

**MINUTES
BIXBY BOARD OF ADJUSTMENT
BIXBY CITY HALL, COUNCIL CHAMBERS
7 PM, February 2, 2004**

MEMBERS PRESENT	STAFF PRESENT	MEMBERS ABSENT
CARL CARNAHAN	JIM COFFEY	DAVE HILL
JEFF WILSON		
DARRELL MULLINS		
LONNIE JEFFRIES		

- 1. CALL TO ORDER**
2. Chairman Wilson said the approval of the minutes would be moved to the end of the meeting.
3. **BBOA 416 Public Hearing, discussion and possible action to approve a variance to Chapter 2 Section 240e, to construct a detached garage of approximately 864 feet, at 11444 S 85th East Ave, Leo Eash, applicant.**

STAFF REPORT:

There are several detached garages in the area. The applicant could build a 750 sq feet detached garage but is requesting 864 sq feet. Garage is on the North side of the residence and meets code for construction except for the square footage. Staff recommends approval

Leo Eash, explained what he wanted to do.

Carl Carnahan asked about right of way and utility easements. The building does not affect either.

Carl Carnahan asked if the Planner had calls concerning this case.

The planner said he had one call that was concerned about looking at a detached garage.

Connie Earlabough, 11420 S 85th East Ave., wanted to see a plan. Her concern was where the garage was being placed on the property. The road curves and her house is at an angle to the property in a pie shape and they were concern about the detached garage looking like it was in front of their house.

Darrell Mullins asked how far her house was from the property line. And she thought it about 7 to 10 foot off her property line to her house.

Connie Earlabough asked about the looks and if it would have brick or rock over the metal exterior.

Darrell Mullins referred her to the covenants for the area. The covenants are enforced by the homeowners association.

The Earlaboughs and the board look at the plans together and discussed the location of the building so it could be understood.

Darrell Mullins moved and Lonnie Jeffries seconded for approval.

VOTING FOR: Mullins, Jeffries, Carnahan, and Wilson

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 4-0-0

4. BBOA 417 Public Hearing, discussion and possible action to approve a Special Exception to Chapter 3, Section 310, Use Unit 5, to permit a church use in an agriculture zoned district, located north of 111th Street and West of Mingo (no address), Oliphant Trust, applicant.

STAFF REPORT:

The northwest corner of 111th and Mingo has been rezoned commercial. The area is west of the commercial area on the north side of 111th Street. It is East of the new detention pond and dam toward the top of the hill. It is across from the entry into Country Crossing Sub Division. A Church is in accordance with the Comprehensive Plan and would be a proper use for the land. Staff recommends approval

Ricky Jones, Representative for Applicant. We represent Trinity Presbyterian Church on the Special Exception. We have engineered the whole section including the Enclaves and the commercial plat on the corner of Mingo and 111th Street. He located the property with the help of a plat and site analysis. Parcel Size is 5 acres. The property is a buffer between residential single family and commercial. I meet with the

Country Crossing Homeowner Association and they were in agreement. I have a letter from them but I forgot it tonight and I will send it to Jim Coffey your planner. They had several concerns. One was the appearance of a metal building and we assured them it would have an effuse covering and brick. The church has not made a decision on material or color.

We generally do not talk about Hydrology at the Board of Adjustment but I need to make one point because it was important to the homeowners association. This property has a ridge that runs through it and half of the water runs east and the other half drains west to the new Oliphant Detention Facility. We have asked the City Engineer and the Hydrologist to allow us to take all the water to the Oliphant Detention Facility. Yes there are some concerns from homeowners across the street from the facility, that it does not work and is not any better. What we propose to do is to excavate the detention facility behind the dam to make more room for the additional water. If we cannot do that we will have to build a detention pond on the property. It would be a dry pond, hard to maintain, and the people across the street would not like to look at the pond. So they asked the city to allow us to take the water to the Oliphant Detention Facility. If we don't the water goes over Mingo to Broken Arrow and then comes back into Bixby about a quarter mile south of 111th Street. That was important to the homeowner's association.

To grant a Special Exception does not require the showing of hardship, but it is required to be in spirit and harmony with the code, not injurious to the neighborhood, nor otherwise detrimental to public welfare. This request is in harmony with the code. Is not injurious to neighborhood. We would ask you to approve this special exception with these drawings as concept drawings.

Darrell Mullins had questions for Ricky Jones. The driveway is approximately on the west side border of this development. Immediately to the right of that driveway is the crest of the hill. I disagree with your statement that about half of the property is on the east slop and half on the west slop. I had conversation with members of the homeowners association and they had concern about your sending water to the Oliphant Detention Facility.

Ricky Jones said he had a letter from the homeowners association, signed by Wade Exendine, president of the association. The church is buying the driveway and given a mutual access easement to the Oliphants. There first building is to the east of the driveway. The church is also trying to buy the property to the north, which is the old home site.

Darrell Mullins said the crest of the hill is to the east of driveway, and it was my understanding that you wanted to take all the water to the west even though the Oliphant detention facility was not designed to take the water.

Ricky Jones said that was right and this is why that is important. Mingo is the dividing line of Bixby, and Bixby cannot grow east because it is Broken Arrow. Tulsa, Broken Arrow, and Bixby are always in lawsuits over hydrology. Broken Arrow, and I'm on the Planning Commission, would like nothing better than for Bixby to keep all of its water. The northeast corner of the Mingo and 111th Street intersection is in Broken Arrow and they approved the area for a large residential development plat. Broken Arrow will be watching this development like a hawk. If we put water on Broken Arrow we will have to have their approval. You are right the Oliphant Detention Facility was not sized to handle this water. But I was also at the council meeting about a month ago when people across 111th Street said it is not working. You go out there when it rains and you will see a roaster tail coming through the culvert. But you can excavate more out of the facility to take this water? I do know that the facility is phase one and the best thing would be to go down stream and improve the culvert because it is undersized and is a low water dam and backs water up. The City does not have the funds to do that right now. If the city would approve our hydrology we would take water to the Oliphant Detention Facility. I think that is better than creating a detention pond on the property.

Darrell Mullins explained to Ricky Jones how the water now goes into Broken Arrow then back into Bixby down new drainage ditches. We want to get along with Broken Arrow but we want what is right not just political. I don't know if it is the church or planners that want to take the water a certain way, but we know it doesn't work. Ricky Jones replied that it was not the church but the City's Hydrologist that said it works. We will have to file a subdivision plat on this and we will do what ever

the city asks us to do. What we are here to talk about is the land use. Is this an appropriate land use? I suggest that it was.

Carl Carnahan asked if this is the Trinity Church in Bixby. Ricky Jones said it is and the church has been approached to sell their present property.

Carl Carnahan made a motion to approve since the board is only considering the land use and does not have authority to consider hydrology. Lonnie Jeffries seconded the motion.

VOTING FOR: Mullins, Jeffries, Carnahan, and Wilson

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 4-0-0

2. Approval of Minutes from January 5, 2004.

Carl Carnahan moved for approval of the minutes and Darrell Mullins seconded.

VOTING FOR: Mullins, Jeffries, Carnahan, and Wilson

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 4-0-0

5. Old Business: None

6. New Business: None

7. Adjournment

Approved _____ **Date** _____