

BOARD OF ADJUSTMENT MEETING AGENDA
APRIL 2, 2026



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

Chair Bryan Langford-Loftis, Vice-Chair Micah Sexton, Rob Lamecker, Mike Woods and Jantzen Harrison

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 listed as presented or as amended by the Board of Adjustment unless the agenda entry specifically states that no action will be taken.

a.	Receive public comment on a request for a variance (VAR25-08) to Ch. 23 Art. VI Sec.23-140(d)(2)a.1 Front Yard Setbacks for all property boundaries abutting a right-of-way or road/access easement in Multi-Family Intermediate (RMI) Zoning District at the property addressed as 721 W. 9th Ave. <i>(Continued from March 19th, 2026 Special Meeting.)</i>	Henry Bibelheimer
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b.	Receive public comment on a request for a variance (VAR26-01) for Ch. 23 Art. VIII Sec.23-210(c) Parking Location Standards in Multi-Family Intermediate (RMI) Zoning District at the property addressed as 721 W. 9th Ave. <i>(Continued from March 19th, 2026 Special Meeting.)</i>	Henry Bibelheimer
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3. Miscellaneous Items from Staff, Board Members or City Attorney for Discussion and Possible Action:

a.	Next regular meeting is May 7, 2026.
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4. 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: April 2, 2026
Subject: Variance to Chapter 23, Article VI, Division 3, Section 23-140.d.2.a.1
Project Name: VAR25-08
Location: 721 West 9th Avenue

BACKGROUND

This property is located on the southeast corner of South Ramsey Street and West 9th Avenue. This property is zoned Multi-Family Intermediate (RMI) zoning district. Section 23-140.d.2.a.1 requires a 20-foot front yard setback. Since this property is a corner lot, the 20-foot front setback requirement applies to both Ramsey Street and 9th Avenue. Ramsey is a local street with 100 feet of right-of-way (ROW). Section 23-140.e.5 allows a reduction to the required setback by up to 50% for local streets only. Section 23-140.e.5 does not apply to 9th Avenue, because although there is 100 feet of ROW, 9th Avenue is a collector street.

Section 23-140 (e) 5 states that:

“For property that, for the full length of the property, abuts a local street and 1) the ROW has a minimum width of 100 feet or, 2) the centerline of the platted ROW is a minimum of 50 feet from the property line, the front yard setback may be reduced by up to 50 percent.”

The applicant has requested to reduce the required front setbacks along 9th Avenue by 50%. If the variance is granted, the front yard setback along 9th Avenue would be reduced to 10 feet.

On March 19, 2026 the Board of Adjustment voted to continue the variance to April 2, 2026.

CODE APPLICATION

Sec. 23-140. - RMI Multi-Family Intermediate District.

(d) *Bulk regulations.* Bulk regulation requirements in the RMI districts are as follows:

(2) Setbacks. The following are the minimum required setbacks in the RMI district:

a. Minimum front yard:

1. 20 feet from all property boundaries abutting a right-of-way or road/access easement.

CRITERIA FOR APPROVAL

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

- (1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;
- (2) Such conditions are peculiar to the particular piece of property involved;

- (3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and
- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

ALTERNATIVES

The Board of Adjustment has the following alternatives of action:

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

RECOMMENDATION

Staff has reviewed the application, letter of justification and other submitted materials. Staff recommends approval of this request.

Prepared by:	Henry Bibelheimer, Senior Planner
Date of Preparation:	March 30, 2026
Attachments:	Application, Area Map, Letter of Justification, Conceptual Exhibit, Excerpt from Ord. No. 3589 with Section 23-140.d.2.a.1 and Section 23-140.e.5

CITY OF STILLWATER - DEVELOPMENT SERVICES DEPARTMENT
BOARD OF ADJUSTMENT APPLICATION

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

Appeal Special Exception Variance Minor Variance

Title of Subdivision/Plan: 721 West 9th Avenue
 Owner(s) of Property: Melissa Jo Utley
 Owner(s) Address: 3616 South Persimmon Street, Stillwater, OK 74074
 Owner(s) Phone/Fax/Email: _____
 Applicant(s) Name: Gose & Associates / Stephen C. Gose, P.E.
 Applicant(s) Address: 113 E 8th Ave, Stillwater, OK 74074
 Applicant(s) Phone/Fax/Email: 405.743.4907 / stephen@gose-associates.com

Location of Property: 721 West 9th Avenue; southeast corner of West 9th Avenue and South Ramsey Street
Lot 6, Block 2, Duncan's Addition

Chapter, Article, Section, City Code from which the action is requested: 23-140(d)(2)a.1

Appeals application submittal requirements:

Applicant	Section 23.68	City
	1.) Completed application form	
	2.) Filing fee - \$140	
	3.) On a separate sheet, state the City's Code Section or the City Administrative Officer's decision or action for which appeal is being sought.	
	4.) Provide justification for the appeal.	

ALL Variance and Special Exception application submittal requirements: Ch. 23, Article 3

Applicant	Section 23.65, 23.67	City
X	1.) Completed application form	JB
X	2.) Filing fee - \$140	
x	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
x	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.	JB
n/a	5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable.	N/A
n/a	6.) Original mortgage or field survey, if applicable.	N/A
X	7.) <u>Variations only</u> – Written explanation justifying how the request meets the criteria for approval of a variance. <i>Please see and complete Pages 3 & 4 of this application or feel free to attach separately.</i>	JB
X	8.) Any other documents, information, etc. to assist the Board in making a decision.	Site Plan

Form Revision Date: 02.2025

RECEIVED
 By alexandria.maged at 3:09 pm, Dec 18, 2025

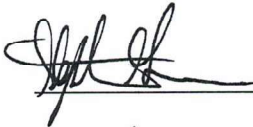
Findings Necessary for Granting Variances

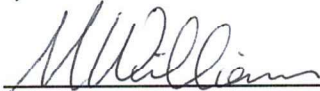
In determining whether or not the variance should be granted, the Board of Adjustment shall consider and record in the official minutes of the meeting, the extent to which the evidence demonstrates that:

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 12/16/2025

Owner/Agent (provide documentation)  Date 12-16-25

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

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

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

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

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

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



Stillwater OKLAHOMA
stillwaterok.gov

Project Type: Board of Adjustment - Variance (VAR25-08)
Request: Variance to 23-140(d)(2)a.1
Address: 721 W 9TH AVE.



Gose & Associates

ENGINEERING • PLANNING • LAND SERVICES

December 16, 2025

Board of Adjustment
City of Stillwater
723 South Lewis Street
Stillwater, Oklahoma 74074

**RE: Variance Request – 23-140(d)(2)a.1
721 West 9th Avenue**

Dear Board Members,

Our Client, Melissa Jo Utley, is requesting a variance to Sections 23-140(d)(2)a.1 of the City Code for the construction of a proposed duplex residential project at 721 West 9th Avenue at the southeast corner of West 9th Avenue and South Ramsey Street. The lot was platted as a 50-foot by 140-foot lot, as Lot 6, Block 2, Duncan's Addition, on May 26, 1953 when the current bulk standards were not applicable. The current zoning designation is Multi-Family Intermediate (RMI) and two-family (duplex) is a permitted use and more than one principal residential structure may be located on a lot.

A variance is being sought for the minimum front yard abutting the primary right-of-way setback (West 9th Avenue), reducing it from 20 feet to 10 feet. Existing homes on the south side of the block, and one block in each direction, are set back 1- to 21-feet from the south side of the 9th Avenue right-of-way line, with an average of 7.4 feet and a median of 7-feet.

The project consists of the addition of a duplex structure to the 7,000 square foot (0.16 acre) lot which already has a two-story duplex structure. The proposed density of the lot is 25 units per acre which is less than the 30 units per acre allowed by Section 23-132.

The legal description of the subject property is as follows:

LOT 6, BLOCK 2, DUNCANS ADDITION TO THE CITY OF STILLWATER, PAYNE COUNTY, OKLAHOMA,
ACCORDING TO THE RECORDED PLAT THEREOF.

Property owner is requesting a variance to 23-140(d)(2)a.1 to allow a minimum front yard abutting a primary right-of-way, of 10 feet instead of 20 feet.



In accordance with the requirements, the following support information is provided.

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

This is a unique property with regard to the current bulk standards because the area was platted well before the current zoning code and bulk standards were established. The variance for the minimum setback allows for use of the existing platted lot in general conformance with the adjacent lots in the area, the majority of which have setbacks less than 10-feet. In addition, the 9th Avenue right-of-way in this area is 100 feet, whereas the current Collector functional classification would only require 70-feet of right-of-way, a difference of 15-feet along this lots frontage.

As currently written, the City Code does not have any provisions for infill developments such as this and the Planned Unit Development section (23-306(b)) does not allow for the submittal of a Planned Unit Development for developments less than one (1) acre in size.

On Monday, December 1, 2025, the Stillwater City Council considered agenda item CC-25-167 and Ordinance No. 3589 to allow an automatic 50% reduction in front yard setbacks on Local streets with a 50-foot half right-of-way. This applies to the secondary frontage on Ramsey Street but does not apply to 9th Avenue.

One possible option to alleviate the setback is to petition to close the “excess” right of way discussed above, but at this time, City Staff has not been willing to do partial right-of-way closures to preserve the right of way currently dedicated. If the right-of-way could be closed there would be 15-feet possible, which would put the current required 20-foot setback 5-feet off the current right-of-way. This variance request still places the setback further into the property.

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

As discussed in the above section, these lots were platted well before the current bulk standards were even considered. The variances also allow the character of the existing neighborhood to be maintained.

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.

These variance requests should not adversely affect the surrounding properties and will not impair their future development. The C3 plan calls for this area to be Low. The 2045 Envision Stillwater Comprehensive Plan shows this area as “Moderate-Density Residential”.



Gose & Associates

ENGINEERING • PLANNING • LAND SERVICES

Page 3

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

This variance request is the minimum necessary to alleviate the hardship.

Should you have any questions please feel free to contact me at 405.743.4907.

Sincerely,

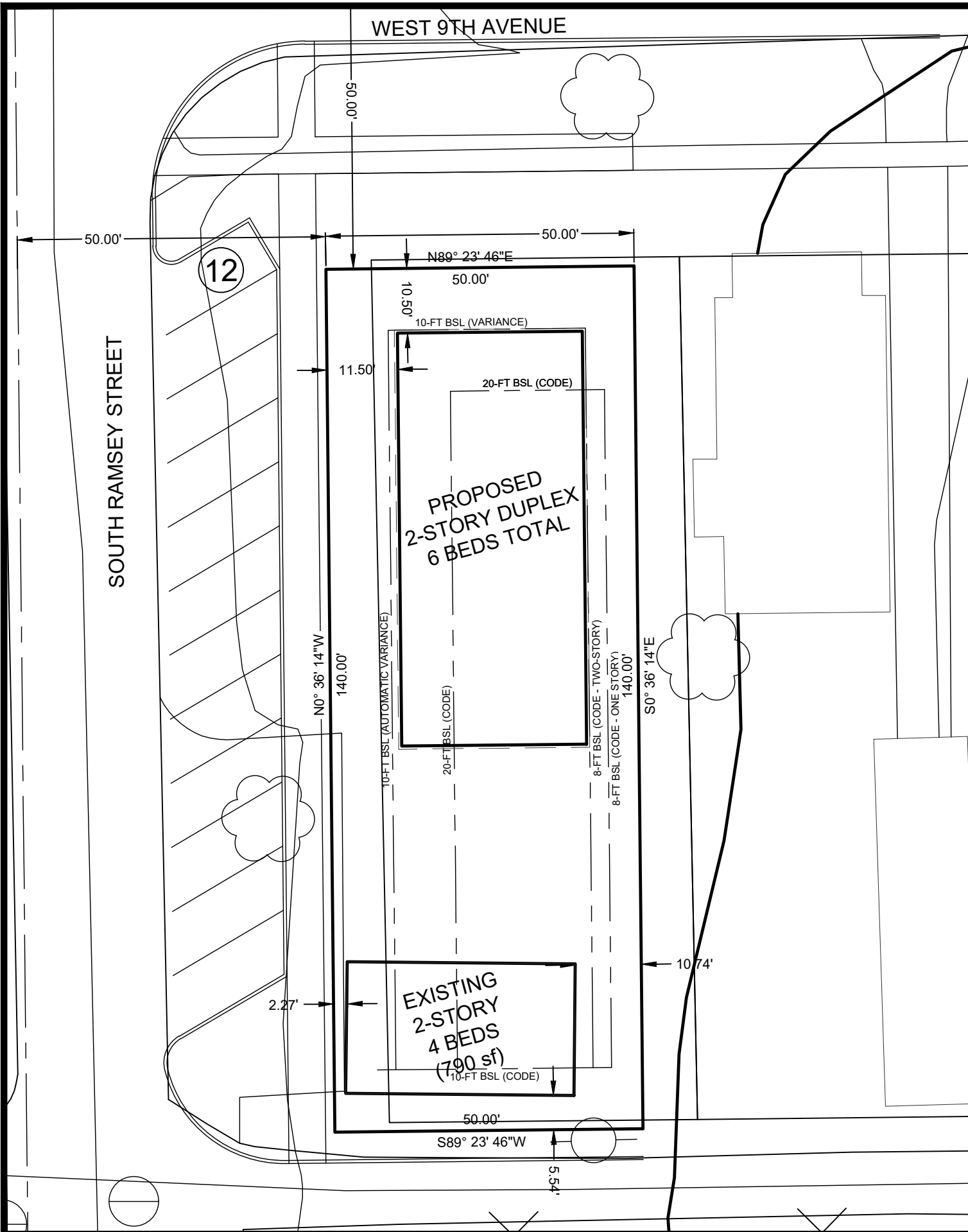
Gose & Associates (CA #1604)

Stephen C. Gose, P.E. (OK22808)

Project Manager

cc: Melissa Jo Utley – Property Owner

PREPARED, REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY GOSE & ASSOCIATES, SHALL BE WITHOUT LIABILITY TO GOSE & ASSOCIATES.



721 West 9th Avenue

- 0.1607 acres - 7,000 sf
- Zoning - RMI - Residential Multi-Family Intermediate
 - RTM to east, west and south
- Front Yard - 20-feet; 10-ft at alley
- Side Yard - 5-feet residential structures
 - +3-ft for each story over 1st
- Rear Yard - 20-feet - n/a
- Lot Coverage 40% (building only) -> 2,800 sf max (2,800 sf proposed)
- Parking - 1 space per bedroom - 10 required - 12 on-street provided (6 effective)

RESIDENTIAL LOT PLAN	 Gose & Associates <small>ENGINEERING • PLANNING • LAND SERVICES</small> 113 E. 8th Avenue Stillwater, OK 74074 PH (405) 743-4907 CA 1640 www.gose-associates.com
721 WEST 9TH AVENUE	
SCALE: 1"=20' @ 11"x17"	
DATE: 12/16/2025	
JOB NO: 1375.03	

ORDINANCE NO. 3589

AN ORDINANCE AMENDING STILLWATER CITY CODE CHAPTER 23, "LAND DEVELOPMENT CODE," ARTICLE VI, "LAND USE CLASSIFICATION," TO AMEND OR ADD A SETBACK EXCEPTION IN DIVISION 3, "RESIDENTIAL DISTRICTS," SECTIONS 23-136 THROUGH 23-142 AND 144, DIVISION 4, "COMMERCIAL DISTRICTS," SECTIONS 23-150 THROUGH 23-153, DIVISION 5, INDUSTRIAL DISTRICTS," SECTIONS 23-160 THROUGH 23-161, AND DIVISION 6, "AGRICULTURE DISTRICT, PUBLIC DISTRICT AND UNIVERSITY DISTRICT," SECTION 23-170; REPEALING ALL ORDINANCES TO THE CONTRARY; AND PROVIDING FOR SEVERABILITY

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

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

SECTION 1: That Stillwater City Code, Chapter 23, "Land Development Code," Article VI, "Land Use Classification," Division 3, "Residential Districts," Sections 23-136 through 23-142, and 23-144, be amended to read as follows:

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.

Sec. 23-140. RMI (Multi-Family Intermediate) District.

(a) *Permitted uses.* The following uses are permitted in the RMI Multi-Family Intermediate District:

- (1) Boarding house/rooming house.
- (2) Churches and religious institutions.
- (3) Free-standing self service facilities.
- (4) Multiple-family with a maximum gross density of 30 units per acre.
- (5) Parking lot/garages.
- (6) Townhome.
- (7) Two-family (duplex).

(b) *Specific use permit.* The following uses are permitted by specific use permit in the RMI district:

- (1) Accommodation.
- (2) Child and adult care services.
- (3) Educational institutions.
- (4) Health care and social assistance.
- (5) Personal and laundry services.
- (6) Telecommunications tower.

(c) *Lot size requirements.* The lot size requirements in the RMI district are as follows:

- (1) Minimum lot area: 15,000 square feet.
- (2) Minimum lot width: 75 feet.
- (3) Minimum lot depth: 130 feet.

(d) *Bulk regulations.* Bulk regulation requirements in the RMI 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: 50 feet.

(2) Setbacks. The following are the minimum required setbacks in the RMI 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: Five feet.
2. All other permitted and specific use permit uses: 25 feet.

c. Minimum rear yard: 20 feet.

(3) Maximum lot coverage: 40 percent.

(e) *Exceptions.* The following are the exceptions in the RMI 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) Townhomes are exempt from the lot size and lot coverage requirements; any exterior building(s) shall have a minimum side setback of eight feet.
- (3) Residential structures not divided into dwelling units shall have densities determined as:
 - a. Each two sleeping rooms for single or double occupancy shall be deemed to constitute one dwelling unit; and
 - b. Each four beds, in sleeping rooms that contain beds for more than two persons, shall be deemed to constitute one dwelling unit.
- (4) More than one principal residential structure may be located on a lot.

(5) For property that, for the full length of the property, abuts a local street and 1) the ROW has a minimum width of 100' or, 2) the centerline of the platted ROW is a minimum of 50' from the property line, the front yard setback may be reduced by up to 50 percent.

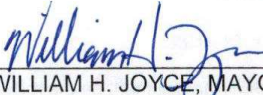


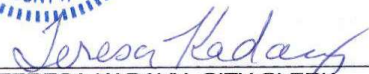
SECTION 5: REPEALER. All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 6: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED, APPROVED, AND ADOPTED THIS 15 DAY OF December 2025.




WILLIAM H. JOYCE, MAYOR


TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 17 DAY OF December, 2025.


KIMBERLY CANLEY, CITY ATTORNEY

First Reading: 12-01-2025
Second Reading: 12-15-2025

Date of Meeting: April 2, 2026
Subject: Variance to Chapter 23, Article VIII, Division 1, Section 23-210.c
Project Name: VAR26-01
Location: 721 West 9th Avenue

BACKGROUND

This property is located on the southeast corner of South Ramsey Street and West 9th Avenue. This property is zoned Multi-Family Intermediate (RMI) District. The applicant is proposing a 6-bedroom duplex on the property, which has an existing 4-bedroom duplex. This equates to four (4) total dwelling units on a single lot which is allowed in the RMI district. The existing duplex has five (5) 90-degree parking spaces within the public right-of-way of Ramsey Street. Per the table in Section 23-220, a total of nine (9) parking spaces are required for the four (4) dwelling units.

Section 23-210 (c) states that:

“Any existing or proposed on-street public parking spaces adjacent to the property may count toward the minimum parking requirements at a rate of two public spaces equaling one required space.”

Section 23-210 of the City Code would require eighteen (18) public parking spaces to meet the parking required for this development. On the attached site plan, the applicant is proposing to build twelve (12) new public angled parking spaces to replace the existing five (5) parking spaces. Per the code section above, the twelve (12) parking spaces would account for six (6) of the nine (9) required spaces. The applicant is requesting a variance to the above code section 23-210.c, to reduce the required public parking ratio from 2:1 down to 1.33:1. A variance allows the applicant to serve the existing and proposed duplexes with twelve (12) public parking spaces as shown on the conceptual exhibit.

On March 19, 2026 the Board of Adjustment voted to continue the variance to April 2, 2026.

CODE APPLICATION

Sec. 23-210. - Purpose; applicability; regulations.

- c) *Location.* The entirety of any off-street motor vehicle loading/parking and bicycle parking facility required by this article shall be located on the same lot or property as the principal building or use being served, except that whenever such lot or property is located in a CB, P, or RM district, private parking facilities located within 600 feet of such lot or property may be utilized. Any existing or proposed on-street public parking spaces adjacent to the property may count toward the minimum parking requirements at a rate of two public spaces equaling one required space. On-site parking and/or loading/unloading for lots or properties located in a CB district shall be at the rear of any structure located thereon. Required parking spaces may be provided in a carport or garage, provided that such is utilized and maintained in accordance with the provisions of this article.

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;
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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. The twelve (12) parking spaces proposed will still provide at least one parking space per bedroom. Given the following:

- a. A large drainage channel is along the west side of Ramsey Street;
- b. There currently exists the need for more workforce housing in Stillwater; and
- c. Ramsey is a dead-end street south of this development;

Staff is recommending approval of this variance request.

Prepared by: Henry Bibelheimer, Senior Planner
Date of Preparation: March 30, 2026
Attachments: Application, Letter of Justification, Conceptual Exhibit, Section 23-210.c

CITY OF STILLWATER - DEVELOPMENT SERVICES DEPARTMENT
BOARD OF ADJUSTMENT APPLICATION

Applications will be accepted Monday through Friday, from 8:30 AM to 11:30 AM
Per Resolution CC-2007-16

_____ Appeal _____ Special Exception _____ Variance _____ Minor Variance

Title of Subdivision/Plan: _____

Owner(s) of Property: _____

Owner(s) Address: _____

Owner(s) Phone/Fax/Email: _____

Applicant(s) Name: _____

Applicant(s) Address: _____

Applicant(s) Phone/Fax/Email: _____

Location of Property: _____

Chapter, Article, Section, City Code from which the action is requested: _____

Appeals application submittal requirements:

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	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.	JB
	5.) Copy of existing or proposed restrictive covenants that apply to the property that is subject to the requested action, if applicable.	
	6.) Original mortgage or field survey, if applicable.	
	7.) <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.	JB

Findings Necessary for Granting Variances

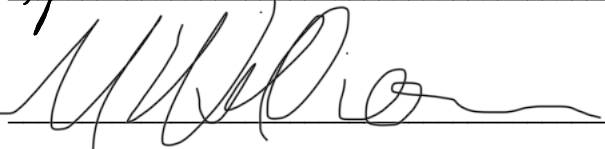
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3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Certification:

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

Applicant  _____ Date _____

Owner/Agent (provide documentation)  _____ Date _____

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

Submission _____ Date: _____ Processing Tract: IRC 3.4.26, BOA
2.11.26 Approval _____ Fees: _____ Number of Copies:
 Date: _____

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

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

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

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



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February 10, 2026

Board of Adjustment
City of Stillwater
723 South Lewis Street
Stillwater, Oklahoma 74074

**RE: Variance Request – 23-210(c)
721 West 9th Avenue**

Dear Board Members,

Our Client, Melissa Jo Utley, is requesting a variance to Sections 23-210(c) of the City Code for the construction of a proposed duplex residential project at 721 West 9th Avenue at the southeast corner of West 9th Avenue and South Ramsey Street. The lot was platted as a 50-foot by 140-foot lot, as Lot 6, Block 2, Duncan’s Addition, on May 26, 1953, when the current bulk standards were not applicable. The current zoning designation is Multi-Family Intermediate (RMI) and two-family (duplex) is a permitted use and more than one principal residential structure may be located on a lot.

A variance is being sought to the requirement that states “Any existing or proposed on-street public parking spaces adjacent to the property may count toward the minimum parking requirements at a rate of two public spaces equaling one required space.” The existing duplex has 2 – 2-bedroom units and the proposed duplex has 2 – 3-bedroom units. Section 23-220, Table 4.2, requires 1 space per bedroom for a total of 10 required for the project.

There are currently approximately 5 on-street spaces for the existing building. It is proposed to rebuild the parking along Ramsey with a total of 12 spaces.

The legal description of the subject property is as follows:

LOT 6, BLOCK 2, DUNCANS ADDITION TO THE CITY OF STILLWATER, PAYNE COUNTY, OKLAHOMA,
ACCORDING TO THE RECORDED PLAT THEREOF.

Property owner is requesting a variance to 23-210(c) to allow a reduction in the rate at which the parking count reduction is applied.



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In accordance with the requirements, the following support information is provided.

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

This is a unique property with regard to the current bulk standards because the area was platted well before the current zoning code and bulk standards were established. The variance for the parking allows use of the property to its highest and best use based on its current zoning designation. In addition, the 9th Avenue right-of-way in this area is 100 feet, providing sufficient area for angled parking along with a 6-foot sidewalk. Construction of additional on-street parking is not possible on the west side of the street due to the existing drainage channel.

As currently written, the City Code does not have any provisions for infill developments such as this and the Planned Unit Development section (23-306(b)) does not allow for the submittal of a Planned Unit Development for developments less than one (1) acre in size.

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

As discussed in the above section, these lots were platted well before the current bulk standards were even considered. The variances also allow the character of the existing neighborhood to be maintained with regard to building location on the lot relative to the street frontages.

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.

These variance requests should not adversely affect the surrounding properties and will not impair their future development. The parking does not affect the property to the west due to the existing drainage channel mentioned above. The C3 plan calls for this area to be Low. The 2045 Envision Stillwater Comprehensive Plan shows this area as “Moderate-Density Residential”.

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

This variance request is the minimum necessary to alleviate the hardship.

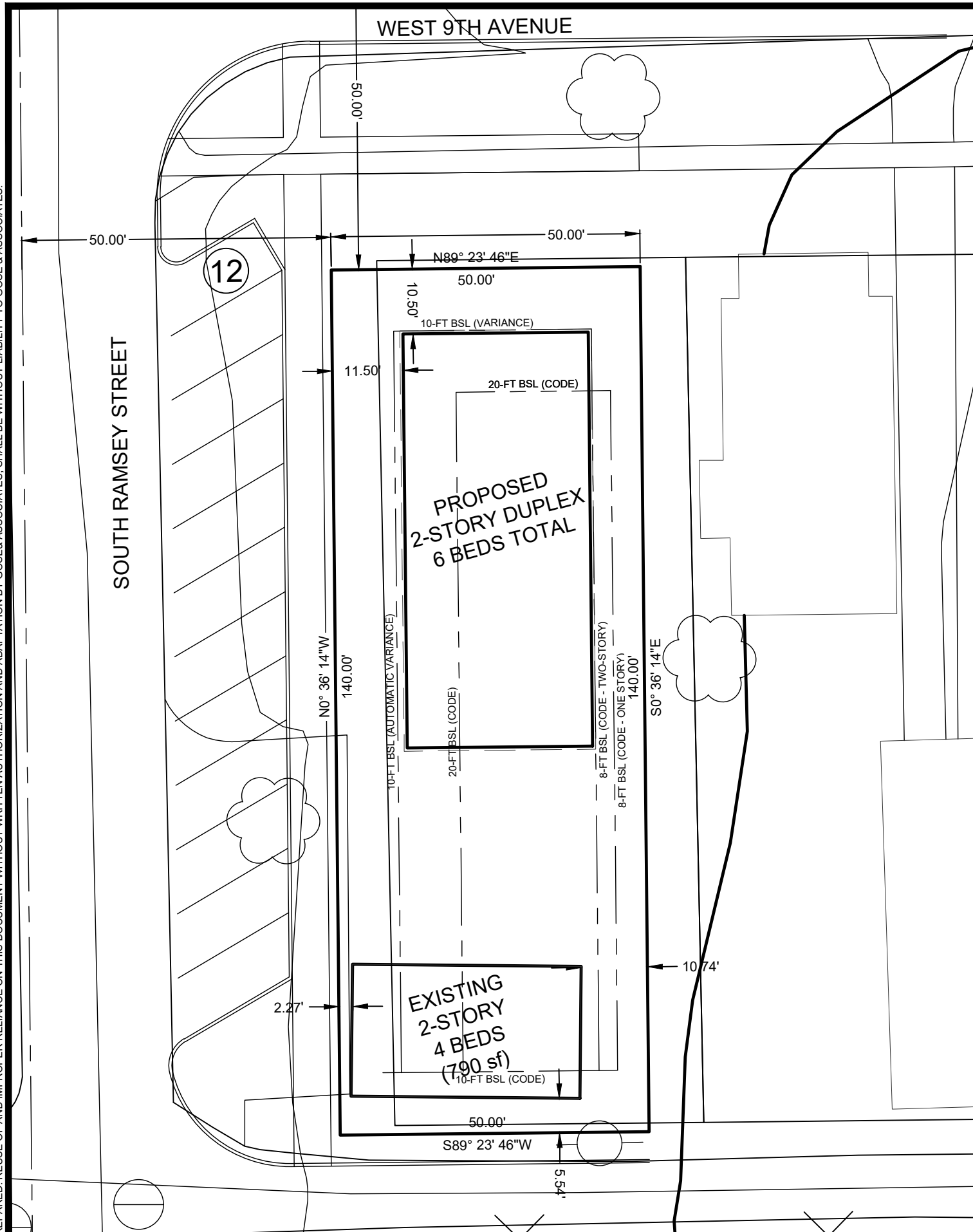
Should you have any questions please feel free to contact me at 405.743.4907.

Sincerely,
Gose & Associates (CA #1604)

Stephen C. Gose, P.E. (OK22808)
Project Manager

cc: Melissa Jo Utley – Property Owner

PREPARED, REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY GOSE & ASSOCIATES, SHALL BE WITHOUT LIABILITY TO GOSE & ASSOCIATES.



721 West 9th Avenue

- 0.1607 acres - 7,000 sf
- Zoning - RMI - Residential Multi-Family Intermediate
 - RTM to east, west and south
- Front Yard - 20-feet; 10-ft at alley
- Side Yard - 5-feet residential structures
 - +3-ft for each story over 1st
- Rear Yard - 20-feet - n/a
- Lot Coverage 40% (building only) -> 2,800 sf max (2,800 sf proposed)
- Parking - 1 space per bedroom - 10 required - 12 on-street provided (6 effective)

RESIDENTIAL LOT PLAN
721 WEST 9TH AVENUE
SCALE: 1"=20' @ 11"x17"
DATE: 12/16/2025
JOB NO: 1375.03



Gose & Associates
ENGINEERING • PLANNING • LAND SERVICES
113 E. 8th Avenue Stillwater, OK 74074 PH (405) 743-4907 CA 1640
www.gose-associates.com

Sec. 23-210. - Purpose; applicability; regulations.

- (a) *Purpose.* These regulations are intended to facilitate adequate off-street parking and loading facilities for land uses proportional to the need created by each use, in order to alleviate traffic congestion. Except as otherwise provided, the regulations contained in this article shall apply to all uses in all districts.
- (b) *Applicability.* The regulations of this article apply to areas used for the display, parking, and/or storage of vehicles. All off-street parking and loading facilities for new, changed, or expanded land uses shall be constructed according to the design standards of this article. Any existing building or use hereafter changed, enlarged or structurally altered to the extent of increasing the floor area or use area shall provide additional off-street parking and loading facilities to accommodate additional display, parking and/or storage of vehicles caused by such use alteration.
- (c) *Location.* The entirety of any off-street motor vehicle loading/parking and bicycle parking facility required by this article shall be located on the same lot or property as the principal building or use being served, except that whenever such lot or property is located in a CB, P, or RM district, private parking facilities located within 600 feet of such lot or property may be utilized. Any existing or proposed on-street public parking spaces adjacent to the property may count toward the minimum parking requirements at a rate of two public spaces equaling one required space. On-site parking and/or loading/unloading for lots or properties located in a CB district shall be at the rear of any structure located thereon. Required parking spaces may be provided in a carport or garage, provided that such is utilized and maintained in accordance with the provisions of this article.
- (d) *Ownership.* The ownership of land wherein the required off-street parking is located shall be the same as the ownership of land on which the principal use is located, except as may be otherwise permitted by this section.
- (e) *Utilization.* Accessory off-street parking facilities required by this article shall be restricted to the parking of motor vehicles and shall be maintained as such for the duration of the principal use. Accessory off-street parking and loading facilities shall not be used for the sale, display or storage of merchandise, unless specifically permitted, nor shall such facilities be used for the storage, repair or dismantling of vehicles or equipment for profit.

(Ord. No. 3023, § 1(23.210), 3-3-2008; Ord. No. 3258, § 1, 4-21-2014)