

BOARD OF ADJUSTMENT MEETING AGENDA
JULY 10, 2025



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

Chair Bryan Langford-Loftis, Vice-Chair Micah Sexton and Rob Lamecker

- 1. Call Meeting to Order
- 2. Public Hearing

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

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| a. | Receive public comment regarding a Variance (VAR25-03) to City Code, Chapter 23, Section 23-136(d)2.b and Sec. 23-136(d)2.c for setbacks in the Large Lot Single Family Residential (RSL) zoning district and to Chapter 37, Sec. 37-135 Table/Figure A for maximum residential driveway slope requirements at property addressed as 6309 W. Mesa Circle. | David Barth |
| b. | Receive public comment regarding a Variance (VAR25-04) to City Code Chapter 37, Sec.37-135, Table/Figure A for maximum residential driveway slope requirements at the property addressed as 1709 S Hidden Oaks Drive. | David Barth |

3. Meeting Summary for Review and Possible Action:

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| a. | Regular meeting minutes of September 12th, 2024. |
| b. | Regular meeting minutes of October 3rd, 2024. |

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

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| a. | Next regular meeting is August 7th, 2025. |
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5. Adjourn

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

NOTE: The Board of Adjustment may take action including a vote or series of votes on all items listed on this agenda unless the item specifically indicates that no action will be taken. The City of Stillwater encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, please notify the Community Development Desk at least 48 hours prior to the meeting by calling 405.742.8220.

Date of Meeting: July 10, 2025
Subject: Variance to Chapter 23, Article V, Division 4, Section 23-136(d)2b for Side Yard Setback Requirement, Section 23-136(d)2c for Rear Yard Setback Requirements, & Chapter 37, Article III, Division 3, Section 37-135 as it pertains to driveway slope requirements.
Project Name: VAR25-03
Location: 6309 W. Mesa Circle

BACKGROUND

The applicant is requesting a variance for relief from the side and rear yard setback requirements as well as the residential driveway requirements. This site is one of the several residences destroyed by the wildfires that blew through the southwest part of Stillwater on March 14, 2025. This residence is in the Hidden Oaks subdivision which was originally outside of the City Limits and the county has no zoning regulations. When Hidden Oaks was annexed into the City Limits it was zoned Large Lot Single-Family (RSL) and the home at 6309 W. Mesa Circle was already constructed. The rear of the home prior to the fire was 12 feet from the rear property line. The existing driveway approach exceeds 15% and Mesa Circle is a private street. The City has a waterline that crosses under the driveway approach.

CODE APPLICATION

Sec. 23-136. - RSL Large Lot Single-Family Residential District.

- (d) *Bulk regulations.* The height and area requirements in the RSL district are as follows:
 - (2) Setbacks. The following are the minimum required setbacks in the RSL district:
 - b. Minimum side yard:
 - 1. Residential structures: Ten feet.
 - 2. All other uses: 20 feet.
 - c. Minimum rear yard: 25 feet.

Sec. 37-135. – Figures A and B

Figure “A” Continued
10% to 15% Drive Slope

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 has reviewed the application, letter of justification and other submitted materials, and is of the opinion that the applicant meets all four criteria required for granting a variance. Staff recommends approval of this request.

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| Prepared by: | Josh Brown, Development Coordinator |
| Date of Preparation: | June 26, 2025 |
| Attachments: | Application, Letter of Justification, Section 37-135 Figure 'A' Continued, Section 23-136 RSL Bulk Standards, Proposed Plot Plan |

**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 ~~X~~ Minor Variance

Title of Subdivision/Plan: HIDDEN OAKS 1ST SECTION
 Owner(s) of Property: LEWIS & MARY KELLISON
 Owner(s) Address: 6309 W MEZA CIRCLE - SUBJECT PROPERTY
 Owner(s) Phone/Fax/Email: _____
 Applicant(s) Name: JERRY STOLL - MAX SQUARE CONSTRUCTION
 Applicant(s) Address: 5623 E 19TH AVE STILLWATER 74074
 Applicant(s) Phone/Fax/Email: 405 612 5822 JERRY@MAXSQUARE.NET
 Location of Property: 6309 W MEZA CIRCLE STILLWATER

Chapter, Article, Section, City Code from which the action is requested: PROPERTY ZONED RSL REQUIRING 25 FT REAR SETBACK FOR BUILDING

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 | JB |
| WAIVED | 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@stillwaterok.gov . | JB |
| N/A | 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. | City |
| ✓ | 5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable. | JB |
| ✓ | 6.) Original mortgage or field survey, if applicable. | JB |
| ✓ | 7.) <u>Variations only</u> – Written explanation justifying how the request meets the criteria for approval of a variance. <u>Please see and complete Pages 3 & 4 of this application or feel free to attach separately.</u> | JB |
| ✓ | 8.) Any other documents, information, etc. to assist the Board in making a decision. | |


Findings Necessary for Granting Variances

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

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
2. Such conditions are peculiar to the particular piece of property involved;
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Certification:

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

Applicant  Date 5/19/25
JERRY STOLL

Owner/Agent (provide documentation) MARY KELLISON Lewis A. Kellison III Date 5/19/25
M. Kellison LK III

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

Submission Date: _____ Processing Tract: IRC _____, BOA _____
 Approval Date: _____ Fees: _____ Number of Copies: _____

This is for rebuilding a home destroyed in the wildfire of March 14th.

Hidden Oaks was annexed and classified as RSL after numerous homes were already built. The neighborhood covenants required homes to be built 20 ft from the rear property line and no requirements were made for building setback on the sides of the lot. Homes were built that violated the 20 ft rear setback line despite the setback listed in the neighborhood covenants.

The addition once annexed was zoned RSL requiring a 25 ft rear setback line and 10 ft side setback lines. Homes not meeting the setback requirement are not uncommon to Hidden Oaks including lots adjoining the subject property. Some of those homes were destroyed in the same wildfire and may require similar variances and some survived.

The original home built at 6309 Mesa Circle was only 12 ft from the rear property line despite the neighborhood covenants stating a 20 ft rear setback line. The slope of the lot also caused challenges with the driveway slope so sections of it were up to 23% grade, higher than the current 15% grade requirement. It has been requested by the city of Stillwater that we attempt to retain and reuse the street approach section of the driveway (5 ft section that replaces the street curb with initial driveway slope) that transitions the street to the driveway. We have completed engineering work to rebuild the home and best fall within current standards but have challenges with the three items mentioned. We have redesigned the footprint of the home and balanced elevation of the home with challenges of storm water handling and driveway slope as well. We feel the requested variances have been minimized with our design efforts and are improvements over the original home and are smaller variances than other homes in the neighborhood therefore meet the criteria for being minimum necessary to alleviate the unnecessary hardship.

Item 1) Rear setback requirement of 25 ft. The RSL zoning requires a 25 ft rear setback line. There is not sufficient space on the lot to rebuild the home between the front setback line of 50 ft and the RSL required 25 ft rear setback line. We do not wish to rebuild to the original 12 ft from the rear property line but we do need to be allowed to use a 20 ft setback line instead of 25 ft. This request is the most serious of the 3 as if not granted creates a hardship for the homeowner being able to rebuild the home on their lot.

Item 2) Driveway Slope greater than 15%. The original driveway has slopes up to 23% grade. We have made every attempt to fall within the 15% grade requirement by way of setback from the road and elevation of the home. A new driveway is designed to meet the 15% grade requirement and it is our desire to build to that design. We fully intend to not need a variance for driveway slope but request the approval to avoid risk if we are unsuccessful.

The section of driveway with 23% grade is still in place and can be used with the new home if a variance is not allowed. The transition from the street and the unknown depth of buried utilities under the driveway post a small risk to meeting the 15% grade requirement. We feel it is in everyone's best interest to approve a variance for the first 5 to 10 feet of driveway from the road so we can remove the 23% grade section that is still in place without fear of problems at the end of construction. If the variance is needed we expect to only need to be slightly over 15% in this area.

Item 3) **Retaining existing street approach.** I have been told during informal meetings that it is the city's desire that we retain and reuse the street approach sections of the driveways in rebuilding these homes. To reuse the street approach on 6309 Mesa Circle and to have the driveway align correctly with the home we would need to position the home in a location where the northeast corner falls 8 feet from the property line to the east. The RSL requires a 10 ft setback as opposed to the typical 5 ft setback.

The hardship involved is simply that if we are to meet that 10 ft side setback line it will require moving the home 2 feet to the west then removing and replacing all or part of the street approach. This also causes us to remove one of only a few remaining mature trees on this lot and excavating where there are buried utilities.

Note that there is no structure close to the proposed NE corner of the new home on the lot to the east. That home and shop are much further back on the lot. We would not be crowding an existing home. The 8 ft setback allows sufficient space for storm water control per plan.

Board of Adjustment Applicant's Letter of Justification:

Criteria #1: The application of the ordinance to the particular piece of property would create an unnecessary hardship

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| Item 1) Rear setback requirement of 25 ft. There is not sufficient space on the lot to rebuild the home between the front setback line of 50 ft and the RSL required 25 ft rear setback line |
| Item 2) Driveway Slope greater than 15%. The original driveway has slopes up to 23% grade. Variance not granted forces us to retain the 23% grade portion of the drive instead of minimizing to near 15%. |
| Item 3) Retaining existing street approach. Not granting variance to side setback line forces removal and replacement of all or part of street approach. |

Criteria#2: Such conditions are peculiar to the particular piece of property involved

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| Item 1) Rear setback requirement of 25 ft. Lot as originally platted lacks depth to build with RSL setbacks enforced but is a buildable lot with the rear setback reduced to 20 ft. |
| Item 2) Driveway Slope greater than 15%. Peculiar to this lot but not uncommon in the neighborhood. |
| Item 3) Retaining existing street approach. Yes. Grade of existing driveway has steeper than allowed grade in the first 10 feet. Concern with utility depth under this area. |

Criteria #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

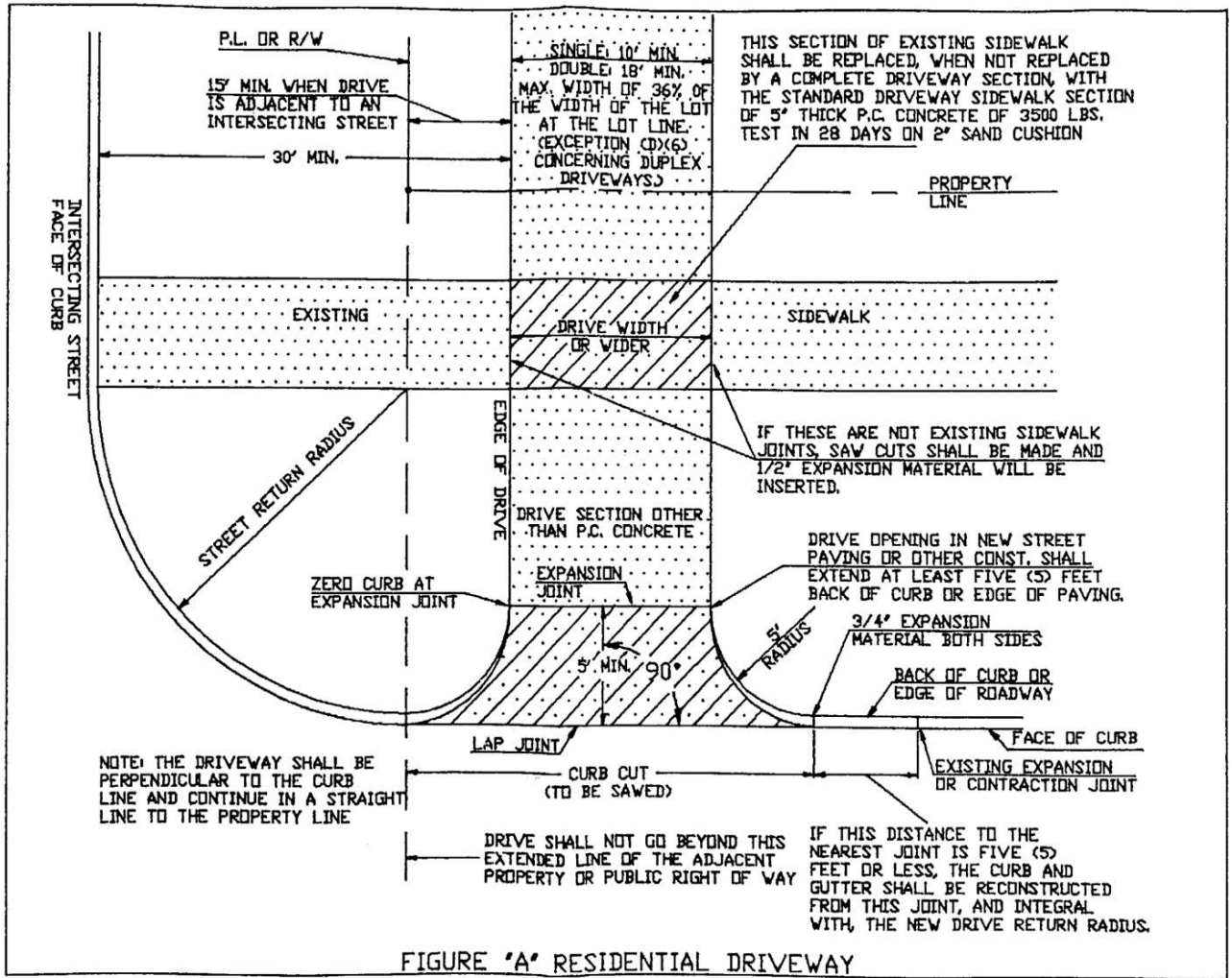
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|---|
| Item 1) Rear setback requirement of 25 ft. With variance allowed the new home will be 8 ft plus further from the lot line than original home. Other homes in the nearby will still violate the 25 ft rear setback. |
| Item 2) Driveway Slope greater than 15%. Peculiar to this lot but not uncommon in the neighborhood. |
| Item 3) Retaining existing street approach. Granting 2 ft encroachment of east setback line will not crowd any existing or likely future structures. Other homes will still violate the 10 ft side setback. |

Criteria #4: The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship

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| Item 1) Rear setback requirement of 25 ft. Yes. Home design has been modified and elevation |
| engineered to reduce the variance to a minimum. We will likely only use part of the variance distance. |
| Item 2) Driveway Slope greater than 15%. Yes. If needed, the variance will only slightly exceed the 15% |
| slope. Will not be near the 23% slope we would remove. |
| Item 3) Retaining existing street approach. Yes. |
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Sec. 37-135. - Figures A and B.

The following are figures A and B which are referenced to in this division.



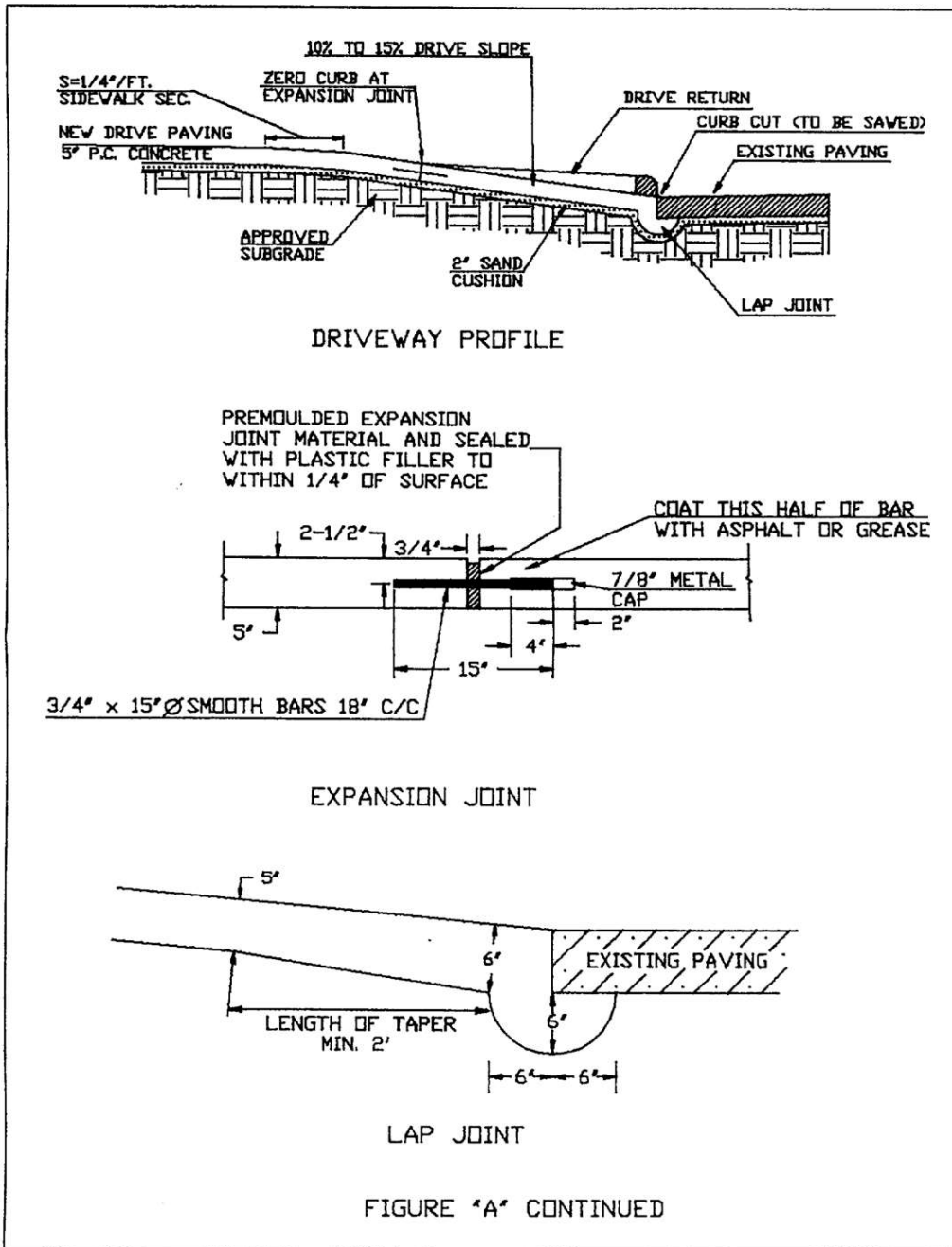


FIGURE "A" CONTINUED

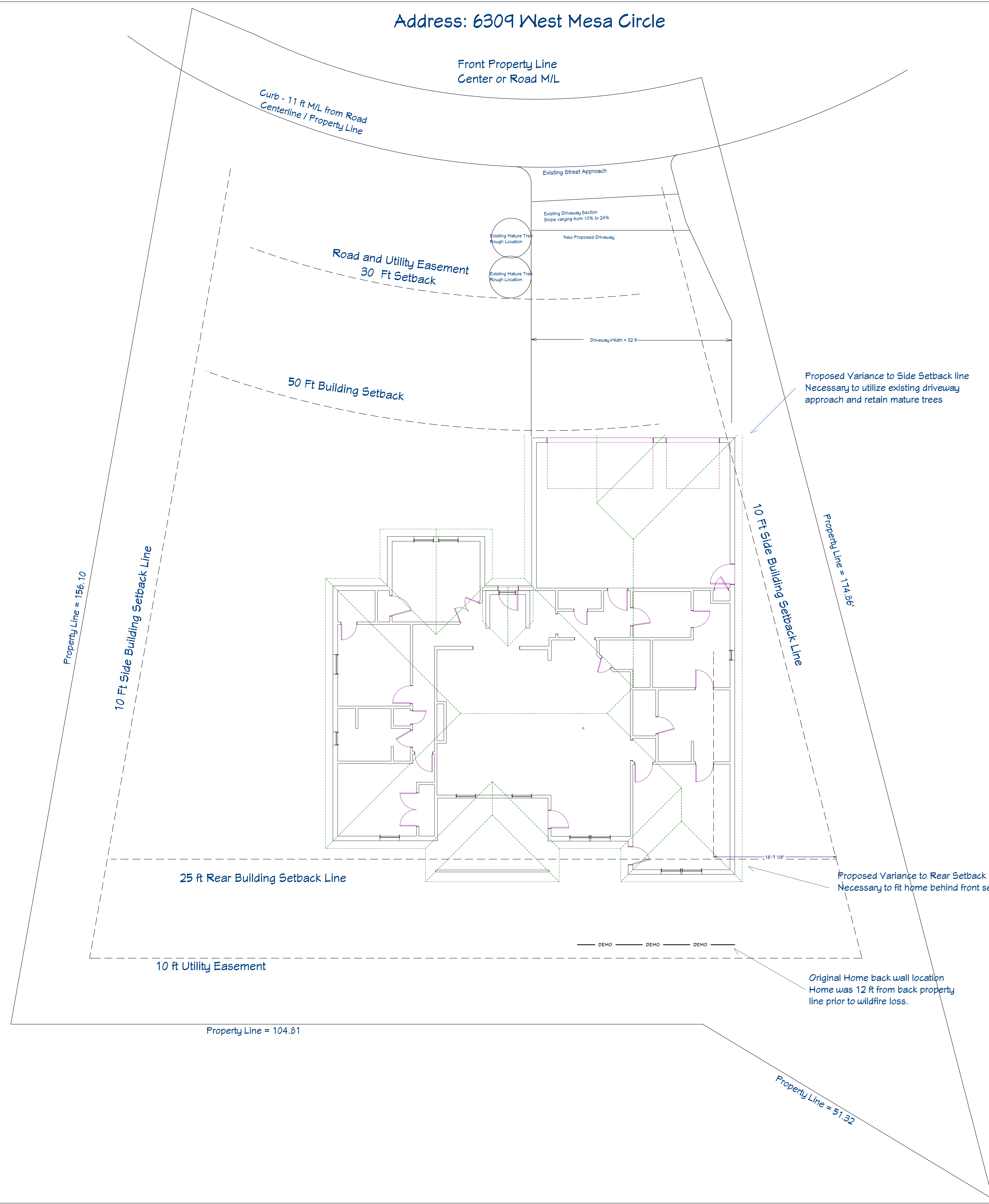
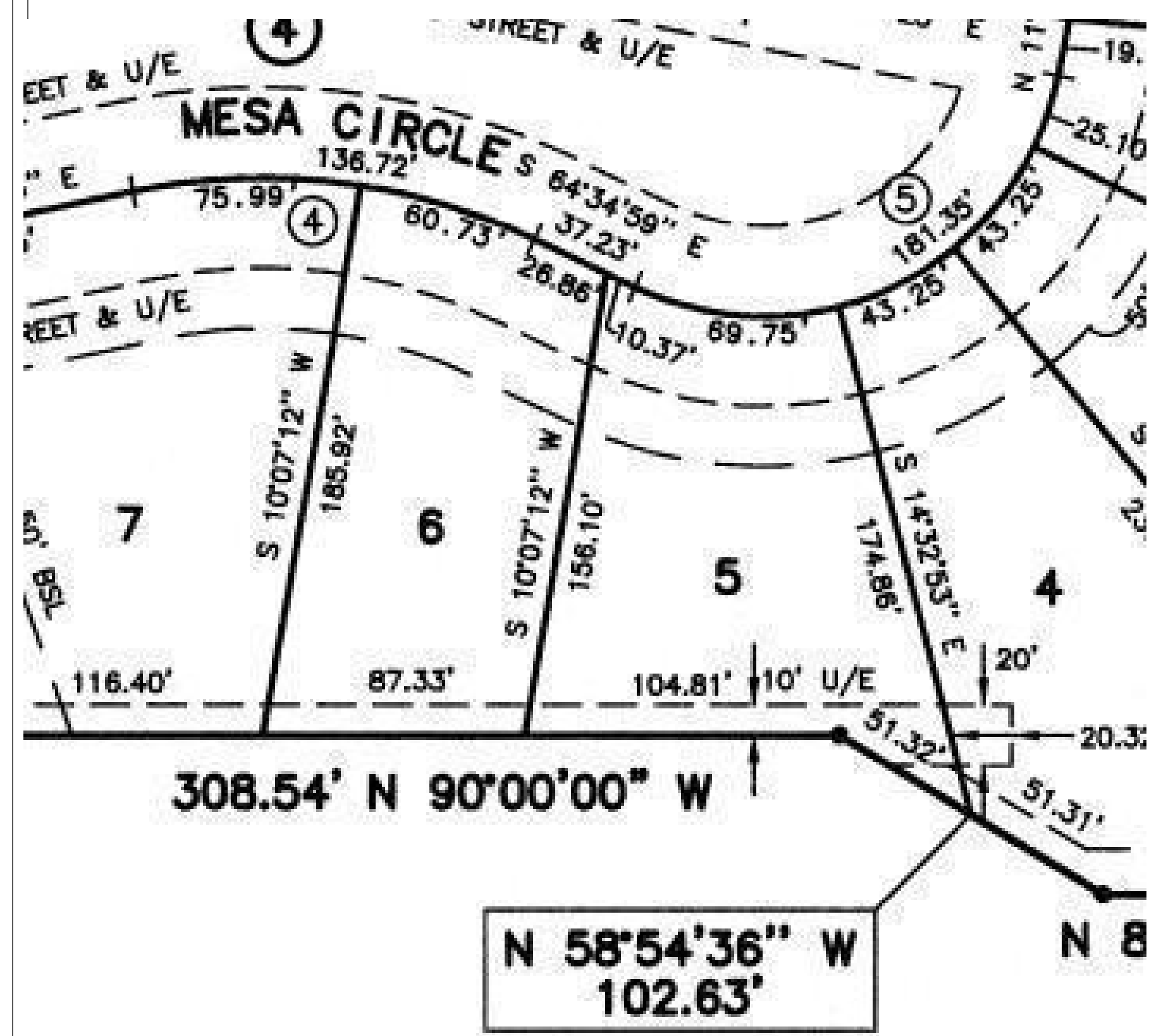
Sec. 23-136. - RSL Large Lot Single-Family Residential District.

- (a) *Permitted by right.* The following uses are permitted by right in the RSL Large Lot Single-Family Residential District:
- (1) Conventional single-family.
 - (2) Residential design manufactured home.
- (b) *Specific use permit.* The following uses are permitted by specific use permit in the RSL district:
- (1) Accommodation: Bed and breakfast only.
 - (2) Boardinghouse/roominghouse.
 - (3) Child and adult care services.
 - (4) Educational services.
 - (5) Churches and other religious institutions.
- (c) *Lot size requirements.* The lot size requirements in the RSL district are as follows:
- (1) Minimum lot area: 10,000 square feet.
 - (2) Minimum lot width: 75 feet.
 - (3) Minimum lot depth: 125 feet.
- (d) *Bulk regulations.* The height and area requirements in the RSL district are as follows:
- (1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: 35 feet.
 - (2) **Setbacks.** The following are the minimum required setbacks in the RSL district:
 - a. **Minimum front yard:**
 1. 20 feet from all property boundaries abutting a right-of-way or road/access easement.
 2. 10 feet from all property boundaries abutting an alley.
 - b. **Minimum side yard:**
 1. Residential structures: Ten feet.
 2. All other uses: 20 feet.
 - c. Minimum rear yard: 25 feet.
 - (3) Maximum lot coverage: 35 percent.
- (e) *Exceptions.* The following are the exceptions in the RSL district:
- (1) For all structures, the minimum side yard for this district shall be increased an additional three feet for each adjacent story above the first story.
 - (2) For development on property that abuts any local street that currently has 100 feet of continuous right-of-way for the entire block, the front yard setbacks may be reduced by up to 50 percent.

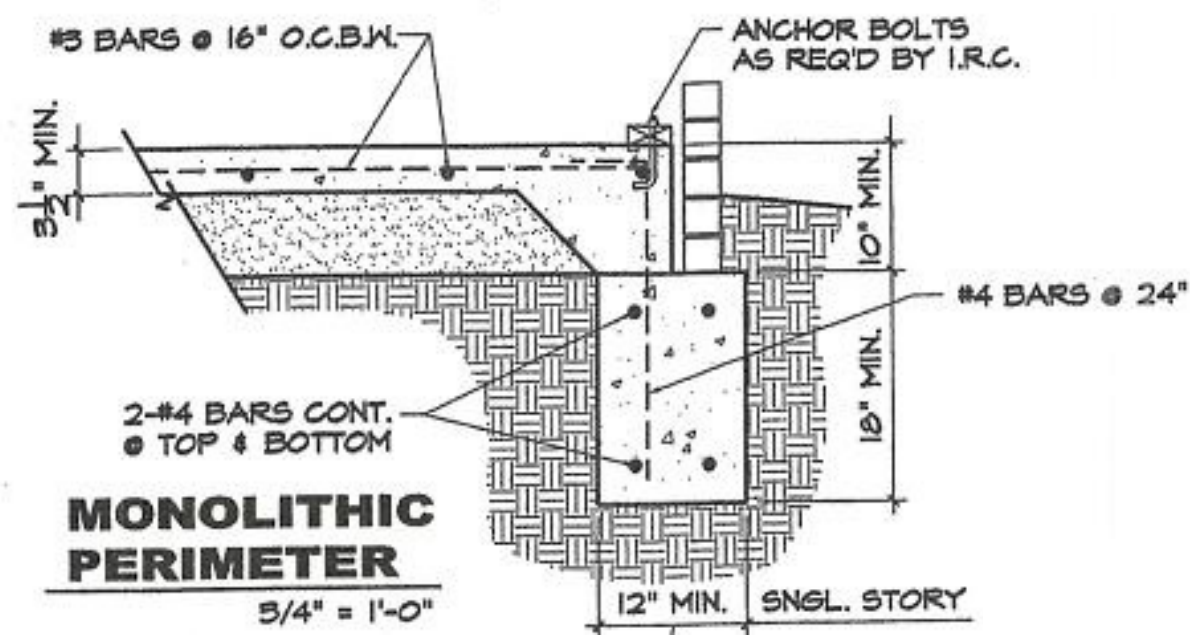
(3) Not more than one principal structure shall be located on a lot, unless specifically exempted.

(Ord. No. 3023, § 1(23.136), 3-3-2008; Ord. No. 3051, § 14, 12-15-2008; Ord. No. 3221, § 7, 2-21-2013)

Address: 6309 West Mesa Circle



Footing Cross Section
Per City of Stillwater Requirements
For Soil with P.I. of 29 or less



| REVISION TABLE | |
|----------------|------|
| NUMBER | DATE |
| | |
| | |
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| | |
| | |

Plot Plan

MaxSquare Constuction
6309 W Mesa Circle

DRAWINGS PROVIDED BY:
Drawn by:
Jerry Stoll
jerry@maxsquare.net

DATE:

7/7/2025

SCALE:

1/8" = 1'

SHEET: 1

Rev -

Date of Meeting: July 10, 2025
Subject: Variance to Chapter 37, Article III, Division 3, Section 37-135 as it pertains to driveway slope requirements.
Project Name: VAR25-04
Location: 1709 S Hidden Oaks Drive

BACKGROUND

The applicant is requesting a variance for relief from the residential driveway requirements. This site is one of the several residences destroyed by the wildfires that blew through the southwest part of Stillwater on March 14, 2025. This residence is in the Hidden Oaks subdivision which was originally developed outside of the City Limits and the streets within the subdivision are private. Drives connecting to private streets within the county were not required to meet the City’s driveway regulations. This residence, like many others in the area was annexed into the City of Stillwater after the home and driveway were built. To reconstruct the home that was destroyed, the property owner must obtain a building permit and follow all City Codes now that the property is within the City Limits.

CODE APPLICATION

Sec. 37-135. – Figures A and B

Figure “A” Continued
10% to 15% Drive Slope

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 has reviewed the application, letter of justification and other submitted materials, and is of the opinion that the applicant meets all four criteria required for granting a variance. Staff recommends approval of this request.

Prepared by: Josh Brown, Development Coordinator
Date of Preparation: June 26, 2025
Attachments: Application, Letter of Justification, Section 37-135
Figure 'A' Continued, Proposed Plot Plan

**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 ~~X~~ Minor Variance

Title of Subdivision/Plan: HIDDEN OAKS 2nd SECTION
 Owner(s) of Property: JARED & NATALIE NOLES
 Owner(s) Address: 1709 S HIDDEN OAKS
 Owner(s) Phone/Fax/Email: _____
 Applicant(s) Name: JERRY STOLL - MAX SQUARE CONSTRUCTION
 Applicant(s) Address: 5623 E 19th AVE STILLWATER 74074
 Applicant(s) Phone/Fax/Email: 405 612 5822 JERRY@MAXSQUARE.NET
 Location of Property: 1709 S HIDDEN OAKS STILLWATER

Chapter, Article, Section, City Code from which the action is requested: 15% MAXIMUM SLOPE ON DRIVEWAY

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 | JS |
| WAIVED | 2.) Filing fee - \$140 | N/A |
| ✓ | 3.) A typewritten and electronic/digital copy of the legal description of the subject property, capable of being reproduced and emailed to digitals@stillwaterok.gov . | JB |
| N/A | 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. | City |
| ✓ | 5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable. | JS |
| ✓ | 6.) Original mortgage or field survey, if applicable. | JS |
| ✓ | 7.) <u>Variations only</u> – Written explanation justifying how the request meets the criteria for approval of a variance. Please see and complete Pages 3 & 4 of this application or feel free to attach separately. | JB |
| ✓ | 8.) Any other documents, information, etc. to assist the Board in making a decision. | |


Findings Necessary for Granting Variances


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

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
2. Such conditions are peculiar to the particular piece of property involved;
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Certification:

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

Applicant  Date 5/19/25
JERRY STOLL

Owner/Agent (provide documentation)  Date 5-19-25

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

Submission Date: _____ Processing Tract: IRC _____, BOA _____
 Approval Date: _____ Fees: _____ Number of Copies: _____

This Request is for rebuilding a home destroyed in the wildfire of March 14th.

Hidden Oaks was annexed and classified as RSL after numerous homes were already built. The neighborhood covenants required homes to be built 20 ft from the rear property line and no requirements were made for building setback on the sides of the lot. The addition once annexed was zoned RSL requiring a 25 ft rear setback line and 10 ft side setback lines. Numerous homes in the neighborhood have issues with driveway slope being greater than the current 15% grade requirement and not meeting the setback requirements. Some of those homes were destroyed in the same wildfire and may require variances for setback and driveway slope when rebuilt.

The original home built at 1709 Hidden Oaks Drive met the setback requirements of RSL and was placed tight at the edge of the 50 ft front setback line. The slope of the lot also caused challenges with the driveway slope such that much of the driveway was installed at a 23% to 24% grade, higher than the current 15% grade requirement. Only a 10 ft section of the original drive was below the 15% grade requirement. This driveway was undesirable for the homeowners as well as City of Stillwater.

It is the homeowners desire that we rebuild their home with a much more usable driveway slope. We have completed Engineering work required to meet the 15% slope requirement. It is possible to do this and to meet the City of Stillwater's request that we attempt to retain and reuse the street approach section of the driveway (5 ft section that replaces the street curb with initial driveway slope) that transitions the street to the driveway. On paper we can meet the 15% slope requirement but any variance in construction puts us at risk of being slightly over. Likewise making a smooth transition from the existing street approach to the new driveway is desirable and may require a very short portion of the driveway to be above 15%.

We have redesigned the footprint of the home and balanced elevation of the home with challenges of storm water handling and driveway slope as well. The home has been reshaped and moved back on the lot as far as possible within the RSL requirements making the garage door 12 feet further back than where it originally was to allow a longer and shallower slope driveway.

Granting this variance allows us to remove the existing 24% grade portion of the driveway with confidence that if we do need to go slightly above 15%, for even a small section of the new driveway we will not face delays or last minute challenges to completing the home. We feel the requested variances have been minimized with our design efforts and are improvements over the original home. Additionally, these represent a smaller variance than other homes in the neighborhood and meet the criteria for being minimum necessary to alleviate the unnecessary hardship.

Board of Adjustment Applicant's Letter of Justification:

Criteria #1: The application of the ordinance to the particular piece of property would create an unnecessary hardship

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|---|
| The original driveway has slopes up to 24% grade. Variance not granted forces us to retain the 24% |
| grade portion of the drive instead of minimizing to near 15%. The original driveway sections with slopes |
| above the 15% grade requirement have been retained after removal of the home. Granting a variance |
| allows us to remove those higher grade sections with confidence that if we must go slightly over 15% |
| with the new driveway we will not be adding risk or delays to the project. Engineering calculations show |
| that to be possible but very little contingency and with retaining existing street approach as requested. |

Criteria#2: Such conditions are peculiar to the particular piece of property involved

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| |
| Driveway Slope greater than 15%. Peculiar to this lot but grades over 15% are not uncommon in the |
| neighborhood. |
| |
| |

Criteria #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

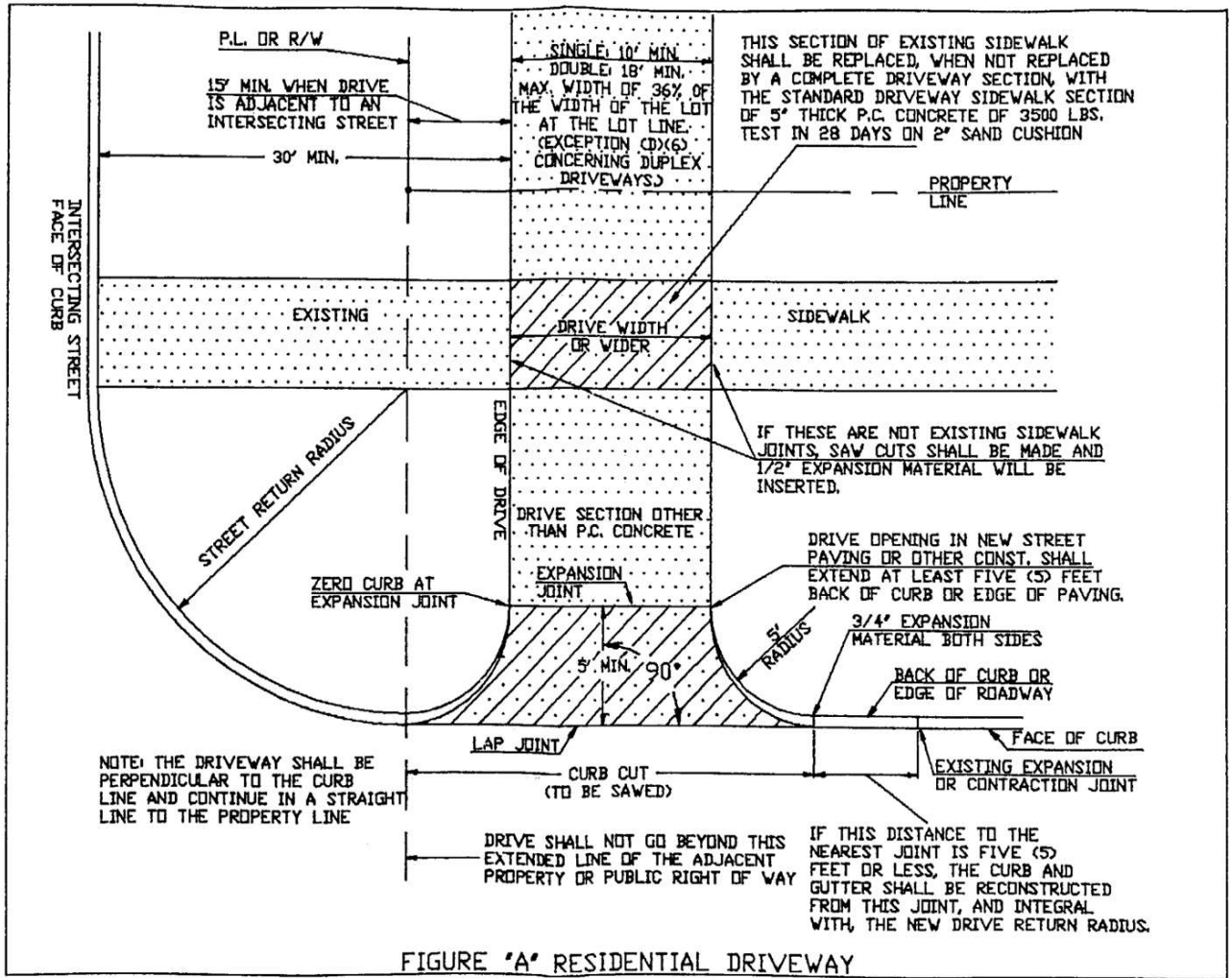
| |
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| |
| The new driveway, even if a portion is greater than 15%, will be at a much lower grade than the 24% |
| that we are replacing. We know of no detriment to the public good but if there was any detriment at |
| 24% grade we are at the least reducing that. Note that there is no public sidewalk crossing this driveway. |
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| |

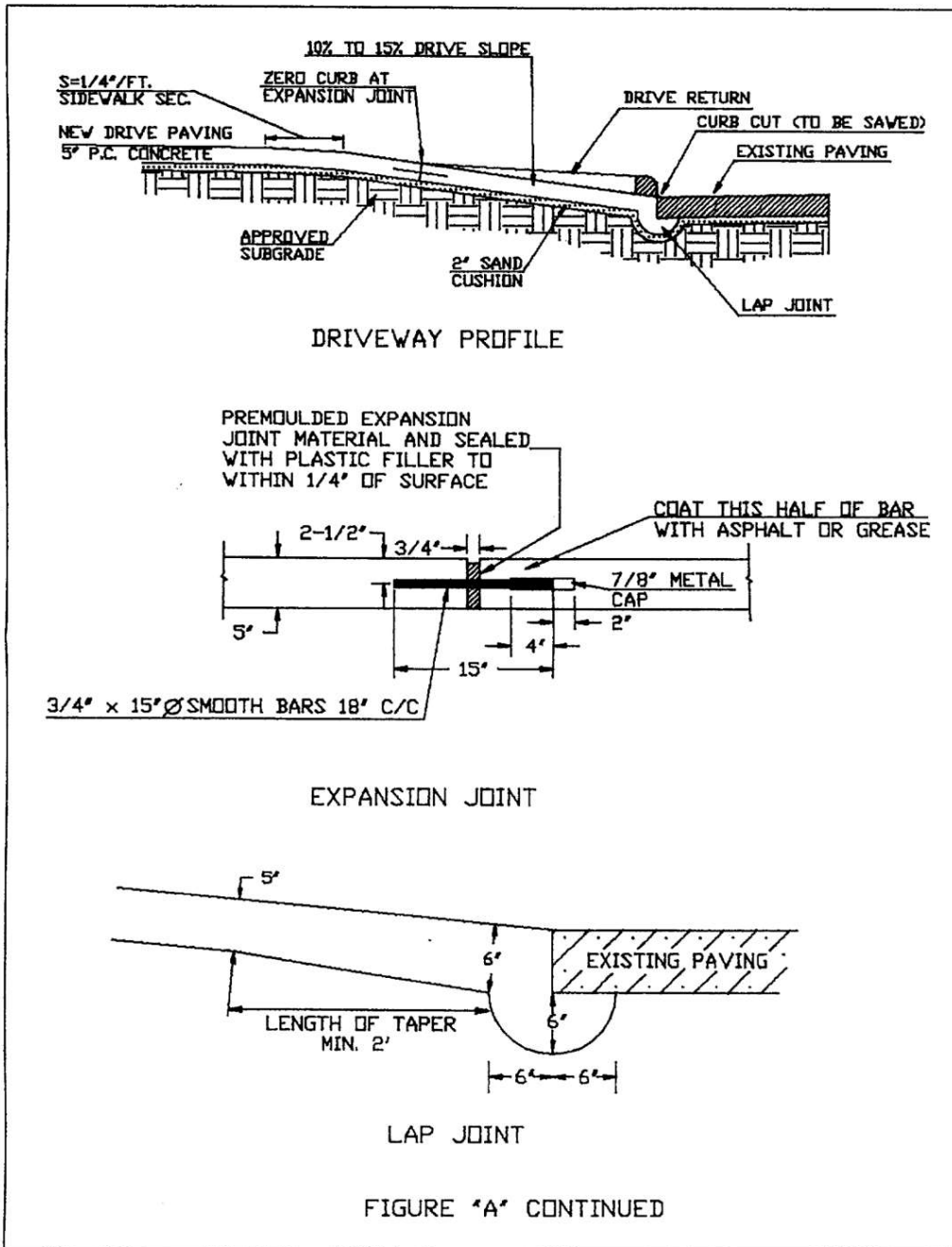
Criteria #4: The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship

| |
|---|
| Yes. Home design has been modified by sinking the garage into the home further and allowing us to |
| move the face of the garage back 12 ft from it's original location. We are unable to change the elevation |
| of the home to reduce the driveway slope and to reduce the variance further without taking risks with |
| storm water management. The home has been shifted back on the lot as far as the RSL setback lines |
| allow with relation to the 25 ft setback line. Home location, design and elevation have been optimized |
| to best meet this requirement while also taking storm water management into account. |

Sec. 37-135. - Figures A and B.

The following are figures A and B which are referenced to in this division.



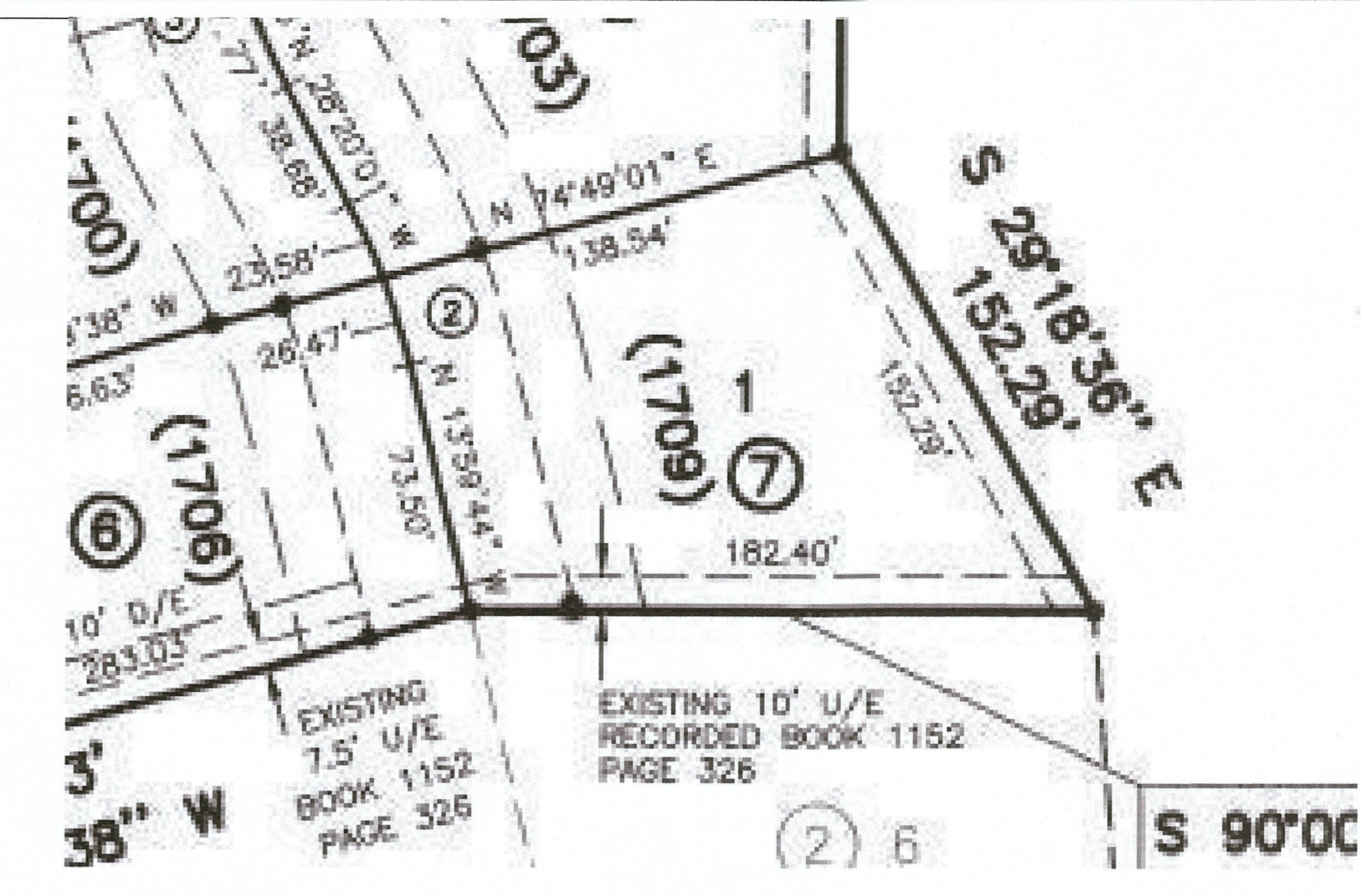


Address: 1709 S Hidden Oaks

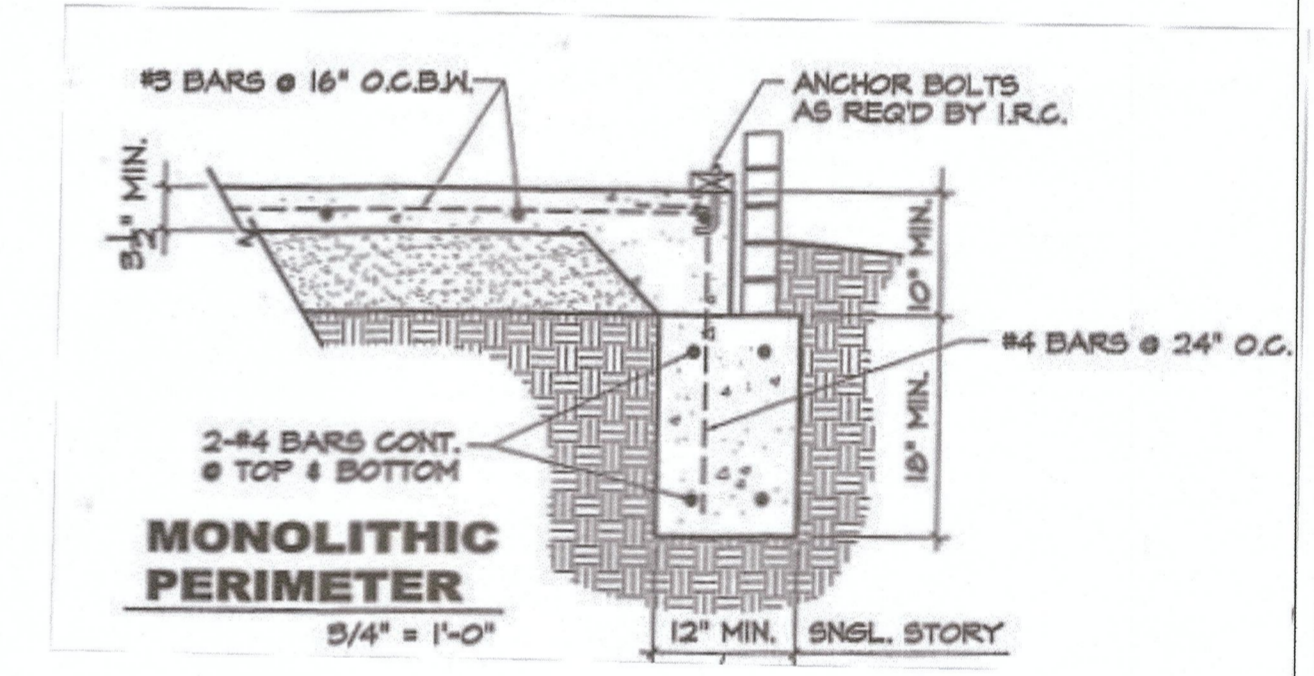
Lot Area 18,968 sq ft M/L
 Plan Footprint 4744 Sq Ft
 Lot Coverage 22.7% M/L

Plan footprint Includes:
 Living Space, Garage, Front Porch, Back Porch

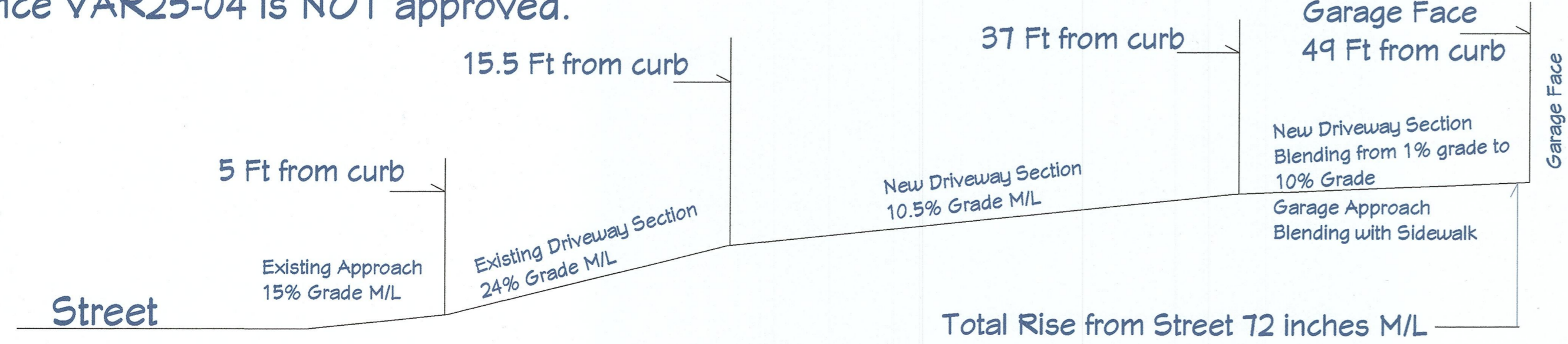
Does not include Driveway or sidewalks.



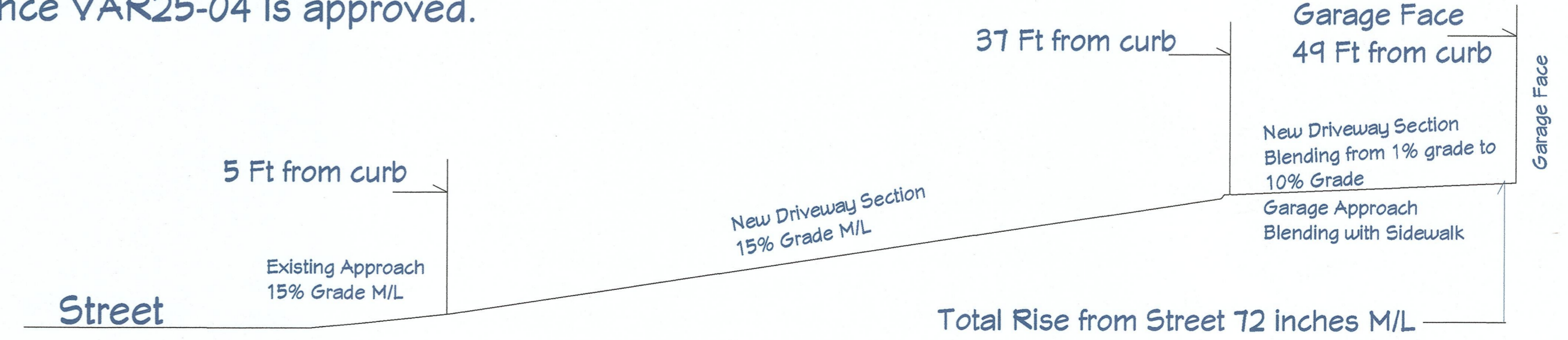
Footing / Slab Cross Section
 Soil Plasticity per Stillwater GIS
 16-30 Range



Driveway Plan Assuming that Variance VAR25-04 is NOT approved.



Driveway Plan Assuming that Variance VAR25-04 is approved.



| NUMBER | DATE | REVISION BY | DESCRIPTION |
|--------|------|-------------|-------------|
| | | | |
| | | | |
| | | | |

Site Plan

MaxSquare Construction
 1709 Hidden Oaks Plan

DRAWINGS PROVIDED BY:
 Jerry Stoll
 405-612-5822
 Jerry@maxsquare.net

DATE:
 6/16/2025

SCALE:
 1/8" = 1'

SHEET: 1

Revision: A

**STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF September 12, 2024
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED September 10, 2024
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Jim Rice
Bryan Langford-Loftis
Micah Sexton

Members Absent:

John Houck

Staff Present:

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

Guests:

Colton Wayman, Todd Wallace, Nick Hudacko, and Jimmy Kuykendall

Meeting is delayed by 23 minutes while awaiting member arrival.

1. CALL MEETING TO ORDER.

Mr. Rice calls the meeting to order at 5:53 PM and swears in those who wish to speak.

Those sworn in are:

Colton Wayman Todd Wallace Nick Hudacko Jimmy Kuykendall

2. PUBLIC HEARING:

- a. Gamma Delta Chapter of Sigma Chi House Corporation requesting review and granting of a variance to Sec. 23-141.d.2.b & c and Sec. 23-141.e.1 for the required yard setbacks for a three-story building in the Multi-Family Urban (RMU) zoning district (1101 W University) and Sec. 23-211.1.e for the required setback for parking area of the Parking and Loading Standards Design Standards (221 S Lincoln) at the properties addressed as 1101 West University Ave and 221 South Lincoln St.

Mr. Rice invites staff forward to present the item.

Jaquelyn Porter, City Planner, presents the item and asks if the board has any questions for staff.

Ms. Tammy Ewing, Assistant City Attorney requests staff to clarify the uses of the proposed buildings, and which addresses they're going on.

Ms. Porter points out the locations referencing the site plan and explains they are replacing the building on the northeast property, tearing down the building on the southwest property to replace it with a parking lot and closing the alley between the properties.

Ms. Ewing verifies that Sigma Chi owns the three lots being presented, the fourth lot on this block in the northwest corner is owned by someone else and is not part of this request.

Mr. Langford-Loftis inquires about the electrical and other utility lines that the City's engineering had concerns with. Ms. Porter points out the utility lines on the map and explains there is existing electric and sewer that may require certain setbacks for the City to access said utilities.

Ms. Porter elaborates that City Engineering is concerned that with the proposed building plans; the City needs at least 10 feet of access for electric and general access for the sewer; however, the City has not received official building plans yet as they are still working through this process; and there is talk about moving the sewer and electric lines but right now this request is just for the setback variance so the applicant can get an idea for how to lay out the structure.

Mr. Sexton asks if electric is currently above ground. Ms. Porter confirms that the electric is currently above ground and comments that the applicant is currently working with Stillwater Electric to move it to the south.

Ms. Ewing asks where the sewer and water are located. Ms. Porter states that water is located off Lincoln and the sewer is right in the middle of the alley.

Ms. Ewing asks if electric is right on the lot line in the alley. Ms. Porter confirms.

Mr. Langford-Loftis asks if the purpose of the variance is to allow the applicant to work with these utility and sewer lines. Ms. Ewing responds no, because they're fine where they are; states the variances are requesting to be able to use more space in the small lots; and explains that if this goes through, they could do a 0' lot line for the parking lots and the building.

Mr. Langford-Loftis speculates that there are still discussions underway and what they are looking at is not a final plan. Ms. Porter states he is correct, there are options; and the City currently has a closing application for the alley that is being reviewed and discussed.

Mr. Sexton comments that was his next question, if they own properties on both sides can they close that alley. Ms. Porter says City staff is still having internal discussions on that, they have not issued a first comment letter yet.

Mr. Sexton asks if they were to, theoretically, close that alley would there be a reason for a variance. Ms. Porter explains yes, if they close the alley there would still be a need for a variance, if they vacated the alley there would not be; and if they were to vacate the alley their lot lines to the south and north would merge and it would eliminate the need for one of the four variances, but the others would still be needed.

Mr. Sexton clarifies that that would remove the need for the rear yard variance. Ms. Ewing points out that doing that would require they remove a sewer line from the middle of the street.

Mr. Sexton asks what the purpose is of having a setback on a parking lot. Ms. Porter explains it is a buffer zone for safety and that it's mainly in residential areas where it is required; and point out there is a larger right-of-way here that the parking lot would abut to that would provide that buffer.

Mr. Rice asks if there are additional questions for the staff; none respond.

Mr. Rice invites the applicant forward to present.

Mr. Colton Wayman with Wallace Design comes and comments on the following:

- Wallace is the Civil engineer on this project here with GH2 architects and a Sigma Chi representative.
- Sigma Chi owns all three connected lots on the map and one of the reasons they bought the southeast one is specifically for the parking lot to meet the City's parking requirements.
- Reviews the renderings for the proposed building plans.
- Explains that even if the alley was closed, none of these buildings are proposed to go on top of the sewer line as they are working on writing up an easement to still allow the city access.

Mr. Sexton asks if there has been any discussion on vacating the alley. Mr. Wayman says there has been a discussion, but they think closing it will work better for Sigma Chi.

Mr. Wayman states what the existing setbacks are and what the proposed setbacks will be; side yard setback request will be going from 15' to 10'; the existing house right now is about a 10 foot setback on the side so there would not be any substantial changes with that; with the rear yard they are also asking for 10 feet'; specifies with the rear set back, the code states that if it is abutting an alley, the setback requirements are 10 feet but if they close the alley it becomes 30' feet prompting the need for the variance.

Mr. Wayman shares a rendition of adjacent properties that also only follow the 10' setback requirements; notes that by bumping the proposed building back on the northeast corner closer to those southwest property lines it gives Sigma Chi more room to participate in outdoor homecoming activities and allows for a clearer sight triangle off university and Monroe.

Ms. Ewing asks for clarification if they are talking about the parking lot corner or the house for the sight triangle. Mr. Wayman says the parking lot is on the southeast corner; and is talking about University and Monroe which is in the northeast corner.

Mr. Wayman also states that he believes they are still following the principle of the sections of the code they are requesting a variance for; believes this section of code is in place to prevent apartment buildings from directly abutting residential backyards; continues that this would not be abutting any residential properties, it would be backing up to their own parking lot; and also shares a rendition of the other Greek row homes on the street that have much smaller set back requirements so they would be conforming with the existing infrastructure.

Mr. Wayman then discusses the variance request for the parking lot; as previously mentioned, they purchased this lot to meet city parking lot requirements and by having this variance granted, they would gain 10 extra spaces; and shares other examples of parking lots in the area that have exceptions to the setback requirements.

Ms. Ewing asks if he's saying without the variance, they would not be able to meet parking lot

requirements for this. Mr. Wayman says yes, it would make it more difficult.

Ms. Ewing asks how many spaces are required and what is that requirement based on. Ms. Porter returns to say that since they do not have final building plans, staff is unsure of how many they will need, therefore, the number of parking spaces is based on the number of beds.

Ms. Ewing asks the applicant how many they figure they will need. Mr. Wayman says they are estimating 78 at the moment.

Mr. Langford-Loftis asks if that is based on the current bed count or the proposed bed count. Mr. Tyler Wallace comes to the podium with Mr. Wayman to help answer some questions.

Mr. Wallace states that this is based on the current bed count; they would need this variance to determine how many more beds they can have because if they don't get this variance, they can only put so many beds in the new construction.

Mr. Langford-Loftis asks what they would like to be planning for. Mr. Wallace says around 80.

Mr. Landford-Loftis asks what the current bed count is. Mr. Kuykendall, the representative of Sigma Chi, states that currently it is around 70-75. Mr. Langford Loftis clarifies that that is the number of beds in the current house. Mr. Kuykendall confirms.

Mr. Rice inquires that the current parking only allows for 50 spaces. Mr. Wallace says that is correct, there is other parking close by. They are currently using the Pike house's parking as extra parking.

Ms. Ewing points out that closing the alley would not change the setback requirements. Mr. Wayman says he believes it would, because the code says the setback requirements are 10 feet if it is abutting an alley but if they close the alley, it would be 30 feet.

Ms. Ewing clarifies closing the alley would not change the lot lines and so the property would still be abutting an alley, it would just be a closed alley; and only vacating the alley would move the lot lines. Mr. Wayman says that he believes it would change the lot lines.

Mr. Porter comes back to explain that the closure is for a possible vacation; the backyard variance is still needed until it is closed and vacated; continues to explain that closing the alley would leave it as plated and they would leave the utilities there; and if they then vacated the alley, the utilities would need to be relocated, and then the lot lines would change.

Mr. Sexton asks what the width of the alley is. Ms. Porter says 20 feet.

Ms. Ewing says the City can close a street or alley, but with a closing, the city could decide to reopen it at any time, so it still exists even if it is closed; the City, or even private fiber companies, still have access to their lines if it is closed; closing it just closes it to the public; to vacate the property, the property owner would need to file a district court action requesting the court to vacate it; they also have to give all the utilities in it an opportunity to object; and until it's vacated the lot lines are not redrawn.

Mr. Wayman says that makes it even more important to get this variance.

The board questions given that information what setbacks are going to be granting a variance for and what are the current and proposed changes.

Ms. Porter apologized and explained that staff had gone back and forth on whether to add the back yard setback to the requests for today. After this discussion what they are requesting is going to be a 0 foot lot line setback not 10 feet. Ultimately, as the alley has not been closed yet staff would suggest withdrawing this part of the variance request until the alley is sorted out.

Ms. Porter advises that the board should just look at the variance for the side yard and the parking lot today.

Mr. Wayman agrees that there are a lot of moving pieces to this and concedes to taking the rear yard request off for today; ideally, they would like to vacate the alley, have an easement for the utilities; they have had discussions about access with the one neighbor to the northwest that would share part of that vacation.

Mr. Langford-Loftis says he understands there is still a lot of planning but what, right now, does the applicant precede their hardship to be. Mr. Wallace says he believes the hardship is similar to Figi's variance hardship from 2013, where this area of Stillwater is uniquely dense for a residential area compared to the rest of the city; and he states that without this variance, they would not fall in line with the surrounding Greek houses.

Mr. Rice opens the hearing to the public and invites anyone who would like to speak in favor or against; none respond. Mr. Rise closes the public portion of this meeting and invites staff back up to present criteria and alternatives.

Ms. Porter presents the criteria.

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

Ms. Porter continues, stating the alternatives:

1. Find that each of the criteria for approval of the request is met. The Board will explain how each criterion is met in order to approve the variance(s).
2. Find that each of the criteria for approval of the request is met by imposing modifications or conditions to ensure that the criteria are met. The Board will explain how the criteria are met to grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request is not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

Ms. Porter suggests that the board vote on the two remaining variances separately.

Mr. Rice asks if they need to table the third one or deny it.

Ms. Porter explains that given the developments, she would need to resend the public notices for that item, so it is withdrawn from the table today.

Ms. Ewing reviews the requested variance and clarifies that they board is voting on Sec. 23-141.d.2.b and Sec. 23-141.e.1 for the side set back on the house and Sec. 23-211.1.e for the parking.

Mr. Langford-Lofts asks if there's anything they need to do to make sure that their vote on these variances does not prevent them from bringing back the rear yard one once that is sorted out.

Ms. Ewing requests the applicant, state themselves, that they are withdrawing that item from the docket. The applicant states that they are withdrawing the request for the rear setback variance.

Mr. Rice asks if there is any further discussion or a motion from board members.

The board clarifies with Ms. Ewing that they can vote on the two for the house together and the one for the parking separately. Ms. Ewing confirms.

Ms. Porter shares that there are plans, with the code update that is in progress, to add an overlay district to these Greek houses as the board has seen many similar variance requests come through in the past; and hopefully, this will alleviate the hardship of having the need for these variances in the future.

Mr. Langford-Loftis shares that he has heard a lot of theoretical plans this evening but is still not entirely certain what the concrete plan for these set back lines are going to be on the items they are voting on.

Mr. Wayman comes back up to say that the plans they are presenting today is exactly what they would like to do; and so, the setbacks listed on the site plans presented to them are the exact setbacks they would be asking for.

Mr. Langford-Loftis asks if the current structure is already too close. Ms. Porter confirms, the structure was built before the current zoning code was passed so it is legally non-conforming; however, if you rebuild or even remodel a property you need to bring it up to current zoning codes.

Mr. Sexton weighs in that he is both an engineer and a lawyer, the engineer in him would like to approve it, as doing so doesn't cause any harm; however, the lawyer side of him feels that this does not meet the legal requirements for a variance; states that the legal requirements for a hardship say there needs to be something peculiar to this specific piece of property and this hardship is not specific to this piece of property.

Mr. Rice states that one could argue that the hardship is the way the zoning code affects this particular area, because all the surrounding properties do not follow it.

Mr. Langford-Loftis states that issue affects all of these properties in this area and isn't particular to this one.

Mr. Sexton says the way it is now, even if there might be an overlay or other lots might have gotten a variance, he has to look at this property and how the laws is now.

Ms. Ewing states that she thinks she is aware of other examples of case law involving old town areas where they deemed that the code forcing the property affected to not be consistent with the surrounding area was an undo hardship.

Mr. Langford-Loftis asks if a property sells, are the purchasers required to bring it up to code.

Ms. Ewing says no, the property only loses its legal nonconforming status if the property undergoes substantial changes to structure or use.

Mr. Sexton asks for the case law.

Mr. Rice asks if the board is bound by precedent. Ms. Ewing says they are not, they have to look at each case individually.

Mr. Sexton says he's leaning towards tabling this until he can look over that case law.

Ms. Ewing asks staff if they would have enough time to table this discussion to a certain date and re-notice for the item taken off of today's agenda or are the applicants better off to withdraw the whole application. Ms. Porter says they would have time to notice for the next hearing and there is no need to withdraw the whole application they will just modify what remains.

Mr. Sexton Motions to table the items to the next meeting of October 3rd 2024, Mr. Langford-Loftis seconds.

| | | | | | |
|------------|--------|------|-----------------|--------|--------|
| Roll Call: | Houck | Rice | Langford-Loftis | Sexton | Vacant |
| | Absent | Yes | Yes | Yes | |

Time: 60 minutes

3. Minutes for Discussion and Possible Action:

- a. Regular meeting minutes of March 7, 2024.
- b. Regular meeting minutes of July 11, 2024.

Mr. Sexton and Mr. Langford-Loftis state that there are minor spelling and grammatical changes that they have marked but otherwise approve both sets of minutes as presented.

Mr. Sexton moved, Mr. Langford-Loftis seconded to approve the minutes with corrections as noted.

| | | | | | |
|------------|--------|------|-----------------|--------|--------|
| Roll Call: | Houck | Rice | Langford-Loftis | Sexton | Vacant |
| | Absent | Yes | Yes | Yes | |

Time: 2 minutes

4. Reporters from Officers and Boards:

- a. Ms. Porter shares the Comprehensive Plan and Community Surveys are currently taking place for the future changes to the zoning code

b. Next regular meeting is Thursday, October 3rd, 2024.

5. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned at approximately 6:58 p.m.

Prepared by – Alexandria Maged, Administrative Assistant

Reviewed by – Cindy Gibson, Administrative Services Manager

Approved by: _____
Stillwater Board of Adjustment

DRAFT

Draft until approved at the next regular meeting:

**STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF October 3, 2024
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED October 1, 2024
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

John Houck
Jim Rice
Bryan Landford-Loftis
Micah Sexton

Staff Present:

Tammy Ewing, Assistance City Attorney
Jacquelyn Porter, City Planner
Cindy Gibson, Admin. Services Manager
Ally Maged, Admin. Assistant

Members Absent:

Guests:

Jack Henry, Nick Hudacko, Tyler Wallace, Ryan Berry.

1. CALL MEETING TO ORDER.

Vice Chair Houck calls the meeting to order at 5:34 PM, introduces the board, and explains the proceedings for the evening.

The following individuals are sworn in:

Jack Henry Nick Hudacko Tyler Wallace Ryan Berry

2. Election of Chair:

Mr. Rice nominates John Houck as Chair, Mr. Sexton seconds

| | | | | | |
|------------|-------|------|-----------------|--------|--------|
| Roll Call: | Houck | Rice | Landford-Loftis | Sexton | Vacant |
| | Yes | Yes | Yes | Yes | |

Time: 2 minutes

3. Election of Vice Chair:

Mr. Landford-Loftis Nominates Jim Rice as Vice Chair, Chair Houck Seconds

| | | | | | |
|------------|-------|---------|-----------------|--------|--------|
| Roll Call: | Houck | Rice | Landford-Loftis | Sexton | Vacant |
| | Yes | Abstain | Yes | Yes | |

Time: 2 minutes

4. PUBLIC HEARING:

- a. Gamma Delta Chapter of Sigma Chi House Corporation requesting review and granting of a variance to Sec. 23-141.d.2.b & c and Sec. 23-141.e.1 for the required yard setbacks for a three-story building in the Multi-Family Urban (RMU) zoning district (1101 W University) and Sec. 23-211.1.e for the required

setback for parking area of the Parking and Loading Standards Design Standards (221 S Lincoln) at the properties addressed as 1101 West University Ave and 221 South Lincoln St. (Tabled from the September 12, 2024 meeting.)

Chair Houck opens the public hearing and invites Ms. Porter to present the staff report.

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

Vice Chair Rice asks if the issue on the vacation of the alley has been dropped. Ms. Porter explains that it is related to the next item on the agenda, this one is just the side yard setbacks.

Mr. Langford Loftis asks if the lots are already owned by the applicant. Ms. Porter confirms.

Mr. Langford Loftis asks if the house will be demolished entirely. Ms. Porter confirms that the main house and the building on the parking lot will be demolished.

Chair Houck asks if there are more questions for staff; none respond. Chair Houck invites the applicant forward to present.

Mr. Nick Hudacko, presents on behalf of Sigma Chi. Mr. Hudacko reviews the request for the building side yard setback and explains they are requesting the new building to be setback the same amount as the current structure, it is currently legally nonconforming now and comments that the adjacent property owner has undergone this same request.

Mr. Sexton asks how much the current required setbacks would shrink the structure. Mr. Hudacko says it would be an extra 11 feet so around 1100 square feet.

Chair Houck clarifies the request is to just put the building back on the existing footprint. Mr. Hudacko explains that that is part of it; there are different zonings over these properties with different setback requirements; and the building will be the same distance from the property line, but the parking lot will now go up to the property lines.

Chair Houck asks if they've talked to neighboring property who shares the property line where they are requesting the side set back.

Mr. Hudacko says yes, and that neighbor has sent a letter confirming that they support this. Ms. Porter states the letter was received recently and has been printed and added to the board's packets.

Mr. Hudacko moves on to the parking lot setbacks; believes this will be a benefit for the neighborhood as a whole as it allows them to create more parking spaces on the lot, getting more of the fraternity member cars off of street parking which frees up those spots for non-fraternity students; like the other item, there are similar setback variances for adjacent properties; also, this property line does not go all the way to the curb so

there will still be a sidewalk and buffer area even if the parking lot goes to the property line; and the current sidewalk is all one paving into the parking lot so they would be improving that connected public infrastructure as part of this project.

Vice Chair Rice asks if there is a parking lot already existing on the southeast corner. Mr. Hudacko responds that one belongs to PIKE but they will be improving the side walk that is a part of that.

Chair Houck asks if the parking lot will belong to Sigma Chi. Mr. Hudacko says yes, the alumni group has purchased this lot to try and solve the parking situation in the neighborhood.

Chair Houck asks how this would help off street parking in the neighborhood. Mr. Hudacko explains they are not creating more on-street parking but by getting the fraternity members out of the off-street parking, they are opening up those spaces for others.

Ms. Tammy Ewing, Assistant City Attorney asks if this parking lot would be exclusive to Sigma Chi. Mr. Hudacko says yes.

Mr. Langford Loftis asks if it would be available off season. Mr. Hudacko says that could be a possibility.

Mr. Langford Loftis asks if they have alternative design plans if this does not pass. Mr. Hudacko says they do.

Chair Houck asks if there are any more questions for the applicant from the board; none respond.

Chair Houck asks if there are any members of the public who would like to speak for or against this item.

Mr. Tyler Wallace with Wallace Design comes forward to explain some of the issues with parking with this area; explains that other than this setback helping meet the parking requirements for the building, the other parking options are very limited; and the University does offer the options to lease spaces, but it is very hard to get those leased spaces.

Mr. Langford Loftis asks if there are any penalties for them not providing adequate parking. Ms. Porter explains that they will not issue the building permit till the applicant meets the parking requirements, if they do lease space, they have to provide proof that they have contracts in place for those spaces.

Mr. Ryan Berry with Sigma Chi comes to explain that he is the one that has been trying to place the displaced fraternity members while they are in this building process, and it has been very difficult to find parking even to lease; and if they do have spaces, it tends

to be on the opposite side of campus.

Chair Houck closes the public hearing and invites staff up 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 Houck asks if there is any discussion from the board.

Chair Houck states that he believes the issue is peculiar to the particular piece of property as it is part of a uniquely densely populated area for the University's Greek Community; believes the ordinance poses an undue hardship on both parcels of land as the applicant does not intend to expand beyond the current bounds of the existing structures; believes there is no detriment to the public good or to the City, and the Comprehensive Plan's intentions for the area fall in line; and by granting this variance that it is the minimum necessary to alleviate the applicant's hardship.

Vice Chair Rice states that he agrees; finds that since the property is legally non-conforming as it is and in need of physical update, he believes it would be an unnecessary hardship to apply outdated zoning restrictions to this particular piece of property as those around it have already received variances for this very reason and that the City knows a zoning update is needed for this area and is currently in that process; applying the current restrictions on this particular property would place the owner at a long-term disadvantage to other properties that have received this variance; this property is in, although unofficial, a special university district for Greek housing that is set up differently than the surrounding area; the relief, if granted, would not create a detriment to the public good as it would make it consistent with the surrounding

properties and fits with the City’s projected plans for the area; it improves safety features for the residents, improves infrastructure for the City and approves curb appeal and parking for the University and surrounding neighborhood; and it is the minimum necessary to equitably resolve the unnecessary hardship imposed by the outdated zoning requirements to keep it consistent with the neighboring properties and projected City Comprehensive Plans.

Chair Houck and Vice Chair Rice affirm that the above points will be the motion and a second unless there is any further discussion

Mr. Sexton says that he does not feel the intentions of what the City’s Comprehensive Plan projects the zoning will be, can be applied to this request as that is not the current zoning requirements; believes they need to vote on the zoning as it is right now; does not feel it is the board’s duty to rewrite the ordinance; believes this hardship is brought on by the owner; and this is a flat level piece of property and there is nothing unusual about the property itself, so he does not think the hardship applies.

Mr. Langford Loftis says he agrees with Mr. Sexton; the applicant should either wait for the code to be updated or, as the applicant states, use the alternative plans that would work with the current zoning and so there is no hardship.

Chair Houck states if there is no further discussion he motions they call for a vote based on the criteria listed previously by him and seconded by Vice Chair Rice.

Variance for Sec. 23-141.d.2.b for the side yard setback on the building for 1101 W University

| | | | | | |
|------------|-------|------|------------------|--------|--------|
| Roll Call: | Houck | Rice | Langford- Loftis | Sexton | Vacant |
| | Yes | Yes | No | No | |

Time: 42 minutes

Motion fails.

The points for motion are the same for Sec. 23-141.e.1 and 23-211.1.e for the parking lot on 211 S Lincoln

| | | | | | |
|------------|-------|------|------------------|--------|--------|
| Roll Call: | Houck | Rice | Langford- Loftis | Sexton | Vacant |
| | Yes | Yes | No | No | |

Time: 1 minute

Motion fails.

- b. Gamma Delta Chapter of Sigma Chi House Corporation requesting review and granting of a variance to Sec. 23-141.d.2.a.2 for the required front yard setback abutting an alley in the Multi-Family Urban (RMU) zoning district at the property addressed as 1101 West University Ave.

This item is withdrawn by the applicant.

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

- c. Review and approval of the 2025 Board of Adjustment meeting schedule.

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

| | | | | | |
|------------|-------|------|------------------|--------|--------|
| Roll Call: | Houck | Rice | Langford- Loftis | Sexton | Vacant |
| | Yes | Yes | Yes | Yes | |

Time: 1 minute

- d. Next Board of Adjustment meeting Thursday, November 07, 2024.
- e. Staff reminds everyone to take the comprehensive plan survey.

4. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned at approximately 6:18 p.m.

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

Approved by: _____
Stillwater Board of Adjustment