

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

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

- 1. CALL TO ORDER**
- 2. Approval of Minutes from July 13, 2004. Dave Hill moved and Carl Carnahan seconded to approve minutes.
VOTING FOR:** Mullins, Hill, Carnahan, Wilson,
VOTING AGAINST: None
ABSTAINING: Jeffries
MOTION PASSED: 4-1-0

- 3. BBOA 425 Discussion and Possible Action to approve a Variance to Bulk Requirements Chapter 4, Section 430 as amended to allow less that a 20 foot rear set back at 10610 S 90th East Ct., Steve Wright, applicant.**

STAFF REPORT:

An investigation of the plat and utility plans indicate the sewer line is in the rear of the adjacent property. A building plan is enclosed. Construction of a house without the 20-foot set back would mean that no further construction could be done in the rear yard including a swimming pool. Since there is an 11-foot utility easement the easement cannot be encroached. The distance from the structure from the back wall would be 11 foot plus in lieu of 20 foot if you approve the variance. Staff recommends approval

Darrell Mullins asked if the easement was 11 foot and would go up to the house. Planner answered that was correct.

Steve Wright, Castlerock Builders, explained this was a house he was building for an older couple that wanted a particular house on this lot. They are not concerned about the size of the back yard, but asked that the variance be requested.

Dave Hill asked if the buyer was aware of all the items involved in the variance, that nothing could be built in the back yard. The builder said they were fully aware and he was here on their behalf.

Darrell Mullins asked if the square footage was unusual for this area, is this a case of a house that is just too big for a lot. Steve Wright explained that the house is comparable to the other houses in the subdivision but the shape of the lot makes it difficult to place the house on a lot.

Darrell Mullins asked the planner how the zoning fits with the size of the house. The planner indicated that many developers would zone for smaller lots and then plat larger lots so they do not encounter a density problem. Darrell Mullins asked about the drainage for the area. Are the sizes of the housing taken into consideration? The Planner indicated that the size of the houses are unknown when platted so an engineering factor is used in calculating for impervious surfaces.

Dave Hill asked the planner about the setbacks on each side, one is 11 foot the other is 6 feet. The planner responded that the zoning requires a 5 and 5 set back, but in this case the 11-foot side is also a utility easement. Planner also asked the commission to see the house was set further back on the pie shaped lot because of the width of the house.

Carl Carnahan asked if the planner had received calls on the variance and he responded he had not.

Jeff Wilson asked he anyone was present to speak on this item. No Response.

Darrell Mullins asked if this is granted can the homeowner place a shed in the back yard, is there a process to monitor that practice. The planner described that usually we hear from adjacent property owners.

Nothing of permanency can be built in the utility easement. You must have a permit for anything over 200 square feet. Of course a permit would be declined, and a shed might be removed if the lines need maintenance. The builder said the homeowner's association president is here, and the covenants will not allow any exterior buildings.

John Webey, homeowner's association president, indicated that the covenants would not allow exterior permanent buildings, and structures must be approved by their Architectural Committee.

Dave Hill asked John Webey, if he had received complaints on this house and he indicated he had not.

Dave Hill asked if a building permit had been issued. The planner indicated no permits had been issued.

Dave Hill moved and Lonnie Jeffries seconded a motion to approve.

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

VOTING AGAINST: None

ABSTAINING: Jeffries

MOTION PASSED: 5-0-0

- 4. BBOA 426 Discussion and Possible Action to approve a Special Exception to allow Use Unit 5 Community Services (Church and Wedding Chapel) in a Agricultural Zone at 2909 E 151st Street, Bixby, Ok, Kenneth Laster, applicant.**

Staff Report:

Pastor Hockings has been working sometime to re-locate South Church to an adequate facility. When he realized the possibility of working with Ken Laster to locate on this property, he immediately wanted the property to be within the city limits. Action was taken and the City Council approved to annex the property. An artist conception of the building is attached. A letter from the Chamber of Commerce expressing their support is included. Staff recommends approval.

Bobby Hockings, Pastor of South Church, I would like to answer any questions you might have and also speak after the persons here to speak have had a chance and answer their questions.

Jeff Wilson asked Pastor Hockings, to briefly describe what he was trying to do.

Pastor Hockings, mentioned the drawing the board had received and described they wanted to do about a 10,000 square foot building, construct of logs and redwood. A rustic building for a church and Wedding Chapel.

Lonnie Jeffries asked about the lodge. Is this a lodge like a place with rooms for rent. Pastor Hockings explain it was an assembly area for services and other affairs not a lodge in the since where it is a place for overnight stay. The facility will also be operated as a wedding chapel to offset the cost to the church. The church would not be able to build the facility without using it for a Wedding Chapel.

Public Hearing

Greg Hollinger, 14803 S Columbia Ave, Property owner to the west passed out the FEMA floodplain map and had questions. There is little land between Posey Creek and 151rst Street. That means they would have to build a bridge over Posey Creek. I just built one and it was between \$250,000 and \$300,000. This included hydrology studies, and permitting the structure over a floodplain. The improvements may be beyond the ability of the church, when you take a bridge and floodplain into consideration. They have not done the hydrology work to know if this is feasible. The other problem is we are building large executive homes and the marketability of that property is a major concern to us. A zoning change to Use Unit 5 has many different items. If the church does not succeed then we have all these other items in the use unit to contend with.

Carl Carnahan asked the planner what is this about zoning. We are not a zoning board. The planner explained this is not a zoning issue it is a Special Use Permit for a church and wedding chapel only. The other items would require zoning action with the Planning

Commission and City Council. This action is only to allow a church to build on Agricultural Property.

Carl Carnahan confirmed with the planner that there is not yet a building permit or hydrology study. This action is only for a special use permit. The planner confirmed the statement.

Frank Sellmeyer
, 2606 E 151st Street, lives across the street to the South. Looks like this is for commercial use and we want this to be homes. I also concerned about the traffic and parking. Churches should be on a side street and not a main highway.

Marlene Parker, 2750 E 151st Street, lives across the street adjacent to Frank Sellmeyer. Disappointing to have to fight to keep our land agricultural or for homes. I would like to continue to live in the country.

Sam Hollinger, 15080 S Columbia Ave, I do not believe this is a good fit with residential on the side. This is a commercial building and I do not believe it is a good fit. With the number of cars and only an exit to the west, this use is not good. The adjacent building sites are \$165,000 each with home 1 to 2 million dollar homes, this items does not fit.

Dave Hill asked if the people in this sub division were notified and why are they not here. Hollinger said he was speaking for them.

There was a discussion among the board members to clarify the use, the relationship of other property, and how a church could be a detriment to a residential development.

Carl Carnahan stated that he could not see a conflict of a church adjacent to a residential area. Dave Hill added he was not concerned with the traffic because of the divided four-lane highway in front of the property.

Darrell Mullins asked the planner about parking spaces. The planner confirmed that there is an ordinance that regulates the number of spaces required.

Darek Batman, has property out there, and purchased the property to get away from the density of other properties and have the country atmosphere. It is the commercial side of a wedding chapel that concerns him. It robs me on the wide-open space that I purchased.

The board had a discussion on process and procedure.

Dave Hill moved and Carl Carnahan seconded for approval.

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

VOTING AGAINST: None

ABSTAINING: Jeffries

MOTION PASSED: 5-0-0

5. New Business: None

6. Old Business: None

7. Adjournment

Approved _____ **Date** _____