

Draft until approved at the next meeting:

STILLWATER BOARD OF ADJUSTMENT

Special MEETING OF July 22, 2021

IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING

LAW, THE AGENDA WAS POSTED July 14, 2021

IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

Members Present:

Craig Spencer

Dora Busch

Mark Nordquist

Charles "Tim" Hardin

Staff Present:

Beth Anne Childs, Legal Counsel

Rian Harkins, Senior Planner

Melissa Higgins, Administrative Assistant

Guests:

Kelly Harris

Melissa Stopak

Members Absent:

1. CALL MEETING TO ORDER.

Chair Spencer calls the meeting to order at 5:30 PM. Chair Spencer introduces the board and explains the proceedings for the evening.

The following individuals are sworn in:

Mr. Rian Harkins

Mrs. Kelly Harris

Ms. Melissa Stopak

2. BUSINESS ITEMS FOR DISCUSSION AND POSSIBLE ACTION ON:

- a. Melissa Stopak, **VARIANCE (VAR21-09)**, requesting review and granting of a variance to Section 23-141(d) to rear setback at property addressed as 913 W University Avenue in the Multi-Family Urban (RMU) district. Harkins

Rian Harkins, Senior Planner presents staff report and asks for any questions for staff.

Mr. Nordquist asks if the previous building met the required setback; Mr. Harkins states that he did not believe it did as it was older than the current code that has been adopted.

Vice-Chair Busch asks if there was any concern this would impede the right-of-way for City workers; Mr. Harkins responds that staff found no issues with the application.

Mr. Hardin states that it appears they have already began construction and wonders what the setback they are currently building to; Mr. Harkins states that the applicant would need to answer that question.

Mr. Harkins asks for any further questions for staff; none respond.

Chair Spencer opens public meeting. Chair Spencer asks if there is anyone wishing to speak in favor of this item.

Ms. Melissa Stopak, 601 S Lewis Ave, Tulsa, OK 74104, comes to speak on the following:

- Representing the applicant.
- They are currently just doing earthwork at this time and the previous building was maybe 5 feet from the property line.
- Details how application meets required criteria.
- Here to answer any questions for the Board.

Chair Spencer asks for any questions of the applicant; none respond. Chair Spencer asks if there is anyone else wishing to speak in favor of the item; none respond. Chair Spencer asks if there is anyone wishing to speak in opposition of the item; none respond. Chair Spencer closes the public hearing.

Mr. Harkins presents staff alternatives to the Board and asks if there are any questions for staff.

Mr. Nordquist asks if they needed to state the staff recommendation of 14 feet setback as opposed to the requested 14.75 feet setback as noted in the applicants letter; Ms. Childs responds yes, as well as verify with the applicant that they are okay with the recommended distance.

Mr. Harkins asks the applicant if they would accept the 14 feet setback recommendation; Ms. Stopak responds affirmatively.

Chair Spencer thanks staff and opens Board discussion.

Chair Spencer states that the applicant's justification letter seems to detail the hardships being met; asks for any comments or motion

Mr. Nordquist motions to approve the variance having met the following four criteria with the condition of the staff recommended 14 feet setback:

1. The hardship being unable to construct the building as designed.
2. It's peculiar due it being a large building and site making it unique.
3. The request will not cause a substantial detriment to the public.
4. This is the minimum necessary to alleviate the hardship.

Beth Anne Childs, Legal Counsel recommends that the Chair and board make a second motion acknowledging that the statutory criteria are meet based upon staff's recommendation.

Mr. Nordquist moved, Chair Spencer seconded to approve the variance request.

Mr. Spencer moved, Mr. Hardin seconded to acknowledge that the statutory acceptance of the 14 feet based off of the recommendation of staff.

Roll Call:	Spencer	Busch	Nordquist	Hardin	Vacant
	Yes	Yes	Yes	Yes	

Time: 14 Minutes

- b. Keystone Engineering & Land Surveying, **VARIANCE (VAR21-10)**, requesting review and granting of variance to Ch 23 Sec. 23-140(d)(2)(a)(1) (RMI Front Setback) / Sec. 23-140(d)(2)(b)(1) (RMI Side Setback) / Sec. 23-140(d)(2)(c) (RMI Rear Setback) / Sec. 23-121(c)(2) (Projections into yards) / Sec. 23-153(c)(2)(b) (CG Side Setback) at property addressed as 701 Boomer Lake Station Drive in the Public (P) zoning district . **Harkins**

Rian Harkins, Planner presents staff report and asks for any questions for staff.

Mr. Hardin asks legal counsel if the motion and vote need to be done as one or individually; Ms. Childs responds that each request would need an individual vote.

Chair Spencer asks to verify that this approval will be contingent upon the map amendment approval; Mr. Harkins responds affirmatively.

Chair Spencer asks for any further questions for staff; none respond.

Chair Spencer opens public meeting. Chair Spencer asks if there is anyone wishing to speak in favor of this item.

Mrs. Kelly Harris, 923 S Lowry St, Stillwater, OK 74074, comes to speak on the following:

- Representing the applicant.
- Gives presentation of each request
- Details how application meets required criteria.
- Here to answer any questions for the Board.

Mrs. Harris states the first request listed will reduce the RMI front yard setback from 20 feet to 14 feet as on many corner lots the side yard is considered a front yard.

Mr. Nordquist asks if the existing drive will remain where it is currently located; Mrs. Harris responds affirmatively.

Mrs. Harris states the second request listed is for a RMI side yard setback reduction from current 11 feet to 5 feet to maintain access to the existing generators and no future neighbors will be established to the east as it is adjacent to the lake.

Chair Spencer asks for any questions regarding the second request; none respond.

Mrs. Harris states the third request listed is for a RMI rear setback reduction from 20 feet to 14 feet.

Mr. Hardin asks to see a close-up of the site to identify the rear set back line.

Mrs. Harris displays requested item and asks for any questions; none respond.

Mrs. Harris states the fourth request is for projections in the yards allowed to be increased from 2 feet to 3 feet to accommodate the designed balconies.

Mr. Hardin asks if the balcony projections are on the lake side of the property; Mrs. Harris responds affirmatively.

Chair Spencer asks for any questions regarding this request; none respond.

Mrs. Harris states the fifth request listed is for CG side yard setback from 20 feet to 0 feet. Chair Spencer asks for any questions regarding this request.

Mr. Hardin asks what the height of the structure; Mrs. Harris responds that she doesn't know.

Mr. Nordquist asks to see the rendering again; Mrs. Harris states that the rendering appears to show them to be 2-story structures.

Mr. Hardin asks if they will be entering from the venue side; Mrs. Harris responds affirmatively.

Chair Spencer asks for any further questions of the applicant; none respond. Chair Spencer asks if there is anyone else wishing to speak in favor of the item; none respond. Chair Spencer asks if there is anyone wishing to speak in opposition of the item; none respond. Chair Spencer closes the public hearing.

Mr. Harkins presents staff alternatives to the Board and asks if there are any questions for staff; none respond.

Chair Spencer thanks staff and opens Board discussion. Chair Spencer asks for any questions or discussion.

Mr. Nordquist states he has no objections to the first request; Chair Spencer responds that it seems pretty straightforward and was well explained by the applicant representative.

Mr. Hardin motions to approve the variance request having met the following four criteria:

1. The variance hardship being privacy and proximity to the dirt road.
2. The application is peculiar due to corner lot location.
3. No detriment to the public good.
4. This is the minimum necessary to alleviate the unnecessary hardship.

Mr. Hardin moved, Chair Spencer seconded to approve the variance request to Ch. 23 Sec. 23-140.d.2.a.1 for RMI Front Setback requirements.

Roll Call:	Spencer	Busch	Nordquist	Hardin	Vacant
	Yes	Yes	Yes	Yes	

Time: 27 Minutes

Mr. Nordquist moved, Mr. Hardin seconded to approve the variance request to Ch. 23 Sec. 23-140.d.2.b.1 for RMI Side Setback requirements.

Roll Call:	Spencer	Busch	Nordquist	Hardin	Vacant
	Yes	Yes	Yes	Yes	

Time: 2 Minutes

Chair Spencer moved, Mr. Hardin seconded to approve the variance request to Ch. 23 Sec. 23-140.d.2.c for RMI Rear Setback requirements.

Roll Call:	Spencer	Busch	Nordquist	Hardin	Vacant
	Yes	Yes	Yes	Yes	

Time: 1 Minutes

Mr. Hardin moved, Vice-Chair Busch seconded to approve the variance request to Ch. 23 Sec. 23-121.c.2 for Projections into yard requirements.

Roll Call:	Spencer	Busch	Nordquist	Hardin	Vacant
	Yes	Yes	Yes	Yes	

Time: 2 Minutes

Mr. Nordquist moved, Chair Spencer seconded to approve the variance request to Ch. 23 Sec. 23-153.c.2.b for CG Side Setback requirements.

Roll Call:	Spencer	Busch	Nordquist	Hardin	Vacant
	Yes	Yes	Yes	Yes	

Time: 2 Minutes

3. MEETING SUMMARY FOR DISCUSSION AND POSSIBLE ACTION:

- a. Special Meeting Summary of June 3, 2021.

Chair Spencer motions to approve the meeting summary as presented.

Chair Spencer moved, Mr. Nordquist seconded to approve the special meeting summary of June 3, 2021 as presented.

Roll Call:	Spencer	Busch	Nordquist	Hardin	Vacant
	Yes	Yes	Yes	Yes	

Time: 1 Minute

4. MISCELLANEOUS ITEMS FROM STAFF FOR DISCUSSION AND POSSIBLE ACTION:

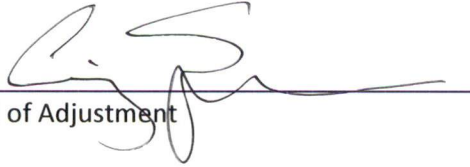
- a. Next Board of Adjustment meeting Thursday, August 05, 2021.

4. **ADJOURNMENT.**

This special meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:19 p.m.

Prepared by – Melissa Higgins, Administrative Assistant

Approved by: _____
Stillwater Board of Adjustment

A handwritten signature in black ink, appearing to be 'L. S.', is written over a horizontal line. The signature is stylized with a large 'L' and a cursive 'S'.