



BOARD OF ADJUSTMENT MEETING AGENDA

September 3, 2026, 5:30 PM

723 S. Lewis St., Room 1122

Stillwater, OK 74074

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 (VAR26-07) for Ch. 23 Art. VI Sec. 23-151(c)(2)b for minimum side yard setback requirements in the Commercial Shopping (CS) Zoning District at the property addressed as 1431 S. Western Rd.	Henry Bibelheimer
b.	Receive public comment on a request for a variance (VAR26-04) for Sec.23-356(a) Sidewalk Requirements in the Small Lot Single-Family Residential (RSS) Zoning district at the property addressed as 2715 S. Sangre Rd.	Henry Bibelheimer

3. Meeting Summary for Review and Possible Action

a.	Regular meeting summary of July 9th, 2026.
----	--

4. Miscellaneous Items from Staff, Board Members or City Attorney for Discussion and Possible Action:

a.	Next regular meeting is Thursday, October 1st, 2026.
----	--

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.



**ISSUED BY THE DEVELOPMENT SERVICES DEPARTMENT
STILLWATER, OKLAHOMA**

Date of Meeting: September 03, 2026
Subject: Variance to Chapter 23, Article VI, Division 4, Section 23-151.c.2.b
Project Name: VAR26-07
Location: 1431 South Western Road

BACKGROUND

This property is located one-quarter mile north of 19th Avenue, on the east side of S. Western Road, in the Fountain Square Shopping Center and is addressed as 1431 S. Western Road. This property is zoned Commercial Shopping (CS) District. In 2023, the applicant applied for a building permit for an office building at this location. In the approved site plan (attached), the southern side of the structure is shown to have a 15' side setback, which meets the minimum setback requirement.

The applicant had updated plans made, which show a nonconforming 10' side setback on the south side of the lot. The builder used these plans to build the structure without submitting them for staff to review. This discrepancy was not caught until after the structure was built.

On May 7th, 2026, the Board of Adjustment denied a variance request (VAR26-02), for this same variance at the same location. During this meeting, the option for a minor subdivision to adjust the lot line was discussed, which could resolve the setback encroachment, and the applicant also brought up the option to rezone the property to a zoning district with smaller setbacks. The applicant pursued a rezoning. The facts of the case brought up spot zoning concerns, so staff informed the applicant that staff would not recommend approval of this request. After the variance was denied, the applicant pursued a minor subdivision as well, and has submitted a new variance request with documentation of this communication.

CODE APPLICATION

Sec. 23-151. - CS Commercial Shopping District.

(c) *Bulk regulations.* Bulk regulation requirements in the CS district are as follows:

(2) Setbacks. The following are minimum required setbacks:

b. Minimum side yard: 15 feet.

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 request.

Prepared by:	Henry Bibelheimer, Senior Planner
Date of Preparation:	August 25, 2026
Attachments:	Letter of Justification Approved Site Plans Section 23-151 Communication about Minor Subdivision

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

The initial plans for this building were prepared in 2019 and project was put on hold. The initial plans showed a 15' side yard setback. In 2023, upon a redraw of the plans to allow for a handicap ramp at the entrance door, the side yard setback was mistakenly changed to 10'. The original plan was submitted for the building permit by mistake.

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

Application of the variance requested would not affect any other property. The adjoining property has been built. The 15' side yard setback only applies to this particular zoning, CS.

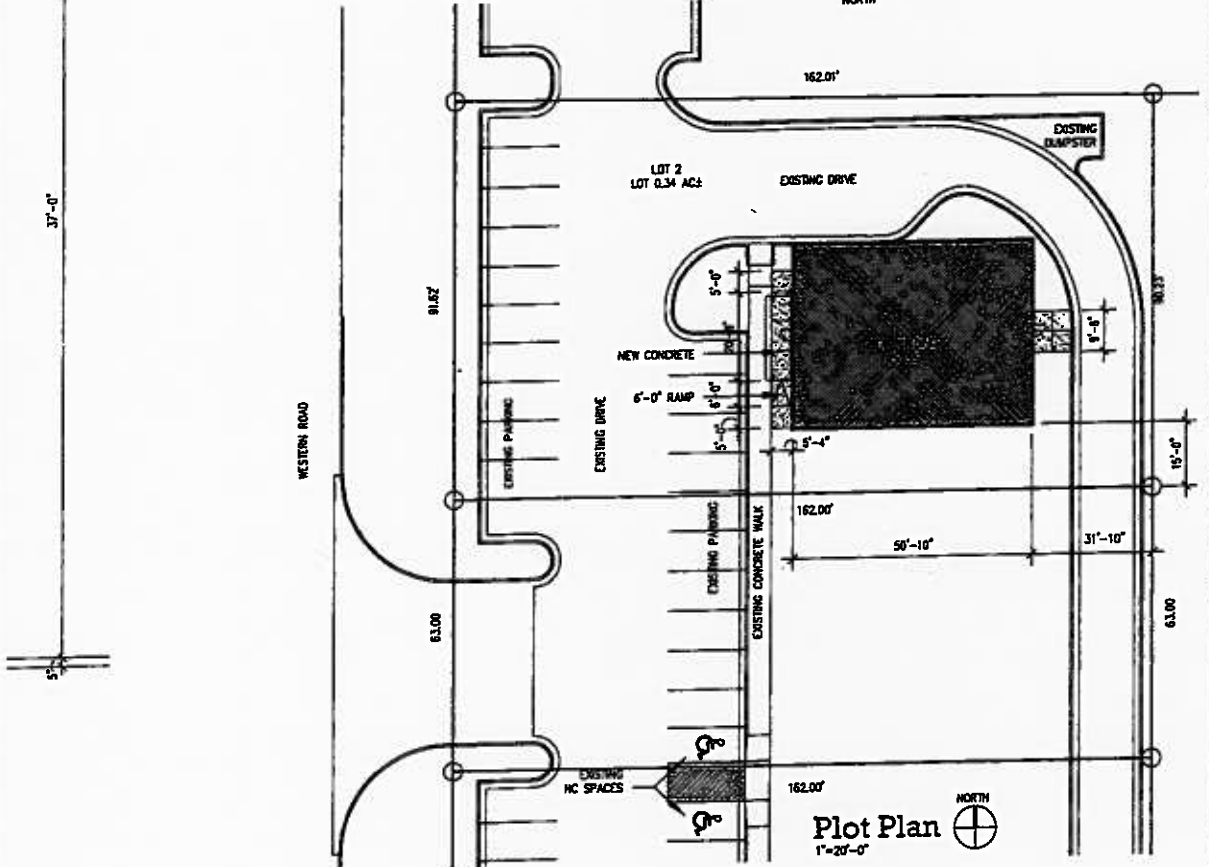
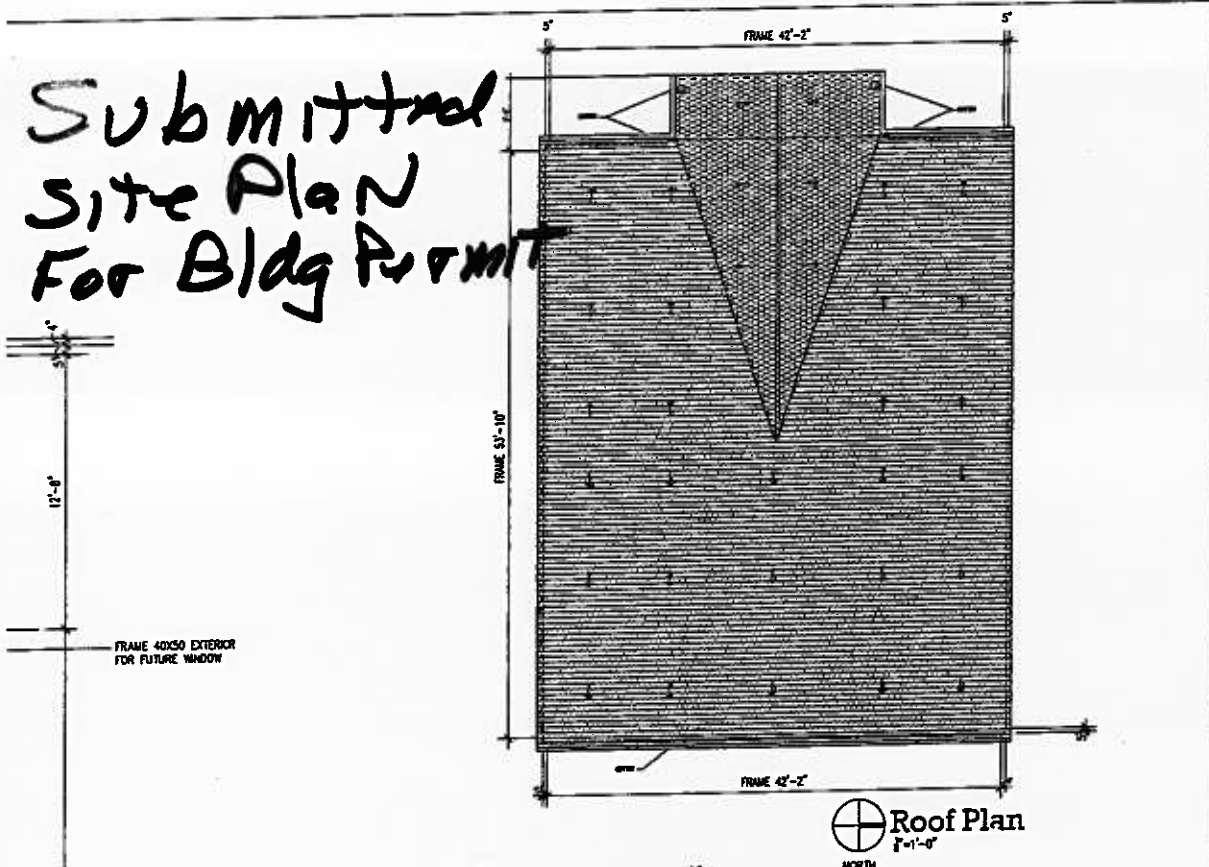
Criteria #3: Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan

This property is completed as is the adjoining property. There will be no future construction on this lot or on the adjacent lot. There is currently 30' 5" between buildings on the property. The adjoining structure was built with a 20' side yard. The owners of that building are not willing to sell 5' of their property.

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

Even though the building is closer to the side lot line, the intent of the ordinance appears to be met with the 30' lot-to-con building. Removing 5' of the building encroaching the setback would meet the minimum necessary. I checked into rezoning to a zone that would require less setback, however that would violate the comp plan. I checked into the purchase of 5' of the lot adjacent. Even though Dr. McNickel owns his practice, the lot is owned, initially, by the builder, Ashton Shay, then it transferred to an investment fund, and possibly even it transferred to another fund. Any property transfer of the lot or a portion of it could trigger issues with the loan on the property and countless other issues because of the ownership of the property.

Submitted
Site Plan
For Bldg Permit



STUDIOARCHITECTURE
ARCHITECTURE
PLANNING
INTERIORS
816 NORTH WALKER, #100
OKLAHOMA CITY, OK 73102
VOICE: 405.685.1844
WWW.STUDIOARC.COM



Fountain Square
1431 S. Western
LOT 2
Contractor:
CSTARCONSTRUCT
Owner:
Fountain Square Bldg
1120 N. Duck ST
Stillwater, OK

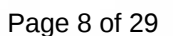
NEW OFFICE BUILDING

STILLWATER, OKLAHOMA

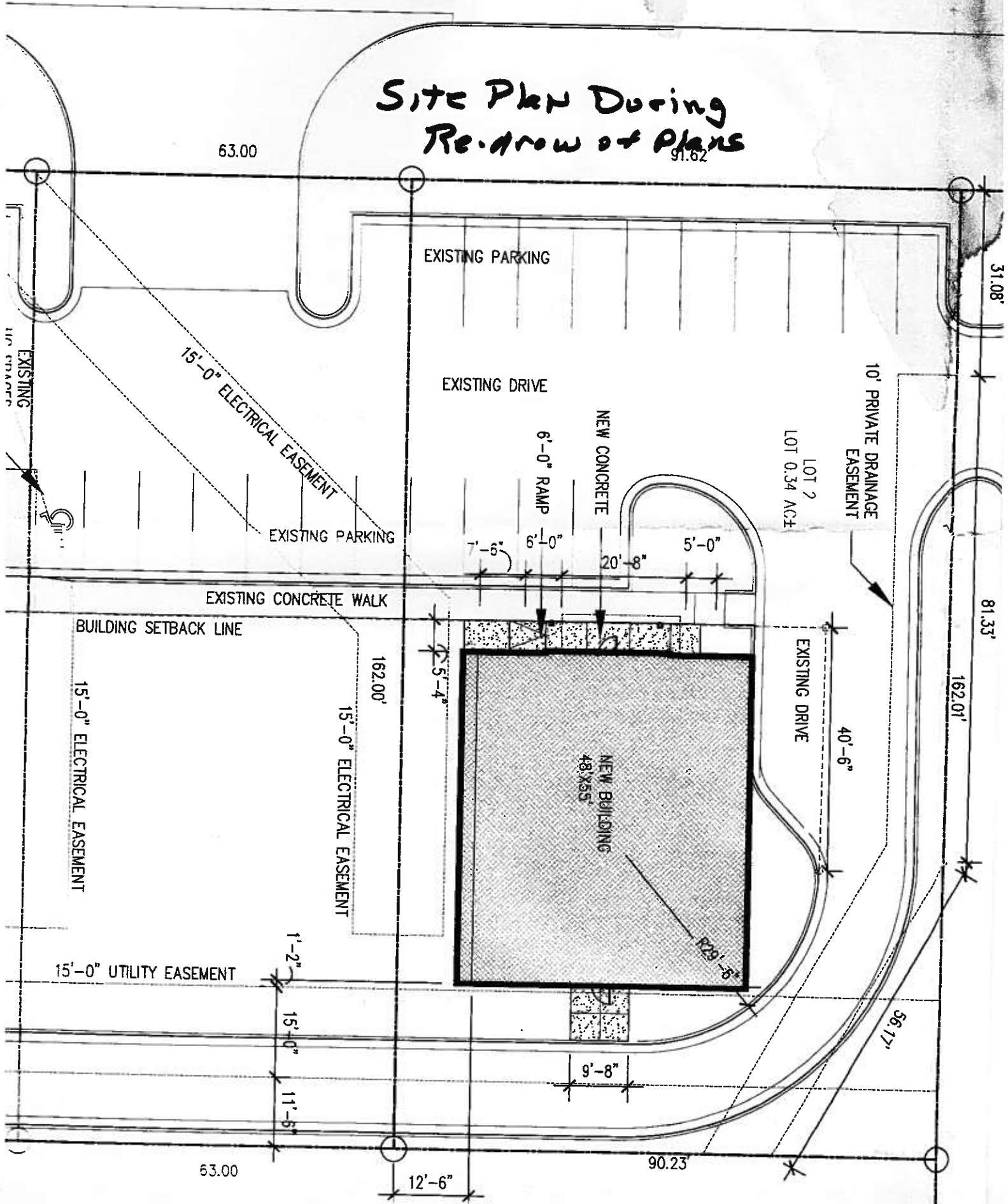
Revision	
Project Number	19047
Sheet Title	Floor Plan
Date	June 13, 2023
Sheet No.	A-1

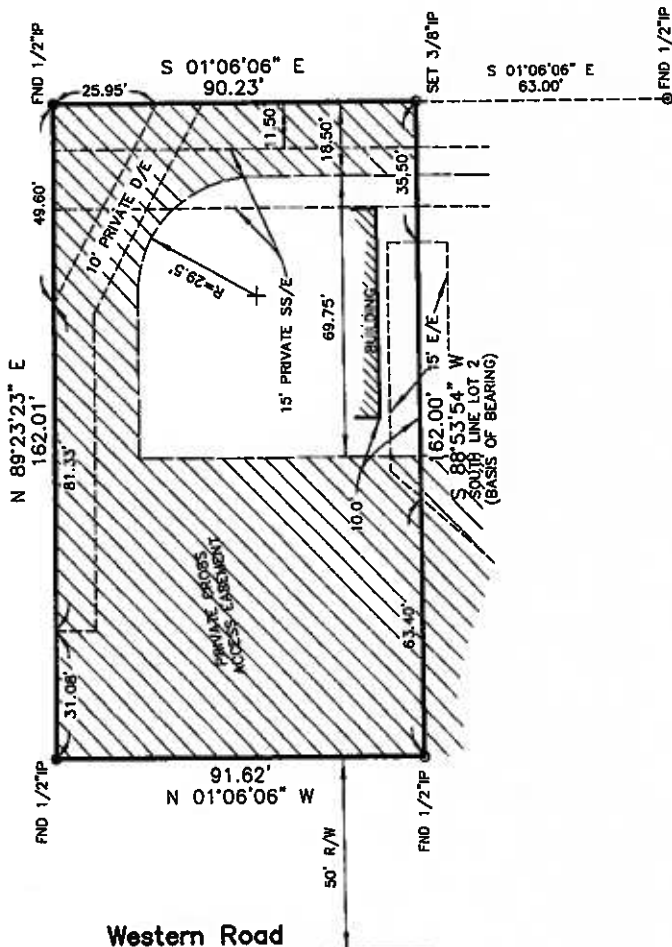
AS BUILT

91.62'



Site Plan During Re-draw of Plans





Sec. 23-151. CS Commercial Shopping District.

(a) *Permitted by right.* The following uses will be permitted by right in the CS Commercial Shopping District:

- (1) Bed and breakfast, hotel, motel.
- (2) Beverage services.
- (3) Educational services.
- (4) Financial institutions and services.
- (5) Food services.
- (6) Free-standing self service facilities.
- (7) Information.
- (8) Mixed use.
- (9) Personal and laundry services.
- (10) Personal storage and warehousing.
- (11) Professional and administrative offices and services.
- (12) Retail trade.

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

- (1) Child and adult care services.
- (2) Construction.
- (3) Health care and social assistance.
- (4) Medical marijuana dispensary.
- (5) Multi-family.
- (6) Public administration and service.
- (7) Telecommunications tower.
- (8) Transportation activities.
- (9) Vehicle and equipment sales and service.

(c) *Bulk regulations.* Bulk regulation requirements in the CS 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: No maximum limit.
- (2) Setbacks. The following are minimum required setbacks:
 - 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: 15 feet.
 - c. Minimum rear yard: 25 feet.
- (3) Maximum lot coverage: 40 percent

(d) *Exceptions.* The following are the exceptions in the CS district:

- (1) Whenever a structure exceeding one story in height abuts a residential district, a six-foot high landscape buffer shall also be required.
- (2) The rear yard setback of a lot containing a commercial building serviced from the rear shall be no less than 30 feet, said additional footage being necessary to accommodate a 20-foot wide service drive.
- (3) For development on property that abuts any local street that currently has 100 feet of continuous right-of-way for the entire block, the front yard setbacks may be reduced by up to 50 percent.
- (4) Any number of structures or uses may be constructed or established on a single lot, but no single lot shall be smaller than the minimum lot area required to accommodate the principal use/structure and all accessory uses/structures.

(Ord. No. 3023, § 1(23.151), 3-3-2008; Ord. No. 3051, § 20, 12-15-2008; Ord. No. 3104, § 1, 6-21-2010; Ord. No. 3141, § 1, 6-27-2011; Ord. No. 3221, § 14, 2-21-2013; Ord. No. 3416, § 3, 9-17-2018)

From: Henry Bibelheimer
Sent: Tuesday, September 1, 2026 1:06 PM
To: Henry Bibelheimer
Subject: FW: Fountain Square / 1439 S. Western Rd.

----- Forwarded message -----

From: **Ben Davis** <bendavis@ashtongray.com>
Date: Thu, Jul 23, 2026 at 1:44 PM
Subject: RE: Fountain Square / 1439 S. Western Rd.
To: pattonproperties693@gmail.com <pattonproperties693@gmail.com>

Barry:

Just to clarify/confirm, we are not interest in selling for any reason.

Thanks,



ASHTONGRAY

Ben Davis
EVP, Real Estate
O 405-393-4718 M 405-630-5189
ashtongray.com |   

CONFIDENTIALITY NOTICE: This electronic mail transmission, and any attachments, may contain information that is confidential and/or privileged. The information belongs to the sender and is intended only for the use of the person or entity to whom it is addressed. If you are not the named recipient, you are hereby notified that taking, copying or disclosing this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone at 405-300-4003 to arrange for the return of the message and any attachments. Thank you.

From: Ben Davis <bendavis@ashtongray.com>
Sent: Friday, June 26, 2026 3:44 PM
To: pattonproperties693@gmail.com
Cc: Denver Green <denver@ashtongray.com>
Subject: Fountain Square / 1439 S. Western Rd.

Good afternoon, Barry:

My name is Ben Davis, and I am the Managing Director of Ashton Gray Capital, LLC (f/k/a AGIF I Manager, LLC), which serves as the management entity of Fountain Square RE Holdings, LLC, and is the neighboring property of yours in Stillwater, OK. I'm reaching out to you following a request to sell five (5) feet of our property to you, and to let you know that we do not have any interest in such a sale at this time. Primarily we don't see any reason to go through a process of creating a minor subdivision that is subject to planning commission approval over 5 feet. This takes time and expenses that simply are not worth it.

I've attached the Operating Agreement to our fee title entity (Fountain Square RE Holdings, LLC), along with the amendment of name change for AGIF I, LLC to Ashton Gray Capital, LLC as proof of authority. Please let me know if you have any further questions.

Many thanks,

	Ben Davis
ASHTONGRAY	EVP, Real Estate
	O 405-393-4718 M 405-630-5189
	ashtongray.com   

CONFIDENTIALITY NOTICE: This electronic mail transmission, and any attachments, may contain information that is confidential and/or privileged. The information belongs to the sender and is intended only for the use of the person or entity to whom it is addressed. If you are not the named recipient, you are hereby notified that taking, copying or disclosing this information is strictly

prohibited. If you have received this transmission in error, please immediately notify us by telephone at 405-300-4003 to arrange for the return of the message and any attachments. Thank you.

--

Barry Patton
Patton Properties
1120 N. Duck Suite B
Stillwater, OK. 74075
(405)372-3900
<https://www.stillwaterokcommercialproperties.com/>



**ISSUED BY THE DEVELOPMENT SERVICES DEPARTMENT
STILLWATER, OKLAHOMA**

Date of Meeting: September 03, 2026
Subject: Variance to Chapter 23, Article XVII, Division 3, Section 23-356.a
Project Name: VAR26-04
Location: 2715 South Sangre Road

BACKGROUND

The property is located on the east side of Sangre Road, and one half mile north of 32nd Avenue, and is addressed as 2715 S. Sangre Road. The applicant is building a single-family house on the property. The approved plot plan for the house shows a 6-foot sidewalk along Sangre Road, as required by Section 23-356 of the Land Development Code.

Sangre Road is classified as a minor arterial street. A 6-foot sidewalk is required to be constructed on both sides of all arterial and collector streets as they are developed. The applicant has applied for the variance to not be required to construct the sidewalk along Sangre.

The Land Development Code does consider that large lot single-family homes can create scenarios where a sidewalk is an undue burden. Section 23-64.b allows a single-family residence on an un-platted tract of land larger than 2.5 acres to pursue a subdivision exception, which can be approved by Planning Commission. This property is approximately 1.16 acres, which does not allow the applicant to apply for a subdivision exception.

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 materials and visited the site. The north and south property lines of the tract are part of flag shaped lots that have access drives to tracts to the east. All other properties adjoining this tract are fully developed so any sidewalk constructed on this tract would be isolated until the City decided to build a sidewalk as part of a larger project. The City has no immediate plans to construct sidewalks in this area. The topography within the public right-of-way and the ground slope from the tract to the access drives is steep so any sidewalk constructed now would likely have to be removed in the future if and when a sidewalk project is contemplated by the City. For the above reasons, staff recommends approval of the variance request.

Prepared by: Henry Bibelheimer, Senior Planner
Date of Preparation: August 26, 2026
Attachments: Letter of Justification
Approved Site Plan
Section 23-356

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

Strict application of the sidewalk requirement to this particular property would create an unnecessary hardship because the unusual configuration of the property, the existing development pattern, and the grade conditions at the boundaries would result in the construction of an isolated sidewalk segment that cannot functionally connect at either end.

At the north end of the property, the applicant's frontage terminates before reaching the private drive that serves the applicant's residence and three other residences. An existing narrow tract of property owned by another property owner extends between the applicant's northern property boundary and that private drive. Therefore, a sidewalk constructed only across the applicant's frontage would terminate at the property line before reaching even the nearest private drive. The applicant has no ability to extend the sidewalk across property owned by another party in order to create that connection.

At the south end of the property, there is likewise no existing sidewalk to which the proposed sidewalk could connect. The property terminates adjacent to a separate private drive serving other property owners, and there is a significant change in elevation between the proposed sidewalk area and that private drive. As a result, there is no practical, level pedestrian continuation at the southern termination of the proposed sidewalk.

These physical conditions mean that the required sidewalk would begin and end at the applicant's property boundaries without connecting to an existing pedestrian route in either direction. The surrounding frontage along Sangre Road is already developed, leaving no undeveloped adjoining property where future development could reasonably be expected to provide connecting sidewalk segments. The Stillwater city limits are approximately one-half mile to the south at 32nd Street, further limiting the reasonable potential for this isolated segment to become part of a continuous sidewalk system through future development.

Literal compliance would therefore require the applicant to incur an estimated \$10,000–\$12,000 construction expense, as well as continuing maintenance responsibility, for a public improvement that, because of the physical and ownership conditions surrounding this particular property, cannot presently perform its intended function as part of a connected pedestrian system.

The applicant is not seeking relief merely because construction of a sidewalk is costly or inconvenient. The unnecessary hardship results from requiring substantial construction and ongoing maintenance of an isolated improvement where the particular property boundaries, adjacent ownership, existing development, and grade conditions prevent the sidewalk from providing a functional pedestrian connection at either end.

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

The conditions affecting this property are unique because of its location, unusual boundary configuration, surrounding ownership, and existing development along this portion of Sangre Road.

At the north boundary, the applicant's property does not extend to the private drive serving the residence. A narrow tract belonging to another property owner lies between the applicant's frontage and that private

drive. Consequently, a sidewalk constructed on the applicant's property would terminate before reaching the private drive, and the applicant does not control the intervening property.

At the south boundary, the property approaches a separate private drive serving other property owners, but a significant change in elevation exists at that location. There is no existing sidewalk connection at that boundary.

In addition, the surrounding frontage to the north and south is already developed, leaving no undeveloped adjoining property where future development would reasonably be expected to provide connecting sidewalk segments. The Stillwater city limits are approximately one-half mile south at 32nd Street. These combined conditions distinguish this property from a typical developing property where an individual sidewalk segment could reasonably be expected to become part of a continuous pedestrian system.

Criterion #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.

Granting this variance would not create a gap or "missing section" in an existing sidewalk system. There is no existing sidewalk adjoining the applicant's property at either the north or south boundary; therefore, granting relief would not interrupt an established pedestrian route, eliminate an existing connection, or reduce current pedestrian access.

The applicant supports the City's objective of providing safe and connected pedestrian infrastructure. The requested variance does not prevent that objective from being achieved in the future. A pedestrian easement is already in place along the Sangre Road frontage, preserving the ability to accommodate future pedestrian improvements.

If the City of Stillwater undertakes a future improvement of Sangre Road that includes a continuous pedestrian system, a sidewalk could be constructed as part of that coordinated public improvement. Constructing the sidewalk at that time would allow its grade, accessibility, transitions, and connections to be designed as part of a functional system rather than as an isolated segment.

Accordingly, granting the variance would cause no substantial detriment to the public good and would not prevent the future fulfillment of the purposes and intent of the sidewalk ordinance or Comprehensive Plan.

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

The requested variance is limited solely to the requirement to construct the sidewalk along this property's Sangre Road frontage. The applicant is not requesting relief from any other applicable development standard, zoning requirement, easement, right-of-way requirement, or construction regulation.

As described in Criteria #1 through #3, the hardship results from requiring construction of an isolated sidewalk segment that cannot presently provide a functional pedestrian connection at either end because of the particular property boundaries, adjacent ownership, existing development, and grade conditions.

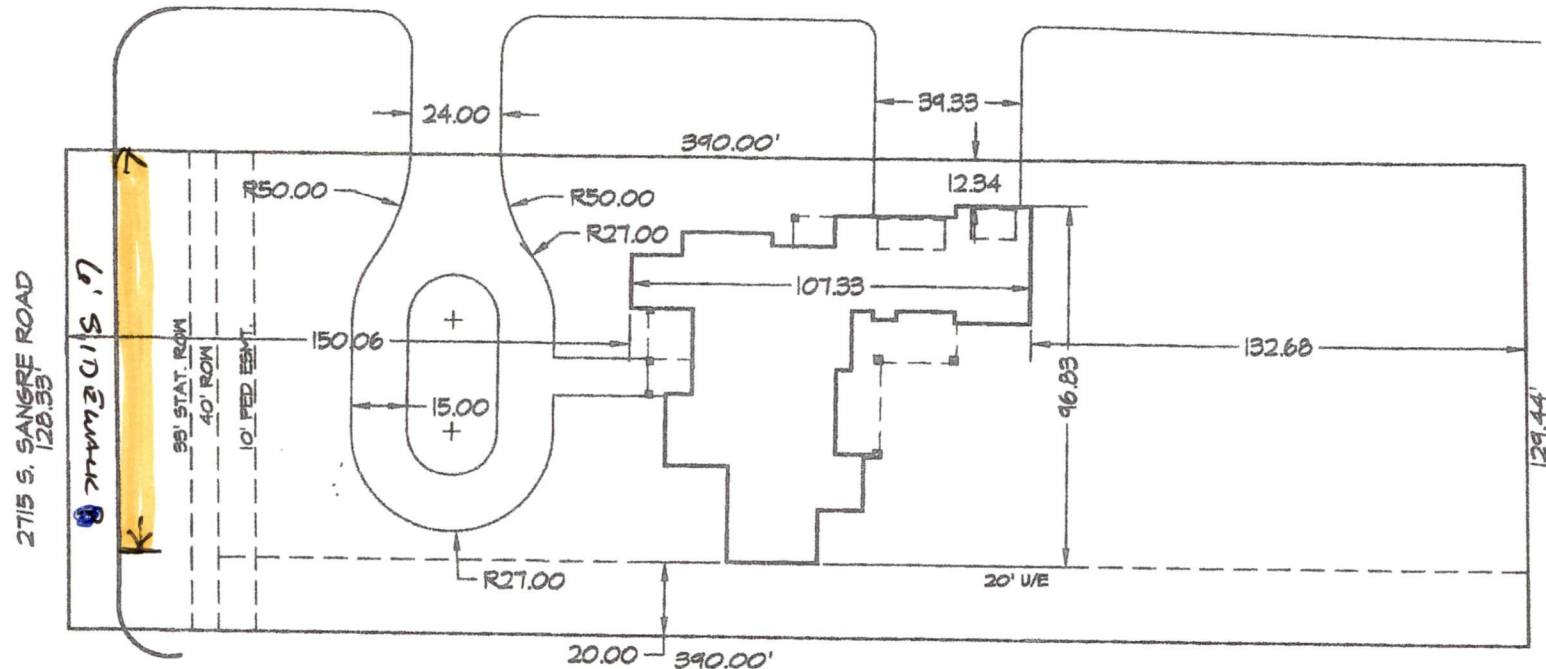
The existing pedestrian easement would remain in place, preserving the City's ability to incorporate a sidewalk into a future coordinated improvement of Sangre Road if and when a connected pedestrian system is developed.

Therefore, granting relief from the present construction requirement—and no other development requirement—is the minimum variance necessary to alleviate the unnecessary hardship.

PLOT PLAN

A PART OF SW/4 SEC. 28, T-19-N, R-2-E

JEROME RESIDENCE
PLAN #561-VGR-001



1 STORY HOUSE
REF FLOORPLAN FOR DIMS.
DIM. FROM VENEER TO PROP. LINE

DRIVEWAY IS SHOWN FOR REFERENCE
ONLY, BUILDER TO MODIFY PER NEEDS OF
OWNER

DIMENSIONS ARE SHOWN TO VENEER/EXTERIOR FINISH
CONSULT FLOORPLAN FOR WALL FINISH TYPE
AND EXACT DIMENSIONS FOR SLAB LAYOUT



Adam C. Miller

Signature Custom Originals

Dubuque, IA - Guthrie, OK

2218 Fawn View Dr. - Asbury, Iowa 52002
cell: (405) 414-1630 - acm-designs@hotmail.com
office: adamcmlldesign@gmail.com

PLAT OF SURVEY

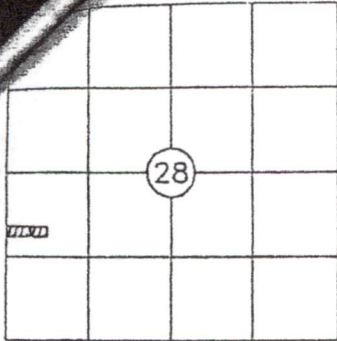
City of

Martha Brooks

Described as follows:

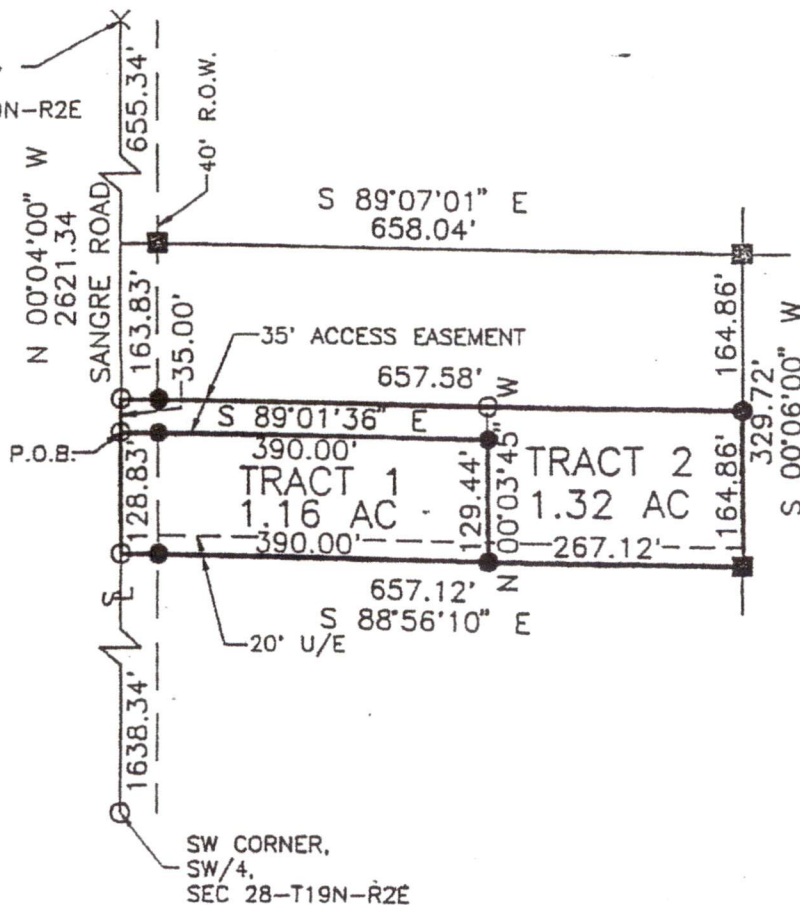
R 2 E

SEE ATTACHED LEGAL DESCRIPTIONS



LOCATION MAP

PK NAIL @
NW CORNER,
SW/4,
SEC 28-T19N-R2E



HEARING BASIS:

Scale: 1"=200'
Found Iron Pin
Set Iron Pin
Set Cotton Picker Spindle

REVISED 11/26/96

water Engineering and Consulting, Inc. P.O. Box 436 Stillwater, Ok., 74076 Ph. (405) 743-3355

CERTIFICATE OF SURVEY

I hereby certify that on September 30th, 1996, that a survey was made under my supervision of the property described above and that the above plat is a true and correct representation of said survey. I also certify that this plat meets the Oklahoma Minimum Standards for the practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.



Terry R. Starnback
Terry R. Starnback, Oklahoma R.L.S. No. 1397

11/26/96 S96-084
Date

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 split 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)

STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF July 9, 2026
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED July 7, 2026
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

Members Present:

Bryan Langford-Loftis
Micah Sexton
Rob Lamecker
Jantzen Harrison

Staff Present:

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

Members Absent:

Mike Woods

Guests:

1. CALL MEETING TO ORDER.

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

Clerk Note: meeting items are held in different order from agenda due to technological issues.

3. MEETING SUMMARY FOR REVIEW AND POSSIBLE ACTION.

a. Special Meeting Minutes from April 2nd, 2026

Chair Langford-Loftis asks if there are any corrections or edits. Discussion is held regarding several corrections and noted.

Chair Langford-Loftis motions to approve the minutes with corrections. Mr. Harrison seconds the motion.

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

Time: 6 minutes

b. Regular Meeting Minutes from May 7th, 2026

Chair Langford-Loftis asks if there are any corrections or edits. Discussion is held regarding several corrections and noted.

Mr. Lamecker motions to approve the minutes with corrections. Mr. Harrison seconds the motion.

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

Time: 4 minutes

2. PUBLIC HEARING.

- 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 29TH Ave.

Mr. Henry Bibelheimer, Senior Planner, presents the item.

Chair Langford-Loftis opened the public hearing and invited the applicant forward to present; none respond.

Discussion is held regarding what the requirements would be for completion and the triggers for re-application.

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 closes the public hearing and invites staff to present their criteria and alternatives.

Mr. Bibelheimer presents criteria & alternatives:

CRITERIA:

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.

Mr. Bibelheimer stated 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.

Discussion is held regarding the office being a positive as there had been no objections from neighbors and no code enforcement violations during the current existence of the property.

Mr. Lamecker makes a motion to conditionally approve the application until July 9, 2028 or until 90% of the properties in the subdivision in which it is located have been sold, whichever is sooner based one the following criteria:

- 1) The special exception does not adversely affect the rights of adjacent property owners or residents; and**
- 2) Granting special exception does not cause substantial detriment to public health, safety, convenience or general welfare.**

Mr. Sexton seconds the motion.

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

	Yes	Yes	Yes	Absent	Yes
--	-----	-----	-----	--------	-----

Time: 13 minutes

- 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.

Mr. Henry Bibelheimer, Senior Planner, presents the item.

Discussion is held regarding the circumstances of this property being similar to the previous item.

Chair Langford-Loftis opened the public hearing and invited the applicant forward to present; none respond.

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 closes the public hearing and invites staff to present their criteria & alternatives.

Mr. Bibelheimer presents criteria & alternatives:

CRITERIA:

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.

Mr. Bibelheimer stated 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.

Board members discuss moving the temporary home to a new location would be a possibility but conclude that would be considered arduous.

Mr. Lamecker makes a motion to conditionally approve the application until July 9, 2028 or until 90% of the properties in the subdivision in which it is located have been sold, whichever is sooner based one the following criteria:

- 1) The special exception does not adversely affect the rights of adjacent property owners or residents; and**
- 2) Granting special exception does not cause substantial detriment to public health, safety, convenience or general welfare.**

Mr. Harrison seconds the motion.

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

Time: 3 minutes

- 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.

Mr. Henry Bibelheimer, Senior Planner, presents the item.

Discussion is held regarding the property's location in relation to City Limits, it's history of annexation and the zoning.

Discussion is held regarding clarification of what would trigger the need for sidewalks to be added in the future if this variance was granted; and the slope and grade at this location that would have to be mediated to install the sidewalk.

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

Mrs. Rachelle Joyce comes to the podium and addresses questions regarding use of the property and plans to rebuild two (2) single family residences, one of which was burned down in the March fires of 2025.

Discussion is held regarding potential to sub divide the property and if that would solve this issue; however, staff clarify that would cause the need for additional infrastructure and variances.

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 closes the public hearing and 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. Bibelheimer 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 requested variance to the sidewalk requirements for the construction of two (2) single-family houses.

Mr. Sexton makes a motion to approve the application based one the following criteria:

- 1) The ordinance creates unnecessary hardship because constructing one at this location would create an unattached and unusable sidewalk.**
- 2) The property is peculiar due to the extreme slope, grade and that it was affected by wildfires.**
- 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 as there is minimal foot traffic in this area and the surrounding properties are outside city limits.**
- 4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary Hardship.**

Mr. Lamecker seconds the motion.

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

Time: 17 minutes

4. MISCELLANEOUS ITEMS FROM STAFF, BOARD MEMBERS OR CITY ATTORNEY:
 - a. Next Board of Adjustment meeting Thursday, August 06, 2026.
5. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned at approximately 6:20 p.m.

Prepared by – Alexandria Holle-Maged, Administrative Assistant

Reviewed by – Cindy Gibson, Administrative Services Manager

Approved by: _____
Stillwater Board of Adjustment