

BOARD OF ADJUSTMENT MEETING AGENDA
JULY 9, 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.

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|----|--|-------------------|
| a. | Receive public comment regarding a request for a variance (VAR26-03) to Ch. 23 Art. XVII Sec. 23-356(a) Sidewalk Requirements at the property addressed as 603 S. Range West Rd. | Henry Bibelheimer |
| b. | Receive public comment regarding a request for a Special Exception (SEBOA26-01) to Sec.23-99(a)(1) regarding temporary accessory structures and uses within residential districts in the Small Lot Single-Family Residential (RSS) zoning district at the property addressed as 2224 W 29 TH Ave. | Henry Bibelheimer |
| c. | Receive public comment regarding a request for a Special Exception (SEBOA26-02) to Sec.23-99(a)(1) regarding temporary accessory structures and uses within residential districts in the Small Lot Single-Family Residential (RSS) Zoning district at the property addressed as 2210 W. 30th Ave. | Henry Bibelheimer |

3. Meeting Summary for Review and Possible Action:

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| a. | Regular meeting summary of April 2nd, 2026. |
| b. | Regular meeting summary of May 7th, 2026. |

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 6, 2026. |
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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 Development Services Desk at least 48 hours prior to the meeting by calling 405.742.8220.

Date of Meeting: July 9, 2026
Subject: Variance to Chapter 23, Article XVII, Division 3, Section 23-356.a
Project Name: VAR26-03
Location: 603 S Range West Road

BACKGROUND

This property is located along the south side of 6th Avenue, and one half mile west of Range Road, and is addressed as 603 S. Range West Road. A map amendment to rezone the northern portion of this property to Two-Family and Multi-Family District (RTM) was approved on June 15, 2026 by City Council. The northern portion of the property contains three single family homes which is allowed by right in RTM. A fourth house existed to the west on a separate parcel owned by the applicant and this home was destroyed during the March 2025 wildfires. The applicant is planning to replace the destroyed home with two new homes adjacent to the three existing homes.

6th Avenue is an arterial street and section 23-356 of the City Code requires that a 6-foot sidewalk be constructed for the full frontage of the property when development occurs along an arterial street. The full frontage of the subject property is approximately 2,045 feet. There are currently no sidewalks along 6th Avenue at this location, and the nearest existing sidewalk is approximately 1 mile to the east. The properties east and the west of the applicant's property are outside of city limits. Payne County does not require developers to build sidewalks.

The applicant is requesting a variance to waive the sidewalk requirements for the two single-family structures that are proposed on the subject property. For any future development, sidewalks will be required, or the property owner will need to seek a new variance.

CODE APPLICATION

Sec. 23-356. - Sidewalks.

- (a) *Required on both sides of the street.* Sidewalks shall be required on both sides of all arterial and collector four-lane and arterial two-lane streets except as provided herein. Sidewalks shall only be required on one side of all other streets as set forth herein. All sidewalks shall be constructed in accordance with applicable standard specifications of the city.

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 requested variance to the sidewalk requirements for the construction of two single-family houses.

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| Prepared by: | Henry Bibelheimer, Senior Planner |
| Reviewed by: | David Barth, Development Services Director |
| Date of Preparation: | July 9, 2026 |
| Attachments: | Letter of Justification Section 23-356 |

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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| DUE to Wildfire of March 14, 2025 |
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Criteria#2: Such conditions are peculiar to the particular piece of property involved

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| THERE IS NO OTHER SIDEWALKS IN THAT AREA |
| THE DEVELOPMENT IS IN A RURAL AREA |
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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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|--|
| THERE IS NO OTHER SIDEWALKS IN THAT AREA |
| THIS DEVELOPMENT IS IN A RURAL AREA |
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Criteria #4: The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship

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| to WAIVE SIDEWALK REQUIREMENTS |
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Sec. 23-356. - Sidewalks.

(a) *Required on both sides of the street.* Sidewalks shall be required on both sides of all arterial and collector four-lane and arterial two-lane streets except as provided herein. Sidewalks shall only be required on one side of all other streets as set forth herein. All sidewalks shall be constructed in accordance with applicable standard specifications of the city.

(b) *Not required.* A sidewalk shall not be required:

- (1) On collector or local streets in those areas zoned and used for industrial purposes;
- (2) In any subdivision wherein the minimum lot size is 20,000 square feet; or
- (3) Whenever a cul-de-sac is shorter than 500 feet in length.

Any request for relief from the requirements set forth in this section shall be through an application for a variance to the board of adjustment. The criteria for granting a variance herein shall be the same as set forth in 11 O.S. § 44-107. Denial of a request for relief under this section by the board of adjustment shall be immediately appealable to the district court of the county in accordance with section 23-69.

(c) *Fee in lieu of construction if determined by director.* A developer or builder may pay a fee to the city in lieu of construction of a sidewalk required under this section whenever the development services director determines that existing conditions make construction impractical. The fee shall be based on the amount of linear feet of sidewalk required and sufficient to pay for the construction of the sidewalk. The city council shall have the authority to establish a schedule of any such fees by resolution and the fee schedule shall be reviewed at least annually. A fee collected under this section shall be placed in a separate escrow account and shall not be used to construct a sidewalk anywhere but on the property for which the fee was paid.

(d) *Sidewalk requirements.* The following are the requirements for sidewalks:

| Street Classification and Number of Lanes | Residential One- and Two-Family | All Others |
|--|---------------------------------|---|
| Arterial or collector, three lanes or more | Both sides, six feet | Both sides, six feet |
| Arterial or collector, two-lane | One side, six feet | Both sides, six feet, unless the comprehensive arterial sidewalk map indicates that the sidewalk shall only be on one side of the street; sidewalks located on one side of an arterial shall be eight feet wide |
| Local | One side, four feet | Both sides, six feet |

Whenever a sidewalk is required on one side of the street, the sidewalk shall be located on the north or east sides of the street; provided, that at such time the improvement plans are approved, the development services director may authorize an alternative sidewalk location to prevent any placement conflict. The sidewalk system within residential subdivisions shall be continuous, and the sidewalk termination ramp on one side of a street shall be located directly opposite of the beginning ramp on the other side of the street in a perpendicular direction to the street.

(e) *Two-lane arterial street impact fee; reimbursement.* A developer responsible for constructing a single eight-foot sidewalk along a two lane arterial street as set forth above shall be entitled to reimbursement for 50 percent of the cost of said construction from the developer of property across such street. The city shall be responsible for assessing and disbursing such cost reimbursement which shall be collected from the benefited developer in the form of a sidewalk impact fee. Said fee shall be determined by taking the total linear foot distance of the benefited property abutting the two lane arterial street, multiplying said amount by the per foot cost of constructing the sidewalk, and reducing the result by 50 percent. If no sidewalk has been built on the opposite side of the street but such is indicated by the comprehensive arterial sidewalk map, an estimate of the per foot construction cost shall be used instead. The city shall disburse any sidewalk impact fee payment tendered herein to the developer responsible for the sidewalk construction upon determination that said improvements meet the applicable city standards and acceptance by the city. If no sidewalk has been constructed as provided herein, then the city shall place any sidewalk impact fee received into an escrow account and shall disburse said amount to the developer responsible for construction of the sidewalk upon determination that said improvements meet the applicable city standards and acceptance by the city. The provisions of this section shall not apply to any sidewalk constructed before the effective date of the ordinance from which this chapter is derived.

(f) *Sidewalk construction is the responsibility of the homebuilder or site developer.* With the exception of those sidewalks that do not directly abut the front or side lot line of any building lot within the subdivision, sidewalks shall be the responsibility of:

1. The homebuilder in residential subdivisions,
2. The building developer on a commercially or industrially platted lot,
3. And the site developer for a development through the CUBR process.

All sidewalks that do not directly abut the front or side lot line of any residential, industrial, or commercial building lot shall be considered to be a part of the required improvements that are the responsibility of the owner/developer.

Prior to the issuance of a certificate of occupancy, a sidewalk that is the homebuilder's or site/building developer's responsibility shall be constructed in accordance with city standards.

(g) *Approval of application for lot split or minor subdivision not conditioned upon construction of sidewalk.* The approval of an application for a minor subdivision or lot spit under this chapter shall not be conditioned upon the construction of a sidewalk in accordance with this section, it being the intention of the city council that such requirement not be imposed until such time as development actually occurs on any parcels created under either of these processes. Whenever such development does occur, the requirements for construction of sidewalks on such parcels shall be the same as set forth in subsection (d) of this section.

(Ord. No. 3023, § 1(23.356), 3-3-2008; Ord. No. 3051, § 47, 12-15-2008; Ord. No. 3201, § 10, 9-17-2012; Ord. No. 3320, § 1, 8-24-2015)

Date of Meeting: July 9, 2026
Subject: Special Exception to allow an extension for a real estate sales office for the Park Valley Subdivision.
Address: 2224 W 29TH AVE
Project Name: SEBOA26-01

Background

The subject property is located on the northeast corner of 29th Avenue and S. Western Road. The parcel is a ~ 6,787 square foot lot and contains a single-family house, which is currently being used as a real estate sales office. Section 23-99 of the Land Development Code allows a real estate sales office within residential districts as a temporary use for up to two years, or until 90% of the properties in the subdivision in which it is located have been sold, unless an extension has been granted as a special exception by the Board of Adjustment.

Section 23-20 describes the powers of the board of adjustment, one of which is to hear and decide special exceptions (23-20.a.2) to allow a use, *“which is not permitted by right, in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the board of adjustment where specifically authorized by the zoning chapter and in accordance with the substantive and procedural standards of this chapter.”*

The applicant, Ideal Homes of Norman LP, has been operating a sales office at this location since the temporary certificate of occupancy was issued on June 21, 2024. 90% of the properties in the subdivision have not been sold yet, and the 2 years that the real estate sales office is allowed to remain by right has expired. This is why the applicant has applied for this special exception to allow the real estate sales office to continue at this location for a time period to be set by the Board of Adjustment, if approved.

CODE APPLICATION

Sec. 23-99. - Temporary accessory structures and uses within residential districts.

(a) Permitted uses. The following are the temporary accessory uses permitted within residential districts:

(1) Real estate sales office for activities incidental to the marketing of properties in the subdivision in which located provided that:

b. Any such office may remain for two years or until 90 percent of the properties therein have been sold, whichever is sooner, unless an extension of the period shall have been granted as a special exception by the board of adjustment.

Notice Requirement

Notice – Letters mailed to property owners within 300 feet, notice in the NewsPress and posted signage

Criteria for Approval

1. Granting the special exception will not adversely affect the rights of adjacent property owners or residents; and

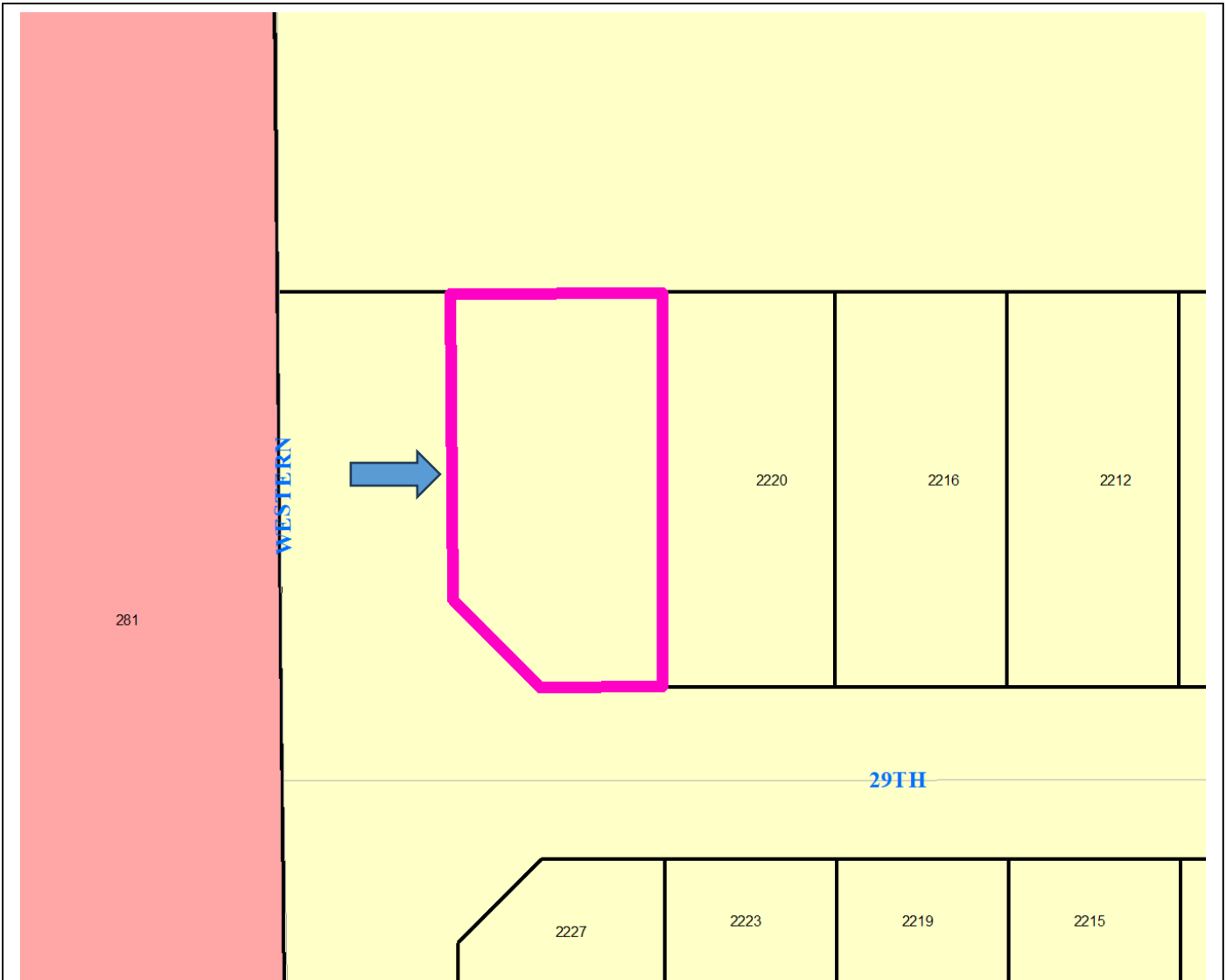
2. Granting special exception will not cause substantial detriment to public health, safety, convenience or general welfare.

Alternatives

1. Make findings regarding the establishment of each of the criteria required to justify the special exception and approve a special exception extending the permitted use for a specified time period.
2. Find that the criteria for approval of the request have not been met and deny the special exception.
3. Table the discussion to a certain date to allow for additional information to be presented.

Staff's Recommendation: Staff recommends approval of the Special Exception until July 9, 2028 or until 90% of the properties in the subdivision in which it is located have been sold, whichever is sooner.

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| Prepared by: | Henry Bibelheimer, Senior Planner |
| Reviewed by: | David Barth, Development Services Director Cindy Gibson, Administrative Services Manager |
| Date of Preparation: | July 1, 2026 |
| Attachments: | Area Map, Letter of Justification, and Plot Plan |



Stillwater. OKLAHOMA
stillwaterok.gov

Project Type: Special Exception - Board of Adjustment (SEBOA26-01)
Request: Special Exception for a 2 year extension to the Temporary Certificate of Occupancy for the model home in Park Valley Section 1
Address: 2224 W 29TH AVE.



IDEAL
homes | neighborhoods®

February 23, 2004

City of Stillwater Board of Adjustments
Stillwater, OK

Re: Request for Extension of Temporary Certificate of Occupancy – Park Valley Model Home 2224 W 29th Ave, Stillwater, OK 74074

Dear Members of the Board,

I am writing to respectfully request an extension of the Temporary Certificate of Occupancy for the Park Valley Model Home located at 2224 W 29th Ave, Stillwater, OK 74074. We are seeking approval to extend the current certificate for an additional two (2) years from the date of approval.

Over the past two years, this property has operated continuously as an active model home. During this time, it has functioned in full compliance with applicable regulations and has not generated any issues, complaints, or disturbances affecting the surrounding neighborhood or its residents. The operation of the model home has remained orderly, well-maintained, and consistent with the character of the area.

Given its positive track record and the absence of any adverse impact, we believe that granting this extension would allow us to continue serving prospective homeowners while maintaining the same level of responsibility and respect for the community.

We appreciate your consideration of this request and are happy to provide any additional information or documentation if needed.

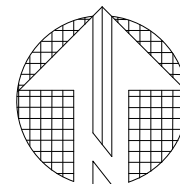
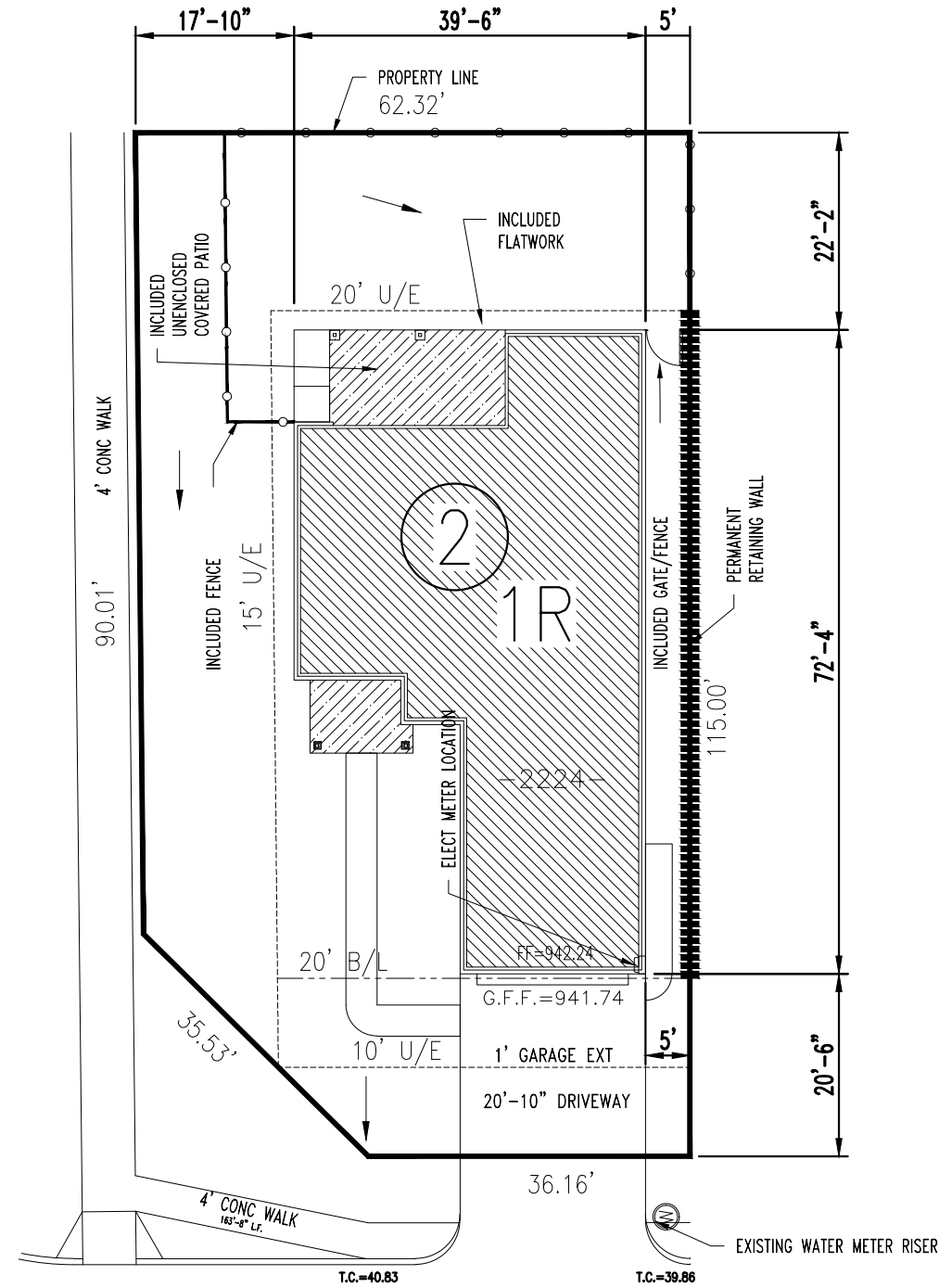
Sincerely,

Melissa Mallory
Ideal Homes of Norman, LP
405-243-0144 / [mmallory@ideal-homes.com]

BUILDER WILL MAINTAIN EXISTING EROSION CONTROL MEASURES IN PLACE AT TIME OF FINAL PLAT ACCEPTANCE AND WILL PROVIDE SILT FENCE AS NEEDED FOR EROSION CONTRL MAILBOXES

**FINAL PLAT
PARK VALLEY ADDITION SECTION 1**

A PART OF THE S.W. 1/4,
SECTION 27, T19N, R2E, I.M.
STILLWATER, PAYNE COUNTY, OKLAHOMA
BLOCK 2, LOT 1



LAND AREA: 6,787 SQ. FT.
SOD AREA: 4,219 SQ. FT.

2224 W 29TH AVE

| | |
|-----------|-----------|
| DRAWN BY: | Sheet No. |
| | 1 |
| PLOT PLAN | |
| Date: | Scale: |
| 6/20/23 | 1"=20' |

NOTES:

©Copyright NTS Architects & Planners Inc. 1997

| | |
|--------------|------------|
| PLAN NAME: | ELEVATION: |
| FORESTERY2 | B |
| PLAN NUMBER: | |
| S1495 | |

1320 N. PORTER
NORMAN, OK 73071
(405) 364-1152
(800) 682-2763

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Quality. Affordable. Home.
Today and Tomorrow.

Date of Meeting: July 9, 2026
Subject: Special Exception to allow an extension for a real estate sales office for the Frye Farms Subdivision.
Address: 2210 W 30TH AVE
Project Name: SEBOA26-02

Background

The subject property is located east of the northeast corner of 30th Avenue and S. Western Road. The parcel is a ~ 5,000 square foot lot and contains a single-family house, which is currently being used as a real estate sales office. Section 23-99 of the Land Development Code allows a real estate sales office within residential districts as a temporary use for up to two years, or until 90% of the properties in the subdivision in which it is located have been sold, unless an extension has been granted as a special exception by the Board of Adjustment.

Section 23-20 describes the powers of the board of adjustment, one of which is to hear and decide special exceptions (23-20.a.2) to allow a use, *“which is not permitted by right, in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the board of adjustment where specifically authorized by the zoning chapter and in accordance with the substantive and procedural standards of this chapter.”*

The applicant, Lennar Homes of Oklahoma, LLC, has been operating a sales office at this location since the temporary certificate of occupancy was issued on October 17, 2023. 90% of the properties in the subdivision have not been sold yet, and the 2 years that the real estate sales office is allowed to remain by right has expired. This is why the applicant has applied for this special exception to allow the real estate sales office to continue at this location for a time period to be set by the Board of Adjustment, if approved.

CODE APPLICATION

Sec. 23-99. - Temporary accessory structures and uses within residential districts.

(a) Permitted uses. The following are the temporary accessory uses permitted within residential districts:

(1) Real estate sales office for activities incidental to the marketing of properties in the subdivision in which located provided that:

b. Any such office may remain for two years or until 90 percent of the properties therein have been sold, whichever is sooner, unless an extension of the period shall have been granted as a special exception by the board of adjustment.

Notice Requirement

Notice – Letters mailed to property owners within 300 feet, notice in the NewsPress and posted signage

Criteria for Approval

1. Granting the special exception will not adversely affect the rights of adjacent property owners or residents; and

2. Granting special exception will not cause substantial detriment to public health, safety, convenience or general welfare.

Alternatives

1. Make findings regarding the establishment of each of the criteria required to justify the special exception and approve a special exception extending the permitted use for a specified time period.
2. Find that the criteria for approval of the request have not been met and deny the special exception.
3. Table the discussion to a certain date to allow for additional information to be presented.

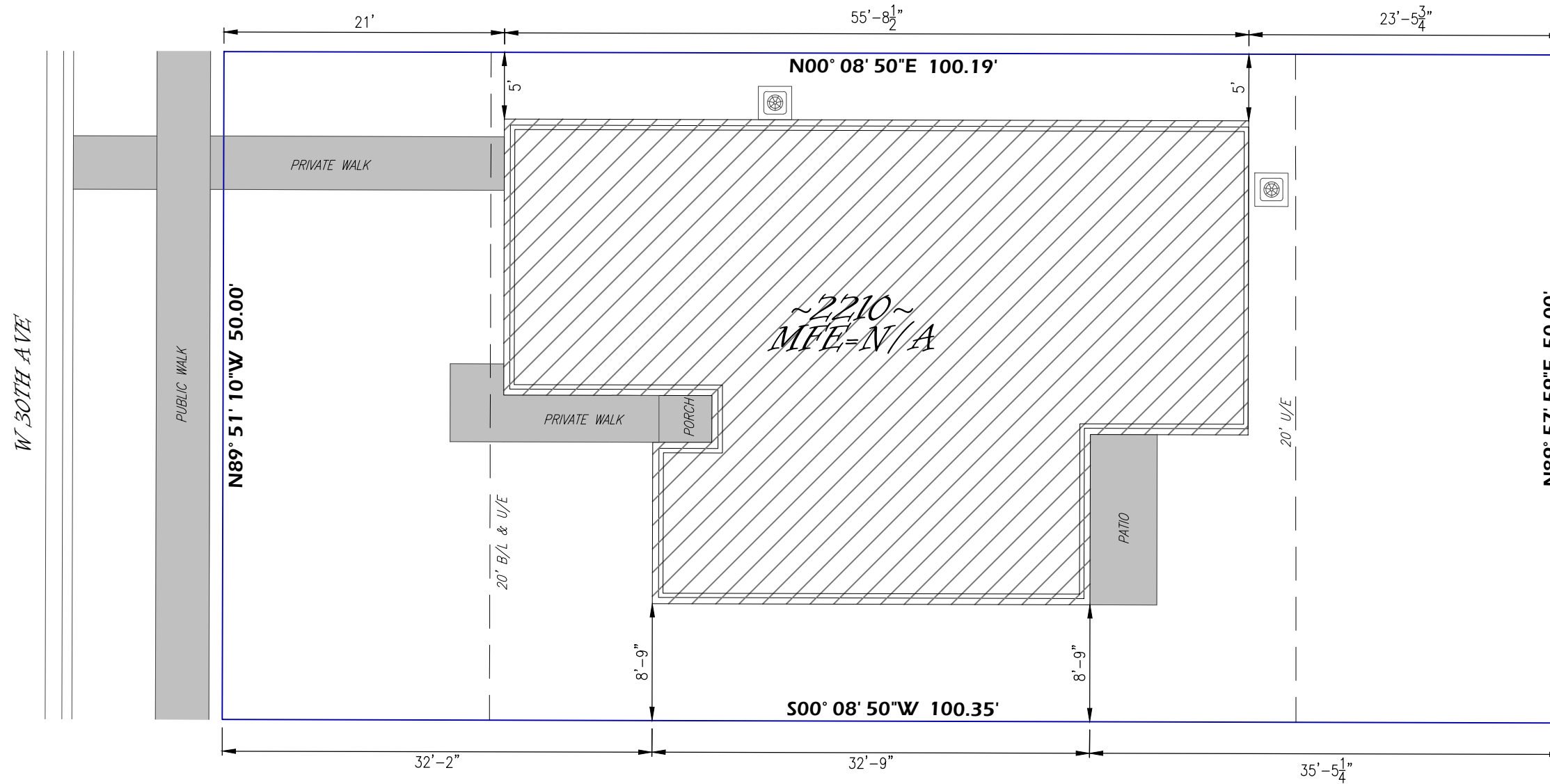
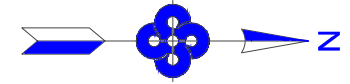
Staff's Recommendation: Staff recommends approval of the Special Exception until July 9, 2028 or until 90% of the properties in the subdivision in which it is located have been sold, whichever is sooner.

Prepared by: Henry Bibelheimer, Senior Planner
Reviewed by: David Barth, Development Services Director
Cindy Gibson, Administrative Services Manager
Date of Preparation: July 8, 2026
Attachments: Area Map and Plot Plan



Stillwater. OKLAHOMA
stillwaterok.gov

Project Type: SPECIAL EXCEPTION BOARD OF ADJUSTMENT (SEBOA26-02)
Request: Special exception to Sec 23-99(1)(b)
Address: 2210 W 30TH AVE.



DRAWING: G:\17613300_RCPERUNIT\INFRASTRUCTURE SURVEY\DWG\ PLOT PLANS\FRYE FARMS\2.B1 PO101947 MODEL HOME (WRIGHT).DWG
 LAYOUT: ----, LAST SAVED: 1/27/21, 4/6/2023 2:34:50 PM
 LAST PLOTTED BY: JUSTIN JOHNS, 4/6/2023 2:35:39 PM (PLOTTED BY: "VALID ON HARD COPY ONLY")



Lot 2, Block 1
 FRYE FARMS PHASE 1
 STILLWATER, PAYNE, OKLAHOMA
 2210 W 30TH AVE

THE WRIGHT (LH) MODEL HOME

Plot Plan
 April 6, 2023
 Plot Plan PO #
 0101947

This is not a survey.
 Scale: 1" = 10'

5014 sf (Lot)
 1757 sf (Foundation)
 0 sf (Drive)
 16 sf (A/C pad)
 177 sf (Private walk)
 3064 sf (Sod)

563 sf (ROW)
 0 sf (Approach)
 200 sf (Public walk)
 363 sf (Sod)
 0 sf (Cutout)
 3427 sf (Total sod)
 393 sf (Total flatwork)

STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF April 2, 2026
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED March 31, 2026
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

Members Present:

Bryan Langford-Loftis
Micah Sexton
Rob Lamecker
Mike Woods
Jantzen Harrison

Staff Present:

Tammy Ewing, City Attorney
David Barth, Dev. Serv. Director
Henry Bibelheimer
Ally H Maged, Admin. Assistant

Members Absent:

Guests:

Stephen Gose
Cory Williams

1. CALL MEETING TO ORDER.

Chair Langford-Loftis calls meeting to order at 5:31pm

2. Public Hearing.

- 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.

Henry Bibelheimer, Senior Planner, presents the item.

Mr. Sexton inquired whether the property failed to qualify for an automatic reduction because 9th Street is classified as a collector street. Mr. Bibelheimer confirmed that the street is a collector rather than a local street, the reduction does not apply; explained the hierarchy of street classifications: Local Streets (neighborhoods), Collector Streets (moving traffic to larger roads), and Arterial Streets (large section-line roads); and if the location were a local street with a 100-foot right-of-way, the reduction would be automatic.

Chair Langford-Loftis asked for clarification on the policy change adopted the previous year regarding these reductions. Mr. Bibelheimer responds that the code was amended to include properties 50 feet from the center line and the code update ensured that if one neighbor vacates a portion of the right-of-way, it does not prevent the neighbor across the street from utilizing the automatic reduction.

Chair Langford-Loftis asked about the process of arriving at the variance request and whether the applicant's presence was necessary to explain the different plans previously submitted. Mr. Bibelheimer responded that multiple options were discussed, including moving the building back to meet the 20-foot setback; the applicant determined this would be difficult due to the staircase and structure size; and additionally, moving it back would break the "stagger" of the neighborhood, as existing buildings sit much closer to the street.

Mr. Sexton requested specific setback data for surrounding properties. Mr. Bibelheimer noted that while current code would require a 20-foot setback for new construction, most existing buildings on the block are built close to the property line, with an average setback of approximately 7.4 feet.

Mr. Lamecker asked if a line-of-sight review had been conducted for the intersection of Ramsey and 9th, particularly regarding new front parking. Mr. Bibelheimer clarified that a formal staff review follows the variance process for the permit; and if the variance is granted, the City Manager's office must still approve the parking layout to ensure safety and site requirements are met.

Mr. Lamecker inquired about feedback from neighbors and potential utility issues. Mr. Bibelheimer responded that notices were sent to all residents within 300 feet, and no comments were received and regarding utilities, staff noted that all necessary easements must be dedicated and cannot be built upon, which further restricts the buildable area.

Mr. Sexton asked if upcoming changes in the Chapter 23 update would resolve these types of conflicts. Mr. Bibelheimer mentioned the city is in the early stages of a code update that may include "contextual setbacks" to encourage infill development.

David Barth, Development Services Director, stated that the Comprehensive Plan adopted the previous fall recommends promoting infill through smaller lots and setbacks and noted that higher density is currently necessary to offset high development costs and improve housing affordability.

Chair Langford-Loftis asked if applying the current strict ordinance would contravene the intent of the new Comprehensive Plan. Mr. Barth says that he would not necessarily say it is contravene to the current code but agreed that the city is moving toward allowing builders to be closer to the right-of-way in infill areas.

Ms. Tammy Ewing, Asst. City Attorney clarified the difference between "closing" and "vacating" right-of-way, noting that a property line only officially changes if the land is vacated through District Court.

Mr. Lamecker suggested that until the code is updated, these variance requests will remain a systemic issue for the board. Mr. Barth concurred.

Ms. Ewing noted that the board must consider whether a variance impairs the intent of the current code, which in this case encourages the proposed density.

Chair Langford-Loftis opened the public hearing and asked the applicant to come forward

Mr. Stephen Gose, Gose & Associates 113 E 8th Ave., comes to speak on the following:

- Argued that if they followed standard collector street half-widths, they could theoretically justify a much larger reduction.
- Pointed out that neighboring houses average a 7.5-foot setback.
- Regarding safety, they noted the "site triangle" is measured from the stop sign, which is already positioned past the property line, meaning the building would not obstruct a driver's view.
- The applicant stated they are attempting to honor neighborhood aesthetics while providing high-quality infill.

Mr. Langford-Loftis inquired about the building dimensions and why it could not be moved further south on the lot. Mr. Gose estimated the building at 40 feet by 110 feet; explained that moving it south would require reconstructing an existing staircase on the adjacent building and would again disrupt the visual line of the street; and identified the existing south structure as a non-conforming building.

Mr. Langford-Loftis asked if they could list the other options that were considered. Mr. Gose responded they have looked at moving parking, putting in a drive on the north side, shifting the buildings but believe this design fits best with the integrity of the neighborhood.

Mr. Lamecker asked if the parking count was sufficient for the bed count of both structures. Mr. Gose confirmed the proposal includes 12 parking spaces for 10 beds; noted the project remains under the 40% maximum lot coverage limit and adheres to increased side-setback requirements for multi-story buildings; and concluded that the variance is necessary to balance building size with required parking on a constrained lot.

Chair Langford-Loftis closed the public hearing.

Mr. Lamecker moves to pass this item until they hear the second item. Mr. Harrison seconds the motion.

| | | | | | |
|------------|------------------|--------|----------|-------|----------|
| Roll Call: | Langford -Loftis | Sexton | Lamecker | Woods | Harrison |
| | Yes | Yes | Yes | Yes | Yes |

Time: 31 minutes

- 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.

Henry Bibelheimer, Senior Planner, presents the item.

Mr. Bibelheimer states that the applicant proposes building 12 public parking spaces in the right-of-way to satisfy the requirement for 9 private spaces; under current code, public spaces only count toward private requirements at a 2:1 ratio; applicant is requesting a variance to allow a ratio of roughly 1.33:1; noted that while these spaces would count toward the development's requirements, they remain public and cannot be reserved or assigned for private use; and the proposal still provides more than one parking space per bedroom (12 spaces for 10 beds).

Mr. Woods confirmed the location of the proposed parking and its placement within the public right-of-way and inquired about the proximity of the lot to local landmarks like the ballpark and dog park. Mr. Bibelheimer confirmed the site is approximately two blocks away and walkable to those amenities but noted that existing public lots already serve those areas.

Mr. Sexton asked if other nearby lots that rely on public parking. Mr. Bibelheimer reported that most residential developments in the immediate area have on-site parking, though a new housing project at 11th and Ramsey is also proposing public parking and stated that there is no significant commercial competition for these spaces.

Chair Langford-Loftis asks if there are any further questions for staff; none respond. Chair Langford-Loftis opens the public hearing and invites up the applicant/representative.

Mr. Stephen Gose, Gose & Associates 113 E 8th Ave., comes to speak on the following:

- Expanded on the projects going on in the vicinity with public parking.
- Also confirms the applicant is aware that these are public spaces which cannot be assigned to tenants.
- The spaces will be built to city standards (six-inch thick concrete), the spaces are dedicated to the city.
- The 50-foot lot width is too narrow for efficient internal parking.
- A 90-degree internal lot would consume the entire width of the property and increase impervious area, leading to higher stormwater runoff.
- Utilizing the street as a drive lane is more environmentally sensitive and efficient for a lot of this size.

Mr. Cory Williams, 621 S Husband, comes to speak on the following:

- Emphasized that in commercial areas, he supports the 2:1 ratio for shared parking, but argued that in this strictly residential, dead-end street context, the higher ratio makes sense.
- Noted that the spaces would be built to full city standards and dedicated back to the public.

Chair Langford-Loftis asks if there are any further questions; none respond. Chair Langford Loftis closes the public hearing and invites staff to present alternatives.

Mr. Bibelheimer presents alternatives, which are:

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

Mr. Bibelheimer states staff has reviewed the application, letter of justification and other submitted materials; and the twelve (12) parking spaces proposed will still provide at least one parking space per bedroom given the following:

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

Staff is recommending approval of this variance request.

Discussion is held regarding the board being comfort with the variance, noting that while the site is near the ballpark, sufficient public parking already exists for those facilities and agreed the 12 spaces are adequate for a residential, non-commercial area.

Mr. Lamecker motions to approve variance VAR 26-01, citing the following findings:

- **The application of the ordinance to the particular piece of property would create an unnecessary hardship because the lot was platted in 1953, before modern parking ratios.**
- **Such conditions are peculiar to the particular piece of property involved because the drainage channel on Ramsey Street is a peculiar physical constraint.**
- **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 the project provides needed workforce housing and aligns with the Comprehensive Plan.**
- **The variance, if granted, would be the minimum necessary to alleviate the unnecessary Hardship because the 12 physical spaces ensure more than one spot per bedroom, meeting the functional needs of the site despite the technical ratio deviation.**

Mr. Harrison seconds the motion.

| | | | | | |
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| Roll Call: | Langford -Loftis | Sexton | Lamecker | Woods | Harrison |
| | Yes | Yes | Yes | Yes | Yes |

Time: 21 minutes

Chair Langford- Loftis states they will now return the session to Item A, the setback variance request.

Mr. Bibelheimer reiterated 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.

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

Mr. Lamecker noted that the situation is nearly identical to the previously approved parking item, as the lot was platted in 1953 and the proposal aligns with the city's long-term plans; pointed out that the requested 10-foot setback is actually more conservative than the neighborhood average of 7.5 feet; and emphasized that the building would not create line-of-sight safety issues since the stop sign is positioned forward of the structure.

Mr. Sexton acknowledged Ms. Ewing's concern regarding "applicant-created hardship", building a large structure on a small lot ; however, concluded that from a practical standpoint, pushing the building back 20 feet would destroy the visual conformity of the block and expressed a desire to support infill development.

Mr. Lamecker added that the proposal is safer for residents, as it avoids adding a new driveway directly onto 9th Street, helps limit unnecessary non-permeable surfaces that would increase drainage runoff and noted that forcing the applicant to wait 12–18 months for a code update—only to reach the same result—would be an unfair penalty to the owner.

Mr. Lamecker motions to approve variance VAR 25-08, citing the following findings:

- **The application of the ordinance to the particular piece of property would create an unnecessary hardship because the 1953 platting and the 100-foot right-of-way on 9th Avenue artificially and unfairly restrict the buildable area.**
- **Such conditions are peculiar to the particular piece of property because the property is unique due to its age, dimensions, and the existing drainage constraints across the street.**
- **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 the project remains under maximum allowed density and aligns perfectly with the existing neighborhood character.**
- **The variance, if granted, would be the minimum necessary to alleviate the unnecessary Hardship because the request is conservative, as it still places the building further back than many neighboring properties.**

Mr. Woods Seconded the motion.

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| Roll Call: | Langford -Loftis | Sexton | Lamecker | Woods | Harrison |
| | Yes | Yes | Yes | Yes | Yes |

Time: 9 minutes

3. Miscellaneous Items from Staff, Board Members or City Attorney for Discussion and Possible Action:
 - a. Next Board of Adjustment meeting Thursday, May 07, 2026.
4. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned at approximately 6:38 p.m.

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

Approved by: _____
Stillwater Board of Adjustment

STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF May 7, 2026
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED May 5, 2026
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

Members Present:

Bryan Langford-Loftis
Rob Lamecker
Mike Woods
Jantzen Harrison

Staff Present:

Tammy Ewing, City Attorney
David Barth, Dev. Serv. Director
Henry Bibelheimer
Ally H Maged, Admin. Assistant

Members Absent:

Micah Sexton

Guests:

1. CALL MEETING TO ORDER.

Chair Langford-Loftis calls meeting to order at 5:30pm

2. PUBLIC HEARING.

- a. Receive public comment regarding a variance request (VAR26-02) to Chapter 23, Article VI, Division 4, Section 23-151.c.2.b for side yard setback in the Commercial Shopping (CS) district at property addressed as 1431 S. Western Road.

Mr. Henry Bibelheimer, Senior Planner, presents the item and asks if there are any questions.

Chair Langford-Loftis inquired how the setback issue was initially discovered. Mr. Bibelheimer explained that the discrepancy came to light during the Certificate of Occupancy (CO) process, where the as-built survey was compared against the approved plans and noted that the building cannot receive permanent approval for use until the variance is formally addressed.

Chair Langford-Loftis inquired on if the building was occupied. Mr. Bibelheimer confirmed that it is and stated that a Temporary Certificate of Occupancy (TCO) was granted around January.

Chair Langford-Loftis sought clarification on changes to the structure's dimensions. Mr. Bibelheimer confirmed the following:

- That the building's footprint had changed rather than just shifted in location.
- The originally approved structure was 43' x 55', whereas the final as-built dimensions are 48' x 51'.
- A redesign necessitated in part by site grades and the addition of a wheelchair ramp altered the dimensions and caused the building to encroach into the 15-foot setback area.

Discussion is held regarding an existing building to the south, but because it was constructed further south than required, an adequate amount of space remains between the two buildings.

Chair Langford-Loftis opened the public hearing and invited the applicant forward to present.

Mr. Don Williams, C-Start Construction, 304 S Duck St. comes to speak on the following:

- Stated that the project began prior to the COVID-19 pandemic on S Western Road.
- Due to severe drainage issues and historical flooding in the area specifically a major flood around 2019—the property owner, Barry Patton, requested the building be raised one foot above the required 100-year floodplain elevation.
- Explained that raising the building required a longer handicap ramp to maintain the proper ADA slope. To fit the ramp, the building had to be shifted backward, and to preserve the original square footage.
- Explains the structure's width into the side yard setback
- Explains they operated under the mistaken assumption that a 10-foot side setback was standard.
- Later discovered that the Commercial Shopping (CS) zoning district uniquely requires a 15-foot side yard setback when abutting another commercial property.
- Due to a clerical error, the revised plans reflecting the wider footprint and 10-foot setback were never submitted to the City of Stillwater for approval.
- The error was only discovered during the final "as-built" survey process.
- The neighboring building to the south has a 20-foot setback, leaving a 30-foot physical gap between the structures.

Discussion is held regarding how the elevation and setback changes were missed during construction; that field inspections did not catch the discrepancy; and the City is considering updating its enforcement process to mandate explicit setback verifications at the foundation stage.

Discussion is held regarding whether other set backs were compliant; the CS district is uniquely restrictive; lower-intensity Office (O) districts require a 10-foot side setback, while higher-intensity Commercial General (CG) districts require no minimum side setback when adjacent to commercial zones; and that the rear setback remains fully compliant at 31 feet, noting that the fire lane and parking spaces are legally allowed within the 25-foot rear setback zone.

Discussion is held whether the applicant could resolve the violation without a variance by purchasing five feet of land from the southern neighbor to adjust the property line. Mr. Williams responded that the adjacent property is owned by a Dallas-based medical office developer with a complex corporate structure, making a land acquisition legally and practically unfeasible.

Mr. Bibelheimer clarified the consequences of a variance denial:

- The City could not issue a permanent Certificate of Occupancy (CO).
- The business would have to cease public operations if its Temporary Certificate of Occupancy (TCO) expired. Currently, the TCO is renewed every 30 days via a standard administrative process.
- The applicant's remaining options would be to pursue a lot line adjustment with the neighbor or appeal the denial in District Court.

Mr. Lamecker noted that a legal hardship might not exist if other avenues such as a formal land purchase attempt remain unexplored and suggested tabling the discussion to grant a continuance, allowing the applicant time to attempt to negotiate a land acquisition from the neighbor and return with documentation of the outcome.

Chair Langford-Loftis invites anyone else who would like to speak in favor of the item; none respond. Chair Langford-Loftis invites anyone who would like to speak in opposition; none respond. Chair Langford-Loftis invites staff to present their Criteria & Alternatives.

Mr. Bibelheimer presents Criteria & Alternatives:

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

ALTERNATIVES:

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

Mr. Bibleheimer stated 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 and recommends approval of this request. Mr. Bibelheimer states staff would also support Alternative 4 if the Board wishes to wait for documentation of an attempt to resolve this via a minor subdivision.

Mr. Woods inquires how staff considers criteria 2 approved. Mr. Bibleheimer states the argument for peculiarity here is that the structure is already built and encroaching. Mr. Harrison disagrees stating an error by multiple parties does not make the lot peculiar.

Mr. Lamecker considers a motion to continue so the landowner can bring back documentation that they have attempted to purchase a portion of the neighboring lot but states he is still but states he's struggling to meet criteria 2.

Mr. Woods states that he believes the combination of need for handicap access in association with the need to raise the building due to potential flooding addresses criteria 2.

Chair Langford-Loftis notes that all four criteria must be met and if Criterion 2 isn't met, board hasn't met the legal threshold.

Ms. Tammy Ewing, Assistant City Attorney adds the disclaimer that it was suggested that the City might have erred and clarified that the City did not error according to its procedures; specifically, there is no evidence that any city employee failed their obligations; and while the City might have caught this during a foundation inspection, if the City had a policy to check setbacks at that stage, the City currently does not have such a policy.

Mr. Harrison comments that he has some hesitation on if they deny it, it may create a vacant lot.

Mr. Lamecker notes the applicant could get another variance, acquire property, demo five feet off the building, or abandon it; if denied, could appeal to District Court and a judge might look at this differently; adds the board can theoretically get to Criteria 1, 3, and 4 and are stuck on Criterion 2 (peculiarity).; and inquired if perhaps the drainage requirements and the slope toward Stillwater Creek would count.

Mr. Woods says he feels that it does meet Criteria 2 but still feels Criteria 1 is not met until a reasonable attempt to purchase 5 ft of the abutting property is met.

Mr. Lamecker invites the representative back up to ensure he can hear the discussion and shares their consideration to table the item until the applicant can provide documentation that an attempt to purchase 5 ft of the abutting property was made.

Mr. Williams comes back up to state that he would not like the application to be tabled and would request that a decision be made today.

Mr. Lamecker makes a motion to deny the application based one the following criteria

- 1) They do not have sufficient documentation that there is an unnecessary hardship and all other avenues have been explored.**
- 2) The issue is peculiar to the piece of property.**
- 3) The Variance would not cause detriment to the public good**
- 4) The Variance would be the minimum necessary.**

Mr. Lamecker seconds the motion.

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|------------|------------------|--------|----------|-------|----------|
| Roll Call: | Langford -Loftis | Sexton | Lamecker | Woods | Harrison |
| | Yes | Absent | Yes | Yes | Yes |

Time: 1 Hour 38 minutes

3. MEETING SUMMARY FOR REVIEW AND POSSIBLE ACTION.

- a. Special Meeting Minutes from January 8th, 2026

Chair Langford-Loftis asks if there are any changes and/or corrections; none respond.

Mr. Woods motions to approve the minutes as presented. Mr. Lamecker seconds the motion.

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| Roll Call: | Langford -Loftis | Sexton | Lamecker | Woods | Harrison |
| | Yes | Absent | Yes | Yes | Yes |

Time: 2 minutes

- b. Regular Meeting Minutes from March 19th, 2026

Chair Langford-Loftis asks if there are any changes and/or corrections; none respond.

Mr. Lamecker motions to approve the minutes as presented. Chair Langford-Loftis seconds.

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|------------|------------------|--------|----------|-------|----------|
| Roll Call: | Langford -Loftis | Sexton | Lamecker | Woods | Harrison |
| | Yes | Absent | Yes | Yes | Yes |

Time: 1 minutes

4. MISCELLANEOUS ITEMS FROM STAFF, BOARD MEMBERS OR CITY ATTORNEY:

- a. Next Board of Adjustment meeting Thursday, June 04, 2026.

5. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned at approximately 7:13 p.m.

Prepared by – Alexandria Holle-Maged, Administrative Assistant

Reviewed by - Cindy Gibson, Administrative Services Manager

Approved by: _____
Stillwater Board of Adjustment

