



**ISSUED BY THE COMMUNITY DEVELOPMENT
DEPARTMENT STILLWATER, OKLAHOMA**

Date of Meeting: July 9, 2020
Subject: Variance to Section 23-153(c)(2)(a)(1). of the Land Development Code relating to the front yard setback permitted in the CG General Commercial district.
Project Name: Kerns Construction
Location: 1717 S Perkins Rd

BACKGROUND

The subject site is located on the east side South Perkins Road where 18th Avenue dead ends on the opposite side of the road. If it were to extend on through this property would be on the southwest corner of 18th Avenue and Perkins Road. The subject property is located in the CG General Commercial zoning district. CG zoning is also present to the north and south of the property. Also located to the north is a single lot zoned CS, Commercial Shopping and to the south in a large lot is a single strip of IL, Light Industrial zoning. RSS, Small Lot Single-Family Residential zoning is located to the east and west of the subject site. The nearby uses include an automotive shop, several residential lots and a construction storage yard and office.

The Land Development Code requires a minimum 25 ft. front yard setback from all property boundaries abutting a right-of-way or road/access easement. The applicant is requesting a variance in order to alleviate the setback requirement since there is an existing structure on the site located 13 feet from the property line. In addition, the property elevation drops as you move further east, therefore the building would look lower than Perkins Road which they state would be aesthetically displeasing. The applicant also cites neighboring buildings along the same side of S Perkins Rd that do not meet the setback requirement. The applicant meets the remaining bulk standard requirements of the CG zoning district.

CODE APPLICATION

Sec. 23-153. - CG Commercial General District.

(c) *Bulk regulations.* Bulk regulation requirements are as follows in the CG district:

(2) **Setbacks.** The following are the minimum required setbacks in the CG district:

a. **Minimum front yard:**

1. **25 feet from all property boundaries abutting a right-of-way or road/access easement.**

CRITERIA FOR APPROVAL

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

- (1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;
- (2) Such conditions are peculiar to the particular piece of property involved;

- (3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and
- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

ALTERNATIVES

The Board of Adjustment has the following alternatives of action:

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.

Prepared by:	Josh Brown, Planning Technician
Date of Preparation:	July 2, 2020
Attachments:	Area Map, Site Plan and Letter of Justification