

**STILLWATER BOARD OF ADJUSTMENT  
SPECIAL MEETING OF July 16, 2020  
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING  
LAW, THE AGENDA WAS POSTED July 14, 2020  
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Trey Lester  
Terri Ventress  
Craig Spencer

Staff Present:

Dennis McGrath, City Attorney  
Lanc Gross, Planning Manager  
Rian Harkins, Sr Planner  
Melissa Higgins, Administrative Assistant

Members Absent:

Richard Buchanan

Guests:

Derek Irwin  
Kelly Harris

**1. CALL MEETING TO ORDER.**

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

The following individuals are sworn in:

Mr. Lanc Gross

Mr. Rian Harkins

Mr. Derek Irwin

Mrs. Kelly Harris

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

- a. Derek Irwin, **VARIANCE (VAR20-10)**, requesting review and granting of a variance to Chapter 23, Sec. 23-121(b) for front yard fence setback at property addressed as 1005 S. Knoblock Street in the Residential Single Family Small Lot (RSS) zoning district. **Harkins**

Rian Harkins, Senior Planner presents staff report and asks for any questions for staff.

Vice-Chair Lester asks if the board has any questions for staff; none respond.

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

Mr. Derek Irwin, 2301 E Rock Creek Rd, Norman, OK 73071, comes to speak on the following:

- The applicant.
- Provided letter previously requested by Board from adjacent neighbor.
- Adds to the look of the neighborhood.
- Notes that the fence is vinyl not wood.
- Here to answer any questions for the board.

Mr. Spencer asks if the intention of the fence is privacy. Mr. Irwin responds affirmatively and explains the narrowness of the lot and placement of the house gives little privacy from neighbors and one adjacent property has many unsightly items placed in their yard.

Vice-Chair Lester asks for any further questions for the applicant; none respond. Vice-Chair Lester asks for anyone else wishing to speak in favor of the item; none respond. Vice-Chair Lester asks for anyone

wishing to speak in opposition of the item; none respond. Vice-Chair Lester closes the public hearing and asks for staff alternatives.

Mr. Harkins presents staff alternatives and asks for any questions; none respond

Vice-Chair Lester opens for Board discussion.

Mr. Spencer states the addition of the letter from the neighbor and Mr. Irwin's explanation clears up his previous concerns and discusses how the application meets the required four criteria.

**Mr. Spencer moved, Vice-Chair Lester seconded to approve the variance given the hardship provided is that the current property does not allow privacy between the adjacent land owner without a fence; it is a peculiar property because it is a corner lot with the restrictive side yard setback ordinances and it is also narrow; given the letter from the adjacent land owner it does not appear to be any detriment to the public good.; and it's also the minimum necessary because it is already constructed and gives the height needed to give the desired privacy.**

Roll Call:	Ventress	Lester	Vacant	Buchanan	Spencer
	Yes	Yes	N/A	Absent	Yes

*Time: 16 Minutes*

- b. Justin W & Maryl M. McCrary, **VARIANCE (VAR20-14)**, requesting review and granting of a variance to Ch. 23, Sec 23-121(1) for front yard setbacks for fences at property addressed as 1101 S. McDonald Str., in the Residential Single Family Small Lot (RSS) district. **Harkins**

Rian Harkins, Senior Planner presents staff report and asks for any questions for staff.

Mr. Spencer asks staff to show the survey again Staff presents survey.

Ms. Ventress asks if there is a sight triangle issue. Mr. Harkins responds, "No."

Vice-Chair Lester asks staff to show house in reference to the fence in question. Mr. Harkins shows on staff presentation.

Mr. Spencer asks if the main issue is the setback along 11<sup>th</sup> Avenue. Mr. Harkins responds affirmatively.

Vice-Chair Lester opens public meeting. Vice-Chair Lester asks if there is anyone wishing to speak in favor of this item; none respond. Vice-Chair Lester asks for anyone wishing to speak in opposition of the item; none respond. Vice-Chair Lester closes the public hearing and asks for staff alternatives.

Mr. Harkins presents staff alternatives and asks for any questions; none respond.

Vice-Chair Lester opens for Board discussion.

Vice-Chair Lester states that there are no other abutting houses so he sees no major issue with the fence.

Mr. Spencer discusses the ways the application meets the four required criteria.

**Vice-Chair Lester moved, Mr. Spencer seconded to approve the variance with the hardship of privacy, this lot is a peculiar condition in being a corner lot, there is no detriment to public health or safety and it is the minimum necessary to encompass mature trees.**

Roll Call:	Ventress	Lester	Vacant	Buchanan	Spencer
	Yes	Yes	N/A	Absent	Yes

*Time: 10 Minutes*

- c. Kerns Construction, **VARIANCE (VAR20-15)**, requesting review and granting of a variance to Ch. 23, Section 23-153(c)(2)(a)(1) for front yard setbacks abutting right-of-way/road access easement at property currently addressed as 1717 S. Perkins Road in the Commercial General (CG) district. **Harkins**

Rian Harkins, Senior Planner presents staff report and asks for any questions for staff; none respond

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

Mrs. Kelly Harris, 923 S Lowry St, Stillwater, OK, comes to speak on the following:

- Representing the owner.
- Gives presentation on the site.
- Requesting setback decrease from 25' to 13' in line with the existing structure.
- Majority of the structures in the area are set at 13' distance from the ROW.
- Elevation of the property drops off when going to the east.
- If the structure is moved to meet the setback requirement it would sit lower than the Perkins Road street level and look displeasing to the public as an entry point to Stillwater.
- No detriment to the public.
- Here to answer any questions for the board.

Vice-Chair Lester asks for any questions for the representative; none respond. Vice-Chair Lester asks for anyone else wishing to speak in favor of the item; none respond. Vice-Chair Lester asks for anyone wishing to speak in opposition of the item; none respond. Vice-Chair Lester closes the public hearing and asks for staff alternatives.

Mr. Harkins presents staff alternatives and asks for any questions; none respond

Vice-Chair Lester opens for Board discussion.

Ms. Ventress states she doesn't see any issue in approving the variance request; the applicant's justification letter and presentation seems to address the meeting of all four criteria clearly.

Vice-Chair Lester states he's in favor when the hardship gets in to esthetics as he likes to do whatever possible to make Stillwater look good so he sees no problem.

Mr. Spencer states he agrees with the hardship entailing all they would have to do in moving the building further to the east with the slope of the land elevation would be the deal.

**Ms. Ventress moved, Vice-Chair Lester seconded to approve the variance with the four criteria being met as outlined in the justification letter from Keystone Engineering dated June 11, 2020.**

Roll Call:	Ventress	Lester	Vacant	Buchanan	Spencer
	Yes	Yes	N/A	Absent	Yes

*Time: 11 Minutes*

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

- a. Next Board of Adjustment meeting Thursday, August 06, 2020.

**4. ADJOURNMENT.**

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:08 p.m.

Prepared by – Melissa Higgins, Administrative Assistant

Approved by: [Board approved 08.06.2020 via ZOOM](#)  
Stillwater Board of Adjustment