

**STILLWATER BOARD OF ADJUSTMENT  
 Regular MEETING OF October 1, 2020  
 IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING  
 LAW, THE AGENDA WAS POSTED September 29, 2020  
 IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Craig Spencer  
 Jeff Dillon  
 Dora Busch  
 Mark Nordquist

Staff Present:

Dennis McGrath, Assistant City Attorney  
 Lanc Gross, Planning Manager  
 Rian Harkins, Planner  
 Cindy Gibson, Administrative Services Manager  
 Beth Ann Child, City Attorney Representative

Members Absent:

Terri Ventress

Guests:

Stephen Gose

**1. CALL MEETING TO ORDER.**

Clerk Cindy Gibson calls the meeting to order at 5:33 PM. Chair Ventress introduces the board and explains the proceedings for the evening.

The following individuals are sworn in:

Mr. Lanc Gross

Mr. Rian Harkins

Mr. Stephen Gose

**2. MISCELLANEOUS ITEMS FROM THE BOARD FOR DISCUSSION AND POSSIBLE ACTION:**

a. Election of Chair

Clerk Cindy Gibson asks if there are any nominations for Chair.

Mr. Nordquist nominates Mr. Spencer for Chair

**Mr. Nordquist moves, Ms. Busch seconded to appoint Mr. Craig Spencer as Chair.**

Roll Call:	Ventress	Dillon	Busch	Nordquist	Spencer
	Absent	Yes	Yes	Yes	Yes

*Time: 2 Minutes*

b. Election of Vice-Chair

Clerk Cindy Gibson asks for any nominations for Vice-Chair.

Chair Spencer nominates Jeff Dillon for Vice-Chair.

**Chair Spencer moved, Mr. Nordquist seconded to appoint Mr. Dillon as Vice-Chair.**

Roll Call:	Ventress	Dillon	Busch	Nordquist	Spencer
	Absent	Yes	Yes	Yes	Yes

*Time: 2 Minutes*

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

- a. KMR Development, LLC, **VARIANCE (VAR20-17)**, requesting review and granting of a variance to Chapter 23, Section 23-137(d)(2)c for encroachment into the rear yard setback at property addressed as 1204 E Swim Avenue.

Rian Harkins, Planner presents staff report. Asks for any questions for staff; none respond.

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

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

- Representing the applicant.
- References justification letter submitted with application provided to Board explaining the four criteria required.
- Explains during construction the house was shifted back 1.1 feet encroaching on the rear setback.
- Spoken to all utilities in easement and none had issues.
- Here to answer any questions for the board.

Chair Spencer asks to verify that the reason for the variance being needed was a missed layout during the foundation forming.

Mr. Gose verifies that the subcontractor forming the foundation measured from the curb line instead of the property pins causing the discrepancy and states that the builder has ensured that all the other lots after this have been pinned and is trying to stay on top of the subcontractors to prevent this from happening again.

Mr. Nordquist asks if this has happened with other properties in this area with this particular builder.

Mr. Gose responds that one or two other variances have been requested by this builder.

Mr. Nordquist asks if those instances were similar situations to this layout.

Mr. Gose responds that the first few houses were not staked and when the issue became apparent they have been working with the builder to make sure the corners of the houses are staked. The houses are optimized to fit within the building setbacks not leaving a lot of wiggle room.

Chair Spencer asks if there are any more questions for the applicant; none respond.

Chair Spencer asks if there is anyone else wishing to speak in favor of the item; none respond.

Chair Spencer asks if there is anyone wishing to speak in opposition of the item; none respond.

Chair Spencer closes the public hearing.

Mr. Harkins presents staff alternatives to the Board. Asks if there are any questions for staff; none respond.

Chair Spencer thanks staff and opens Board discussion.

Chair Spencer states that there have been several variance in this area, although not quite like this one. It is peculiar since it is already under construction or completely built. Asks for thoughts from other Board members.

Vice-Chair Dillon states the applicant is trying to maximize the space since the available buildable area is only about forty-six percent of the area they actually paid for. It seems more of an error as opposed to them trying to pull a fast one and build something larger than they should.

Mr. Harkins states typically in instances such as this that it's usually one of two options or combination of both: 1. Distances not getting marked correctly when staking or getting shifted during construction in turn shifting the errors or 2. Contractors just eyeballing locations off of previous houses along the block. It is definitely something the applicant needs to be mindful of on future lots and they have stated that is their intent moving forward.

Chair Spencer states he understands the explanation of the workers measuring off the back of curb causing the error as the curb does not run parallel to the property line. Discusses how this application meets the criteria. Asks if any other Board members have thoughts.

Vice-Chair Dillon states that he feels the application meets all the criteria as presented.

Mr. Nordquist states he also believes all the criteria have been met especially with this property backing up to Lakeview Road. Is concerned that this builder is maybe not as attentive as he should be before people set forms and pour concrete.

Chair Spencer moves to approve variance request based of criteria letter provided by Gose & Associates dated September 2, 2020.

**Chair Spencer moved, Vice-Chair Dillon seconded to approve the variance request.**

Roll Call:	Ventress	Dillon	Busch	Nordquist	Spencer
	Absent	Yes	Yes	Yes	Yes

*Time: 20 Minutes*

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

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

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

**Chair Spencer moved, Ms. Busch seconded to approve the regular meeting summary of August 6, 2020 as presented.**

Roll Call:	Ventress	Dillon	Busch	Nordquist	Spencer
	Absent	Yes	Yes	Yes	Yes

*Time: 2 Minutes*

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

- a. Next Board of Adjustment meeting Thursday, November 05, 2020.

6. **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 – Melissa Higgins, Administrative Assistant

Approved by: Approved by Board of Adjustment at 11.05.2020 virtual meeting  
Stillwater Board of Adjustment