

**AGENDA
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
116 WEST NEEDLES, BIXBY, OK 74008**

August 1, 2016 6:00 PM

CALL TO ORDER

MINUTES

1. Approval of Minutes for March 7, 2016

PUBLIC HEARING

2. 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

NEW BUSINESS

ADJOURNMENT

Posted By: Staff on behalf of Marcae Hilton, City Planner

Date: July 21, 2016

Time: 5:00 PM



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: August 1, 2016

RE: Report and Recommendations for:
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, 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

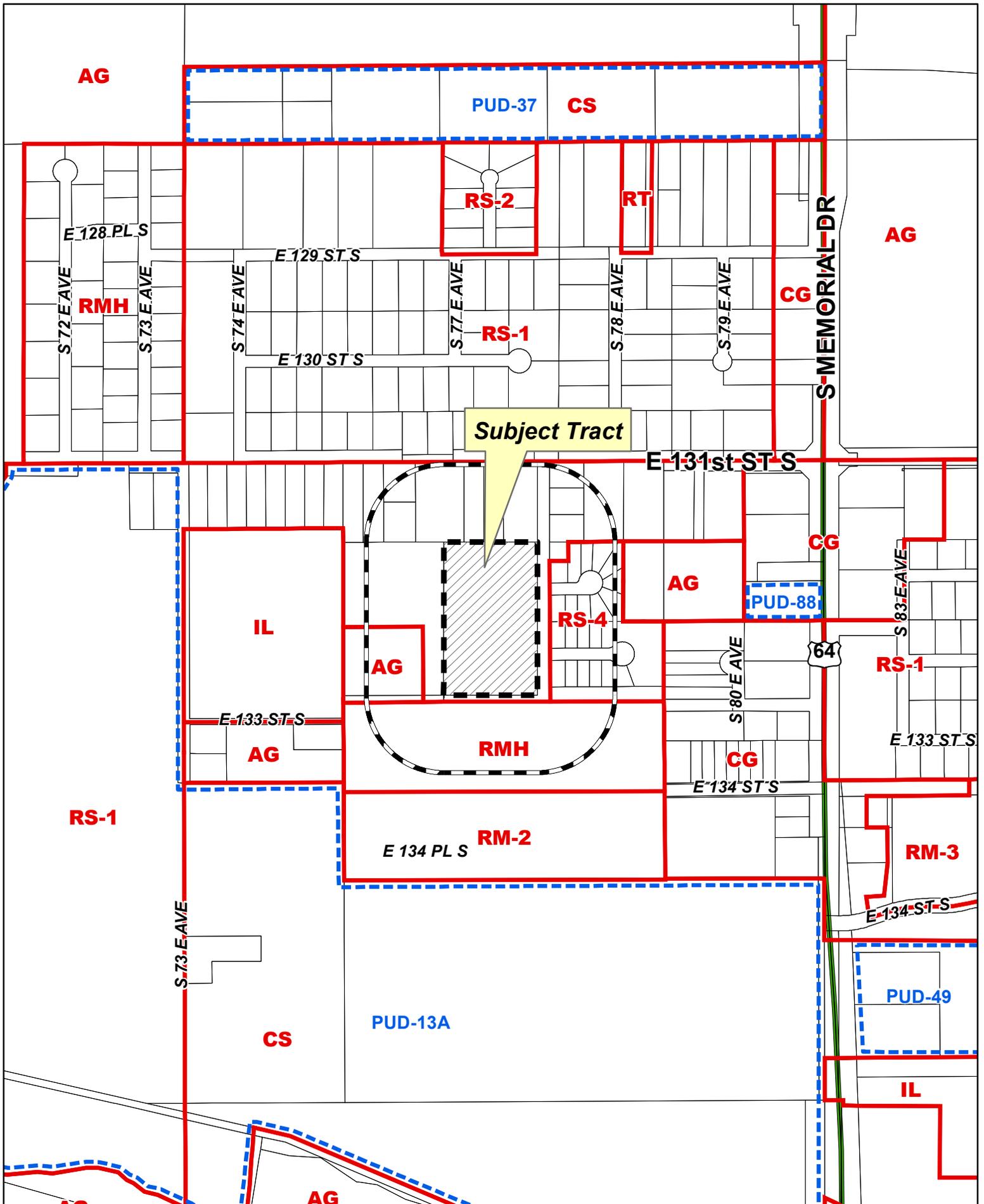
COMPREHENSIVE PLAN:

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)

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- 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)



Subject Tract



BXBA-16.04

