

**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
Rylan Regan

Cory Williams
Jacquelyn Porter

Chris Strickland

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 who 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:

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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:

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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

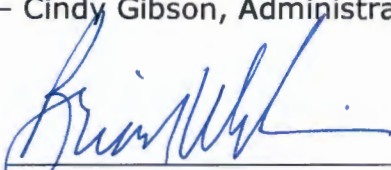
4. MISCELLANEOUS ITEMS FROM STAFF FOR DISCUSSION AND POSSIBLE ACTION:

- 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