Report to:
Stillwater Board of Adjustment PZ-16-2146

ISSUED BY THE DEVELOPMENT SERVICES DEPARTMENT STILLWATER, OKLAHOMA

Date of Meeting: January 5, 2017
Applicant: Luz Florez and Raul Estevez
Request: Variances to allow increased lot coverage area and increased driveway width
Location: 2500-2518 S Teal St

BACKGROUND

The applicants have purchased 4 platted lots in the Teal Ridge subdivision. The lots have been reconfigured to increase the size of the lot at the corner of Teal St and 26th Ave due to the setback requirements of the corner lot.

The applicants would like to build a duplex on each lot. However, the proposed duplexes exceed the maximum lot coverage area on the three interior lots. In addition, the duplexes were designed with the garages on opposite sides of the duplex, requiring two separate driveways.

The variance request is to allow the lot coverage to be increased to 41.73% for Lots 2 and 3; and 40.68% for Lot 4. However, the proposed lot coverage for Lot 1 is only 35.3%, for an average lot coverage of 39.86% for the four lots.

The applicant also requests a variance to allow two 20'8" driveways per lot, 41'4" total. The maximum driveway width is 32 feet total. The code does permit a driveway to be up to 48 feet for a duplex with a common driveway, however, the applicants' design with the garages on opposite sides of the building does not easily allow for a common driveway.

The restrictive covenants for the subdivision prohibit the reduction in the size of the lots and specifically require that duplex lots have one common driveway to serve the duplex. The city does not enforce the private covenants.

CODE APPLICATION

Sec. 23-138. - RT Two-Family Residential District.

(d) Bulk regulations. Bulk regulation requirements in the RT 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: 35 feet.
- (2) Setbacks. The following are the minimum required setbacks in the RT district:
  - a. Minimum front yard:
    - 1. 20 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:
    - 1. Residential structures: Five feet.
    - 2. All other uses: 15 feet.
  - c. Minimum rear yard: 20 feet.
- **(3) Maximum lot coverage: 40 percent.**

Sec. 37-129. - Provisions for driveways and vehicular access—Residential.
Except as may be provided in an approved PUD plan, or for semidetached single-family dwelling lots, all residential lots under 100,000 square feet in size shall abut at least one public street for at least 35 feet, which street shall provide a direct and primary means of ingress and egress for all dwelling units. In no case shall a residential structure with four or less units be allowed access onto a principal or minor arterial street if access is otherwise available onto either a collector or local residential street. Residential lots containing four or less units along an arterial street where access is not available to a collector or local street, and residential lots with more than four units in all cases, shall be required to comply with the same curb cut size and location standards as nonresidential properties.

(1) The basic design standards for residential driveways are shown in figure A, section 37-135.

(2) The minimum width for a single car driveway shall be ten feet and for a two or more car driveway 16 feet at the property line. The maximum width for a two or more car driveway shall be 22 feet for lot widths equal to 50 feet and less than 60 feet in width, 28 feet for lot widths equal to 60 feet and less than 75 feet in width, **and 32 feet for lot widths equal to and greater than 75 feet as measured at the property line**. The following table A provides a quick reference to the maximum residential driveway width permitted by lot width:

TABLE A. RESIDENTIAL DRIVEWAY WIDTH PERMITTED

Lot Widths (Street Frontage)	Maximum Driveway Widths
50 to < 60 feet	22 feet
60 to < 75 feet	28 feet
≤ 75 feet	**32 feet**

Sec. 37-131. - Exceptions and modifications.
Where applicable, the following provisions shall modify the foregoing requirements.

(6) Residential driveways may exceed the width requirements of section 37-129(2) under the following circumstances and be constructed as indicated:

a. Driveways serving duplexes with adjoining two-car garages may be constructed up to 48 feet wide.

b. A residential lot utilizing a circle drive with two curb openings shall not exceed an aggregate total driveway width at the property line of 42 feet, with no single driveway width to exceed the maximum width otherwise allowed by the lot width.

c. A corner residential lot shall be bound by the provisions of subsection (6)b of this section for a circle drive and entitled to an additional third access drive of no more than 22 feet in width if desired as long as the standard separation distance from the street intersection is complied with.

d. Driveways fronting on cul-de-sacs or similar eyebrow half-street circles may be constructed up to 28 feet in width, regardless of the width of the lot at the property boundary, as long as the driveway maintains a separation from any adjoining interior property line of at least five feet at the front property line.

CRITERIA FOR APPROVAL

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

(1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;
(2) Such conditions are peculiar to the particular piece of property involved;
(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
(4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

ALTERNATIVES

The Board of Adjustment has the following alternatives of action:

1. Find that each of the criteria for approval of the request are met. The Board will explain how each criteria are met in order to approve the variance(s).
2. Find that each of the criteria for approval of the request are met by imposing modifications or conditions to ensure that the criteria are met. The Board will explain how the criteria are met to grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request are not met. The variance(s) are denied.
4. Table the discussion to a certain date to allow for additional information to be presented.

Prepared by: Tom Coots, Planner I
Date of Preparation: December 28, 2016
Attachments: Area Map, Site Plan, Survey, Letter of Request