



## CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069  
Wednesday, August 23, 2023 at 4:30 PM

---

### 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, July 26, 2023. 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 \(municodemeetings.com\)](#) in excess of 24 hours prior to the beginning of the meeting.

Chair Curtis McCarty called the meeting to order at 4:32 p.m.

#### ROLL CALL

##### PRESENT

Brad Worster  
Micky Webb  
Ben Bigelow  
James Howard (arrived at 4:40 p.m.)  
Curtis McCarty

A quorum was present.

##### STAFF PRESENT

Lora Hoggatt, Planning Services Manager  
Melissa Navarro, Planner II  
Roné Tromble, Admin. Tech. IV  
Beth Muckala, Assistant City Attorney  
Jason Murphy, Stormwater Program Manager  
Shawn O'Leary, Director of Public Works  
Todd McLellan, Development Engineer

### MINUTES

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the July 26, 2023 Board of Adjustment Meeting.

Motion made by Worster, seconded by Bigelow, to approve the Minutes of the July 26, 2023 Board of Adjustment meeting as presented.

Voting Yea: Worster, Webb, Bigelow, McCarty

The motion to adopt the July 26, 2023 Minutes as presented passed by a vote of 4-0.

\*

## **ACTION ITEMS**

2. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-4: Jerry Mowdy and Mikal Eddlemon request a Special Exception to permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship for property located at 6655 Alameda Street.

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

1. Location Map
2. Staff Report
3. Application with Attachments
4. Protest Map and Letter

### **PRESENTATION BY STAFF:**

Mr. McCarty read a letter of support into the record that was received just prior to the meeting from Jeffery and Laura Blosser at 6610 Alameda Street.

Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes.

### **PRESENTATION BY THE APPLICANT:**

Jerry Mowdy, 6655 Alameda Street, the applicant, provided comments regarding the allegations in the protest letter that was submitted. The mobile home will be a brand new mobile home.

### **AUDIENCE PARTICIPATION:**

Jeffrey Mark Skiba, 6707 Alameda Street, lives next door to the applicant on the east. The Mowdys have been exemplary neighbors. They would not have any problem with the second mobile home. Over the past year Mr. Mowdy has had some health problems with his foot. It would be good for Mr. and Mrs. Mowdy to have their daughter living on the property.

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

Motion made by Worster, seconded by Bigelow, to approve BOA-2324-4 as presented.

Voting Yea: Worster, Bigelow, Howard, McCarty

Voting Nay: Webb

The motion to approve BOA-2324-4 as presented passed by a vote of 4-1.

Mr. McCarty noted that there is a 10-day appeal period before the decision is final.

\*

3. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-5: Brenda Tommey Dean LLC Five requests a Variance to 36-514(c)(4) of 5' to the 50' lot width requirement, and a Variance to 36-544(e) of 6' to the 20' side setback, for property located at 820 S. Pickard Avenue.

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Application with Attachments
4. Protest Map and Letter

**PRESENTATION BY STAFF:**

Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes.

**PRESENTATION BY THE APPLICANT:**

Michael Dean, 1128 Caddell Lane, the applicant, stated that the new buildings that are being proposed will be more in compliance than the existing buildings. It will be a single family home, replacing a single family home.

**AUDIENCE PARTICIPATION:**

Milton Castillo, 1002 McFarland Street, lives across the street from the property. He objects to the variance because they have trouble getting up and down the street. There are no sidewalks on the street, which is a dead end.

Rudy Castillo said the new construction will not be more in compliance than the existing house. The old house is not in compliance, but it's there and it's solid. The new house will be too close to the street on a too narrow lot.

Mr. Dean acknowledged that there may be a little more restricted access on McFarland, but there will be a garage with a driveway, which is not currently existing.

Ms. Castillo commented that there is currently a garage, but they don't use it.

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

Motion made by Worster, seconded by Howard, to approve BOA-2324-5 as presented.

Voting Yea: Worster, Webb, Bigelow, Howard, McCarty

The motion to approve BOA-2324-5 as presented passed by a vote of 5-0.

Mr. McCarty noted that there is a 10-day appeal period before the decision is final.

\*

4. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-3: NextEra Energy Transmission Southwest, L.L.C. appeals the denial of a Floodplain Permit (Floodplain Permit Application No. 675) on July 17, 2023.

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. NextEra Transmission Line Rejection Letter
4. 7-17-2023 Floodplain Permit Committee Meeting Minutes
5. Floodplain Permit Committee Staff Report
6. NEET SW Appeal Form
7. Board of Adjustment Appeal
8. Attachment 1 – NEET SW Supplement
9. Attachment 2 – July 17, 2023 Agenda Packet
10. Attachment 3 – OCC Final Order No. 733782
11. Attachment 4 – SPP 2020 ITP Recommendations
12. Protest Maps and Letters

**PRESENTATION BY STAFF:**

Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes.

Jason Murphy reviewed the Floodplain permit application process. The Committee entertained a motion to approve the permit application with the condition that the permit would not be released until the applicant provided proof that they had legal right to perform the work on the properties in the floodplain, i.e., that the lawsuits were settled between NextEra and individual property owners. The motion failed.

Mr. Bigelow asked why the appeal is coming to the Board of Adjustment rather than back to the Floodplain Permit Committee. Mr. Murphy responded that the ordinance says a decision can be appealed to the Board of Adjustment. Ms. Muckala further explained that appeals from administrative decisions are directly within the Board's purview. It is written in the Floodplain ordinance that appeals come to the Board, but that's because they're considered an administrative decision that would come to the Board anyway.

Mr. Bigelow asked if the Board can vote to send it back to the Floodplain Permit Committee. Ms. Muckala responded that is a request that has been made by the applicant, that if the Board opts not to vote on the substance, that it be sent back to them with instructions. That is an appellate mechanism that you typically see in a court when there is a written opinion issued with instructions. She has not seen it done by the Board; it is not specifically within the powers allotted to the Board, but the BOA, because it acts on motions, and under Robert's Rules they are drafting their own motions, could technically and theoretically make that motion.

Mr. Howard asked whether there was a record showing that NextEra had made the proper applications to other governing agencies, such as State and County. Mr. Murphy responded that question was brought up in the Floodplain Permit Committee, and the applicant indicated they had reached out to Fish and Wildlife and the Tribes, etc.

### **PRESENTATION BY THE APPLICANT:**

Jim Roth, Phillips Murrah Law Firm in Oklahoma City, representing the applicant NextEra Energy Transmission Southwest, L.L.C., introduced the appeal and the project. They asked that the Board assess the application solely on its responsiveness to the specific requirements of the City of Norman's ordinance. They ask that the Board approve the application because NEET SW's application satisfied the requirements per the ordinance. The NEET SW team has provided detailed information, supported by extensive analyses, demonstrating that the transmission line is a suitable use in relation to the flood hazard. It will be built to industry standards to withstand floods, to not adversely affect the floodplain, and to meet the requirements of Norman's floodplain ordinance. In developing this application, the NEET SW team communicated with City staff, and are thankful for the original recommendation for approval at the committee meeting and for the four committee votes approving the project, which did constitute a majority, but not sufficient under the ordinance. Other jurisdictions along the route where floodplains are impacted, including Cleveland County and Newcastle, have already issued floodplain permits for the line.

When the Board of Adjustment hears appeals it must make its decision based upon the suitability of the proposed use in relation to the flood hazard (36-533(f)(7)). The Board of Adjustment has the power to reverse or affirm the decision below, wholly or in part, or to modify it, and otherwise can make such decisions as "ought to be made" in conformity with the City of Norman's zoning law and "to that end shall have the powers of an administrative official from whom the appeal is taken." (36-570(d)) This board is not required to give deference to the decision of the committee below.

The NEET SW team will further introduce you to the company, this project, the project's background, routing considerations, floodplain analyses undertaken, and minimal impacts of the project on the floodplain.

Nick Fuhr, NEET SW, introduced the company, the Southwest Power Pool (SPP) and their goals, the project from the Minco substation to the Draper substation, project benefits, and routing considerations.

Leon Staub, Burns McDonnell Engineering Company, Kansas City, Missouri, worked on the floodplain analysis for the transmission line. There were 7 different streams and rivers that had to be crossed. They use standard engineering procedures to quantify for risks. They also make sure the project is going to meet the City's ordinance for development in the floodplain. They must address compensatory storage, and they have to make sure the poles will remain in place. Part of the overall design is to address erosion and sediment control during construction, and to make sure that during a flood event the scour, by water moving around the poles, doesn't erode the foundation.

Jim Roth spoke regarding some of the benefits that will come with this transmission line. He asked that audience members who speak provide their name, address, and relation to the application.

Mr. Bigelow asked for more explanation of the compensatory storage. Mr. Staub explained further.

Mr. Howard asked about maintenance of the compensatory storage areas. Kim Austin, NextEra, responded that no maintenance is required for those areas. The scour analysis determines how the pole has to be specifically put in the foundation to keep scour from causing any additional removal or deposition.

Mr. Bigelow asked the reason for the funny jog in the alignment at 48<sup>th</sup> and Franklin. Mr. McCarty said that is where the OG&E substation is going in.

#### **AUDIENCE PARTICIPATION:**

Sean Rieger, 136 Thompson Drive, is representing many property owners. The letter sent to NextEra by City staff said "The no votes indicated that not enough information was provided by the applicant to properly address the concerns of the property owners whom expressed concern" about various functions. NextEra applied for one permit to do work in all of the flood plains across all of the properties; nothing property specific, nothing soil specific, nothing water flow specific, velocity specific, contour specific. What they've told the City is not what they've told the Court or the property owners. They said the spoils from excavation will be spread in upland areas outside the floodplain, but they have not negotiated that with any of his clients. They told the Courts that they're going to take the property for the construction and installation of "transformers, overhead and underground electrical transmission lines, interconnection facilities, guys, anchors, wires, towers ... and other structures." They also said "The width of the Easement shall not exceed 150 feet in width except in the area of appurtenances (e.g. guy wires), in which case the easement area may be extended up to an additional 50 feet". They only applied for 150 feet but they're going to put guy wires and other facilities beyond the 150 feet. To the Courts they said "the right of vehicular and pedestrian ingress and egress over, across and along the property". Property is a defined term of the entire property. And "routes as shown on the easement tract". They go on and say the "construction and installation of the facilities and the storage of material and equipment during construction of the facilities." Then they say they're going to put in access gates. I've sat in front of the Flood Committee before when they've said that if you're going to put any kind of a fence, you better have a swing gate and significant provisions for that. So which is it? What did they apply for? They tell you they're doing three things. In Court they tell the Court they're going to do a whole host of things. And it's absolutely going to obstruct flood water, absolutely going to obstruct the flow of water through this area. The Floodplain Committee was right in denying this, because they didn't have enough information. NextEra's documents even say that all of their work is preliminary, it's not for construction, not a final sealed document. They don't know what they're building yet. They are way premature in their efforts to do this. They've made a representation that they own all of these properties or have title to them or have ownership rights of some kind to them. That is false. There are multiple properties here, and condemnation is a very specific thing, but you don't actually gain all of those rights. You don't have standing until you have reached a particular point in the process of condemnation. Some of these tracts they have, but not all of them. They have left out significant information across the board on this application. Deny the permit; it's premature. Wait until they have all the properties at the right time, at the right procedure, and then come back to us with real information on what they're going to do on these properties. How are they going to put an access gate up that doesn't flood my client's property when the rain waters come? How are they going to put guy wires out there that don't affect the flood waters when the trees come down with the flood? We request that you deny their permit.

Jake Calvert, 4100 48<sup>th</sup> Avenue N.W., asked if anybody on the Board resides in the areas affected? Has anybody on the Board walked a hay field in rubber boots with a shovel so that water will drain? You can imagine my amusement at an engineering firm out of Kansas City telling me how water runs across my place. A half inch rise in that particular area changes everything. To remove the spoils from the hole is about a 1600 foot trek across an area that is not in their easement to get those spoils back onto my land upland out of the floodplain. This is an SPP approved project, and there is no doubt in my mind that we cannot stop this. What we want is to make sure that we are left whole when the process is over. Per the contract they presented, there will be future leases and sublets. If you talk to the attorneys, we don't have any plans for that now but that temporary road becomes very permanent when you add 5 or 6 telecommunication companies as underbuild, as well as an OG&E underbuild, and whatever else they see fit to lease their poles to. That road changes the water on my place. Fortunately for them, I don't farm hay anymore, but my cows don't like wearing floaties, either. We ask that you postpone this permit until we have a chance to negotiate and settle with them so that we can be made whole on this process.

Don Wilkerson, 4200 E. Indian Hills Road. The engineer said that the poles will be at the edge of the floodplain where at most there will be 1' of water. I have pictures to show you 3 times in the last 20 years that water down there has been 7' deep. They say this is for power lines. In the document I got to go to the Courts, they talk more about the oil lines, gas lines, pipelines, and so forth, so at some point they have plans for doing something else that goes along with those subleases. The engineering reports are not correct.

Richard McKown, 4409 Cannon Drive, representing Raven Investments and West Franklin Sod Farm. I've got a lot of experience working with water, particularly in Norman. I'd like to start off by talking about the issue around vertical rise. It's not really about the displacement by each pole that's being installed; it's really about the clear-cutting of the trees. The land that Raven Investments has represents the mile between Robinson Street to Rock Creek Road between 48<sup>th</sup> and 60<sup>th</sup> and West Franklin Sod has another ¼ mile further to the north all along the stream channel that was channelized in the 1940s. There are mature cottonwood trees all along that route that do multiple things. A tree that size will evapotranspire about 40,000 gallons of water a year. There are probably more than 1,000 trees along 10 Mile Flats. Grass really can't evapotranspire much and it can't do much to slow the flow of water down. Once all of this gets transformed, the concentration and vertical rise at Robinson Street is going to be tremendous, and it's really hard to calculate.

David Box, 522 Colcord Drive, represents OG&E across the state. They condemned approximately 786 miles of transmission line from 2007 to present. NextEra is not telling us what's really happening here. I can't imagine any company as sophisticated as NextEra would come before a committee without physical and legal access rights to the tracts that they're seeking permits for. They have absolutely no rights whatsoever to the Raven Investments property. Through the Court process there is a point in time when you have those rights. They have no rights on his clients' property to seek any permit. I don't know what standing they have to be here on the appeal for any tracts for which they don't have legal access rights. This Board of Adjustment needs to defer this, perhaps indefinitely, until they actually have all the access rights needed to submit for a permit.

Robert Gum, 406 N. Gregory Rd., Tuttle, represents about 20 families on this line. I support what Sean and David have said. I think everyone assumes this is a fait accompli, that it's going to go through. We have challenges filed in the Court that haven't been heard yet to challenge the right of this company to take this by condemnation because they haven't met the precondition of fair and reasonable negotiation prior to the time they tried to take it by condemnation.

Jim Roth thanked the citizens that took time to appear. Sadly, three citizens spoke and you heard as many attorneys. I share that with you because the distinction happening with this floodplain permit is that people in District Court are attempting to contaminate this administrative request with their litigation. We are not doing that. In fact, NextEra has separated those issues so significantly that their condemnation issues in District Court are handled by another attorney, Mark Banner, who is here if you have questions for him. I regret that Mr. Rieger didn't describe the parcels at issue within the quotes that he was comparing the differences, but I want to clarify that, since it felt like we were accused of lying to this Board of Adjustment and we certainly are not. Secondly, we are only seeking what the permit application seeks of you. The allegations of what District Court is contested over is not what we're asking for, nor what we could do legally if we were to obtain your permit. It is those limited purposes. Thirdly, access rights was a condition that the committee had suggested, which we have agreed to, and even added in our appeal to you. We are not asking to go on any private land without permission. We wouldn't do that. I wanted to clarify that point. Also, your ordinance does not require easement in hand before seeking administrative approval to get the permit required ultimately of the project, which is why Cleveland County granted the flood permit, and Newcastle, while there are also condemnation actions within those jurisdictions. Those points I think are important.

Mr. Howard asked for verification on statements made regarding our ordinance and having the easements in hand before or after. Ms. Muckala stated that we expect an applicant to have a legal right to execute the actions with which they are requesting that permit. Before action could be taken on a floodplain permit that was granted, they would have to have it, which is why at the floodplain level it is not uncommon, and it has happened before on other applications, that our Floodplain Permit Committee has conditioned their approval upon the obtaining of proof of that legal access and that legal right. There is a point in eminent domain where you get to move forward with the project even though there may be some legal issues outstanding in the case. That point is the earlier of two things: either a filed journal entry of judgment that completely concludes that case; or a commissioner's report that has been taken from the Court records and then filed in the County land records. With regard to an easement in hand, without the legal right to enter the property, they would not be able to act upon any permit that is given in a legal manner.

Mr. Bigelow asked if the Board's decision would have any impact on the other proceedings; would it give an advantage to one side or the other. Ms. Muckala responded that the proceedings here are entirely separate from the proceedings in District Court. Here today we're referencing the floodplain ordinance in particular which, outside of making sure that they do have the legal right to execute their plans within the floodplain, actually doesn't enter onto the concerns regarding just compensation or any of those matters addressed there.



Mr. Bigelow asked about Mr. Rieger's questions of good faith, whether we have been presented with all of the information as a Board. Ms. Muckala responded that to some extent we do accept all applications on the basis of good faith. There are requirements in the condemnation action to engage in good faith negotiations prior to completing that. That's an issue for the eminent domain that they're addressing. The other part about presenting different facts to Floodplain versus the Court, you are only giving permission for literally what is in this floodplain permit application. If they want to do more, you're not saying yes to that; you're only saying yes or no to whatever is in that application. If they want to do something later, they would have to come seek that separate permission later.

Mr. McCarty asked, in choosing the path of the lines, why not look at less habitable area, like Western and 60<sup>th</sup> all the way to Indian Hills, potentially where there could be a turnpike some day, versus adversely affecting all these landowners. Kim Austin responded routing is hundreds, thousands of different constraints that they're up against: distances, existing utilities (underground, above, overhead), numerous land ownerships and jurisdictions. They try to find a route that is the least impactful path between Point A and Point B. We try to avoid impact to the greatest extent possible across all of these constraints. Where can we find ways to minimize the impacts? And for those impacts that could not be avoided or minimized, how do we mitigate for those impacts? Is that mitigation through various things for the environment, or for landowners, or further negotiations? When we shift the line in routing, it's not as easy as just shifting a pole; every time you make an angle change or a turn, that complicates the engineering behind the pole structure. We try very hard to keep it as linear as we can for the shortest route.

Mr. Bigelow asked what happens if the Board says no. Ms. Muckala responded that our ordinance provides that any decision of the Board can be appealed to District Court.

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

Motion made by Howard, seconded by Worster, to approve the appeal in BOA-2324-3 as presented.

Mr. Worster commented that this application is somewhat unique for the Board. From the right of ownership perspective, if they don't get one they can't build it. They can't start building it until they have all of the easements.

Voting Yea: Worster, Howard

Voting Nay: Webb, Bigelow, McCarty

The motion to approve the appeal as presented failed by a vote of 2-3.

Mr. McCarty noted that there is a 10-day appeal period before the decision is final.

\*

RECESS 6:05 to 6:12 p.m.

Mr. McCarty asked to be allowed to recuse for Item 5, BOA-2324-1, and Item 6, BOA-2324-2.

Motion made by Howard, seconded by Bigelow, to allow Mr. McCarty to recuse for BOA-2324-1 and BOA-2324-2.

Voting Yea: Worster, Webb, Bigelow, Howard, McCarty

The motion to allow Mr. McCarty to recused passed by a vote of 5-0.

Mr. McCarty vacated his seat.

\*

5. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-1:  
Rhonda and David Hermanski request a Variance to 36-514(c)(2)(c) of 4'5" on the west edge of the garage, tapering to ½" on the east edge of the garage door, for property located at 2023 Ithaca Drive.

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Application with Attachments
4. Protest Maps and Letters

**PRESENTATION BY STAFF:**

Melissa Navarro reviewed the staff report, a copy of which is filed with the minutes.

**PRESENTATION BY THE APPLICANT:**

Curtis McCarty, C.A. McCarty Construction at 717 26<sup>th</sup> Avenue N.W., presented the project. The subject lot in Section 4 of Hallbrooke Addition shows a platted 15' building line on the north along Burning Tree. The property to the east has a platted 20' building line on the north. The lot is pretty heavily wooded. The protest letters indicate the house is too big for the lot. The house is 2,600 sq. ft., single story, average size for the community. Houses adjacent, both north and east, are both larger in square footage than the one proposed. The lot is 10,794 sq. ft.; the coverage with house and impervious surface area is 44.19%. Mr. Hermanski wanted the house to be architecturally pleasing to both street frontages. He wants to leave as many trees as possible, and the back yard view is important to them.

Mr. Bigelow asked if the garage door extends in front of the storage area in the garage. Mr. McCarty said it does, and the concrete area beyond the garage door is all in compliance.

David Hermanski, currently residing in Dallas, but future resident at 2023 Ithaca Drive. He is from Enid and his wife is from Tulsa; they met at OU. Both of their kids also graduated from OU. They both have elderly parents in Oklahoma, so they are moving back to retire. They are building on a corner lot and it's very important to them that the driveway side on Burning Tree looks like a front elevation from an architectural perspective, with brick and stone. He wanted to be able to meet any neighbors that might be protesting.

Mr. Bigelow asked what kind of cars they drive. Mr. Hermanski responded he drives a Tundra and his wife drives a Mini, so she will be on the short side. They have a dog and walk the neighborhood and use the sidewalks. He doesn't want his neighbors parking across the sidewalk. They won't do that, and keep the cars in the garage.

**AUDIENCE PARTICIPATION:**

Steve Ingels, 2020 Hallbrooke Drive, lives on the corner of Hallbrooke Drive and Burning Tree just to the east of the Hermanski property. It looks like it will be a nice house, and he thinks he would enjoy having them as neighbors. He was really unclear about what was being proposed, and the distinction between setback lines and building lines. His concern was that there be more room for trees on the street side of the house, and that there not be parking across the sidewalk.

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

Motion made by Webb, seconded by Worster, to approve BOA-2324-1 as presented.

Voting Yea: Worster, Webb, Bigelow, Howard

The motion to approve BOA-2324-1 as presented passed by a vote of 4-0.

Mr. Howard noted that there is a 10-day appeal period before the decision is final.

\*

6. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-2: Heather and Mike Beckham request a Variance to 36-514(c)(1) of 5' to the 25' front yard setback for property located at 4415 Bellingham Lane.

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Application with Attachments

**PRESENTATION BY STAFF:**

Melissa Navarro reviewed the staff report, a copy of which is filed with the minutes.

**PRESENTATION BY THE APPLICANT:**

Curtis McCarty, C.A. McCarty Construction at 717 26<sup>th</sup> Avenue N.W., presented the project. This is a corner lot, with a funny shape. The house will be facing the corner (west). They either can't meet the front yard setback or they can't meet the rear yard setback. The house is within the building lines. The driveway meets all the requirements. They are just asking for a variance to the front yard setback from 25' to 20'.

Mr. Bigelow asked if they had to get approval from the HOA. Mr. McCarty responded that they approved it.

**AUDIENCE PARTICIPATION:** None

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

Motion made by Webb, seconded by Bigelow, to approve BOA-2324-2 as presented.

Voting Yea: Worster, Webb, Bigelow, Howard

The motion to approve BOA-2324-2 as presented passed by a vote of 4-0.

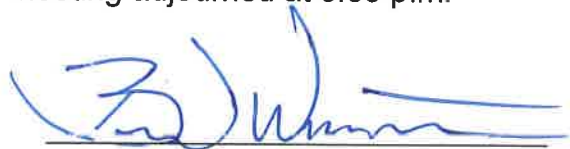
Mr. Howard noted that there is a 10-day appeal period before the decision is final.

\*

**MISCELLANEOUS COMMENTS** - None

**ADJOURNMENT**

There being no further business and no objection, the meeting adjourned at 6:36 p.m.



Secretary, Board of Adjustment