

STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF July 7, 2022
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED July 5, 2022
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

Members Present:

Charles "Tim" Hardin
Andrew Crofford
Collin Mason

Staff Present:

Tammy Ewing, Legal Counsel
Joshua Brown, Community Development Project Manager
Cindy Gibson, Admin. Services Manager
Jacquelyn Porter, City Planner
Diana Hood, Associate City Planner

Members Absent:

None

Guests:

Stephen Gose
Jeremy Niccum
Rex Largent
Dennis Carary
Devin Wanzor
Lantz Smith
Jason Andrews
Bruce Edwards

1. CALL MEETING TO ORDER.

Mr. Hardin calls the meeting to order at 5:30 PM. Mr. Hardin introduces the board, states that there are two empty seats on the board, and explains the proceedings for the evening.

The following individuals are sworn in: Stephen Gose Lantz Smith
Jeremy Niccum Jason Andrews Rex Largent Bruce Edwards
Dennis Crary Devin Wanzor

2. BUSINESS ITEMS FOR DISCUSSION AND POSSIBLE ACTION ON:

- a) Bruce Edwards/Dalmarc Signs, **VARIANCE (VAR22-09)**, requesting review and granting of a variance to Chapter 23, Section 23-198.c.2 for one sign per business at a property addressed as 414 N Perkins Rd, Stillwater, OK, in the Commercial Shopping (CS) district.

Mr. Hardin reads the item and invites Jacquelyn Porter, City Planner, to present the staff report.

Ms. Porter presents the item and asks if there are any questions for staff; Mr. Crofford asks why the diamond is considered a sign and therefore requires a variance. Ms. Porter responds that it qualifies as a sign because it is the logo for the business and advertising the business.

Mr. Hardin thanks Ms. Porter and invites the applicant to speak.

Mr. Bruce Edwards, 2040 South I-35 Service Road, Oklahoma City, OK, 73119, comes to speak on the following:

- the diamond logo was unable to be placed next to the lettering;
- seeking the variance to allow for the logo to be placed separately of the lettering; and
- the request is to allow the logo to be separated from the type-face of the main sign and placed at a different section of the building.
-

Mr. Hardin request clarification on what hardship this causes on the business.

Mr. Lantz Smith, 800 West Franklin Road, Norman, OK, comes to speak on the following:

- in regards to the hardship, the logo is part of the business and necessary to maintain consistency in advertising across the other business locations; and
- states that the store would be incomplete without the logo of the business.

Mr. Crofford asks if the applicant considered reducing the size of the logo to fit it next to the lettering. Mr. Smith responds that there was, but the proposed design was formulated to maximize a particular dramatic/visual effect for the business' storefront.

Mr. Smith then posits that the hardship would be the applicant needing to lessen the experience they could provide to their customer base due to the drama and atmosphere the applicant would like to establish for their location. Mr. Smith responds affirmatively.

Mr. Hardin asks if there are any other questions for the applicant; none respond. He continues, asking if there is anyone in attendance wishing to speak in opposition; none respond. Mr. Hardin closes the public hearing and calls for the Board to discuss.

Mr. Crofford comments that he can relate to the experience because it can be difficult to find a good place to erect signs, and the business is located on Perkins Road, which can make identifying a business difficult from a fast-moving car.

Mr. Hardin asks if there is anyone else that wishes to speak in favor of this item; none respond. Mr. Hardin asks if there is anyone that wishes to speak in opposition of this item; none respond. Mr. Hardin closes the public hearing.

Mr. Hardin invites Ms. Porter to present the staff 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.

Mr. Hardin then addresses the Board and asks for a discussion on whether the criteria for approval have been met. Mr. Hardin begins to list the criteria, stating that:

- There must be a hardship is that you can't sell the experience;
- The conditions; must be peculiar to the location, considers to be met on the grounds that, in consideration of real estate, all pieces of property are peculiar and different from one another

- It must not impair the neighbors, which states it does not; and
- That the proposal is the minimum amount necessary to alleviate said hardship

Mr. Hardin asks if the Board is in agreement that the criteria have been met, and asks if there is a motion.

Mr. Crofford moves to approve agenda item 22-09, and Mr. Hardin seconds.

Roll Call:	Vacant	Vacant	Hardin	Crofford	Mason
			Yes	Yes	Yes

Time: 12 minutes

- b) Stillwater Wine & Spirits/Metro Signs, **VARIANCE (VAR22-10)**, requesting review and granting of a variance to Ch. 23, Sec. 23-200 for number of signs at property addressed as 3954 W 6th Avenue, Stillwater, OK, in the Commercial General (CG) district.

Mr. Hardin reads the item and invites Ms. Porter to present the item.

Ms. Porter presents the item, noting that the applicant is present to answer questions, and asks if there are any questions for Staff; none respond.

Mr. Hardin invites the applicant to speak.

Mr. Devin Wanzor, 3954 West 6th Avenue, comes to speak on the following:

- Refers back to the slide of the staff presentation that references Section 23-200 of City Code, and asks for clarity before he begins to make his case. Ms. Porter points out the referenced section reads “[number of signs permitted] One of each sign type per street frontage...” which is what he is requesting a variance from
- States the property occupies one address but the building occupies four bays, with four sets of entry doors;
- Traveling on Hwy 51, wants travelers to be able to locate their business without driving past their location;
- Wal-Mart is a close competitors, who has 20 plugs signs on their building;
- Wants to update the business;
- The hardship creates an anti-competitor behavior.

Chair Mason asks how far back the business is off of the highway; Mr. Wanzor responds approximately 200 feet.

Mr. Hardin asks what the hardship would be without this sign. Mr. Wanzor responds it creates a disadvantage for the business and a hardship for flow of traffic who want to turn but realize after they’ve passed the business that they missed their turn.

Mr. Hardin asks if there is anyone else that wishes to speak in favor of this item; none respond. Mr. Hardin asks if there is anyone that wishes to speak in opposition of this item; none respond. Mr. Hardin closes the public hearing and asks for staff to present alternatives.

Ms. Porter to present the staff 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.

Board members discuss that the hardship has been addressed; peculiar in that the location is back off of the main road; relief, if granted, doesn't impair the public; and it is the minimum necessary to alleviate the hardship.

Mr. Mason moves to approve agenda item 22-09, and Mr. Crofford seconds.

Roll Call:	Vacant	Vacant	Hardin	Crofford	Mason
			Yes	Yes	Yes

Time: 8 minutes

- c) Jason & Jana Andrews, **VARIANCE (VAR22-11)**, requesting review and granting of a variance to Ch. 23, Sec. 23-121(b) for fence height and setback requirements at the property addressed as 1201 S Chester St, Stillwater, OK, in the Residential Small Lot Single-Family (RSS) district.

Jacquelyn Porter, City Planner presents staff's report and findings.

Mr. Crofford asks about speed limit on 12th Avenue; Mr. Hardin responds that is probably 30 to 35 miles per hour.

Mr. Jason Andrews, 1201 S. Chester, comes to speak on the following:

- Asking for a fence more than four (4) feet high for security and privacy;
- Hardship is that this could create lack of protection and security for their dog;
- Believes that there is about 20 feet between edge of the street and proposed fence; and
- Speed limit on 12th could be dangerous for the dog.

Discussion is held about there being 14 feet between the house and sidewalk with an additional six (6) feet from sidewalk to back of curb.

Mr. Hardin asks if there is anyone else that wishes to speak in favor of this item; none respond. Mr. Hardin asks if there is anyone that wishes to speak in opposition of this item; none respond. Mr. Hardin closes the public hearing and asks for alternatives.

Ms. Porter to present the staff 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.

Mr. Hardin asks if there are any questions for staff; none respond or board comments.

Mr. Hardin states that he drives by there and confirm that there is a six (6) foot fences along the area out to the sidewalk so this request is not peculiar to the area.

Mr. Hardin moved to approve agenda item VAR22-11 with the condition that the fence be built according to the site plan provided, Mr. Mason seconded.

Roll Call:	Vacant	Vacant	Hardin	Crofford	Mason
			Yes	Yes	Yes

Time: 6 minutes

- d) Gose & Associates/Stephen Gose, P.E., **VARIANCE (VAR22-12)**, requesting review and granting of a variance to Ch. 23, Sec. 23-153(2)a.1 for front yard building setbacks from 25ft to 5ft, at the property addressed as 101 S Main St, Stillwater, OK, in the Commercial General District.

Jacquelyn Porter, City Planner presents staff's report and findings.

Mr. Hardin asks if there are any questions for staff; none respond. Mr. Hardin asks for the applicant's representative to speak.

Mr. Stephen Gose, Gose & Associates at 113 E. 8th Avenue comes to speak on the following:

- Here representing the applicant;
- References the site plan and letter of justification;
- Seeking to make improvements in the store which will extend the building north which will not relocate the retaining wall; and
- Here to answer any questions.

Discussion is held about the retaining wall and sidewalk will remain in tact; and the front face of the addition will match the existing front face of the building.

Mr. Hardin asks if there is anyone else that wishes to speak in favor of this item; none respond. Mr. Hardin asks if there is anyone that wishes to speak in opposition of this item; none respond. Mr. Hardin closes the public hearing and ask for alternatives.

Ms. Porter to present the staff 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.

Mr. Hardin asks for board discussion.

Mr. Crofford moved to approve agenda item VAR22-12 based upon letter of justification, Mr. Hardin seconded.

Roll Call:	Vacant	Vacant	Hardin	Crofford	Mason
			Yes	Yes	Yes

Time: 6 minutes

- e) Gose & Associates/Stephen Gose, P.E., **VARIANCE (VAR22-13)**, requesting review and granting of a variance to Ch. 23, Sec. 23-150(c)(2)a.1 for front yard building setbacks from 25ft to 5ft, at the property addressed as 802 S Duck St, Stillwater, OK, in the O (Office) district.

Jacquelyn Porter, City Planner presents staff's report and findings.

Mr. Hardin asks about the five (5) foot setback on Duck; Ms. Porter responds that the continuity is already set.

Mr. Hardin asks for the applicant's representative to speak.

Mr. Stephen Gose of Gose & Associates at 113 E. 8th Avenue, comes to speak on the following:

- Here tonight representing First United Methodist Church;
- Ms. Porter covered everything in depth;
- The building that the church previous built was in a planned unit development and has a five (5) foot setback. Duck is a 100 foot right-of-way and 8th Avenue is a 100 foot right-of-way as well; and
- The letter of justification is included and can answer any questions as well as there is a representative from the church here.

Mr. Hardin asks if there are any questions for Mr. Gose; none respond. Mr. Hardin asks if there is anyone else that wishes to speak in favor of this item; none respond. Mr. Hardin asks if there is anyone that wishes to speak in opposition of this item; none response. Mr. Hardin closes the public hearing and asks for alternatives.

Ms. Porter to present the staff 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.

Mr. Hardin comments that the letter of justification addresses the four (4) criteria and asks if there is any additional board discussion; none respond.

Mr. Mason moved to approve agenda item VAR22-13, Mr. Hardin seconded.

Roll Call:	Vacant	Vacant	Hardin	Crofford	Mason
			Yes	Yes	Yes

Time: 3 minutes

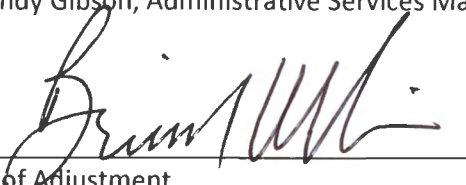
3. MISCELLANEOUS ITEMS FROM STAFF FOR DISCUSSION AND POSSIBLE ACTION:

- a. Next Board of Adjustment meeting Thursday, August 04, 2022.

4. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:10 p.m.

Prepared by – Cindy Gibson, Administrative Services Manager

Approved by: 
Stillwater Board of Adjustment