial Shopping (CS) lot was approved on August 17, 2017.

The applicant applied for approval of, BXLS-21.02, for lot splits in the same general area of 161st Street & South Mingo Road and was approved. The applicant at that time was under the impression that the hearing was for approval of lot splits and approval for single-family structures to be allowed in the commercial zoning on the newly formed tracts by the approved lot splits.

After staff researched the minutes of BXBA-17.01 for the approved lot splits, it was determined that only one approved single-family dwelling was requested and approved.

In the City of Bixby Zoning Code, a Special Exception can be requested to allow the use when not designated and regulated within the permitted use provisions of the zoning district. Provided, that the Board, in granting a Special Exception, shall prescribe appropriate conditions and safeguards if they deem necessary to enforce.

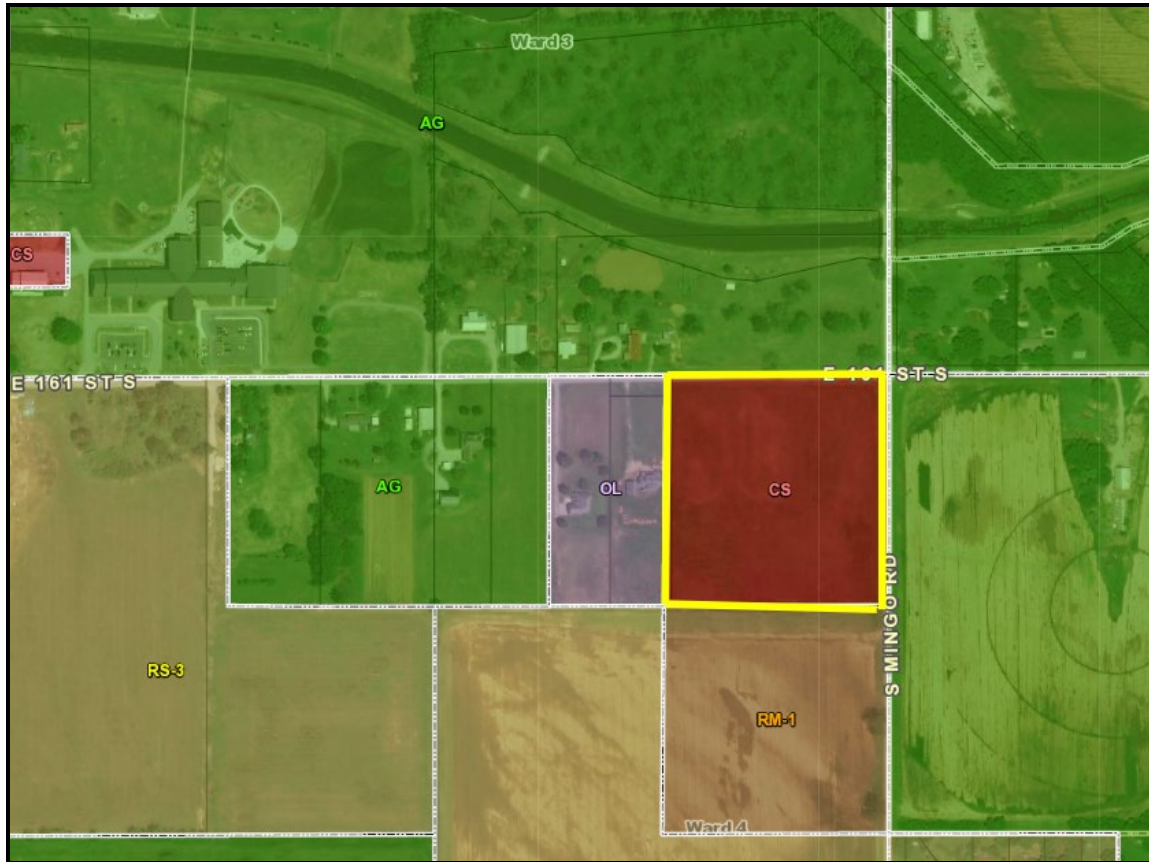


Exhibit 1: City of Bixby Zoning Map

Existing Zoning; Use:

(CS); Commercial Shopping; Vacant

Abutting Zoning; Uses:

North: (AG) Agriculture; Residential Single-Family Dwellings

East: (AG) Agriculture; Vacant

South: (RM-1) Residential Multi-Family; Vacant

West: (OL) Office Light; Residential Single-Family Dwelling

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

Staff Comments:

With the approval of the single-family dwelling to be allowed at an earlier Board of Adjustment hearing, the existing residential dwellings in the area, and the abutting zoning of Residential Multi-Family to the south of the tracts, staff recommends approval of the Special Exception for the reason that this use should not cause a substantial detriment to the public good or impair the purposes, spirit, and intent of the Zoning Code.

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 Special Exception after finding that:

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

Sample Motion:

In BOA Case BXBA-22.07, I move that we (approve/deny) a Special Exception in the Commercial Shopping (CS) District, with the following conditions:

Exhibits:

Exhibit A: City of Bixby Zoning Map

Exhibit B: Lot Split Plat Survey



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Applicant: Cherrie Stunkard

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

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In BOA Case BXBA-22.05, I move that we (approve/deny) a Special Exception in the Commercial Shopping (CS) District, with the following conditions:

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Exhibit B: Lot Split Plat Survey



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Staff Report

To: City of Bixby, Board of Adjustment

From: Donna Crawford, Assistant City Planner

Date: Monday May 16, 2022

RE: BXBA 22.04 – Variance to allow encroachment of the Front Building Line Set-Back

Location: 10310 East 125th Place South, Bixby, Oklahoma

Legal: Lot Thirty-three (33), Block One (1), Chisholm Ranch II

Project: Jake Riffe, Variance

Applicant: Jake Riffe

Description:

The applicant has applied for a Variance of the front building line set-back from 25ft to 24ft to allow for a single-family structure in the RS-3 District.

Staff Review:

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

A Mortgage Inspection Report (not a land or boundary survey), found the forms are over the building line by one foot, as stated on the Surveyors Certificate, dated April 26, 2022.

This individual lot has a slight curve along the frontage and affects only this lot.

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.



Exhibit 1: City of Bixby Zoning Map

Existing Zoning; Use:

(RS-3); Residential Single-Family

Abutting Zoning; Uses:

North: (RS-3) Residential Single-Family; Single-Family Dwellings

East: (RS-3) Residential Single-Family; Single-Family Dwellings

South: (AG) Agriculture; Single-Family Dwelling

West: (RS-3) Residential Single-Family; Single-Family Dwellings

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

Staff Comments:

A hardship needs to be established by the applicant that aligns with the Variance criteria in the Zoning Code.

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 if they deem necessary to enforce.

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Exhibits:

- Exhibit A: City of Bixby Zoning Map
- Exhibit B: Lot Split Plat Survey
- Exhibit C: Surveyors Certificate