

**STILLWATER BOARD OF ADJUSTMENT
Regular MEETING OF June 6, 2019
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED June 3, 2019
IN THE MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

Members Present:

Terri Ventress
Trey Lester
Ron Walker
Richard Buchannan

Staff Present:

Dennis McGrath, Assistant City Attorney
Lanc Gross, Planning Manager
Rian Harkins, Senior Planner
Cindy Gibson, Manager Administrative Services

Members Absent:

Craig Spencer

Guests:

Kelly Harris
Richa Freshley

1. CALL MEETING TO ORDER.

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

The following individuals are sworn in:

Mr. Lanc Gross
Ms. Richa Freshley

Mr. Rian Harkins

Mrs. Kelly Harris

2. BUSINESS ITEMS FOR DISCUSSION AND POSSIBLE ACTION ON:

- a. Mary Dolan, **VARIANCE (VAR19-07)**, requesting review and granting of a variance to Ch. 23, Sec. 23.97(d)2 and 3 for setbacks to allow a carport on property addressed as 144 S. Melrose Drive in the Residential Single Family Small Lot (RSS) with Westwood Neighborhood Conservation Overlay district.

Lanc Gross, Planning Manager presents staff's report. Chair Ventress asks if there are any questions for staff.

Mr. Walker asks for confirmation that the older driveway is down and the new carport is in place; Lanc responds yes.

Vice-Chair Lester asks how close this carport is to the neighbor's house; Lanc responds that, like the original carport, is located right on the property line and it is for one (1) vehicle.

Mr. Buchannan comments about having drove by there and it is located next to the back yard of the neighboring house and back yard.

Chair Ventress opens the public hearing. Chair Ventress asks if there is anyone that wishes to speak in favor of this item; none respond. Chair Ventress asks if there is anyone that wishes to speak in opposition of this item; none respond. Chair Ventress asks for Board discussion.

Mr. Buchanan states that to make the slab that is there usable, the slab has been there a long time, property is very narrow and would make sense to be able to put one car there on the existing slab.

Vice-Chair Lester states it is not a fire hazard so he doesn't have an issue.

Mr. Walker states that it isn't any more obtrusive on the neighbors than a fence would be.

Chair Ventress asks for staff's alternatives. Lanc presents the criteria and alternatives, which are:

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.

Chair Ventress asks if there any more Board discussion; none respond.

Mr. Buchanan moved, Vice-Chair Lester seconded to approve the variance based upon criteria #1, the application of the ordinance would eliminate the ability to use a slab that has been there since 1939 making it unusable; criteria #2, peculiarity is made because of the fact that it's an incredibility narrow lot especially as it goes north; criteria #3, the request does not cause any substantial detriment or damage to anyone and doesn't impair the intent of the ordinance; and criteria #4, it is the minimum necessary to alleviate as there is no other alternative.

Roll Call:	Ventress	Lester	Walker	Buchanan	Spencer
	Yes	Yes	Yes	Yes	Absent

Time: 20 Minutes

- b. Lauren Lewis/Richa Freshley, **VARIANCE (VAR19-08)**, requesting review and granting of a variance to Ch. 23, Sec. 23-97(b)(3) Permitted Accessory Structures to allow for temporary installation of a fifth wheel for property addressed as 1715 W. Lakeview Road in the Residential Single Family Small Lot (RSS) district.

Lanc Gross, Planning Manager presents staff's report. Chair Ventress asks if there are any questions for staff.

Mr. Buchanan asks how far south of Lakeview this lot is; Lanc responds that he isn't aware of the exact distance but believes it to be about 400 feet and this tract of land is in the middle of three (3) lots.

Mr. Walker asks why the variance is requested; Lanc responds that the request is made because the travel trailer is mobile, in the Residential Single Family Small Lot (RSS) district there cannot be more than two (2) residential structures on the lot and the travel trailer would not be allowed as a primary residence on the lot.

Discussion is held about the temporary use of the travel trailer as their primary residence while a new house is being constructed; requirements for storage of a travel trailer in the RSS district; and potential granting of the variance for the travel trailer on the building site on a temporary basis.

Chair Ventress opens the public hearing. Chair Ventress asks if there is anyone that wishes to speak in favor of this item.

Mrs. Kelly Harris, Keystone Engineering, 923 S. Lowry comes to speak on the following:

- Here representing the applicants
- The first tract is 680 feet deep and that is Ms. Freshley's parents
- The adjoining tract is the applicants' and is 320 feet deep
- The lot is 680 feet off of Lakeview
- Criteria #1 creates a hardship due to the fact that this property is zoned RSS, however, it is 2 ½ acres and not located within a subdivision. The nearest house is 100 feet away from the property line and the next closest house is 240 feet away to the west. The code is trying to protect neighbors from loud accessory uses or additional congestion in the neighborhood but this trailer would not provide any of those and would only be used during the construction of their home
- Criteria #2 is peculiar due to the size of the property as it is larger than any typical RSS tract
- Criteria #3 as they are not using this trailer in a way to additional density to the property. The applicants will live in this trailer during the construction of their home then move into the home and no additional people will be living on the property.
- Criteria #4 applicants are requesting that the trailer be allowed to be lived for a year to allow for construction of the home
- Here to answer any questions

Mr. Walker asks if there is sewer on this site; Mrs. Harris responds that there will be on-site septic. Mr. Walker asks if the trailer would not be placed on the property until the septic system is in place; Mrs. Harris responds that she isn't for sure what their plans are for dumping. Mrs. Harris comments that they are planning to place the trailer on the property by the end of the month as they have already sold the house they were living in and closes by the end of month.

Discussion is held about water and electric being on the site currently because of the house to the south of this site; the issue came up when they went to request a water meter for the site; there is not currently a building permit for the house submitted; potential to not allow the trailer until a permit has been applied for the house; the Board wanting to provide the City with some leverage over the use and travel trailer being on the property; discuss limiting the use to one (1) year and if not done with construction, the applicant can request an extension; the applicant has a contractor lined up to build for them; trailer is not currently on site; and there is a Residential Accessory Permit in place for utilization of placement of the travel trailer.

Chair Ventress asks if there are any questions for Mrs. Harris; none respond. Chair Ventress asks if there is anyone else that wishes to speak in favor of this item; none respond. Chair Ventress asks if there is anyone that wishes to speak in opposition of this item; none respond. Chair Ventress closes the public hearing.

Chair Ventress asks for staff's alternatives. Lanc presents the criteria and alternatives, which are:

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.
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Chair Ventress asks if there any more Board discussion.

Mr. Buchanan talks about seeing this as being the same as a construction trailer and believes the issue is the time limit and when it should be removed; doesn't have an issue with a year; and believes the request would expire 15 days after an Occupancy Permit is issued.

Vice-Chair Lester talks about the occupancy of the travel trailer being no longer than necessary to keep the neighbors happy.

Chair Ventress responds in agreement with Vice-Chair Lester, however, this isn't a typical neighborhood and believes that as long as there is a time limit set for one to 1 ½ years as well as require a residential accessory permit.

Mr. Walker comments about the requirement of a building permit showing how they intend to connect to utilities and believes it necessary to show how the travel trailer will connect as well.

Board being in agreement that this isn't the typical neighborhood and a time limit is necessary for the placement of the travel trailer.

Mr. Walker moved to grant the variance with the condition that the building permit for the proposed house is in place and a one (1) year time period is allowed for the fifth wheel to be left on the property and that all of the necessary permits for the fifth wheel be in place and based upon the fact that the application of the ordinance to the particular piece of property would create an un-necessary hardship as this is a very large piece of property and that the neighbors are family; #3, no detriment to the public as the public won't know that it is even there; and #4 the variance is the minimum necessary to alleviate the hardship, Chair Ventress seconded.

Roll Call:	Ventress	Lester	Walker	Buchanan	Spencer
	Yes	Yes	Yes	Yes	Absent

Time: 22 Minutes

3. MEETING SUMMARY FOR DISCUSSION AND POSSIBLE ACTION:

- a. Special Meeting Summary of April 4, 2019.

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

Chair Ventress moved, Mr. Walker seconded to approve the special meeting summary of February 14, 2019 as presented.

Roll Call:	Ventress	Lester	Walker	Buchanan	Spencer
	Yes	Yes	Yes	Yes	Absent

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

- a. Next Board of Adjustment meeting Thursday, July 11, 2019.

