

**STILLWATER BOARD OF ADJUSTMENT
 REGULAR MEETING OF DECEMBER 4, 2014
 IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
 LAW, THE AGENDA WAS POSTED December 2, 2014
 IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Ron Walker
 Terri Ventress
 Robert Williams
 Josh Marler

Staff Present:

Dennis McGrath, Assistant City Attorney
 Tom Coots, Planning Assistant
 Cindy Gibson, Administrative Coordinator

Members Absent:

Trey Lester

Guests:

Don Williams
 Wes Hawkins

1. CALL MEETING TO ORDER.

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

The following were sworn in at 5:35 PM are:

Mr. Don Williams Mr. Wes Hawkins Mr. Tom Coots

2. MISCELLANEOUS ITEMS FROM BOARD:

a. Election of Chair.

Mr. Williams nominates Mr. Ron Walker as Chair; Mrs. Ventress second.

Roll Call:	Walker	Williams	Ventress	Lester	Marler
	Yes	Yes	Yes	Absent	Yes

Time: 1 Minute

b. Election of Vice-Chair.

Mrs. Ventress nominates Mr. Robert Williams as Vice-Chair, Mr. Marler seconds.

Roll Call:	Walker	Williams	Ventress	Lester	Marler
	Yes	Yes	Yes	Absent	Yes

Time: 1 Minute

- c. Review and approval of the 2015 Meeting Schedule.

Chair Walker asks if there are any questions, corrections or changes to the proposed 2015 meeting schedule; none respond.

Vice-Chair Williams moved, Chair Walker seconded to accept the 2015 meeting schedule as presented.

Roll Call:	Walker	Williams	Ventress	Lester	Marler
	Yes	Yes	Yes	Absent	Yes

Time: 1 Minute

3. BUSINESS ITEMS FOR DISCUSSION AND POSSIBLE ACTION ON:

- a. PERRY, MARK A., **VARIANCE-BOARD OF ADJUSTMENT (PZ-14-1907)**, Request review and approval of a variance to Chapter 23, Article 4, Section 23-137(D)(2)(d) for setback requirements on property addressed as 1202 S. Walnut Street. **Coots**

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

Chair Walker asks if there are any questions for staff.

Vice-Chair Williams questions the front yard reference and states that he doesn't see the property facing 12th as being front yard; Tom explains that it is a corner lot and code states that there is a required 15 foot setbacks on the side yard abutting a secondary right-of-way or road/access easement and it can be considered a front yard.

Mr. Marler asks about whether there are any other houses in this area that are approximately 1,900 square feet as what was observed was about 1,700 square feet; Tom responds that most of them are of that size or smaller.

Discussion is held regarding the front usable space of the corner lot being approximately 61 feet wide; lots south of this one are approximately 60 to 65 feet in width as well; this plat having been approved at the same City Council meeting as the adoption of the 2008 Land Development Code so had the plat and improvements been completed before the 2008 adoption, then it could have been built at the previous setbacks; grandfathering would not be allowed in this case because when you submit an application to construct, it is subject to the current codes irregardless of when the plat was approved.

Chair Walker asks if there are any more questions for staff; none respond. Chair Walker asks if there is any one that wishes to speak in favor of this item.

Mr. Don Williams, Cstar Construction, comes to speak on the following:

- Developer of this area
- This area on 12th was dedicated as a roadway easement not a right-of-way.
- It was dedicated as a roadway easement, not right-of-way, because there were no setback requirements for roadway easement until the adoption of the 2008 code
- Continue to develop the subdivision and design the lots with this in mind

- Hardship was created when the plat was under design and acceptance then the rules changed
- Was already too far into the platting to redo or make changes
- Went to the Board of Adjustment and was granted zero setback for the commercial lots on 12th
- Would be before the Board of Adjustment with a request to have a higher lot coverage anyway to get the same size house as others in the neighborhood on this lot
- There are houses in this development that are about 300 feet smaller and would fit on this lot
- Upon submittal of the construction permit, it was discovered that the setback was encroached on and the City kicked that requirement in
- The fence that is proposed will be high enough that the visibility to the road will be obstructed
- The house would be setback about 7 1/2 feet further south than the commercial buildings are
- Request that the Board give consideration for what was intended by the layout and design of the plat

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

Mr. Wes Hawkins, 1312 S. Walnut comes to speak on the following:

- Purchased his house because he is going to college here
- The first three houses there are rentals but don't know where the actual property owners live
- Over-flow parking on Walnut is blocking both sides of the street cause traffic hazards
- Mailboxes are torn up
- Has almost been in head-on collisions
- The people that live in the Enclave Apartments have issues as well
- Lots of issues of over parking in this area and dangerous drivers

Vice-Chair Williams states that they can build a house on this lot anyway; Mr. Hawkins responds that he is aware of this as his father is in real estate but wanted to come express himself anyway.

Chair Walker asks if there is any rebuttal from anyone that has spoken previously; none respond. Chair Walker closes the public hearing and ask for Board discussion.

Vice-Chair Williams states that he suspects that when Mr. Perry purchased the lot it should have been a known issue, unless it was purchased prior to 2008; and when drove by, the lot looks tiny.

Mrs. Ventress states that she is having a difficult time finding a hardship because an adequate house can be built on this lot; the commercial properties are closer to 12th; and this house should not be that close to 12th.

Mr. Marler states that when he ran comps in that area most of the houses were 1,700 square feet; doesn't believe a house that large would fit in this area.

Chair Walker doesn't see where the public would be harmed by allowing this, however, doesn't see how the Board can justify the criteria without making large leaps.

The Board discusses the fact that hardship is the only criteria that they could come across up.

Vice-Chair Williams moved, Mr. Marler seconds that based upon the lack of being able to meet criteria 1, 2, 3 and 4, the request is denied.

Roll Call:	Walker	Williams	Ventress	Lester	Marler
	Yes	Yes	Yes	Absent	Yes

Time: 35 Minutes

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

- a. Next regular meeting is scheduled for January 8, 2015.

5. ADJOURNMENT

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:08 p.m.

Prepared by – Cindy Gibson, Administrative Coordinator

Approved by: _____

Stillwater Board of Adjustment