

Agenda
Meeting of The
Bixby Board of Adjustment

116 West Needles, Bixby, Oklahoma 74008

January 18, 2022, at 6:00 P.M.

Call to Order
Chairman

Murray King

Roll Call
Secretary

Donna Crawford

Public Hearing

1. Minutes of the December 6, 2021 Meeting

2. Variance – BXBA-21.10, Applicant: Spartan Construction

Old Business

New Business

Notice of Posting

This Notice and Agenda was posted on the bulletin board January 14, 2022, on or before 5:00p.m., at City Hall, 116 West Needles, Bixby, Oklahoma.

Respectfully Submitted,
Carolyn Back, City Planner
Development Services Director

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: Carolyn Back, Development Services Director/City Planner
Donna Crawford, Assistant Planner

Date: Monday December 6, 2021 (case not heard)
Continued to January 18, 2022 due to applicant no show

RE: BXBA 21.10 – Variance of the side yard setback from 10 feet to 9.5 feet to allow for single-family structure in the Residential Townhouse (RT) District. (PUD-36).

Location: 10245 South 96th East Place, Tulsa, OK 74133
Platted: Lot 8, Block 1, Spicewood Villas

STR: Section 25, Township 18N, Range 13E

Project: Spartan Construction Variance

Applicant: Spartan Construction, Inc.

Staff Review

The applicant has applied for a Variance of the side yard setback from 10 feet to 9.5 feet to allow for single-family structure in the RT District. (PUD-36).

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

Hardship: According to the builder, the single-family dwelling is completed and the side-yard encroachment was discovered when the Plat of Survey was performed on October 8, 2021.

The field error was not determined until the house was finished, closing title work was performed, and the Plat of Survey disclosed the .5-foot encroachment.

This particular encroachment effects only this lot.

This is the second, after construction, building encroachment variance request from Spartan Construction within the year of 2021.

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: City of Bixby Zoning Map

Existing Zoning; Use:

(RT, PUD-36); Residential Townhouse lot; Single-Family dwelling

Abutting Zoning; Uses:

(RT, PUD-36); Residential Townhouse lot; Single-Family dwelling

Public Comments: No comments were 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.

Variance Criteria 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:

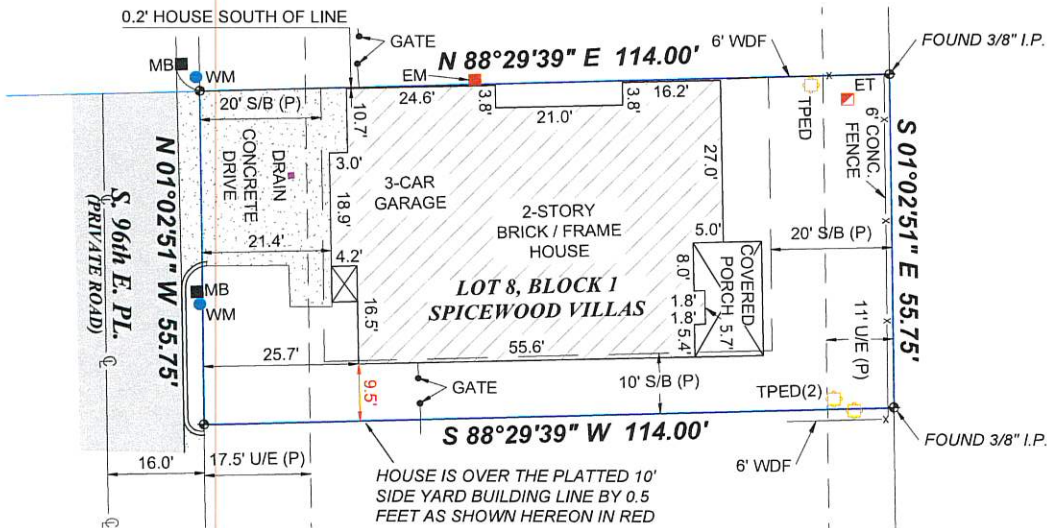
In BOA Case BXBA-21.10 I move that we (approve/deny) a Variance of the side yard setback from 10 feet to 9.5 feet to allow for single-family structure in the RT District, with the following conditions:

Figures:

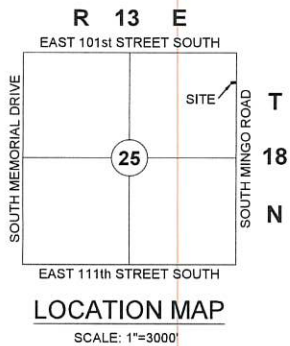
Figure 1: City of Bixby Zoning Map

Attachments:

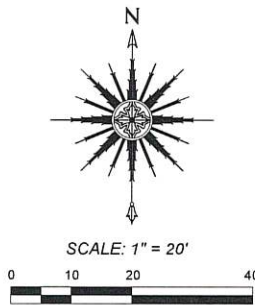
Exhibit A: Boundary Survey



HOUSE IS OVER THE PLATTED 10' SIDE YARD BUILDING LINE BY 0.5 FEET AS SHOWN HEREON IN RED



- LEGEND**
- B/L = BUILDING LINE
 - CL = CENTERLINE
 - EM = ELECTRIC METER
 - ET = ELECTRIC TRANSFORMER
 - MB = MAILBOX
 - (P) = PER PLAT
 - S/B = SETBACK
 - TPED = TELEPHONE PEDESTAL
 - U/E = UTILITY EASEMENT
 - WM = WATER METER
 - WDF = WOOD FENCE
 - - - = CENTERLINE
 - x- = FENCELINE



SURVEYOR'S NOTES

PREPARED FOR: SPARTAN CONSTRUCTION INC. / RHONDA BREWER
 PHYSICAL ADDRESS: 10245 S. 96th E. PL., TULSA, TULSA COUNTY, OK 74133

BEARINGS ARE BASED UPON THE RECORDED PLAT.

EASEMENT AND BUILDING SETBACK LINES SHOWN ON THE RECORDED PLAT ARE SHOWN HEREON. EASEMENTS MAY EXIST THAT ARE NOT SHOWN.

REFER TO CURRENT ZONING FOR NEW CONSTRUCTION GUIDELINES.
 SURVEYED PROPERTY IS SUBJECT TO RESTRICTIONS PER PUD 36 INCLUDING 20' FRONT, 5' & 5' OR 10' SIDE AND 20' REAR SETBACKS.

SET 3/8" IRON PIN W/ GREEN "FRITZ CA5848" CAP OR MAG NAIL W/ "FRITZ CA5848" WASHER AT ALL CORNERS UNLESS NOTED AND SHOWN OTHERWISE HEREON.

GROSS LAND AREA: 6,355.3 SQ. FEET OR 0.15 ACRES.

WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, CITY OF BIXBY, OKLAHOMA, COMMUNITY PANEL NO. 40143C0388L - OCTOBER 16, 2012, WHICH INDICATES THE SURVEYED PROPERTY TO BE WITHIN UNSHADED ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

SURVEYED PROPERTY IS NOT AFFECTED BY THE CITY OF TULSA REGULATORY FLOODPLAIN.

LAST SITE VISIT: OCTOBER 8, 2021.

ALL UTILITIES MAY NOT BE SHOWN - CALL OKIE 1-800-522-6543!



LEGAL DESCRIPTION - AS PROVIDED GWD DOC. #2013097084

LOT EIGHT (8), BLOCK ONE (1), SPICEWOOD VILLAS, AN ADDITION TO THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO 5924.

AMONG OTHER LANDS NOT PART OF THIS SURVEY.

CERTIFICATE OF SURVEY

FRITZ LAND SURVEYING, LLC AND THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR, UNDER CERTIFICATE OF AUTHORIZATION CA #5848, DO HEREBY STATE THAT THIS PLAT OF SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY MADE ON THE GROUND AND OF THE FACTS AS FOUND AT THE TIME OF THE SURVEY AND THAT THIS PLAT MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

WITNESS MY HAND AND SEAL THIS 8th DAY OF OCTOBER, 2021.

ANDY FRITZ, PLS
 OK LIC. 1694
 CA #5848



PLAT OF SURVEY

LOT EIGHT (8), BLOCK ONE (1), SPICEWOOD VILLAS
 10245 S. 96th E. PL., TULSA, TULSA COUNTY, OK 74133

SURVEY: MJL	DATE: 10.08.2021	PREPARED BY: FRITZ LAND SURVEYING, LLC
DRAFT: RLL	DATE: 10.08.2021	2017 W. 91ST STREET, TULSA, OK 74132
APPROVED: PLS	DATE: 10.08.2021	PH: 918.231.0575
REV:	PROJ. NO. 21417	FRTZLANDSURVEYING@GMAIL.COM
		C.A. # 5848 EXPIRES: 6-30-2022