

**MINUTES
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
116 W. NEEDLES AVE.
BIXBY, OK 74008
July 02, 2012 6:00 PM**

STAFF PRESENT:

Erik Enyart, AICP, City Planner

ATTENDING:

See attached Sign-in Sheet

CALL TO ORDER

(Prior to the start of the meeting, Erik Enyart explained to several people that BBOA-562 would be Continued to the August 06, 2012 Regular Meeting, due to errors in the Public Notice).

Meeting called to order by Chair Jeff Wilson at 6:05 PM.

ROLL CALL

Members Present: Jeff Wilson, Murray King, Darrell Mullins, and Larry Whiteley.

Members Absent: Dave Hill.

MINUTES

1. Approval of Minutes for June 04, 2012

Chair Jeff Wilson introduced the item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of June 04, 2012 as presented by Staff. Chair Jeff Wilson SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: King, Wilson, & Whiteley

NAY: None.

ABSTAIN: Mullins.

MOTION CARRIED: 3:0:1

Darrell Mullins stated that he Abstained as he was not present at the meeting.

OLD BUSINESS

NEW BUSINESS

2. **BBOA-561 – Dr. C. G. Wells, Jr. for Marcia D. Wells.** Discussion and possible action to approve Special Exception per Zoning Code Section 11-7A-2 Table 1 to allow an existing Use Unit 9 single-wide manufactured home in the AG Agricultural District.
Property located: Part of the NE/4 NW/4 Section 06, T17N, R14E; 9740 and 10288 E. 121st St. S.
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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: Friday, June 22, 2012
RE: Report and Recommendations for:
BBOA-561 – Dr. C. G. Wells, Jr. for Marcia D. Wells

LOCATION: – 9740 and 10288 E. 121st St. S.
– Part of the NE/4 NW/4 Section 06, T17N, R14E

LOT SIZE: 1 2/3 acres, more or less

ZONING: AG General Agricultural District

SUPPLEMENTAL ZONING: None

EXISTING USE: (1) Use Unit 15 Juniper Hill Farm nursery-related business,
(2) Use Unit 6 single-family dwelling, and
(3) Use Unit 9 single-wide manufactured home

REQUEST: Special Exception per Zoning Code Section 11-7A-2 Table 1 to allow an existing Use Unit 9 single-wide manufactured home in the AG Agricultural District

SURROUNDING ZONING AND LAND USE:

North: RS-3, AG, & RM-2; Vacant land zoned RS-3 for part of a future “Chisholm Ranch” single-family residential subdivision. To the north of 121st St. S. is a 40-acre agricultural tract and the The Sand Plum assisted living center and two (2) vacant frontage tracts to the northwest zoned RM-2.

South: RS-3 & AG; Vacant land zoned RS-3 for part of a future “Chisholm Ranch” single-family residential subdivision.

East: AG and RS-3/PUD 58; A rural residential tract containing approximately 10 acres and single-family dwellings and vacant lots in the Chisholm Ranch Villas residential subdivision to the northeast zoned RS-3/PUD 58.

West: RS-3; Vacant land zoned RS-3 for part of a future “Chisholm Ranch” single-family residential subdivision and single family residential in Heritage Park Estates beyond that to the west.

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

PREVIOUS/RELATED CASES:

BBOA-274 – Dr. Cecil Wells Jr. – Request for Variance from the minimum area standard in the AG district to allow for a Lot-Split (BL-176) of an approximately 2.6-acre tract into two (2) tracts of approximately 0.9 acre and 1.7 acres, the latter being the subject property – Approved by BOA 02/07/1994.

BBOA-275 – Dr. Cecil Wells Jr. – Request for Variance from the minimum frontage standard in the AG district to allow for a Lot-Split (BL-176) of an approximately 2.6-acre tract into two (2) tracts of approximately 0.9 acre and 1.7 acres, the latter being the subject property – Approved by BOA 02/07/1994.

BL-176 – Dr. Cecil Wells Jr. – Request for Lot-Split of an approximately 2.6-acre tract into two (2) tracts of approximately 0.9 acre and 1.7 acres, the latter being the subject property – Approved by PC 03/02/1994.

BL-360 – Chisholm Ranch, LLC for Patricia Wells Trust – Request for Lot-Split approval for a 17'-wide "Easterly Southern Tract" to be taken from the south end of the subject property and added to the Chisholm Ranch, LLC acreage – PC Conditionally Approved 09/15/2008.

BL-361 – Chisholm Ranch, LLC for the Juniper Hill Farm, Inc. – Request for Lot-Split approval for a 18'-wide "Easterly Northern Tract" to be taken from the abutting Chisholm Ranch, LLC acreage and added to the north end of the subject property – PC Conditionally Approved 09/15/2008.

BBOA-560 – Dr. C. G. Wells Jr. for Marcia D. Wells – Request for Variance from (1) Zoning Code Section 11-8-5 to be permitted to maintain two (2) dwellings on a singular tract of land, (2) the 40' rear yard setback and 2.2 acre minimum land area per dwelling unit standards of Zoning Code Section 11-7A-4 Table 3, and, (3) any other Zoning Code requirement preventing the placement and maintenance of a Use Unit 9 single-wide manufactured home on a lot containing a Use Unit 6 single family dwelling and the Juniper Hill Farm a Use Unit 15 nursery business in the AG Agricultural District – Conditionally Approved by BOA 06/04/2012.

RELEVANT AREA CASE HISTORY: (not a complete list – selected from cases most recent, most relevant to this application, and concerning properties closest in proximity to the subject property)

BZ-98 – Harmony Homes/Charles Smith – Request for rezoning from AG to RS-3 & CS for the NW/4 NW/4 to the west (includes what was later platted as Heritage Park Estates) – Recommended for Approval by PC 02/23/1981 and Approved by City Council 03/02/1981 (Ord. 420).

PUD 8 – Ed Black & Jim Diamond – Request for rezoning for PUD approval for a "Sylvan Springs" small-lot patio home residential subdivision in the NW/4 NW/4 to the west (includes what was later platted as Heritage Park Estates, but not by this application) – Recommended for Denial by PC 01/30/1984, amended by Applicant and Appealed to the City Council, remanded back to the PC, and Recommended for Denial by PC 03/26/1984, and Withdrawn by Applicant.

PUD 9 – Ed Black & Jim Diamond – Request for rezoning for PUD approval for a "Spring Creek" small-lot patio home residential subdivision in the NW/4 NW/4 to the west (includes what was later platted as Heritage Park Estates, but not by this application) – Recommended for Denial by PC 05/29/1984, Appealed to the City Council, and (per notes) Denied by City Council 06/12/1984.

BZ-233 – Joe Donelson for First Equity Corporation – Request for rezoning from CS to RS-3 for the northwest 5 acres of the NW/4 NW/4 to the west (part of what was later platted as Heritage Park Estates) – Recommended for Approval by PC 09/24/1997 and Approved by City Council 11/10/1997 (no Ordinance found).

BZ-292 – Merritt Properties, Inc. / Sand Plum Limited Partnership – Request for rezoning from RM-2 to CS for two 1.5-acre tracts to the northwest in front of the The Sand Plum assisted living center – Recommended for Denial by PC 05/19/2003 and evidently not appealed to the City Council.

BZ-323 – Haikey Creek Partners, LLC for David Markle – Request for rezoning from AG to RS-3 for 55 acres to the east for the Chisholm Ranch, Chisholm Ranch Villas, and part of a future phase "Chisholm Ranch" single-family residential subdivisions – Recommended for Approval by PC 12/11/2006 by 2 to 1 vote and Approved by City Council 05/11/2009 (Ord. 958 on 12/11/2006 corrected by Ord. 968 on 01/22/2007, which was later corrected again by Ord. # 2014 on 05/11/2009).

PUD 58 – Juniper Hills Villas – Haikey Creek Partners, LLC for David Markle – Request for PUD approval for 8.12 acres abutting to the east for the Chisholm Ranch Villas subdivision (then tentatively known as "Juniper Hills Villas") – Recommended for Approval by PC 05/21/2007 by 2 to 1 vote and Approved by City Council 06/11/2007 (Ord. 971).

BZ-339 – Chisholm Ranch, LLC for Juniper Hill Farm, Inc. – Request for rezoning from AG to RS-3 for 22 acres abutting to the north and south for part of a future "Chisholm Ranch" residential subdivision – Approved in July 2008.

BL-357 – Chisholm Ranch, LLC for the Juniper Hill Farm, Inc. – Request for Lot-Split approval for the "Westerly Northern Tract" to be taken from the abutting Chisholm Ranch, LLC acreage to deed to the 1-acre tract property abutting to the west – Approved by PC 07/21/2008.

BL-358 – Chisholm Ranch, LLC for the Patricia Wells Trust – Request for Lot-Split approval for the "Westerly Southern Tract" to be taken from the 1-acre property abutting to the west to deed to Chisholm Ranch, LLC – Withdrawn by Applicant 07/15/2008.

BACKGROUND INFORMATION:

The Applicant has recently relocated, from the approximately 31-acre tract abutting to the west with an associated address of 10158 E. 121st St. S. and belonging to Chisholm Ranch, LLC, a single-wide

mobile / manufactured home to the southeast corner of the subject property of 1 2/3 acres, more or less, addressed 9740 E. 121st St. S. The manufactured home has been located, and is intended to be connected to utilities and to remain behind (south of) all the commercial buildings on the subject property, which support the Juniper Hill Farm nursery-related business. The manufactured home is occupied as a dwelling by an employee of the Juniper Hill Farm business. In addition to the business and the manufactured home, this same 1 2/3 acre tract has a single family dwelling. There is a 1-acre tract on the west side of subject property, which belongs to Dr. C. G. Wells, Jr., and contains a single-family dwelling. The Juniper Hill Farm business on the subject property, the single-family dwelling on the subject property, and the single-family dwelling on the 1-acre tract abutting to the west all share the 9740 E. 121st St. S. address. The Applicant has been advised that, based on the location of the driveway at its point of connection to 121st St. S., "9740 E. 121st St. S." is an inadequate address, as it suggests a location immediately next to Mingo Rd., and the driveway is in fact located over 400' east of 101st E. Ave., and that, for reasons of emergency response, it is not appropriate for multiple buildings to share a singular address. The Applicant has stated that, at this time, he does not prefer that the existing addresses of the two (2) houses and the Juniper Hill Farm business be reassigned, but does want to have an address assigned to the manufactured home. The manufactured home on the subject property was assigned 10288 E. 121st St. S. upon approval of BBOA-560, subject to the approval of this application for Special Exception as described in more detail below.

Zoning Code Section 11-8-5 restricts tracts of land to one (1) dwelling unit each. Therefore, the manufactured home would constitute the second dwelling on the tract, and is not permitted.

The property is zoned AG Agricultural District in the City of Bixby. The AG zoning district is primarily designed to allow for farming and general agricultural purposes and allows for one (1) conventional, site-built residential dwelling per tract. Use Unit 9 mobile / manufactured homes, including double-wide manufactured homes, are permitted in the AG zoning district, limited to one (1) per tract, with the approval of an application for Special Exception.

A commercial nursery, identified in the Zoning Code as a "Greenhouse, retail sales" businesses, is recognized as a Use Unit 15 commercial use. Even if selling wholesale, only to landscapers and other businesses, but not the general public (e.g. selling bulk quantity landscaping products from pallets, etc.), if any sales occur on the premises, it is a Use Unit 15 business.

The Use Unit 15 commercial nursery is not a permitted use in the AG district. However, the Applicant informed Staff on May 04, 2012 that he has lived at this location for "50 years." If the Applicant's business occupied the buildings on the 1 2/3 acre property since before the first Zoning ordinance or Zoning Code first prohibited them in the AG district, the business and the buildings they occupy are legally nonconforming, or "grandfathered." The City of Bixby did not adopt the original Zoning ordinance until the late 1960s or early 1970s Zoning Ordinance # 234 (or possibly an earlier ordinance), but certainly by the April 02, 1974 Zoning Ordinance # 272. It has been 38 years since the 1974 ordinance was passed.

In 1994, the Bixby Board of Adjustment approved two (2) Variances that apply to the subject property:

BBOA-274 – Dr. Cecil Wells Jr. – Request for Variance from the minimum area standard in the AG district to allow for a Lot-Split (BL-176) of an approximately 2.6-acre tract into two (2) tracts of approximately 0.9 acre and 1.7 acres, the latter being the subject property – Approved by Board of Adjustment 02/07/1994.

BBOA-275 – Dr. Cecil Wells Jr. – Request for Variance from the minimum frontage standard in the AG district to allow for a Lot-Split (BL-176) of an approximately 2.6-acre tract into two (2) tracts of approximately 0.9 acre and 1.7 acres, the latter being the subject property – Approved by Board of Adjustment 02/07/1994.

Also in 1994, the Bixby Planning Commission approved the Applicant's Lot-Split application, creating the subject property of 1 2/3 (1.7) acres, as follows:

BL-176 – Dr. Cecil Wells Jr. – Request for Lot-Split of an approximately 2.6-acre tract into two (2) tracts of approximately 0.9 acre and 1.7 acres, the latter being the subject property – Approved by Planning Commission 03/02/1994.

In 2008, the Bixby Planning Commission approved Lot-Split application BL-360, which split the "Easterly Southern Tract" from the south side of the 1 2/3-acre subject property and added to the Chisholm Ranch, LLC acreage. Also in 2008, the Bixby Planning Commission approved BL-361, which split the "Easterly Northern Tract" from the Chisholm Ranch, LLC acreage and added it to the north

end of the 1 2/3-acre subject property. It appears this was a property trade intended to allow for a more logical landholding pattern reflecting existing conditions (driveways, etc.), and to accommodate the future development of the Chisholm Ranch, LLC acreage. The split pieces were attached to the adopting lots in both instances, as required by the Planning Commission.

It was recognized at that time, and it is recognized still, that BBOA-274 and BBOA-275 maintain their effect. Thus, it will not be necessary to request a new Variance from the minimum lot area requirement in the AG district per Zoning Code Section 11-7A-4 Table 3, which minimum lot area standard may have required more land area than the 2.0 acres now required, per case notes. Neither will it be necessary to request a new Variance from the street frontage requirement of Zoning Code Section 11-8-4. However, Staff observes that neither Variance application included a Variance from the 2.2 acre minimum land area per dwelling unit standard for properties in the AG district per Zoning Code Section 11-7A-4 Table 3. Further, based on the Applicant's description of the placement of the single-wide manufactured home and a site inspection on May 18, 2012, it would appear likely that it occupies part of the minimum 40' rear yard setback per Zoning Code Section 11-7A-4 Table 3. Finally, it is quite possible that, even as Staff has spent a significant amount of time trying to scope out any additional Zoning Code provisions from which the subject property and the situation are out of compliance, Staff may have inadvertently missed one or more. Therefore, Staff recommended, and the Applicant requested under BBOA-560 a "Variance from the 40' rear yard setback and 2.2 acre minimum land area per dwelling unit standards of Zoning Code Section 11-7A-4 Table 3, and a Variance from any other Zoning Code requirement preventing the placement and maintenance of a Use Unit 9 single-wide manufactured home on a lot containing a Use Unit 6 single family dwelling and the Juniper Hill Farm a Use Unit 15 nursery business."

The Zoning Code and State Statutes prevent the allowance of a Use Unit 9 manufactured home by use of Variance application, as such would constitute an unlawful "Use Variance." It is possible, however, to seek and receive Zoning approval for the Use Unit 9 manufactured home use by Special Exception application, as has been requested here. Although the Applicant was advised of this fact, perhaps due to a misunderstanding, the Special Exception application was not submitted along with the Variance Application. Staff only noticed the omission on May 24, 2012, and sent the Applicant another application form and instructions by letter on that date. The application was received May 29, 2012, and it has been placed on this July 02, 2012 Board of Adjustment agenda for consideration.

This will cause a delay in the ultimate Zoning approval of the manufactured home, presuming approval. However, Staff believes that the approval of the Variance per BBOA-560 presupposes the Board of Adjustment's subsequent approval of this Special Exception, recognizing that BBOA-560 included a request for Variance from "any other Zoning Code requirement preventing the placement and maintenance of a Use Unit 9 single-wide manufactured home on a lot containing a Use Unit 6 single family dwelling and the Juniper Hill Farm a Use Unit 15 nursery business in the AG Agricultural District," and recognizing that the "Finding of No Substantial Detriment or Impairment" test and standard of the Variance, as the Board found it satisfied in BBOA-560, is similar to, and in Staff's estimation, approximately the same as the tests and standards for granting a Special Exception pursuant to the Bixby Zoning Code, "that the [S]pecial [E]xception will be in harmony with the spirit and intent of [the Zoning Code], and will not be injurious to the neighborhood or otherwise detrimental to the public welfare."

Therefore, upon the Board of Adjustment's approval of the necessary Variances on June 04, 2012, subject to the approval of this Special Exception, Staff issued the address assignment letter on June 05, 2012. This should allow the utility companies to connect the manufactured home unit with services.

Also by the May 24, 2012 letter, Staff has requested of the Applicant "a survey, site plan, or sketch representing the 1.7-acre tract and the improvements located on it, and especially the location of the relocated manufactured home..." Staff is concerned that the unit may not be fully located within the boundaries of the 1.7-acre tract subject property, recognizing how close it appeared to be to where Staff would expect the property line was, when Staff visited the site.

ANALYSIS:

Special Exception Request. The Applicant is requesting a Special Exception per Zoning Code Section 11-7A-2 Table 1 to allow an existing Use Unit 9 single-wide manufactured home in the AG Agricultural District.

Subject Property Conditions. The subject property is located approximately 500' south of 121st St. S., near the southwest corner of the intersection of 122nd St. S. and 103rd E. Ave. in Chisholm Ranch Villas.

The subject property is unplatted and contains commercial buildings which support the Juniper Hill Farm nursery-related business, a single-family dwelling, and a single-wide manufactured home recently relocated to the southeast corner of the subject property, behind (south of) all of the commercial buildings. The subject property appears to slope slightly downward to the southwest. It is accessed from a private, paved driveway connecting to E. 121st St. S. at approximately the 10200-block thereof. The driveway then crosses the 1-acre tract abutting to the east along its north and south sides. Additional property information is located in the Background Information section of this report.

Comprehensive Plan. The Comprehensive Plan designates the subject property as Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land.

AG zoning is consistent with the Comprehensive Plan, and the AG district allows a Use Unit 9 manufactured home by Special Exception. Therefore, it appears that the proposed single-wide manufactured home on the subject property would not necessarily be inconsistent with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily CS, CG, and AG.

To the north is vacant land zoned RS-3 for part of a future "Chisholm Ranch" single-family residential subdivision. To the north of 121st St. S. is a 40-acre agricultural tract zoned AG and the The Sand Plum assisted living center and two (2) vacant frontage tracts to the northwest zoned RM-2.

To the south and west is vacant land zoned RS-3 for part of a future "Chisholm Ranch" single-family residential subdivision, with the Heritage Park Estates single-family subdivision zoned RS-3 located beyond that to the west.

To the east is a rural residential tract zoned AG and containing approximately 10 acres, and single-family dwellings and vacant lots in the Chisholm Ranch Villas residential subdivision to the northeast zoned RS-3/PUD 58.

The manufactured home may be somewhat incompatible with surrounding single-family dwellings on other unplatted tracts, and with future site-built, conventional single-family homes to be developed in Chisholm Ranch Villas, Chisholm Ranch, and any future "Chisholm Ranch" single-family residential subdivision. However, the Applicant is in the process of constructing a masonry wall along the south line of the subject property, and existing structures on the Applicant's property block visibility from the north and west. Provided the fence/wall is placed on the common property line or within the subject property and provided the single-wide manufactured home is located within the fence/wall, the effect of manufactured home would be somewhat mitigated from the standpoint of aesthetics, buffering, and separation of uses.

Staff believes that the Board of Adjustment's June 04, 2012 approval of the Variance per BBOA-560 presupposed the Board's subsequent approval of this Special Exception, recognizing that BBOA-560 included a request for Variance from "any other Zoning Code requirement preventing the placement and maintenance of a Use Unit 9 single-wide manufactured home on a lot containing a Use Unit 6 single family dwelling and the Juniper Hill Farm a Use Unit 15 nursery business in the AG Agricultural District," and recognizing that the "Finding of No Substantial Detriment or Impairment" test and standard of the Variance, as the Board found it satisfied in BBOA-560, is similar to, and in Staff's estimation, approximately the same as the tests and standards for granting a Special Exception pursuant to the Bixby Zoning Code, "that the [S]pecial [E]xception will be in harmony with the spirit and intent of [the Zoning Code], and will not be injurious to the neighborhood or otherwise detrimental to the public welfare."

Further, Staff believes that the following facts may be considered arguments in support of determining compatibility:

- The house and commercial buildings serving the Juniper Hill Farm nursery-related business are assumed to be legally nonconforming, or "grandfathered," as described in detail in the Background Information section of this report.
- For tax assessment and other governmental purposes, single-wide manufactured homes are commonly recognized as personal property, as they are usually not attached to the land in a permanent fashion and so are not necessarily part of the real estate.
- The single-wide manufactured home was only recently added to the subject property. It was relocated from the main part of the acreage for the Juniper Hill Farm nursery-related business sold a few years ago to Chisholm Ranch, LLC for a future residential development. It has evidently been occupied by an employee of the Juniper Hill Farm nursery-related business for a

period of time predating the sale. Since the land on which it was previously located was sold to Chisholm Ranch, LLC, and since it belongs to the Juniper Hill Farm business, to a certain extent, approval of this application would preserve the status quo.

- It can be argued that the building is functionally related to the business, analogous to a nightwatchman or on-premises caretaker commonly employed by other types of businesses. It is also analogous to commercial farms and other large commercial businesses that provide their own workers housing on site, but at a reduced scale in this case.

Staff Recommendation. For the reasons outlined in the analysis above, Staff believes that the requested Special Exception would be in harmony with the spirit and intent of the Zoning Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff recommends Approval subject to the following Conditions of Approval:

1. Subject to the completion of the masonry wall along the south line of the subject property.
2. Subject to the submission of a survey, site plan, or sketch representing the 1.7-acre tract and the improvements located on it, and especially the location of the relocated manufactured home, and the relocation of the home to a location fully within the subject property if found to be lying to any extent outside same.

Larry Whiteley stated that, for the last application, the Board had made a Condition of Approval that the mobile home could not be replaced with a permanent home. Murray King indicated agreement. Erik Enyart read the following Condition of Approval for BBOA-560 from the approved Minutes of the previous meeting:

1. The approval is restricted to this mobile home only and no permanent structures can go in its place, and

Erik Enyart stated that that Approval Condition went with that Variance, but the Board would be within its right to also make it a Condition of Approval of this Special Exception application. Board members indicated favor for this idea.

Chair Jeff Wilson asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE BBOA-561 with the Conditions of Approval as recommended by Staff:

1. Subject to the completion of the masonry wall along the south line of the subject property,
2. Subject to the submission of a survey, site plan, or sketch representing the 1.7-acre tract and the improvements located on it, and especially the location of the relocated manufactured home, and the relocation of the home to a location fully within the subject property if found to be lying to any extent outside same, and
3. The approval is restricted to this mobile home only and no permanent structures can go in its place.

Murray King SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: King, Wilson, Whiteley, & Mullins
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

3. **BBOA-562 – Hank Spieker for Cardinal Industries, LLC.** Discussion and possible action to approve Special Exception per Zoning Code Section 11-7B-2 Table 1 to allow a Use Unit 5 church and Use Unit 5 private elementary school in the AG Agricultural District.
Property located: Part of the NE/4 Section 12, T17N, R13E; South and west of the intersection of 131st St. S. and Mingo Rd.
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Chair Jeff Wilson introduced the item. Erik Enyart stated that, due to errors in the Public Notice, this case needed to be Continued to the August 06, 2012 Regular Meeting.

Chair Jeff Wilson asked to entertain a Motion. Larry Whiteley made a MOTION to CONTINUE BBOA-562 to the August 06, 2012 Regular Meeting. Chair Jeff Wilson SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: King, Wilson, Whiteley, & Mullins
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

4. Report by the City Planner on the appeal of BBOA-555 – James Ward for First Equity Corp.
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Chair Jeff Wilson introduced the item and called on Erik Enyart for the Staff Report. Mr. Enyart summarized the Staff Report as follows:

*To: Bixby Board of Adjustment
From: Erik Enyart, AICP, City Planner
Date: Tuesday, June 26, 2012
RE: Report by the City Planner on the appeal of BBOA-555 – James Ward for First Equity Corp.*

On May 16, 2012, Staff received a Notice of Appeal in the case of BBOA-555 – James Ward for First Equity Corp. The appeal was pursuant to the direction unanimously given to the City Manager by the City Council on May 14, 2012.

Per the City Attorney, no action is required of the Board of Adjustment. If the Board members have any questions on the matter can be directed to City Attorney Patrick Boulden, Esq.

Larry Whiteley discussed the roles of the Board of Adjustment and the City Council to write and interpret the Zoning Code.

No action was taken.

ADJOURNMENT

Chair Jeff Wilson made a MOTION to ADJOURN. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: King, Wilson, Whiteley, & Mullins
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 4:0:0

The meeting was Adjourned at 6:19 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary