

**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 hardship 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 alleviates 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
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	Yes	Yes	yes	Absent	
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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.**

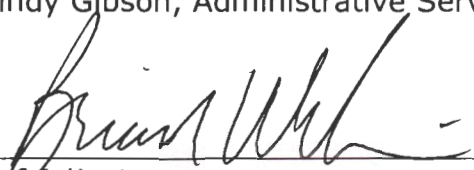
Adjournment called by Chair Wiles, Vice-Chair Houck seconds.

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