



# CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069  
Wednesday, March 27, 2024 at 4:30 PM

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## MINUTES

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in City Council Chambers of the Norman Municipal Complex, 201 West Gray Street, at 4:30 p.m., on Wednesday, March 27, 2024. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at [Agendas/Minutes | City of Norman Oklahoma Meetings \(municodem meetings.com\)](#) in excess of 24 hours prior to the beginning of the meeting.

**Members: Brad Worster, Micky Webb, Ben Bigelow, James Howard, Curtis McCarty**

### ROLL CALL

#### PRESENT

Curtis McCarty  
Ben Bigelow  
Brad Worster  
Micky Webb

#### ABSENT

James Howard

A quorum was present.

#### STAFF PRESENT

Lora Hoggatt, Planning Services Manager  
Justin Fish, Planner I  
Roné Tromble, Admin. Tech. IV  
Beth Muckala, Assistant City Attorney

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### MINUTES

1. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT of the Minutes of the February 28, 2024 Board of Adjustment meeting and the March 6, 2024 Special Board of Adjustment meeting.

Motion made by Worster, seconded by Webb to approve the minutes of the February 28, 2024 Regular Meeting and the March 6, 2024 Special Meeting as presented.

Voting Yea: Worster, Webb, Bigelow, McCarty

The motion to approve the minutes of the February 28, 2024 Regular Board of Adjustment Meeting and the March 6, 2024 Special Board of Adjustment Meeting passed by a vote of 4-0.

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## **ACTION ITEMS**

2. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2324-14: BELLATONA PROPERTIES, L.L.C. REQUESTS A VARIANCE TO 36-514(c)(2)(b) OF 4'8" TO THE 15' SIDE YARD (NORTH) SETBACK FOR PROPERTY LOCATED AT 2100 NORWOOD DRIVE.

### **ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Location Map
3. Application with Attachments
4. Site Plan

**PRESENTATION BY STAFF:** Justin Fish reviewed the staff report, a copy of which is filed with the minutes.

Mr. Webb asked if the builder has done something similar previously. Mr. Fish did not know of anything.

Mr. Bigelow asked if this sets a precedent in the neighborhood. Ms. Muckala responded that variances are case-by-case, so no one variance should really be setting a precedent. If there is a neighborhood where the same thing is being asked for over and over, there really needs to be an amendment to the zoning code. The Board can document in the record that this is based on the particular circumstances set forth.

**PRESENTATION BY THE APPLICANT:** Bob McKenzie, 612 Springwood Lane, explained that the south side of the property had a higher degree of slope than they wanted and was probably going to require a retaining wall so they adjusted to the north 7' and just moved the building on the site plan. It was never adjusted with regard to the north property line. They didn't catch it when they did the foundation. Now it is a finished house. The title company found the error.

Mr. Webb asked if they have had this issue come up before in Norman. Mr. McKenzie responded that he has built about 90% of their houses in Norman for the last 7 years and it has never happened.

Mr. McCarty commented that the site plan that was permitted shows 17'9" side yard. Wouldn't the inspector have caught that there was only 12'? Mr. McKenzie responded that nothing came up from the foundation inspection.

Mr. Bigelow asked if the error was the result of a third party. Mr. McKenzie said it was an internal drafting change of the site plan.

**AUDIENCE PARTICIPATION:** None

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

Mr. Bigelow asked about the relocation of the tree planting area. Mr. McKenzie said that has been done and he provided a photo earlier in the day.

Motion made by Bigelow, seconded by Worster to approve BOA-2324-14 as presented.

Mr. Worster commented that if this were at the foundation phase, he would not approve it, but to remove an entire house seems extreme.

Mr. Bigelow noted the previous record of the builder not having these type of mistakes.

Mr. McCarty agreed with the previous comments.

Voting Yea: Worster, Bigelow, McCarty

Voting Nay: Webb

The motion to approve BOA-2324-14 as presented passed by a vote of 3-1.

Mr. McCarty noted there is a 10-day appeal period before the Board's decision is considered to be final.

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**MISCELLANEOUS COMMENTS**

Ms. Muckala reported that we have received an appeal to District Court from Raven Investments of their appeal of the floodplain permit to the Board. Also, we have received a dismissal of the previous appeal filed by NextEra in District Court. So there is only one pending appeal related to that project.

Ms. Hoggatt reported that the 40% maximum building coverage provision was removed from the Zoning Ordinance by Council action on March 26. The 65% overall coverage remains. It becomes effective in 30 days.

**ADJOURNMENT**

There being no further business and no objection, the meeting adjourned at 4:43 p.m.



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Secretary, Board of Adjustment