

**STILLWATER BOARD OF ADJUSTMENT
REGULAR MEETING OF JANUARY 5, 2017
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED December 30, 2016
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Ron Walker
Terri Ventress
Angie Bale
Brad Rickelman
Trey Lester @ 6:25 PM

Staff Present:

Dennis McGrath, Assistant City Attorney
Paula Dennison, Dev. Services Director
Mike Beaty, Dev. Review Manager
Tom Coots, Planner
Cindy Gibson, Administrative Coordinator

Members Absent:

Guests:

Mrs. Kelly Harris
Mr. Taylor King
Ms. Luz Florez
Mr. Raul Estevez

1. **CALL MEETING TO ORDER.**

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

The following individuals are sworn in:

Mrs. Kelly Harris	Mr. Taylor King	Ms. Luz Florez
Mr. Raul Estevez	Mr. Tom Coots	
Mr. Mike Beaty, Dev. Rev. Mgr.	@ 6:09 PM	

Chair Walker reads the business items for consideration and advises everyone that we are to receive a presentation from Paula J. Dennison, Development Services Director.

Paula explains that the proceedings for the board are changing based upon training received from the City Attorney's office; the report has changed as now it will be the applicant's responsibility to present or plead their case before the board; staff will be here to present report and as a resource; presents a hand-out to the board which is a first draft; and asks that if the board has any questions, please leave them with the attorney or the clerk as they will pass them onto staff so that they can be answered.

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

- a. Luz Florez AND Raul Estevez, **VARIANCE (PZ-16-2146)**, requesting review and approval of a variance to Ch. 23, Sec. 23.138 (d)(3) for maximum lot coverage and Ch. 37, Sec. 37.129(2) for maximum driveway width for properties addressed as 2500, 2506, 2512 and 2518 S. Teal Street. **Coots**

Tom Coots, Planner presents staff's report. Tom asks for questions.

Chair Walker asks what the formula is for figuring lot coverage; Tom responds that it does include the garage and covered patio, everything under the roofline but not the driveway.

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 request.

Mr. Taylor King comes to speak on the following:

- Architect from Tulsa.
- Here to represent the applicant.
- Talks about how they designed the houses to have wide halls, certain size bedroom to allow for queen size bed and dresser.
- Hardship: doesn't think the reduced size would allow for the adequate size furniture.
- Hardship: other driveways in the area are larger than the 35 feet – some as 39 to 40 feet wide.
- Having a driveway separated allows for green space in between the duplexes.
- Wants driveways to be wide enough to allow on-site parking.

Mrs. Bale asks what they see as peculiar for this piece of property; Mr. King responds that it is on the corner and is a large lot.

Chair Walker asks if there are any more questions; none respond. Chair Walker asks if there is any one else that wishes to speak in favor of this request; none respond. Chair Walker asks if there is any one that wishes to speak in opposition of this request; none respond. Chair Walker asks for staff's findings and alternatives.

Tom presents findings and alternatives.

Mrs. Ventress asks if the human eye perceives the difference in lot coverage; Tom responds that he doesn't have any data on that.

Discussion is held regarding impact on the street right-of-way with multiple curb cuts; and traffic impact with a single driveway compared to two driveways.

Chair Walker asks about the sidewalk on the site plan and if sidewalk is required to the west; Tom responds that there is already sidewalk so they will have to provide it as well.

Chair Walker asks if there are any more questions for staff; none respond. Chair Walker asks if the applicant would like to make a rebuttal.

Mr. Taylor King returns to the podium and commends Tom and city staff for the wonderful job that was done with communicating to the applicant and this process.

Mrs. Bale talks about the restrictive private covenants and how two other properties have the divided driveway.

Mr. Rickelman asks about averaging the lot percentage setting a precedent; Mr. Dennis McGrath, Assistant City Attorney states that this isn't a worry.

Chair Walker asks if there are any more questions; none respond. Chair Walker asks for board discussion.

Discussion is held regarding lot coverage and if it meets the intent of the code.

Chair Walker moved, Mrs. Bale seconded to grant the variance based on #1, the unnecessary hardship is that it is an extremely small difference from the code and with the four (4) lots, on average the code is being met; #2, peculiar to this piece of property, it is peculiar in that they have four (4) pieces of property that have been combined, they meet the requirement; #3, doesn't cause detriment or impair the purpose and intent of the ordinance or the Comprehensive Plan as it is such a small deviation that it would not be noticed or have an impact on the neighborhood; and #4, minimum relief is the fact that on average, they have met the code and per lot, the extremely small percentage that the lots are off.

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

Chair Walker opens the floor for board discussion regarding the number of driveways.

Mrs. Bale comments about the code allowing up to 48 feet of common driveway.

Mrs. Ventress comments about how much better the esthetics are by to have two 28 foot driveways than having one very wide driveway and having the green space.

Chair Walker states that the peculiarity is that they are going to commit to do this on four (4) lots so there is the continuity rather than it being just one odd property.

Discussion is held about it being a very nice looking proposed project; the spirit of the ordinance is to not have more than 48 feet of driveway; they are not doing that here but just doing it in a different way; staff hasn't really presented any real reason why this is the way it is in the ordinance.

Mike Beaty, Development Review Manager is sworn in at 6:09 PM.

Mike talks about driveway widths are provided generally to allow vehicles to move in and out of the property; if there is a narrow road, you don't want entrances up against each other; some driveway widths are there to ensure that we don't encroach on neighboring properties; and should be more than 3 or 4 feet between driveways to allow for parking of a vehicle on the street.

Chair Walker comments that the ordinance having been written wherein duplexes would combine the driveway so this option wasn't considered so this is seen as an unnecessary hardship.

Mr. Rickelman comments that the statute is 32 feet maximum or two 16 feet so this is the rule and realize that if you have duplexes abutting next to each other that the little 6 to 8 foot section in between wouldn't evolve into a driveway and allow that to be filled in because of that circumstance but as long as it is less than 40 feet on any given lot then its 32 feet; in essence, they allow some space in between.

Discussion is held about doing two 16 foot wide driveways and the applicant is asking for two 20 foot; the applicant doing more than the code's minimum but the way the code is written, they aren't allowed to do but they are trying to serve the property better; and parking in a manner that is covering the sidewalk is illegal.

Mrs. Ventress moved, Chair Walker seconded to grant the variance to allow the two 20'8" driveways per lot and finding that #1 the application of the ordinance to these four pieces of property would create an unnecessary hardship and #2 it is peculiar to this piece of property because the applicants have the four lots and driveways will be built as per the provided site plan, #3 relief would not cause substantial detriment to the public good or impair the purposes and intent of the ordinances and #4 the variance would be the minimum necessary to alleviate the unnecessary hardship.

Roll Call:	Walker	Ventress	Lester	Bale	Rickelman
	Yes	Yes	Yes	Yes	Yes

Time: 46 Minutes

- b. Heritage Residential, LLC, **VARIANCE (PZ-16-2155)**, requesting review and approval of a variance to Ch. 23-138 (d)(2)c to reduce rear building setback from 20 to 15 feet at property addressed 2310 and 2312 S. Teal St. in the RT (Two-Family Residential) zoning district. **Coots**

Tom Coots, Planner presents staff's report. Tom asks for questions.

Mrs. Ventress asked what the amount of the building that is over is; Tom responds that he doesn't have the exact amount. Tom states that there is a 10 foot easement but this stays out of that easement and the only thing that is different is that no one should even notice because of the patios that stick out.

Discussion was held about rotating the house more parallel to the south, there would still be an issue.

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

Mrs. Kelly Harris, Keystone Engineering, 923 S. Lowery comes to the podium:

- Here representing the applicant.

- Here to answer questions
- This is the same foot print as in other developments such as Devin Place and Pecan Hill.
- To answer Mrs. Ventress' question, it is probably 10 to 15 feet based upon other areas.
- Corner lots going around a cul de sac are always difficult to fit a structure on.
- Try to center the structure so that each occupant has the same amount of yard and driveway space.
- This is a hardship because it is a corner lot.
- Could take it to 2 stories but that would change the foot print and limits the ADA accessibility so don't want to exclude anyone from being able to rent.
- There are a few other corner lots that are close to the size, such as 111 square foot where this one is 107.
- In response to #1, due to consistency and ascetics, aren't able to get to that back corner and if took it to a 2 story structure, that limits the possible occupants for ADA accessibility.
- In response to #2, peculiarity of this is the irregular shape of the lot causing the structure to sit at an angle.
- In response to #3, relief, if granted, would not cause substantial detriment as it is consistent with the duplexes built in this area.
- In response to #4, the minimum is the 15 feet as being requested.
- Any questions.

Chair Walker asks if it is possible to rotate this to the long line; Mrs. Harris responds that it would be more of an impact.

Tom presents the board with a site plan and house to move around to see if they can find another layout that will work.

Chair Walker states that he disagrees with some of Mrs. Harris' hypothesis is that the only way to fix this would be to go 2-story as there seems to be a lot of room to go wider but the desire is to not change the plan; Mrs. Harris responds that the applicant does desire to keep the same footprint.

Discussion is held about the different sizes in the corner lots being just the way it was laid out when platted; property to the west is zoned the same as this lot and is planned for future development; and topography seems to be a good amount of change.

Chair Walker asks if there are any questions for the applicant; none respond. Chair Walker asks if there is any one that wishes to speak in opposition of this item; none respond. Chair Walker asks if there are any questions for staff; none respond. Chair Walker asks for board discussion.

Mr. Lester states that the hardship is self-imposed.

Discussion is held about having less than 20 feet of back yard setback and these should only be in the Form Based Codes area and 20 feet is very common in the residential area; cul de sac lots are peculiar; not going to impair any utilities; want to keep a pleasing and uniform look to subdivisions; 2 story would be a good solution; there is room to shorten and widen the structure and doesn't believe it would be visible from the street because the street front is mainly driveways and garages; the request is for 25% of the setback; see this issue a lot on cul-de-sacs but usually after its built; this area seems to have experienced a lot of variance requests and maybe the area could have been platted differently.

Mrs. Bale comments about being able to get on board with the hardship following the spirit of the code because it was platted under the previous code and 23 other lots had to have variances.

Tom states that the plat was accepted under the previous codes so it was caught up in the transition of codes; and reviews the 2008 variance meeting summary for the 23 lots in the subdivision and this lot has received relief on the front setback already.

Discussion is held about the criteria of what was used to grant the variance the first time; was granted with conditions that the lots be built with a 1-story maximum structure, maximum of 3 bedroom and no more than 1,250 square feet per side.

Tom reviewed the summary as one of the hardships it was granted on was that the utilities were already installed, peculiarity was that imposing of the 3 conditions, would not cause substantial detriment and it was the minimum relief necessary.

Discussion is held about the next two lots potentially needing a variance; based upon the aerial, they are using the same plan but doesn't know if that makes it peculiar; doesn't think it would be beneficial to have this item tabled, however, it could be tabled for additional information but if it is voted down it would be a certain amount of time before they can come back before the board;

Board asks Mrs. Harris to return. Mrs. Harris returns to the podium and states that they would rather the item be tabled instead of voting no.

Mr. Lester asks what it would take to widen the house; Mrs. Harris states that she can't say because the owners aren't here tonight and they are looking at doing a lot split on the next four lots that can't include this lot but it could but they would have to get rid of one lot and that is a hardship; and this lot would have been included in the rear setbacks variance if they had known it.

Mrs. Ventress moved, Mr. Lester seconded to grant the variance based upon #1, the application of the code would create a hardship but believe the essence of the city code is upheld; #2, this is peculiar as this subdivision was platted prior to the 2008 code and this was addressed with other lots within the subdivision that have had variances applied to them previously; #3 relief would not cause substantial detriment to the public good nor impair the

purposes and intent of the code and the Comprehensive Plan; and #4, it is the minimum necessary to alleviate the hardship.

Roll Call:	Walker	Ventress	Lester	Bale	Rickelman
	No	Yes	Yes	Yes	Yes

Time: 44 Minutes

3. APPROVAL OF THE MEETING SUMMARY FOR DISCUSSION AND POSSIBLE ACTION:

- a. Approval of the regular meeting summary of November 7, 2013.

Chair Walker asks if there were changes and/or corrections; none respond.

Chair Walker moved, Mr. Rickelman seconded to approve the regular meeting summary of November 7, 2013 as presented.

Roll Call:	Walker	Ventress	Lester	Bale	Rickelman
	Yes	Yes	Yes	Yes	Yes

- b. Approval of the regular meeting summary of December 5, 2013.

Chair Walker asks if there were changes and/or corrections; none respond.

Chair Walker moved, Mrs. Bale seconded to approve the regular meeting summary of December 5, 2013 as presented.

Roll Call:	Walker	Ventress	Lester	Bale	Rickelman
	Yes	Yes	Yes	Yes	Yes

- c. Approval of the regular meeting summary of November 6, 2014.

Chair Walker asks if there were changes and/or corrections; none respond.

Chair Walker moved, Mr. Rickelman seconded to approve the regular meeting summary of November 6, 2014 as presented.

Roll Call:	Walker	Ventress	Lester	Bale	Rickelman
	Yes	Yes	Yes	Yes	Yes

- d. Approval of the regular meeting summary of December 4, 2014.

Chair Walker asks if there were changes and/or corrections; none respond.

Chair Walker moved, Mr. Lester seconded to approve the regular meeting summary of December 4, 2014 as presented.

Roll Call:	Walker	Ventress	Lester	Bale	Rickelman
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	Yes	Yes	Yes	Yes	Yes
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e. Approval of the special meeting summary of April 28, 2015.

Chair Walker asks if there were changes and/or corrections; none respond.

Chair Walker moved, Mrs. Ventress seconded to approve the special meeting summary of April 28, 2015 as presented.

Roll Call:	Walker	Ventress	Lester	Bale	Rickelman
	Yes	Yes	Yes	Yes	Yes

f. Approval of the regular meeting summary of July 9, 2015.

Chair Walker asks if there were changes and/or corrections; none respond.

Mr. Lester moved, Mrs. Bale seconded to approve the regular meeting summary of July 9, 2015 as presented.

Roll Call:	Walker	Ventress	Lester	Bale	Rickelman
	Yes	Yes	Yes	Yes	Yes

g. Approval of the regular meeting summary of March 3, 2016.

Chair Walker asks if there were changes and/or corrections; none respond.

Chair Walker moved, Mrs. Ventress seconded to approve the regular meeting summary of March 3, 2016 as presented.

Roll Call:	Walker	Ventress	Lester	Bale	Rickelman
	Yes	Yes	Yes	Yes	Yes

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

a. Next regular meeting is scheduled for February 2, 2017.

5. **ADJOURNMENT**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 7:06 p.m.

Prepared by – Cindy Gibson, Admin. Coordinator

Approved by: _____
Stillwater Board of Adjustment