STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF January 6, 2022
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW, THE AGENDA WAS POSTED January 3, 2022
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

Members Present:
Craig Spencer
Charles "Tim" Hardin
Andrew Crofford
Mark Nordquist
Collin Mason

Members Absent:
None

Staff Present:
Kimberly Payne, Legal Counsel
Jeff Mathews, Community Development Director
Cindy Gibson, Admin. Services Manager
Brady Moore, Chief Innovation Officer

Guests:
None

1. **CALL MEETING TO ORDER.**

Chair Spencer calls the meeting to order at 5:30 PM. Chair Spencer introduces the board and explains the proceedings for the evening.

The following individuals are sworn in:
Mr. Brady Moore

2. **BUSINESS ITEMS FOR DISCUSSION AND POSSIBLE ACTION ON**:

   a) City Sign & Banner, Inc., **VARIANCE (VAR21-17),** requesting review and granting of a variance to Chapter 23, Section 23-198(c) for the number of signs permitted in the Commercial Shopping (CS) district at property addressed as 2302 N. Perkins Road.

Brady Moore, Chief Innovation Officer, presents on behalf of a depleted Planning staff, presents the staff report and asks if there are any questions.

Chair Spencer asks if it is correct that the applicant is requesting one additional logo sign to go along with the one allowed wall sign, which would allow signs on both corners of the building. Mr. Moore responds affirmatively, and reads aloud the letter from the applicant justifying the additional signage.

Chair Spencer thanks Mr. Moore and asks if there are any additional questions; none respond. Chair Spencer then opens the public hearing and asks if there is anyone who wishes to speak in favor of the item; none respond. Chair Spencer asks for anyone wishing to speak in opposition; none respond. Chari Spencer closes the public hearing and ask Mr. Moore to present staff's alternatives.

Mr. Moore states the criteria for approval from the Board, which are:
1. The application of the ordinance to the particular piece of property would result in an unnecessary hardship.
2. Such conditions are peculiar to the particular piece of property involved.
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan

4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Mr. Moore then states the alternatives, which are:

1. Find that each of the criteria for approval of the request is met. The Board will explain how each criterion is met in order to approve the variance(s).
2. Find that each of the criteria for approval of the request is met by imposing modifications or conditions to ensure that the criteria are met. The Board will explain how the criteria are met to grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request is not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

Chair Spencer asks for the board discussion. Mr. Nordquist states that he does not understand how the applicant is inflicted with "unnecessary hardship"; understands the desire to have visibility on both streets, but does not believe that it constitutes said hardship; the application of the presented section of City Code would result in an "unnecessary hardship" on the part of the applicant; and indicates that he has no issue with the additional signage, but the approval of a variance requires that it meet all 4 Criteria.

Chair Spencer postulates that since the business occupies the corner of a building, it likely has a higher property value due to its double frontage creating more advertising opportunity, in which case it would be prudent to allow for an additional sign; and closes his comment by stating that this is speculative.

Chair Spencer then asks for any other comments.

Mr. Mason speaks up, agreeing with Chair Spencer's comment concerning the unnecessary hardship being mostly speculation, although they do ask about the parking and driving visibility for the business. Mrs. Kim Payne, Legal Counsel clarifies that the question is the hardship being the concern for patrons not being able to find the business when coming from different directions, to which Mr. Crawford responds affirmatively.

Mr. Mason comments in agreement, stating that it would be difficult for drivers at the intersection to identify the entrance point for the business without signage on both corners, which could then create a traffic hazard.

Chair Spencer comments in agreement, and adds that the statement that there was a previous sign is unnecessary and not entirely relevant.

Mr. Crofford speaks against Chair Spencer's last comment, saying that if a property had 2 signs previously, they should be allowed 2 signs now, and that in terms of conformity take into account the amount of store frontage then the argument of this item meeting the unnecessary hardship criteria is weak. Mr. Crofford states that he wants to approve it, but criteria does not seem to be met.

Mrs. Payne clarifies that she has heard reasons for criteria #1, #2, and #3 being met, but not criteria #4 yet.

Chair Spencer states that since the request is for only one additional sign, the request is indeed for the minimum necessary to alleviate undue hardship under criteria #4.

Chair Spencer asks for a motion.

Mr. Nordquist moves to approve the request based on the criteria being met as discussed by the Board, Mr. Hardin seconded the motion.

Roll Call:	Spencer	Nordquist	Hardin	Crofford	Mason
	Yes	Yes	Yes	Yes	Yes

Time: 16 minutes

b) Angela & Ivan McFarlin, **VARIANCE (VAR21-18)**, requesting review and granting of a variance to Ch. 23, Sec. 23-121(b) for fence height in the Residential Single Family Small Lot (RSS) district at property addressed as 1802 E. Moore Avenue.

Mr. Moore presents the Staff Report and asks if there are any questions for Staff.

Mr. Hardin asks Mr. Moore to go back to a certain slide and clarifies which house is the property under consideration, due to the lack of identifying street signs as well as it appearing that the rear neighbors already have a fence.

Mr. Crofford asks if there will be a stop sign at the road intersection corner, which abuts the property; Mr. Moore cannot confirm.

Mr. Mason asks for the speed limit on the road, Mr. Moore remarks that it should be the standard for residential neighborhoods since it is unspecified, Mrs. Payne advises that it should be 25 mph.

Mr. Nordquist follows up by clarifying that the rear neighbors of the subject property (addressed as 1801 E Brooke) have a fence, as well as another property that has a fence one block to the south (1800 E Franklin); both of those fences go up to the property line, which is consistent with what the applicant here is requesting which is a 6ft tall fence in the front yard setback.

Mr. Nordquist then asks Mr. Moore if there are any variances requested/filed in connection to those other two properties.

Mr. Moore replies that he and Mrs. Cindy Gibson had searched in the software used to track such cases and that there is no record of a variance request associated with the nearby address of 1800 E Franklin, but they are in receipt of a Variance application for 1801 E Brooke, and is scheduled to be heard by the Board of Adjustment in February.

Chair Spencer asks if there are any more questions for staff; none reply. Chair Spencer then opens the public hearing and asks for anyone that wishes to speak in favor of the item; none reply. Chair Spencer asks for anyone wishing to speak in opposition; none reply. Chair Spencer closes the public hearing.

Mr. Moore to present the alternatives, which are:

1. Find that each of the criteria for approval of the request is met. The Board will explain how each criterion is met in order to approve the variance(s).
2. Find that each of the criteria for approval of the request is met by imposing modifications or conditions to ensure that the criteria are met. The Board will explain how the criteria are met to grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request is not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

Chair Spencer asks for the Board to discuss.

Mr. Hardin says he can see the hardship in terms of the children's safety, considering the amount of construction in the area, and states that it is peculiar because it is a corner lot, that there would be no detriment to granting the variance, and that he believes this is the minimum necessary action to alleviate hardship.

Mrs. Payne speaks up to remind the Board that there are two fence options to decide between, and Mr. Hardin clarifies he was referring to option A.

Chair Spencer asks if there is a motion, and Mr. Hardin says not yet.

Mr. Crofford asks, in reference to the drawings provided, what a certain aspect is and Mr. Nordquist clarifies that it is a sewer manhole.

Mr. Nordquist says that he is unaware to what extent the information is accurate or inaccurate, but when driving through the area in question almost every corner lot has a 6-foot-fence.

Chair Spencer asks if there is any strong preference for Option A of B in terms of proximity to the sewer line easement, and Mr. Nordquist responds that Option A leaves more room for maintenance of the sewer line.

Mr. Mason comments that he would like to suggest A over B because there is approximately 400 square feet difference between the plans so Option B leaves property that the owner can't use.

Mr. Hardin speaks up to say that Option A matches up best with what the rear neighbors already have.

Chair Spencer asks for a motion.

Mr. Hardin moves to approve Plan A, with a maximum height of 6 feet, based on the criteria discussed by the board; Chair Spencer seconds.

Roll Call:	Spencer	Nordquist	Hardin	Crofford	Mason
	Yes	Yes	Yes	Yes	Yes

Time: *13 minutes*

3. **MEETING SUMMARY FOR DISCUSSION AND POSSIBLE ACTION:**

   a. Meeting Summary of December 2, 2021.

Chair Spencer asks if there are any changes and/or edits; none respond.

Mr. Hardin moved to approve, Mr. Crofford seconded to approve the December 2, 2021 meeting summary.

Roll Call:	Spencer	Nordquist	Hardin	Crofford	Mason
	Yes	Abstain	Yes	Yes	Yes

Time: 1 minute

4. **MISCELLANEOUS ITEMS FROM STAFF FOR DISCUSSION AND POSSIBLE ACTION**:

   a. Next Board of Adjustment meeting Thursday, February 03, 2022.

4. **ADJOURNMENT**.

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:00 p.m.

Prepared by – Diana Hood, Associate City Planner

Approved by: ______________________________
Stillwater Board of Adjustment