

**STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF October 7, 2021
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED September 24, 2021
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Craig Spencer
Mark Nordquist
Charles "Tim" Hardin
Andrew Crofford
Collin Mason

Staff Present:

Dennis McGrath, Legal Counsel
Rian Harkins, Planner II
Lanc Gross, Planning Manager
Melissa Higgins, Administrative Assistant

Members Absent:

Guests:

Aaron Stoutzenberger
Judy Hoberock

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

Mr. Rian Harkins

Mr. Aaron Stoutzenberger

2. BUSINESS ITEMS FOR DISCUSSION AND POSSIBLE ACTION ON:

- a. Aaron & Jill Stoutzenberger, **VARIANCE (VAR21-13)**, requesting review and approval of variance to Ch. 23 Sec. 23-121.b for front yard fence setback requirements at property addressed as 2923 S Fox Ledge Dr. in RSL (Residential Single-Family Large Lot) zoning district. **Harkins**

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

Mr. Hardin asks staff to show the site plan and identify the street names. Mr. Harkins presents site plan and details street names; asks for any further questions.

Mr. Nordquist asks staff what the setbacks are for the property. Mr. Harkins responds 40 feet from the road.

Mr. Hardin asks staff for clarification on what the proposed fence heights could be without the variance. Mr. Harkins demonstrates the allowed height of each fence line shown on the site plan.

Mr. Nordquist asks if the variance is granted to the applicant could they build a 6 foot fence out to the setback line. Mr. Harkins responds affirmatively and advises the Board that they could make a condition to the variance in relation to the distance allowed in the setback if they so desire.

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.

Mr. Aaron Stoutzenberger, 2923 S Fox Ledge Dr., Stillwater, OK 74074, comes to speak on the following:

- The applicant.
- Intends to build the fence as presented on the site plan
- Details how application meets required criteria.
- Here to answer any questions for the Board.

Vice-Chair Nordquist expresses initial concern of applicant constructing a six foot fence out to the setback line. Rian advises that the Board can utilize the site plan as a condition to their approval.

Chair Spencer asks the applicant to clarify what they deem the hardship to be. Mr. Stoutzenberger responds that keeping animals contained and maintaining privacy for the property owner is what they have deemed the hardship.

Chair Spencer asks for any further questions of the applicant; none respond.

Ms. Judy Hoberock, 58 Yellow Brick Dr., Stillwater, OK 74074 comes to speak on the following:

- Asks for clarification on the intended locations and heights of the proposed fence.

Mr. Stoutzenberger clarifies the plan details as shown on the site plan. Ms. Hoberock states she has no further questions.

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 and asks for staff alternatives.

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

Chair Spencer thanks staff and opens Board discussion.

Vice-Chair Nordquist states he was initially resistant but the site plan presented cleared up his intersection concerns.

Chair Spencer states he's unsure on hardship criteria; Mr. Crofford responds that the request seems more for desire of privacy as opposed to containment on animals and does not understand why the applicant could not just tether the dogs to a tree for containment.

Chair Spencer states that the hardship criteria is a weakness for this application; Mr. Crofford responds that the opposition letter the Board received doesn't really hold much weight since the intersection concern has been cleared up but doesn't see how it completely meets the hardship criteria.

Mr. Harkins interjects that staff did receive notice from the HOA for this neighborhood and they stated that as long as the fence didn't impede the sight triangle of the intersection they had no objections.

Chair Spencer states that he believes the Board can get to a yes for this application but reiterates that the hardship criteria is the weak point. Mr. Hardin responds that he is okay with the hardship criteria since it is a strange shaped lot, the house positioning is unique, and there are several trees on the lot where it would be very difficult to control dogs on that lot.

Mr. Mason states that another consideration would be with the wildlife in the area as simply tethering a dog would not provide the protection from injury that a fence could provide. Mr. Crofford responds that he understands how that should be considered in giving the applicant peace of mind in protecting their pets from harm.

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

Mr. Hardin motions to approve the variance having met the four criteria contingent on the fence installation conforming to the site plan provided by the applicant as presented in staff presentation.

Mr. Hardin moved, Mr. Crofford seconded to approve the variance request.

Roll Call:	Spencer	Nordquist	Hardin	Crofford	Mason
	Yes	Yes	Yes	Yes	Yes

Time: 24 Minutes

- b. Wes & Toni Ray, **VARIANCE (VAR21-14)**, requesting review and approval of variance to Ch. 23 Sec. 23-137.d.2.a & b for front and side yard fence setback requirements in RSS w/ WW Overlay (Residential Single-Family Small Lot with Westwood Overlay) zoning district. Harkins

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

Mr. Hardin asks if the applicant had simply repaired the fence would it be in violation. Mr. Harkins responds no.

Chair Spencer asks for any further questions for staff; none respond.

Chair Spencer opens public meeting. 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 and asks for staff alternatives.

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

Chair Spencer thanks staff and opens Board discussion.

Mr. Hardin states that a repair of the original fence would have been worse than the complete replacement the applicant installed.

Chair Spencer states that the applicant seems to have addressed the four criteria in detail; asks for any further discussion or a motion.

Chair Spencer motions to approve the variance having met the four criteria as detailed on the letter submitted by the applicant dated August 26, 2021.

Chair Spencer moved, Mr. Hardin seconded to approve the variance request.

Roll Call:	Spencer	Nordquist	Hardin	Crofford	Mason
	Yes	Yes	Yes	Yes	Yes

Time: 10 Minutes

3. MEETING SUMMARY FOR DISCUSSION AND POSSIBLE ACTION:

- a. Special Meeting Summary of July 22, 2021

Vice-Chair Nordquist moved, Chair Spencer seconded to approve the minutes as presented.

Roll Call:	Spencer	Nordquist	Hardin	Crofford	Mason
	Yes	Yes	Yes	Yes	Yes

Time: 1 Minute

- b. Regular Meeting Summary of September 2, 2021

Chair Spencer moved, Vice-Chair Nordquist seconded to approve the minutes as presented.

Roll Call:	Spencer	Nordquist	Hardin	Crofford	Mason
	Yes	Yes	Yes	Yes	Yes

Time: 1 Minute

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

- a. Next Board of Adjustment meeting Thursday, November 04, 2021.

4. ADJOURNMENT.

This regular meeting of the Board of Adjustment adjourned with all members in attendance in agreement at approximately 6:06 p.m.

Prepared by – Melissa Higgins, Administrative Assistant

Approved by: 
Stillwater Board of Adjustment