

**STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF September 5, 2019
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED September 4, 2019
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Terri Ventress
Ron Walker
Craig Spencer

Members Absent:

Trey Lester
Richard Buchannan

Staff Present:

Dennis McGrath, Assistant City Attorney
Lanc Gross, Planning Manager
Rian Harkins, Senior Planner
Cindy Gibson, Administrative Services Manager

Guests:

Stephen Gose
Terrell Warhurst
Judy Ramsey
Jerry Burrow
Nikki Hoffman

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. Lanc Gross
Mr. Terrell Warhurst
Ms. Nikki Hoffman

Mr. Rian Harkins
Ms. Judy Ramsey

Mr. Stephen Gose
Mr. Jerry Burrows

2. BUSINESS ITEMS FOR DISCUSSION AND POSSIBLE ACTION ON:

- a. Jerry and Sharon Burrow, **VARIANCE (VAR19-12)**, requesting review and granting of a variance to Ch. 23, Sec. 23-136(d)(2) a and b to allow a carport in the setbacks on property addressed as 615 N. Grandview St., in the Residential Single Family Large Lot (RSL) district. **Harkins**

Rian Harkins, Senior Planner presents staff's report and findings.

Mr. Spencer asks if the carport is encroaching on both front and side yard setbacks; Rian responds that it is mainly on the front but there will be some on the side also.

Chair Ventress asks if there are any more questions for staff; 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. Jerry Burrow, 615 N. Grandview Street, comes to speak.

Mr. Spencer asks for a description of the carport; Mr. Burrow explains that it will be purchased from Oakley Buildings, mainly metal, white in color and will put guttering on it. Mr. Burrow continues stating that he has talked to the neighbors and they are fine with it.

Mr. Burrow continues stating that the carport will be encroaching on the side by three (3) feet and front about 15 feet; in May of this year, a hail storm done \$4,200 worth of damage to his truck and is trying to prevent this from happening again.

Chair Ventress asks if there are any more questions; none respond. 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 of this item; none respond. Chair Ventress closes the public hearing and asks for alternatives.

Rian presents alternatives. Chair Ventress asks if there are any questions for staff; none respond. Chair Ventress asks for board discussion.

Mr. Spencer states that he can see how this meets 3 of the criteria but doesn't see peculiarity in this situation.

Mr. Walker states that he doesn't see the peculiarity; setback was established over ten (10) years ago; and is opposed to this.

Discussion is held about potentially tabling this item until more board members are present; wanting to see additional information; and the size not having to be 20 x 25; and would like to see it drawn on a site plan.

Mr. Spencer moved, Chair Ventress seconded to table this item to the next regular meeting so the applicant and submit a site plan with setbacks and dimensions.

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

Time: 18 Minutes

- b. Gose & Associates, **VARIANCE (VAR19-13)**, requesting review and granting of a variance to Ch. 23, Section 13-137(c)(3) for minimum lot depth for property addressed as 1623 E. 12th Avenue in the Agricultural (A) district. **Harkins**

Rian Harkins, Senior Planner presents staff's report and findings.

Chair Ventress asks if there are any questions for staff.

Mr. Walker asks about the 80 acre tract that is in the platting process and is this the same owner; Rian explains that it is by a separate owner as that preliminary plat was approved but the final plat still hasn't gone to City Council..

Rian continues stating that the property to the south is already zoned RSS (Residential Single Family Small Lot) and this one is not however a map amendment will be coming if the variance is approved.

Mr. Spencer questions whether or not the board is allowed to possibly grant the variance if it is not zoned correctly.

Mr. Walker ask if the rezoning isn't established then how does the board's decision impact the property; Rian responds that agricultural zoning allows residential use if they are farming but can't build multiple houses or have multiple lots.

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

Mr. Stephen Gose of Gose & Associates, 113 E. 8th Avenue comes to speak on the following:

- Here on behalf of the applicant
- Rian's report covered everything and they are in support
- Easier to come to the board first rather than going to City Council to rezone then back to the board so this was more efficient
- Lot, overall, is 241 feet wide and would not allow for a double loaded street and keep the 100 foot depth required for residential lots so applicant is asking for a 5 to 6 foot reduction
- Have 28 to 30 lots on the design which put the lot width at 60 feet
- Asking for variance now so they know how to move forward with design

Mr. Spencer asks how far along they are in the design; Mr. Gose responds that they are in the very rough sketch stage. Mr. Gose continues stating that the applicant is also in communication with the adjacent developer for connection potential.

Chair Ventress asks if there are more questions for Mr. Gose; 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.

The following come to speak:

- Ms. Judy Ramsey
- Mr. Terry Warhurst
- Ms. Nikki Hoffman

The following concerns are expressed:

- Owns property in the surrounding area
- Zoned agricultural and wants it to stay agricultural
- Isn't in support and questions the motive for developing the land
- Questions what would the traffic flow be but knows it probably premature for that question
- Asks if the lots would come south
- Where will drainage run – will it come to 16th Street
- Has family history in this area
- Houses in this area are mainly large lot
- Traffic is already heavy and know you are putting more traffic onto 12th Avenue
- Very concerned about drainage

Mr. Gose returns to the podium and comments that the road will come down through the middle of the development.

Chair Ventress asks if there is anyone else that wishes to speak on this item; none respond. Chair Ventress closes the public hearing and asks for alternatives.

Rian presents alternatives.

Mr. Spencer expresses concern about it being double loaded with houses on both sides and not meeting the 100 foot depth; and asks for clarification regarding the request being for a double loaded street, houses on both sides which according to code requires a 100 foot depth but can't meet that but they could have a single row of houses with full depth lots.

Further discussion is held about the single row of house reducing the number from 28 to 14.

Mr. Walker comments about not allowing variances to zoning; if they had rezoned then could ask for a variance to design from the Planning Commission; and there being other options on how they could approach the consideration for their request.

Rian comments about the applicant believing it would be more economical to come to the board before they expended monies on a design that would be not accepted.

Further discussion is held regarding the processes by which their request could be considered.

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

Mr. Walker comments about having different opinions if he was voting on a rezoning; doesn't like to be put in a position of whether this is an appropriate use of the land; doesn't want to be an influence on that process; can visualize the plan; assuming it is going to be 28 lots; and not comfortable as it isn't going to end here.

Chair Ventress discusses the lot depth and not wanting to set precedence.

Mr. Spencer stated that if he had to vote now, he would vote no because they do have other options on meeting the RSS requirements.

Rian explains that no, there is not a map amendment finalised so if you table and the request can just sit until that process was completed before it came back to the Board of Adjustment.

Mr. Spencer comments about making a motion to table this for six (6) months or to the meeting of March 5, 2020.

Discussion is held that if the plat is approved by Planning Commission then the request before the board isn't needed; and being in support of tabling it for six (6) months.

Dennis McGrath, Assistant City Attorney advises the Board that if they are going to table something for that long period of time then the motion should contain specific information as to why it was tabled for that length of time.

Mr. Steve Gose of Gose & Associates is recognized by the Board and acknowledged to return to the podium. Mr. Gose comments on that the thought is to simplify this and table the request, either six (6)

months or four (4) months, the request can be renewed through Planning staff to this board based upon the zoning process as that could be in two (2) months; if it passes, then the applicant can request to come back to the board in three (3) or four (4) months rather than six (6) months as would have to get through zoning then have to wait three (3) more months to come back to board.

Mr. McGrath reminds everyone that it must be tabled to a date certain.

Mr. Gose states that their request is to withdraw the request and it can be resubmitted, if necessary.

This request has been withdrawn with no action by the board.

Time: 32 Minutes

3. MEETING SUMMARY FOR DISCUSSION AND POSSIBLE ACTION:

- a. Regular Meeting Summary of July 11, 2019.

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

Chair Ventress moved, Mr. Spencer seconded to approve the regular meeting summary of July 11, 2019 as presented.

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

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

- a. Next Board of Adjustment meeting Thursday, October 03, 2019.

5. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:20 p.m.

Prepared by – Cindy Gibson, Administrative Services Manager

Approved by: *Ju. L Ventress 7 Nov 19*
Stillwater Board of Adjustment