

BOARD OF ADJUSTMENT MEETING AGENDA

MARCH 7, 2024



723 S. Lewis St., Room 1122 B

Stillwater, OK 74074

5:30 PM

Chair Brian Wiles, Vice-Chair John Houck, Jim Rice, Bryan Landford-Loftis and Micah Sexton.

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. Introduction of new members, Mr. Bryan Landford-Loftis and Mr. Micah Sexton.

3. 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, **VARIANCE (VAR24-01)**, requesting review and granting of a variance to Sec. 23.83.a.3 to allow retaining walls to remain within utility and drainage easements as constructed for Block 3, Lots 6 thru 9, Block 4, Lots 1 thru 5 and in a dedicated easement adjacent to and north of Block 4, Lots 8 thru 14 of Park Valley Addition, Section 1 subdivision. Jacquelyn Porter
- b. Hankins Development, LLC, **VARIANCE (VAR24-03)**, requesting review and granting of a variance to Sec. 23-153.c.2.a.1 for front yard setback encroachment on property addressed as 4420 W. 6th Avenue in the Commercial General (CG) district Jacquelyn Porter

4. Minutes for Discussion and Possible Action:

- a. Regular meeting minutes of February 1, 2024.

5. Reports from Officers and Boards

- a. Next regular meeting is Thursday, April 4, 2024.

6. 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: March 7, 2024
Subject: Section 23-83.a.3 prohibiting permanent structures from being constructed and/or maintained within a drainage or utility easement.
Project Name: VAR24-01
Location: At or Near 2821 South Columbus Drive, 2817 South Columbus Drive, 2813 South Columbus Drive, 2809 South Columbus Drive, 2811 South Bowling Drive, 2815 South Bowling Drive, 2819 South Bowling Drive, 2823 South Bowling Drive, 2825 South Bowling Drive; see additional attached legal description

BACKGROUND

The subject properties are part of the Park Valley Addition Section 1, Block 3 and Block 4, addressed as 2821 South Columbus Drive, 2817 South Columbus Drive, 2813 South Columbus Drive, 2809 South Columbus Drive, 2811 South Bowling Drive, 2815 South Bowling Drive, 2819 South Bowling Drive, 2823 South Bowling Drive, 2825 South Bowling Drive and a dedicated utility easement adjacent to the north property line of Block 4. Section 1 of Park Valley Addition is 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 it except to the West which is zoned Commercial General (CG).

The applicant previously has requested several variances: VAR23-08 - A variance to Section 23-195(b) 4 of the Land Development Code relating to the number of subdivision signs per entrance for the South Western Road entrance to the Park Valley Addition and the Board of Adjustment denied the request; VAR23-15 - A variance to Section 23-195(e) to encroach into the required ten foot setback for all signs in Large Lot Single Family (RSL) and Small Lot Single Family (RSS) zoning district and the Board of Adjustment denied the request; VAR23-16 - A variance to Sec. 23-187 to permitted uses in the Residential Small Lot Single Family (RSS) Zoning to allow a temporary parking lot on a residential lot which was approved with conditions by the Board of Adjustment.

The current variance request is for retaining walls already constructed and located in the City's drainage easements and dedicated utility easement. The applicant has stated that none of the retaining wall foundations encroach into the abutting property. The below legal description details separate the retaining walls into three groups based on their locations, defined below. Section 23-83.a.3 prohibits permanent structures from being constructed and/or maintained within a drainage or utility easement. The existing walls are considered permanent structures in drainage easements and utility easements. There has been prior correspondence with staff regarding the location of the retaining walls dating back to October of 2020, prior to the construction. In the various correspondence over the timeline of this project for Park Valley Addition Section 1, staff members from multiple departments directed that the retaining walls were not to be built in public easements. Part of the conditions for the acceptance for the final plat and improvements in August of 2023 was that the retaining walls were not to be constructed until the Encroachment Agreement and Release of Liability (EARL) and variances were approved and accepted.

Specific Portions of the aforementioned retaining walls:

1. Block 3 Lots 6-9: 2821 South Columbus Drive, 2817 South Columbus Drive, 2813 South Columbus Drive & 2809 South Columbus Drive

The retaining wall that was constructed in the drainage easement located in rear yard of Block 3 Lots 6-9 and extends through the rear yard of Block 3 Lot 1 into a utility easement. The applicant has stated that the portion of wall that projects into the Block 3 Lot 1 utility easement will be removed and only provided a legal description for the portions of wall located in Block 3 Lots 6-9. At the time this report was written, the portion of the retaining wall in Block 3 Lot 1 has not been removed. This retaining wall in Block 3 runs north from West 29th Avenue for about 256.63 feet and it tapers in height from 8 feet to a minimum of 6 feet with a width of 12 inches. The distance of the wall from the rear property lines varies from 0.3 feet to 1.4 feet.

A portion of the wall crosses over a sewer line that runs between Block 3 Lot 7 and 8 and crosses the rear property lines to connect to the sewer line that runs north and south in the 20 feet utility easement that is located in the rear yard of Block 3 Lots 1-5. The wall was constructed without putting the required casing over the sewer line, which protects the sewer line and supports the weight and gravity of the retaining wall on the sewer line.

2. Block 4 Lots 1-5: 2811 South Bowling Drive, 2815 South Bowling Drive, 2819 South Bowling Drive, 2823 South Bowling Drive, 2825 South Bowling Drive

This retaining wall runs north in the rear yards of Block 4 Lots 1-5 in the drainage easement. The wall starts on Block 4 Lot 4 in the rear yard going north for approximately 181.42 feet to the north property line of Block 4 Lot 1. The height of the retaining wall increases in height from 2.5 feet up to maximum of 8 feet with a width of 12 inches. The distance of the retaining wall from the rear property lines starting on the Lot 4 property line at 0.0 feet to Lot 3 property line at 0.3 feet with it moving into the Lot 2 property line approaching 0.1 feet proceeding into Lot 1 being approximately 0.0 feet from the property line.

3. Dedicated Utility Easement

A utility easement is located north of and adjacent to the platted Park Valley Addition Section 1 Block 4 Lots 8-14. A portion of the utility easement that is north of the northern property lines of Block 4 Lot 1 and Lot 8 that runs north for 75 feet and is 30 feet wide. That same utility easement also runs adjacent to the north property lines of Block 4 Lots 8-14 for 537.92 feet at a width of 10 feet. This easement is not part of Park Valley Addition Section 1 and was dedicated to the City of Stillwater as a utility easement that runs to a lift station located to the east of Park Valley Addition Section 1.

The constructed retaining wall that runs north through Block 4 Lots 1-5 continues into the utility easement for approximately 7.15 feet. The retaining wall then runs east for approximately 516.85 feet from the end of 256.23 feet wall running north in Block 4. The distance of the retaining wall from the platted Park Valley Addition Section 1 Block 4 Lots 8-14 starts at the westernmost point of the north property line approximately 0.1 feet, heading east a maximum distance of 2.3 feet near the easternmost point of the retaining wall. The height of the retaining wall varies from a maximum of 8 feet to a minimum of 3 feet with a width of 12 inches.

This retaining wall crosses over Outlot "C" located between Block 4 Lot 12 and 13. Outlot "C" contains an 18 inch water transmission line that runs from West 26th Avenue to the Frye Farms subdivision

located to the south of Park Valley Addition's development. The applicant has not met the condition to document and demonstrate that the retaining wall was constructed without damaging or jeopardizing the integrity of the water transmission line.

CODE APPLICATION

Sec. 23-83 – Easements and dedications.

(a) Generally.

(3) No permanent structure shall be constructed and/or maintained within the boundaries of a utility or drainage easement. No permanent structure shall be constructed and/or maintained within ten feet of any existing utility or drainage facility that is not located within a utility 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.

Recommendation

Staff will recommend to review and motion each wall separately.

For retaining wall 1 (Block 3 Lots 6-9: 2821 South Columbus Drive, 2817 South Columbus Drive, 2813 South Columbus Drive & 2809 South Columbus Drive), staff's concerns regarding the encroachment retaining wall's location and the lack of requested proposal information for the sewer line casing have not been addressed, staff would recommend denial or table to a date certain to have the items addressed.

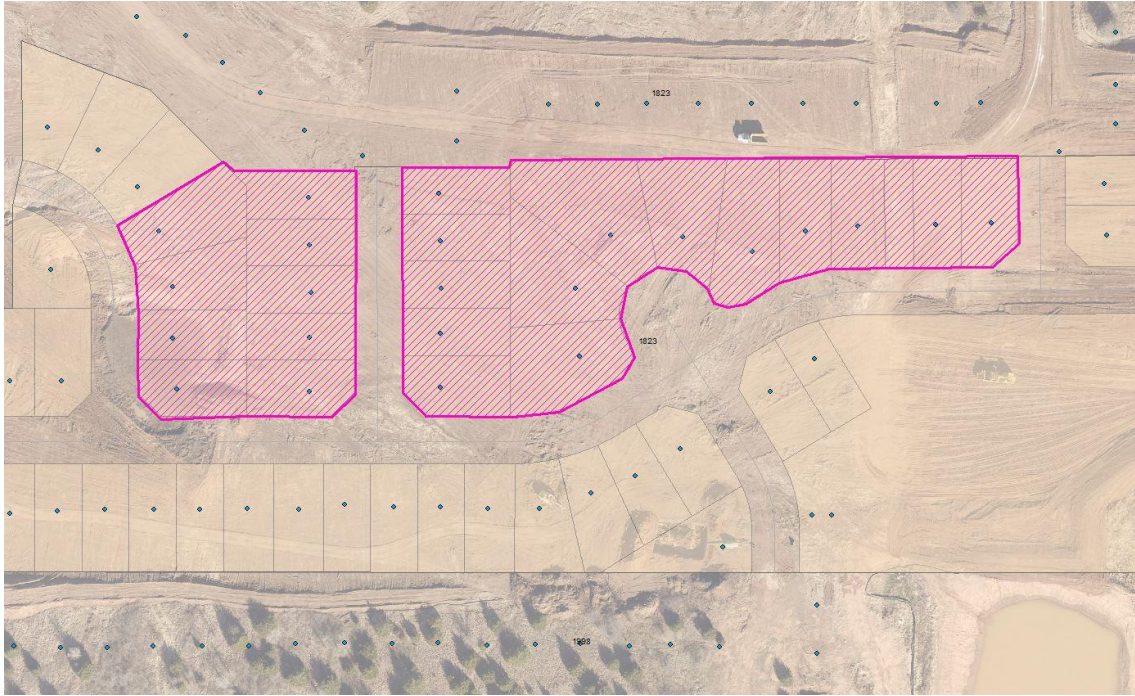
For retaining wall 2 (Block 4 Lots 1-5: 2811 South Bowling Drive, 2815 South Bowling Drive, 2819 South Bowling Drive, 2823 South Bowling Drive, 2825 South Bowling Drive), if the Board of Adjustment would like to approve the variance request, staff would recommend approval conditional upon City Council

approval /acceptance of the three encroachment agreements and release of liability of the retaining walls encroaching into City's easements.

For retaining wall 3 (Dedicated Utility Easement), the requested information regarding the protection of the water transmission has not been provided and staff recommends to table or deny based on lack of required information.

If the Board of Adjustment decides that any or all the retaining walls meet the requirements, staff recommends approval conditional upon City Council approval /acceptance of the three encroachment agreements and release of liability of the retaining walls encroaching into City's easements.

Prepared by:	Jacquelyn Porter, City Planner
Date of Preparation:	February 29, 2024
Attachments:	Area Map, Application Packet, Letter of Justification, Legal descriptions, Retaining Wall Detail attachments



Stillwater OKLAHOMA
stillwaterok.gov

Project Type: Variance (VAR24-01)
Request: Variance to Sec 23-b3(a)(3)
Address: Lots 1-9 of BK 3, Lots 1-14 of BK 4, Park Valley Section 1
Applicant: Ideal Homes of Norman, LP

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
 Owner(s) of Property: Ideal Homes of Norman, LP 311 Development, LLC
 Owner(s) Address: 1320 N. Porter Ave
 Owner(s) Phone/Fax/Email: 405-215-4900 / mhiggins@ideal-homes.com
 Applicant(s) Name: Same as above
 Applicant(s) Address: " " "
 Applicant(s) Phone/Fax/Email: " " "

Location of Property: Retaining walls at rear property lines of lots 1-9 of block 3 and lots 1-14 of block 4 in Park Valley Section 1

Chapter, Article, Section, City Code from which the action is requested: Sec. 23-23(a)(3)

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.

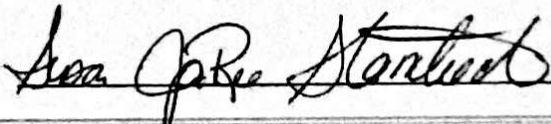
Certification:

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 1.2.2024

For City of Stillwater Use Only:

CASE NO.#: _____

Submission Date: _____

Processing Tract: IRC _____, BOA _____

Approval Date: _____

Fees: _____ Number of Copies: _____

Board of Adjustment Findings

January 2, 2023

To whom it may concern:

This letter seeks to request variance relief for retaining walls constructed on the rear property lines of lots 1-9 of block 3 and lots 1-14 of block 4 for Park Valley Section 1 neighborhood. The applicant seeks relief from code Sec23-83(a)(3) to allow a permanent retaining wall structure in an easement. The variance being requested is due to the topography of the site requiring the need for permanent retaining walls.

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

VAR24-01 Legal Descriptions

Park Valley Addition Section 1, as filed in Book 2767, Page 228-229, said plat being a part of the SW/4 of Sec. 27, T19N, R2E, I.M.

Properties specifically known as:

Block 3 Lot 6; 2821 South Columbus Drive

Block 3 Lot 7; 2817 South Columbus Drive

Block 3 Lot 8; 2813 South Columbus Drive

Block 3 Lot 9; 2809 South Columbus Drive

Commencing at the Southwest corner of Lot 5, Block 3 of said filed final plat of PARK VALLEY ADDITION SECTION 1; THENCE North 03°02'05" West a distance of 5.26 feet to the POINT OF BEGINNING;

Said retaining wall is approximately 1.00 foot wide and lies to the left of and adjacent to the following described line:

THENCE North 00°17'30" West a distance of 240.44 feet to the POINT OF TERMINATION.

AND

Park Valley Addition Section 1, as filed in Book 2767, Page 228-229, said plat being a part of the SW/4 of Sec. 27, T19N, R2E, I.M.

Properties specifically known as:

Block 4 Lot 1; 2811 South Bowling Drive

Block 4 Lot 2; 2815 South Bowling Drive

Block 4 Lot 3; 2819 South Bowling Drive

Block 4 Lot 4; 2823 South Bowling Drive

Block 4 Lot 5; 2825 South Bowling Drive

Commencing at the Southeast corner of Lot 4, Block 4 of said filed final plat of PARK VALLEY ADDITION SECTION 1; THENCE North 02°18'26" East a distance of 25.82 feet to the POINT OF BEGINNING;

Said retaining wall is approximately 1.00 foot wide and lies to the left of and adjacent to the following described line:

THENCE North 00°26'39" West a distance of 174.21 feet to the POINT OF TERMINATION.

AND

A Utility easement being a part of the Southwest Quarter (S.W. ¼), Section Twenty-Seven (27), Township Nineteen North (T19N), Range Two East (R2E), of the Indian Meridian, Stillwater, Payne County, Oklahoma, being more particularly described as follows:

Said easement being a utility easement that varies in width and being more particularly described as follow:

COMMENCING at the Northwest corner of said S.W. 1/4; THENCE South 00°37'25" East along the West line of said S.W. ¼ a distance of 754.16 feet; THENCE North 89°22'35" East a distance of 351.73 feet; THENCE South 69°06'26" East a distance of 146.15 feet; THENCE South 45°02'47" East a distance of 122.10 feet; THENCE North 89°57'13" East a distance of 130.59 feet; THENCE North 00°02'47" West a distance of 5.00 feet; THENCE North 89°57'13" East a distance of 155.00 feet to the POINT OF BEGINNING;

THENCE North 00°02'47" West a distance of 17.12 feet; THENCE North 89°45'26" East a distance of 547.88 feet; THENCE South 00°14'34" East a distance of 10.00 feet; THENCE South 89°45'26" West a distance of 537.92 feet; THENCE South 00°02'47" East a distance of 7.15 feet; THENCE South 89°57'13" West a distance of 10.00 feet to the POINT OF BEGINNING.

Said easement contains 0.13 acres, more or less.

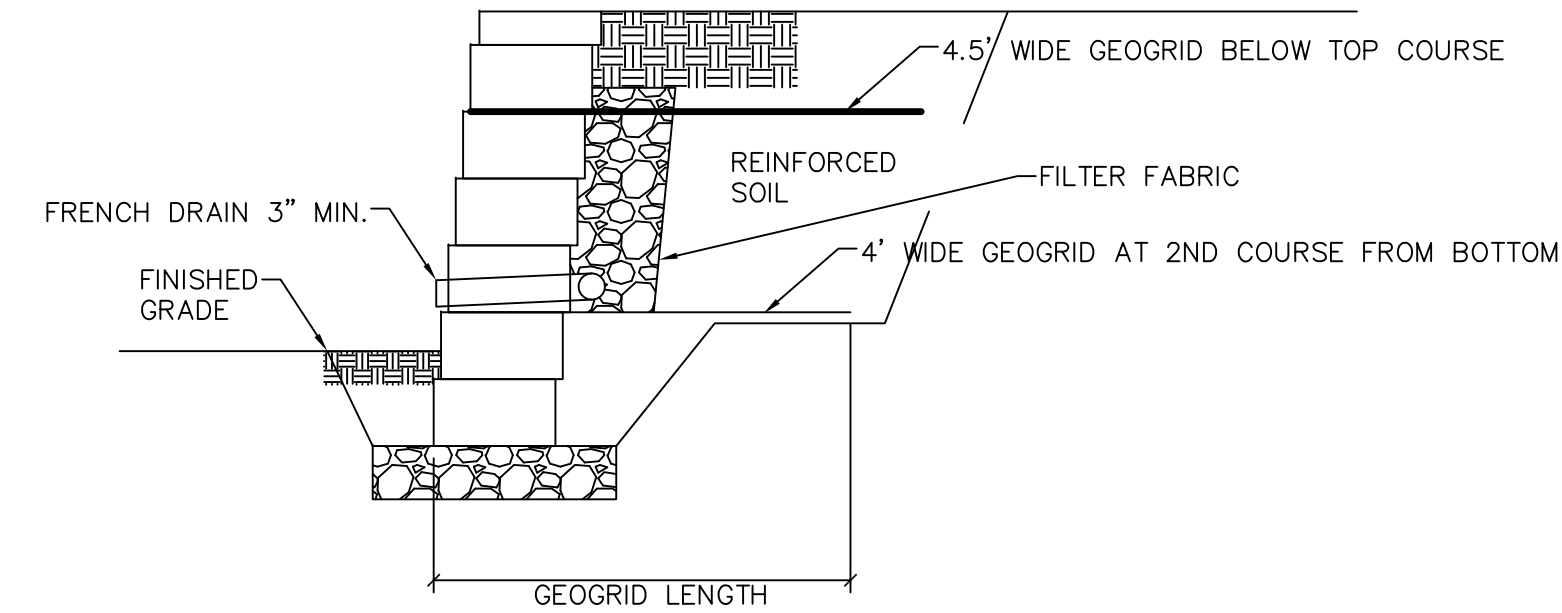
Said retaining wall is approximately 1.00 foot wide and lies to the left of and adjacent to the following described line:

Beginning at the Northeast corner of Lot 1, Block 4 of said filed final plat of
PARK VALLEY ADDITION SECTION 1; THENCE North 02°18'26" East a distance of 7.21 feet; THENCE North 89°30'52"
East a distance of 516.85 feet to the POINT OF TERMINATION.

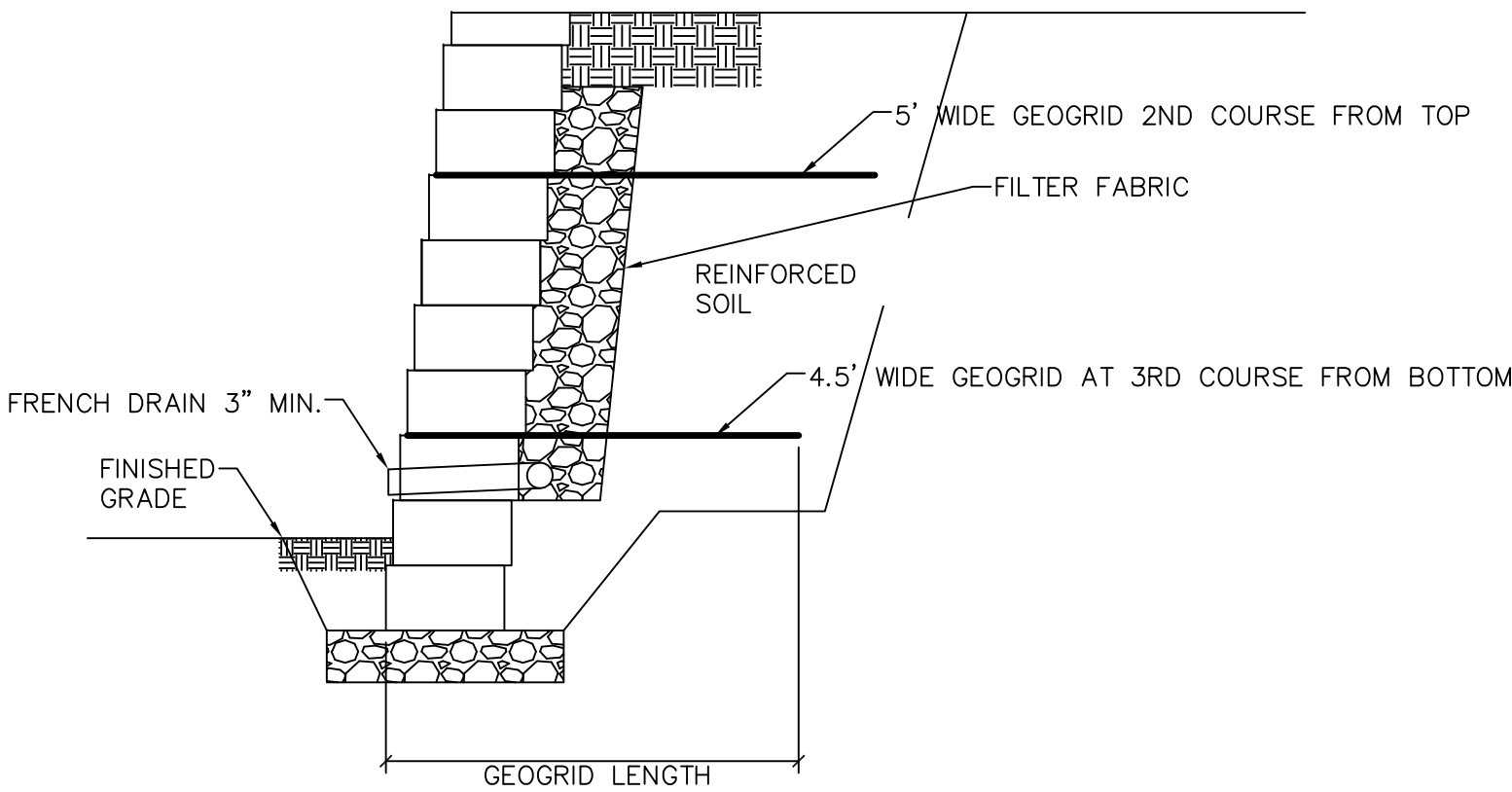
DRAINAGE DESIGN IS NOT BY
RAMSEYER AND ASSOCIATES PLLC

NOTES:

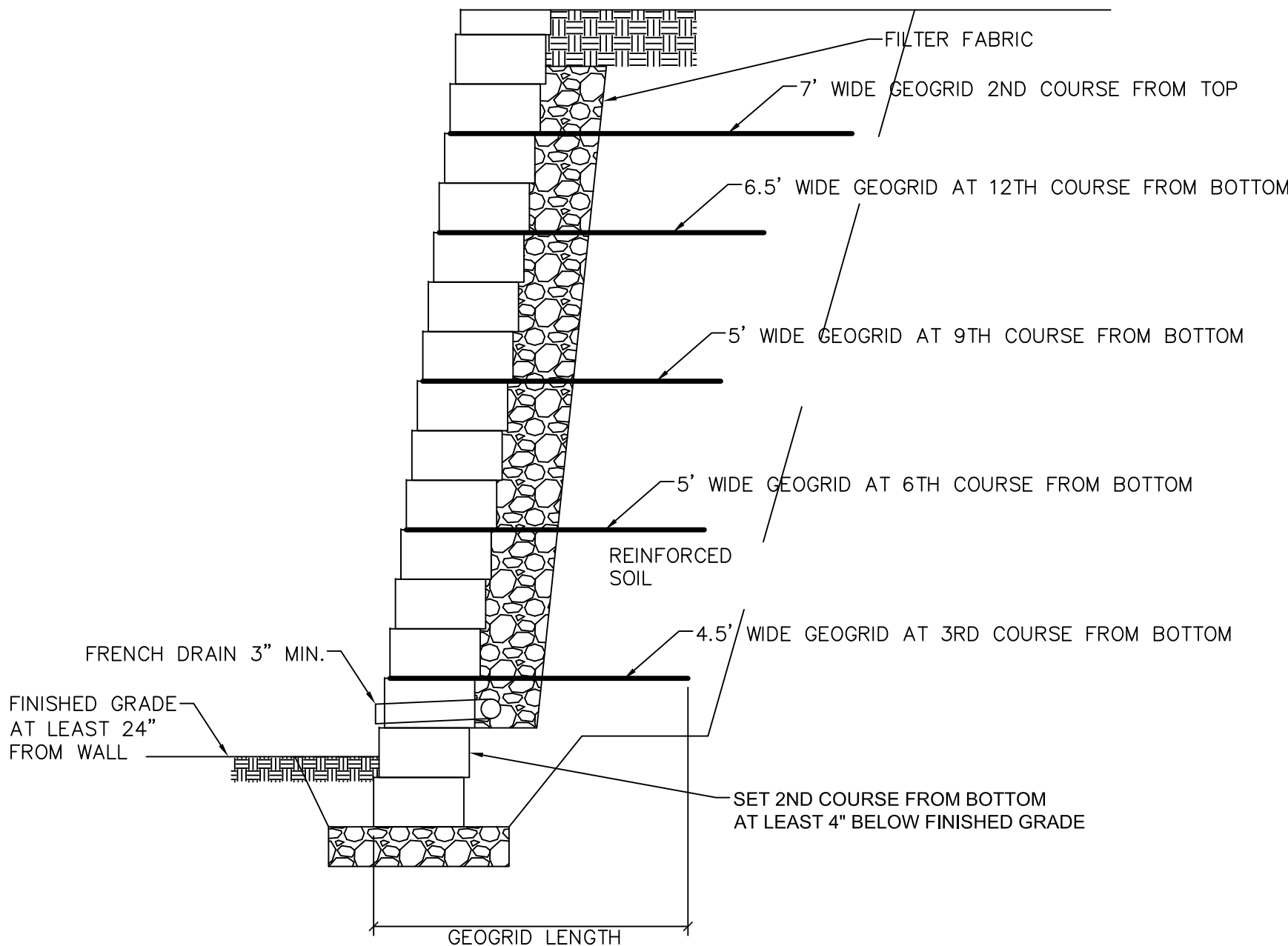
1. FRENCH DRAIN PIPE TO BE 3" MIN. WRAPPED WITH FILTER FABRIC.
2. LARGE AGGREGATE BEHIND THE BLOCK AND FILLING THE BLOCK CELLS TO BE #57 OR #67 AGGREGATE. NO FILTER FABRIC IS REQUIRED BETWEEN THE REINFORCED SOIL AND THE AGGREGATE BEHIND THE BLOCK WALL.
3. BLOCK TO BE DOLESE TRINITY 8" HIGH X 18" WIDE X 12" DEEP
4. GEOGRID TYPE IS HTG 35, MIRAFI 3XT, STRATA 200 OR APPROVED EQUIVALENT.
5. SOIL BACK FILL TO BE EXISTING UNDISTURBED SOIL OR SELECT FILL COMPACTED IN 8" LIFTS to 90 PERCENT PROCTOR.
6. FOUNDATION TO BE ON EXISTING UNDISTURBED SOIL FOR A DEPTH OF AT LEAST 12 INCHES.



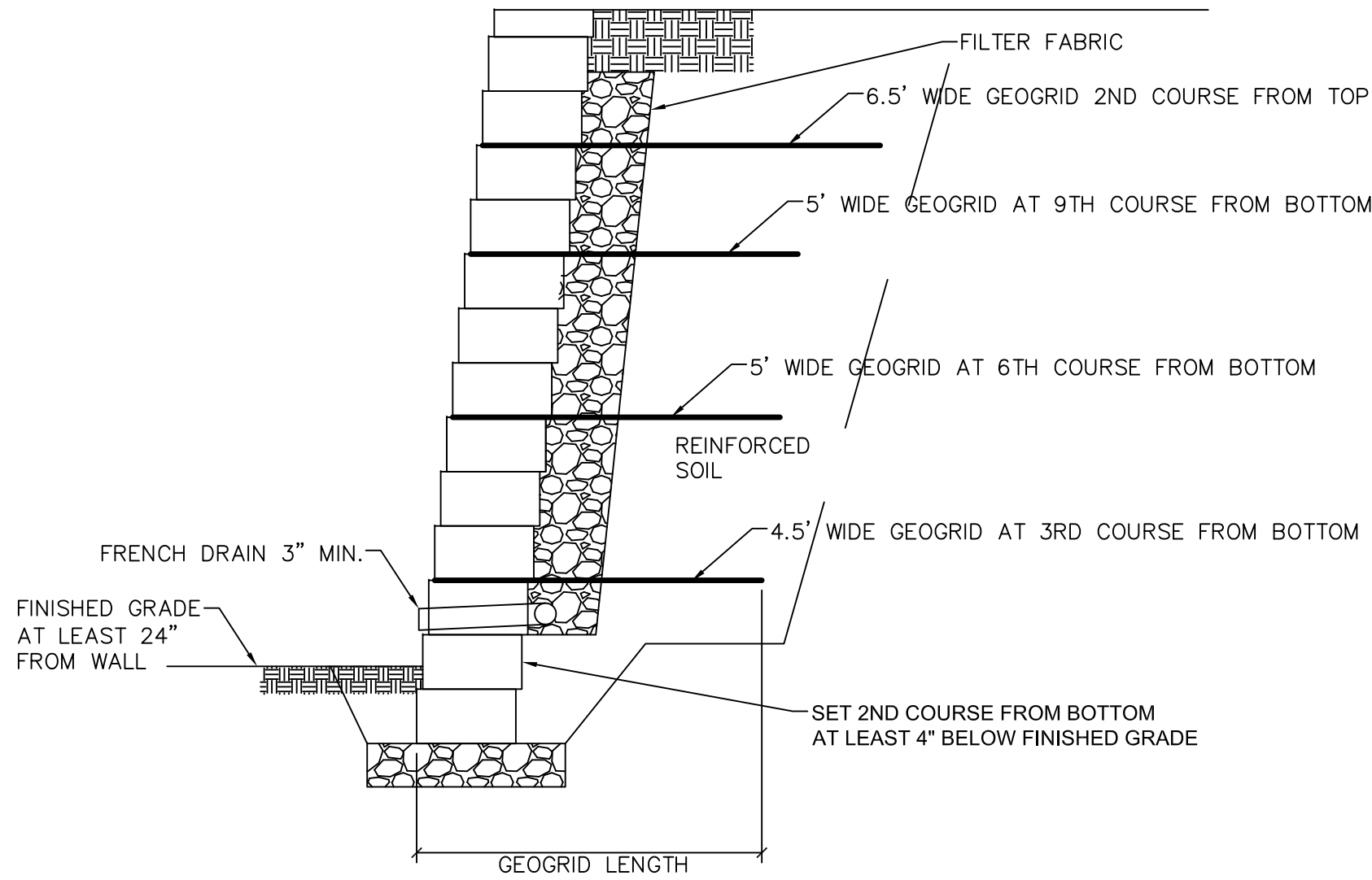
FOR BLOCK RETAINING WALLS UP TO 4' TALL



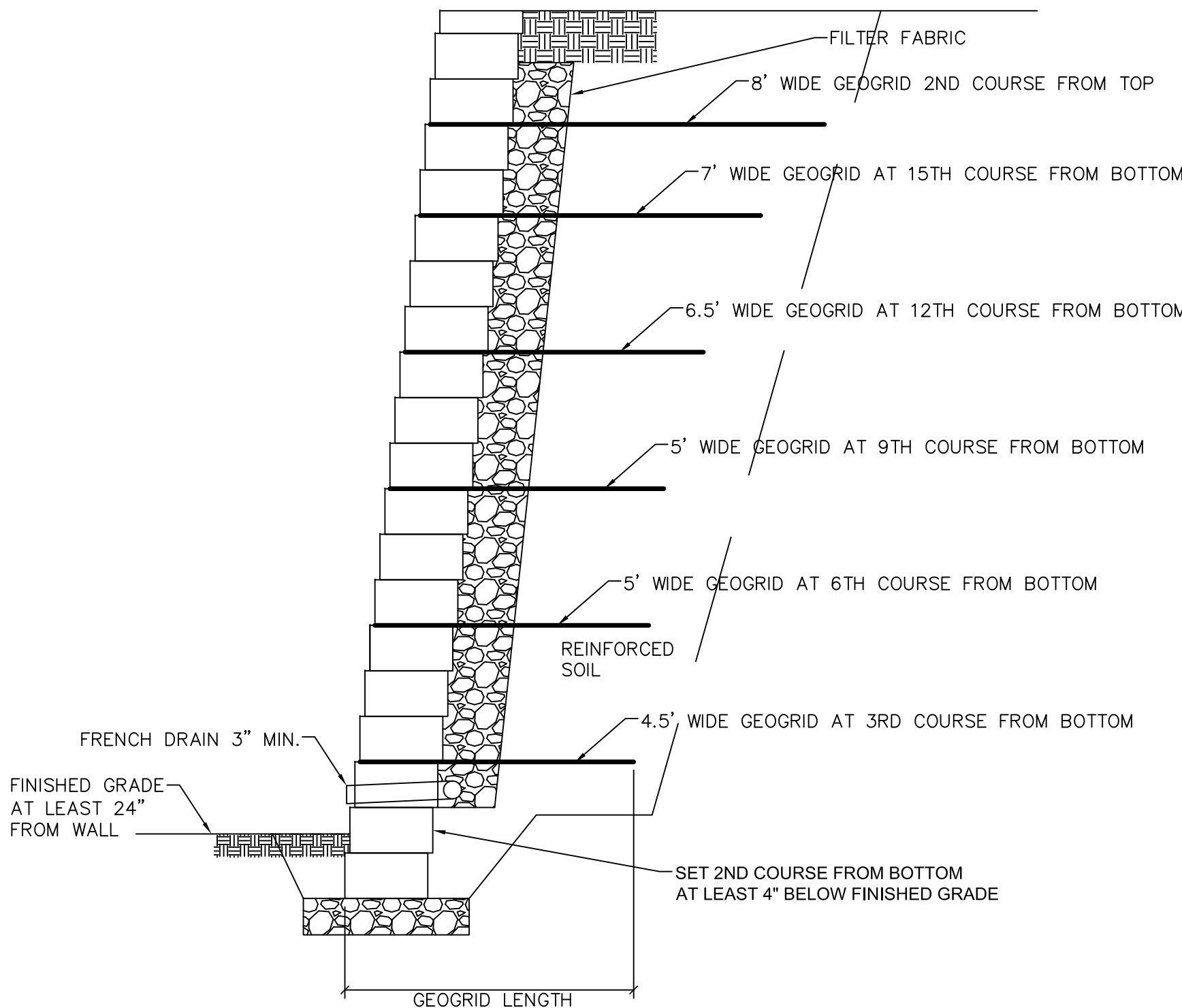
FOR BLOCK RETAINING WALLS UP TO 6' TALL



FOR BLOCK RETAINING WALLS UP TO 10' TALL



FOR BLOCK RETAINING WALLS UP TO 8' TALL



FOR BLOCK RETAINING WALLS UP TO 10' TALL

RAMSEYER AND ASSOCIATES PLLC

700 HIGHLAND HILLS DR., NORMAN, OK 73026

TEL (405) 406 2330

PROFESSIONAL ENGINEER
CIVIL
RAMSEYER
20860

Chris Ramseyer

5-23-23

NO.		DATE		REVISION	
0	3-2-23	ISSUED FOR REVIEW			
1	5-8-23	ISSUED FOR PERMITTING			

Park Valley Addition, Section 1

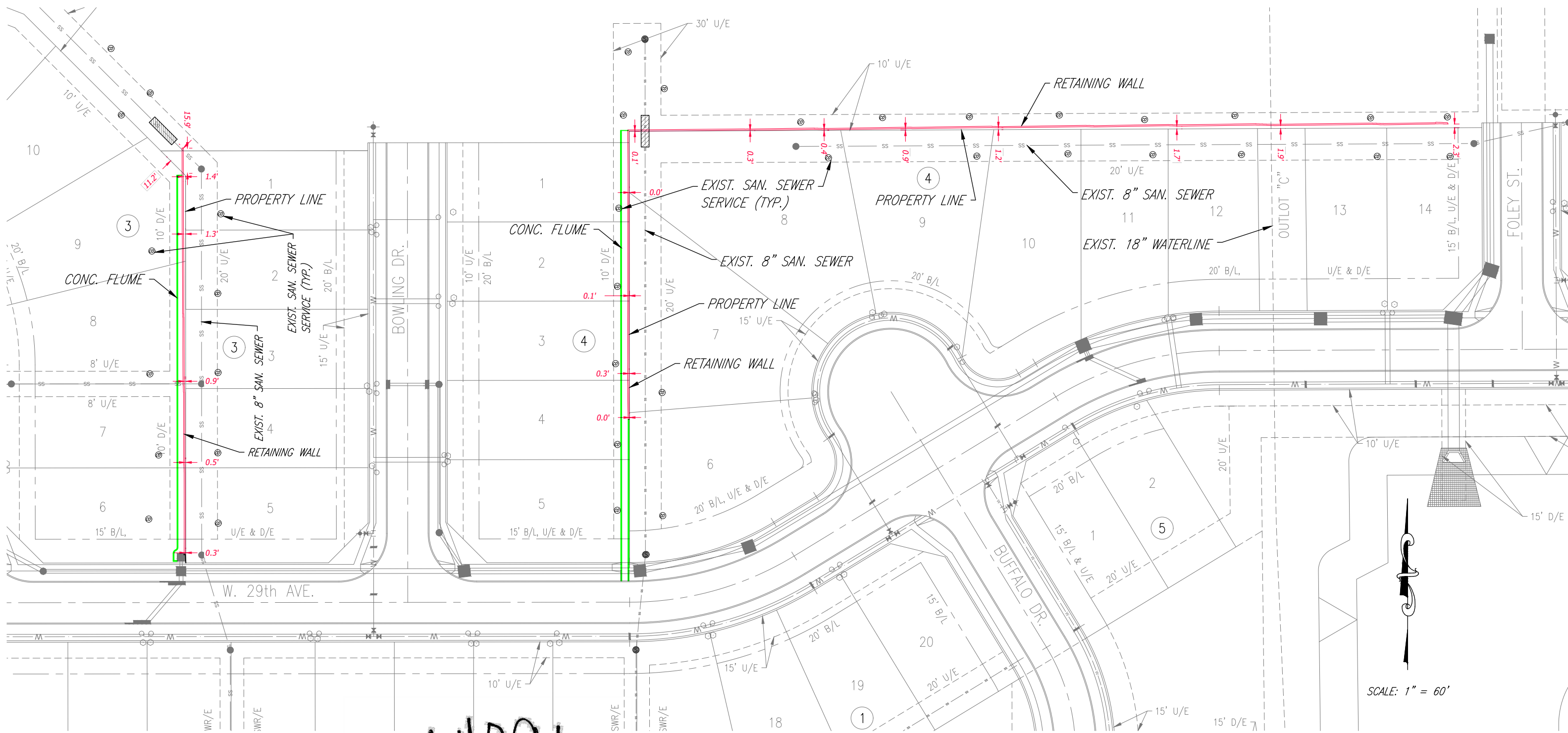
S. Western & W. 32nd St., Stillwater, OK

RETAINING WALLS

JOB NUMBER: 217-23

DATE:	DESIGNED BY:	DRAWN BY:	APPROVED BY:
5-8-23	CR	VT	CR

S1.0



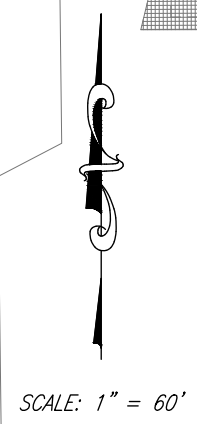
- LEGEND
- RETAINING WALL
 - CONCRETE FLUME



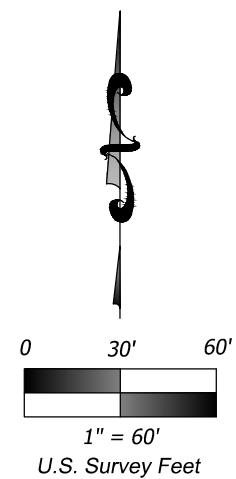
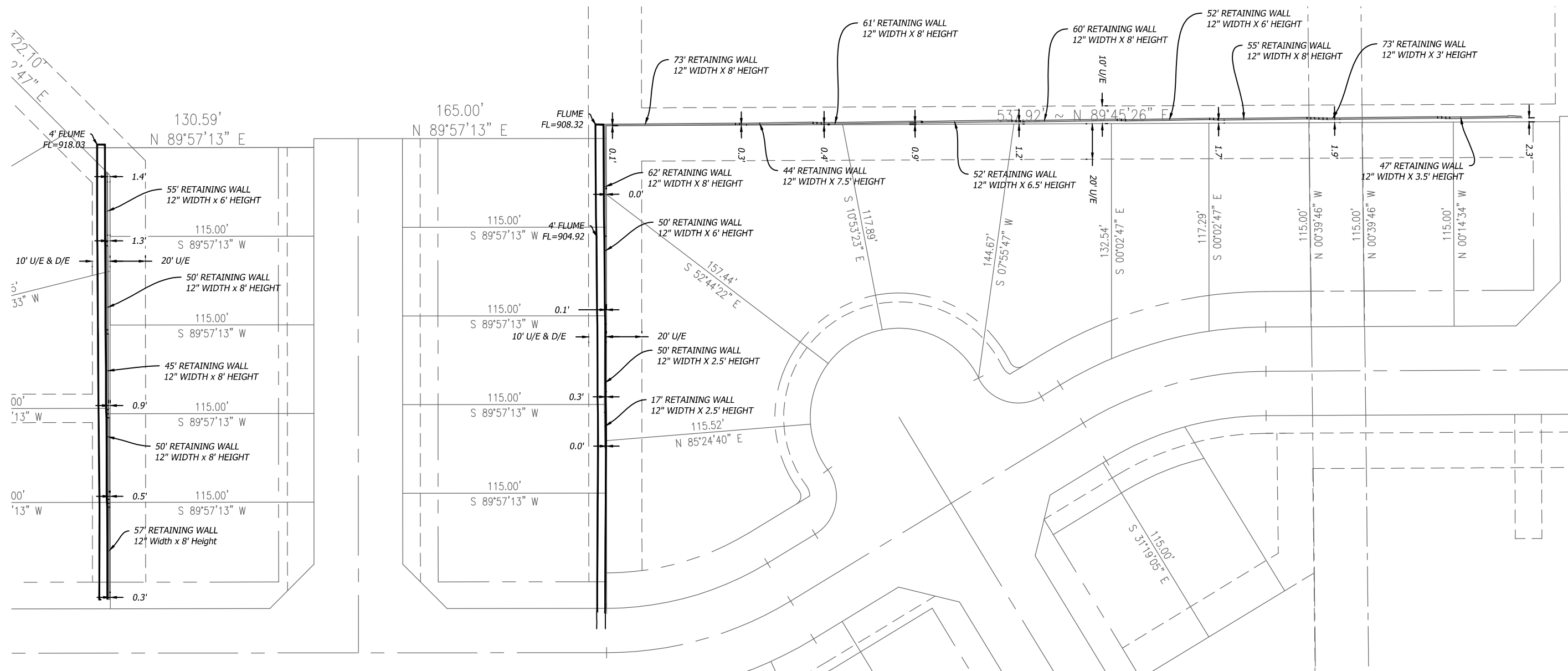
NOTE: WALL FOOTING IS COMPACTED
AGGREGATE BASE.

RETAINING WALL EXHIBIT
PARK VALLEY ADDITION SECTION 1
STILLWATER, PAYNE COUNTY, OKLAHOMA

ASBUILT SURVEY
Prepared By
GOLDEN
LAND SURVEYING
4131 N.W. 122nd St., Suite 100, Oklahoma City, Oklahoma 73120
C.A.# 7263 / Exp. Date =6/30/2024
Telephone: (405) 849-6010 Email: troy@goldenls.com



PARK VALLEY PHASE 1 RETAINING WALL AS-BUILT



Prepared By

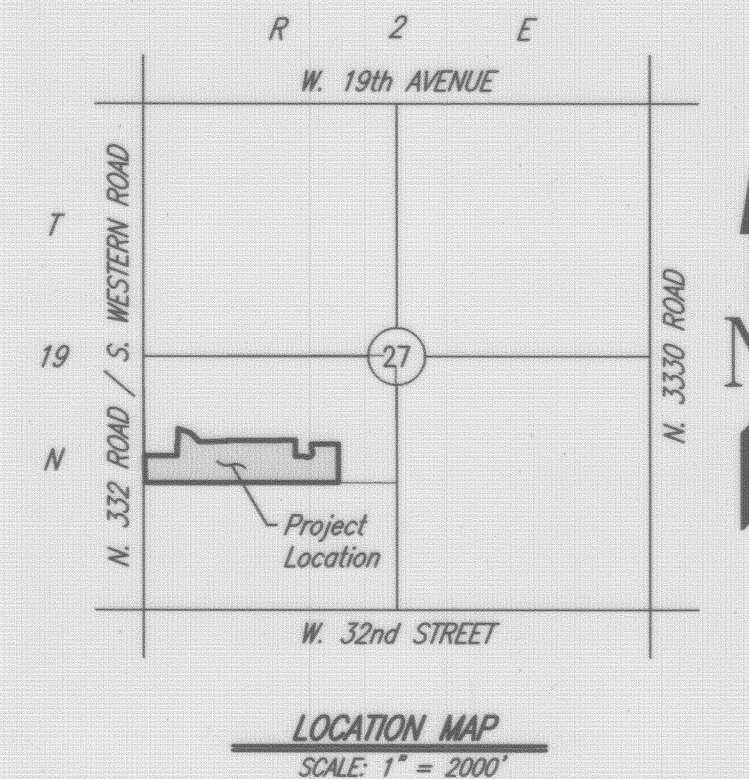
GOLDEN

LAND SURVEYING

4131 N.W. 122nd St., Suite 100, Oklahoma City, Oklahoma 73120
C.A.# 7263 / Exp. Date =6/30/2024
Telephone: (405) 849-6010 Email: troy@goldenls.com
Drafted by: CT
Plot Date: February 13, 2024 Paper Size: 11"x17"
GLS Job No.: 21734

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

1-2023-08876 Book: 2767 pg. 228
9/13/2023 1:57 PM pgs: 228 - 229
Fees: \$35.00 Doc: \$0.00
Glennia Craig, Payne County Clerk
Payne County - State of Oklahoma



OWNER'S CERTIFICATE AND DEDICATION
KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, IH DEVELOPMENT, L.L.C., an Oklahoma Limited Liability Company, IDEAL HOMES of NORMAN, L.P., an Oklahoma Limited Partnership, and PARK VALLEY LAND FUND, L.L.C., an Oklahoma Limited Liability Company, do hereby certify that we are the owners of and the only person or persons, corporation or corporations, having any right, title or interest in the land shown on the plat of PARK VALLEY ADDITION SECTION 1, a subdivision of a part of the S.W. 1/4, Section 27, T19N, R2E, I.M., of the Indian Meridian to Stillwater, Payne County, Oklahoma, and have caused the said premises to be surveyed and platted into lots, blocks, streets and easements as shown on said plat, said plat represents a correct survey of all property included therein and is hereby adopted as the plat of land under the name of PARK VALLEY ADDITION SECTION 1. IH DEVELOPMENT, L.L.C., IDEAL HOMES of NORMAN, L.P. and PARK VALLEY LAND FUND, L.L.C., dedicates all streets and easements shown on said plat to the public for public highways, streets and easements, for themselves, their successors and assigns forever and have caused the same to be released from all rights, easements and encumbrances.

In Witness Whereof the undersigned have caused this instrument to be executed this 12th day of September, 2023.

IH DEVELOPMENT, L.L.C.
an Oklahoma Limited Liability Company

IDEAL HOMES of NORMAN, L.P.,
an Oklahoma Limited Partnership

PARK VALLEY LAND FUND L.L.C.,
an Oklahoma Limited Liability Company

Susan J. B. Stankovich

Susan J. B. Stankovich

U. U.

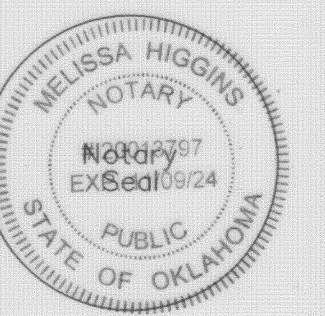
STATE OF OKLAHOMA s.s.
COUNTY OF PAYNE

Before me, the undersigned, a Notary Public in and for said County and State, on this 12th day of September, 2023, personally appeared SEAN JAMES STANKOVICH as Member of IH DEVELOPMENT, L.L.C., SEAN JAMES STANKOVICH as General Partner of IDEAL HOMES of NORMAN, L.P., and VERNON L. MCINNIS as Member of PARK VALLEY LAND FUND, L.L.C., to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed and as the free and voluntary act and deed of IH DEVELOPMENT, L.L.C., PARK VALLEY LAND FUND, L.L.C., and IDEAL HOMES of NORMAN, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

My Commission Expires: 11/01/2024

Maura Higgins
NOTARY PUBLIC



CERTIFICATE OF APPROVAL

Jana K. Phillips, Chairman of the Planning Commission of the City of Stillwater, Oklahoma, hereby certify that the said Planning Commission approved the final plat of PARK VALLEY ADDITION SECTION 1, Stillwater, Oklahoma, this 15th day of August, 2023.

Jana K. Phillips
CHAIRMAN,

ACCEPTANCE OF DEDICATIONS

Be it resolved by the City Council of the City of Stillwater, Oklahoma that the dedications shown on the plat of PARK VALLEY ADDITION SECTION 1, Stillwater, Oklahoma are hereby accepted.

Signed by the Mayor of the City of Stillwater, Oklahoma this 11 day of September, 2023.

ATTEST: *Jerome Kadane*
CITY CLERK,

William L. Jr.
MAYOR,

COUNTY TREASURER'S CERTIFICATE

I, Lee R. Denney, hereby certify that I am the duly elected and acting County Treasurer of Payne County, State of Oklahoma, that the tax records of said County show all taxes paid for the year 2023, and all prior years on the land shown on the plat of PARK VALLEY ADDITION SECTION 1, an addition to the City of Stillwater, Payne County, Oklahoma that the required statutory security has been deposited in the office of the County Treasurer, guaranteeing payment of current years taxes. IN WITNESS WHEREOF, said County Treasurer has caused this instrument to be executed at Stillwater, Oklahoma on this 13 day of September, 2023.

Lee R. Denney
COUNTY TREASURER, Lee R. Denney

LICENSED LAND SURVEYOR

I, Troy Dee, do hereby certify that I am a Professional Land Surveyor in the State of Oklahoma, and that the Final Plat of PARK VALLEY ADDITION SECTION 1, an addition to the City of Stillwater, Oklahoma, consisting of two (2) sheets, represents a survey made under my supervision on the 12th day of September, 2023, and that monuments shown thereon actually exist and their positions are correctly shown, that this Survey meets the Oklahoma Minimum Standards for the Practice of Land Surveyors as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors; and that said Final Plat complies with the requirements of Title 11 SECTION 61-108 of the Oklahoma State Statutes.

GOLDEN LAND SURVEYING, P.L.L.C.
4131 NW 122nd St., Suite 100
Oklahoma City, OK. 73120
PHONE: (405) 802-7883

Troy Dee
Troy Dee, LICENSED LAND SURVEYOR No. 1745
OKLAHOMA CERTIFICATE OF AUTHORIZATION NO. 7263 EXPIRES June 30, 2024

STATE OF OKLAHOMA s.s.
COUNTY OF OKLAHOMA

Before me, the undersigned, a Notary Public in and for said County and State on this 12th day of September, 2023, personally appeared Troy Dee 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 for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

My Commission Expires: 11/01/2024

Maura Higgins
NOTARY PUBLIC



Date: September 12, 2023

SMC Consulting Engineers, P.C.
815 W. Main Street
Oklahoma City, OK 73106
Ph.: (405) 232-7715
Oklahoma CA #464 Exp. 6/30/2025

PARK VALLEY ADDITION SECTION 1
FINAL PLAT
SHEET 1 OF 2

LEGAL DESCRIPTION:

A tract of land being a part of the Southwest Quarter (S.W. 1/4), Section Twenty-Seven (27), Township Nineteen North (T19N), Range Two East (R2E), of the Indian Meridian, Stillwater, Payne County, Oklahoma, being more particularly described as follows:

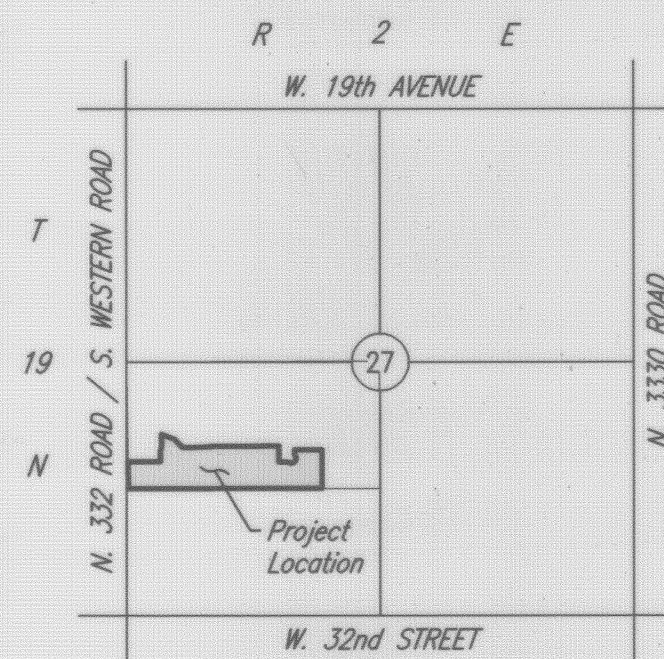
COMMENCING at the Northwest corner of said S.W. 1/4; THENCE South 00°37'25" East along the West line of said S.W. 1/4 a distance of 1034.20 feet to the POINT OF BEGINNING;

THENCE North 89°57'13" East a distance of 338.88 feet; THENCE North 00°02'47" West a distance of 108.62 feet; THENCE North 11°59'44" East a distance of 50.03 feet; THENCE North 00°14'34" West a distance of 126.02 feet; THENCE South 69°06'26" East a distance of 146.15 feet; THENCE South 45°02'47" East a distance of 122.10 feet; THENCE North 89°57'13" East a distance of 130.59 feet; THENCE North 00°02'47" West a distance of 5.00 feet; THENCE North 89°57'13" East a distance of 165.00 feet; THENCE North 00°02'47" West a distance of 7.15 feet; THENCE North 89°45'26" East a distance of 537.92 feet; THENCE North 00°14'34" West a distance of 3.00 feet; THENCE North 89°45'26" East a distance of 165.07 feet; THENCE South 00°14'34" East a distance of 168.00 feet; THENCE North 89°45'26" East a distance of 85.00 feet to a point of curvature; THENCE around a curve to the right having a radius of 25.00 feet (said curve subtended by a chord which bears South 71°48'28" East, a distance of 15.81 feet) and an arc length of 16.09 feet to a point of reverse curvature; THENCE around a curve to the left having a radius of 50.00 feet (said curve subtended by a chord which bears North 44°45'26" East, a distance of 98.99 feet) and an arc length of 142.89 feet to a point of reverse curvature; THENCE around a curve to the right having a radius of 25.00 feet (said curve subtended by a chord which bears North 18°40'40" West, a distance of 15.81 feet) and an arc length of 16.09 feet; THENCE North 00°14'34" West a distance of 45.00 feet; THENCE North 89°45'26" East a distance of 286.00 feet; THENCE South 00°02'47" East a distance of 401.11 feet; THENCE South 89°57'13" West a distance of 2018.62 feet; THENCE North 00°37'25" West a distance of 280.01 feet to the POINT OF BEGINNING.

Said tract contains 18.50 acres, more or less.

I:\2023-08876 Book 7767 pg 229
9/13/2023 1:57 PM pgs 228 - 229
Fees: \$35.00 Doc \$0.00
Gemma Craig, Payne County Clerk
Payne County, State of Oklahoma

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



LOCATION MAP
SCALE: 1" = 2000'

SCALE: 1" = 60'

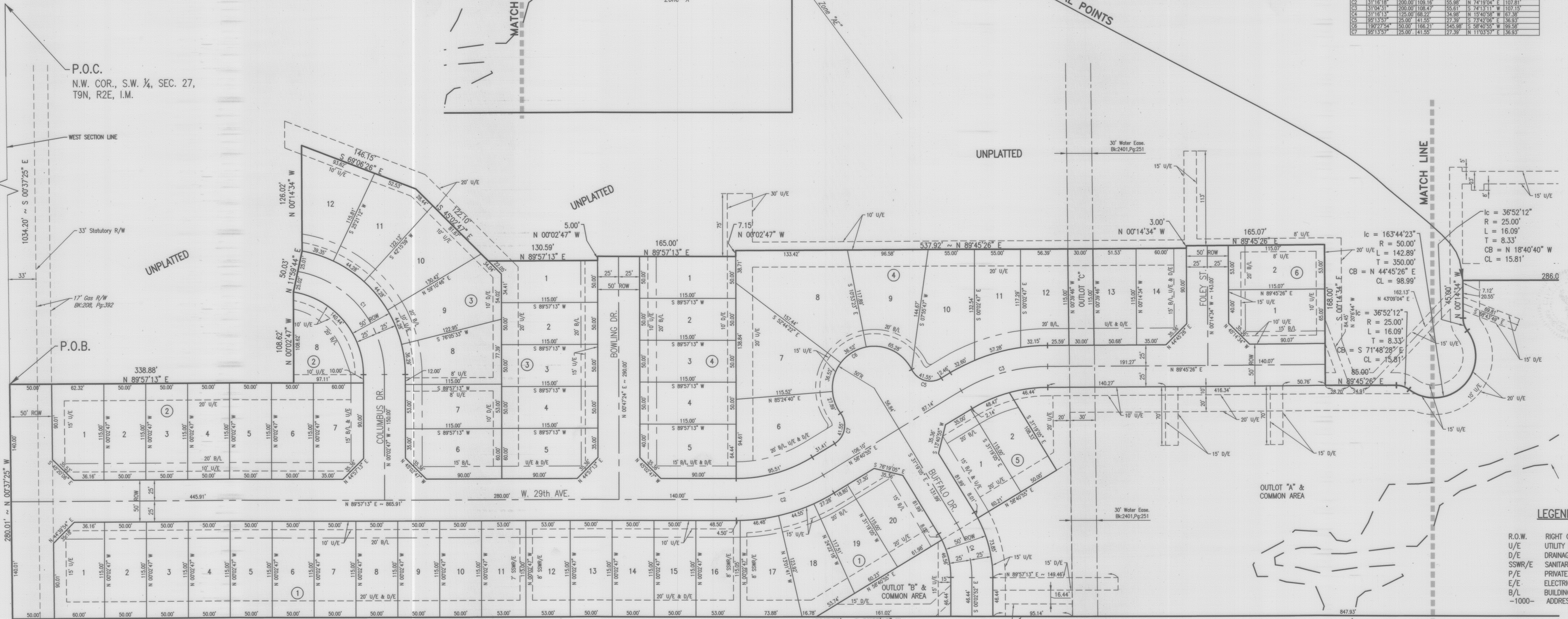
TOTAL LOTS = 58

NOTES:

- SET 1/2" IRON PINS WITH CA #7263 AT ALL PROPERTY CORNERS.
- TYPE OF CENTERLINE MONUMENTS SHALL BE AS FOLLOWS: MAG NAILS WITH SHINER FOR ASPHALT AND A CUT "X" FOR CONCRETE.
- EASEMENTS SHOWN HEREON BY SPECIFIC RECORDING INFORMATION, OR LYING OUTSIDE THE LIMITS OF THE AREA BEING PLATTED ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE NOT DEDICATED PURSUANT TO THIS FINAL PLAT.
- THE UNIT OF MEASUREMENT SHOWN FOR ALL DIMENSIONS ON THE FINAL PLAT IS FEET.
- THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (NORTH ZONE) WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.
- COMMON AREA WILL BE OWNED AND MAINTAINED BY MANDATORY HOME OWNERS ASSOCIATION.

CURVE TABLE

CURVE	DATA	ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD	BEARING	CHORD LENGTH
C1	72°57'49"	125.00'	174.45'	104.82'	N 40°14'34" W	110.84'		
C2	31°18'18"	200.00'	109.16'	55.98'	N 74°19'04" E	107.81'		
C3	31°04'51"	200.00'	109.47'	55.81'	S 74°19'11" W	107.13'		
C4	31°18'13"	125.00'	174.45'	104.82'	N 40°14'34" W	110.84'		
C5	89°13'57"	25.00'	41.85'	27.39'	S 73°42'08" E	36.93'		
C6	189°27'54"	50.00'	166.21'	144.98'	S 84°03'55" W	98.38'		
C7	89°13'57"	25.00'	41.85'	27.39'	N 11°03'57" E	36.93'		



LEGEND

R.O.W. RIGHT OF WAY
U/E UTILITY EASEMENT
D/E DRAINAGE EASEMENT
SSW/E SANITARY SEWER EASEMENT
P/E PRIVATE EASEMENT
E/E ELECTRIC EASEMENT
B/L BUILDING SETBACK LINE
-1000- ADDRESSES

Date: September 12, 2023

SMC Consulting Engineers, P.C.
815 W. Main Street
Oklahoma City, OK 73106
Ph: (405)232-7715
Oklahoma CA #464 Exp. 6/30/2025

PARK VALLEY ADDITION SECTION 1
FINAL PLAT
SHEET 2 OF 2

Date of Meeting: March 7, 2024

Subject: Variance to Sec. 23-153(c)(2)(a)(1) for the minimum front yard setback from an abutting right-of-way/access easement requirement in the Commercial General (CG) zoning district

Project Name: VAR24-03

Location: 4420 West 6th Avenue

BACKGROUND

The subject site is located at 4420 West 6th Avenue near the intersection of South Cstar Boulevard and West 6th Avenue. The property is zoned Commercial General (CG) with similar zoning surrounding the subject property.

The applicant would like to request a variance to Section 23-153.c.2.a.1 to allow for the proposed structure to encroach into the required 25 feet front yard setback from the property boundary abutting a right-of-way or road/access easement in a Commercial General (CG) zoning district. Proposed is a 10,000 square foot retail store, Dollar Tree. The location of the building is proposed to be a minimum of 6.42 feet from the property line abutting the shared access easement, encroaching 18.58 feet into the required front yard setback.

CODE APPLICATION

Sec. 23-153. - CG Commercial General District.

- (c) Bulk regulations. Bulk regulation requirements are as follows in the CG district:
- (2) Setbacks. The following are the minimum required setbacks in the CG district:
 - a. Minimum front yard:
 - (1) 25 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.

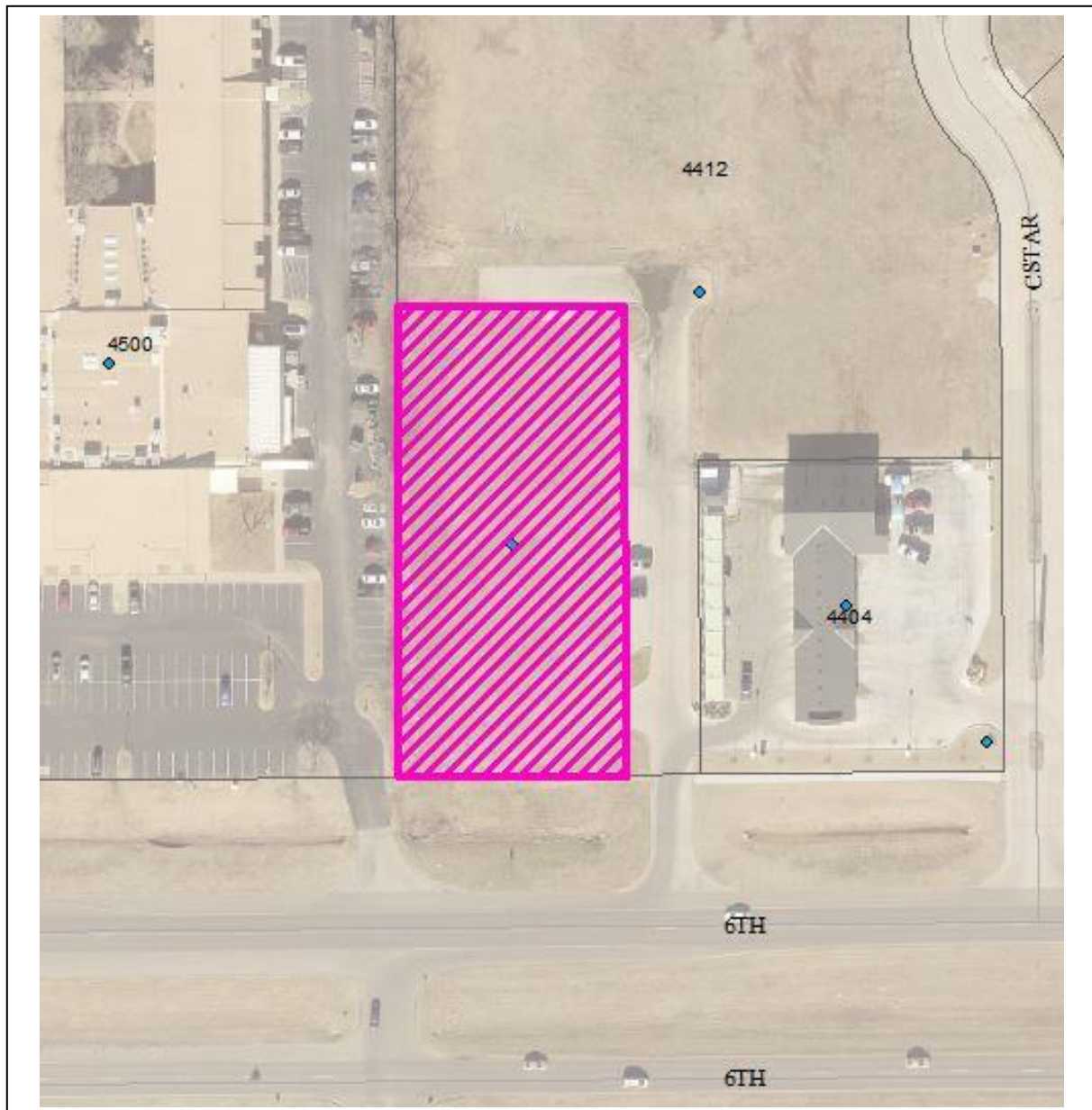
- (1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;
- (2) Such conditions are peculiar to the particular piece of property involved;
- (3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes 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:	February 28, 2024
Attachments:	Area Map, Application Packet, Letter of Justification, Proposed Site Plans, Bourbon Street Square Restrictive Covenants (Access Easement), Support Letter



Stillwater. OKLAHOMA
stillwaterok.gov

Project Type: Variance (VAR24-03)
Request: Variance of setback requirements, sec.23-153.c.2.a.1
Address: 4420 W 6th Ave
Applicant: Hankins Development, LLC (Dollar Tree)

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: _____
 Owner(s) of Property: SJAC Food Groups Holding LLC
 Owner(s) Address: 3080 Highlands Pkwy SE, Ste C, Smyrna, GA 30082
 Owner(s) Phone/Fax/Email: _____
 Applicant(s) Name: Hankins Development LLC
 Applicant(s) Address: 419 Alamo St., Lake Charles, LA 70601
 Applicant(s) Phone/Fax/Email: 337-564-6501 garrett@hankinsdev.com
 Location of Property: 4420 W. 6th Avenue

Chapter, Article, Section, City Code from which the action is requested: Sec.23-153.c.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 2/2/24

Owner/Agent (provide documentation)

Date 2/1/24

For City of Stillwater Use Only:

CASE NO.#: _____

Submission Date: _____

Processing Tract: IRC _____ BOA _____

Approval Date: _____

Fees: _____ Number of Copies: _____



January 11, 2024

Re: Variance request to remove the front yard setback requirement for our side lot line that's near a shared access easement

To whom it may concern,

The application of the ordinance creates an unnecessary hardship for our parcel since it drastically reduces the useable area of our site. Our parcel is part of a master development that previously incorporated various easements to support the full development and usefulness of the tracts. While most of the parcels achieve their access from C-Star Boulevard, our parcel does not. There is a secondary shared access easement for internal access to the parcels of land not located along the primary boulevard for the development. This access point was designed and approved by ODOT in accordance with their spacing requirements and could not be moved to create different frontages or spacing for these parcels along the highway. The master development also created parking stalls between the shared access easement and our property boundary line but do not provide us with the authority to use these parking spaces. These spaces are not considered part of the required parking for our Dollar Tree project but they do create a buffer between our parcel and the shared access easement. Due to the easement being part of the adjacent parcel to our east, the Planning Department is taking the position that we must meet the front yard setback requirement of 25' from our front and side property lines. Because of the location of the shared access easement and the existing parking spaces, our building is currently engineered to sit 27.6' from the access easement. We believe that this spacing can be interpreted as adequate and in line with the intent of the ordinance to create appropriate spacing from such access points and buildings within a development.

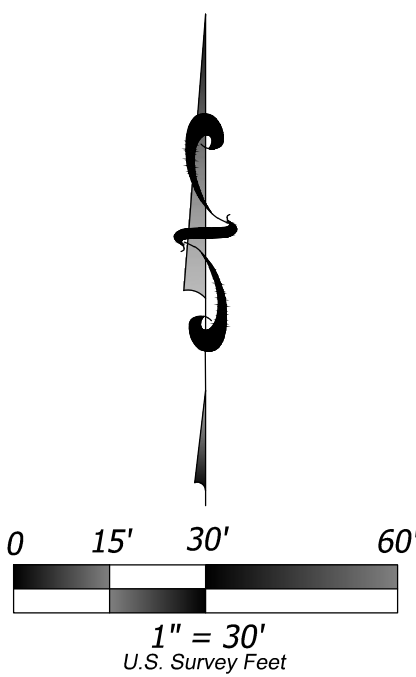
Our particular parcel also includes a 20' utility easement that runs along the western property line which contains sewer and gas lines for the parcels in the rear of the master development. This easement prevents us from constructing any buildings in that area, further reducing the useable area of our parcel.

For these reasons, we believe the circumstances of our site are peculiar to our particular piece of property and relief would not cause a detriment to the public good or impair the purposes and intent of the ordinance or Comprehensive Plan.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Garrett Carter', is written over a light blue horizontal line.

Garrett Carter
Hankins Development



UTILITY NOTE

Pursuant to Table A Item 11, The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown compromise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that utilities are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.



Zone "X" Shaded

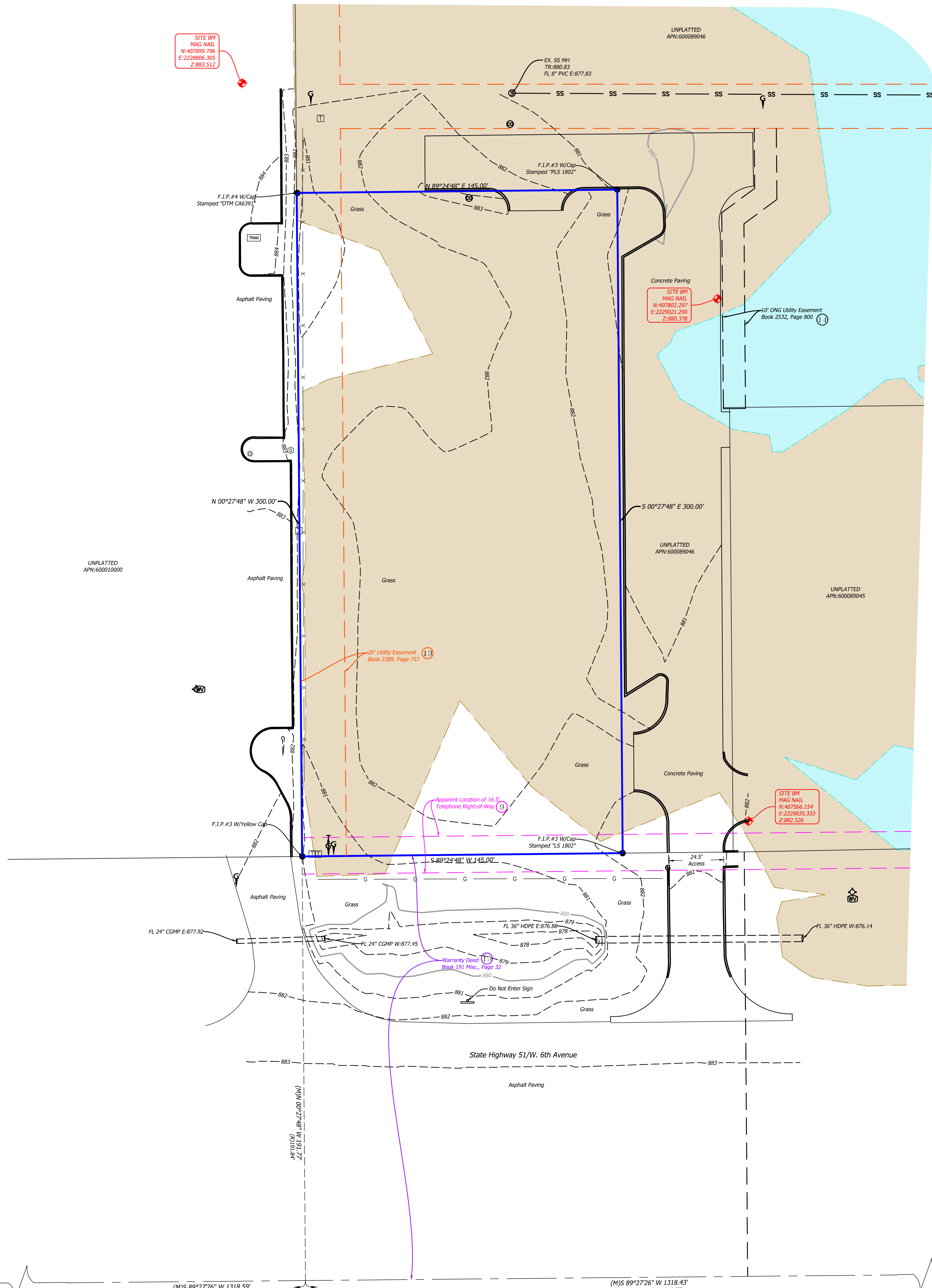
Zone "AE"

LEGEND	
	POWER POLE
	LIGHT POLE
	GUY ANCHOR
	ELECTRIC METER
	ELECTRIC BOX
	ELEC. TRANSFORMER
	ELEC. MANHOLE
	ELEC. PEDESTAL
	ELEC. PULL BOX
	SPOT LIGHT
	SANITARY SEWER MANHOLE
	SANITARY SEWER CLEANOUT
	STORM SEWER MANHOLE
	TELEPHONE RISER
	TELEPHONE MANHOLE
	TELEPHONE MARKER
	TELEPHONE PULL BOX
	FIBER OPTIC MARKER
	FIBER OPTIC PULL BOX
	CABLE TV PEDESTAL
	CABLE MARKER
	CABLE TV PULL BOX
	IRRIGATION CONTROL VALVE
	SPRINKLER HEAD
	ROLLARD
	FIRE DEPARTMENT CONNECT
	PROPANE TANK
	GAS METER
	GAS VALVE
	GAS MARKER
	OIL PIPELINE MARKER
	MAIL BOX
	SIGN
	FLAG POLE
	FIRE HYDRANT
	WATER MANHOLE
	WATER VALVE
	WATER METER
	DOWN SPOUT
	AIR CONDITIONER
	TRAFFIC SIGNAL
	TRAFFIC SIGNAL BOX
	TRAFFIC SIGNAL PULL BOX
	GREASE TRAP
	KEY PAD
	COLUMN
	SECTION CORNER
	QUARTER CORNER
	SET IRON PIN W/CAP
	SET MAG NAIL W/WASHER
	FOUND MONUMENT
	RIGHT OF WAY MARKER
	YARD HYDRANT/SPICKET
	BENCHMARK
	WELLHEAD
	SATELLITE DISH
	CHAIN LINK FENCE
	WOOD PANEL FENCE
	MASONRY FENCE
	IRON FENCE
	FIBER OPTIC LINE
	PROPERTY LINE
	LOT LINE
	EASEMENT LINE
	SECTION LINE
	WATER LINE
	GAS LINE
	SANITARY SEWER LINE
	TELEPHONE LINE
	ELECTRIC LINE
	OVERHEAD POWERLINE
	BARBED WIRE FENCE
	S.I.P.-SET IRON PIN
	I.P.-IRON PIN
	F.I.P.-FOUND IRON PIN
	C.C.M.P.-CORRUGATED METAL PIPE
	B.U.L.-BUILDING LIMIT LINE
	R.C.P.-REINFORCED CONCRETE PIPE
	U.E.-UTILITY EASEMENT

NOTE: ALL MONUMENTS SET ARE CAPPED 1/2" IRON PINS OR MAG NAILS WITH WASHERS BOTH BEING STAMPED "GOLDEN CA 7263" UNLESS NOTED OTHERWISE

POSSIBLE ENCROACHMENTS

No visible encroachments were observed at time of this survey.



LEGAL DESCRIPTION

A tract of land lying in the Southwest Quarter of Section Seventeen (17), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, Oklahoma, being more particularly described as follows:
COMMENCING at the southeast corner of said Southwest Quarter; THENCE South 89°27'06" West, along the south line of said Southwest Quarter, a distance of 1319.55 feet to the southwest corner of the East Half of said Southwest Quarter; THENCE North 00°27'48" West, along the west line of said East Half, a distance of 191.84 feet to a point on the north right of way line of State Highway 51 (West 6th Avenue) as established by Warranty Deed recorded in Book 191, page 32, Payne County Records and the POINT OF BEGINNING; THENCE continuing North 00°27'48" West, along said west line, a distance of 300.00 feet; THENCE North 89°24'48" East, parallel with aforesaid right of way line, a distance of 145.00 feet; THENCE South 00°27'48" East, parallel with said west line, a distance of 300.00 feet to a point on the north right of way line of said State Highway 51; THENCE South 89°24'48" West, along said right of way line, a distance of 145.00 feet to the POINT OF BEGINNING.

Containing 43,500 Sq. Ft. or 1.0000 Acres, more or less.

The property described herein is located completely within the property described in Chicago Title Insurance Company's Commitment No. 710702200661 dated May 18, 2022.

SCHEDULE B-II EXCEPTIONS

- Right-of-Way in favor of Southwestern Bell Telephone Company, recorded in Book 126, Page 352. Affects, location is apparent based on observed marker.
- Decree of Incorporation for Conservancy District No. 16 entered by the Payne County District Court in Case No. 18,279, recorded in Book 134, page 379, as amended via Order recorded in Book 580, Page 894. Affects and is subject to the terms and conditions contained therein.
- Access Easement in favor of Bourbon Street Square, LLC recorded in Book 2322, Page 133, and Corrected Access Easement recorded in Book 2322, Page 685. Affects insofar as being apart of the parent tract, easement does not lie within or abut the subject property.
- Owner's Restrictive Covenants for Bourbon Street Square Development recorded in Book 2316, Page 22. Affects insofar as being apart of the parent tract and is subject to the terms and conditions contained therein.
- Easement in favor of the City of Stillwater, Oklahoma, a municipal corporation recorded in Book 2389, Page 757. Affects as shown hereon.
- Right of Way in favor of Oklahoma Natural Gas Company, a division of ONE Gas, Inc. recorded in Book 2532, Page 800. Does not affect, easement does not lie within or abut the subject property. Shown for reference hereon.
- Warranty Deeds in favor of the State of Oklahoma, acting by and through the Department of Highways of the State of Oklahoma recorded in Book 191 Misc., Page 32, and recorded in Book 191 Misc., Page 34. Affects as shown hereon.

GENERAL NOTES

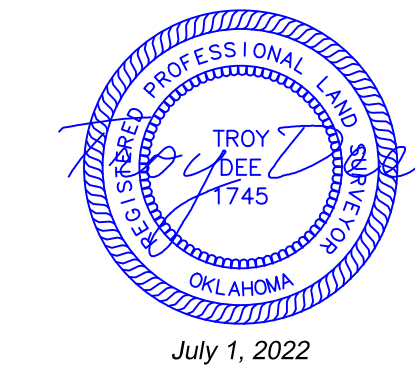
- Pursuant to Table A Item 3, Said described property in, by graphical plotting only, located within an area having a Zone Designation "X" Unshaded & AE by FEMA, on Flood Insurance Rate Map No. 40119C0228F, dated May 16, 2007.
- The Property has direct access to State Highway 51/W. 6th Avenue, being a dedicated public street.
- Pursuant to Table A Item 9, There were not dedicated parking spaces observed.
- Pursuant to Table A Item 16, There is no observed evidence of current earth moving work, building construction or building additions.
- Pursuant to Table A Item 17, There are no proposed changes in street right of way lines, to the best of my knowledge. There is no observed evidence of recent street or sidewalk construction or repairs.
- There is no observed evidence of site use as a solid waste dump, sump or sanitary landfill.
- A assumed bearing of South 89° 27' 26" West as the West line of the subject property per Oklahoma State Plane Grid North was used as the basis of bearing for this survey.
- All unit of measurements are US Survey feet (Ground).

ALTA/NSPS LAND TITLE SURVEY

Okie Propco, LLC, an Oklahoma limited liability company, Chicago Title Oklahoma Company, and Chicago Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 8, 9, 11, and 20 of Table A thereof. The field work was completed on June 17, 2022.

I further certify that this survey meets the Oklahoma Minimum Standards for the practice of land surveying and that there are no visible encroachments across the boundary lines other than those shown.



ALTA/NSPS LAND TITLE SURVEY
OF
W. 6TH AVENUE
Prepared By
GOLDEN
LAND SURVEYING

4131 N.W. 122nd St., Suite 100, Oklahoma City, Oklahoma 73120
C.A.# 7263 / Exp. Date =6/30/2024
Telephone: (405) 802-7883 Email: troy@goldenls.com

Drawn by: SD
Plot Date: July 1, 2022 Paper Size: 24x36"
GLS Job No.: 221554

Sheet 1 Of 1

After recordation, return to:

DAVID D. KENNEDY
DAVID D. KENNEDY, PLC
PO BOX 721953
OKLAHOMA CITY, OKLAHOMA 73172-1953



I-2023-011962 Book: 2779 pg: 473
12/11/2023 3:01 PM pgs: 473 - 481
Fees: \$34.00 Doc: \$0.00
Glenna Craig, Payne County Clerk
Payne County - State of Oklahoma

Space Reserved For Recording Information

**RATIFICATION OF OWNER'S RESTRICTIVE COVENANTS
AND GRANT OF ACCESS EASEMENT AGREEMENT**

THIS RATIFICATION OF OWNER'S RESTRICTIVE COVENANTS AND GRANT OF ACCESS EASEMENT AGREEMENT (this "**Agreement**") is made and entered into this 6th day of December, 2023, by and between the following parties (collectively, the "**Owners**" and individually an "**Owner**"): **BOURBON STREET SQUARE, L.L.C.**, an Oklahoma limited liability company ("**Bourbon Street**"), whose notice address is 304 South Duck Seet, Stillwater, OK 74074; and **SJAC FOOD GROUPS HOLDING LLC**, a Georgia limited liability company ("**SJAC**"), whose notice address is 3080 Highlands Pkwy., Suite C, Smyrna, GA 30082.

R E C I T A L S :

Pursuant to the Owner's Restrictive Covenants for Bourbon Street Square Development (the "**Original Declaration**") recorded April 11, 2016 in **Book 2318, Page 22** of the real property records of the County Clerk of Payne County, Oklahoma (the "**County Clerk**"), Bourbon Street attempted to impose upon the 31.7698 acre parcel (the "**Declaration Parcel**") described on **Exhibit A** hereto the covenants, conditions and restrictions embodied therein. Thereafter, the Original Declaration was amended and restated by that certain Restatement and Amendment of the Owner's Restrictive Covenants for Bourbon Street Development recorded March 21, 2023 in **Book 2741, Page 656** of the real property records of the County Clerk (collectively the "**First Amended Declaration**").

B. SJAC is owner of the real property more particularly described on **Exhibit B** hereto ("**Tract 2**"), and has been Owner of that parcel since November 23, 2015.

C. Tract 2 is encompassed within the boundaries of the Declaration Parcel but was owned by SJAC at the time that Bourbon Street executed the Original Declaration and also the Amended Declaration. SJAC was not a signatory to the Original Declaration but was a signatory to the First Amended Declaration.

D. Both parties acknowledge that to correctly impose the covenants, conditions and restrictions contained in the Original Declaration and Amended Declaration upon Tract 2, SJAC should have been a signatory to the Original Declaration. SJAC is executing this Agreement to evidence its consent to the imposition upon Tract 2 of the covenants, conditions and restrictions embodied in the Original Declaration.

E. In addition to the ratification of the Original Declaration by SJAC contained herein, Bourbon Street, in its capacity as Owner of the real property owned by Bourbon Street on **Exhibit C** hereto (herein "**Tract 1**") has agreed to grant an easement for pedestrian and vehicular access over the Access Improvements, as hereinafter defined, covering the portion of Tract 1 described on **Exhibit D** hereto (the "**Access Easement Parcel**") for the benefit of SJAC as the Owner of Tract 2.

A G R E E M E N T S :

NOW, THEREFORE, for the purpose of (i) placing of record a ratification by SJAC of the Original Declaration, and (ii) creating rights of entry, access to and across the Access Easement Parcel for the benefit of the Tract 2, Bourbon Street and SJAC make the following ratifications and agreements which shall be incumbent upon all Owners, and which constitute easements and covenants running with Tract 1 and Tract 2 (collectively the "**Properties**").

1. **Ratification of Original Declaration and First Amended Declaration.** SJAC, by its execution and recording of this Agreement, is placing third parties on notice, of record, that SJAC, in its capacity as current owner of Tract 2 as of time that the Original Declaration was executed, hereby ratifies the Original Declaration as if SJAC had executed that instrument, and confirms the binding effect of Original Declaration, as well as the First Amended Declaration upon Tract 2.

2. **Definition.** As used in this Agreement, the following term will have the meaning hereinafter set forth.

"Access Improvements" shall mean the following:

- (a) all paved driveways now or hereafter constructed on the Access Easement Parcel;
- (b) all paved access drives, approaches, entrances and exits from and to West 6th Avenue now or hereafter constructed, altered or relocated on the Access Easement Parcel; and
- (c) such other improvements and facilities now or hereafter located on the Access Easement Parcel as the Owners may from time to time designate as Access Improvements by means of a written supplement to this Declaration.

Both parties acknowledge that SJAC may extend (in the locations set forth on **Exhibit D** hereto) the existing paved driveways currently located in the Access Easement Parcel. Those extensions will be at SJAC's expense and will be constructed in a good and workmanlike manner with concrete of at least the same quality and depth as the existing paved driveways being extended. SJAC's driveway extensions shall, upon completion, be considered to be "Access Improvements" to be maintained per Section 5 below.

"Permitted Vehicles": Passenger vehicles and light service trucks and delivery trucks; provided, however, this definition is not intended to exclude construction vehicles to the extent necessary to perform construction activities on the Properties from time to time.

3. **Grant of Access Easement.** Bourbon Street, as Owner of Tract 1 hereby grants for the benefit of SJAC, as Owner of Tract 2 and its tenants, employees, customers and invitees, the perpetual non-exclusive right and privilege (the "**Access Easement**") to use the Access Improvements on the Access Easement Parcel for pedestrian and, for Permitted Vehicles, vehicular ingress, egress and access to, from and between Tract 2 and West 6th Avenue.

4. **No Obstructions.** Except as reasonably required during periods of maintenance, repair or replacement of the Access Improvements, no Owner shall at any time erect or place, or permit the erection or placement of, any sign, fence, wall, pole, pipe, rope, chain, post, barrier, curb, structure, landscaping, dirt or other obstruction so as to prevent the free flow of traffic over and across the Access Easement Parcel. Nothing contained herein shall be deemed to prohibit stop signs, yield signs, directional arrows and other reasonable traffic control facilities relating to the Access Improvements. The Access Easement Parcel shall not be used for parking.

5. **Maintenance, Repair and Replacement.** The Owner of Tract 2, subsequent purchasers or their successors and assigns, shall each be responsible for their percentage portion of the 15.46 acre (673,546 sq. ft.) development platted and referred to as BOURBON STREET SQUARE, as and for the cost of repair, maintenance or replacement of the roadway as described in the Owner's Restrictive Covenants for Bourbon Street Square Development filed of record with the Payne County Clerk, as amended. The Owner of Tract 2 shall be subject to and comply with the Owner's Restrictive Covenants for Bourbon Street Square Development.

6. **No Dedication.** Nothing contained herein shall be deemed to be a gift or dedication of any portion of the Access Improvements or Access Easement Parcel to the general public or for any public use or purpose whatsoever.

7. **Right to Enforce.** Each Owner shall have the right to enforce the covenants, easements, rights and restrictions as defined in the Owner's Restrictive Covenants of the Bourbon Street Square Development. In addition, the Owners shall be entitled to any other rights and remedies afforded by applicable law or equity. In any action to enforce the provisions of this Agreement, the prevailing party shall be entitled to recover its costs and expenses incurred in connection with such enforcement including, without limitation, reasonable attorneys' fees and expenses incurred in connection with any appeals.

8. **Termination or Amendment; Binding Effect.** The Access Easement with respect to the Access Easement Parcel created and imposed by this Agreement may be terminated, waived, released, amended or changed, in whole or in part, but only upon the express written consent of the then record Owner(s) of all Properties. No such termination or amendment shall be deemed to amend the Original Declaration or First Amended Declaration in any respect. The covenants, easements, rights, restrictions and obligations relating to the Access Easement imposed hereby with respect to the Access Easement Parcel shall bind and inure to the benefit of the Owners and their respective grantees, successors and assigns, and shall be deemed covenants running with the land.

9. **Miscellaneous.** Time is of the essence of this Agreement. This Agreement shall be construed according to the laws of the State of Oklahoma. In the event any provision contained herein is finally determined to be invalid or unenforceable, such invalidity or unenforceability shall not affect the other provisions hereof which can be given effect without such invalid or unenforceable provision, and to this end the provisions hereof are declared to be severable.

10. **Notices.** Notices permitted or required hereunder shall be deemed to be sufficient if in writing and addressed to the applicable Owner at its address as set forth in the introductory paragraph hereof, or to such other address as substituted by an Owner in a manner consistent with the notice provisions hereof, sent either via (i) hand delivery, (ii) certified U.S. Mail, postage prepaid, or (iii) a nationally recognized overnight delivery courier. Notices shall be deemed to be timely made when hand delivered, mailed, or delivered to the overnight courier, as the case may be, and shall be deemed to be received by the other party upon the earlier of actual receipt or three (3) days after the mailing or delivery of the notice to the overnight courier.

IN WITNESS WHEREOF, the Owners have executed this Agreement as of the date first above written.

[Balance of Page Intentionally Left Blank—Signature Pages follow]

SIGNATURE PAGE TO ACCESS EASEMENT AGREEMENT

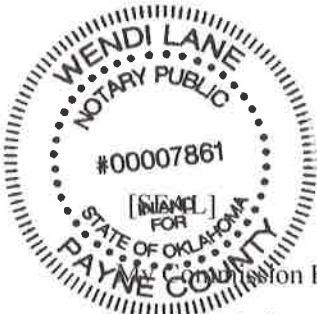
IN WITNESS WHEREOF, the following Owner has caused this instrument to be executed effective as of the date and year first above written.

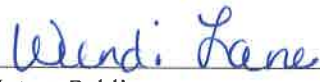
BOURBON STREET SQUARE, L.L.C., an Oklahoma
limited liability company

By: 
Name: Howard Aufleger
Title: Manager

STATE OF OKLAHOMA)
) SS:
COUNTY OF PAYNE)

Acknowledged before me this 23rd day of October, 2023, by HOWARD AUFLEGER as Manager
of **BOURBON STREET SQUARE, L.L.C.**, an Oklahoma limited liability company.




Notary Public

Commission Expires: 5-8-24
My Commission Number: 00007861

SIGNATURE PAGE TO ACCESS EASEMENT AGREEMENT

IN WITNESS WHEREOF, the following Owner has caused this instrument to be executed effective as of the date and year first above written.

SJAC FOOD GROUPS HOLDING LLC, a Georgia limited liability company

By: [Signature]
Name: STERLING COLEMAN
Title: Managing Member

STATE OF Georgia)
COUNTY OF Cobb) SS:
)

The foregoing instrument was acknowledged before me this 26th day of October, 2023, by Sterling Coleman as Managing Member of **SJAC FOOD GROUPS HOLDING LLC**, a Georgia limited liability company.

[Signature]
Notary Public



My Commission expires: 11/19/27
My Commission Number:

EXHIBIT A

Legal Description of the Declaration Parcel

A tract in the East Half (E/2) of the Southwest Quarter (SW/4), of Section Seventeen (17), Township Nineteen (19) North, Range Two (2) East of the I. M. City of Stillwater, Payne County, State of Oklahoma, more particularly described by Josh L. Powers, Licensed Professional Land Surveyor #1652 on June 28, 2007, with a basis of bearing of South 89°27'30" West as shown on the South line of Southwest Quarter of Section 17, Township 19 North, Range 2 East of the I.M.:

Commencing at a P.K. nail also the Southeast Corner (SE/Cor) of Southwest Quarter (SW/4) of said Section;

THENCE, **South 89°27'30" West**, along the South line of the Southwest Quarter (SW/4) of said Section, a distance of **754.23 feet to the POINT OF BEGINNING**;

THENCE, continuing **South 89°27'30" West** along the South line of the Southwest Quarter (SW/4) of said Section, a distance of **564.42 feet** to the Southwest Corner (SW/Cor) of the East Half (E/2) of the Southwest Quarter (SW/4) of said Section;

THENCE, **North 00°27'06" West** along the West line of the East Half (E/2) of the Southwest Quarter (SW/4) of said Section, a distance of **2,643.17 feet** to the Northwest Corner (NW/Cor) of the East Half (E/2) of the Southwest Quarter (SW/4) of said Section;

THENCE, **North 89°28'29" East** along the North line of the Southwest Quarter (SW/4) of said Section to a 1/2" rebar, a distance of **564.77 feet**;

THENCE, **South 00°26'39" East**, a distance of **2,643.01 feet to the POINT OF BEGINNING**.

Said tract of land contains a total area of 1,492,279 square feet or 34.2580 acre more or less, and an area of, less highway right of way, 1,383,893 square feet or 31.7698 acres more or less.

EXHIBIT B

**Legal Description of Tract 2
SJAC Property**

A tract of land lying in the Southwest Quarter of Section Seventeen (17), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, Oklahoma, being more particularly described as follows:

COMMENCING at the southeast corner of said Southwest Quarter;

THENCE **South 89°27'06" West**, along the south line of said Southwest Quarter, a distance of **1319.55 feet** to the southwest corner of the East Half of said Southwest Quarter;

THENCE **North 00°27'48" West**, along the west line of said East Half, a distance of **191.84 feet** to a point on the north right of way line of State Highway 51 (West 6th Avenue) as established by Warranty Deed recorded in Book 191, page 32, Payne County Records and the **POINT OF BEGINNING**;

THENCE continuing **North 00°27'48" West**, along said west line, a distance of **300.00 feet**;

THENCE **North 89°24'48" East**, parallel with aforesaid right of way line, a distance of **145.00 feet**;

THENCE **South 00°27'48" East**, parallel with said west line, a distance of **300.00 feet** to a point on the north right of way line of said State Highway 51;

THENCE **South 89°24'48" West**, along said right of way line, a distance of **145.00 feet** to the **POINT OF BEGINNING**.

EXHIBIT C

LEGAL DESCRIPTION OF TRACT 1

A TRACT OF LAND THAT IS PART OF THE EAST HALF OF THE SOUTHWEST QUARTER (E/2 SW/4) OF SECTION SEVENTEEN (17), TOWNSHIP NINETEEN (19) NORTH, RANGE TWO (2) EAST OF THE INDIAN MERIDIAN, PAYNE COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION 17;

THENCE **SOUTH 89°27'12" WEST** ALONG THE SOUTH LINE OF SAID SW/4 FOR **753.84 FEET** TO A POINT;

THENCE **NORTH 00°26'39" WEST** FOR **192.21 FEET** TO A FOUND 5/8" IRON PIN ON THE NORTH RIGHT OF WAY LINE OF STATE HIGHWAY 51;

THENCE **SOUTH 89°24'58" WEST** ALONG SAID RIGHT OF WAY LINE FOR **175.28 FEET**;

THENCE **NORTH 00°26'39" WEST** FOR **200.50 FEET** TO THE **POINT OF BEGINNING** OF SAID TRACT OF LAND;

THENCE CONTINUING **NORTH 00°26'39" WEST** FOR **141.61 FEET**;

THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 43°15'00", A RADIUS OF 77.50 FEET, A CHORD BEARING OF NORTH 23°07'22" WEST, AND A CHORD DISTANCE OF 57.12 FEET FOR AN ARC LENGTH OF 58.50 FEET;

THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 43°27'56", A RADIUS OF 122.50 FEET; A CHORD BEARING OF NORTH 23°00'54" WEST AND A CHORD DISTANCE OF 90.72 FEET FOR AN ARC LENGTH OF 92.93 FEET;

THENCE **NORTH 00°26'39" WEST** FOR **138.86 FEET**;

THENCE **SOUTH 89°27'30" WEST** FOR **332.54 FEET** TO A POINT ON THE WEST LINE OF SAID E/2 SW/4;

THENCE **SOUTH 00°26'51" EAST** ALONG SAID WEST LINE FOR **317.82 FEET**;

THENCE **NORTH 89°24'58" EAST** PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF STATE HIGHWAY 51 FOR **145.00 FEET**;

THENCE **SOUTH 00°26'51" EAST** PARALLEL WITH SAID WEST LINE FOR **300.00 FEET** TO A POINT ON SAID RIGHT OF WAY LINE;

THENCE **NORTH 89°24'58" EAST** ALONG SAID RIGHT OF WAY LINE FOR **47.00 FEET**

THENCE **NORTH 00°26'51" WEST** FOR **200.97 FEET**;

THENCE **NORTH 89°33'09" EAST** FOR **197.36 FEET** TO THE **POINT OF BEGINNING** OF SAID TRACT OF LAND.

EXHIBIT D

Legal Description of Access Easement Parcel

A TRACT OF LAND THAT IS PART OF THE EAST HALF OF THE SOUTHWEST QUARTER (E/2 SW/4) OF SECTION SEVENTEEN (17), TOWNSHIP NINETEEN (19) NORTH, RANGE TWO (2) EAST OF THE INDIAN MERIDIAN, PAYNE COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION 17;

THENCE SOUTH 89°27'12" WEST ALONG THE SOUTH LINE OF SAID SW/4 FOR 753.84 FEET TO A POINT;

THENCE NORTH 00°26'39" WEST FOR 192.21 FEET TO A FOUND 5/8" IRON PIN ON THE NORTH RIGHT OF WAY LINE OF STATE HIGHWAY 51;

THENCE SOUTH 89°24'58" WEST ALONG SAID RIGHT OF WAY LINE FOR 372.63 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 89° 24' 58" WEST A DISTANCE OF 47.00 FEET TO A FOUND 1/2" IP;

THENCE NORTH 00° 26' 51" WEST A DISTANCE OF 300.00 FEET TO A SET 3/8" IP;

THENCE SOUTH 89° 24' 58" WEST A DISTANCE OF 145.00 FEET TO FOUND 1/2" IP;

THENCE NORTH 00° 26' 51" WEST A DISTANCE OF 25.00 FEET;

THENCE NORTH 89° 24' 58" EAST A DISTANCE OF 192.00 FEET;

THENCE SOUTH 00° 26' 51" EAST A DISTANCE OF 325.00 FEET TO THE **POINT OF BEGINNING**.

February 9, 2024

To Whom it May Concern,

I am the manager of Bourbon Street Square, LLC, owner of the property to the east and north of the property owned by SJAC Holdings, the subject of a setback variance along the eastern property line. Bourbon Street Square LLC has no objection to the proposed variance and expects the proposed project to be a nice addition to our development. The setback variance will not affect our development in any meaningful way as the propose project complies with out architectural and use guidelines. WE are in support of this variance and would appreciate the Board of Adjustments approval of such.

Sincerely

A handwritten signature in blue ink, appearing to read 'H. Aufleger', with a long, sweeping horizontal stroke extending to the right.

Howard Aufleger

Manager

Bourbon Street Square, LLC

**STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF February 1, 2024
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED January 31, 2024
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
Jacquelyn Porter, City Planner
Diana Hood, Associate Planner
Cindy Gibson, Admin. Services Manager
Ally Maged, Admin. Assistant

Guests:

Steven Gose
Melissa Higgins

1. CALL MEETING TO ORDER.

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

The following individuals are sworn in:

Stephen Gose Dianna Hood Melissa Higgins
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.

Melissa Higgins, Ideal Homes comes to speak on the following:

- Parking lot attached to model home to help alleviate traffic in the street.
- Asphalt paving with a concrete approach for 6 to 8 cars.
- For those visiting home and also construction vehicles that take up space
- Code enforcement frequently asks them to move vehicles for congestion, this

alleviates that

- Has reference photos of one built in Edmond and proposed photo of current build

Vice-Chair Houck asks if they would be willing to remove the lot when it is no longer needed for the display home. Mrs. Higgins responds yes, when the neighborhood gets close to being built out, they will remove it and put a residential house there.

Vice-Chair Houck asks if a conditional variance, pending the removal of the lot, would be accepted. Mrs. Higgins agrees and states again that the lot will be transformed into a traditional home.

Ms. Tammy Ewing, Assistant City Attorney, asks when the applicant would consider this not necessary for a parking lot. Mrs. Higgins responds that they still have 3 more sections for the developments and they are trying for around 5 years.

Chair Wiles asks if anyone else would like to speak in favor; none respond. Chair Wiles asks if anyone would like to speak in opposition; none respond. Chair Wiles closes the public hearing and invites staff to present the 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

Mr. Rice moves to approve on the grounds that the structure is temporary in nature based on criteria #1: The ordinance creates an unnecessary hard ship due to traffic; criteria #2: The conditions are particular to the property it being on a construction area of a developing neighborhood; criteria #3: It would not cause detriment to the public good as it is temporary and alieves traffic; and criteria #4: relief if granted it would relieve the hardship of parking concerns.

Vice-Chair Houck moves to approve a conditional variance tied to the model home with a 2-year limit or when 90% of the homes are sold in the development whichever comes first.

Ms. Ewing asks if it would affect the variance if the lots are not sold in that time; staff comments that the use will expire at the end of the 2 years or if 90% of the lots in the subdivision are not sold, the applicant would need to apply for another variance.

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

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

Time: 16 minutes

- b. Gose & Associates on behalf of Riggins Ventures, LLC, **VARIANCE (VAR23-20)**, requesting granting of a variance to Sec. 23.137(d)(2)d.2 for a setback on a corner lot at 718 S. Knoblock.

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

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

Vice Chair Houck asks if this was included in the original design and just missed on the application or if this was something new added. Ms. Porter clarifies this was always part of the plan it just was not included on the original variance application

Chair Wiles opens the public hearing and asks if there is anyone who wishes to speak in favor of the item.

Stephen Gose of Gose and Associates, 113 E 8th Avenue comes to speak on the following:

- Reiterates that they forgot to add this to the original application since the original one was for side setbacks and it did not address the secondary frontage setback needed for this property.
- The ordinance states its 15" but allows for 50% on in this circumstance so what they're asking for is actually a variance of 7.5" required to the desired 5" set back.

Chair Wiles asks if there is anyone that wishes to speak in in favor or in opposition; none respond. Chair Wiles closes the public hearing.

Chair Wiles invites 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

Chair Wiles states that he doesn't see a conflict with approving this request as approval was granted previously to other sections. Chair Wiles moves to approve based upon criteria #1: the other variance requests for this were approved and this one was meant to be included it would create an unnecessary hardship to disapprove this one in addition the applicant has provided letters demonstrating the criteria for approval is met for this property as well; criteria #2: the conditions are peculiar to this property as the surrounding ones have already been granted this variance; criteria #3: no detriment that would be caused by granting this; and criteria #4: since the others are already approved approving this would be the minimum necessary to alleviate the hardship.

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

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

Time: 9 minutes

3. Minutes for Discussion and Possible Action:

- a. Regular Meeting Minutes of November 2, 2023
- b. Regular Meeting Minutes of December 7, 2023

Chair Wiles asks if there are any changes and/or corrections; none respond.

Vice-Chair Houck moves to approve, Chair Rice seconds.

Roll Call:	Wiles	Rice	Houck	Hammon	Vacant
------------	-------	------	-------	--------	--------

	Yes	Yes	yes	Absent	
--	-----	-----	-----	--------	--

Time: 2 minutes

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

- a. Next Board of Adjustment meeting Thursday, March 07, 2024.
- b. Miscellaneous items from staff
 - Ms. Porter announces the first comprehensive plan meeting for the public will be held February 13th at the community center from 5pm-6:30pm and since it is publically announced board members are all welcome.

4. **ADJOURNMENT.**

Adjournment called by Chair Wiles, Vice-Chair Houck seconds.

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

Time: 1 minute

This regular meeting of the Board of Adjustment adjourned at approximately 5:57 p.m.

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

Approved by: _____
Stillwater Board of Adjustment