

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-Star 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 on 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.

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.

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.

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: Bryan Langford-Loftis
Stillwater Board of Adjustment