



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

Date of Meeting: February 4, 2016
Subject: TRD Ventures, LLC
Project Name: Variance
Location: 1202 and 1208 S Duck St

BACKGROUND

The property consists of three platted lots. The northern two lots are in the Original Town of Stillwater Addition and the south lot is in the Sunny Side Addition. The northern lots of the Sunny Side Addition were offset 5 feet from the Original Town Addition. The owners of the properties have combined the lots in order to construct a medical office building. A variance was approved at the December 17th BOA meeting for a reduction in the front setback on 12th Avenue. Now the applicants are requesting a 5 foot reduction in the front setback on Block 3 Lot 5 of the Sunny Side Addition along Duck Street in order to match the 25 foot setback on the two northern lots in the Original Town Addition.

CODE APPLICATION

Sec. 23-150. - O Office District.

(c) Bulk regulations. Bulk regulation requirements in the O 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: 50 feet.

(2) Setbacks. The following are the minimum required setbacks in the O district:

a. Minimum front yard:

- 1. 25 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: When a side yard has a common boundary with property in any residential district, the minimum setback is 15 feet. When a side yard has a common boundary with property in any district except for a residential district, the minimum setback is ten feet.

c. Minimum rear yard: When a rear yard has a common boundary with property in any residential district, the minimum setback is 15 feet. When a rear yard has a common boundary with property in any district except for a residential district, the minimum setback is ten feet.

DISCUSSION/ANALYSIS/FINDINGS

City Code Section 23.23. Variances.

A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by Chapter 23, Article 7 may be granted, in whole, in part, or upon reasonable conditions as provided in this Article, only upon a finding by the board of adjustment that:

(1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;

With the 5-foot offset of the two subdivisions, the building setback results in an odd-shaped building with the southern portion being inset 5 feet more than the northern portion. This situation does create a hardship in the design of the structure and also the aesthetics of the property. The remainder of the RSS zoned block has a 20 foot setback. The reduction of 5 feet for the southern portion of the lot will enable the medical building to line up with the north lot and the structures on the remainder of the block.

(2) Such conditions are peculiar to the particular piece of property involved;

Having two subdivisions offset is unusual. When one subdivision abuts another, the lots and streets usually line up. These two subdivisions were done at a time when Stillwater did not have zoning regulations.

(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

Granting the 5 foot variance in the front setback on Duck Street would not cause any harm or detriment to the public as it would allow the medical office to align with the other structures on the block.

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

The applicant requests a 5 foot reduction in the front setback on Block 3 Lot 5 of the Sunny Side Addition on Duck Street.

MINIMUM RELIEF NECESSARY

The minimum relief necessary would be a 5 foot reduction in the front setback on Duck Street for Block 3 Lot 5 of the Sunny Side Addition.

RECOMMENDATION

After reviewing the four (4) criteria as indicated above, staff finds that the applicant has met items 1-4. Staff would recommend that the Board further review all items to determine, in the Board's opinion, the information provided in the report and by way of testimony, allows the Board to make findings in the applicant(s) favor and grant the request.

Prepared by: Patty Evans, Planner II
Date of Preparation: January 29, 2016
Attachments: Area/zoning map, Applicant's Letter of Request