

**STILLWATER BOARD OF ADJUSTMENT  
REGULAR MEETING OF FEBRUARY 4, 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:

Terri Ventress  
Trey Lester  
Arial Ross  
Angie Bale

Members Absent:

Ron Walker

Staff Present:

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

Guests:

Mrs. Kelly Harris  
Mr. Anthony Blatt

1. **CALL MEETING TO ORDER.**

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

The following individuals are sworn in:

Mrs. Kelly Harris  
Mr. Tom Coots

Mr. Anthony Blatt  
Ms. Patricia Evans

Mr. Aaron Baggarly

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

- a. Phi Gamma Delta Fraternity, **VARIANCE-BOARD OF ADJUSTMENT (PZ-16-2049)**, requesting review and granting of a variance to Chapter 23, Sec. 23-141 d (1) to allow increased building height at property addressed 1015 W University Ave. **Coots**

Tom Coots, Planner I presents staff's report.

Mrs. Ventress asks if there are any questions for staff.

Mr. Lester asks if there is a flag on top of the dome and how does that fit into this request; Tom responds that he isn't aware of one and that the applicant can address this question.

Mrs. Ventress asks if there are any more questions for staff; none respond. Mrs. Ventress asks if there is anyone that wishes to speak in favor of this item.

Mr. Anthony Blatt of Hornbeek Blatt Architects, 101 S. Broadway, Suite 200 in Edmond, OK comes to speak on the following:

- States that it just a tag on the plan as there is no flag planned to be located on top of the dome
- Thanks the Board of Adjustment for coming this evening
- Misinterpreted the building height being the peak of the ridge, not the dome
- Design is based upon trying to maximize as much usable space as possible inside the building
- All spaces are packed with all of the equipment including fire suppression equipment to the point that the corridors are at the 8 foot height
- To reduce the dome by 26" would drastically change the look of the dome
- Look is only perceived from the north and from the alley
- Trying to keep this building in proportion to buildings in the surrounding area
- Believe that the building portions to this property are correct
- This is why we believe it is a hardship to reduce the size
- We don't believe that there would be any detriment to property or public as it is only an architectural feature
- Was not an intent to take additional height or space to capture additional square footage for the building
- There will be no other request made other than this 26" for the project
- Will answer any questions.

Mrs. Bale asks for Mr. Blatt to speak on the specifics of notes "A" and "U" as referenced on the plan; Mr. Blatt responds that these represent the structure of building whenever a structural engineer lays out the columns, they are tagged in each direction with letters and numbers so that the contractor who is building it knows how to reference them on the plan sets. Mr. Blatt states that those are only chimney structures on the ends of the building with the roof line being below that.

Ms. Ross asks about the comment in the letter from the Project Manager which references the willingness to concede to a lesser height of 11 7/8 inches; Mr. Blatt responds that in discussions of whether or not to proceed with the variance request there were some discussions with staff about what would be allowed administratively and not to come before the variance board and one of the items was to reduce the height of 11 7/8 inches.

Mr. Blatt further discusses that their design team looked for options and one was the reduction to 11 7/8 inches; however, they felt that it was so close to the 26" inches that they wished to proceed to the Board of Adjustment for consideration.

Mr. Lester asks if this isn't approved at all what are their options; Mr. Blatt responds that they would have to come to staff to see what other options are available.

Mrs. Ventress asks if there are any more questions for Mr. Blatt; none respond. Mrs. Ventress asks if there is anyone else that wishes to speak in favor of this item; none respond. Mrs. Ventress asks if there is anyone that wishes to speak in opposition of this item; none respond. Mrs. Ventress asks for staff's recommendation.

Tom presents staff's recommendation, which is that after reviewing the four (4) criteria as indicated above, staff finds that the applicant has met item 3. Staff would recommend that the Board further review items 1, 2, and 4 to determine, if in the Board's opinion, the information provided in the report and by way of testimony, allows the Board to make findings in the applicant(s) favor and grant the request.

Mr. Lester comments that the aesthetics could be considered hardship for criteria #1; can't find anything that is peculiar for this property for #2; for #3, staff didn't think there would be much of a problem with it but is worried about creating competition in that area as don't want one sorority or fraternity to say they have the tallest house or anything along that nature.

Ms. Ross states that she could support them going to the 11 7/8" and talks some regarding the mix of zoning in this area.

Discussion is held regarding Farmhouse being RMU-PUD with a building in variance of building height; AGR is in CB which is now T-6 zoning, which, at the time didn't have a maximum building height; T-6 now has a 10 story maximum.

Discussion is held about the 11 7/8"; if the Board doesn't approve the variance as presented then the applicant would return to the Development Services Department for an Administrative Variance; the Board granting the variance for the 11 7/8" based upon their information regarding architectural design with the 11 7/8" dome as that would be the minimum going forward; the Board doesn't have the authority to add conditions to other approval processes; the Board needing to consider the request of 26 inch variance only; and some structures in the area that have exceeded that height by several feet.

Mrs. Ventress comments that she looks for the best and most equitable solution; hates to see them go back to the drawing board if it isn't really necessary; it is purely aesthetic; can only see it from one side; and the Board must complete findings and agree.

**Ms. Ross moved, Mrs. Bale seconded to grant the variance and allow the increase in building height as requested based upon #1, the aesthetics of the dome is important and a big part of the design; #2 similar buildings with similar functions and different zoning in this area exceed that height; #3, the relief if granted would not cause substantial detriment to the public good and accept staff's recommendation; and #4 to consider changing the design would create an unnecessary hardship and granting the variance would be the minimum.**

Mr. Dennis McGrath, Assistant City Attorney asks about item #2, the items that are peculiar are that there are other buildings in that area exceed the 50 foot heights; Ms. Ross responds that there are other buildings that have similar functions in the different zonings, exceed the 50 feet and have received variances. Mr. McGrath states that this is challenged because already existing structures may exist under previous regulations but this building is being designed under the existing regulations as they are, so it can't be compared just because the other buildings exceed that 50 foot mark you can't give this building that exception just because the others were granted it under the old rules but under the new rules, they can't, so that is why they are here with their request and trying to identify it to make it peculiar.

Mr. McGrath continues with item #4, the hardship but doesn't understand what the hardship was and if it is challenged, we must be able to be specific and say what the hardship is and be able to defend it based upon what your understanding of the hardship that is created and not trying to sway the vote one way or the other but if it is challenged, that is what has to be defended and need the specifics included so he would know why it was a hardship and defend it accordingly.

Mrs. Ventress asks if anyone has options; none respond. Mrs. Ventress states that they can let it stand and still vote but is there anything we want to add to or modify the motion in any way, it needs to be done now.

Ms. Ross presents the question as to whether or not the Board believes that the change in design constitutes a hardship or not.

Discussion is held about the other buildings and why they exceeded the height.

Mr. McGrath advises the Board that a modification can be made to the motion on the floor and voted on or it can be withdrawn. Mr. McGrath states that the most expedient way would be to withdraw the second which returns it to Ms. Ross for modification or her withdrawal of the initial motion or vote it down and redraft a motion for consideration.

Mrs. Bale withdraws her second. Ms. Ross withdraws the motion.

**Mr. Lester moved, Ms. Ross seconded to deny request based on the #1, the aesthetics is a hardship but for item #2, there is no peculiar conditions to this property, #3, accepts staff's recommendation; and #4, the hardship is aesthetics and that the request is the minimum relief needed.**

<b>Roll Call:</b>	<b>Walker</b>	<b>Ventress</b>	<b>Lester</b>	<b>Ross</b>	<b>Bale</b>
	<b>Absent</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>

Mr. McGrath states that a new motion can be presented for reconsideration but if there is not another motion, than the item fails for lack of an approved vote.

Board discusses further that the code cannot be all inclusive; this design is aesthetic for decoration and affect and its important to them; isn't in a low flight area; not a

high risk area; may be beneficial to receive additional information; and can vote to table item to date specific and direct applicant to provide specific additional information then bring it back.

Mrs. Bale asks for staff to provide information regarding the sorority that came before the Board for a height variance and what the discussion involved. Tom talks about looking up the criteria used for that request if the Board could take a 5 minute recess.

Clerk announces that the Board will start recess at 6:13 PM. Clerk announces that the Board reconvenes at 6:20 PM.

Tom presents information from the 2012 request for AOPi; zoned RTM which only allowed 35 foot maximum height and they proposed 39 1/2 foot tall building with a steep pitched roof; staff found that they didn't met criteria 1, 3 and 4 but that they did meet criteria 2; staff found that the increased height in building is not peculiar to this piece of property but maybe peculiar to Greek housing in general since this housing type is typical around college campuses and demonstrates common themes and these properties are utilized and developed that are unlike any other housing development found in cities. Tom asks if there are any additional questions; none respond.

Mrs. Ventress asks if there is any further Board discussion.

Ms. Ross states that she does believe that there is a peculiarity to Greek housing in general and that the design element being unique constitutes a hardship.

**Ms. Ross moved, Mr. Lester seconded to approve the request for a variance for building height at 1015 W. University based on criteria 1 that the design element of the dome is aesthetically important to the design and the changing of the design would cause hardship; item 2 that is peculiarity to Greek housing in general in Stillwater and that the design elements are particularly important to them; item 3 that per staff findings, the increase would not cause substantial detriment to the public; and item 4 as per item 1, the design element is aesthetically important and therefore, the request to approve the height would be the minimum relief necessary.**

<b>Roll Call:</b>	<b>Walker</b>	<b>Ventress</b>	<b>Lester</b>	<b>Ross</b>	<b>Bale</b>
	<b>Absent</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>

*Time: 56 Minutes*

- b. TRD Ventures, LLC, **VARIANCE-BOARD OF ADJUSTMENT (PZ-16-2050)**, requesting review and granting of a variance to Chapter 23, Sec. 23-150(c)(2)(a)(1) for minimum front yard setback at 1202 and 1208 S Duck St. **Evans**

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

Mrs. Ventress asks if there is anyone that wishes to speak in favor of this item.

Mrs. Kelly Harris, Keystone Engineering at 923 S. Lowry comes to speak on the following:

- Apologized for not bringing this with the last request.
- As the design started coming together, the owner wants to set the building in the corner along Duck Street. The corner with the highest visibility for the site.
- Here to answer any questions.

Mr. Lester asks if this is purely for aesthetics or what; Mrs. Harris responds that there are two options as they could put a "jog" in the building and still align up with the setback or set the building back an additional five feet off the furthest building setback which would put it further back than the buildings south of it so it wouldn't line up.

Mrs. Ventress asks if there are any additional questions for Mrs. Harris; none respond. Mrs. Ventress asks if there is any one else that wishes to speak in favor of this item; none respond. Mrs. Ventress asks if there is any one that wishes to speak in opposition of this item; none respond.

Mrs. Ventress asks for staff's recommendation.

Patty presents recommendation, which are after reviewing the four (4) criteria as indicated above, staff finds that the applicant has met items 1-4. Staff would recommend that the Board further review all items to determine, if in the Board's opinion, the information provided in the report and by way of testimony, allows the Board to make findings in the applicant(s) favor and grant the request.

Mrs. Ventress asks for Board discussion. No further discussion or issues.

**Mr. Lester moved, Ms. Ross seconded to approve this request based upon staff's findings for item 1, the application of the ordinance is creating a unnecessary hardship because of the two different subdivisions; item 2, that the conditions are peculiar to this piece of property because having the two subdivisions offset is extremely unusual; item 3, that relief, if granted, would not cause substantial detriment to the public good; and item 4, that this is the minimum relief necessary because it will allow this building to line up with the others in the neighborhood.**

<b>Roll Call:</b>	<b>Walker</b>	<b>Ventress</b>	<b>Lester</b>	<b>Ross</b>	<b>Bale</b>
	<b>Absent</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

*Time: 11 Minutes*

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

- a. Approval of the regular meeting summary of August 6, 2015.

Mrs. Ventress asks if there are any changes and/or corrections; none respond.

**Mr. Lester moved, Ms. Ross seconded to approve the regular meeting summary of August 6, 2015.**

<b>Roll Call:</b>	<b>Walker</b>	<b>Ventress</b>	<b>Lester</b>	<b>Ross</b>	<b>Bale</b>
	<b>Absent</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

b. Approval of the special meeting summary of December 17, 2015.

Mrs. Ventress asks if there are any changes and/or corrections; none respond.

**Ms. Ross moved, Mrs. Ventress seconded to approve the special meeting summary of December 17, 2015.**

<b>Roll Call:</b>	<b>Walker</b>	<b>Ventress</b>	<b>Lester</b>	<b>Ross</b>	<b>Bale</b>
	<b>Absent</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

c. Approval of the special meeting summary of January 21, 2016.

Mrs. Ventress asks if there are any changes and/or corrections; none respond.

**Mrs. Ventress moved, Mr. Lester seconded to approve the special meeting summary of January 21, 2016.**

<b>Roll Call:</b>	<b>Walker</b>	<b>Ventress</b>	<b>Lester</b>	<b>Ross</b>	<b>Bale</b>
	<b>Absent</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>YEs</b>

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

a. Next regular meeting is scheduled for March 3rd, 2016.

5. **ADJOURNMENT**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:41 p.m.

Prepared by – Cindy Gibson, Admin. Coordinator

Approved by: \_\_\_\_\_  
Stillwater Board of Adjustment