

BOARD OF ADJUSTMENT MEETING AGENDA
FEBRUARY 1, 2024



723 S. Lewis St., Room 1122
Stillwater, OK 74074
5:30 PM

Chair Brian Wiles, Vice-Chair John Houck,, Jim Rice and Gerald Hammond.

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. Public Hearing

The Board of Adjustment will hear public comments, discuss, and take action including a vote or series of votes on each item unless otherwise indicated.

- a. Ideal Homes of Norman, LP and IH Development LLC,. **VARIANCE** Jacquelyn Porter **(VAR23-16)** requesting review and granting of a variance to Sec. 23-137(a) permitted uses to allow a temporary parking lot on residential lot in the Residential Small Lot Single Family (RSS) zoning district at the property addressed as 2220 West 29th Avenue. *(Tabled from the December 7th, 2023 meeting.)*
- b. Gose & Associates on behalf of Riggins Ventures, LLC, **VARIANCE** Jacquelyn Porter **(VAR23-20)**, requesting granting of a variance to Sec. 23.137(d)(2)d.2for a setback on a corner lot at 718 S. Knoblock.

3. Meeting Summary for Review and Possible Action.

- a. Regular meeting summary of November 2, 2023.
- b. Regular Meeting Summary of December 7, 2023.

4. Miscellaneous Items from Staff, Board of Adjustment Members or City Attorney for Discussion and Possible Action:

- | | |
|----|--|
| a. | Next regular meeting is Thursday, March 7, 2024. |
|----|--|

5. Adjourn

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 405.742.8220.

Date of Meeting: February 1, 2024
Applicant requested to table item on December 7, 2023
Subject: Variance to Sec. 23-137.a to permitted uses in the Residential Small Lot Single Family (RSS) Zoning to allow a temporary parking lot on residential lot
Project Name: VAR23-16
Location: 2220 West 29th Avenue

BACKGROUND

The subject site is located at 2220 West 29th Avenue and is part of the Park Valley Addition Subdivision Section 1, located near the intersection of South Western Road and West 29th Avenue. The property is zoned Small Lot Single Family (RSS) with similar zoning surrounding the subject property.

The applicant would like to request a variance to Section 23-137.a to permit a temporary paved parking lot on property that is zoned Small Lot Single Family (RSS) zoning district. The temporary paved parking lot is going to be located on the lot east of the lot with the model home. The proposed use is parking for the model home.

A CUBR application will be required since this is a site development project.

Engineering does not object to the variance request if the following conditions are met:

1. Since the request is temporary, a sunset (based on a trigger, not on a time period) for any approval should be established.
2. The proposal appears to include significantly more impervious area than a residential lot. Revising the drainage study is not practical, but deferring building permits for a number of lots equivalent in impervious area may be appropriate.
3. Please provide a drainage plan, to demonstrate no adverse impact on neighboring properties.
4. Submit for review the actual plan for the parking lot; pavement section, parking layout, etc.
5. Turn radius of driveway approach cannot extend beyond property line.
6. Water meter cannot be placed within the sidewalk.

CODE APPLICATION

Sec. 23-137. - RSS Small Lot Single-Family Residential District.

(a) Permitted uses. The following uses are permitted in the RSS Small Lot Single-Family Residential District:

- (1) Conventional single-family.
- (2) Residential design manufactured homes.

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.

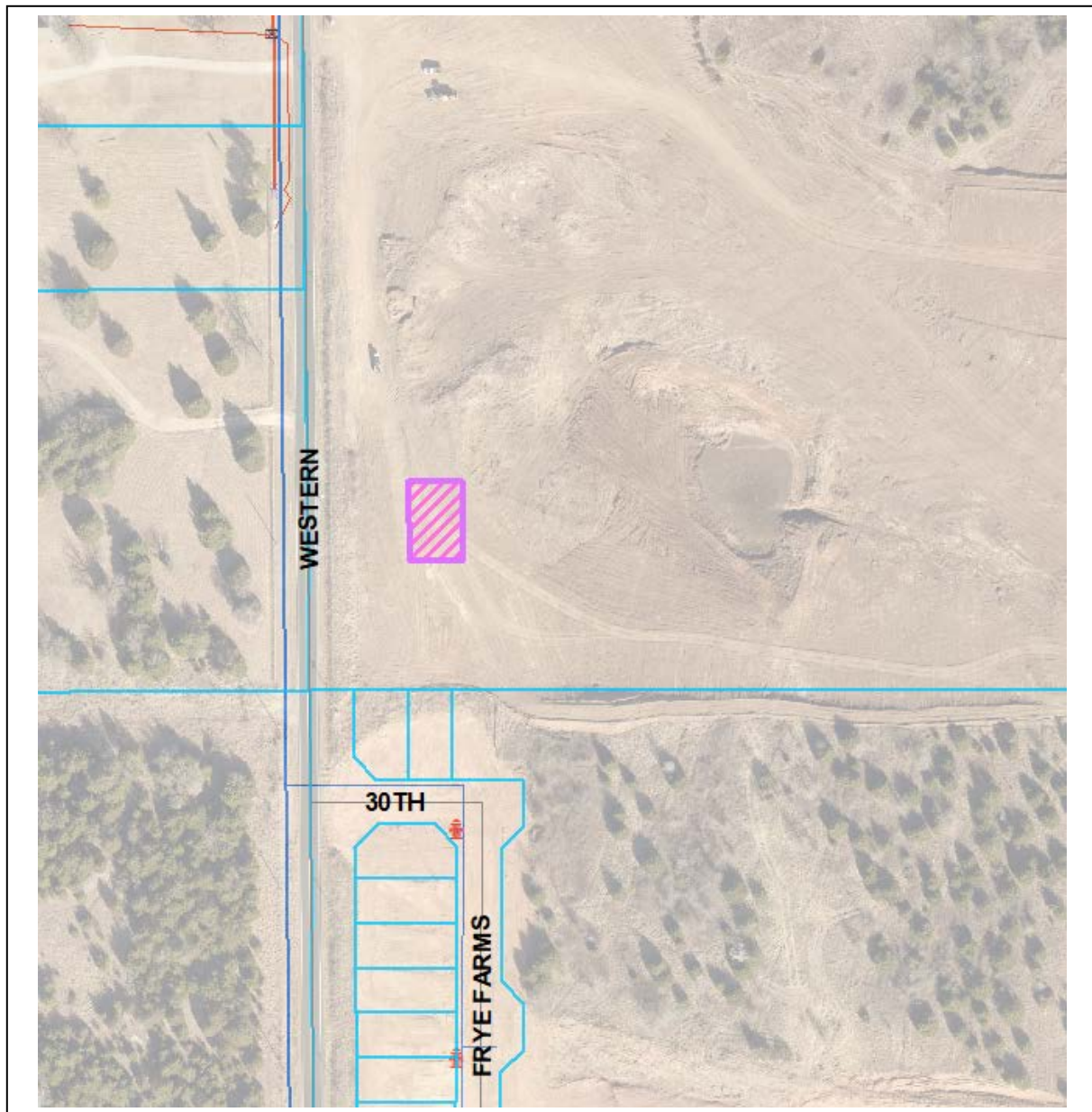
- (1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;
- (2) Such conditions are peculiar to the particular piece of property involved;
- (3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes 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:	January 3, 2024
Attachments:	Area Map, Application Packet, Letter of Justification, Proposed Site Plan



The City of
Stillwater
OKLAHOMA

Project Type: Varirance (VAR23-16)
Request: Install and pave a parking lot to serve the Model Home located at
2224 W 29th Ave
Address: 2220 W 29th Ave
Applicant: Ideal Homes of Norman

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 1
 Owner(s) of Property: IDEAL HOMES OF NORMAN, LP AND IH DEVELOPMENT LLC
 Owner(s) Address: 1320 N PORTER AVE, NORMAN OK 73071
 Owner(s) Phone/Fax/Email: 405-215-4900 MHIGGINS@IDEAL-HOMES.COM
 Applicant(s) Name: IDEAL HOMES
 Applicant(s) Address: 1320 N PORTER AVE, NORMAN OK 73071
 Applicant(s) Phone/Fax/Email: 405-215-4900 MHIGGINS@IDEAL-HOMES.COM
 Location of Property: 2220 W. 29TH (PARK VALLEY SEC 1, LOT 2 BLOCK 2)

Chapter, Article, Section, City Code from which the action is requested: CH. 23 SEC. 23-187
PERMITTED USES - TEMP. PARKING LOT ON RESIDENTIAL LOT

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

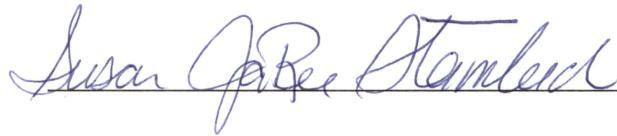
In determining whether or not the variance should be granted, the Board of Adjustment shall consider and record in the official minutes of the meeting, the extent to which the evidence demonstrates that:

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 _____

Owner/Agent (provide documentation)

_____ Date _____

For City of Stillwater Use Only:

CASE NO.#: _____

Submission Date: _____

Processing Tract: IRC _____, BOA _____

Approval Date: _____

Fees: _____ Number of Copies: _____

Board of Adjustment Findings

July 24, 2023

To whom it may concern:

This letter seeks to request variance relief for temporary paved parking lot allowed on a residential lot for Park Valley neighborhood located at 2220 W 29th Ave. The applicant seeks relief from code Sec23-137 to allow a temporary parking lot on a residential lot adjacent to the model home for this development.

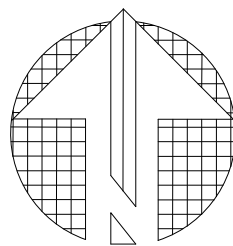
The variance being requested is due to the nature of traffic in a residential neighborhood under construction. In all our other developments we install a temporary paved parking lot adjacent to the model home office to allow any customer vehicles a place to park off the roadway. We find it helps alleviate the congestion along the roadway that commonly occurs when multiple sites are under construction. Again, this parking lot would be temporary and later demolished and a new residential home constructed on the site.

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

FINAL PLAT
PARK VALLEY ADDITION SECTION 1
A PART OF THE S.W. 1/4,
SECTION 27, T19N, R2E, I.M.
STILLWATER, PAYNE COUNTY, OKLAHOMA

BLOCK 2, LOT 2



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

LAND AREA: 5,750 SQ. FT.
PARKING LOT: 2,600 SQ. FT.

2220 W. 29TH AVE.

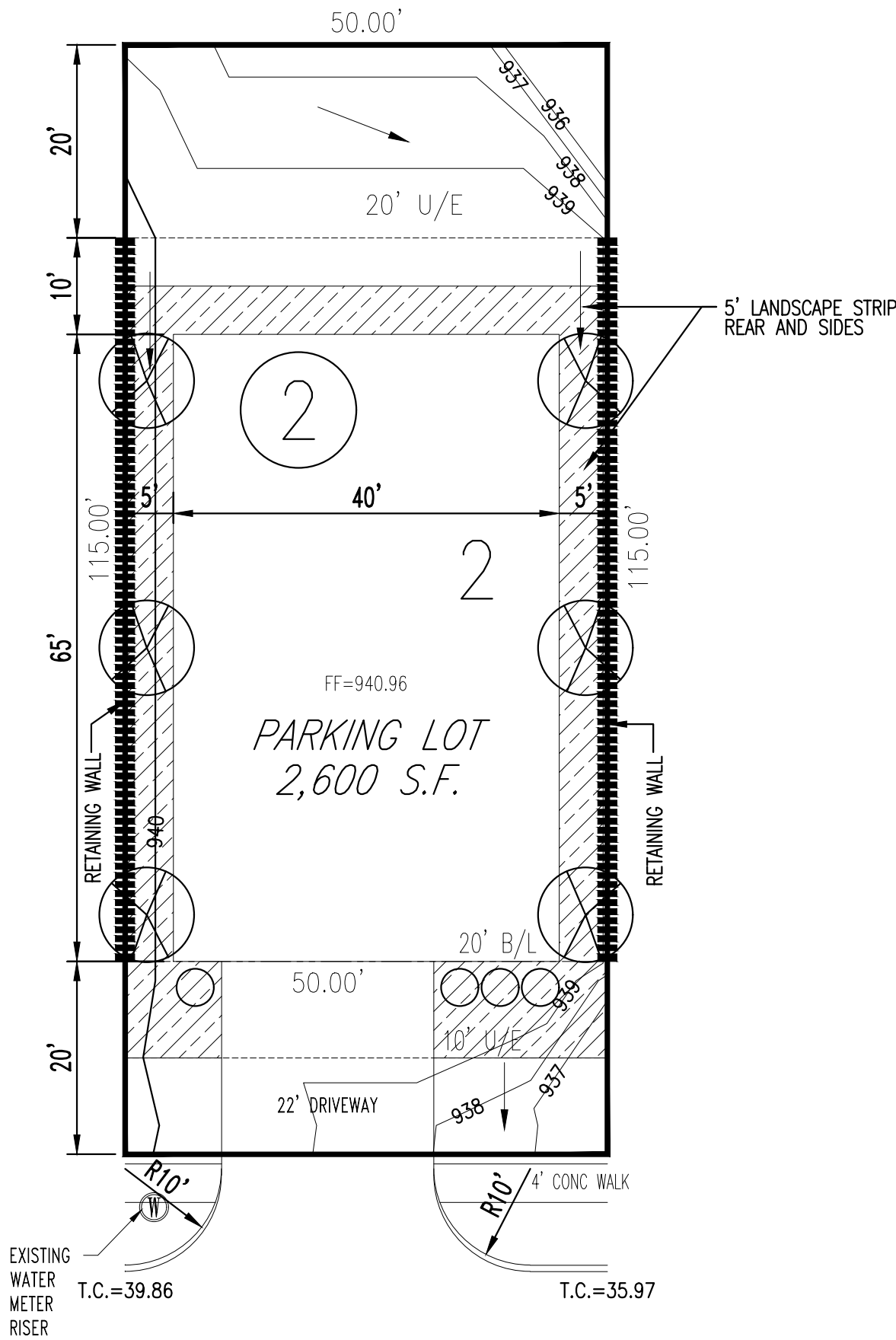
BUILDER WILL MAINTAIN EXISTING EROSION CONTROL MEASURES
IN PLACE AT TIME OF FINAL PLAT ACCEPTANCE.

PARKING AREA = 2,596
DIVIDED BY 400
x2
13 POINTS REQUIRED

○ = 4 BURFORD HOLLY
3x4 PTS. = 12 PTS.

⊗ = 1" BRADFORD PEAR
7x9 PTS. = 63 PTS.

TOTAL 75 PTS.



DRAWN BY:	JSP
Sheet No.	1

Sheet Title:	PLOT PLAN
Date:	10/19/23
Scale:	1/16"=1'-0"

NOTES:

PLAN NAME:	PARKING LOT
PLAN NUMBER:	ELEVATION:

(405) 364-1152
1320 N. PORTER
NORMAN, OK 73071

Date of Meeting: February 1, 2024
Subject: Variance to the minimum side yard abutting a secondary right-of-ways (Section 23-137(d)(2)(d)(2)) in the Residential Small Lot Single Family (RSS) zoning district..
Project Name: VAR23-20
Location: 718 South Knoblock Street

BACKGROUND

The subject site is located at 718 South Knoblock Street on the west side of South Knoblock Street located on the northwest corner of the intersection West 8th Avenue and South Knoblock Street. The properties are zoned Small Lot Single-Family Residential District (RSS). This request is in correlation to the proposed development of 8 two-story single family homes that was presented to the Board of Adjustment on December 7, 2023. Board of Adjustment approved several variances for the properties addressed as 712, 716 and 718 South Knoblock Street. It was discovered that a request for a variance for the section that covered the corner lot side yard setback was not submitted with in the original application.

The variance request is for Section 23-137(d)(2)(d)(2) is the bulk standard requirement for minimum corner lot side yard abutting a secondary right-of-way or road/access easement requirement in RSS zoning district of 15 feet setback. It is proposed the structures to be two stories which would require an 18 feet setback from the side property line, and it is proposed to have 5 feet from the southern property line that is abutting the secondary right-of-way to the structure. Board of Adjustment approved the variance requests to Section 23-137(e)(1) on December 7, 2023. Section 23-137(e)(1) requires an additional 3 feet for each adjacent story above the first story.

CODE APPLICATION

Sec. 23-137. - RSS Small Lot Single-Family Residential District.

(d) Bulk regulations. Bulk regulation requirements in the RSS districts are as follows:

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

d. Corner lots, optional setback requirements:

2. Minimum side yard abutting a secondary right-of-way or road/access easement not opposite the front yard: 15 feet.

CRITERIA FOR APPROVAL

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- (1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;
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Prepared by:	Jacquelyn Porter, City Planner
Date of Preparation:	January 3, 2024
Attachments:	Area Map, Application Packet, Letter of Justification, Proposed Site Plan and Proposed Building Plans



Stillwater OKLAHOMA
stillwaterok.gov

Project Type: Specific Use Permit (SUP23-20)
Request: A variance for a set back of a corner lot. (23-137(d) (2) d.2)
Address: 718 S Knoblock
Applicant: Gose & Associates on behalf of Riggins Ventures, LLC

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: 718 South Knoblock Street
 Owner(s) of Property: Helen Cole
 Owner(s) Address: 2309 West 9th Avenue, Stillwater, OK 74074
 Owner(s) Phone/Fax/Email: _____
 Applicant(s) Name: Riggins Ventures, LLC / Dakota Riggins
 Applicant(s) Address: 2677 West Bowen Boulevard, Fayetteville, AR 72703
 Applicant(s) Phone/Fax/Email: (479) 601-7727 / dakota@rigginsventures.com

 Location of Property: 718 South Knoblock Street (see attached legal description)

Chapter, Article, Section, City Code from which the action is requested:
23-137(d)(2)d.2

Appeals application submittal requirements:

Applicant	Section 23.68	City
☐	1.) Completed application form	
☐	2.) Filing fee - \$140	
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☐	4.) Provide justification for the appeal.	

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Findings Necessary for Granting Variances

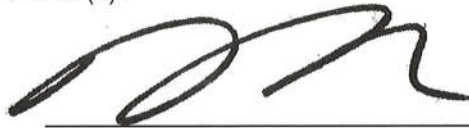
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Certification:

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Applicant



Date 11/30/23

Owner/Agent (provide documentation)

Date _____

For City of Stillwater Use Only:

CASE NO.#: _____

Submission Date: _____

Processing Tract: IRC _____, BOA _____

Approval Date: _____

Fees: _____



November 30, 2023

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

**RE: Variance Request –23-137(d)(2)d.2
Lot 12, Block “J”, ORIGINAL TOWN**

Dear Board Members,

Our Client, Riggins Ventures, LLC, is requesting a variance to Section 23-137(d)(2)d.2 of the City Code for the development of a proposed single family residential project on Lot 12, Block J, Original Town. This application is a follow up to VAR23-18 which inadvertently excluded this specific request. The lots within the developed area were platted as 25-foot by 140-foot parcels in 1891 when the current bulk standards were not applicable; current zoning is Small Lot Single-Family Residential District (RSS). The proposed building will be a two-story, single-family residential unit with an outside dimension of 17-feet by 61-feet. A variance is being sought for the minimum side yard abutting a secondary right-of-way setback. A concept site plan is included with this request.

The legal description of the subject property is Lot 12, Block “J”, ORIGINAL TOWN, now City of Stillwater, Payne County, Oklahoma.

A variance to 23-137(d)(2)d.2 to allow a minimum side yard abutting a secondary right-of-way, of five (5) feet instead of 15 feet, which is allowed to be reduced to 7.5 feet by 23-137(e)(2).

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 well before the current zoning code and bulk standards were established. The variance for the minimum setback allow for use of the existing platted lots and are in general compliance with the future land use in the Comprehensive Plan.

As currently written, the City Code does not make any provisions for infill developments such as this and the Planned Unit Development section (23-306(b)) does not allow for the submittal of a Planned Unit Development for developments less than one (1) acre in size.



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

As discussed in the above section, these lots were platted 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 High Density which has a residential density range of 12 to 150 units per acre. The proposed development is consistent with the high density recommended in the C3 Plan.

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

This variance request is the minimum necessary to alleviate the hardship.

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

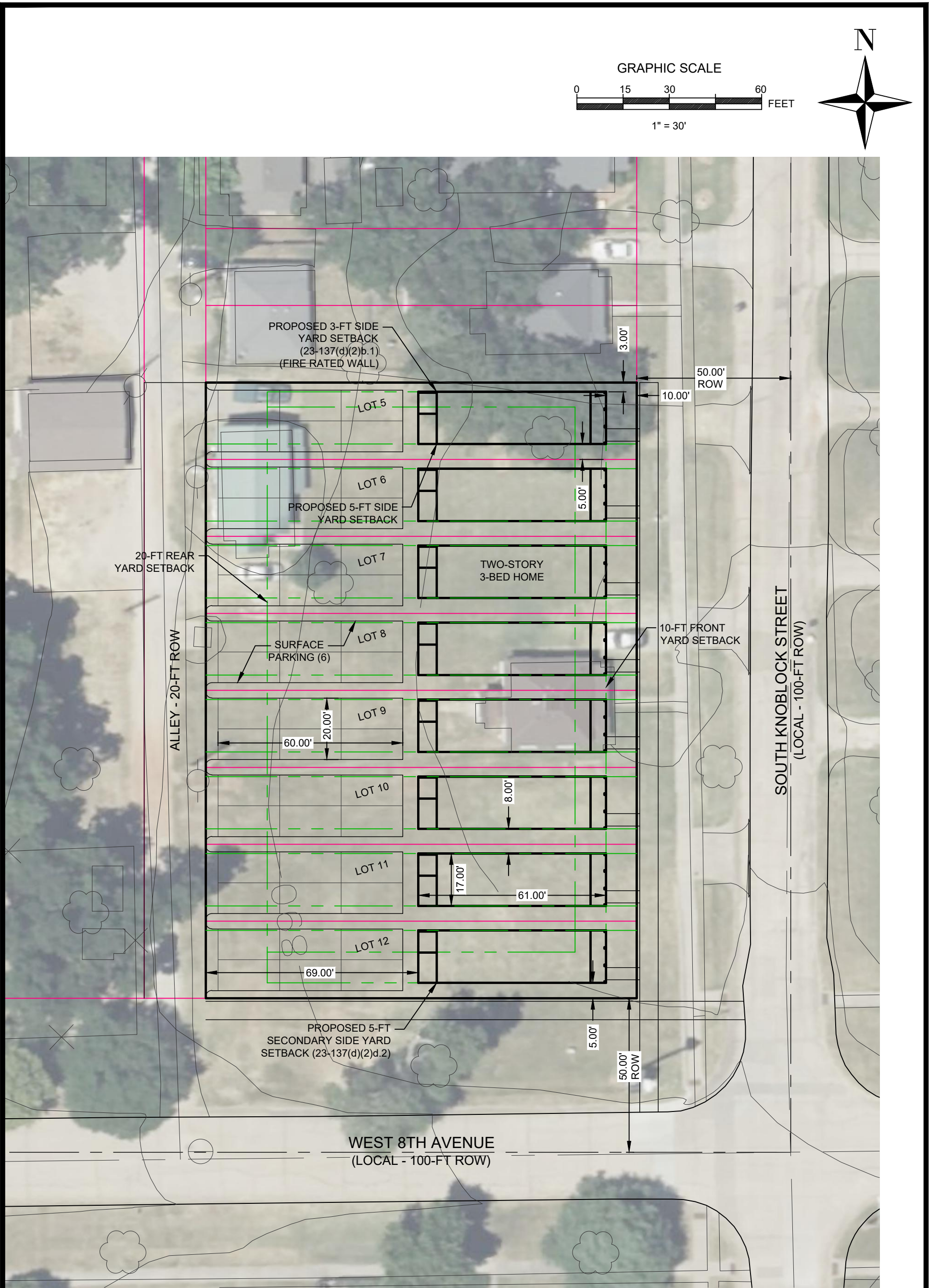
Sincerely,

Gose & Associates (CA #1604)

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

cc: Dakota Riggins, Riggins Ventures, LLC

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.

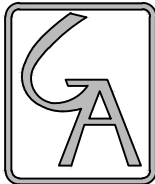


LEGAL DESCRIPTION

LOTS 5 - 12, BLOCK J, ORIGINAL TOWN, NOW CITY OF STILLWATER

APPLICANT/DEVELOPER
RIGGINS VENTURES, LLC
2677 W. BOWEN BLVD.
FAYETTEVILLE, AR, 72703

CONCEPT SITE PLAN	
718 S. KNOBLOCK ST.	
SCALE:	1"=30' @ 11X17
DATE:	11/30/2023
JOB NO:	1363.02



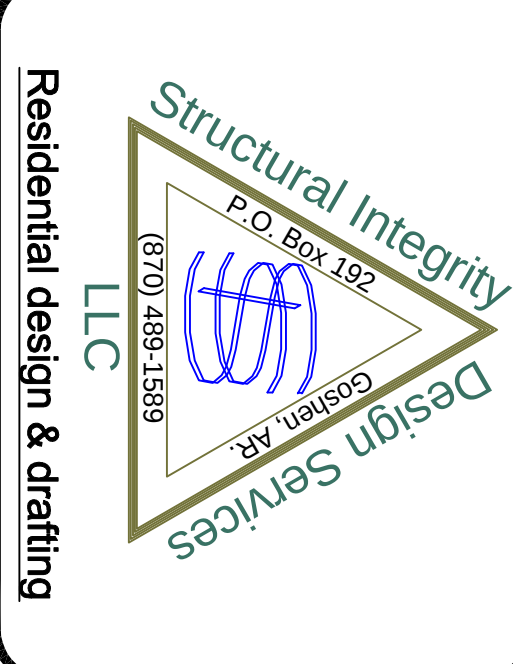
Gose &
Associates

ENGINEERING • PLANNING • LAND SERVICES

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

General Notes

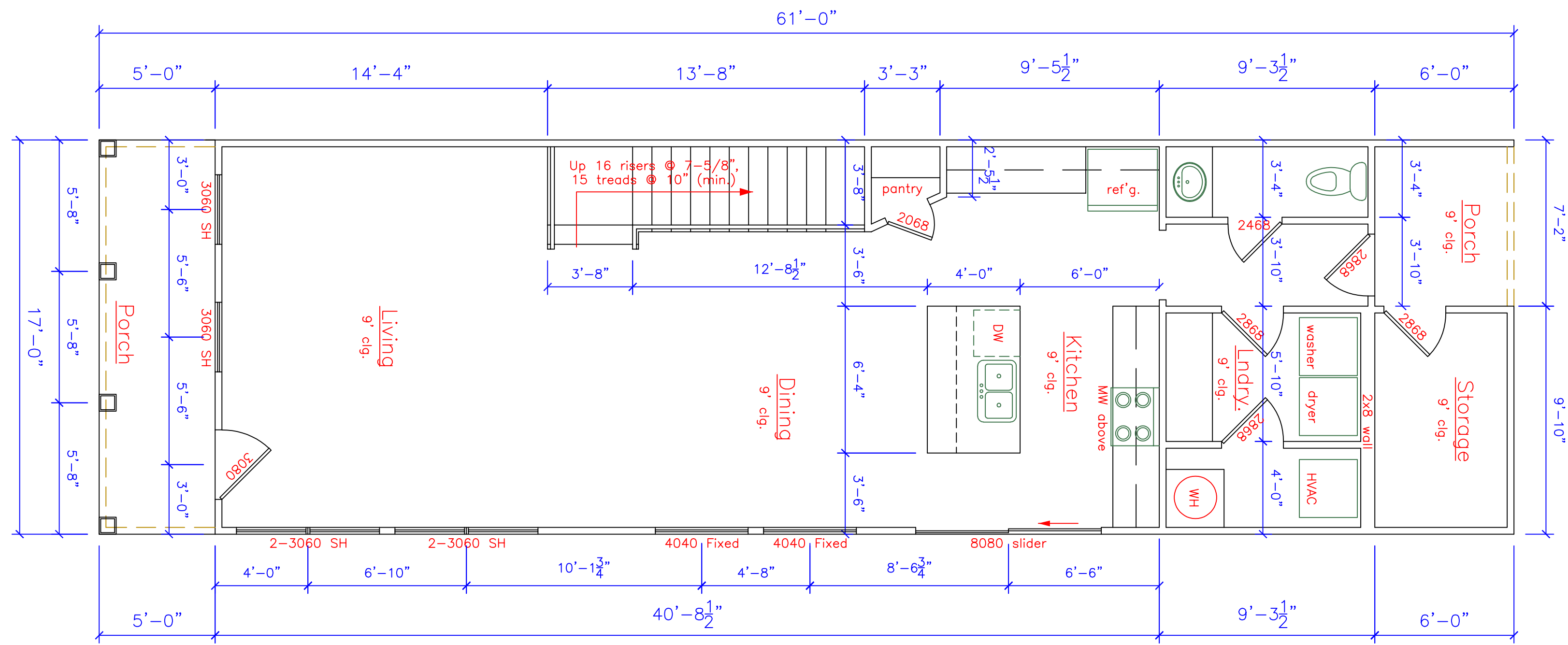
Structural Integrity Design is a residential design service not a registered architectural firm. The purchaser of this set of plans should consult a building professional prior to construction. The purchaser and builder of this plan releases Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Therefore, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.



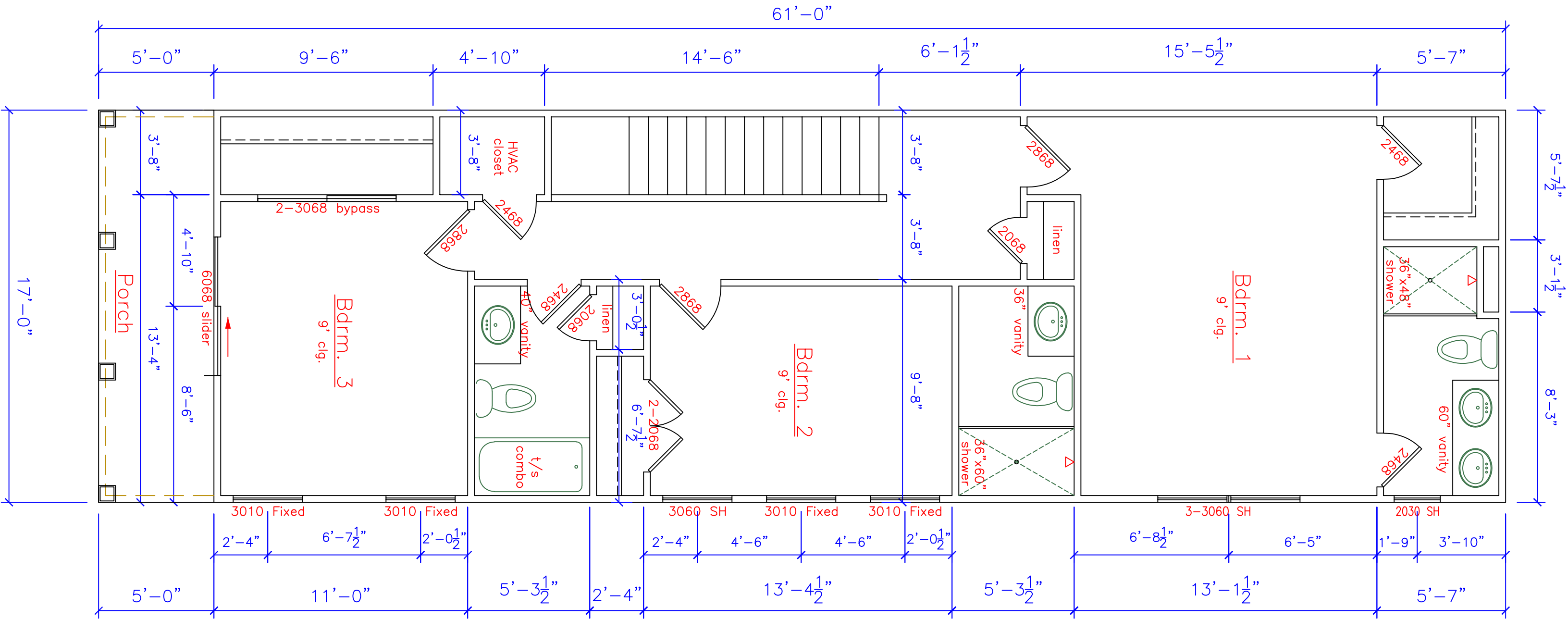
Black Pine Construction
Hollywood 3 bath SF
Fayetteville, AR.

Square footage	
1st floor (htd)	= 850
2nd floor (htd)	= 907
Brick @ heated	= n/d
Total heated	= 1757
Storage	= 39
Porches	= 213
Total under roof	= 2029

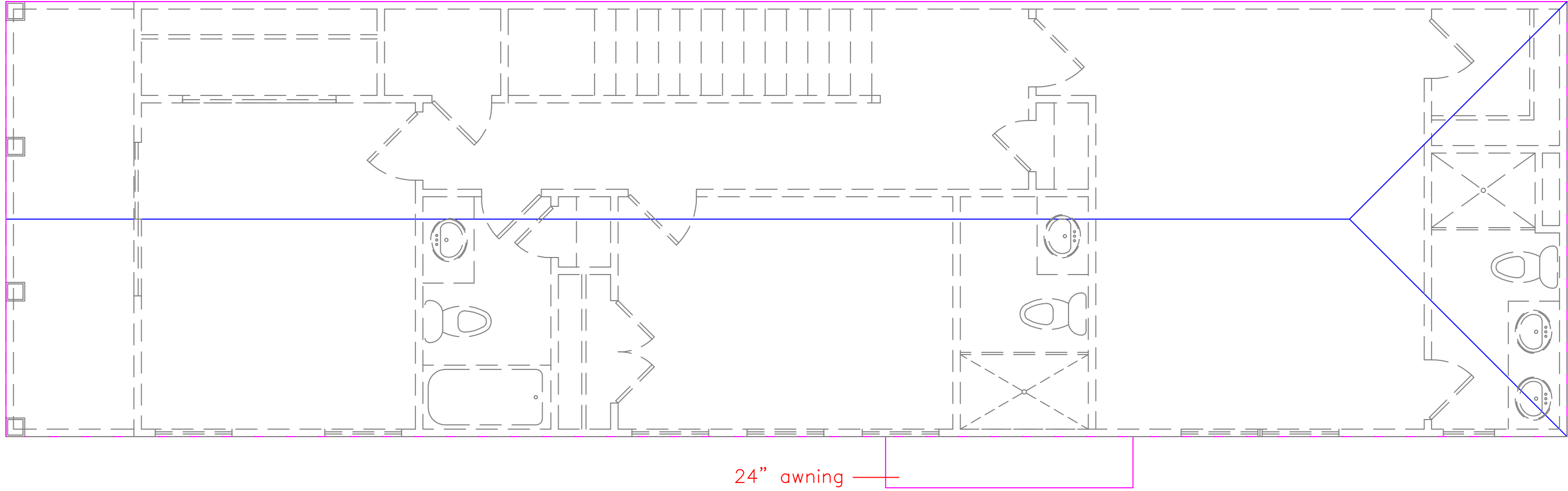
DWG NUMBER		Sheet
BPC-Hollywood 3 bath SF		
Date rev. 6/9/2022		1 of 2
Scale 1/4" = 1'-0"		



1st Floor plan



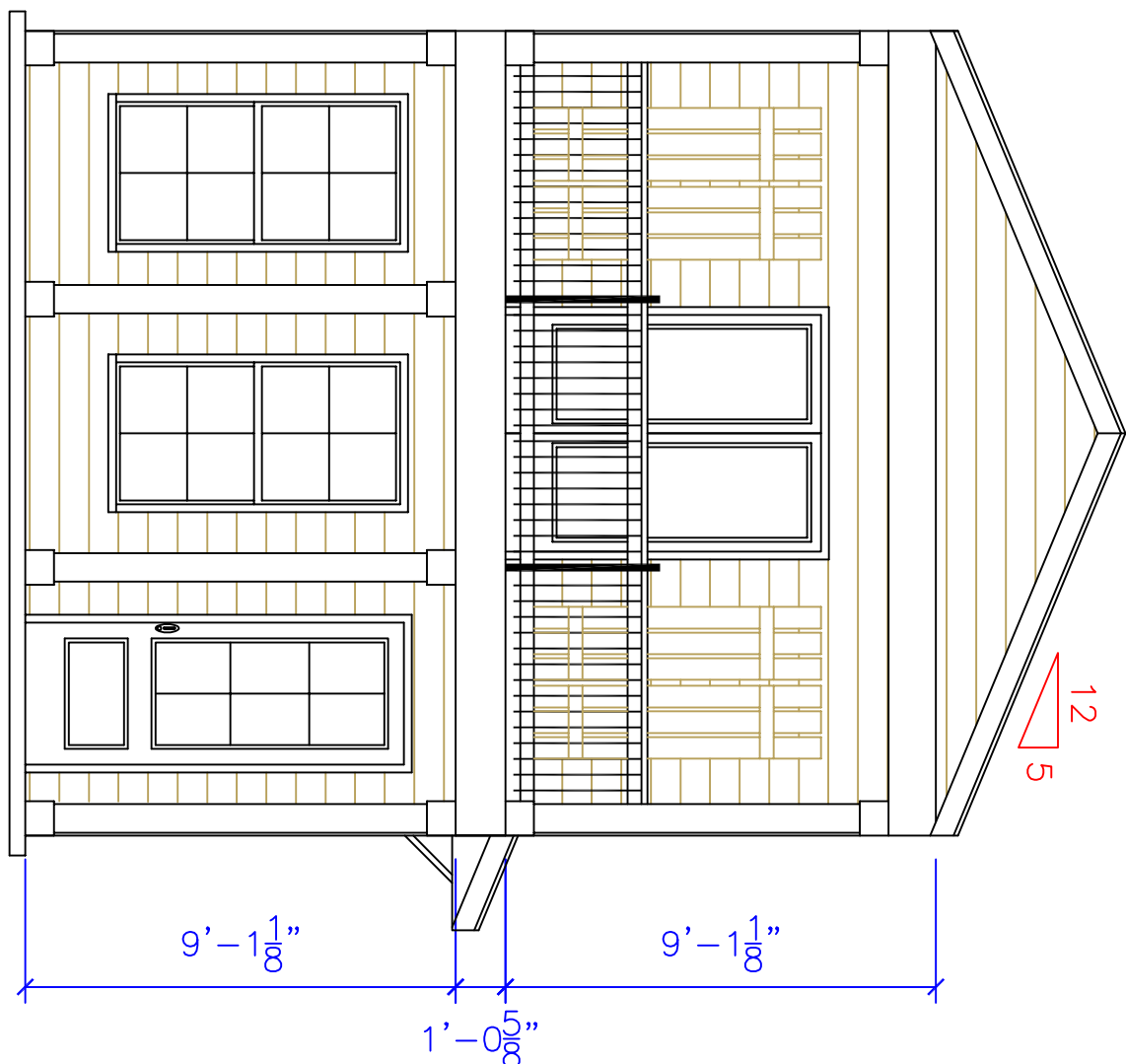
2nd Floor plan



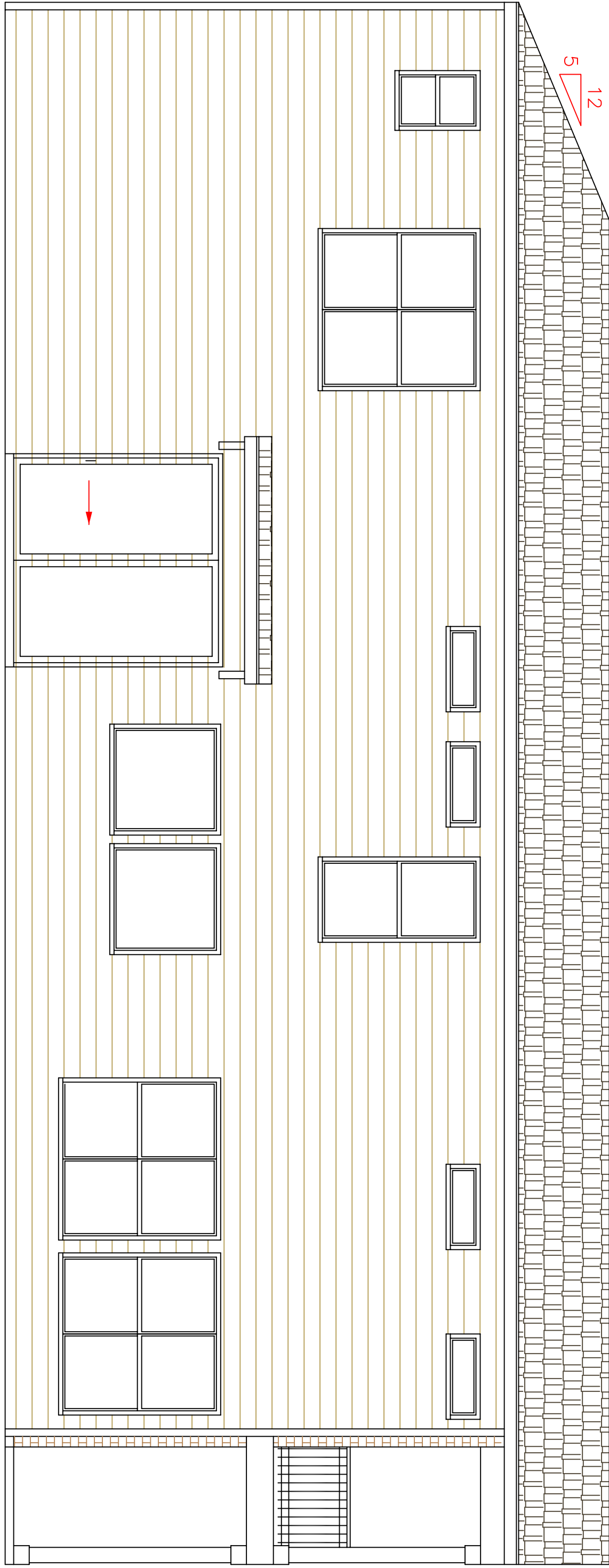
Roof plan
5:12 roof pitch
No overhangs

General Notes

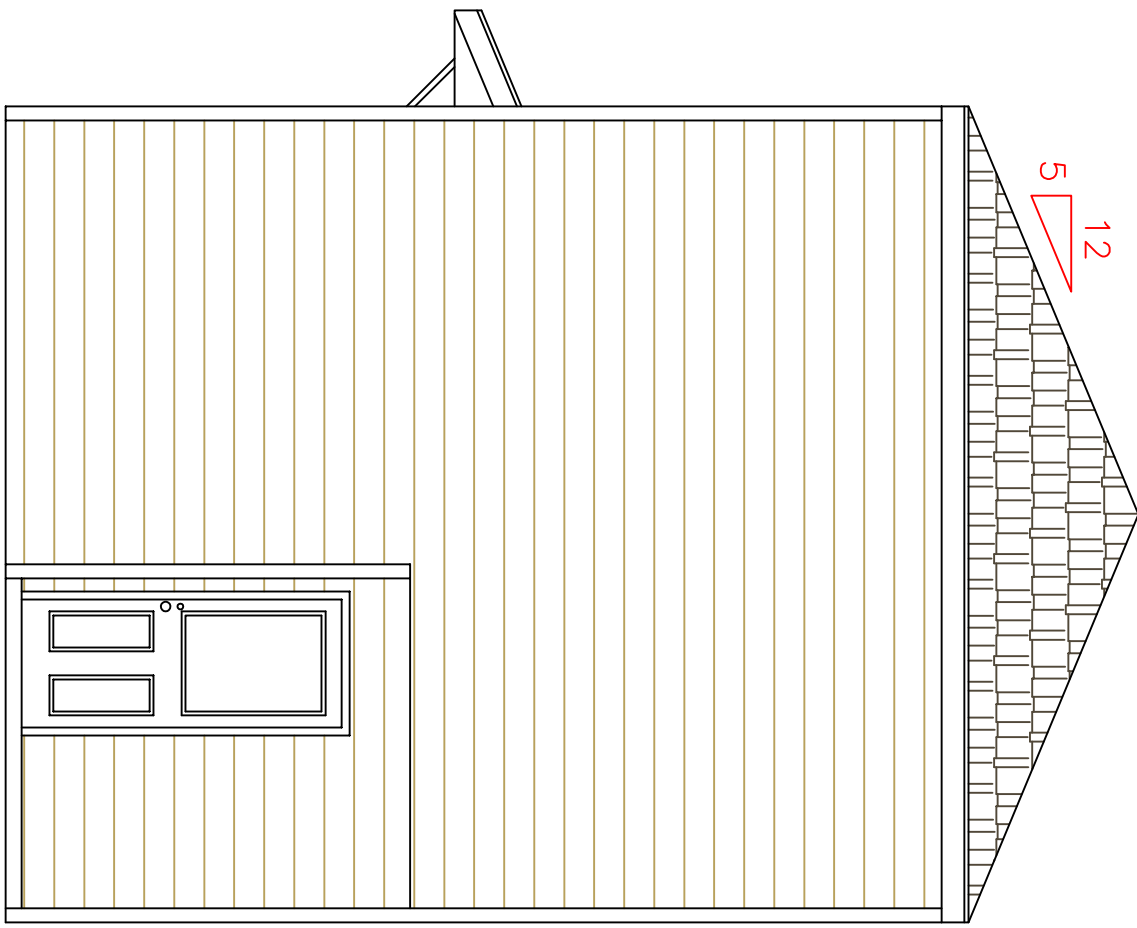
Structural Integrity Design is a residential design service not a registered architectural firm. The purchaser of this set of plans should consult a building professional prior to construction. The purchaser and builder of this plan releases Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Therefore, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.



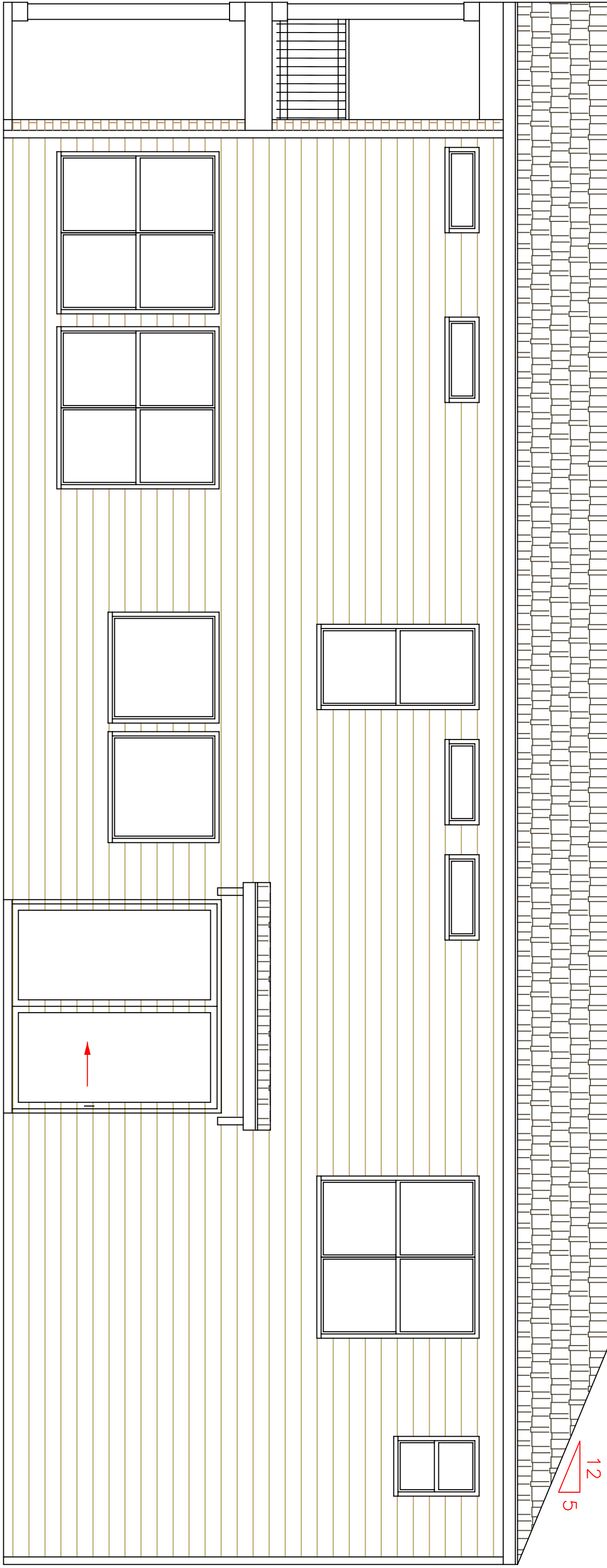
Front elevation



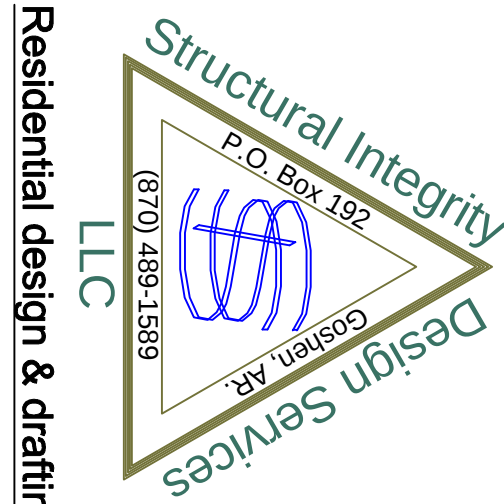
Left elevation



Rear elevation



Right elevation



Residential design & drafting

Black Pine Construction
Hollywood 3 bath SF
Fayetteville, AR.

Drawn: BPC-Hollywood 3 bath SF	Sheet: 2 of 2
Date: 1/26/2022	
Scale: 1/4" = 1'-0"	

**STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF November 2, 2023
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED October 30, 2023
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

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

Members Absent:

Gerald Hammon, Member

Staff Present:

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

Guests:

Rylan Reagan

Staff Absent:

None

1. CALL MEETING TO ORDER.

Chair Wiles calls the meeting to order at 5:42pm. Chair Wiles introduces the board and explains the proceedings for the evening.

The following individuals are sworn in:

Rylan Reagan Diana Hood Jacquelyn Porter

2. BUSINESS ITEMS FOR CONSIDERATION, DISCUSS AND POSSIBLE ACTION ON:

- a. Dalton & Rachel Griswold, **VARIANCE (VAR23-14)**, requesting review and approval of a variance to Sec 23-211(2)(b) to allow for a gravel driveway approach at the property addressed as 1407 E Burris Rd in Residential Single-Family Large Lot (RSL) zoning.

Chair Wiles invites Ms. Hood to present the staff report

Ms. Hood presents the report and asks if there are any questions for staff.

Vice-Chair Houck ask for clarification that this is similar to other variances they had approved recently. Diana Hood, Associate Planner confirms that there had been two recently.

Ms. Hood confirms as well that they had been approved with the stipulation that the properties be brought to compliance in should the connecting road be paved.

Chair Wiles asks if there are any more questions for staff; none respond. Chair Wiles opens the public hearing and invites forward the applicant and/or their representative, as well as anyone wishing to speak in favor of the item; none

respond. Chair Wiles asks if there is anyone wishing to speak in opposition or make additional comments; none respond.

Chair Wiles closes the public hearing and invites Ms. Hood to present the alternatives.

Ms. Hood states that criteria for approval, which are:

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.

Ms. Hood continues, stating the alternatives:

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 Wiles calls for the Board to discuss

Mr. Rice states he would like to grant approval with the criteria that if the connecting road is paved they bring the property up to compliance

Mr. Rice comments on criteria #1, that not granting this variance would create an unnecessary hardship since the applicant would be subjected to unnecessary costs since there is also an unpaved road leading up to it; criteria #2, since it is already in fact on a gravel road it would be peculiar to require the drive to be paved with concrete or asphalt; #3 by adding approval with criteria of if the connecting road is paved they bring the property up to compliance will prevent the impairment the purposes and intent of the ordinance or the Comprehensive Plan; criteria #4, granting the variance is the minimum necessary to alleviate the unnecessary hardship.

Chair Wiles moves to approve the request, Mr. Rice seconds.

Roll Call:	Wiles	Rice	Houck	Hammon	Vacant
	Yes	Yes	Yes	Absent	

Time: 6 minutes

- b. Ideal Homes of Norman, LP and IH Development, LLC., **VARIANCE (VAR23-15)**, requesting review and granting of a variance to Section 23.195(e) to subdivision sign encroachment into the required sign setback in RSS and RSL zoning districts at property addressed as 2227 W. 29th Avenue in the Single Family Small Lot (RSS) district.

Chair Wiles invites Staff to present the staff report.

Jaqueline Porter presents the report and asks if there are any questions for staff.

Mrs. Porter clarifies that the sign being requesting will replace the one that has been approved in a different location that is less than the setback requirements.

Chair Wiles opens the public hearing and invites forward the applicant and/or their representative, as well as anyone wishing to speak in favor of the item.

Rylan Reagan, Ideal Homes, LLC.

- The current design in its location sits in the middle of the front lawn of one of the properties
- Presents site plans and examples of how it looks so the sign is not in someone's yard

Vice-Chair Houck asks why they did not consider sign placement when making the layout of the properties; Mr. Reagan says there consultant works in different cities and believes this is why that was not factored in as this is usually how they do it, in there next layout they have factored that in

Vice-Chair Houck says that even if the contractor was not familiar Ideal homes had already done a few properties/ communities in Stillwater and asks if the contractor was factoring in setbacks for the rest of the property; Mr. Reagan says he was factoring in all other setbacks just this one was missed until after they already put it in once they got the permit.

Vice-Chair Houck ask if the lot has already been sold; Mr. Reagan responds it has not

Discussion and review is held regarding the plans for the new sign and the comparative signs and comments are made that the drawings are not 10 feet back.

Mr. Reagan says it's just in the drawing and is between 8 and 9 feet away.

Chair Wiles asks if there is anyone wishing to speak in opposition or make additional comments; none respond.

Chair Wiles closes the public hearing and invites Ms. Porter to present the alternatives.

Ms. Porter states that criteria for approval, which are:

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.

Ms. Porter continues, stating the alternatives:

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

Ms. Porter states that staff's recommendation is to approve with the agreement of release of liability and with the approval of city council with the condition that it can be revoked.

Vice-Chair Houck moves to disapprove as this hardship is not created by the code but by the designer and developer and because of their poor planning does not justify a hardship.

Vice-Chair Houck moved to disapprove request and Chair Wiles seconds.

Roll Call:	Wiles	Rice	Houck	Hammon	Vacant
	Yes	Yes	Yes	Absent	

Time: 12 minutes

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

- a. Review and approval of the 2024 meeting schedule

Vice-Chair Houck moved to approve and Mr. Rice seconds.

Roll Call:	Wiles	Rice	Houck	Hammon	Vacant
	Yes	Yes	Yes	Absent	

- b. Next Board of Adjustment meeting Thursday, December 07, 2023.

4. **Minutes for Discussion and Possible Action**

- a. Special Meeting Minutes of July 20, 2023

Vice-Chair Houck moved to approve the special meeting minutes of July 20, 2023 as presented, Mr. Rice seconded.

Roll Call:	Wiles	Rice	Houck	Hammon	Vacant
	Yes	Yes	Yes	Absent	

Time: 2 minutes

5. **Consideration, discussion and training with Counsel of the City Attorney's Office regarding The Open Meeting Act, The Open Records Act and the Nuts and Bolts of Planning and Zoning.**

Tammy Ewing, Assistant City Attorney presents training on subject matter referenced above.

Time: 40 minutes

6. **ADJOURNMENT.**

Vice-Chair Houck moved to adjourn and Chair Wiles seconded.

Roll Call:	Wiles	Rice	Houck	Hammon	Vacant
	Yes	Yes	Yes	Absent	

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 7:14 p.m.

Prepared by – Diana Hood, Associate City Planner

Reviewed by – Cindy Gibson, Administrative Services Manager

Approved by: _____
Stillwater Board of Adjustment

**STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF December 7, 2023
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED December 3, 2023
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

John Houck
Jim Rice
Brian Wiles

Members Absent:

Gerald Hammon

Staff Present:

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

Guests:

Steven Gose
Chris Strickland
Rylan Regan
Cory Williams

1. CALL MEETING TO ORDER.

Chair Wiles calls the meeting to order at 5:32 PM. Chair Wiles introduces the board and explains the proceedings for the evening.

The following individuals are sworn in:

Stephen Gose	Cory Williams	Chris Strickland
Rylan Regan	Jacquelyn Porter	

2. BUSINESS ITEMS FOR CONSIDERATION, DISCUSS AND POSSIBLE ACTION ON:

- a. Ideal Homes of Norman, LP and IH Development LLC,. VARIANCE (VAR23-16) requesting review and granting of a variance to Sec. 23-137(a) permitted uses to allow a temporary parking lot on residential lot in the Residential Small Lot Single Family (RSS) zoning district at the property addressed as 2220 West 29th Avenue.

Chair Wiles invites Ms. Porter to present the staff report.

Ms. Porter presents the report and asks if there are any questions for staff; none respond.

Chair Wiles asks for the applicant to come speak on this item.

Mr. Rylan Regan, Ideal Homes, come to the podium and request that this item be tabled until the Board has at least four (4) member present to hear this item.

Vice-Chair Houck moves to table the discussion till the next meeting of January 11th, 2024, Chair Wiles Seconds.

Roll Call:	Wiles	Rice	Houck	Hammon	Vacant
	Yes	Yes	Yes	Absent	

Time: 5 minutes

- b. Murphy USA, VARIANCE (VAR23-17) requesting review and granting of a variance to Sec. 23-151(c)(2)(a)(1) for front yard setbacks in the Commercial Shopping (CS) zoning district at the property addressed as 115 N Perkins Rd.

Chair Wiles invites Ms. Porter to present the staff report.

Ms. Porter presents the report and asks if there are any questions for staff.

Discussion is held regarding where the canopy begins in drawings and where the canopy crosses the encroachment; which front yard the variance applies to; and this request is for the west side front yard.

Chair Wiles opens the public hearing and asks if the applicant or anyone why wishes to speak in favor of the item comes forward.

Chris Strickland, J&A Civil Engineering, Representing Murphy's, comes to the podium and speaks on the following:

- Clarifies how much bigger the awning is going to be, wanting to confirm that it will be 6 feet more to the west
- Confirms that they are redoing everything, new tanks, canopies, building and dumpster location
- Reviews the part of the letter that goes over other possible setbacks and that even if they move the building to the right, to the east towards the Walmart, it wouldn't be encroaching the set back on the west side they would then be encroaching the set back on the other side
- Chose to encroach on the west side instead because they purchased the property from Walmart and if they put it on the west they are not also encroaching on Walmart
- The canopy size is predetermined
- In 1998 Walmart and Murphy's had partnered to build gas stations but are still two separate companies - then they parted ways and Murphy's bought the land from Walmart that they had originally built the gas station on from Walmart but the agreement was for the minimum of what they thought they would need so now they're working with really tiny lots.

Chair Wiles opens the public hearing and asks if there is anyone who wishes to speak in opposition or additional comments to this item; none respond. Chair Wiles closes the public hearing and asked staff to present criteria and alternatives.

Ms. Porter states that criteria for approval, which are:

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.

Ms. Porter continues, stating the alternatives:

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

Vice-Chair Houck comments that for criteria #1, the hardship present is in that it will be actually developed as presented by the applicant; criteria #2, the encroachment, even though is against zoning, is the best solution in preparing the site for this business.

Mr. Rice comments that for criteria #3, it is peculiar for the neighboring property in that the intrusion is in the air instead of on the ground and doesn't create a detriment to the public good or impair the purpose and intent of the ordinance; and criteria #4, the request is the minimum necessary to alleviate the hardship.

Vice-Chair Houck moves to approve the request, Mr. Rice seconds.

Roll Call:	Wiles	Rice	Houck	Hammon	Vacant
	Yes	Yes	Yes	Absent	

Time: 13 minutes

- c. Riggins Ventures, LLC./Dakota Riggins, VARIANCE (VAR23-18) requesting review and granting of variances of the density requirements (Sections 23-132), minimum lot area requirements (Section 23-137(c)(1)), minimum lot width requirements (Section 23-137(c)(2)), side yard setback (Section 23-137(d)(2)(b)(1)), and the required increase of side yard setback for an additional three feet for each adjacent story above the first story (Section 23-137(e)(1)) in the Residential Small Lot Single Family (RSS) zoning district at the properties addressed as 712, 716, and 718 South Knoblock Street.

Chair Wiles invites Ms. Porter to present the staff report

Ms. Porter presents the report and asks if there are any questions for staff; none respond.

Chair Wiles opens the public hearing and asks for the applicant or anyone who wishes to speak in favor of the item to come forward.

Steven Gose, Gose and Associate of 113 E 8th comes to speak on the following:

- Lots were originally platted in 1891 they're 25 by 140 ft and are the original lots before current zoning codes.
- Were platted before the current zoning code.
- Currently the lots average out to 13 units for an acre.
- Buildings are set back 3 feet from property line because of the property sizes those walls are fire walls in accordance to residential code.
- Setback will be 3 feet on north side 5 feet on south side.
- Being designed as SFH for the current market in the area.

Mr. Rice asks about doing a Planned Unit Development for this site; Mr. Gose comments that it has to be one acre or greater and this is .6 acres so that's not an option

Tammy Ewing, Assistant City Attorney states it could be an option you'd just need a variance to the minimum acreage requirement. Mr. Gose responds that this project would need a variance anyway so this route was chosen.

Mr. Gose comments that a plat application would go to Planning Commission not the Board of Adjustment and this is a different zoning district than the one before as its RSS, single family, the plan for this area calls for high density which ranges from 12 -100 units an acre, so anything from small single family to multi family.

Further discussion is held regarding multifamily wouldn't be allowed in this zoning code; platted as 8 lots and sold in 3 parcels; once someone own the lots you can plot them all off or build on parts of all of them; the cost of platting is expensive and every time you want to move something you have to spend time and money to replat.

Chair Wiles invites anyone who wishes to speak in favor to this item.

Cory Williams, 600 S Husband, comes to speak on the following:

- Is the attorney related to development, seconds that either way they did it they would be here for a variance but he's excited to see density grow in downtown
- Not the developer so doesn't want to say what they have or have not thought of but the single family homes can be sold individually easier.
- Smaller homes with no shared wall are something we don't have a lot of and other places have been successful with this
- These have second floors with balconies and are a different product than what we currently have on our market so it's hard to show but if you look at

my other developments they have all been nice additions to the community so I wouldn't sign on to something that was going to be a trailer park or row house situation.

- In this specific situation, here just to advocate for it
- Argues that if the units were kept together they could only be sold off to investors this way they are preserving green space as well as individuals could buy them as since family homes since they would be more affordable

Chair Wiles asks if there are any further questions; none respond. Chair Wiles closes the public hearing and asked for criteria and alternatives.

Ms. Porter states that criteria for approval, which are:

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.

Ms. Porter continues, stating the alternatives:

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 Wiles calls for the Board to discuss.

Vice-Chair Houck believes the hardship has been created by the design of the structures on this property that was at the discretion of the developer; can't find a hardship on this at all; and these are his comments.

Mr. Rice believes that the design is good and doesn't hurt the community.

Chair Wiles states that infill is critical at this time; the design of what is going is is reasonable; and could have gone with a PUD. Mr. Rice states that because it has to be 1 acre for a PUD, that this is hardship.

Chair Wiles states that if we are going to attract infill, that it is critical and peculiar to this piece of property. Mr. Rice comments that the conditions are particular because it was platted in the 1800s, higher density is actually within the city plan

for that area. Chair Wiles comments that the variance is the minimum needed. Mr. Rice states that he isn't keen on the aesthetics.

Chair Wiles moved to approve the variances as presented in the staff report, Mr. Rice seconds.

Roll Call:	Wiles	Rice	Houck	Vacant	Vacant
	Yes	Yes	No		

Motion fails.

Vice-Chair Houck moves to reconsider, Chair Wiles seconds .

Roll Call:	Wiles	Rice	Houck	Vacant	Vacant
	Yes	Yes	yes		

Time: 30 minutes

3. Minutes for Discussion and Possible Action:

- a. Special meeting minutes of August 29, 2023

Mr. Houck moves to approve the special meeting minutes of August 29, 2023 as presented, Mr. Rice seconds

Roll Call:	Wiles	Rice	Houck	Vacant	Vacant
	Yes	Yes	yes		

Time: 1 minute

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

- a. Next Board of Adjustment meeting Thursday, January 11, 2024.

4. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:30 p.m.

Prepared by – Alexandria Maged, Administrative Assistant
Reviewed by – Cindy Gibson, Administrative Services Manager

Approved by: _____
Stillwater Board of Adjustment