

**STILLWATER BOARD OF ADJUSTMENT
REGULAR MEETING OF MARCH 3, 2016
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED February 2, 2016
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Ron Walker
Terri Ventress
Angie Bale

Members Absent:

Trey Lester
Arial Ross

Staff Present:

Dennis McGrath, Asst. City Attorney
Tom Coots, Planner I
Patricia Evans, Planner II
Cindy Gibson, Administrative Coordinator

Guests:

Mr. Ray Chehrehgosha
Mr. Aaron Hale
Ms. Donna Koepp

1. **CALL MEETING TO ORDER.**

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

The following individuals are sworn in:

Mr. Ray Chehrehgosha Mr. Aaron Hale Ms. Donna Koepp
Mr. Tom Coots Ms. Patricia Evans

2. **BUSINESS ITEMS FOR DISCUSSION AND CONSIDER POSSIBLE ACTION ON:**

- a. OSU Foundation Real Estate, LLC, **SPECIAL EXCEPTION-BOARD OF ADJ (PZ-16-2058)**, requesting review and granting of a special exception to extend the Office (O) district to properties under the OSU Foundation ownership and currently addressed as 417, 519, 521 & 523 S. Lincoln, 1114 E. 6th Avenue and part of 414 & 420 S. Monroe Streets and are currently zoned Residential Two-Family and Multi-Family (RTM) district. **Evans**

Patty Evans, Planner II presents staff's report. Patty asks if there are any questions for staff; none respond.

Chair Walker asks if there is any one that wishes to speak in favor of this item.

Mr. Aaron Hale, CEC Corporation, states that he represents the engineer for OSU Foundation and is here to answer any questions.

Ms. Donna Koeppe, OSU Foundation, state that she too, is here to answer any questions.

There are no questions from the board.

Chair Walker asks if there is any one that wishes to speak in opposition of this item; none respond.

Patty presents the minimum relief necessary and recommendation.

Chair Walker closes the public hearing and asks for board discussion.

Chair Walker states that he is comfortable with staff's recommendation.

Mrs. Ventress moves, Mrs. Bale seconds to accept staff's recommendation and apply Section 23.67.a.6 to put the parcel of land that is under one ownership and extend the zoning of Office designation.

Roll Call:	Walker	Ventress	Lester	Ross	Bale
	Yes	Yes	Absent	Absent	Yes

Time: 10 Minutes

- b. Ray Chehrehgosha, **VARIANCE-BOARD OF ADJUSTMENT (PZ-16-2053)**, requesting review and granting of a variance to Ch. 23, Sec. 23-137(d)(2)(a) to allow a reduction of the front yard setback at property addressed as 518 S. Stallard St. Coots

Tom Coots, Planner I presents staff's report and findings.

Chair Walker asks if there was an allowance for encroachment of a front porch; Tom responds that the code allows for a two foot encroachment in the setback for eave or projection; not the post but just overhang.

Chair Walker asks if there are any additional questions for staff; none respond.

Chair Walker asks if there is any one that wishes to speak in favor of this item.

Mr. Ray Chehrehgosha comes to speak on the following:

- Apologized for the misunderstanding.
- Always thought that if it was attached that it would have to have a permit so didn't think this was supposed to have a permit.
- When he found out, he came down to get a permit even though it was already built.
- This house sits next to an abandoned building and then a carport that has been empty for 28 years.
- His residence is to the north of this structure.

- Owns 14 other properties and tries to keep them up.
- Was just an oversight but willing to do whatever he needs to do to get within code.
- Thought it was only about 4' 2" not the 5' 9".
- Presents nice pictures of the parking garage, costs about \$4,000 and believes that it is very professional looking.
- Have others asking him who constructed it because it is a very nice looking structure.
- Will do whatever he needs to do to keep the carport.

Chair Walker asks if the property lines were staked; Mr. Chehrehgosha responded that he got the property lines from the mortgage survey.

Mr. Chehrehgosha offered to have a survey done but Chair Walker states that it doesn't really matter for a two foot difference.

Chair Walker comments that he would be allowed the two foot overhang.

Chair Walker states that the building contractor should make this right. Mr. Chehrehgosha states that he did ask the contractor and was advised that sometimes you need a permit and sometimes you don't.

Discussion is held regarding that it should have been the builder's responsibility to make this right.

Chair Walker asks if there are any questions for the applicant; none respond.

Tom comments that Mr. Chehrehgosha has not had a survey done of the property but put together a site plan as best as he could; he used the plat from when it was platted originally and it happened to show where the centerline of the road is at so used a tape measure; Tom did adjust the numbers on the site plan because Mr. Chehrehgosha adjusted one number but then didn't adjust another number that should have been adjusted so that is where the difference is at; changed the distance between the house to the street; normally a survey would be required for an application to the Board of Adjustment but took the site plan as presented; suggests that if a survey is needed, to table this item until a survey can be provided; started to try to get one but surveyors are so backed up that it would have delayed this item coming to the board.

Tom asks if there are any questions.

Chair Walker asks for board discussion.

Mrs. Ventress asks, based upon staff's experience, how far off a centerline can be from true; Tom responds that when you use a tape measure, you can be off by a couple of inches but assuming that the survey is correct, which is accepted based upon faith but it is unusual to use the centerline of the road to mark property lines as you normally based if off of some other physical marker so that was very little help in this case.

Tom presents minimum relief necessary and recommendation.

Chair Walker advises Mr. Chehrehgosha that if there is anything that has been spoken that he believes needs responded to or can provide additional information to please come forward otherwise, the board will go into discussion.

Mr. Chehrehgosha responds no, that he is all he has to say.

Mrs. Ventress states that it seems pretty cut and dry without a survey; can move to deny or table it until a survey can be done; and doesn't believe there is anything to meet the criteria.

Chair Walker doesn't see the point of tabling it when it's a difference of two feet.

Mrs. Ventress comments that staff has done a good job in presenting this item.

Chair Walker states that this board has a history of trying to help people in these situations; however, doesn't believe that this is one of them he can support especially when the contractor needs to make this right and if this was approved then it would be very difficult to disapprove the next one.

Mrs. Ventress states that it would set precedence.

Chair Walker moved, Mrs. Ventress seconds that based upon staff's recommendations and findings this request be denied.

Roll Call:	Walker	Ventress	Lester	Ross	Bale
	Yes	Yes	Absent	Absent	Yes

Time: 27 Minutes

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

- a. Next regular meeting is scheduled for April 7, 2016.

4. **ADJOURNMENT**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:07 p.m.

Prepared by – Cindy Gibson, Admin. Coordinator

Approved by: _____
Stillwater Board of Adjustment