

**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
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	Yes	Yes	No	No	
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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: Bryan Langford-Loftis
Stillwater Board of Adjustment