

Commissioner Hill asked about the road right-of-way and the Planner said he had visited the site and the building could be built in its desired location and still be outside the road right-of-way. The Planner suggest the property owner get a survey to mark the road right of way so his building was not encroached on the right of way.

Commissioner Mullins moved and Commissioner Hill seconded a motion for approval.

VOTING FOR: Hill, Carnahan, Hill, Mullins and Wilson

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 5-0-0

- 4. BBOA 400 Discussion and possible action to approve a variance to Section 430, to allow a 23.5 foot building line set back in lieu of a 25 front set back on property located in Silverwood Subdivision at 109 S. 89th Street, Dodson Construction applicant.**

STAFF REPORT:

Please review the attached plat. The builder has encroached on the Building Line by 1.5 feet. The house is constructed and the error came to light when surveyed. The staff recommends approval

Jerry Emanuel, Sac and Associates Engineering represented the applicant and explained they would like a variance from the building set back.

There were no persons present to respond in the Public Hearing.

Commissioner Mullins asked how could this happen. He had been to the site and thought there was a strong possibility that the builder had attempted to place to large a structure on the lot.

Jerry Emanuel said he felt it was just an unfortunate mistake.

Commissioner Hill was concerned that this builder and other builders may believe they can violate the set back ordinance and simply come and get a variance. He asked if this builder was one who had violated this and other codes of the City of Bixby? The Planner could not say if this builder was one who had asked for variances or other considerations in the past.

Commissioner Mullins was concerned the builders might take advantage of the variance code. He was concerned that it was the duty of the Board of Adjustment and other boards of the City of Bixby to assure the welfare of the citizen who would be purchasing this property or any property in Bixby.

Commissioner Hill asked why the builder was not present to request the variance? His engineer said he was the representative for the builder. Commissioner Hill replied he thought the builder should be there to answer questions.

Commissioner Hill moved and Commissioner Jeffries seconded that the item be continued and that the builder be asked to be present in the next meeting to explain the need for a variance. It was also asked that the staff research the performance of this builder and report to the board.

VOTING FOR: Hill, Carnahan, Hill, Mullins and Wilson

VOTING AGAINST: None

ABSTAINING: None

MOTION PASSED: 5-0-0

5. Old Business: None

6. New Business: None

7. Adjournment

Approval

Date