

BOARD OF ADJUSTMENT MEETING AGENDA
OCTOBER 2, 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. Election of Chair.
3. Election of Vice-Chair.
4. General Orders

The board/committee/commission will hear a staff presentation and take action including a vote or series of votes on each item listed as presented or as amended or revised by members of the board/committee/commission unless the agenda entry specifically states no action will be taken. The requested action is indicated in each agenda entry but may be amended or revised prior to action by the board/committee/commission.

a.	Discussion and possible action to adopt a Board of Adjustment policy regarding procedure and process for minor administrative variance(s).	David Barth
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5. Miscellaneous Items from Staff, Board Members or City Attorney for Discussion and Possible Action:

a.	Next regular meeting is November 6, 2025.
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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 Development Services Desk at least 48 hours prior to the meeting by calling 405.742.8220.

Date of Meeting: October 2, 2025
Subject: Proposed Minor Administrative Variance Policy

BACKGROUND

Minor variances were previously allowed under Section 23-65 (e) of the Land Development Code. Prior to April 6, 2020, the code allowed the Development Services Director to approve or deny a minor variance allowing encroachment into a required setback by up to one foot. On April 6, 2020, the City Council adopted Ordinance 3451 which changed Section 23-65 (e) and allowed the City Manager to grant a minor variance for an encroachment into a required setback for up to three feet. This text amendment had a sunset clause and the ordinance expired on June 30, 2020. Since that time staff have not had the authority to consider minor administrative variances.

Section 11 O.S. 44-108,C. of Oklahoma state law gives the Board of Adjustment (BOA) the authority to determine what constitutes minor variances and exceptions, subject to approval by the municipal governing body.

SETBACK ENCROACHMENT POLICY

The proposed policy would allow the Development Services Director to hold a hearing for a minor administrative variance. Any setback encroachment variance granted by the Development Services Director shall not exceed a 10% reduction in a setback requirement or a distance of one foot, whichever is greater. Requests for a minor variance will be held to the same standard as a variance, outlined in Section 23-23 of the City Code, as well as:

1. The variance shall not create a violation of any Stillwater Municipal Code provision impacting life safety; and
2. The variance will not authorize the construction of a building with square footage greater than is authorized under the applicable bulk standard; and
3. The variance will not permit the structure to extend or encroach upon any easement; and
4. The variance will not allow a structure to extend or encroach any closer than ten feet to a public water main, a public sewer main, or a city electric facility/equipment.
5. The variance will not allow a structure to extend or encroach upon a drainage facility

POLICY APPROVAL PROCEDURE

Per Oklahoma State law, a minor variance policy must be approved by the Board of Adjustment, as well as City Council. If the BOA approves this minor variance policy, staff will present it to City Council for consideration.

ALTERNATIVES

The Board of Adjustment has the following alternatives:

1. Find that the proposed policy regarding minor administrative variances is appropriate, and approve the policy as proposed.
2. Find that the proposed policy regarding minor administrative variances is appropriate with modifications, and approve the policy as amended.
3. Find that the proposed policy is not appropriate and deny the proposed policy.
4. Table the discussion to a certain date to allow for additional information to be presented.

RECOMMENDATION

Staff recommends approval of the policy regarding minor administrative variances as presented.

Prepared by:	Henry Bibelheimer, Senior Planner
Reviewed by:	David Barth, Development Services Director
Date of Preparation:	September 29, 2025
Attachments:	Proposed Policy 2020 Ordinance 3451

STILLWATER BOARD OF ADJUSTMENT
Policy Regarding Minor Administrative Variances

A request for a minor administrative variance to a building setback requirement shall be submitted in the same manner as other requests for a variance, but shall be subject to approval or denial, after hearing, by the development services director.

Notice of hearing before the development services director on a request for a minor administrative variance shall be given by the clerk of the board of adjustment by mailing written notice to all owners of property adjacent to the subject property. The notice shall be mailed at least ten days prior to the hearing and shall contain:

- (1) The legal description of the subject property and the street address or approximate location in the city;
- (2) Present zoning classification of the property and the nature of the variance requested; and
- (3) Date, time and place of the hearing.

The development services director may administratively consider a minor variance to a building setback requirement as provided herein upon application of the property owner in compliance with subsections (1)-(4) of Stillwater Municipal Code Section 23-65(a) and receipt of a typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by the Payne County Assessor, licensed abstractor, or attorney, of all abutting property owners. The ownership list shall have been prepared no more than 30 days prior to submission.

The development services director shall apply the standards of review set forth in Stillwater Municipal Code Section 23-23. Any variance granted by the development services director shall not exceed a 10% reduction in a setback requirement or a distance of one foot, whichever is greater, and shall be subject to the following additional restrictions:

- (1) The variance shall not create a violation of any Stillwater Municipal Code provision impacting life safety; and
- (2) The variance will not authorize the construction of a building with square footage greater than is authorized under the applicable bulk standard; and
- (3) The variance will not permit the structure to extend or encroach upon any easement; and
- (4) The variance will not allow a structure to extend or encroach any closer than ten feet to a public water main, a public sewer main, or a city electric facility/equipment.
- (5) The variance will not allow a structure to extend or encroach upon a drainage facility.

Within fourteen days after hearing, the development services director shall issue written findings and an order granting, in whole, in part, or upon reasonable conditions, or denying the requested minor variance, and shall provide copies thereof to the applicant and each board of adjustment member.

APPROVED this ____ day of _____, 2025, by the Stillwater Board of Adjustment.

BRYAN LANGFORD-LOFTIS, CHAIR

APPROVED this ____ day of _____, 2025, by the Stillwater City Council.

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS ____ DAY OF _____, 2025.

KIMBERLY CARNLEY, CITY ATTORNEY

ORDINANCE NO. 3451

“AN ORDINANCE AMENDING CHAPTER 23, LAND DEVELOPMENT CODE, ARTICLE III, LAND DEVELOPMENT PROCESS, TO AMEND SECTION 23-65, VARIANCES AND DECLARING AN EMERGENCY”

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA:

SECTION 1: That the Stillwater City Code, Chapter 23, Land Development Code, Article III, Land Development Process, Section 23-65, Variances, be amended to read as follows:

Sec. 23-65. - Variances.

(a) *Application.* A property owner or authorized representative shall request a variance by submitting the following documentation to the development services department:

- (1) Completed application for variance furnished by the development services department;
- (2) A typewritten and electronic/digital copy of the legal description of the subject property, capable of being reproduced;
- (3) Copy of existing and proposed restrictive covenants on the subject property;
- (4) Applicable nonrefundable filing fee; and
- (5) A typewritten list and electronic/digital data capable of being reproduced as mailing labels, certified by the Payne County Assessor, licensed abstractor, attorney, engineer or architect, of all property owners within 300 feet of the subject property. The ownership list shall have been prepared no more than 30 days prior to submission.

(b) *Review and notice requirement.* City staff shall review completed applications for variance prior to consideration by the board of adjustment. After completing this review, city staff shall forward the application with staff findings and recommendations to the board of adjustment. The board of adjustment shall hold a public hearing to consider the application. Notice of the public hearing to consider such application shall be published in a newspaper of general circulation in the city. Such notice shall also be given in writing by mail to all owners of property, within a 300-foot radius, excluding public rights-of-way, of the exterior boundary of the subject property. Required notices shall be published and mailed at least ten days prior to the date of the public hearing and shall contain the following:

- (1) The legal description of the subject property and the street address, if any. Absent a street address, a clear and adequate description of the property's location in the city;
- (2) Current zoning classification of the property and the nature of the variance requested; and
- (3) Date, time and place of the hearing.

(c) *Hearing.* Upon satisfaction that the required notice has been given, the board of adjustment shall hold a public hearing to review the proposed variance, receive comments, testimony, and evidence from interested parties, and receive the recommendation of city staff. A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by article VI of this chapter may be granted, in whole, in part, or upon reasonable conditions as provided herein, only upon a finding that:

- (1) The application of this chapter 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 this chapter or the Comprehensive Plan; and

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

(d) *Approval.* The board of adjustment shall approve or deny the variance request. In the event a variance is approved, the record of the meeting at which the variance was acted upon shall show that each element required to justify a variance was established; otherwise, said variance shall be voidable on appeal to the district court.

~~(e) *Minor administrative variances.* A minor administrative variance is a variance of up to one-foot encroachment into a zoning setback. A request for a minor administrative variance shall be submitted in the same manner as other requests for a variance, but shall be subject to approval or denial, after hearing, by the development services director. Notice of hearing on requests for a minor administrative variance shall be given by the clerk of the board of adjustment by mailing written notice to all owners of property adjacent to the subject property. The notice shall be mailed at least ten days prior to the hearing and shall contain:~~

~~(1) The legal description of the subject property and the street address, if any. Absent a street address, a clear and adequate description of the property's location in the city;~~

~~(2) Current zoning classification of the property and the nature of the variance requested; and~~

~~(3) Date, time and place of the hearing.~~

~~The board of adjustment may set forth in a statement of policy what constitutes minor variances or exceptions, subject to approval or amendment by the city council.~~

(e) *Minor administrative variance.* The City Manager may administratively grant a minor variance to a building set-back requirement as set forth in this code upon application of the property owner as provided in subsection (a)(1-4). The City Manager shall apply the standards of review set forth in Section 23-23 of this code. Any variance granted under this subsection shall not exceed a distance of three (3) feet and shall be subject to the following additional restrictions:

(1) The variance shall not create a violation of any code provision impacting life safety under Chapter 10 or this chapter; and

(2) The variance will not authorize the construction of a building with square footage greater than is authorized under the applicable bulk standard; and

(3) The variance will not permit the structure to extend or encroach upon any drainage easement or drainage structure; and

(4) The variance will not allow a structure to extend or encroach any closer than ten (10) feet to a public water main, a public sewer main, or a city electric facility/equipment.

The City Manager shall prepare written findings and an order granting or denying a minor variance under this subsection.

This subsection shall expire on June 30, 2020 unless extended by an ordinance adopted by the City Council.

SECTION 2. EMERGENCY CLAUSE. It being immediately necessary for the preservation of the peace, health and safety of the citizens of the City of Stillwater, Oklahoma, an emergency is hereby declared to exist, by reason whereof this ordinance shall become effective from and after the date of publication.

PASSED, APPROVED, AND ADOPTED THIS 6TH DAY OF APRIL, 2020.

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

TERESA KADAVY, CITY CLERK

EMERGENCY CLAUSE

THE EMERGENCY CLAUSE IS HEREBY PASSED, APPROVED AND ADOPTED THIS 6TH DAY OF APRIL, 2020.

WILLIAM H. JOYCE, MAYOR

ATTEST:

TERESA KADAVY, CITY CLERK

(SEAL)

APPROVED AS TO FORM AND LEGALITY THIS 6TH DAY OF APRIL, 2020.

JOHN E. DORMAN, CITY ATTORNEY

First Reading: 3-30-20
Second Reading: 4-6-20