

**STILLWATER BOARD OF ADJUSTMENT  
Special MEETING OF February 14, 2019  
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING  
LAW, THE AGENDA WAS POSTED February 7, 2019  
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Terri Ventress  
Trey Lester  
Ron Walker  
Richard Buchannan  
Craig Spencer

Staff Present:

Dennis McGrath, Assistant City Attorney  
Paula J. Dennison, Assistant City Manager  
Cindy Gibson, Administrative Coordinator

Guests:

Mr. Tobin Newcomb  
Ms. Haley Carr

Members Absent:

**1. CALL MEETING TO ORDER.**

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

The following individuals are sworn in:

Mr. Tobin Newcomb

Mr. Lanc Gross

Mrs. Paula Dennison

Chair Ventress reviews the items on the agenda.

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

- a. Alpha Omicron House Corp. of Alpha Delta Pi, **VARIANCE (VAR19-01)**, requesting review and granting of a variance to Chapter 23, Section 23-141(d)1 and (d)2 for building height and setbacks on property addressed as 1309 W. University Ave.

Paula J. Dennison, Assistant City Manager presents staff's report. Paula asks if there are any questions; none respond.

Chair Ventress opens the public hearing. Chair Ventress asks if there is anyone that wishes to speak in favor of this item.

Mr. Tobin Newcomb comes to speak on the following:

- Here representing client
- Regarding the rear setback, the 5 feet of the setback will to prevent weather from coming into access door which is an overhang
- Cupola is the only part that is above the 50 feet and it is non-habitable
- Front yard setback is to allow ADA access
- Rear yard setback is to allow for the ramp delivery into the kitchen
- Footprint is basically the same as before but made better utilization of space

Mr. Buchannan comments that the rear yard setback looks to be a 1 ½ foot encroachment; Mr. Newcomb responds yes, it is for the overhang. Mr. Newcomb states that they are only moving the habitual structure wall about 6 inches.

Mr. Buchanan asks if the electric utilities will be accessing the site the same as they are now; Mr. Newcomb talks about having talked with Electric Utility about going underground or moving the pole; however, the cost estimate came in at about \$3,000 to relocate that pole but that doesn't include other utilities located on it and this pole encourages vehicles to drive slower through there.

Vice-Chair Lester asks what their options are if the rear variance isn't granted; Mr. Newcomb comments that they would have to remove the cover or shorten it down to 3 feet.

Discussion is held about the overhang providing cover for the door to prevent water and ice from coming in while deliveries are being made; and this being a safety factor for foot traffic as well as protecting the building long-term as well.

Mr. Buchanan expresses concern about how close this is to some major utility lines.

Mr. Walker asks for confirmation that they aren't encroaching into the utility easement; Mr. Newcomb responds no.

Mr. Newcomb comments about potentially moving the building further north to get away from the lines but they would have to come back before the Board for a different variance.

Discussion is held about how the Electric company has an opportunity to look at the submittal during the permitting process.

Chair Ventress asks if there are any questions for the applicant; none respond. Chair Ventress asks if there is anyone else that wishes to speak in favor of this item; none respond. Chair Ventress asks if there is anyone that wishes to speak in opposition of this item; none respond.

Ms. Haley Carr comes to the podium and comments about having done research from about 2016 and found three instances where fraternities have applied for variances to this code section; these houses are starting to rebuild and they are before the Board often for these requests; and would the Board have any consideration to redo the code.

Chair Ventress responds that when the Board considers a variance, it stands alone in other words there is not precedent; the Board takes each case on a case-by-case basis; many of these houses are out of space; it's nice to see the money come in for the houses, City and OSU which indicates growth; the current code is under review; and talks about what the Board can consider.

Chair Ventress asks if there is anyone else that wishes to speak in favor; none respond. Chair Ventress asks if there is anyone that wishes to speak in opposition; none respond. Chair Ventress closes the public hearing.

Paula returns to the podium and acknowledges that many departments in the City look at these requests and Stillwater Electric Utility reviewed this request and found no issues with it.

Paula presents alternatives, which are

1. Find that each of the criteria for approval of the request is met. The Board will explain how each criterion is met in order to approve the variance(s).
2. Find that each of the criteria for approval of the request is 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 is not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

Chair Ventress asks if there are any questions for staff; none respond. Chair Ventress asks for Board discussion.

Vice-Chair Lester comments about being able to make a 3 foot awning rather than a 5 foot.

Chair Ventress talks about more storms come from the southwest and understands that its intent to protect the building and people and believes that is a good thing.

Mr. Walker comments about building accessories being able to be the setbacks by 2 foot encroachment only talking about 5 feet; also seeing on the last page of the packet the applicant's letter where they are list the four criteria and how they believe they have met those and these are explained satisfactorily.

**Mr. Walker moved, Mr. Spencer seconded to approve the variance based upon the applicant's letter with how they have met the four requirements.**

Roll Call:	Ventress	Lester	Walker	Buchanan	Spencer
	Yes	Yes	Yes	Yes	Yes

*Time: 29 Minutes*

**3. MEETING SUMMARY FOR DISCUSSION AND POSSIBLE ACTION:**

- a. Regular Meeting Summary of December 6, 2018.

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

**Mr. Spencer moved, Mr. Buchannan seconded to approve the regular meeting summary of December 6<sup>th</sup>, 2018 as presented.**

Roll Call:	Ventress	Lester	Walker	Buchanan	Spencer
	Yes	Yes	Yes	Yes	Yes

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

- a. Next Board of Adjustment meeting Thursday, March 07, 2019

**5. ADJOURNMENT.**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:00 p.m.

Prepared by – Cindy Gibson, Admin. Coordinator

Approved by: Ju. L. Ventress 4 April 2019  
Stillwater Board of Adjustment