STILLWATER BOARD OF ADJUSTMENT
REGULAR MEETING OF DECEMBER 5, 2013
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW, THE AGENDA WAS POSTED November 27, 2013
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

Members Present:
Steve James
Ron Walker
Joe Merrifield
Terri Ventress

Members Absent:
Robert Williams

Staff Present:
Dennis McGrath, Assistant City Attorney
Tom Coots, Planning Assistant
Ashley Camren, Admin. Assistant
Cindy Gibson, Admin. Coordinator

Guests:
George Mahi
Sherri Mahi
Lawrence Roy

1. **CALL MEETING TO ORDER.**

Chair James calls the meeting to order at 5:33 PM and explains the board and its purpose. Those sworn in are:

Mr. Lawrence Roy Mr. George Mahi Mrs. Sherri Mahi
Mr. Haskell Young was sworn in at 5:51 PM. Mr. Tom Coots

2. **MISCELLANEOUS ITEMS FROM THE BOARD FOR DISCUSSION AND POSSIBLE ACTION:**

a. Election of Chair.

Mrs. Ventress nominates Mr. Steve James as Chair, Mr. Merrifield seconds.

Roll Call:	James	Walker	Merrifield	Ventress	Williams
	Yes	Yes	Yes	Yes	Absent

Time: 1 Minute

b. Election of Vice-Chair.

Mrs. Ventress nominates Mr. Ron Walker as Vice-Chair, Mr. Merrifield seconds.

Roll Call:	James	Walker	Merrifield	Ventress	Williams
	Yes	Yes	Yes	Yes	Absent

Time: 1 Minute

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

a. George Mahi, **SPECIAL EXCEPTION (PZ.13.1795),** requesting review and granting of a special exception to extend the A (Agricultural) zoning district to all of the property addressed as 1009 N. Jardot Road. **Coots** Self

Tom Coots, Planner 1 presents staff's report and findings.

Mr. Walker asks if this property does or does not abut other residential property; Tom responds that it does.

Mr. Merrifield asks if this area map was up-to-date; Tom responds the map displayed would be if all of this property was zoned agricultural.

Chair James asks why hardship is not referenced in the criteria; Mr. Dennis McGrath, Assistant City Attorney responds that hardship has no bearing on a special exception to extend zoning.

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

Mr. George Mahi comes to speak on the following:

- Currently owns the property
- The couple that wants to purchase the property wants to be able to graze their horses and be able to see the horses from any angle within the house
- Horses can survive without the extra area but the new owners want to be able to see the horses
- Has had OSU come out and evaluate the fields and OSU has verified that these are native grass fields
- Has had the property cut and baled by one specific individual due to the high quality of hay
- Will answer any questions

Chair James asks if there is anyone else that wishes to speak in favor of this request; none respond. Chair James asks if there is anyone that wishes to speak in opposition of this request; none respond.

Mr. Lawrence Roy, 1819 Linda, comes to speak on the following:

- Is confused about distance between the property and Linda Avenue
  - Tom returns to the podium and explains the setbacks and area that would be zoned agricultural. Tom confirms that the property does go to the centerline of Jardot as it is a right-of-way, not a dedicated easement.
- Has enough property that is used in an agricultural function and also has property that fronts Linda
- Objects to this because wouldn't want to treat my neighbors this way that are on a residential lot in front of me to cause them to go back to agricultural
- Just recently had consideration before this board to develop a commercial type property on the corner

Chair James asks if there is any one else that wishes to speak in opposition. Chair James states that Mr. Young will have to be sworn in. Mr. Young is sworn in.

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Mr. Haskell Young, 2116 E. Will Rogers Dr., comes to speak on the following:

- Not here to really oppose but needs clarification because it hasn't been well kept for the last couple of years
- Looks like rural country property on a city road
- Doesn't want the city to take a step backwards to rezone to agricultural
- Doesn't have a complete understanding of what the people would be doing with the property
  - Chair James states that the change would allow the owners to run animals on more of the property than what is currently allowed
- Asks if they get a reduced tax rate

Mr. McGrath states that there are different codes that the City follows regarding animals with specific regulations.

Chair James asks if there are any questions for Mr. Young; none respond. Chair James asks if there is any one else that wishes to speak in opposition; none respond. Chair James asks for rebuttal.

Mrs. Sherri Mahi comes to speak on the following:

- Wants to make a comment that they do keep their property up but it's the property next door that isn't well kept
- The couple wants to run their horses
- Property south of them has horses, goats, llamas and donkeys

Chair James asks if there any questions for Mrs. Mahi; none respond. Chair James asks for board discussion.

Mr. Merrifield states that the plan for the use of the property is not what the board is looking at; and is in favor of seeing people's rights go forward unless there is a major detriment to the public and doesn't see that here. Mrs. Ventress acknowledges agreement.

Mr. Merrifield asks for clarification about not having to find hardship or peculiarity for this special exception; Mr. McGrath confirms that is not part of the consideration for a special exception.

Mr. Walker asks if the neighbors were notified; Tom responds that the neighbors within 300 feet were notified, there was a newspaper ad ran but there was no sign posted on the property.

Mr. Merrifield asks if staff heard from any of the neighbors; Tom stated that he did hear from two but believes one is in attendance and the other citizen was asking questions.

Chair James asks if there any more questions; none respond.

Chair James states that staff finds that they have met the two criteria and has no issues with the extension.

Mr. Merrifield asks about why it was zoned differently; Tom responds that occasionally the City will pass a zoning ordinance to effectively rezone the whole city and in 1985 is when it became zoned the way it is and then about a year ago but it remained the same.

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Mr. Merrifield states that he has no issued with the request.

Chair James asks if there are any other comments or questions; none respond.

Chair James moved, Mrs. Ventress seconded to accept staff's findings in that the applicants have met the two criteria and grant the special exception to extend the agricultural zoning district to the whole property addressed as 1009 N. Jardot Road.

Roll Call:	**James**	**Walker**	**Merrifield**	**Ventress**	**Williams**
	Yes	**No**	**Yes**	**Yes**	**Absent**

Time: Minutes

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

a. Next regular meeting is scheduled for January 9, 2014.

5. **ADJOURNMENT**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:02 p.m.

Prepared by – Cindy Gibson, Admin. Coordinator

Approved by: _____
Stillwater Board of Adjustment

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