

**STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF April 7, 2022
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED April 5, 2022
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Charles "Tim" Hardin
Andrew Crofford
Mark Nordquist
Collin Mason

Staff Present:

Kimberly Payne, Legal Counsel
Cindy Gibson, Admin. Services Manager
Joshua Brown, Planning Technician

Guests:

John Underwood
Cornell Cannon
James Sheffield
Heather Sinclair

Members Absent:

Craig Spencer

1. CALL MEETING TO ORDER.

Mr. Nordquist, in the absence of Chair Spencer, conducts the meeting and calls the meeting to order at 5:30 PM. Mr. Nordquist introduces the board and explains the proceedings for the evening.

The following individuals are sworn in:

Joshua Brown, representing Staff	John Underwood	Cornell Cannon
James Shuffield	Heather Sinclair	

2. BUSINESS ITEMS FOR DISCUSSION AND POSSIBLE ACTION ON:

- a) Hello Gorgeous Brothers, LLC, **VARIANCE (VAR22-06)**, requesting review and granting of a variance to Chapter 23, Section 23-153(c)(2) for rear yard setback at property addressed as 2207 W. 6th Avenue, Stillwater, OK in the Commercial General (CG) district.

Joshua Brown presents staff's report and asks if there are any questions for staff.

Mr. Crofford clarifies that the property line connected to the setback in question is shared with a church, and Mr. Brown responds affirmatively.

Mr. Crofford states that the residential zoning near the subject property contains a church, and notes that churches seem to be in residential zones in general. Mr. Crofford continues to state that he finds this commonality interesting and is curious if it is a requirement that churches be located in residential zones. Mrs. Payne states that it is not a requirement, though it is how they have been approached by the City.

Mr. Nordquist asks if there are any other questions; none respond. Mr. Nordquist opens the public hearing and invites the applicant to speak.

Mrs. Heather Sinclair, 1712 Hidden Oaks starts to speak and is asked to state her name and address for the record, after which she continues. She has a question concerning Mr. Crofford's question, asking if

the church was already established before the zoning was residential. Mrs. Cindy Gibson states that such question should be directed to staff, not the Board.

Ms. Sinclair once again addresses the board, and states that the neighboring residential lot in question does not actually have a church building on it, it is actually a parking lot; the request is to build closer to the property line dividing the subject property (2207 W 6th) and said parking lot an amount of approximately 10 feet from said property line; states that on the East and West sides of the property the neighboring lots are zoned for commercial, and states her intent to expand on the West side; and informs the Board that she has reviewed City Code concerning parking and has been working closely with a professional architect to ensure the quality and compliance of the structure.

Mr. Nordquist asks if there are any questions from the Board for the applicant.

Mr. Crofford notes that the applicant's Letter of Intent states that the hardship is based on a potential growth of the business, and asks about students taking seats as the construction is done. Mrs. Sinclair responds affirmatively, and states that in preparation to expand the business has created a waiting list, holds national accreditation, and recently started on Financial Aid.

Mr. Crofford then asks once they expand closer toward the parking lot discussed earlier, do they intend to re-design the parking lot. Ms. Sinclair responds negatively, stating that there is no existing parking there and it will adhere to the amount of parking required by City Code.

Mr. Crofford then clarifies that the garbage is located in the rear, to which Mrs. Sinclair responds affirmatively. Mr. Crofford subsequently asks if there is adequate access to the dumpster, considering the fence separating the neighboring lot. Mrs. Sinclair states that there is adequate space.

Mr. Crofford's final question pertains to the smallest distance between the power line, the structure, and the property line. Mrs. Sinclair states she does not have exact measurements, because the Architect wanted to obtain the variance first, and they are flexible. Mr. Crofford notes that he simply wanted to mention that in the event of a power line coming down.

Mr. Nordquist asks if there are any other questions from the Board for the applicant; none respond. Mr. Nordquist asks if there is anyone else present who would like to speak in favor of the item; none respond. Mr. Nordquist asks if there is anyone who wishes to speak in opposition; none respond.

Mr. Hardin asks if he can ask Staff a question, and Mr. Nordquist allows it.

Mr. Hardin asks if there is an easement on the back of the property that staff is aware of. Mr. Brown responds that he did investigate and there are no easements. Mr. Mason asks if there is an implied easement where the utility line is, and Mr. Brown responds negatively.

Mr. Nordquist closes the public hearing and invites Mr. Brown to present the alternatives.

Mr. Brown states the alternatives, which are:

1. Find that all Criteria are met and approve
2. Find that all Criteria could be met, and approve with conditions
3. Find that not all criteria are met and deny

4. Table to a certain date

Mr. Nordquist calls for the Board to discuss.

Mr. Crofford states that he finds it difficult to justify the hardship criteria since this business expansion is based on projected growth, and does not consider stunted growth a hardship; and states that he understands the applicant is trying to be proactive, but states that they could instead search for a more suitable site.

Mr. Nordquist posits that perhaps the hardship would be enforcing a relocation for this business. Mr. Crofford concedes that Mr. Nordquist's point is valid.

Mr. Mason speaks up, noting that he does consider it a hardship when a business is no longer allowed to grow, disagreeing with the earlier statement. Mr. Mason also points out that allowing this expansion to occur would positively affect the City of Stillwater overall.

Mr. Nordquist then inquires concerning the peculiarity of the specific property, to which Mr. Hardin states that it is landlocked, and in order to grow the applicant needs to go the back.

Mr. Nordquist goes on to state that he does not foresee any detriment to the public good if the applicant's request is granted, and even though the property to the south is zoned for residential use it is both owned by a church and is currently a parking lot, neither of which is used as heavily or as often.

Mr. Nordquist then asks if the request is the minimum necessary to alleviate the hardship, and Mr. Hardin states he believes that it is. Mr. Hardin expresses concern about possible encroachment on an easement.

Mr. Nordquist asks if the Board is ready to make a motion.

Mr. Hardin moves to accept Variance 22-06, confirming that the applicant has satisfied the four criteria. Mr. Mason seconds the motion.

Roll Call:	Spencer	Nordquist	Hardin	Crofford	Mason
	Absent	Yes	Yes	Abstain	Yes

Time: 15 minutes

- b) Shuffield Masonry & Home Repairs and New Covenant Fellowship of Stillwater, **VARIANCE (VAR22-07)**, requesting review and granting of a variance to Sec 23-195(e) for required sign setback at property addressed as 1110 E. McElroy Road, Stillwater, OK in the Residential Single Family Small Lot (RSS) district.

Mr. Joshua Brown presents the staff report. Mr. Brown asks if there are any questions for staff; none respond.

Mr. Nordquist then opens the public hearing and asks if there is anyone wishing to speak in favor of the item.

Mr. John Underwood, 4812 S Range Rd. comes to speak on the following:

- Refers back to the images provided in the staff presentation;
- Explains that the old sign is set further back into the property than the proposed new sign;
- He asks if the property boundaries have changed in the last few years. Mrs. Kimberly Payne states that question should be directed to staff. Mr. Brown clarifies that the sign in question cannot be located in the Public Right-of-Way, which is why the provided images show the sign located where it is;
- States that the existing sign was constructed over the property line, and asks if it was originally within the property but the boundaries changed, making the sign lay outside the property and in the Public Right-of-Way. Mr. Brown responds that he does not know;
- The old sign is in need of a redesign and the proposed sign would be a significant upgrade in quality and is “grandfathered” in.

Mr. Crofford asks if the intent is to take out the old sign first, or to put in the new sign first—as his concern lies with the applicant failing to take out the old sign and therefore having two signs. Mr. Underwood states that there should be no issue taking out the old sign first and then installing the new sign if there is approval for a temporary banner sign while the new sign is under construction, as that is their only sign.

Mrs. Kimberly Payne states that there can be conditions imposed upon the approval of the variance that require the old sign to be removed before the new one is put in, and that such conditions would be included in the motion.

Mr. Hardin asks if banner signs are allowed. Mr. Brown confirms that banner signs are allowed for a 30-day period.

Mrs. Payne reiterates that the Board has the option to impose conditions on the approval of the variance to ensure that the old sign is taken down before the construction of the new one.

Mr. Hardin questions if the applicant is sure they want the sign to be facing parallel to the street, since it may not be as visible. Mr. Underwood replies that it has been a point of discussion, but that is the choice they have made.

Mr. Crofford asks the applicant how far the sign is located from the parking lot, and Mr. Underwood responds that the required setback is two feet, and they plan on leaving three feet.

Mr. Crofford goes on to comment that since there is no sidewalk along the nearby road, then the applicant could have the grounds to ask for permission to place the sign closer to the road. Mr. Underwood responds that they could not move the sign closer to the road because they would then be over the property line.

Mr. Nordquist asks if there are any further questions; none respond. Mr. Nordquist asks if there is anyone in attendance that would like to speak in opposition to the item; none respond. Mr. Nordquist closes the public hearing and asks for alternatives.

Mr. Brown states the alternatives, and Mr. Nordquist calls for the Board to discuss.

Mr. Nordquist states that this property is peculiar because of the existing sign's "grandfather" status, and that the proposed sign would likely be less of a detriment to the community than the existing one. Mr. Nordquist does believe that the proposed sign would be the minimum necessary, with the hardship being that the applicant does need a sign.

Mr. Crofford comments that the hardship would be to tear up the parking area creating a burden on the existing parking; it is peculiar because they had a grandfathered sign and what they are proposing is less of a detriment; and the sign will be much better than what they have now.

Mr. Nordquist asks if there is a motion.

Mr. Crofford motions to approve VARIANCE 22-07, finding that all four criteria are met, upon the condition that the type face of the old sign is to be removed 90 days after the construction of the new sign; Mr. Hardin seconds the motion.

Roll Call:	Spencer	Nordquist	Hardin	Crofford	Mason
	Absent	Yes	Yes	Yes	Yes

Time: 20 minutes

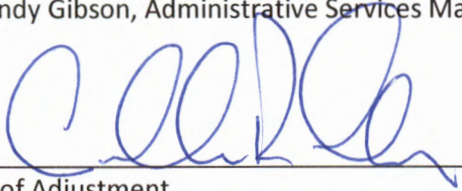
3. MISCELLANEOUS ITEMS FROM STAFF FOR DISCUSSION AND POSSIBLE ACTION:

- a. Next Board of Adjustment meeting Thursday, May 05, 2022.

4. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:05 p.m.

Prepared by – Cindy Gibson, Administrative Services Manager

Approved by: 
Stillwater Board of Adjustment