



**SPECIAL MEETING AGENDA
STILLWATER BOARD OF ADJUSTMENT**

Thursday, July 20, 2023

12:00 p.m. – Room 1122, City Hall, 723 S. Lewis Street, Stillwater, Oklahoma

www.stillwater.org

Chair Brian Wiles, Vice-Chair John Houck, and Jim Rice

Note: Members of the Board of Adjustment and City Staff will gather prior to the regular meeting in Room 1121 beginning at 5:00 p.m. No Board of Adjustment business will be discussed or otherwise acted upon at this time. This is not a closed session, and members of the public and press are welcome to attend.

1. CALL MEETING TO ORDER.
2. CONSIDERATION, DISCUSSION AND TRAINING WITH COUNSEL OF THE CITY ATTORNEY’S OFFICE REGARDING OPEN MEETING ACT, OPEN RECORDS ACT AND VARIANCES.
3. BUSINESS ITEMS FOR CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON:
 - a. Kenneth Horvath, **VARIANCE (VAR23-07)**, requesting review and approval of a variance to Section 23-211 to allow for a gravel driveway approach at the property addressed as 1525 E. Burris Rd, in Residential Single-Family Large Lot (RSL) zoning.
 - b. Ideal Homes Development, LLC, **VARIANCE (VAR23-08)**, requesting review and approval of a variance to Section 23-195(b)(4) for the number of signs per subdivision entrance at the property currently addressed as 2224 W. 29th Ave, in Residential Single-Family Small Lot (RSS) zoning.
 - c. Eric & Samantha Gil, **VARIANCE (VAR23-09)**, requesting review and approval of a variance to Sec 23-211 to allow for a gravel driveway approach at the property addressed as 1509 E Burris Rd in Residential Single-Family Large Lot (RSL) zoning.
 - d. Reilly Davis, **VARIANCE (VAR23-10)**, requesting review and granting of a variance to Ch. 23, Sec. 23-121.b to allow construction of a wooden privacy fence at property addressed as 901 W. Will Rogers Drive in the Single Family Large Lot Residential (RSL) district.
 - e. Keystone Engineering on behalf of Henry Anderson, TreanorHL Architects & Zeta Tau Alpha Fraternity, **VARIANCE (VAR23-11)**, requesting review and granting of two (2) variances: #1: Ch. 23, Sec. 23-121.c for projection into yard for setback requirements; and #2: Ch. 23, Sec. 23-141.d for maximum building heights for a proposed new building at 1001 W. University Drive in the Multi-Family Urban Residential (RMU) district.

- f. Gose & Associates on behalf of Bob White Real Estate Trust, LLC / Cory T. Williams, **VARIANCE (VAR23-12)**, requesting review and granting of four (4) variances: **#1:** Ch. 23, 23-132 to allow a variance to the maximum gross density of 11 dwelling units per acre to 13 dwelling units per acre; **#2:** Ch. 23, 23-138(c)(1) to allow a minimum lot area of 7,000 square feet instead of 7,500 square feet is being requested for each pair of lots; **#3:** Ch. 23, 23-138(c)(2) to allow a minimum lot width of 50 feet instead of 60 feet is being requested for each pair of lots; and **#4:** Ch. 23, 23-138(d) to allow a front minimum front yard setback of 8 feet instead of 20-feet for the west side of Lot 17 and the east side of Lot 32; both are secondary frontages for the buildings to be developed on properties currently addressed as 1017 W 9th Ave, 1109 W 9th Ave, 1022 W 10th Ave, 1024 W 10th Ave, 1104 W 10th Ave, 1110 W 10th Ave, 1122 W 10th Ave, 1124 W 10th Ave AND 920 through 924 South Jefferson Street in the Two-Family Residential (RT) district.

4. MINUTES FOR DISCUSSION AND POSSIBLE ACTION:

- a. Regular Meeting Minutes of July 7, 2022.
- b. Special Meeting Minutes of August 25, 2022.
- c. Regular Meeting Minutes of October 6, 2022.
- d. Regular Meeting Minutes of January 5, 2023.
- e. Regular Meeting Minutes of May 4, 2023.

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

- a. Next regularly scheduled Board of Adjustment meeting Thursday, August 3, 2023.

6. ADJOURNMENT.

On _____ at _____ a true and correct copy of this agenda was posted on the kiosk outside City Hall, 723 S Lewis Street, Stillwater, OK.

NOTE: The Board of Adjustment may take action including a vote or series of votes on all items listed on this agenda unless the item specifically indicates that no action will be taken. The City of Stillwater encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, please notify the Community Development Desk at least 48 hours prior to the meeting by calling 405.742.8213.



**ISSUED BY THE COMMUNITY DEVELOPMENT
DEPARTMENT STILLWATER, OKLAHOMA**

Date of Meeting: July 20, 2023
Subject: Section 23-211.2.b of the Land Development Code relating to driveway approach requirements in residential areas
Project Name: VAR23-07
Location: 1525 E Burris Rd – Stillwater 74

BACKGROUND

The subject site is located at 1525 East Burris Road on the south side of East Burris Road, and is part of the Stillwater 74 subdivision. The property is zoned Large Lot Single Family Residential (RSL) with similar zoning surrounding the subject site to the sides and south, and the area north of Burris Road outside City Limits.

The Land Development Code requires “concrete or asphalt approaches from the street curblin to the property line” in single-family residential areas. The applicant is requesting a variance to waive this requirement due to East Burris Road being a gravel road.

CODE APPLICATION

Sec. 23-211. – Design Standards

(2) *Surfacing.* All vehicle and outdoor storage and display areas shall be paved according to the following:

(b) All single-family residential uses shall have concrete or asphalt approaches from the street curblin to the property line. On residential lots greater than one acre, the remaining driveway beyond the approach may be graveled or hard-surfaced.

CRITERIA FOR APPROVAL

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

- (1) The application of the ordinance to the particular piece of property would create 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; and
- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

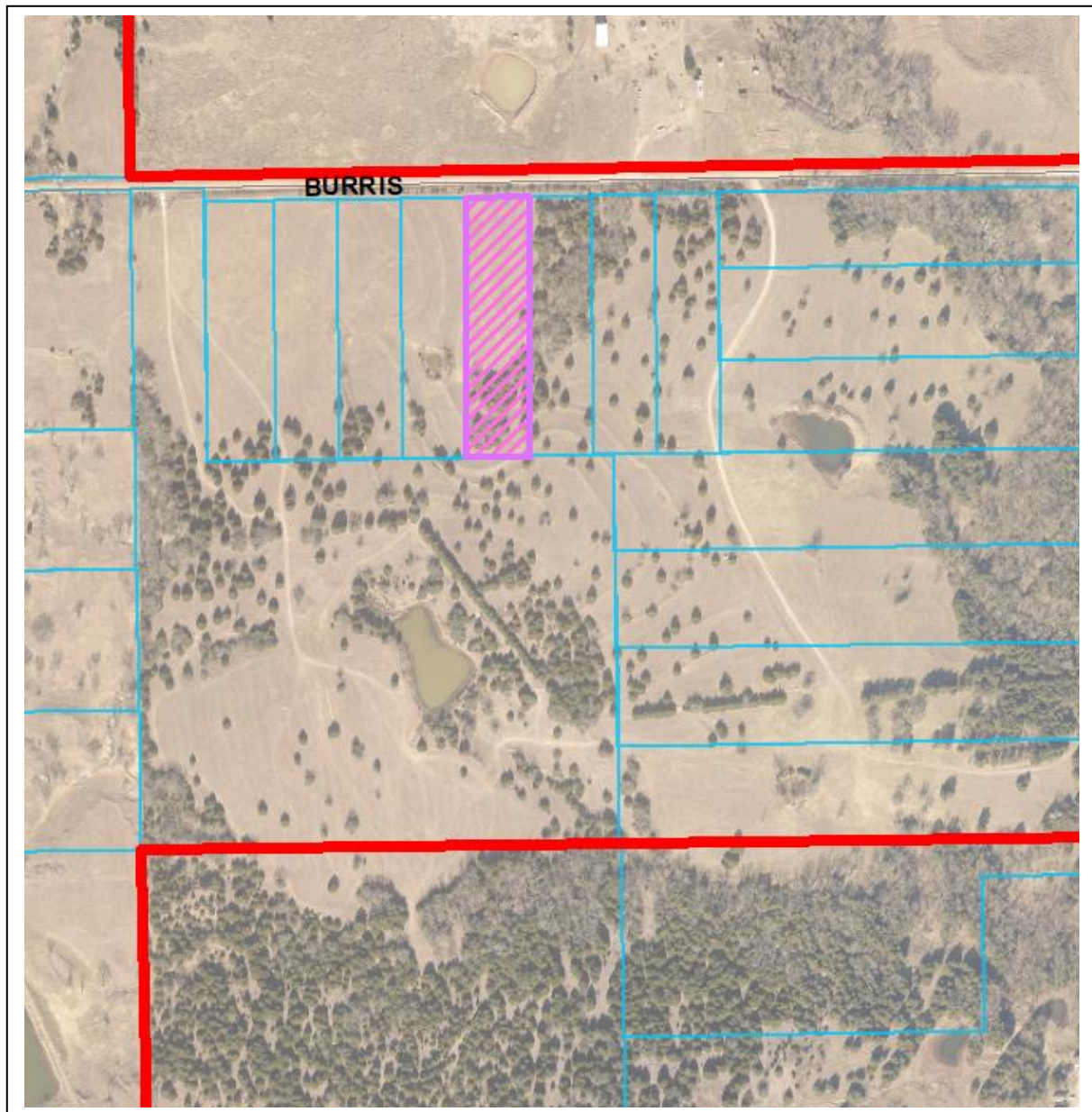
ALTERNATIVES

The Board of Adjustment has the following alternatives of action:

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.

Prepared by:	Diana Hood, Associate City Planner
Date of Preparation:	July 11, 2023
Attachments:	Application Packet, Area Map, Site Plan, and Letter of Justification



The City of
Stillwater
OKLAHOMA

Project Type: Variance
Request: Driveway paving requirement in RSL zoning
Address: 1525 E Burris Rd
Applicant: Kenneth Horvath

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

Chapter, Article, Section, City Code from which the action is requested: Sec. 23-211

Appeals application submittal requirements.		
Applicant	Section 23.68	City
	1.) Completed application form	
	2.) Filing fee - \$140	
	3.) On a separate sheet, state the City's Code Section or the City Administrative Officer's decision or action for which appeal is being sought.	
	4.) Provide justification for the appeal.	

ALL Variance and Special Exception application submission requirements - CWR 20, 11.00.00		City
Applicant	Section 23.65, 23.67	
KH	1.) Completed application form	
KH	2.) Filing fee - \$140	
KH.	3.) A typewritten and electronic/digital copy of the legal description of the subject property, capable of being reproduced and emailed to digitals@stillwater.org .	
KH	4.) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by the Payne County Assessor, a licensed abstractor, attorney, engineer or architect, of all property owners within three hundred (300) feet of the subject property. The ownership list shall have been prepared no more than thirty (30) days prior to submission.	
/	5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable.	
/	6.) Original mortgage or field survey, if applicable.	
KH.	7.) Variances only – Letter explaining how the request meets the criteria for approval of a variance.	
/ KH.	8.) Any other documents, information, etc. to assist the Board in making a decision.	

Findings Necessary for Granting Variances

In determining whether or not the variance should be granted, the Board of Adjustment shall consider and record in the official minutes of the meeting, the extent to which the evidence demonstrates that:

1. The application of the ordinance to the particular piece of property would create 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; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Certification:

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) do hereby understand that a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations. This application must be completed, signed, and dated by the applicant(s) and the owner(s).

Applicant

Kenneth Horvath Date 5/1/23

Owner/Agent (provide documentation)

Kenneth Horvath Michelle Horvath Date 5/1/23

For City of Stillwater Use Only: CASE NO.#: _____

Submission Date: _____
Approval Date: _____

Processing Tract: IRC _____, BOA _____
Fees: _____ Number of Copies: _____

STILL WATER 74
BLOCK 2
LOT 4
1525
2.54 ACRES



PLOT PLAN

4/20/2023

**Kenneth & Michelle
HORVATH**

OVERALL PLAN DETAILS

FLOOR	PLATE HEIGHT	ROOF PITCH	WDW HEIGHT
MAIN	9 FT.	6 : 12	7 FT. 5 IN.

SQUARE FOOTAGE

1468 SQ. FT. MAIN FLOOR AREA
457 SQ. FT. GARAGE FLOOR AREA
86 SQ. FT. CVRD. FRONT PORCH AREA
120 SQ. FT. CVRD. REAR PORCH AREA

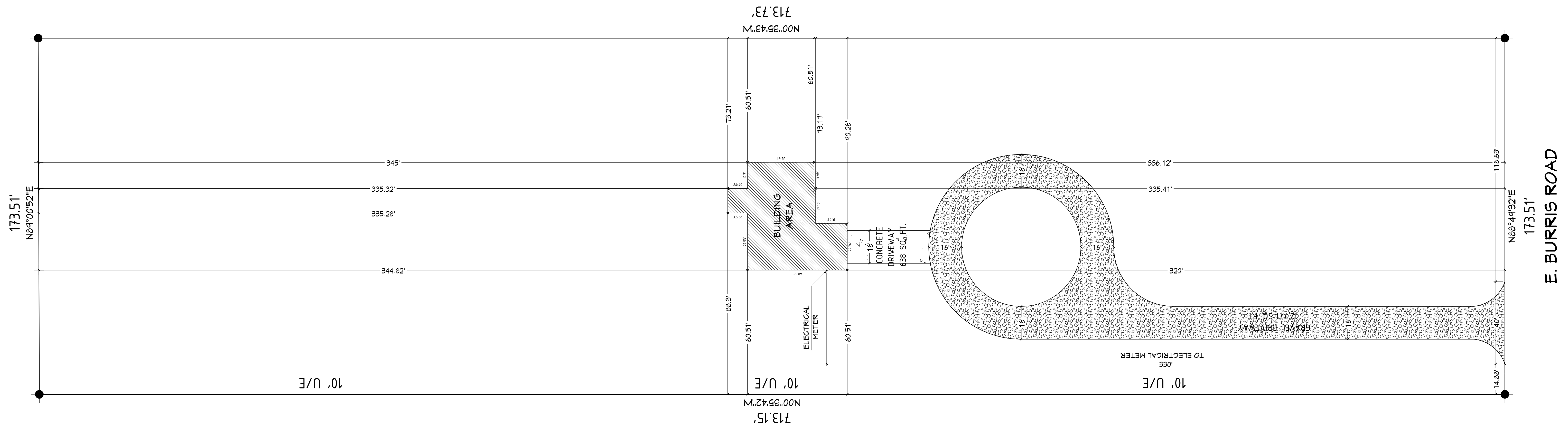
SPEC:

RD-D09 - S-05

SCALE:

$$1/4 = 1'-0''$$

SHEET:



1

PROPOSED PLOT PLAN

NOT SCALEABLE : 1/24" = 1'-0"

Request for a variance to Sec. 23-211,

We will need to have a driveway approach installed consisting of gravel, not concrete, the driveway approach will be installed to Burris Rd, which is gravel, (gravel driveway to gravel road)

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**ISSUED BY THE COMMUNITY DEVELOPMENT
DEPARTMENT STILLWATER, OKLAHOMA**

Date of Meeting: July 20, 2023
Subject: Section 23-195 (b) 4 of the Land Development Code relating to number of subdivision signs per entrance
Project Name: VAR23-08 West Entrance Signage
Location: Park Valley Subdivision - 2224 West 29th Avenue

BACKGROUND

The subject site is located at 2224 West 29th Avenue on the east side of South Western Road which is part of the Park Valley Addition subdivision entrance. The property is zoned Small Lot Single Family Residential (RSS) with similar zoning surrounding the subject site of the west entrance. Park Valley Addition has two entrances, one on the north side of the addition coming off West 29th Avenue and another on the west side creating access off South Western Road. The applicant has requested three total signs for the entrances one for the north entrance and two for the west entrance.

The Land Development Code allows for “one sign per entrance” of subdivision signs. The applicant is requesting a variance to allow for an additional subdivision sign located at the west entrance coming off South Western Road.

CODE APPLICATION

Sec. 23-195. - RSL and RSS Large and Small Lot Single-Family and RT Two-Family Residential Districts.

(b)Number of signs permitted. The following number of signs are permitted at the stated increments:

(4)Subdivision sign: one sign per entrance.

CRITERIA FOR APPROVAL

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

- (1) The application of the ordinance to the particular piece of property would create 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; and
- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

ALTERNATIVES

The Board of Adjustment has the following alternatives of action:

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.

Prepared by:	Jacquelyn Porter, City Planner
Date of Preparation:	June 29, 2023
Attachments:	Application Packet, Area Map, Elevation Plans and Letter of Justification

CITY OF STILLWATER - DEVELOPMENT SERVICES DEPARTMENT
BOARD OF ADJUSTMENT APPLICATION

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

 Appeal Special Exception ✓ Variance Minor Variance

Title of Subdivision/Plan: Park Valley Sec 1
Owner(s) of Property: IH Development, LLC
Owner(s) Address: 1320 N. Porter Norman, OK
Owner(s) Phone/Fax/Email: 405 215 4900 / mhiggins@ideal-homes.com
Applicant(s) Name: IH Development, LLC
Applicant(s) Address: 1320 N. Porter, Norman, OK
Applicant(s) Phone/Fax/Email: 405 215 4900 / mhiggins@ideal-homes.com
Location of Property: 2224 W. 29th Ave. (Park Valley Sec. 1 / lot 1 / blk 2)

Chapter, Article, Section, City Code from which the action is requested: Sec 23-195(b)(4)

Appeals application submittal requirements:

Applicant	Section 23.68	City
	1.) Completed application form	
	2.) Filing fee - \$140	
	3.) On a separate sheet, state the City's Code Section or the City Administrative Officer's decision or action for which appeal is being sought.	
	4.) Provide justification for the appeal.	

ALL Variance and Special Exception application submittal requirements: Ch. 23, Article 3

Applicant	Section 23.65, 23.67	City
	1.) Completed application form	
	2.) Filing fee - \$140	
	3.) A typewritten and electronic/digital copy of the legal description of the subject property, capable of being reproduced and emailed to digitals@stillwater.org .	
	4.) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by the Payne County Assessor, a licensed abstractor, attorney, engineer or architect, of all property owners within three hundred (300) feet of the subject property. The ownership list shall have been prepared no more than thirty (30) days prior to submission.	
	5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable.	
	6.) Original mortgage or field survey, if applicable.	
	7.) Variances only – Letter explaining how the request meets the criteria for approval of a variance.	
	8.) Any other documents, information, etc. to assist the Board in making a decision.	

Findings Necessary for Granting Variances

In determining whether or not the variance should be granted, the Board of Adjustment shall consider and record in the official minutes of the meeting, the extent to which the evidence demonstrates that:

1. The application of the ordinance to the particular piece of property would create 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; and
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Certification:

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) do hereby understand that a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations. This application must be completed, signed, and dated by the applicant(s) and the owner(s).

Applicant

Melissa Higgins

Date 5.1.23

Owner/Agent (provide documentation)

Melissa Higgins

Date 5.1.23

For City of Stillwater Use Only:

CASE NO. #: _____

Submission Date: _____

Processing Tract: IRC _____, BOA _____

Approval Date: _____

Fees: _____ Number of Copies: _____

Board of Adjustment Findings

May 1, 2023

To whom it may concern:

This letter seeks to request variance relief for entrance signage for Park Valley neighborhood located at 2224 W 29th Ave. The applicant seeks relief from code Sec23-195(b)(4) to allow a secondary entrance sign on the north side of the entrance angled facing south.

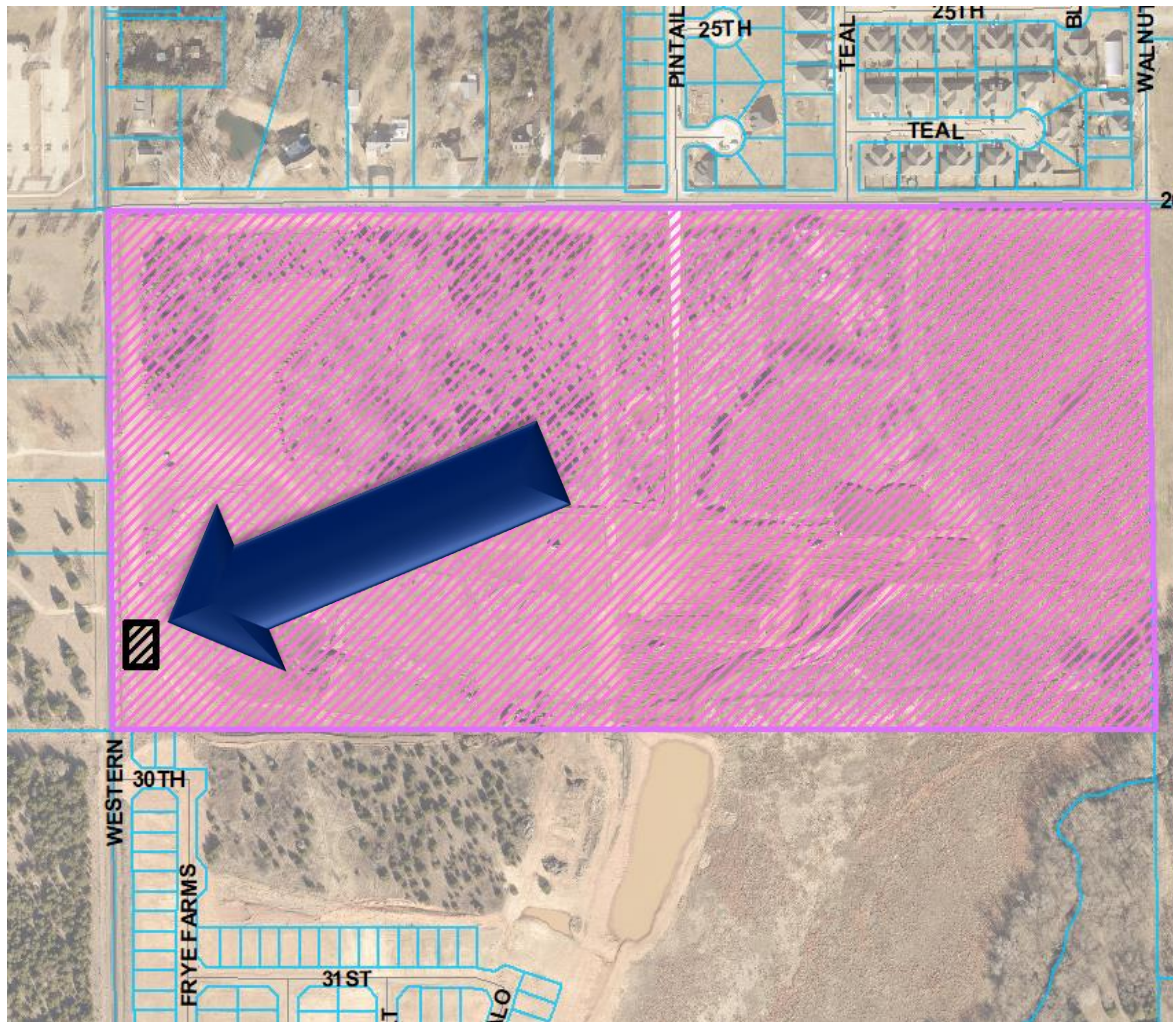
The variance being requested is due to the nature of the entrance orientation and location. As it is currently approved, only motorists travelling southbound on Western Road would have visibility of the entrance and northbound motorists would be unaware of the entrance until upon it which could cause additional traffic issues in an already busy thoroughfare.

Approval of this variance request would be no detriment to the public and would be the minimum necessary to alleviate the hardship. Thank you for your time and consideration.

Melissa Higgins
Project Manager
405-215-4900
mhiggins@ideal-homes.com

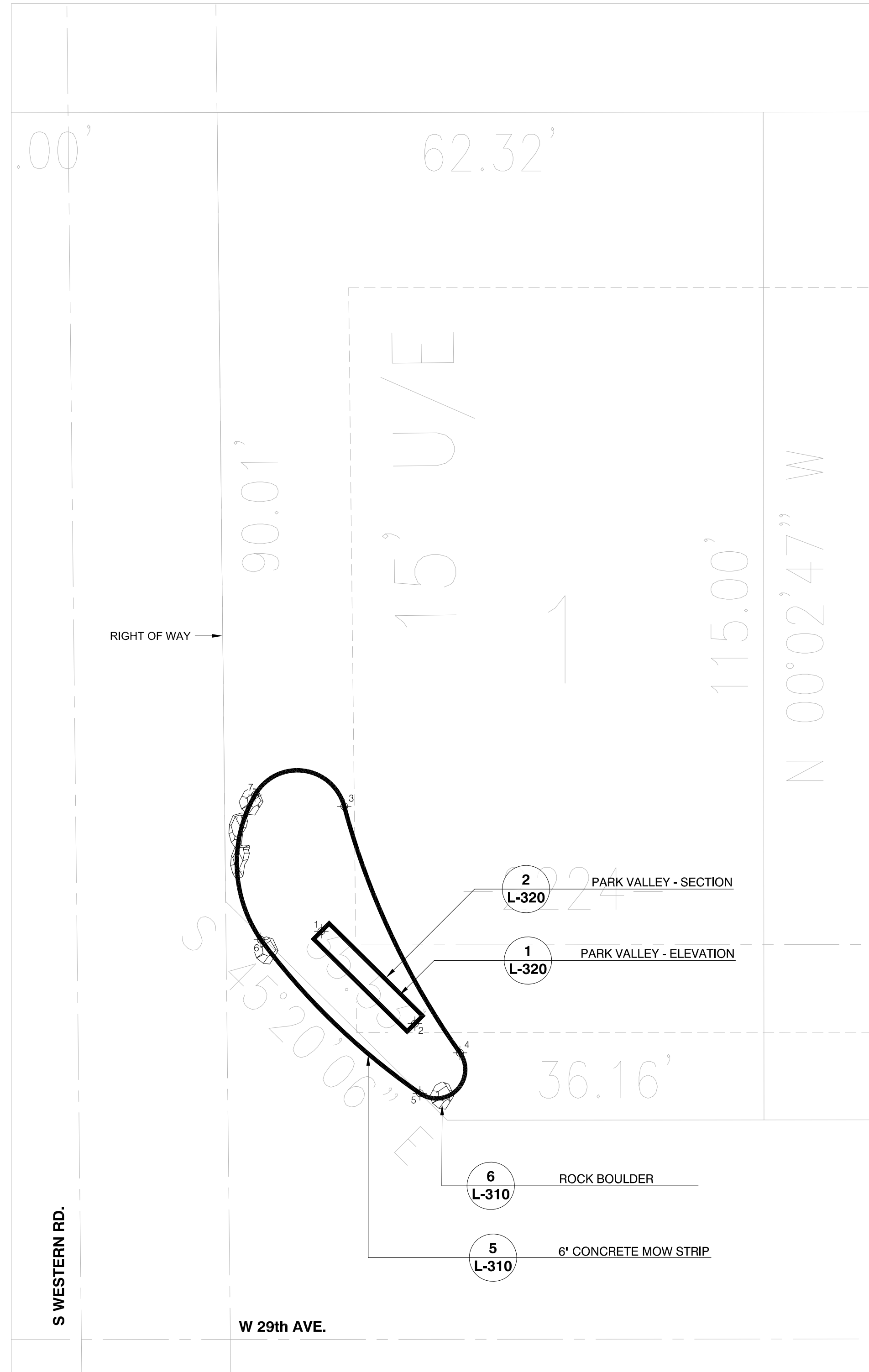
Sec. 23-195. - RSL and RSS Large and Small Lot Single-Family and RT Two-Family Residential Districts.

- (a) *Sign types permitted by right.* The following signs are permitted by right in the single-family (RSL and RSS) and two-family (RT) residential districts:
- (1) Nameplate signs.
 - (2) Real estate signs.
 - (3) Construction signs.
 - (4) Bulletin board signs for public, charitable or religious institutions.
 - (5) Home occupation signs.
 - (6) Subdivision signs.
 - (7) Development signs.
- (b) *Number of signs permitted.* The following number of signs are permitted at the stated increments:
- (1) Nameplate, building sign: one sign per parcel.
 - (2) Real estate and construction signs: one per firm involved with the sale or construction of the property.
 - (3) Home occupation signs: one sign per parcel.
 - (4) Subdivision sign: one sign per entrance.
 - (5) Development sign: one per development as defined by the property boundary or final plat.
- (c) *Maximum gross surface area.* No sign shall exceed the following maximum gross surface area:
- (1) Nameplate signs: two square feet.
 - (2) Building signs: three square feet.
 - (3) Real estate signs: six square feet per face per parcel.
 - (4) Construction signs: six square feet.
 - (5) Home occupation signs: no larger than two square feet in size attached to the principal structure.
 - (6) Subdivision sign: 40 square feet.
 - (7) Development sign: not more than 100 square feet in area announcing the sale of lots and/or houses in a subdivision may be located on such development. Such sign shall be removed at the end of three years from the date of issuance or permit, or when 75 percent of the lots in the subdivision have been sold, whichever occurs sooner.
- (d) *Maximum height.* No sign shall extend more than ten feet above the ground.
- (e) *Required sign setback.* All signs shall be ten feet from all property lines unless otherwise indicated.



The City of
Stillwater
 OKLAHOMA

Project Type: Variance (VAR23-08)
Request: Multiple subdivision signs
Address: 2224 W 29th Ave
Applicant: IH Development, LLC.

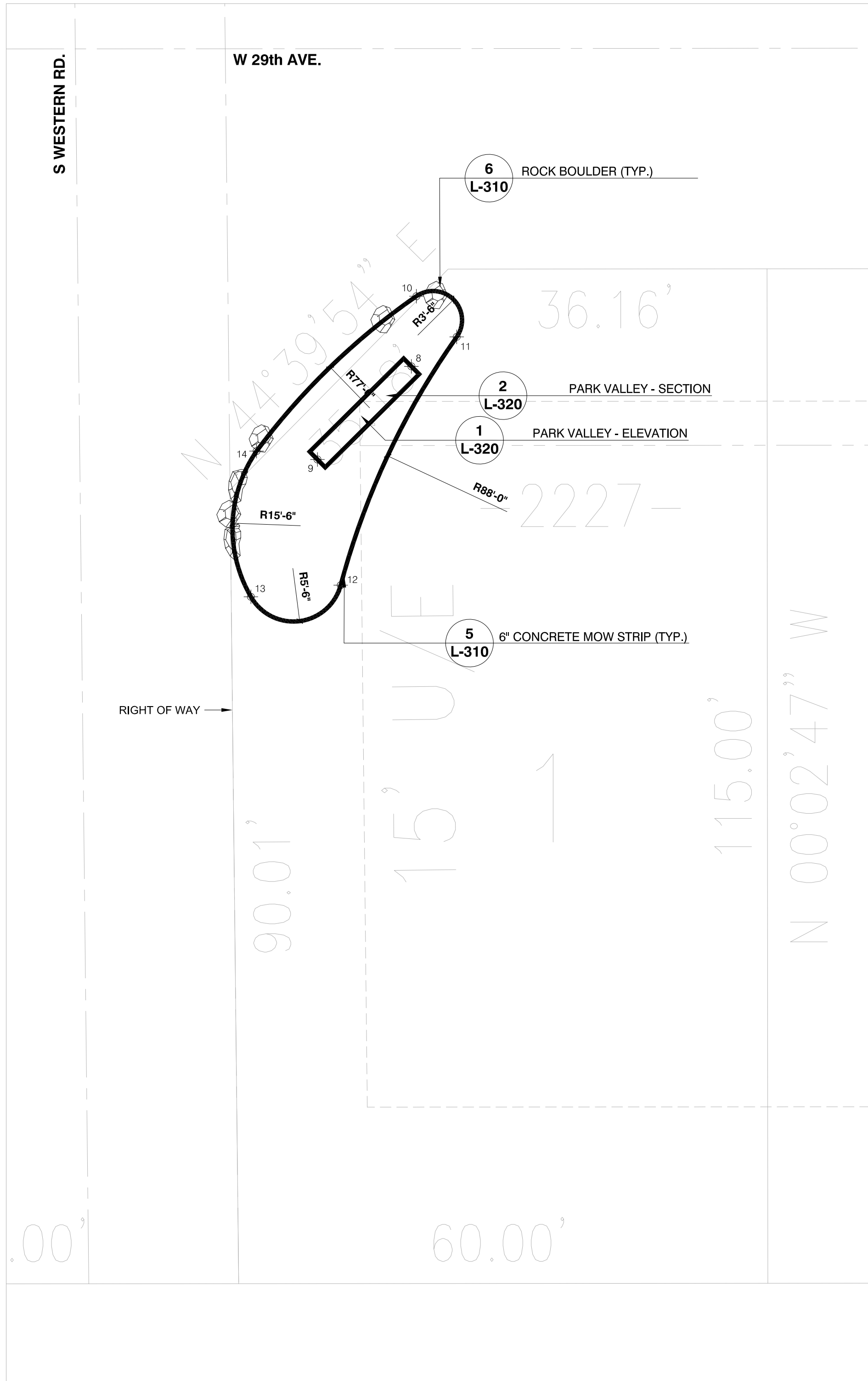


A MONUMENT SIGN (NORTH SIDE) AT W. 29th AVENUE
SCALE: 1"=10'

Landscape Notes

Landscape Beds:

- The contractor shall be responsible for locating all existing proposal utilities prior to beginning work.
- The plant schedule provided is for reference only. The contractor is responsible for final plant count
- Spray the bed area with roundup grass killer or non-selective herbicide. Allow 7-10 days for roundup to take effect. Till dead grass into topsoil to a depth of 6-inches and rake smooth
- Set our and space plants as indicted on the drawings. Contact contract administrator if adjustments are required.
- Container grown annuals and perennials: carefully remove plant from container. Scarify rootball to promote root growth
- Dig holes large enough to allow spreading of roots and backfill with planting soil mix.
- Work soil around to eliminate air pockets and leave a slight saucer indention around plants to hold water.
- Water thoroughly after planting, taking care not to cover plant crowns with wet soil.
- Apply regular application of 10-20-20 fertilizer to promote long plant blooming.
- Mulch backfilled surfaced of planting beds and other areas as indicated.
- Apply 3 inch thickness of grade A shredded cedar mulch or as shown on the plans. Do not place mulch with plant crown.



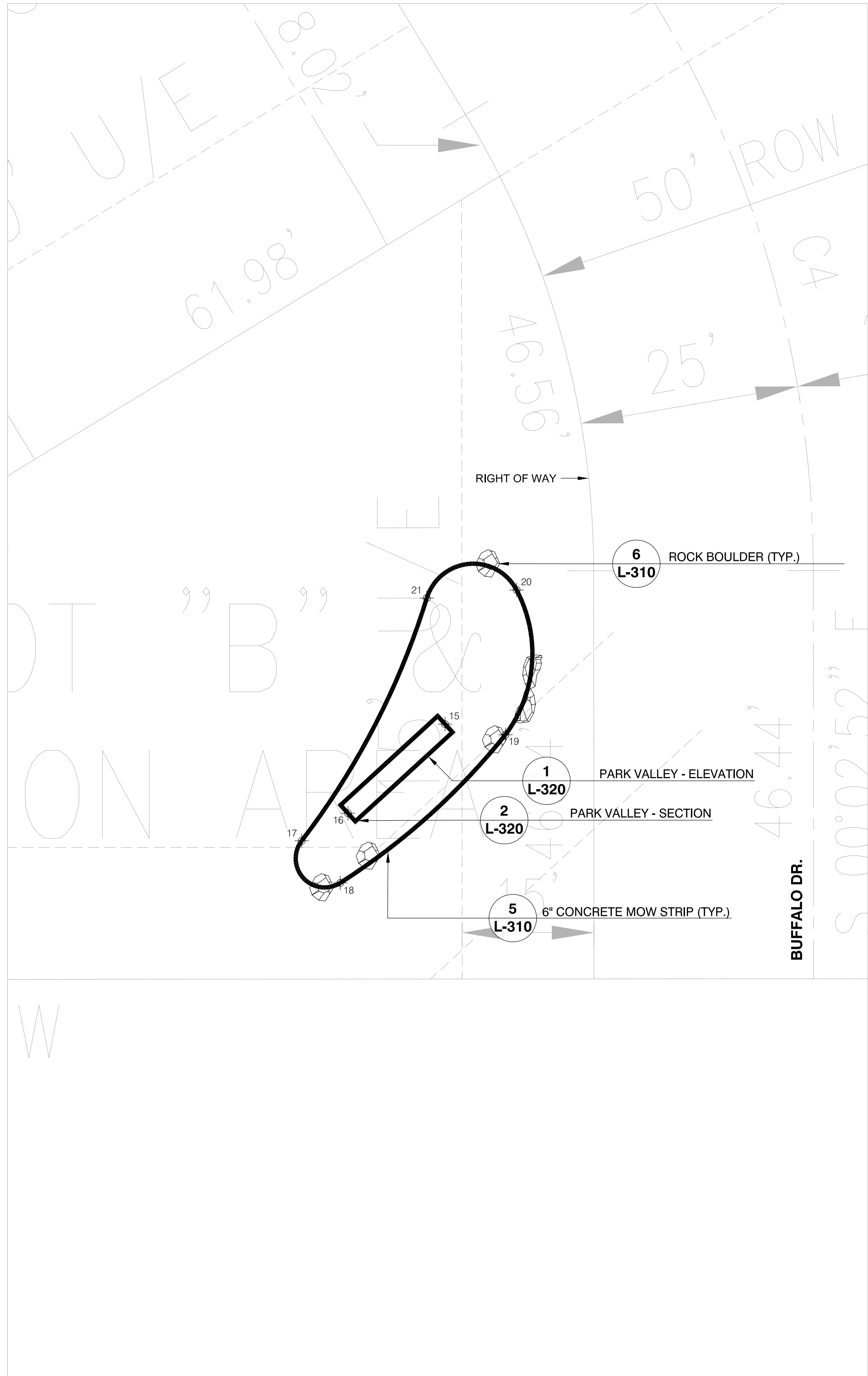
B MONUMENT SIGN (SOUTH SIDE) AT W. 29th AVENUE
SCALE: 1"=10'

Seed & Sod:

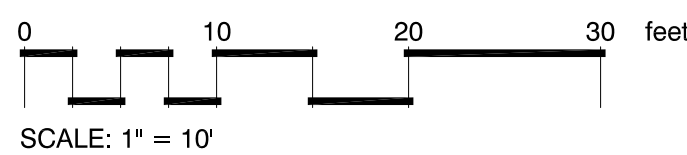
- Contractor to seed disturbed areas not specifically identified to have sod or alternative surface material.

Trees:

- All plant material shall be in accordance with the American Standards for Nursery Stock (ANSI z60.1-2004). Plant according to ANSI a300 part 6.
- Dig the planting hole a minimum of 2x width of root ball for al least the first 12 inches of depth. Below 12 inches, dig hole wide enough to permit adjusting. Do not dig the hole deeper than root ball depth.
- Scarify the subgrade and side of the planting hole when planting in clay soils more than 15% clay).
- Lift and set the tree by root ball only. Do not list using the tree trunk and do not use tree trunk as a lever.
- Set the top of the root ball level with the soil surface or slightly higher is the soil is prone to settling.
- After the tree is set in place remove burlap, wire and straps from at least the upper 1/3 of the rootball.
- Backfill with existing soil that has been well-tilled or broken-up. Do not add amendments to the backfill soil. Amend the surface with mulch.
- Use three 2"x2" wood stakes driven into undisturbed soil a minimum of 16 inches. Space stakes equally around the tree
- Attach 3/4" nylon webbing to connect the tree to stakes. Attach webbing at 1/3 the tree height.
- Apply a 3" settled depth of shredded cedar mulch to the tree planting surface. Leave a 3" space around the trunk for air circulation.
- Pruning shall be limited to dead, diseased, or broken limbs only and shall be in accordance with ANSI a300 specifications.
- Remove any trunk wrap remaining at time of plantings. No wraps shall be placed on trunk.



C MONUMENT SIGN AT BUFFALO DRIVE
SCALE: 1"=10'



NORTHING/EASTING POINT SCHEDULE

POINT	DESCRIPTION	NORTHING	EASTING
1	NORTH SIGN	N 398408.43	E 2238280.51
2	NORTH SIGN	N 398397.89	E 2238291.18
3	NORTH SIGN	N 398422.68	E 2238283.12
4	NORTH SIGN	N 398394.56	E 2238296.33
5	NORTH SIGN	N 398389.94	E 2238291.76
6	NORTH SIGN	N 398407.47	E 2238273.61
7	NORTH SIGN	N 398423.98	E 2238272.94
8	SOUTH SIGN	N 398325.85	E 2238291.24
9	SOUTH SIGN	N 398315.29	E 2238280.59
10	SOUTH SIGN	N 398333.80	E 2238291.80
11	SOUTH SIGN	N 398329.18	E 2238296.38
12	SOUTH SIGN	N 398301.04	E 2238283.22
13	SOUTH SIGN	N 398299.72	E 2238273.04
14	SOUTH SIGN	N 398316.24	E 2238273.68
15	EAST SIGN	N 398251.71	E 2239325.38
16	EAST SIGN	N 398241.57	E 2239314.33
17	EAST SIGN	N 398238.43	E 2239309.06
18	EAST SIGN	N 398233.64	E 2239313.46
19	EAST SIGN	N 398250.49	E 2239332.25
20	EAST SIGN	N 398266.97	E 2239333.53
21	EAST SIGN	N 398266.05	E 2239323.30



DESIGNED BY:
K. COPELAND

DRAWN BY:
K. COPELAND

DATE:
14 APR 2023

PROJECT NO.:
20230413

MRK	DESCRIPTION	DATE	BY

PARK VALLEY
MONUMENT SIGN ENTRANCES
WESTERN & W 29TH AVENUE
STILLWATER, OK

PARK VALLEY:
ENTRY SIGN LAYOUT

L-100

STEP 1: CORRECTION - REMOVE SOIL AND ROOTS ABOVE THE ROOT COLLAR

REMOVE EXCESS SOIL
REMOVE EXCESS ROOTS
NEW ROOT BALL SURFACE
ROOT COLLAR (FLARE)

TREE PLANTED TOO DEEP IN ROOT BALL. REMOVE EXCESS SOIL AND ROOTS TO MEET ROOT BALL OBSERVATION DETAIL.

STEP 2: CORRECTION - REMOVE DEFECTS

CUT CIRCLING ROOT
REMOVE STRUCTURAL ROOTS CIRCLING ROOT COLLAR (FLARE) OR CROSSING OVER OTHER STRUCTURAL ROOTS

CUT CROSSING ROOT

CUT CIRCLING ROOT
REMOVE STRUCTURAL ROOTS CIRCLING ROOT COLLAR (FLARE) OR CROSSING OVER OTHER STRUCTURAL ROOTS. CUT NECESSARY ROOTS JUST BEFORE ABRUPT TURN.

CUT CROSSING ROOT
REMOVE STRUCTURAL ROOTS EXTRUDING FROM ROOT BALL. SMALL ROOTS 1/2" OR SMALLER AT THE PERIPHERY OF THE ROOT BALL ARE NOT CONSIDERED DEFECTS AND NEED NOT BE REMOVED.

CUT EXTRUDING STRUCTURAL ROOTS
REMOVE STRUCTURAL ROOTS EXTRUDING FROM ROOT BALL. SMALL ROOTS 1/2" OR SMALLER AT THE PERIPHERY OF THE ROOT BALL ARE NOT CONSIDERED DEFECTS AND NEED NOT BE REMOVED.

NOTES:

- ALL TREES SHOWN ARE REJECTABLE UNLESS THEY UNDERGO RECOMMENDED CORRECTION. FIRST STEP 1, THEN STEP 2. ADJUST HOLE DEPTH TO ALLOW FOR THE REMOVAL OF EXCESS SOIL AND ROOTS OVER THE ROOT COLLAR.
- ROOTS AND SOIL MAY BE REMOVED DURING THE CORRECTION PROCESS; ANY SUBSTRATE/SOIL REMOVED FOR CORRECTION OR OBSERVATION SHALL BE REPLACED AFTER THE CORRECTION HAS BEEN COMPLETED.
- TREES SHALL PASS ROOT OBSERVATIONS DETAIL FOLLOWING CORRECTION.

1 ROOT BALL CORRECTION (B&B)
1" = 1'-0"
32 9343-04

ACCEPTABLE

SINGLE DOMINANT LEADER
ASPECT RATIO LESS THAN 0.66

EXAMPLE

A	B	ASPECT RATIO
1.50"	0.50"	0.33
2.50"	0.90"	0.36
2.0"	1.00"	0.50
2.50"	1.80"	0.64

ASPECT RATION OF B:A LESS THAN 0.66 AS MEASURED 1" ABOVE THE TOP OF THE BRANCH UNION.

REJECTABLE

MULTIPLE DOMINATE LEADERS
ASPECT RATION GREATER THAN 0.66

EXAMPLE

A	B	ASPECT RATIO
2.50"	1.80"	0.72
2.0"	2.0"	1.0
2.50"	2.0"	0.80
4.0"	3.0"	0.75

ASPECT RATION OF B:A GREATER THAN OR EQUAL TO 0.66 AS MEASURED 1" ABOVE THE TOP OF THE BRANCH UNION.

32 9101-02

ACCEPTABLE ROOT BALL

TOP OF ROOT BALL
ROOT COLLAR
TOP-MOST ROOT EMERGES FROM ROOT BALL

THE POINT WHERE TOP-MOST ROOT(S) EMERGES FROM THE TRUNK (ROOT COLLAR) SHOULD BE WITHIN THE TOP 2" OF SUBSTRATE. THE ROOT COLLAR AND THE ROOT BALL INTERIOR SHOULD BE FREE OF DEFECTS INCLUDING CIRCLING, KINKED, ASCENDING, AND STEM GIRDLING ROOTS. STRUCTURAL ROOTS SHALL REACH THE PERIPHERY NEAR THE TOP OF THE ROOT BALL.

ROOT BALL PERIPHERY
STRUCTURAL ROOTS
FEEDER ROOTS

ROOTS RADIATE FROM TRUNK AND REACH SIDE OF THE ROOT BALL WITHOUT DEFECTING DOWN OR AROUND.

NOTES:

- OBSERVATION OF ROOTS SHALL OCCUR PRIOR TO ACCEPTANCE. ROOTS AND SOIL MAY BE REMOVED DURING THE OBSERVATION PROCESS; SUBSTRATE/SOIL SHALL BE REPLACED AFTER THE OBSERVATION HAS BEEN COMPLETED.
- SEE SPECIFICATION FOR OBSERVATION PROCESS AND REQUIREMENTS.

4 ROOT BALL OBSERVATION (B&B)(ACCEPTABLE)
3/4" = 1'-0"
32 9343-07

2 CROWN OBSERVATION - HIGH BRANCHED TREE
1/4" = 1'-0"

BEFORE PLANTING, TREE HAS THREE CODOMINANT STEMS, THE TWO THAT COMPETE WITH THE ONE IN THE CENTER SHOULD BE PRUNED TO SUPPRESS THEIR GROWTH.

TWO COMPETING STEMS WERE REDUCED SUBSTANTIALLY. IN THIS CASE REMOVING ABOUT 70% OF THEIR FOLIAGE USING REDUCTION CUTS.

AFTER PRUNING, TREE HAS ONLY ONE DOMINATE STEM.

NOTES:

- TREE SHOWN IS REJECTABLE UNLESS IT UNDERGOES RECOMMENDED TREATMENT.
- TREE SHALL MEET CROWN OBSERVATION DETAIL FOLLOWING CORRECTION.

3 CROWN CORRECTION EXAMPLE
1/2" = 1'-0"

ACCEPTABLE

SINGLE DOMINANT LEADER
ASPECT RATION IS LESS THAN 0.66
REJECTABLE

EXAMPLE

A	B	ASPECT RATIO
1.50"	0.50"	0.33
2.50"	0.90"	0.36
2.0"	1.00"	0.50
2.50"	1.60"	0.64

ASPECT RATION OF B:A LESS THAN 0.66 AS MEASURED 1" ABOVE THE TOP OF THE BRANCH UNION.

REJECTABLE

MULTIPLE DOMINANT LEADERS
ASPECT RATION IS GREATER THAN OR EQUAL TO 0.66

EXAMPLE

A	B	ASPECT RATIO
2.50"	1.80"	0.72
2.0"	2.0"	1.0
2.50"	2.0"	0.80
4.0"	3.0"	0.75

ASPECT RATION OF B:A GREATER THAN OR EQUAL TO 0.66 AS MEASURED 1" ABOVE THE TOP OF THE BRANCH UNION.

NOTES:

- ASPECT RATIO SHALL BE LESS THAN 0.66 ON ALL BRANCH UNIONS. ASPECT RATIO IS THE DIAMETER OF THE BRANCH (B) DIVIDED BY THE DIAMETER OF THE TRUNK (A) AS MEASURED 1" ABOVE THE TOP OF THE BRANCH UNION.
- ANY TREE NOT MEETING THE CROWN OBSERVATION DETAILS MAY BE REJECTED.

5 ROOT BALL OBSERVATION (B&B)(REJECTABLE)
3/4" = 1'-0"
32 9343-08

7 ROOT CORRECTION DETAIL - CONTAINER GROWN
1" = 1'-0"
32 9101-05

SHAVING PROCESS
SHAVE OUTER PERIPHERY OF THE ROOT BALL A MAXIMUM OF 2" THICK

SHAVING COMPLETE
EXPOSED ROOT TIPS AFTER REMOVAL OF PERIPHERY ROOT

NOTES:

- ROOT SHAVING SHALL BE COMPLETED IMMEDIATELY PRIOR TO PLANTING OR WHEN ROOT BALL IS IN THE TREE PIT.
- ROOT SHAVING SHALL BE COMPLETED USING A SHARP KNIFE OR HAND SAW.
- ROOT SHAVING SHALL NOT REMOVE MORE OF THE ROOT BALL THAN NECESSARY FOR PERIPHERY ROOT PRUNING.

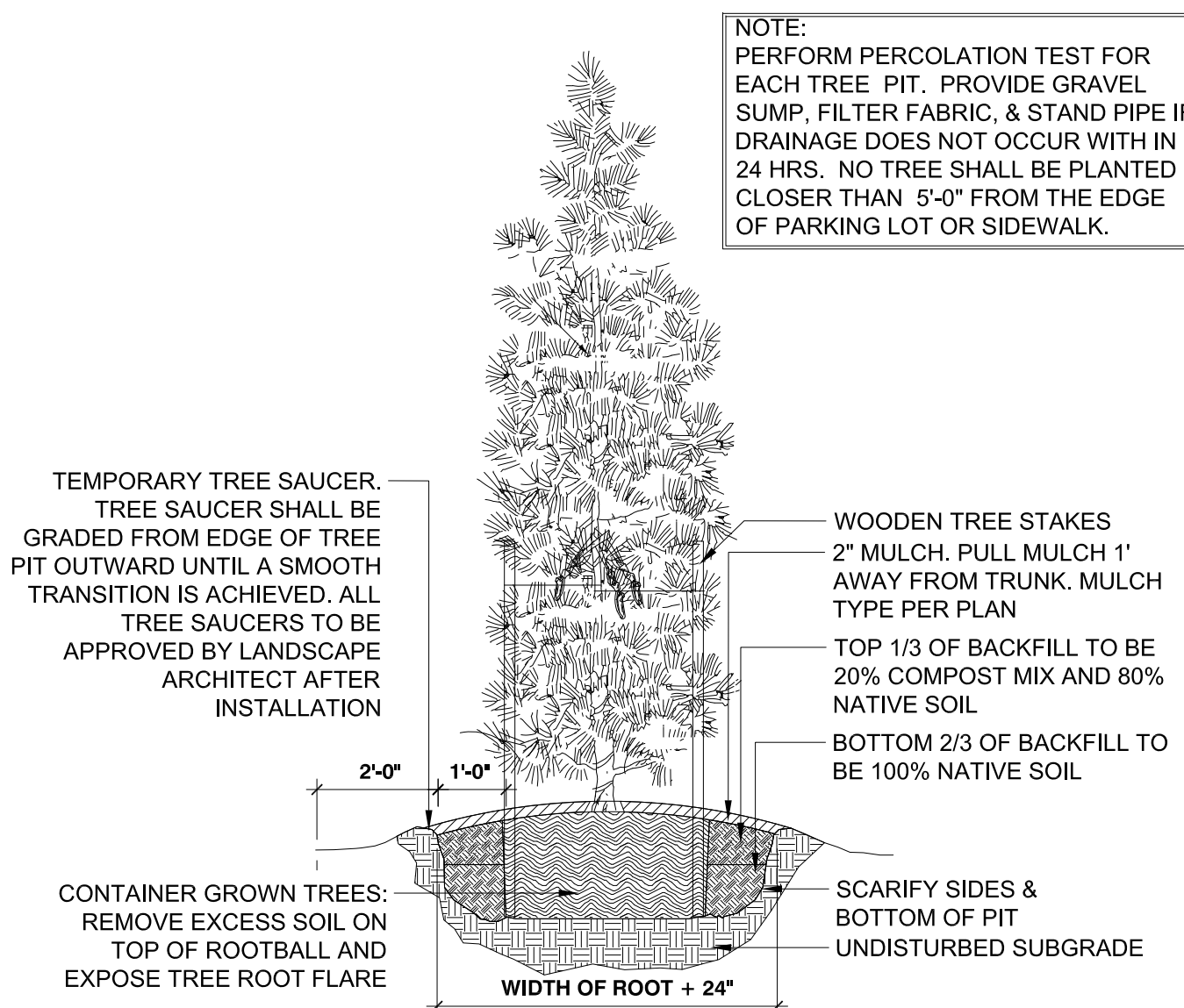
8 SOD - SOIL PREPARATION
1 1/2" = 1'-0"
32 9113-03

1'3" BERMUDA SOD, PROVIDED BY CONTRACTOR

2" IMPORTED TOP SOIL, PROVIDED BY CONTRACTOR

TILTED SUBGRADE TO 8" DEPTH, COMPACTED TO 95% PD

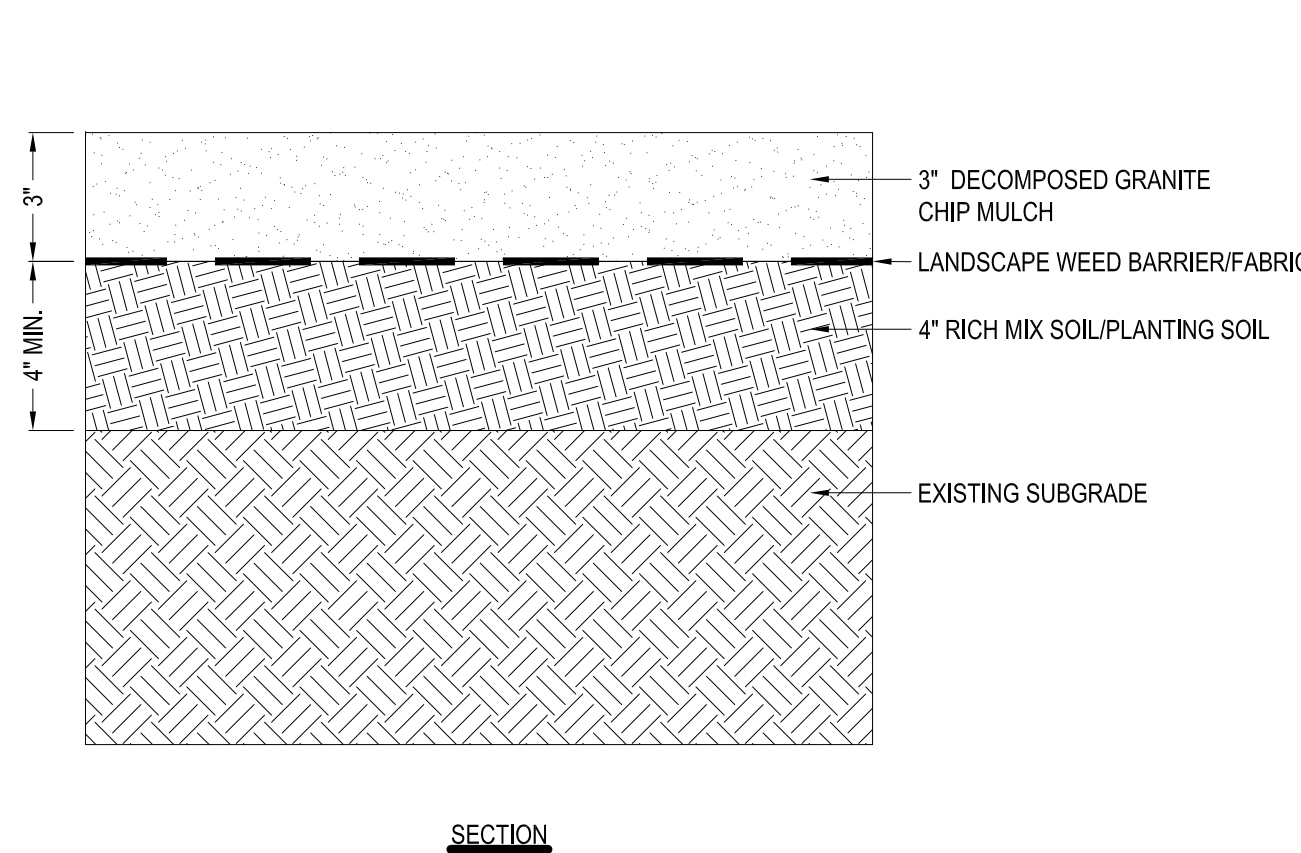
SOD - SOIL PREPARATION



2 EVERGREEN TREE DETAIL

N.T.S

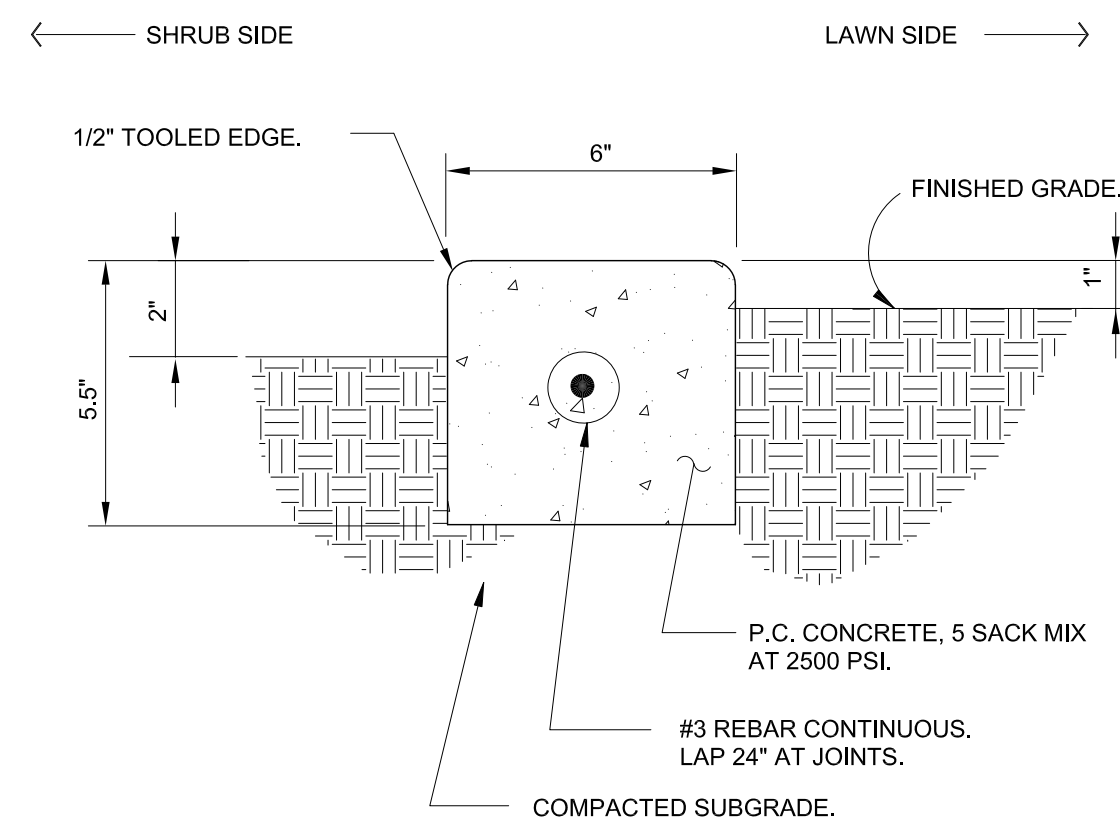
32 9343-10



4 DECOMPOSED GRANITE CHIP MULCH PLANTING BED

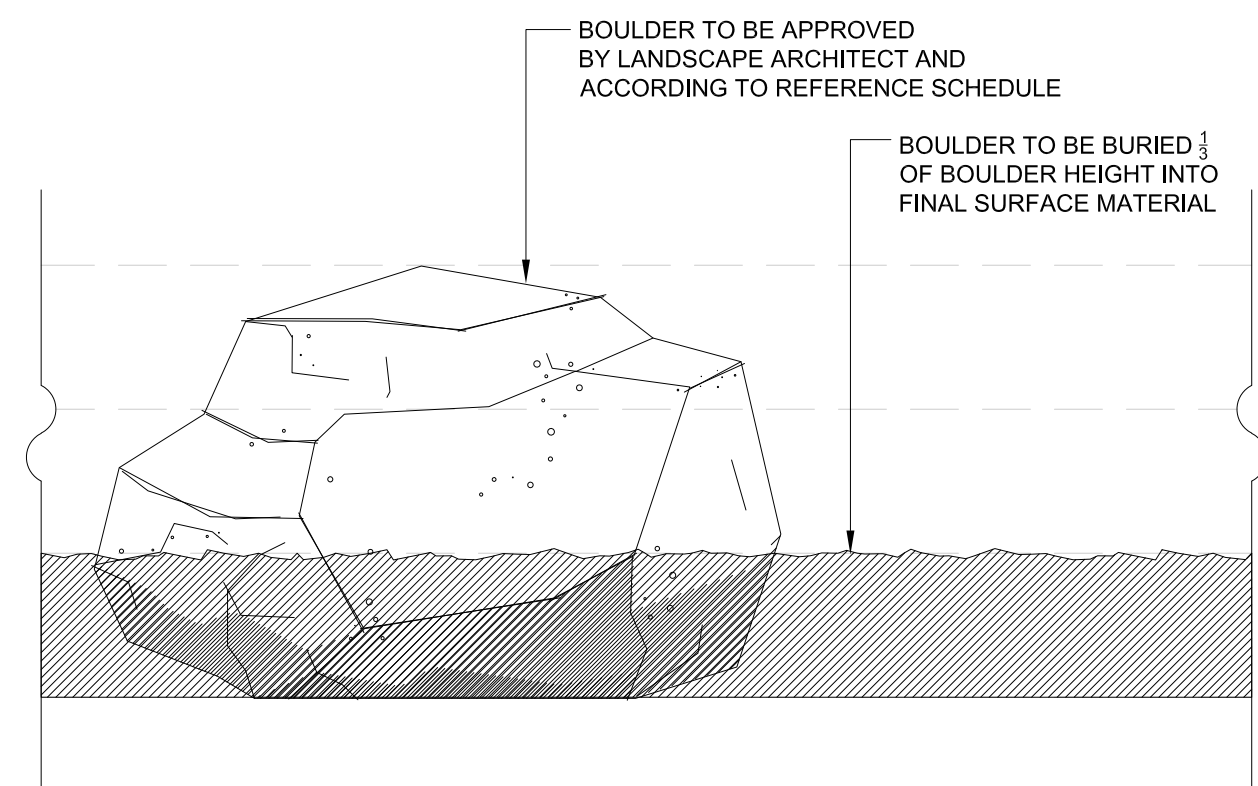
$$1/2'' = 1'-0''$$

32 1516-05



5 6" CONCRETE MOW STRIP

FX-PL-FX-EDG-05

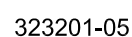


6 ROCK BOULDER

32 3362-0

[illegible]

OKIE 811
Know what's below.
Call before you dig.



32 3201-06

www.copelanddesigncollective.com
718 W. Sheridan Ave., Oklahoma City, OK 73102
Office Phone: (405) 309-7373
kayla@copelanddesigncollective.com
CA#: CLA04001, Expires: 06/30/2023



DESIGNED BY:
K. COPELAND
DRAWN BY:
K. COPELAND
DATE:
14 APR 2023
PROJECT NO.:
20230413

[illegible]

PARK VALLEY
MONUMENT SIGN ENTRANCES
WESTERN & W 29TH AVENUE
STILLWATER, OK

PARK VALLEY:
DETAILS

L-320

Board of Adjustment Findings

May 1, 2023

To whom it may concern:

This letter seeks to request variance relief for entrance signage for Park Valley neighborhood located at 2224 W 29th Ave. The applicant seeks relief from code Sec23-195(b)(4) to allow a secondary entrance sign on the north side of the entrance angled facing south.

The variance being requested is due to the nature of the entrance orientation and location. As it is currently approved, only motorists travelling southbound on Western Road would have visibility of the entrance and northbound motorists would be unaware of the entrance until upon it which could cause additional traffic issues in an already busy thoroughfare.

Approval of this variance request would be no detriment to the public and would be the minimum necessary to alleviate the hardship. Thank you for your time and consideration.

Melissa Higgins
Project Manager
405-215-4900
mhiggins@ideal-homes.com



**ISSUED BY THE COMMUNITY DEVELOPMENT
DEPARTMENT STILLWATER, OKLAHOMA**

Date of Meeting: July 20, 2023
Subject: Section 23-211.2.b of the Land Development Code relating to driveway approach requirements in residential areas
Project Name: VAR23-09
Location: 1509 E Burris Rd – Stillwater 74

BACKGROUND

The subject site is located at 1509 East Burris Road on the south side of East Burris Road, and is part of the Stillwater 74 subdivision. The property is zoned Large Lot Single Family Residential (RSL) with similar zoning surrounding the subject site to the east, west, and south. The area north of Burris Road is outside of City Limits.

The Land Development Code requires “concrete or asphalt approaches from the street curblin to the property line” in single-family residential areas. The applicant is requesting a variance to waive this requirement due to East Burris Road being a gravel road.

CODE APPLICATION

Sec. 23-211. – Design Standards

(2) *Surfacing.* All vehicle and outdoor storage and display areas shall be paved according to the following:

(b) All single-family residential uses shall have concrete or asphalt approaches from the street curblin to the property line. On residential lots greater than one acre, the remaining driveway beyond the approach may be graveled or hard-surfaced.

CRITERIA FOR APPROVAL

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

- (1) The application of the ordinance to the particular piece of property would create 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; and
- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

ALTERNATIVES

The Board of Adjustment has the following alternatives of action:

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.

Prepared by:	Diana Hood, Associate City Planner
Date of Preparation:	July 11, 2023
Attachments:	Application Packet, Area Map and Letter of Justification

CITY OF STILLWATER - DEVELOPMENT SERVICES DEPARTMENT
BOARD OF ADJUSTMENT APPLICATION

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

_____ Appeal _____ Special Exception X Variance _____ Minor Variance

Title of Subdivision/Plan: 1509 E. Burris Stillwater, Oklahoma 74075

Owner(s) of Property: Erick and Samantha Gil

Owner(s) Address: 3912 Yorkshire Dr. Stillwater, Oklahoma 74074

Owner(s) Phone/Fax/Email: Erick - (580) 304-1516 gil.erick.e@gmail.com Samantha - (580) 352-4934 samkgil2021@gmail.com

Applicant(s) Name: Erick and Samantha Gil

Applicant(s) Address: 3912 Yorkshire Dr. Stillwater, Oklahoma 74074

Applicant(s) Phone/Fax/Email: Erick - (580) 304-1516 gil.erick.e@gmail.com Samantha - (580) 352-4934 samkgil2021@gmail.com

Location of Property: 1509 E. Burris Stillwater, Oklahoma 74075

Chapter, Article, Section, City Code from which the action is requested: Sec.23-211.2.b

Appeals application submittal requirements:

Applicant	Section 23.68	City
	1.) Completed application form	
	2.) Filing fee - \$140	
	3.) On a separate sheet, state the City's Code Section or the City Administrative Officer's decision or action for which appeal is being sought.	
	4.) Provide justification for the appeal.	

ALL Variance and Special Exception application submittal requirements: Ch. 23, Article 3

Applicant	Section 23.65, 23.67	City
	1.) Completed application form	
	2.) Filing fee - \$140	
	3.) A typewritten and electronic/digital copy of the legal description of the subject property, capable of being reproduced and emailed to digitals@stillwater.org .	
	4.) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by the Payne County Assessor, a licensed abstractor, attorney, engineer or architect, of all property owners within three hundred (300) feet of the subject property. The ownership list shall have been prepared no more than thirty (30) days prior to submission.	
	5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable.	
	6.) Original mortgage or field survey, if applicable.	
	7.) Variances only – Letter explaining how the request meets the criteria for approval of a variance.	
	8.) Any other documents, information, etc. to assist the Board in making a decision.	

Findings Necessary for Granting Variances

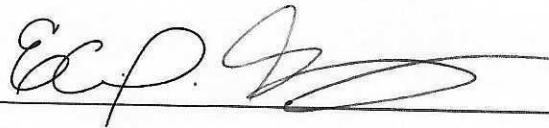
In determining whether or not the variance should be granted, the Board of Adjustment shall consider and record in the official minutes of the meeting, the extent to which the evidence demonstrates that:

1. The application of the ordinance to the particular piece of property would create 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; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

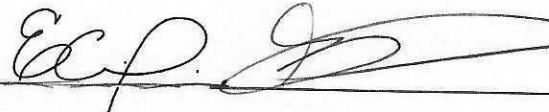
Certification:

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) do hereby understand that a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations. This application must be completed, signed, and dated by the applicant(s) and the owner(s).

Applicant

 Date 5.30.23

Owner/Agent (provide documentation)

 Date 5.30.23

For City of Stillwater Use Only:

CASE NO.#: _____

Submission Date: _____

Processing Tract: IRC _____, BOA _____

Approval Date: _____

Fees: _____ Number of Copies: _____

Dear Community Development Department,

The Gil Family is requesting a variance for the property located at 1509 E. Burris Rs. Stillwater, Oklahoma 74075 on the concrete or asphalt approach.

The road is currently dirt, and we are requesting that we be allowed to gravel the approach and driveway. We are requesting this variance due to road conditions in the rain and the possibility of the concrete not being set properly due to the dirt foundation. Also, in consideration of the road grating that takes place on east Burris Rd. and surrounding roads.

Thank you for your time.

Respectfully submitted,

Erick and Samantha Gil

Sec.23-211.2. b

City's Code Section –

All single-family residential uses shall have concrete or asphalt approaches from the street curb line to the property line. On residential lots greater than one acre, the remaining driveway beyond the approach may be graveled or hard-surfaced.

After recording Return to:

Community Escrow & Title Co.

623 S. Lewis

Stillwater, OK 74074

I-2021-125502 Book: 2668 pg: 563

12/7/2021 3:50 PM pgs: 563 - 565

Fees: \$22.00 Doc: \$585.00

Glenna Craig, Payne County Clerk

Payne County - State of Oklahoma



RETURNED AT COUNTER

Warranty Deed

KNOW ALL PERSONS BY THESE PRESENTS:

THAT **Primeland Properties, L.L.C., an Oklahoma limited liability company**, party of the first part, in consideration of the sum of Ten and No/100ths Dollars (\$10.00) and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto **Hilltop Land Investments, LLC, an Oklahoma limited liability company, P.O. Box 15329, Del City, OK 73155**, party of the second part, the following described real property and premises situated in Payne County, State of Oklahoma, to-wit:

See Exhibit A attached hereto.

LESS AND EXCEPT all of the oil, gas and other minerals in and under the above real property, which have heretofore been reserved or conveyed or which are reserved by the Grantor(s) herein. It is the intention of the Grantor(s) to convey to the Grantee(s) the surface and surface rights only in and to the above real property

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said party of the second part, and the successors and assigns thereof forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature, subject to easements, rights-of-way and restrictions of record, if any, and except all oil, gas and other minerals previously reserved or conveyed of record, if any.

Signed and delivered this 2nd day of December, 2021.

Primeland Properties, L.L.C.

BY: Tony Weaver
Tony Weaver, Member/Manager

I-2021-125502 Book: 2668 pg: 564
12/7/2021 3:50 PM pgs: 563 - 565
Fees: \$22.00 Doc: \$585.00
Glenna Craig, Payne County Clerk
Payne County - State of Oklahoma

STATE OF OKLAHOMA

COUNTY OF PAYNE

Before me, the undersigned, a Notary Public in and for this state on this the 2nd day of December, 2021 personally appeared Tony Weaver, Member/Manager, of Primeland Properties, L.L.C., an Oklahoma limited liability company, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed and the free and voluntary act and deed of the limited liability company for the uses and purposes therein set forth.

John W. Bartley
Notary Public
My commission expires:



Deed Presented for Filing By: Community Escrow & Title Co.
File No.: SW210820572
Name of Title Insurer: First American Title Insurance Company

EXHIBIT A

Legal Description

Tract 11:

A tract of land situated in the Northeast Quarter (NE/4) of Section Twenty-Five (25), Township Twenty (20) North, Range Two (2) East, I.M., Payne County, Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: Commencing at the Northwest Corner (NW/Cor) of the Northeast Quarter (NE/4) of said Section Twenty-Five (25); THENCE North 89°23'22" East along the North line thereof 200.00 feet to the Point Of Beginning; THENCE continuing North 89°23'22" East 1105.51 feet; THENCE South 00°07'24" East 754.50 feet; THENCE South 89°34'42" West 1106.71 feet; THENCE North 00°01'47" West 750.87 feet to the Point of Beginning.

AND

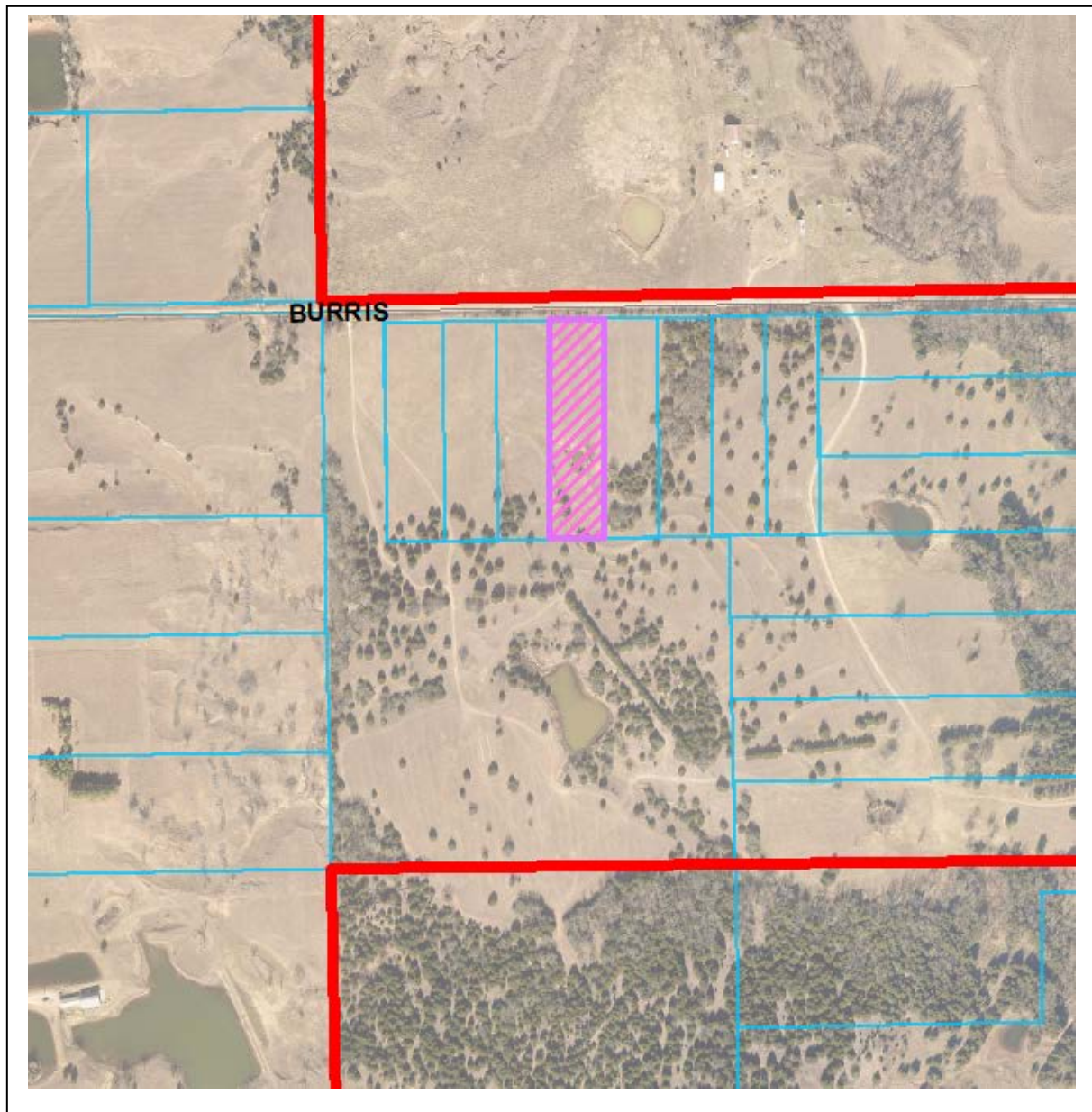
Tract 12:

A tract of land situated in the Northeast Quarter (NE/4) of Section Twenty-five (25), Township Twenty (20) North, Range Two (2) East, Indian Meridian, Payne County, Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: Commencing at the Northwest Corner (NW/Cor) of the Northeast Quarter (NE/4) of said Section Twenty-five (25); THENCE North 89°23'22" East along the North line thereof 1305.51 feet to the Point of Beginning; THENCE continuing North 89°23'22" East 1305.52 feet to the Northeast Corner (NE/Cor) of Section Twenty-five (25); THENCE South 00°12'58" East along the East line thereof 1324.15 feet to the Southeast Corner (SE/Cor) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4); THENCE South 89°34'42" West 1307.63 feet; THENCE North 00°07'24" West 1319.86 feet to the Point of Beginning.

AND

Tract 13:

A tract of land situated in the Northeast Quarter (NE/4) of Section Twenty-Five (25), Township Twenty (20) North, Range Two (2) East I.M., Payne County, Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: Commencing at the Northeast Corner (NE/Cor) of said Section Twenty-Five (25); THENCE South 00°12'58" East along the East line thereof 1324.15 feet to the Southeast Corner (SE/Cor) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) for the Point of Beginning; THENCE continuing South 00°12'58" East 497.02 feet; THENCE South 89°45'59" West and parallel with the South line of the Northeast Quarter (NE/4) 1308.88 feet; THENCE North 00°07'24" West 497.02; THENCE North 89°34'42" East 1307.63 feet to the Point of Beginning.



The City of
Stillwater
OKLAHOMA

Project Type: Variance
Request: Driveway paving requirements in RSL Zoning
Address: 1509 E Burris Rd
Applicant: Erick and Samantha Gil

Dear Community Development Department,

The Gil Family is requesting a variance for the property located at 1509 E. Burris Rs. Stillwater, Oklahoma 74075 on the concrete or asphalt approach.

The road is currently dirt, and we are requesting that we be allowed to gravel the approach and driveway. We are requesting this variance due to road conditions in the rain and the possibility of the concrete not being set properly due to the dirt foundation. Also, in consideration of the road grating that takes place on east Burris Rd. and surrounding roads.

Thank you for your time.

Respectfully submitted,

Erick and Samantha Gil

Sec.23-211.2. b

City's Code Section –

All single-family residential uses shall have concrete or asphalt approaches from the street curb line to the property line. On residential lots greater than one acre, the remaining driveway beyond the approach may be graveled or hard-surfaced.



**ISSUED BY THE COMMUNITY DEVELOPMENT
DEPARTMENT STILLWATER, OKLAHOMA**

Date of Meeting: July 20, 2023
Subject: Section 23-121.b of the Land Development Code relating to fence height restrictions in the front yard
Project Name: VAR23-10
Location: 901 West Will Rogers Drive

BACKGROUND

The subject site is located at 901 West Will Rogers Drive at the intersection of West Will Rogers Drive and North Washington Street. The property is zoned Large Lot Single Family Residential (RSL) with similar zoning to the North, South, and West with Public (P) zoning to the East and Small Lot Single Family Residential (RSS) to the Southeast.

The Land Development Code allows for fences up to four feet tall in the front yard setback. The applicant is requesting a variance to construct a six foot tall privacy fence in the secondary front yard that fronts North Washington Street.

CODE APPLICATION

Sec. 23-211. – Exemptions; setbacks for fences, etc.; projections into yards.

(b) *Height and setback requirements for fences, etc.* Fences, landscaping or visual barriers shall be subject to the following height and setback requirements, unless otherwise regulated or prohibited by article IV of this chapter:

Type	Height	Exempt
Fences	Zero to four feet	All setbacks
Fences	Four to eight feet	All rear and side* setbacks
Hedges or required visual barriers	Zero to four feet	All setbacks
Hedges or required visual barriers	Over four feet	All rear and side* setbacks

*No fence, hedge, or visual barrier taller than four feet shall extend into the front setback.

CRITERIA FOR APPROVAL

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

- (1) The application of the ordinance to the particular piece of property would create 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; and
- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

ALTERNATIVES

The Board of Adjustment has the following alternatives of action:

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.

Prepared by:	Diana Hood, Associate City Planner
Date of Preparation:	July 11, 2023
Attachments:	Application Packet, Area Map, Site Plan, and Letter of Justification

CITY OF STILLWATER - DEVELOPMENT SERVICES DEPARTMENT
BOARD OF ADJUSTMENT APPLICATION

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

_____ Appeal _____ Special Exception ☒ Variance _____ Minor Variance

Title of Subdivision/Plan: Washington Heights
Owner(s) of Property: Reilly Davis
Owner(s) Address: 901 W. Will Rogers Dr. Stillwater, OK 74075
Owner(s) Phone/Fax/Email: 949-400-3601 reilly@calbath.com
Applicant(s) Name: Scott Davis
Applicant(s) Address: 319 Esther St. Costa Mesa, Ca 92627
Applicant(s) Phone/Fax/Email: 714- 822-5640 sdavis@calbath.com
Location of Property: 901 W. Will Rogers Dr.
Corner of W. Will Rogers / Washington

Chapter, Article, Section, City Code from which the action is requested: Section 23 - 121 b

Appeals application submittal requirements:

Applicant	Section 23.68	City
☒	1.) Completed application form	
☒	2.) Filing fee - \$140	
	3.) On a separate sheet, state the City's Code Section or the City Administrative Officer's decision or action for which appeal is being sought.	
☒	4.) Provide justification for the appeal.	

ALL Variance and Special Exception application submittal requirements: Ch. 23, Article 3

Applicant	Section 23.65, 23.67	City
☒	1.) Completed application form	
☒	2.) Filing fee - \$140	
☒	3.) A typewritten and electronic/digital copy of the legal description of the subject property, capable of being reproduced and emailed to digitals@stillwater.org .	
☒	4.) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by the Payne County Assessor, a licensed abstractor, attorney, engineer or architect, of all property owners within three hundred (300) feet of the subject property. The ownership list shall have been prepared no more than thirty (30) days prior to submission.	
☒	5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable.	
	6.) Original mortgage or field survey, if applicable.	
☒	7.) Variances only – Letter explaining how the request meets the criteria for approval of a variance.	
	8.) Any other documents, information, etc. to assist the Board in making a decision.	

Findings Necessary for Granting Variances

In determining whether or not the variance should be granted, the Board of Adjustment shall consider and record in the official minutes of the meeting, the extent to which the evidence demonstrates that:

1. The application of the ordinance to the particular piece of property would create 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; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Certification:

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) do hereby understand that a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations. This application must be completed, signed, and dated by the applicant(s) and the owner(s).

Applicant



Date 06/08/2023

Owner/Agent (provide documentation)



Date 06/08/2023

For City of Stillwater Use Only:

CASE NO.#: VAR23-10

Submission Date: _____

Processing Tract: IRC _____, BOA _____

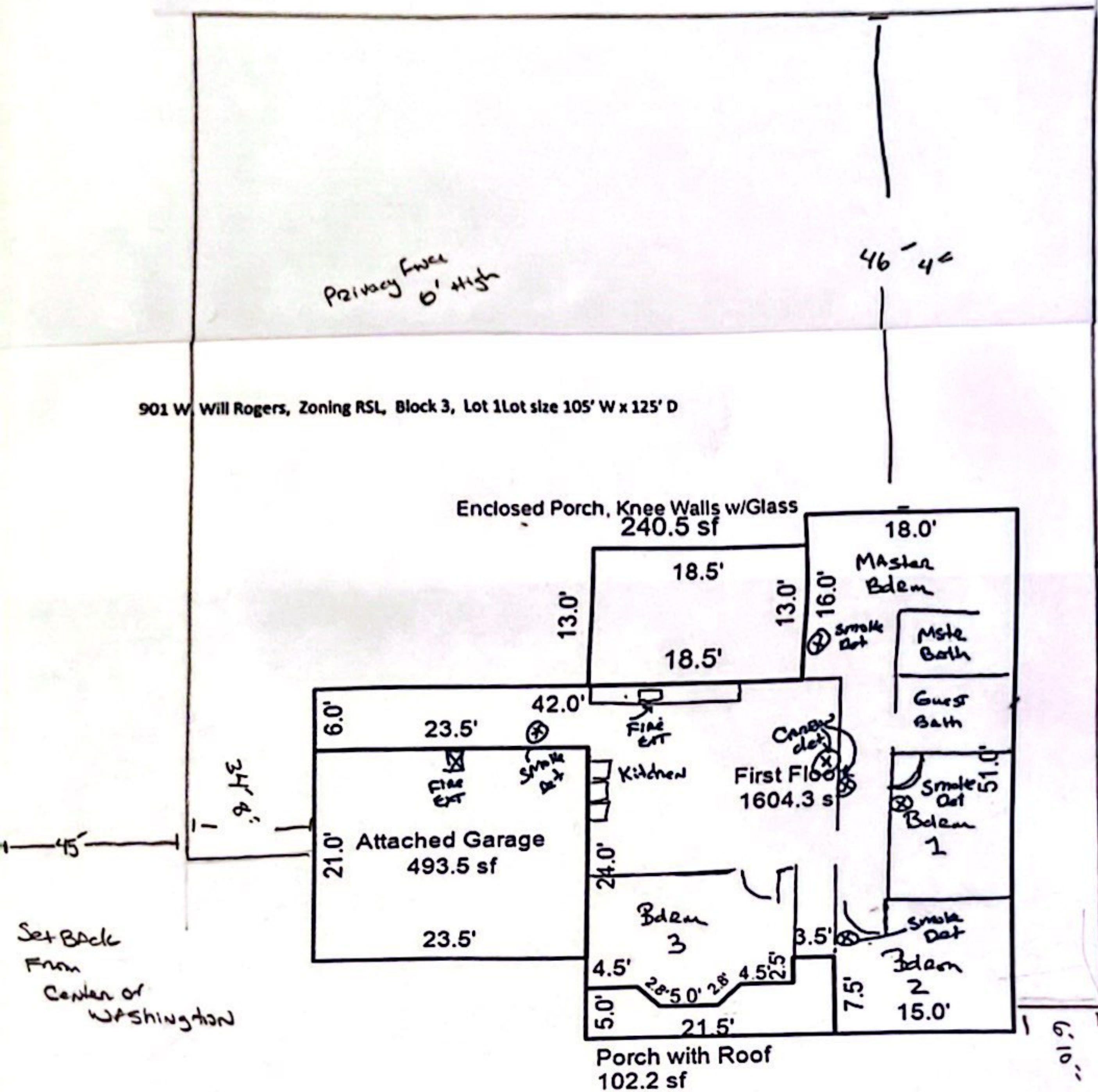
Approval Date: _____

Fees: _____ Number of Copies: _____



The City of
Stillwater
 OKLAHOMA

Project Type: VAR23-10 – Variance Request
Request: Variance to Sec. 23-121.b
Address: 901 W. Will Rogers Drive
Applicant: Reilly Davis & Scott Davis



Front property line (north) 30' from center of Will Rogers. 20' Set back (building) from property line front & back.
 East side property line 42' from center of Washington St. 20' set back (building) from property line. West side 10'

Re: 901 W Will Rogers
Stillwater, OK 74075

Fence Variance: Section 23 - 121 b

We are seeking a variance to install a wood privacy fence around the yard at 901 Will Rogers.

Fence will replace outdated 4 foot chain link fence and match other privacy fencing in the neighborhood. It will also match other fencing on corner lots adjacent to Washington and our property.

Thank you for your consideration.

Contact info

Owner: Reilly Davis	949-400-3601
Applicant : Scott Davis	714-822-5640

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**ISSUED BY THE COMMUNITY DEVELOPMENT
DEPARTMENT STILLWATER, OKLAHOMA**

Date of Meeting: July 20, 2023
Subject: Sec. 23-121.c and Sec. 23-141.d for building projection into required yard and maximum building height in the Residential Multi-Family Urban (RMU) zoning district
Project Name: VAR23-11 New Zeta Tau Alpha House
Location: 1001 West University Avenue

BACKGROUND

The subject site is located at the property addressed as 1001 West University Avenue. The property is zoned Residential Multi-Family Urban (RMU). The applicant is wanting to build a new sorority house. The applicant is requesting a few variances for this development.

The property is located on a corner lot having two property boundaries that are abutting a road. With this project, the applicant would like to construct a covered terrace that would project 13 feet 6 inches into the required 20 feet front yard setback. Section 23-121.c.1 & 2 states that projections into the required yard to be a maximum of 2 feet. Section 23-121.c.5 defines an open terrace to only project up to five feet into the required yard.

The applicant is requesting another variance for the height of the structure to be 53 feet. Section 23-141.d.1 states the maximum structure height from the finished floor elevation of the first floor to the highest point to be 50 feet.

CODE APPLICATION

Sec. 23-121. - Exemptions; setbacks for fences, etc.; projections into yards.

(c) Projections into yards. The following may project from a principal structure into a minimum setback:

- (1) Cornices, eaves, shade control devices, and awnings or canopies over doors and windows may project a distance not exceeding two feet into the required yard.
- (2) Bay windows, balconies, and chimneys may project a distance not exceeding two feet, provided that such features do not occupy, in total, more than one-third of the length of the building wall on which they are located.
- (5) Open terraces, decks, and porches not over 30 inches above the average level of the adjoining ground may project a distance not exceeding five feet into required yards, provided that such projection extends no closer than five feet to any interior side property line.

Sec. 23-141. - RMU (Multi-Family Urban) District.

(d) Bulk regulations. Bulk regulation requirements in the RMU district are as follows:

- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: 50 feet.

CRITERIA FOR APPROVAL

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

- (1) The application of the ordinance to the particular piece of property would create 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; and
- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

ALTERNATIVES

The Board of Adjustment has the following alternatives of action:

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.

Prepared by:	Jacquelyn Porter, City Planner
Date of Preparation:	July 10, 2023
Attachments:	Application Packet, Area Map, Letters of Justification and Conceptual Plans

CITY OF STILLWATER - DEVELOPMENT SERVICES DEPARTMENT
BOARD OF ADJUSTMENT APPLICATION

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

☐ Appeal ☐ Special Exception ☒ Variance ☐ Minor Variance

Title of Subdivision/Plan: Zeta Tau Alpha Fraternity
Owner(s) of Property: Zeta Tau Alpha Fraternity House Corporation
Owner(s) Address: 6713 Silver Oak Dr, Tulsa, OK 74107
Owner(s) Phone/Fax/Email: _____
Applicant(s) Name: Henry Anderson, c/o TreanorHL Architects
Applicant(s) Address: 55 Roswell Street, Suite 200, Alpharetta, GA 30009
Applicant(s) Phone/Fax/Email: 678-254-0422, aanderson@treanorhl.com
Location of Property: 1001 West University Avenue, Stillwater, OK 74074

Chapter, Article, Section, City Code from which the action is requested:
Chapter 23 / Article VI / Division 3 / Sec. 23-141. (d) (1) - Maximum Structure Height

Appeals application submittal requirements:

Applicant	Section 23.68	City
☐	1.) Completed application form	☐
☐	2.) Filing fee - \$140	☐
☐	3.) On a separate sheet, state the City's Code Section or the City Administrative Officer's decision or action for which appeal is being sought.	☐
☐	4.) Provide justification for the appeal.	☐

ALL Variance and Special Exception application submittal requirements: Ch. 23, Article 3

Applicant	Section 23.65, 23.67	City
☒	1.) Completed application form	☐
☒	2.) Filing fee - \$140	☐
☒	3.) A typewritten and electronic/digital copy of the legal description of the subject property, capable of being reproduced and emailed to digitals@stillwater.org .	☐
☒	4.) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by the Payne County Assessor, a licensed abstractor, attorney, engineer or architect, of all property owners within three hundred (300) feet of the subject property. The ownership list shall have been prepared no more than thirty (30) days prior to submission.	☐
☐ N/A	5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable.	☐
☐ N/A	6.) Original mortgage or field survey, if applicable.	☐
☒	7.) Variances only – Letter explaining how the request meets the criteria for approval of a variance.	☐
☒	8.) Any other documents, information, etc. to assist the Board in making a decision.	☐

CITY OF STILLWATER - DEVELOPMENT SERVICES DEPARTMENT
BOARD OF ADJUSTMENT APPLICATION

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

☐ Appeal
 ☐ Special Exception
 ☒ Variance
 ☐ Minor Variance

Title of Subdivision/Plan: Zeta Tau Alpha Fraternity
 Owner(s) of Property: Zeta Tau Alpha Fraternity House Corporation
 Owner(s) Address: 6713 Silver Oak Dr, Tulsa, OK 74107
 Owner(s) Phone/Fax/Email: _____
 Applicant(s) Name: Henry Anderson, c/o TreanorHL Architects
 Applicant(s) Address: 55 Roswell Street, Suite 200, Alpharetta, GA 30009
 Applicant(s) Phone/Fax/Email: 678-254-0422, aanderson@treanorhl.com
 Location of Property: 1001 West University Avenue, Stillwater, OK 74074

Chapter, Article, Section, City Code from which the action is requested:
Chapter 23 / Article VI / Division 3 / Sec. 23-121 (c) (1), (2), & (5) - Projections Into Yards

Appeals application submittal requirements:

Applicant	Section 23.68	City
☐	1.) Completed application form	☐
☐	2.) Filing fee - \$140	☐
☐	3.) On a separate sheet, state the City's Code Section or the City Administrative Officer's decision or action for which appeal is being sought.	☐
☐	4.) Provide justification for the appeal.	☐

ALL Variance and Special Exception application submittal requirements: Ch. 23, Article 3

Applicant	Section 23.65, 23.67	City
☒	1.) Completed application form	☐
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☒	4.) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by the Payne County Assessor, a licensed abstractor, attorney, engineer or architect, of all property owners within three hundred (300) feet of the subject property. The ownership list shall have been prepared no more than thirty (30) days prior to submission.	☐
☐ N/A	5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable.	☐
☐ N/A	6.) Original mortgage or field survey, if applicable.	☐
☒	7.) Variances only – Letter explaining how the request meets the criteria for approval of a variance.	☐
☒	8.) Any other documents, information, etc. to assist the Board in making a decision.	☐

Findings Necessary for Granting Variances

In determining whether or not the variance should be granted, the Board of Adjustment shall consider and record in the official minutes of the meeting, the extent to which the evidence demonstrates that:

1. The application of the ordinance to the particular piece of property would create 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; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Certification:

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) do hereby understand that a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations. This application must be completed, signed, and dated by the applicant(s) and the owner(s).

Applicant _____ Date _____

Owner/Agent (provide documentation) Barcroft
Clara Ferguson (Agent) Date 6/7/23

For City of Stillwater Use Only: CASE NO.#: _____

Submission Date: _____
Approval Date: _____

Processing Tract: IRC _____, BOA _____
Fees: _____



The City of
Stillwater
 OKLAHOMA

Project Type: VAR23-11 – Variance Request
Request: Variance to Sec. 23-121.c.1, 2 & 5 *AND* Sec. 23-141.d.1
Address: 1001 W. University Ave.
Applicant: Henry Anderson c/o TreanorHL Architects on behalf of Zeta Tau Alpha Fraternity

June 7, 2023

City of Stillwater – Development Services Department
Board of Adjustment Application

Re: Zeta Tau Alpha Sorority House
1001 West University Avenue, Stillwater, OK 74074
Findings Necessary for Granting Variances

Projections into Yards – Section 23-121 (c) (1), (2), and (5)

The proposed open air outdoor covered terrace projects into the 20' front yard (Jefferson Street Frontage) by 13'-6"

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship.
 - The proposed new house is located on a corner lot and abuts two right of ways. The main frontage is along West University Avenue to the North. The side frontage is on Jefferson Street to the east. The existing house on the property encroaches 5' into the required 20' setback along Jefferson Street. The proposed new house has the main three-story mass of the house set back 20 feet from Jefferson Street in order to comply with the setback requirement.
 - Because of the limited space on the existing lot, and to maintain the area of existing parking on the site, there is limited space for an outdoor covered porch. The proposed new design for the building includes a small, covered terrace on the east side of the building facing Jefferson Street. This covered terrace is open on all sides and is an open-air structure. The design includes a flat roof with a parapet in order to provide protection from the sun and weather. This is the only location on the site to provide an outdoor covered gathering area for the members.
2. Such conditions are peculiar to the particular piece of property involved.
 - As stated in section 1, the proposed new house is located on a corner lot and abuts two right of ways. Therefore, the required setback for Jefferson Street is more restrictive than a side setback would be on an equivalent lot with only one frontage.
 - Due to the configuration of the existing parking at the rear of the site, and the need to maintain as much of this existing parking as possible, there is virtually no outdoor space on the front or rear of the proposed new house to accommodate any outdoor covered space for the members.
 - There is already existing 90-degree parking along the Jefferson Street frontage, and the proposed new design will maintain this existing parking, although the new design will be angled parking to reduce the impact to the traffic along Jefferson. This parking will visually reduce the impact of the proposed projection into the yard caused by the covered terrace.



June 7, 2023

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.

- Because the proposed projection into the side yard is on the side of the house, and not on the main frontage along West University, the overall character and scale of the building from this main frontage will not be affected by the proposed covered side terrace.
- Because the main mass of the house will be set back 20 feet from the Jefferson Street frontage, the new design will have less impact on this side street than the existing house, which is only 15 feet from the Jefferson Street frontage.
- The proposed new covered terrace is open-air on all sides, and other than the roof covering, is effectively an open terrace. Per the ordinance, open terraces are allowed to encroach into a required yard.
- The existing street parking along Jefferson is to be maintained in the new design, and this parking will effectively screen and diminish the impact of the encroachment into the setback of the covered terrace.

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

- The proposed new covered side terrace is designed to have a clear width of 12' at the interior of the terrace. This is the minimum space required to accommodate the furniture and functionality of this outdoor gathering space. This is the only covered outdoor gathering space that can be provided in the design. The terrace is substantially smaller than what is needed for a chapter size of 200 members but is designed to minimize its impact on the Jefferson Street frontage while providing some minimal covered outdoor space. The design is also minimized in order to maintain the street parking along Jefferson Street, which includes an accessible parking space with access to a sidewalk and an accessible route to the front entry of the building.



June 7, 2023

City of Stillwater – Development Services Department
Board of Adjustment Application

Re: Zeta Tau Alpha Sorority House
1001 West University Avenue, Stillwater, OK 74074
Findings Necessary for Granting Variances

Maximum Structure Height – Section 23-141 (d) (1)

The proposed height of the highest point on the roof is 53'-6" from the finished first floor elevation, and exceeds the maximum allowable height of 50'

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship.
 - The property is located along a main thoroughfare across West University Avenue from Oklahoma State University. The scale of buildings along this section of West University Avenue are significant, especially on the University side of the street to the north. There are two significant new Fraternity houses built immediately to the east and west of the proposed new Zeta Tau Alpha House.
 - The new Lambda Chi Alpha house at 923 West University Avenue, immediately across Jefferson Street from our property, is three full stories plus a significant roof structure.
 - The new Pi Kappa Alpha house at 1015 West University Avenue is even larger and taller than the Lambda Chi Alpha house and is also three full stories plus a central tower feature above the roof eave line.
 - The existing Zeta Tau Alpha house is two and a half stories to the roof eaves. Note that the existing ZTA house is a Tudor Revival style, and the proposed new house is designed in a similar style, with a similar roof eave line and roof pitch to match the original house.
 - The new house design proposes only two and a half stories from the First Floor up to the roof eaves. This results in a roof eave line well below the eave height of the neighboring houses to the east and west of the property.
 - In order for the new ZTA house to be competitive with other new Greek houses along University Avenue, and to maintain the architectural character of the original chapter house, the new roof design and height is warranted.
2. Such conditions are peculiar to the particular piece of property involved.
 - As stated in item #1, the property is located along a main thoroughfare across West University Avenue from Oklahoma State University. The scale of buildings along this particular section of West University Avenue are significant, especially on the University side of the street to the north. There are two significant new Fraternity houses built immediately to the east and west of the proposed new Zeta Tau Alpha House.

June 7, 2023

- The new Lambda Chi Alpha house at 923 West University Avenue, immediately across Jefferson Street from our property, is three full stories plus a significant roof structure.
- The new Pi Kappa Alpha house at 1015 West University Avenue is even larger and taller than the Lambda Chi Alpha house and is also three full stories plus a central tower feature above the roof eave line.
- Note that the existing ZTA house is a Tudor Revival style, and the proposed new house is designed in a similar style, with a similar roof eave line and roof pitch to match the original house.

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.

- While the overall height of the roof in the proposed new design is 3'-6" higher than allowed, this excess in height will not be perceived as significantly due to the roof eaves starting at 2 ½ stories above the Main Level, rather than starting at the top of the Third Level. This results in more of the height of the building being composed of the sloping roof rather than the vertical façade of the building.
- The vertical height of the façade of the proposed new design will be approximately equal to façade height of the existing house on the site, with the additional height of the new building being created solely by the sloped roof
- The Greek houses at 923 and 1015 West University Avenue, as mentioned in item #2, are both three full stories from the first floor up to the roof eaves and have significantly more substantial façade heights than the new proposed ZTA house.
- The proposed new design for the ZTA house is in keeping with the scale of similar houses along this section of West University Ave and is also in keeping with the original style and scale of the original house on the property.

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

- In order to maintain the roof pitch appropriate to the style of the house, and in keeping with the style of the original house, the roof design is appropriate.
- The roof is only as high as it needs to be to resolve itself with the overall massing of the house, and to maintain an overall roof massing that is as simple as possible. Any reduction in roof height would result in an increase in flat roof areas at the peak of the roof.





North Elevation from W. University Ave.

Scale: 1/16" = 1'-0"



Zeta Tau Alpha Sorority - 1001 West University Ave.

06/06/2023

06/06/2023

TREANORHL



East Elevation from Jefferson Street

Scale: 1/16" = 1'-0"

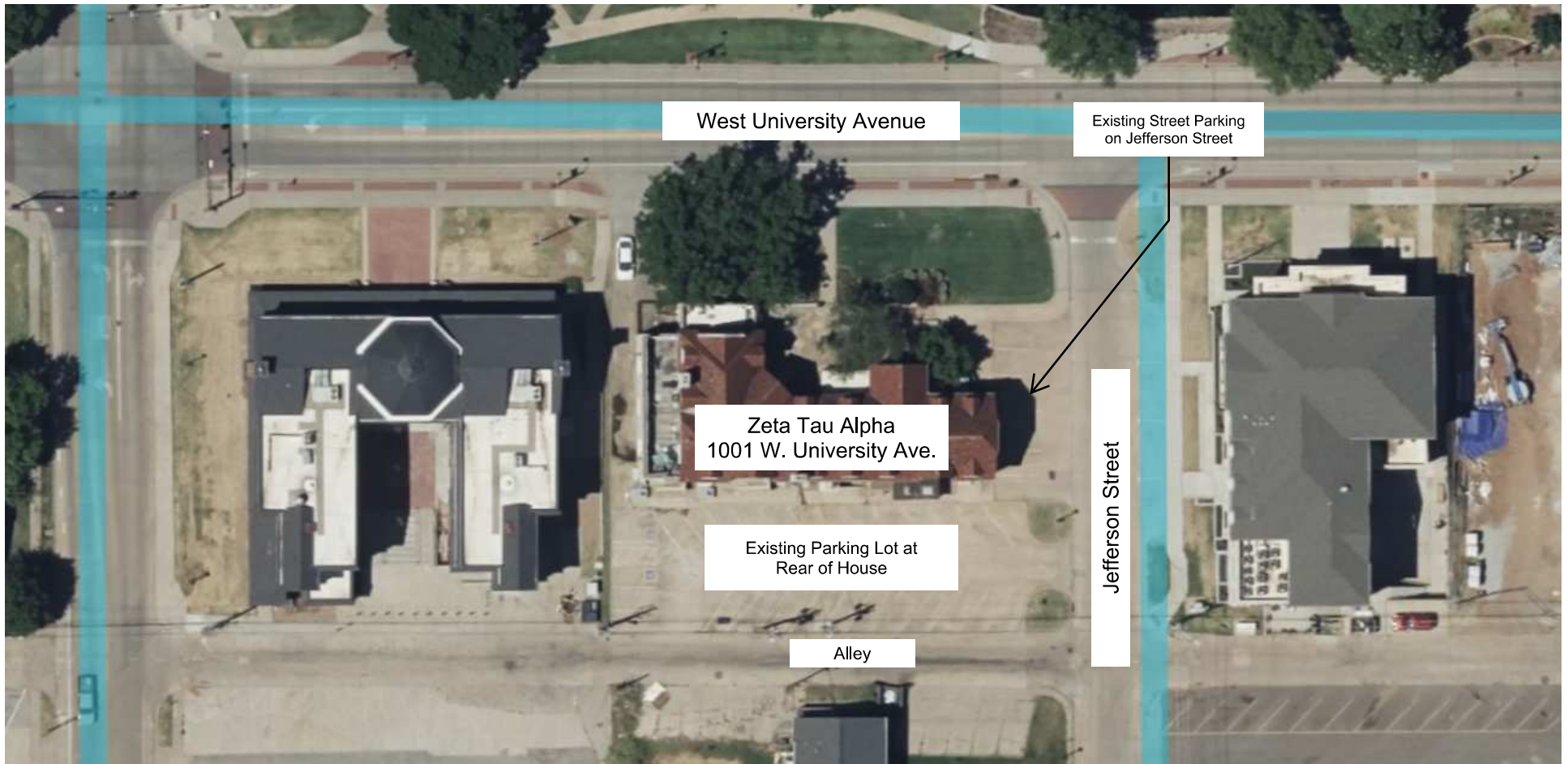


Zeta Tau Alpha Sorority - 1001 West University Ave.

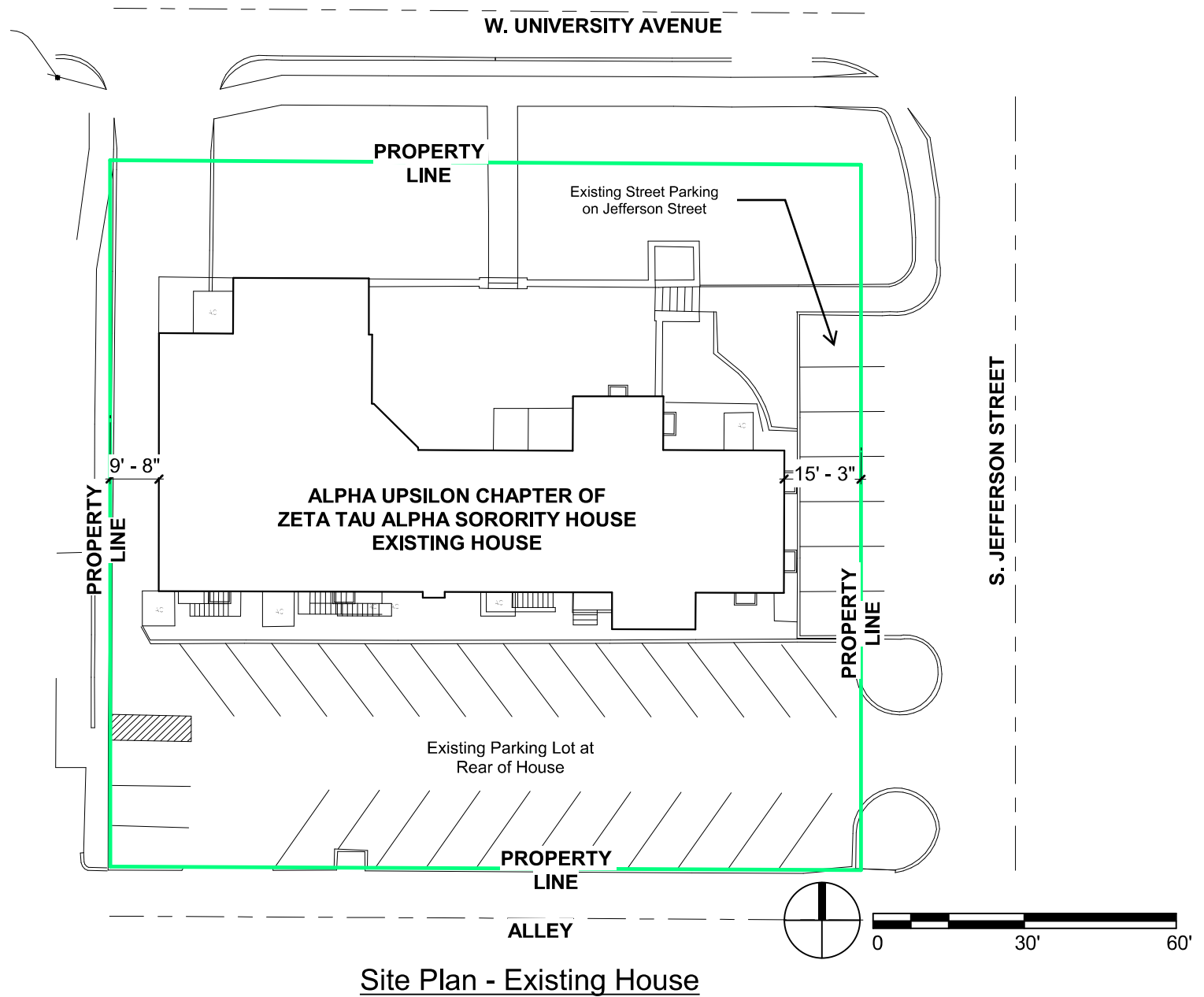
06/06/2023

06/06/2023

TREANOR^{HL}



Aerial Context for 1001 W. University Ave.

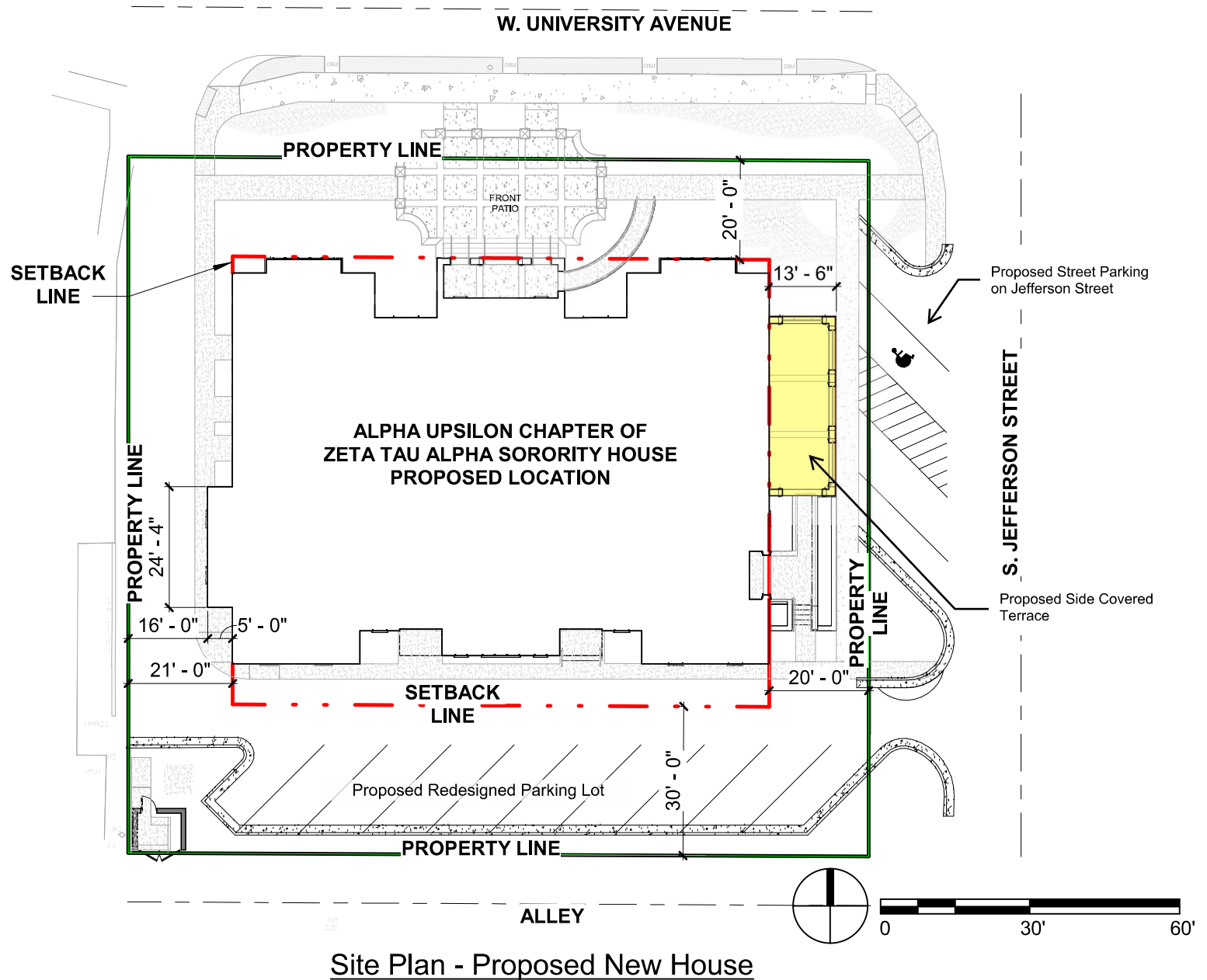


Zeta Tau Alpha Sorority - 1001 West University Ave.

06/06/2023

06/06/2023

TREANOR^{HL}



Zeta Tau Alpha Sorority - 1001 West University Ave.

06/06/2023

06/06/2023

TREANORHL



North Elevation from W. University Ave.

Scale: 1/16" = 1'-0"



Zeta Tau Alpha Sorority - 1001 West University Ave.

06/06/2023

06/06/2023

TREANORHL



East Elevation from Jefferson Street

Scale: 1/16" = 1'-0"



Zeta Tau Alpha Sorority - 1001 West University Ave.

06/06/2023

06/06/2023

TREANORHL



Aerial Context for 1001 W. University Ave.

Zeta Tau Alpha Sorority - 1001 West University Ave.

06/06/2023

06/06/2023

TREANOR^{HL}



Zeta Tau Alpha Sorority - 1001 West University Ave.

06/06/2023

06/06/2023

TREANOR^{HL}



View of Existing House from Jefferson Street



Lambda Chi Alpha Fraternity at 923 W. University Ave.

Zeta Tau Alpha Sorority - 1001 West University Ave.

06/06/2023

06/06/2023

TREANOR^{HL}



Pi Kappa Alpha Fraternity at 1015 W. University Ave.

Zeta Tau Alpha Sorority - 1001 West University Ave.

06/06/2023

06/06/2023

TREANORHL



**ISSUED BY THE COMMUNITY DEVELOPMENT
DEPARTMENT STILLWATER, OKLAHOMA**

Date of Meeting: July 20, 2023
Subject: Sec. 23-132 Density requirements, 23-138.c Lot Size requirements, and 23-138.d Bulk regulations in Two-Family Residential (RT) zoning
Project Name: VAR23-12 Lewis Addition Block 2 Lots 9-12 & 17-32 Development Project
Location: 1017 W 9th Ave, 1109 W 9th Ave, 1022 W 10th Ave, 1024 W 10th Ave, 1104 W 10th Ave, 1110 W 10th Ave, 1122 W 10th Ave, 1124 W 10th Ave AND 920 through 924 South Jefferson Street

BACKGROUND

The subject site is located at the properties addressed as 1017 W 9th Ave, 1109 W 9th Ave, 1022 W 10th Ave, 1024 W 10th Ave, 1104 W 10th Ave, 1110 W 10th Ave, 1122 W 10th Ave, 1124 W 10th Ave AND 920 through 924 South Jefferson Street. The property is zoned Two-Family Residential District. The applicant is wanting to develop several duplexes on the subject site. The applicant is requesting several variances for this development.

The first request is for Section 23-132 Density requirement of the Land Development Code. This section defines the maximum gross density for Two-Family Residential at 11 dwelling units per acre. The proposed 18 units on approximately 1.7 acres exceeds the maximum by 6 units per acre.

Another request is for Section 23-138.c lot size requirements (1) to reduce the minimum lot area from 7,500 square feet to 7,000, and (2) to reduce the minimum lot width from 60 feet to 50 feet.

Lastly a request for Section 23-138-d.2.a minimum front yard setback from 20 feet from all property boundaries abutting a right-of-way or road/access easement to 8 feet along S. Adams St. and S. Jefferson St. The lots are adjacent to two roads S. Adams St. with W. 10th Ave and S. Jefferson St. with W. 10th Ave.

Code Section continued on the next page...

CODE APPLICATION

Sec. 23-132. - Density requirements.

The maximum number of dwelling units per acre shall be based upon the minimum lot size of the individual zoning district:

Zoning District	Minimum Lot Size	Maximum Gross Density (dwelling units per acre)
RSL	10,000 square feet	4
RSS	5,000 square feet	8
RT	7,500 square feet	11
RTM	20,000 square feet	20
RMI	15,000 square feet	30
RMU	10,000 square feet	50
HR	25,000 square feet	150

Sec. 23-138. - RT Two-Family Residential District.

(c) Lot size requirements. The lot size requirements in the RT district are as follows:

- (1) Minimum lot area: 7,500 square feet.
- (2) Minimum lot width: 60 feet.

Sec. 23-138. - RT Two-Family Residential District.

(d) Bulk regulations. Bulk regulation requirements in the RT district are as follows:

(2) Setbacks. The following are the minimum required setbacks in the RT district:

a. Minimum front yard:

1. 20 feet from all property boundaries abutting a right-of-way or road/access easement.

CRITERIA FOR APPROVAL

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

- (1) The application of the ordinance to the particular piece of property would create 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; and
- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

ALTERNATIVES

The Board of Adjustment has the following alternatives of action:

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.

Prepared by:	Jacquelyn Porter, City Planner
Date of Preparation:	July 10, 2023
Attachments:	Application Packet, Area Map, Conceptual Site Plan and Letter of Justification

CITY OF STILLWATER - DEVELOPMENT SERVICES DEPARTMENT
BOARD OF ADJUSTMENT APPLICATION

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

☐ Appeal ☐ Special Exception ☒ Variance ☐ Minor Variance

Title of Subdivision/Plan: 10th and Adams

Owner(s) of Property: Bob White Real Estate Trust, LLC / Cory T. Williams (Attorney-In-Fact)

Owner(s) Address: 922 South Knoblock Street, Stillwater, OK 74074

Owner(s) Phone/Fax/Email: _____

Applicant(s) Name: Gose & Associates / Stephen C. Gose, P.E.

Applicant(s) Address: 113 E. 8th Ave., Stillwater, OK 74074

Applicant(s) Phone/Fax/Email: 405.743.4907 / stephen@gose-associates.com

Location of Property: 10th & Adams (see attached legal description)

Chapter, Article, Section, City Code from which the action is requested:

23-132, 23-138(c)(1) and (2) & 23-138(d)(2)a.1

Appeals application submittal requirements:

Applicant	Section 23.68	City
☐	1.) Completed application form	
☐	2.) Filing fee - \$140	
☐	3.) On a separate sheet, state the City's Code Section or the City Administrative Officer's decision or action for which appeal is being sought.	
☐	4.) Provide justification for the appeal.	

ALL Variance and Special Exception application submittal requirements: Ch. 23, Article 3

Applicant	Section 23.65, 23.67	City
☒	1.) Completed application form	
☒	2.) Filing fee - \$140	
☒	3.) A typewritten and electronic/digital copy of the legal description of the subject property, capable of being reproduced and emailed to digitals@stillwater.org .	
☒	4.) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by the Payne County Assessor, a licensed abstractor, attorney, engineer or architect, of all property owners within three hundred (300) feet of the subject property. The ownership list shall have been prepared no more than thirty (30) days prior to submission.	
☐	5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable.	
☐	6.) Original mortgage or field survey, if applicable.	
☒	7.) Variances only – Letter explaining how the request meets the criteria for approval of a variance.	
☒	8.) Any other documents, information, etc. to assist the Board in making a decision.	

Findings Necessary for Granting Variances

In determining whether or not the variance should be granted, the Board of Adjustment shall consider and record in the official minutes of the meeting, the extent to which the evidence demonstrates that:

1. The application of the ordinance to the particular piece of property would create 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; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Certification:

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) do hereby understand that a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations. This application must be completed, signed, and dated by the applicant(s) and the owner(s).

Applicant



Date 06/13/2023

Owner/Agent (provide documentation)



Date 06/13/2023

For City of Stillwater Use Only:

CASE NO.#: VAR23-12

Special Mtg

Submission Date: 06.14.2023

Processing Tract: IRC 06.28.2023, BOA 07.20.2023

Approval Date: _____

Fees: _____

CORY T. WILLIAMS

Attorney at Law

621 S. HUSBAND STREET STILLWATER, OKLAHOMA 74074 TELEPHONE (405) 533-1767 E-Mail: CORY@LOOK-REALTY.COM

April 12, 2023

City of Stillwater
723 South Lewis Street
Stillwater, Oklahoma 74074

**RE: Letter of Agent
10th and Adams**

To Whom it May Concern,

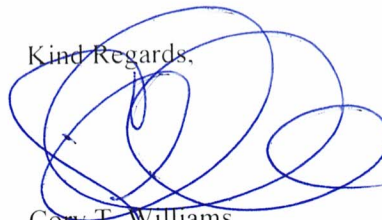
Cory T. Williams is the attorney-in-fact for Bob White Real Estate, LLC, an Oklahoma Limited Liability Company (the "Company"). The Company is the record owner of the following real property:

Lots 9-12 and Lots 17-32 of Block 2 in the Lewis Addition to the City of Stillwater.

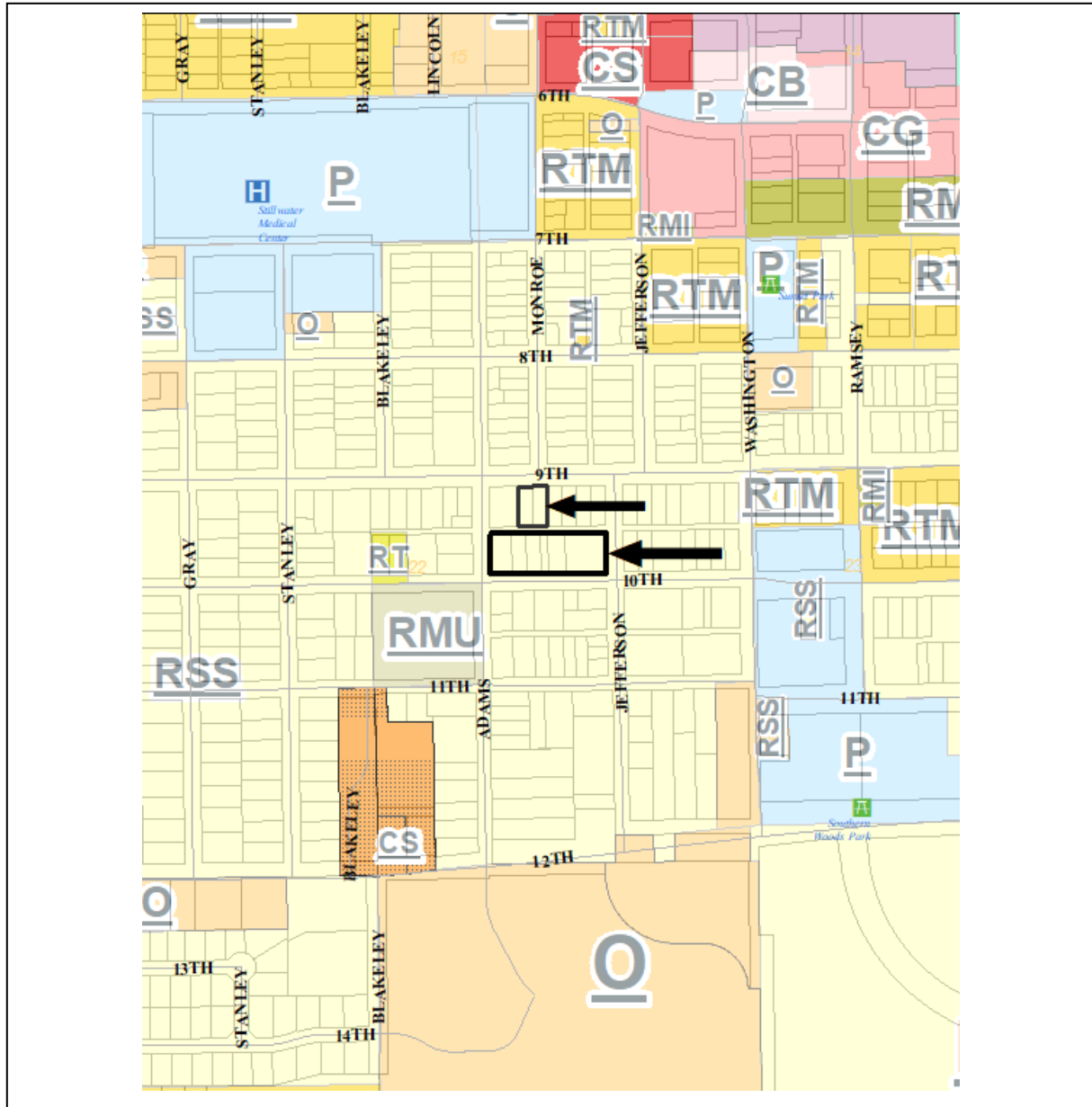
As the attorney-in-fact for the Company, Cory T. Williams is authorized to engage Stephen Gose of Gose & Associates and to conduct real property related business activities on behalf of the Company. Stephen Gose is authorized to act on behalf of the Company regarding any application and submittals associated with the aforementioned property(ies).

Please do not hesitate to reach out to this office should you have questions, concerns or require further assistance.

Kind Regards,



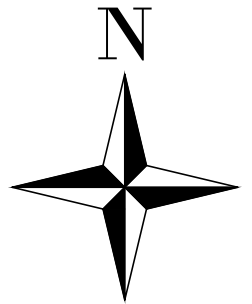
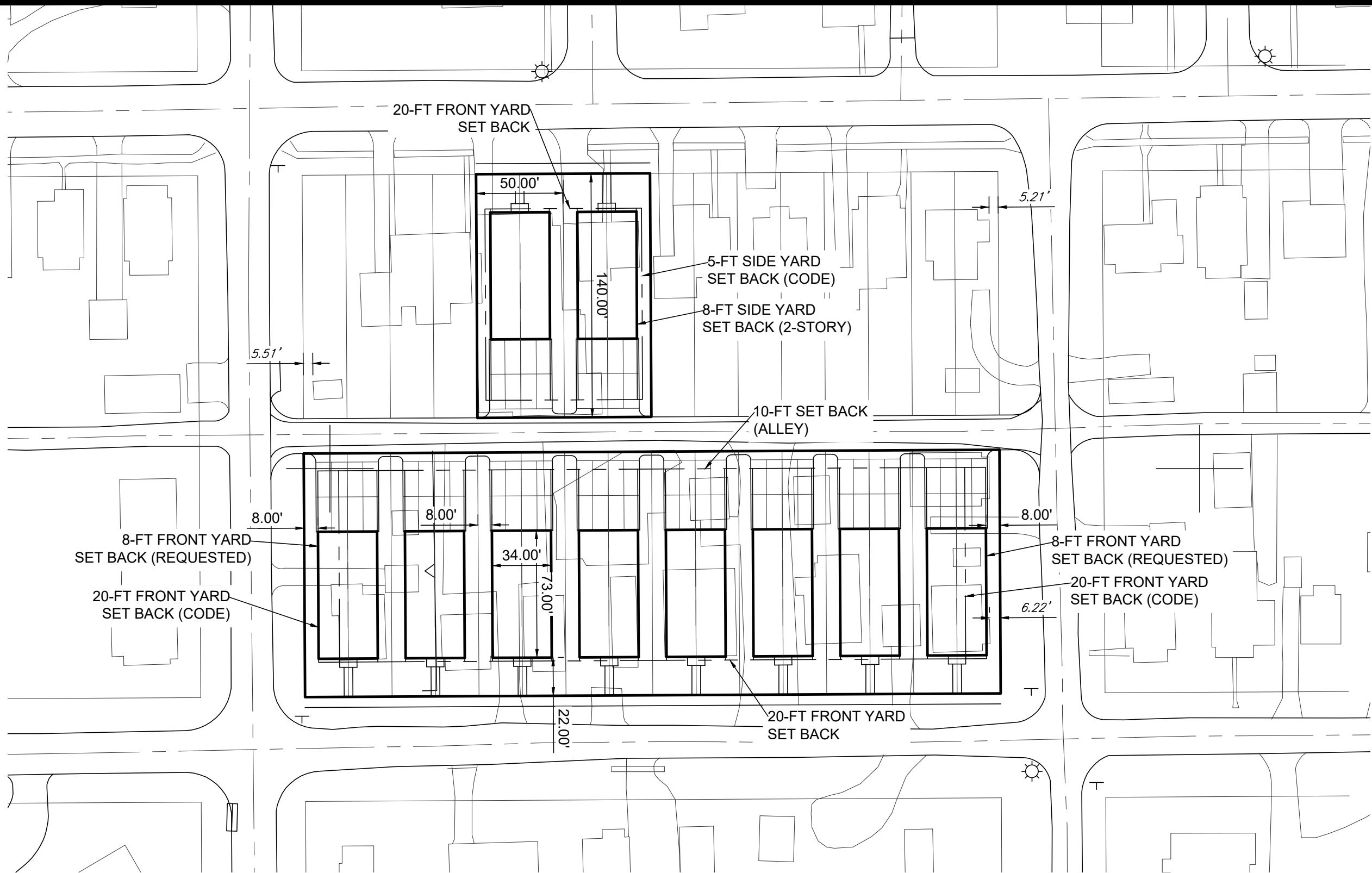
Cory T. Williams
QBA No. 21409



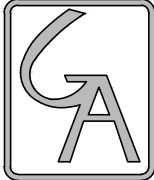
The City of
Stillwater
 OKLAHOMA

Project Type: Variance (VAR23-12)
Request: Variance to 23-132, 23-138(c)(1) & (2), 23-138(d)(2)a.1
Address: 1017 & 1109 W 9th Ave, 1024, 1104, 1110, 1122, & 1124 W 10th Ave, and 920 thru 924 S Jefferson St
Applicant: Look Properties, LLC c/o Gose & Associates

THIS DOCUMENT TOGETHER WITH THE CONCEPTS AND DESIGN PRESENTED HERE IN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY GOSE & ASSOCIATES, SHALL BE WITHOUT LIABILITY TO GOSE & ASSOCIATES.



BOARD OF ADJUSTMENT	
10TH & ADAMS	
SCALE: 1" = 60' @ 11X17	
DATE: 03/20/2023	
JOB NO: 1363.01	



Gose & Associates

ENGINEERING • PLANNING • LAND SERVICES

113 E. 8th Avenue Stillwater, OK 74074 PH (405) 743-4907 CA 1640

www.gose-associates.com



**Gose &
Associates**
ENGINEERING • PLANNING • LAND SERVICES

June 14, 2023

Board of Adjustment
City of Stillwater
723 South Lewis Street
Stillwater, Oklahoma 74074

**RE: Variance Request – 23-132, 23-138(c)(1) & (2) and 23-138(d)(2)a.1
Lots 9 through 12 and 17 through 32, Block 5, Lewis Addition**

Dear Board Members,

Our Client, Look Properties, LLC, is requesting a variance to Sections 23-132, 23-138(c)(1), 23-138(c)(2) and 23-138(d)a.1 of the City Code for the development of a proposed duplex project on Lots 9-12 and 17-32, Block 5, Lewis Addition. The lots within the developed area were platted as 25-foot by 140-foot parcels in 1899 when the current bulk standards were not applicable; total area is 70,000 square feet (1.6 acres). The proposed buildings will be two-story duplexes with an outside dimension of 34-feet by 74-feet. Variances are being sought for the maximum density, minimum lot area and minimum lot width for all lots and for the minimum front yard on the secondary frontages of Lots 17 and 32. A concept site plan is included with this request.

A map amendment to rezone this parcel from Residential Single Family Small Lot (RSS) to Residential Two Family (RT) was applied for on March 20, 2023 and approved by City Council on June 13, 2023.

The legal description of the subject properties are Lots 9 through 12 and 17 through 32, Block 4, Lewis Addition, City of Stillwater, Payne County, Oklahoma.

A variance to 23-132 to allow a minimum lot area of 7,000 square feet instead of 7,500 square feet is being requested for each pair of lots along with a variance to the maximum gross density of 11 dwelling units per acre to 13 dwelling units per acre.

A variance to 23-138(c)(1) to allow a minimum lot area of 7,000 square feet instead of 7,500 square feet is being requested for each pair of lots.

A variance to 23-138(c)(2) to allow a minimum lot width of 50 feet instead of 60 feet is being requested for each pair of lots.

A variance to 23-138(d)a.1 to allow a front minimum front yard setback of 8 feet instead of 20-feet for the west side of Lot 17 and the east side of Lot 32; both are secondary frontages for the buildings to be developed on them.



In accordance with the requirements for the following support information is being provided.

“The application of the ordinance to the particular piece of property would create an unnecessary hardship.”

This is a unique property with regard to the current bulk standards because the area was platted in 1899, well before the current zoning code and bulk standards were established. The variances for the maximum density, minimum lot area and minimum lot width allow for use of the existing platted lots. Each proposed duplex will be developed on adjacent pairs of the platted lots.

The variance to the minimum front yard on Lots 17 and 32 allow for these structures to generally align with existing structures on the lots as well as several of those on the surrounding lots; allowing the character of the existing neighborhood to be maintained.

“Such conditions are peculiar to the particular piece of property involved.”

As discussed in the above section, these lots were platted in 1899, well before the current bulk standards were even considered. The variances also allow the character of the existing neighborhood to be maintained.

“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.”

These variance requests should not adversely affect the surrounding properties and will not impair their future development. The C3 plan calls for this area to be Low Density which has a maximum density of 20 units per acre. The proposed development is consistent with the low density recommended in the C3 Plan.

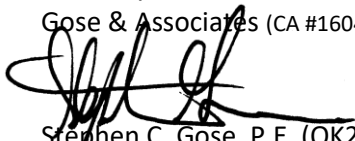
“The variance if granted, would be the minimum necessary to alleviate the unnecessary hardship.”

The three variance requests are the minimum necessary to alleviate the hardship.

Should you have any questions please feel free to contact me at 405.743.4907.

Sincerely,

Gose & Associates (CA #1604)



Stephen C. Gose, P.E. (OK22808)
Project Manager

cc: Cory Williams, Look Properties, LLC

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

**STILLWATER BOARD OF ADJUSTMENT
Special MEETING OF August 25, 2022
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED August 19, 2022
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Andrew Crofford
Collin Mason
Brian Wiles
Jim Rice

Staff Present:

Tammy Ewing, Legal Counsel
Jacquelyn Porter, City Planner
Diana Hood, Associate Planner
Chelsey Weaver, Admin. Assistant
Cindy Gibson, Admin. Services Manager

Members Absent:

Charles "Tim" Hardin

Guests:

Stephen Gose
Jeff Nett

1. CALL MEETING TO ORDER.

Mr. Crofford, in the absence of Interim Chair Mr. Hardin, calls the meeting to order at 5:30 PM, introduces the board and explains the proceedings for the evening.

The following individuals are sworn in at 5:57 PM:

Jacquelyn Porter Bruce Edwards Richard Hammond

2. PRESENTATION BY COUNSEL OF THE CITY ATTORNEY'S OFFICE REGARDING MEETING PROCEDURES, THE OPEN MEETING ACT AND THE OPEN RECORDS ACT.

Ms. Tammy Ewing, City Attorney's Office presents information to the board regarding the Open Meetings Act; a meeting is anytime the board gets together; interruption of polling according to the Attorney General's Office; adhering to the agenda items; Open Records Act that requires the City to disclose documents that are in their possession; and meeting procedures and motions.

3. ELECTION OF CHAIR.

Ms. Ewing discusses with the board their option to proceed with election of a chair or an acting chair.

Mr. Crofford discusses previous comments from Mr. Hardin regarding the potential change from an election result and not being able to remain on the board; and how he believes postponing would not be beneficial. Mr. Mason concurs

Mr. Wiles moves to elect a chair, Mr. Mason seconds.

Roll Call:	Crofford	Mason	Hardin	Wiles	Rice
	Yes	Yes	Absent	Yes	Yes

Time: 3 minutes

Mr. Mason nominates Mr. Andrew Crofford, Mr. Wiles seconds. There are no other nominations.

Roll Call:	Crofford	Mason	Hardin	Wiles	Rice
	Abstain	Yes	Absent	Yes	Yes

Time: 2 minutes

4. **ELECTION OF VICE-CHAIR.**

Mr. Rice nominates Mr. Collin Mason as Vice-Chair, Chair Crofford seconds. There are no other nominations.

Roll Call:	Crofford	Mason	Hardin	Wiles	Rice
	Yes	Yes	Absent	Yes	Yes

Time: 2 minutes

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

- a. Dalmarc Signs/Bruce Edwards, **VARIANCE (VAR22-15)**, requesting review and granting of a variance to Section 23.200 for the number of signs allowed in the Commercial General (CG) district at property addressed as 502 N. Main Street.

Jacquelyn Porter, City Planner presents the staff report.

Mr. Rice asks if the location has always been one business; Ms. Porter responds no that it was previously several.

Chair Crofford asks for clarification on street frontage and which signs are considered on the frontage; Ms. Porter responds that the street frontage is usually the part of a parcel in which frontage is along the right-of-way with public access.

Ms. Porter asks if there are any additional questions for staff; none respond.

Chair Crofford asks the applicant to speak.

Mr. Bruce Edwards, Dalmarc Signs at 4040 S. I-35 Service Road, Oklahoma City, OK comes to speak.

Mr. Rice asks about the Cantina being separate from the TO GO portion of the business; Mr. Edwards responds that is correct with a separate register.

Chair Crofford mentions that there is separate parking for the TO GO so that adds to the signage.

Chair Crofford asks if there is anyone else that wishes to speak in favor of this item; none respond.

Chair Crofford asks if there is anyone that wishes to speak in opposition of this item; none respond.

Chair Crofford closes the public hearing and asks for criteria and alternatives.

Chair Crofford talks about being able to see the hardship for getting people into where the pickup occurs but believes there are also alternatives. Mr. Rice and Mr. Wiles agree that the TO GO is for the public not just delivery drivers.

Mr. Rice states that the Hall of Fame approach is their main approach and help people turn in time as this is a peculiar piece of property in that it is a large property which was previously more than one business, each of which would normally be entitled to a street sign and doesn't believe the two (2) street signs make it look cluttered; this request doesn't create a detriment and is the minimum necessary.

Vice-Chair Mason moved to approve variance VAR22-15; Chair Crofford seconded as the request meets the criteria.

Roll Call:	Crofford	Mason	Hardin	Wiles	Rice
	Yes	Yes	Absent	Yes	Yes

Time: 16 minutes

- b. Coffelt Sign Company, **VARIANCE (VAR22-17)**, requesting review and granting of a variance to Section 23.200 for the number of signs allowed in the Commercial General (CG) district at property addressed as 2401 W. 6th Avenue.

Jacquelyn Porter, City Planner presents staff report and asks if there any questions for staff.

Mr. Rice asks about the main sign on the building being a projection sign; Ms. Porter responds that isn't considered a projection sign because it is attached to the building.

Chair Crofford asks about any special drive-thru signs; Ms. Porter responds that there directional signs.

Chair Crofford asks if there are any questions for staff; none respond. Chair Crofford opens the public hearing and ask for the applicant to speak.

Mr. Richard Hammond with Coffett Signs at 18 S. Commercial, Emporia, KS comes to speak on the following:

- Does Braum's signs
- This is the standard "QB" package that has been done in several locations
- Their signs cover three (3) entities within the one (1) building
- Try to get the most attraction for the area

Chair Crofford asks if there are questions for the applicant; none respond. Chair Crofford asks if there is anyone else that wishes to speak in favor of this item; none respond. Chair Crofford asks if there is anyone that wishes to speak in opposition of this item; none respond. Chair Crofford closes the public hearing and asks for criteria and alternatives.

Ms. Porter presents criteria and alternatives.

Chair Crofford asks for board discussion.

Chair Crofford asks about the two large signs facing north/south and being adjacent to residential areas; creating light pollution; agrees with the applicant's statement on hardship being not having the signs like other stores; and the issue being the north/south facing signs as there is a large pole sign with electronic signage.

Chair Crofford moved to approve with the condition that the two (2) 72x57 facing north and south logo signs on the tower not be illuminated or not present but finds that all four (4) criteria are met.

Vice- Chair Mason asks if there is, on the south side of Braum's, commercial buildings that block that apartment complex; Mr. Rice responds yes.

Ms. Porter comments about the concern regarding illumination, this area is zoned CG (Commercial General), there is a requirement limit for illumination and cabinet signs typically do not illuminate much and this meets the criteria for the district.

Motion dies for lack of a second.

Vice-Chair Mason moved to approve variance VAR22-13 based on all four (4) criteria having been met; Mr. Wiles seconds.

Roll Call:	Crofford	Mason	Hardin	Wiles	Rice
	No	Yes	Absent	Yes	Yes

Time: 15 minutes

6. MINUTES FOR DISCUSSION AND POSSIBLE ACTION:

- a. Regular Minutes of January 6, 2022
- b. Regular Minutes of March 3, 2022

No action taken.

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

- a. Next Board of Adjustment meeting Thursday, September 01, 2022.

8. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:31 p.m.

Prepared by – Cindy Gibson, Administrative Services Manager

Approved by: _____
Stillwater Board of Adjustment

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

Members Present:

Andrew Crofford
Charles "Tim" Hardin
Brian Wiles
Jim Rice

Staff Present:

Tammy Ewing, Legal Counsel
Jacquelyn Porter, City Planner
Diana Hood, Associate City Planner
Cindy Gibson

Guests:

Stephen Gose
Austin Shirley

Members Absent:

Collin Mason

1. CALL MEETING TO ORDER.

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

The following individuals are sworn in: Stephen Gose Austin Shirley

2. BUSINESS ITEMS FOR DISCUSSION AND POSSIBLE ACTION ON:

- a. Lorene Lilly Ropers, **VARIANCE (VAR22-19)**, requesting review and granting of a variance to Section 23.97(d) for accessory structure front yard setbacks at property addressed as 1317 E Connell Ave, Stillwater, OK, in Residential Single-Family Large Lot (RSL) zoning.

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

Mr. Rice asks about the dimensions for the carport next door; Ms. Porter responds that she doesn't have that but there is another one on Grandview that was approved previously.

Mr. Hardin comments that he drove by there and it looks to be a typical carport of about 18 feet.

Chair Mason asks if staff knows if it is walled on the sides or not; Ms. Porter responds that it is open.

Chair Mason asks if there are any further questions for staff; none respond. Chair Mason asks if there is anyone that wishes to speak in favor this item.

Mr. Austin Shirley of 1317 E. Connell comes to speak on the following:

- Was getting quotes when he realized what they had to do with the city;
- Trying to get this taken care of;

- It is a typical size and it is open on all sides but will abut the house; and
- Here to answer any questions.

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

Mr. Hardin discusses the four (4) criteria in that it is peculiar to your property which is pretty basic, detriment to the public but there is no one here to speak against, hardship is that it is needed to prevent damage to their vehicles as there isn't another option and the minimum relief necessary is the request.

Chair Crofford asks if there is anyone else that wishes to speak in favor of this item; none respond. Chair Crofford asks if there is anyone that wishes to speak in opposition of this item; none respond. Chair Crofford 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.

Chair Crofford asks for board discussion.

Mr. Hardin moved to approve VAR22-19 based on the four (4) criteria being met; Chair Crofford seconded.

Roll Call:	Crofford	Mason	Hardin	Wiles	Rice
	Yes	Absent	Yes	Yes	Yes

Time: 13 minutes

- b. Stillwater Medical Center c/o Gose & Associates, **VARIANCE (VAR22-20)**, requesting review and granting of a variance to Section 23.202(c & d) for the size and number of signs at the property addressed as 1323 W 6th Ave, Stillwater, OK, in Public (P) zoning.

Mr. Hardin recuses himself from this agenda item and leaves the meeting.

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

Chair Crofford asks if there are any questions for staff.

Mr. Rice comments about this being a very large building, housing a vast amount of functions so if there were four (4) different buildings there would be four (4) different signs.

Chair Crofford asks if there is anyone that wishes to speak in favor of this item.

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

- Here on behalf of Stillwater Medical Center;
- Ms. Porter covered everything;
- There is a Letter of Justification included in your packet that covers the criteria;
- Signs are fabric with gromets making them interchangeable;
- Not asking for temporary signs but permanent so that they can be changed out for future awards;
- Largest sign is 392 square feet and the smaller ones are 240 square feet; and
- Are not back lit due to there being ample landscaping and building lighting to be visable.

Chair Crofford asks if there are any questions for Mr. Gose; none respond. Chair Crofford asks if there is anyone else that wishes to speak in favor of this item; none respond. Chair Crofford asks if there is anyone that wishes to speak in opposition of this item; none respond. Chair Crofford 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.

Chair Crofford asks for board discussion.

Mr. Rice states that the applicant has laid out the reasons why the criteria are met because it is a large lot with a large amount of street frontage, size and number of signs will not impair the public as it is a four (4) lane road in front of the building and it is the minimum necessary to alleviate the hardship.

Mr. Rice moved to approve agenda item VAR22-20 based criteria being met as outlined in the letter of justification, Mr. Wiles seconded.

Roll Call:	Crofford	Mason	Hardin	Wiles	Rice
	Absent	Absent	Recused	Yes	Yes

Time: 10 minutes

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

- a. Next Board of Adjustment meeting Thursday, November 03, 2022.

4. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned with all four (4) members in attendance in agreement at approximately 5:55 p.m.

Prepared by – Cindy Gibson, Administrative Services Manager

Approved by: _____
Stillwater Board of Adjustment

DRAFT

STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF January 5, 2023
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED December 29, 2021
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

Members Present:

Colin Mason
Charles "Tim" Hardin
Jim Rice
Brian Wiles

Members Absent:

None

Staff Present:

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

Guests:

Kimberly McCoy
Collette Buxton
Steve Cooper

1. CALL MEETING TO ORDER.

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

The following individuals are sworn in:

Kimberly McCoy Collette Buxton Steve Cooper Jacquelyn Porter

2. ELECTION OF CHAIR

Vice-Chair Mason opens the floor and asks for nominations.

Mr. Hardin comments about not being a good candidate as he is running for City Council.

Mr. Wiles nominates Colin Mason. Mr. Hardin moved for nominations to close, Vice-Chair Mason seconded.

Roll Call:	Mason	Hardin	Rice	Wiles	Vacant
	Yes	Yes	Yes	Yes	N/A

Time: 2 minutes

3. ELECTION OF VICE-CHAIR

Chair Mason opens the floor and asks for nominations.

Chair Mason nominates Brian Wiles for Vice-Chair, Mr. Rice seconded. Mr. Hardin moved to close nominations, Mr. Rice seconded.

Roll Call:	Mason	Hardin	Rice	Wiles	Vacant
	Yes	Yes	Yes	Yes	

Time: 2 minutes

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

- a. Kimberly McCoy, **VARIANCE (VAR22-21)**, requesting review and granting of a variance to Section 23-140(d)(1) for the maximum structure height at property addressed as 324 S Cleveland St, Stillwater, OK, in Multi-Family Intermediate (RMI) zoning.

Chair Mason introduces the agenda item and asks for staff report.

Jacquelyn Porter, City Planner presents staff report and asks if there are any questions for staff.

Mr. Hardin asks for confirmation that they are asking for an additional four (4) foot height to the building; Ms. Porter responds yes. Mr. Hardin comments about being aware that other fraternities and sororities sought variances to height and asks staff if they are aware of how high those were; Ms. Porter responds that she isn't.

Mr. Rice asks if anyone knows why there is a height restriction. Mr. Rice comments it is so that it doesn't block the sun from the neighbor. Mr. Rice asks if anyone knows the height of the other buildings; none respond.

Discussion is held regarding notices; how notices are directly delivered to properties within 300 feet as well as in the newspaper; and the height race amongst the Greek houses.

Chair Mason opens the public hearing Chair Mason asks if there is anyone that wishes to speak in favor of this item.

Ms. Collette Buxton comes to speak on the following:

- Representing the applicant as she is President of the House Corp
- Building a new house with a couple of goals
 - o To provide a safe house for the girls
 - o To provide ADA compliance for girls
- Installing a safe room which resulted in the raising of the floor to make the four (4) feet that is being requested
- If they don't get approved for the four (4) feet, they won't be in ADA compliance
- If there are any more technical questions, the architect is here this evening to answer those questions.

Mr. Hardin asks what the current attendance is; Ms. Buxton responds that today is 95 and looking to house approximately 111 girls.

Mr. Wiles asks about parking; Ms. Buxton responds that they very fortunate that they have enough parking.

Discussion is held regarding that during severe weather, the girls have to go across the street to shelter.

Mr. Hardin asks when they will start; Ms. Buxton responds that they want to start May 22, 2023 with an anticipated completion date of end of July to early August of 2024.

Discussion is held about all of the structural adjustments that would be required to be met if this four (4) variance request isn't granted.

Mr. Rice asks for confirmation that neighbors were notified; Ms. Porter responds yes directly within the 300 feet.

Chair Mason asks if there are any questions; none respond. Chair Mason asks if there is anyone that wishes to speak in opposition of this item; none respond. Chair Mason asks if there are any more questions by the board; none respond. Chair Mason closes the public hearing.

Chair Mason asks for criteria. Ms. Porter presents criteria. Chair Mason asks for board discussion.

Mr. Hardin comments that the hardship is not being able to install the safe room which requires them to be ADA compliant; conditions, in this work all real estate – every piece of property is unique; there being no testimony against this item leads to there being no detriment to the public good; and the request is the minimum needed.

The board agrees that the criteria is met.

Chair Mason moved to approve item VAR22-21, Mr. Hardin seconded.

Roll Call:	Mason	Hardin	Rice	Wiles	Vacant
	Yes	Yes	Yes	Yes	

Time: 13 minutes

5. MEETING SUMMARY FOR DISCUSSION AND POSSIBLE ACTION:

- a. Regular meeting minutes of April 7, 2022.
- b. Regular meeting minutes of May 5, 2022.
- c. Special meeting minutes of September 15, 2022.

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

Mr. Hardin moved to approve the minutes, Mr. Wiles seconded.

Roll Call:	Mason	Hardin	Rice	Wiles	Vacant
	Yes	Yes	Yes	Yes	

Time: 2 minute

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

- a. Next Board of Adjustment meeting Thursday, February 02, 2023.

4. **ADJOURNMENT.**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 5:50 p.m.

Prepared by – Cindy Gibson, Administrative Services Manager

Approved by: _____
Stillwater Board of Adjustment

DRAFT

**STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF May 4, 2023
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED May 2, 2023
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Brian Wiles
Jim Rice
John Houck

Members Absent:

None

Staff Present:

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

Guests:

Kimberly McCoy
Collette Buxton
Steve Cooper

1. CALL MEETING TO ORDER.

Mrs. Cindy Gibson, Clerk calls the meeting to order and explains the proceedings for the evening.

The following individuals are sworn in:

Richard Hammond Joel Quarnstrom Jacquelyn Porter Diana Hood

2. INTRODUCTION OF NEW BOARD OF ADJUSTMENT MEMBER, MR. JOHN HOUCK.

Mrs. Gibson introduces Mr. Houck and ask him to tell a bit about himself.

Mr. Houck states that he is returning to serve on the Board of Adjustment for the fourth time, retired from OSU, registered Professional Engineer in Oklahoma and 3 other states, working for a private consortium that is developing the Athletic Village.

3. ELECTION OF CHAIR

Mrs. Gibson calls for a nomination for Chair.

Mr. Wiles nominates Mr. Rice. Mr. Rice nominates Mr. Wiles.

Tammy Ewing, City Attorney's Office, discusses nominations, when there is more than one nomination, and everyone being new to the board.

Mr. Rice nominates Mr. Wiles, Mr. Houck seconds. There are no further nominations.

Roll Call:	Wiles	Rice	Houck	Vacant	Vacant
	Yes	Yes	Yes	N/A	N/A

Time: 2 minutes

4. **ELECTION OF VICE-CHAIR**

Mr. Houck states he will accept Vice-Chair if someone would nominate.

Mr. Rice nominates Mr. Houck, Mr. Wiles seconds. There are no further nominations.

Roll Call:	Wiles	Rice	Houck	Vacant	Vacant
	Yes	Yes	Yes	N/A	N/A

Time: 1 minutes

Mrs. Gibson turns the floor over to the new Chair, Mr. Wiles.

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

- a. Coffelt Sign Co. Inc, **VARIANCE (VAR23-02)**, requesting review and approval of a variance to Section 23-198 number of signs at property addressed as 504 N Perkins Rd in Commercial Shopping (CS) zoning.

Chair Wiles introduces the agenda item and asks for staff report.

Jacquelyn Porter, City Planner presents staff report and asks if there are any questions for staff; none respond.

Chair Wiles opens the public hearing and asks for the applicant.

Mr. Richard Hammond, Coffelt Sign Company, Emporia, KS comes to speak on the following:

- Here representing Braum's
- This model store has a typical layout
- Most of the signs are being updated and or replaced
- The hamburger sign comes into the business and was a way to increase sales
- These stores are a 3 faceted business with hot food, desserts and now Market Fresh for fresh food
- The Fresh Market has its own separate register
- Current neon band will go away and maybe replaced with a LED in the future

Discussion is held about signs not being put up yet like on W. 6th; and having been confirmed prior to the meeting as Mr. Hammond wasn't aware last time since the window business was the one that put them up.

Vice-Chair Houck asks about the replacements being grandfathered in; Ms. Porter responds that they aren't because the wording is different.

Chair Wiles asks if there is anyone that wishes to speak in opposition of the item; none respond.

Mr. Rice asks about notice; Ms. Porter responds that property owners within 300 feet received notice and printed in the newspaper.

Chair Wiles closes the public hearing and asks staff to present criteria and alternatives. Ms. Porter presents criteria and alternatives. Chair Wiles asks for board discussion.

Vice-Chair Houck asks about the variance granted to the W. 6th Avenue store; Ms. Porter comments that since the application for W. 6th Avenue there has been a sign code update so this application is a request for a different code section.

Mr. Rice talks about the number of businesses being able to have several different signs; Ms. Porter acknowledges.

Chair Wiles asks for additional discussion.

Vice-Chair Houck comments about wanting to move this request forward, this is a typical Braum's venue; signage is basically same;

Mr. Rice comments that it is an un-necessary hardship if the business isn't able to market their different offers and if there were different stores, there would be multiple signs; conditions are peculiar to this piece of property as it sets further back from the road so it needs to be more visible; relief, if grant, would not create substantial detriment to the public good; and the relief, is the minimum necessary.

Mr. Rice moved to approve VAR23-02 based on it is an un-necessary hardship if the business isn't able to market their different offers and if there were different stores, there would be multiple signs; conditions are peculiar to this piece of property as it sets further back from the road so it needs to be more visible; relief, if grant, would not create substantial detriment to the public good; and the relief, is the minimum necessary, Vice-Chair Houck seconded.

Roll Call:	Wiles	Rice	Houck	Vacant	Vacant
	Yes	Yes	Yes	N/A	N/A

Time: 22 minutes

- b. Joel Quarnstrom, **VARIANCE (VAR23-04)**, requesting review and granting of a variance to Sec. 23-121(b) for front yard fence regulations at property addressed as 201 S. Doty Str., in the Residential Single Family Small Lot (RSS) district.

Diana Hood, Associate Planner presents staff's report.

Vice-Chair Houck clarifies the property on the north side along Maple Street, the fence would extend along the property boundary, the two (2) blue lines being the western boundary of the fence, and the red line representing the property line is clear of the sight triangle.

Mr. Rice asks about front yard and what determines that; Ms. Hood responds that this property has two (2) sides fronting a street creating the two (2) front yards.

Chair Wiles asks if there are any further questions for staff; none respond. Chair Wiles opens the public hearing and asks the applicant to come speak.

Mr. Joel Quarnstrom, 201 S. Doty comes to speak on the following:

- Wants to construct a taller fence to keep the dog in and from jumping the fence
- Will be constructed with wood
- Planning to have a six (6) foot fence
- Explains the color lines on the submitted site plan
- Wants to respect the site triangle for safety
- Confirms that the two blue lines on the site plan do represent fence

Chair Wiles asks if there are any questions for the applicant, none respond. Chair Wiles asks if there is anyone else that wishes to speak in favor of this item; none respond. Chair Wiles asks if there is anyone that wishes to speak in opposition of this item; none respond. Chair Wiles closes the public hearing and asks staff to present criteria and alternatives.

Ms. Hood presents criteria and alternatives.

Ms. Tammy Ewing, City Attorney discusses the proposed text amendment for fences and where it is at in the process of review and adoption.

Chair Wiles asks for board discussion.

Vice-Chair Houck discusses the sight triangle for the neighbor leaving their driveway to the east.

The board discusses the sight triangle height being three (3) feet and the code already allowing a four (4) foot high fence.

Vice-Chair Houck comments that he was able to visit with the neighbor to the south and another neighbor on the porch and talked to them about it and what they thought and they agreed it is compatible with other fences in the neighborhood so believes this meets criteria #2.

Mr. Rice comments about it being a corner lot which makes it peculiar; discusses the possible condition to ensure it is no taller than a six (6) foot fence; the setback as proposed is the minimum relief necessary to alleviate the hardship.

Mr. Rice moved to approve variance VAR23-04 based upon the four (4) criteria having been met as discussed; Vice-Chair Houck seconded.

Roll Call:	Wiles	Rice	Houck	Vacant	Vacant
	Yes	Yes	Yes	N/A	N/A

Time: 21 minutes

6. MEETING SUMMARY FOR DISCUSSION AND POSSIBLE ACTION:

- a. Regular Meeting Minutes of July 7, 2022.
- b. Special Meeting Minutes of August 25, 2022.
- c. Regular Meeting Minutes of October 6, 2022.
- d. Regular Meeting Minutes of January 5, 2023.

Board discussion is held regarding having not reviewed the minutes and would prefer to table.

Vice-Chair Houck moved to table approval of the minutes until June 1, 2023, Mr. Rice seconded.

Roll Call:	Wiles	Rice	Houck	Vacant	Vacant
	Yes	Yes	Yes	N/A	N/A

Time: 2 minutes

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

- a. Next Board of Adjustment meeting Thursday, June 01, 2023.

4. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:21 p.m.

Prepared by – Cindy Gibson, Administrative Services Manager

Approved by: _____
Stillwater Board of Adjustment