

STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF November 5, 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
Terri Ventress

Members Absent:

Staff Present:

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

Guests:

Kelly Harris
Gwen Sigrist

1. **CALL MEETING TO ORDER.**

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

The following individuals are sworn in:

Mr. Lanc Gross

Ms. Kelly Harris

Ms. Gwen Sigrist

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

- a. Gwen Sigrist, **VARIANCE (VAR20-18)**, requesting review and granting of a variance to Chapter 23, Section 23-137(d)(2)a.1 for encroachment into the front yard setback at property addressed as 802 E 15th Avenue.

Lanc Gross, Planning Manager presents staff report. Asks for any questions for staff.

Ms. Busch asks if the setback variance is for a house or garage. Mr. Gross clarifies that the request is for the house.

Chair Spencer asks for clarification that the renovation on the west side of the house is not a setback issue and that the request is solely for the porch on the south side. Mr. Gross responds affirmatively.

Chair Spencer asks for any further questions for staff.

Vice-Chair Dillon asks if the setback requirements for secondary right-of-ways being 15 feet would apply in this instance.

Mr. Gross responds that it could, however, the applicant has requested to have an address change to be on 15th Avenue.

Ms. Busch states if they are wishing to make an address change that request will need to be presented to the Post Master.

Mr. Gross responds affirmatively that this Board would not make that decision.

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

Ms. Sigrist, 828 E 15th Ave, Stillwater, OK, comes to speak on the following via chat box (microphone not available):

- Representing the applicant.
- Clarifies to the Board that the setback encroachment is 4 feet not the 12 feet previously mentioned.
- Here to answer any questions for the board.

Chair Spencer asks if there are any 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. Gross presents staff alternatives to the Board. Asks if there are any questions for staff; none respond.

Chair Spencer thanks staff and opens Board discussion.

Mr. Nordquist asks if there are any sight triangle obstructions or impeding with traffic at the intersection concerns along 15th Avenue.

Ms. Busch states that 15th Avenue receives a lot of traffic and expresses concern if the residence is to be a family home if the safety of any children has been considered with it facing a high traffic avenue.

Chair Spencer states that there is already an existing door along the south side facing 15th Avenue.

Mr. Nordquist states they could just as easily run out on to Springfield at this time.

Ms. Busch responds that Springfield doesn't get a lot of traffic.

Chair Spencer states that the Board should focus and redirect back to the application meeting the four required criteria.

Mr. Gross states that the house currently sits quite a distance from the road and even upon completion of the addition it will still be almost 30 feet away from the back of curb and will not obstruct the sight triangle in any way.

Mr. Nordquist states that addresses his concern regarding the sight triangle.

Vice-Chair Dillon states that even with the addition of the porch it will still sit farther from the back of curb than the house to the west.

Chair Spencer asks for any more questions and/or discussion.

Ms. Busch asks if the applicant has gone to the post office to request the change in address.

Ms. Sigrist responds via chat box that they have received approval from the post office for the change of address.

Chair Spencer asks for any further discussion or a motion to be made.

Mr. Nordquist makes a motion to approve variance; Ms. Busch seconded.

Chair Spencer interjects asking if further explanation needs to be made for the motion.

Mr. McGrath, Assistant City Attorney, responds affirmatively that they must include the details on how the criteria are met.

Mr. Nordquist states he would like to defer the motion to someone with more experience on the Board.

Chair Spencer motions to approve the variance having met the four criteria following

1. The hardship being that the applicant is unable to use their property to the intended benefit they would like in addition to being unable to move the front door access as they would like to.
2. The conditions are peculiar because of the dimensions of the lot in the fact that they want to change their front door access.
3. This is the minimum necessary to alleviate the hardship.
4. The request isn't a detriment to the public because it does not impede the sight triangle.

Chair Spencer moved, Ms. Nora Busch seconded to approve the variance request.

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

Time: 18 Minutes

- b. Coomsa Properties, LLC, **VARIANCE (VAR20-19)**, requesting review and granting of a variance to Chapter 23, Section 23-150(c)(2)(b) and 23-150(d)(1) for setback requirements and exceptions for property addressed as 812 S Pine St .

Lanc Gross, Planning Manager 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.

Ms. Harris, 923 S Lowry St, 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.
- Gives presentation outlining intended addition and future services to the building site.
- Here to answer any questions for the board.

Chair Spencer asks to verify the net increase number of parking spaces required for this addition.

Ms. Harris responds that they will add four parking spaces per code.

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

Chair Spencer thanks staff and opens Board discussion.

Ms. Busch states that all criteria seem to have been met and discusses the closeness of the other buildings in the area.

Chair Spencer agrees and asks for motion.

Chair Spencer moves to approve variance request based of criteria letter provided by Keystone Engineering dated October 8, 2020.

Ms. Terri Ventress moved, Chair Spencer seconded to approve the variance request.

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

Time: 14 Minutes

- c. AEI Corp-Okla, Inc., **SPECIAL EXCEPTION (SEBOA20-01)**, requesting review and granting of a special exception to Ch. 23, Section 23-67(a)(6) for extension of the zoning district for properties addressed as 517 S. West Street and 424 W. 6th Avenue.

Lanc Gross, Planning Manager presents staff report. Asks for any questions for staff.

Chair Spencer asks if this will change the zoning of the property.

Mr. Gross responds affirmatively. This process makes it a one and done.

Ms. Busch asks for clarification of what T5 zoning is.

Mr. Gross details the T5 zoning district portion of the Form Based Code.

Chair Spencer asks for any further 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.

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

- Representing the applicant.
- Explains direction given by the City Council to take this route in changing the zoning of the property.
- References justification letter submitted with application provided to Board explaining the four criteria required.
- Here to answer any questions for the board.

Ms. Busch asks if the reason for the change requested is to put the property up for sale.

Ms. Harris responds affirmatively.

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. Gross presents staff alternatives to the Board. Asks if there are any questions for staff.

Chair Spencer asks staff to clarify that with this application it is not the standard four criteria requirements.

Mr. Gross responds affirmatively that this application must meet two criteria.

Chair Spencer thanks staff and opens Board discussion.

Ms. Busch states that she is finding issues with this application. Asks if a residence can be placed on the property along West St.

Mr. Gross responds affirmatively.

Ms. Busch asks if it is changed to CG a residence could no longer be built on the property; if T5 could a liquor store or bar be constructed.

Mr. Gross responds affirmatively that a residence would no longer be permitted in CG zoning; a liquor store would be permitted in T5 but a bar would require special permission.

Ms. Busch asks if changed to CG zoning a bar would not require special permission.

Mr. Gross responds affirmatively.

Ms. Busch asks if ample notification was given to surrounding property owners.

Mr. Gross responds affirmatively and states that Ms. Harris has informed him that a bar is allowed in T5 zoning district.

Chair Spencer asks for any further questions or discussion; none respond.

Chair Spencer asks for any motions to be made.

Vice-Chair Dillon moves to approve variance request based of presentation provided by Keystone Engineering.

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

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

Time: 13 Minutes

3. MEETING SUMMARY FOR DISCUSSION AND POSSIBLE ACTION:

- a. Special Meeting Summary of October 1, 2020

Chair Spencer states he noted one correction to be made siting who opened the meeting.

Chair Spencer moved, Mr. Nordquist seconded to approve the regular meeting summary of October 1, 2020 with correction.

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

Time: 2 Minutes

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

- a. Next Board of Adjustment meeting Thursday, December 03, 2020.

6. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:18 p.m.

Prepared by – Melissa Higgins, Administrative Assistant

Approved by: Approved by Board of Adjustment at 03.04.2021 virtual meeting
Stillwater Board of Adjustment