

**STILLWATER BOARD OF ADJUSTMENT  
Regular MEETING OF March 5, 2020  
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING  
LAW, THE AGENDA WAS POSTED March 3, 2020  
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Richard Buchanan  
Terri Ventress  
Craig Spencer  
Trey Lester

Staff Present:

Dennis McGrath, Assistant City Attorney  
Lanc Gross, Planning Manager  
Melissa Higgins, Administrative Assistant

Guests:

Roger Gose  
Will Allen

Members Absent:

1. **CALL MEETING TO ORDER.**

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

The following individuals are sworn in:

Mr. Lanc Gross

Mr. Roger Gose

Mr. Will Allen

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

- a. William & Rita Allen Trust, **VARIANCE (VAR20-03)**, requesting review and granting of a variance to Chapter 23, Article VII, Section 23-7, 23-97-d-1, 23-121-b-1-2 and 23-137-d-2-a for front and side yard setback, fence, accessory use and bulk standards requirements at property addressed as 1801 W 9<sup>th</sup> Ave in the Residential Single Family Small Lot (RSS) district. **Harkins**

Lanc Gross, Planner presents staff report. Asks for any questions for staff.

Mr. Spencer asks staff to further detail the bulk regulations.

Mr. Gross responds detailing the regulations for two front yard setbacks.

Mr. Spencer asks to clarify that the variance request is for the fence location, fence height and swimming pool location.

Vice-Chair Lester arrives at 5:37pm.

Chair Buchanan reiterates the bulk regulations and clarifies the three items being requested in the application to Vice-Chair Lester.

Chair Buchanan asks for any further questions for staff. None respond

Chair Buchanan opens public meeting. Chair Buchanan asks if there is anyone wishing to speak in favor of this item.

Mr. Gose, 113 E 8<sup>th</sup> Avenue, Stillwater, OK, comes to speak on the following:

- Representing the applicant
- Received notice of violation from Code Enforcement dated December 26<sup>th</sup>, 2019.
- Once the ground dries out the Swim Avenue extension will begin construction as well as a waterline extension and the extension of Grandview Street from Swim Avenue to Lakeview Road while they work on the rest.
- Here to answer any questions for the board.

Chair Buchanan asks the pool and fence were installed prior to the code change.

Mr. Gose responds that the fence was installed prior but the pool was installed inside the previous fence after the code change.

Mr. Allen, 1801 W 9<sup>th</sup> Ave, Stillwater, OK, comes to speak on the following:

- Property owner.
- Received notice of violation from Code Enforcement dated December 26<sup>th</sup>, 2019.
- Installed an 8' fence to hide the pool.
- The previous fence was dilapidated and falling down.

Chair Buchanan asks Mr. Allen if a permit was pulled to install the fence.

Mr. Allen responds no. States he was unaware one was required to install a fence.

Mr. Spencer asks if there have been any complaints from the neighbors.

Mr. Allen responds none have come to him.

Chair Buchanan asks to verify the difference in height change is due to line of sight to existing pool.

Mr. Allen confirms.

Ms. Ventress asks how far in to the setback the fence is sitting.

Mr. Gose responds about 8 feet in to the setback.

Mr. Gose asks for any further questions from the board. None respond.

Chair Buchanan asks if there is anyone wishing to speak in opposition. None respond.

Chair Buchanan closes the public hearing.

Mr. Gross presents staff alternatives to the Board. States that there were no complaint calls or emails. Asks if there are any questions for staff.

Chair Buchanan thanks staff and opens Board discussion.

Mr. Lester states that in keeping the fence where it originally was makes a good case to approve as this house was designed prior to the code change.

Chair Buchanan states the board is once again faced with the enigma of a corner lot with two front yards which logically to any laymen would see this as a side yard instead of a front yard. When the pool was put in it was conforming and the change in the ordinance has it becoming non-conforming. States that creates a mitigating circumstance.

Mr. Spencer states the portion that was increased to eight feet would be the only part that would probably not be grandfathered in with the original fence.

Chair Buchanan states it's not in the line of sight from either street when driving by. It doesn't constitute a nuisance to the neighbors.

Chair Buchanan asks if any would like to make a motion.

Mr. Spencer makes a motion to approve the variance request sighting the applicant's justification letter included in the packet.

**Mr. Spencer moved, Ms. Ventress seconded to approve the variance request.**

Roll Call:	Ventress	Lester		Buchanan	Spencer
	Yes	Yes		Yes	Yes

*Time: 23 Minutes*

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

- a. Regular Meeting Summary of February 6, 2020.

Chair Buchanan asks if there any changes and/or corrections. None respond.

**Ms. Ventress moved, Mr. Spencer seconded to approve the regular meeting summary of February 6, 2020 as presented.**

Roll Call:	Ventress	Lester		Buchanan	Spencer
	Yes	Yes		Yes	Yes

*Time: 1 Minute*

- b. Special Meeting Summary of February 27, 2020.

Chair Buchanan asks if there any changes and/or corrections; Ms. Ventress notes two grammatical errors needing correction.

**Ms. Ventress moved, Mr. Spencer seconded to approve the special meeting summary of February 27, 2020 with corrections.**

Roll Call:	Ventress	Lester		Buchanan	Spencer
	Yes	Yes		Yes	Yes

*Time: 1 Minute*

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

- a. Next Board of Adjustment meeting Thursday, April 02, 2020.

5. **ADJOURNMENT.**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 5:55 p.m.

Prepared by – Melissa Higgins, Administrative Assistant

Approved by: [Board approved 06.04.2020 via ZOOM Meeting.](#)  
Stillwater Board of Adjustment