



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Wednesday, September 27, 2023 at 4:30 PM

AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

ROLL CALL

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

MINUTES

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the August 23, 2023 Board of Adjustment Meeting.

ACTION ITEMS

2. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-6: Dr. Greg Emmert requests a Variance to 36-547(a)(1), the exterior appearance requirements, for property located at 1134 McGee Avenue.
3. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-7: Steven R. Center, Jr. requests a Special Exception to permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship for property located at 10009 143rd Avenue N.E.
4. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-11: James Hardwick requests Special Exception to permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record (36-570(g)(2)(a)) for Lot One, Block One, of Amended Plat of SOUTH LAKE ADDITION Section 7, located at 1900 Ann Branden Boulevard.

MISCELLANEOUS COMMENTS

ADJOURNMENT



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 09/27/2023

REQUESTER:

PRESENTER: Roné Tromble, Admin. Tech. IV

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the August 23, 2023 Board of Adjustment Meeting.

ACTION NEEDED: Approve, reject, amend, or postpone the August 23, 2023 Minutes.



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.

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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.

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3. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-232

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.

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4. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2323: 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 Aust 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 48th 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 48th 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 48th and 60th 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. 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 60th 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 starting 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.

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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.

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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 1/2" 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 26th 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 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.

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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 26th 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.

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MISCELLANEOUS COMMENTS - None

ADJOURNMENT

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

Secretary, Board of Adjustment



CITY OF NORMAN, OK STAFF REPORT

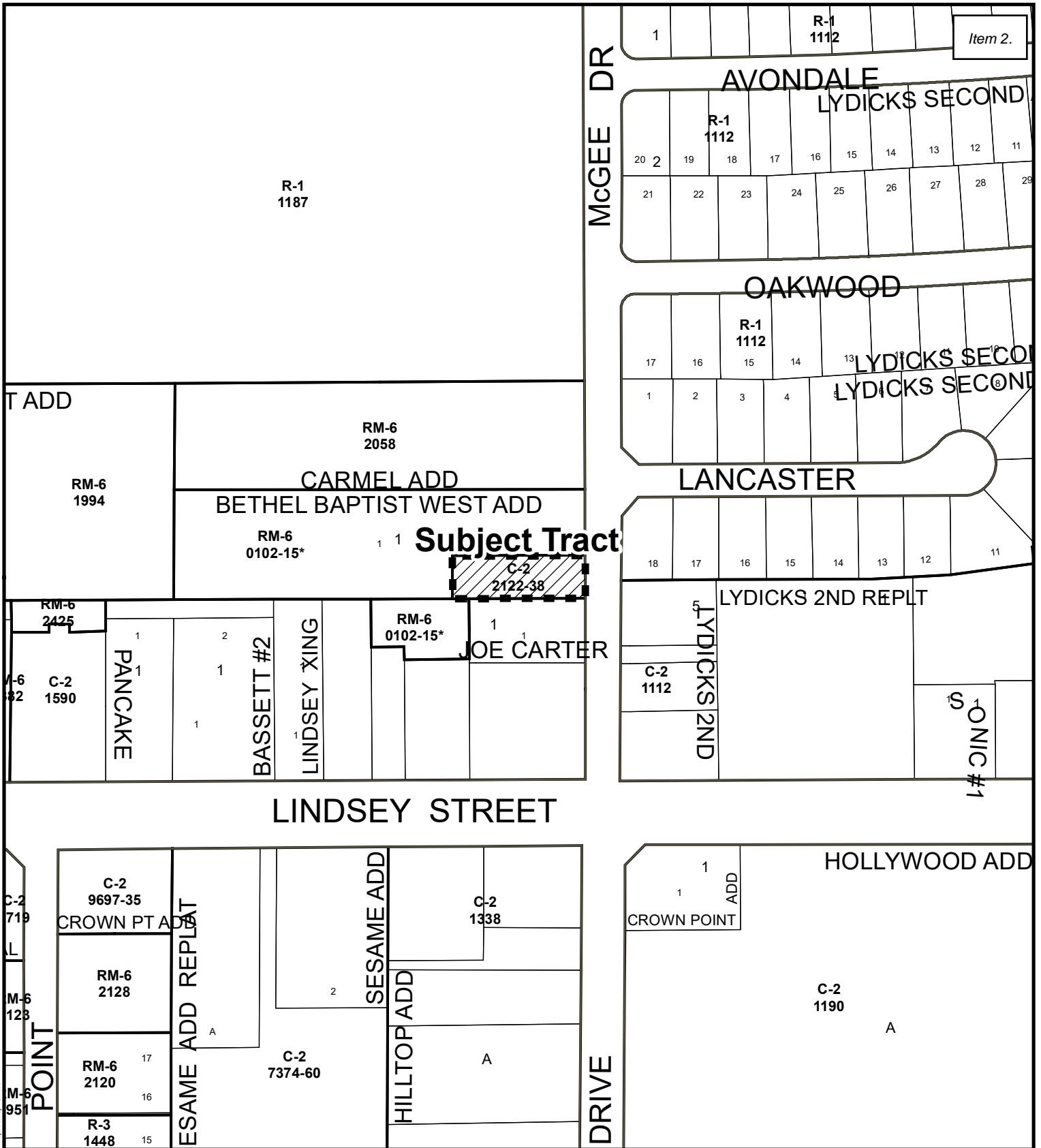
MEETING DATE: 09/27/2023

REQUESTER: Dr. Greg Emmert

PRESENTER:

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-6: Dr. Greg Emmert requests a Variance to 36-547(a)(1), the exterior appearance requirements, for property located at 1134 McGee Avenue.

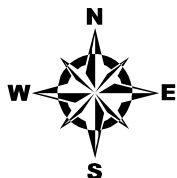
ACTION NEEDED: Approve, reject, amend, or postpone the Variance for BOA-2324-6.




Location Map

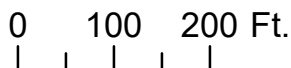


Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



September 6, 2023

 Subject Tract



Board of Adjustment
September 27, 2023
BOA-2324-6

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Dr. Greg Emmert
LOCATION	1134 McGee Drive
ZONING	C-2, General Commercial District
REQUESTED ACTION	Variance to 36-547(a)(1), the exterior appearance requirements
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant requests a variance to the exterior materials requirement in C-2, General Commercial District, which requires 80% of all exterior walls, exclusive of windows, doors, walkway covers, etc., to be constructed using masonry materials. The applicant would like to build a building that includes other materials, such as painted EIFS and prefinished metal panels, with the following percentages of masonry on each façade:

- East (Building entrance and main façade) = 30% masonry
- North = 30% masonry
- West = 20% masonry
- South = 30% masonry

The application and the site plan are attached for your review. The building's exterior facades are included in your packet.

VARIANCE CRITERIA PER SECTION 570(k):

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- (1) An applicant shall submit to the Board of Adjustment a written application indicating:
 - (a) That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;

- (b) That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- (c) That the special conditions and circumstances do not result from the actions of the applicant;
- (d) That granting the variances requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district;

No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Before any VARIANCE can be granted, the Board shall make a finding that the four requirements have been met by the applicant. Please see the attached document from the applicant detailing their justification for their request.

DISCUSSION: The subject property is surrounded by residential buildings to the north, west, and east and commercial to the south. The applicant owns the commercial property next door to the south, which does not meet the 80% masonry requirement. The applicant intends to use similar exterior materials to those used by the adjacent properties.

CONCLUSION: Staff forwards this request for BOA-2324-6 to the Board of Adjustment for consideration.



Application for Variance or Special Exception
BOARD OF ADJUSTMENT

Case No. BOA 2

Item 2.

City of Norman Planning & Community Development - 225 N. Webster Avenue - Norman, OK 73069 — (405) 307-7112 Phone

APPLICANT(S) Dr. Greg Emmert	ADDRESS OF APPLICANT 1140 McGee Drive Norman, OK 73069
--	---

NAME AND PHONE NUMBER OF CONTACT PERSON(S) Josh Schoenborn, (405) 210-2330	EMAIL ADDRESS mcgeestreet@aol.com
--	---

Legal Description of Property: (UNLESS THE LEGAL DESCRIPTION IS A SIMPLE LOT AND BLOCK, THE LEGAL DESCRIPTION MUST BE PROVIDED IN A WORD DOCUMENT EMAILED TO CURRENT.PLANNING@NORMANOK.GOV)

1134 McGee Drive.

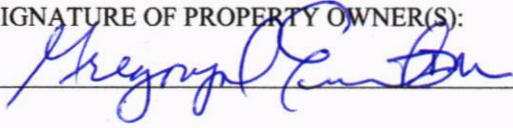
Requests Hearing for:

- VARIANCE from Chapter 36, Section 36-547 (a) (1) Exterior Appearance
- SPECIAL EXCEPTION to _____

Detailed Justification for above request (refer to attached Review Procedures and justify request according to classification and essential requirements therefor):

Buildings immediately surrounding the new construction do not meet the rule set forth in zoning ordinance 36-547 (a)(1) for all new construction to have a minimum of 80% masonry coverage on all exterior facades. Of the immediate buildings, the structure to the south, owned by the applicant, is comprised of siding finish construction on all sides. The building to the due west is constructed of mix of EIFS and Masonry with EIFS being the dominant cladding. The multi-family residential buildings to the due north are constructed of a masonry-siding mix with the dominant finish being siding. Therefor a precedent is set within the context of the site for dominant materials other than masonry. This request is to ease the percentage of masonry required for the building to be an appropriate mix that compliments the existing buildings within the context of the site.

(Attach additional sheets for your justification, as needed.)

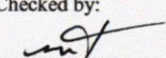
SIGNATURE OF PROPERTY OWNER(S):


ADDRESS AND TELEPHONE:
 1140 McGee Drive
 Norman, OK 73069
 (405) 329-0181

OFFICE USE ONLY

- Application
 Proof of Ownership
 Certified Ownership List and Radius Map
 Site Plan
 Filing Fee of \$ 200.00
 Emailed Legal Description in Word Document

- VARIANCE from Chapter 36, Section 547(a)(1)
 SPECIAL EXCEPTION to _____

Date Submitted: 9-1-2023
 Checked by: 



CERTIFICATION OF OWNERSHIP

Case No. BOA

Item 2.

City of Norman Planning & Community Development - 225 N. Webster Avenue - Norman, OK 73069 — (405) 307-7112 Phone

DATE: 9-1-23

I, GREGORY EMMERT, hereby certify and attest that I am the owner, or that I have an option to purchase the following described property in the City of Norman:

AND, I further certify and attest that this legal description describes accurately the property requested for rezoning.

AND, I accept billing for the cost of publishing legal notice in the NORMAN TRANSCRIPT.

Owner's Signature:

Gregory Emmert

Address:

1140 McTee Dr Norman, OK

Agent's Signature:

Address:

NOTARY

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this 1 day of September, 2023, personally appeared Gregory Emmert, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

(SEAL)



My commission expires: 05-31-2026

Kelly McNeil
Notary Public

I hereby accept this Certification of Ownership in lieu of a deed or other legal document showing proof of ownership.

Signature: _____

Title: _____

CITY OF NORMAN

McGEE STREET ANIMAL HOSPITAL

CANINE SPA

LEGAL DESCRIPTION

A Tract of land being a part of the South Half (S/2) of the North Half (N/2) of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section Thirty-six (36), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, described by metes and bounds as follow;

Commencing at the Southeast corner of the SW/4 of said Section 36;

Thence N00°16'18"W a distance of 395.04 feet to the SE corner of the

BETHEL BAPTIST WEST ADDITION and being the Point of Beginning;

Thence S89°44'47"W a distance of 230.00 feet;

Thence S00°16'18"E a distance of 65.00 feet;

Thence N89°44'47"E a distance of 230.00 feet;

Thence N00°16'18"W a distance of 65.00 feet to the Point of Beginning.

Subject to easements, rights of way and restrictive covenants of record.

(The basis of bearing for the Legal Description is grid bearing derived from the Oklahoma State Plane Coordinate System, NAD83, 1993 – Zone OK South)

LEGAL DESCRIPTION:

A Tract of land being a part of the South Half (S/2) of the North Half (N/2) of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section Thirty-six (36), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, described by metes and bounds as follow;

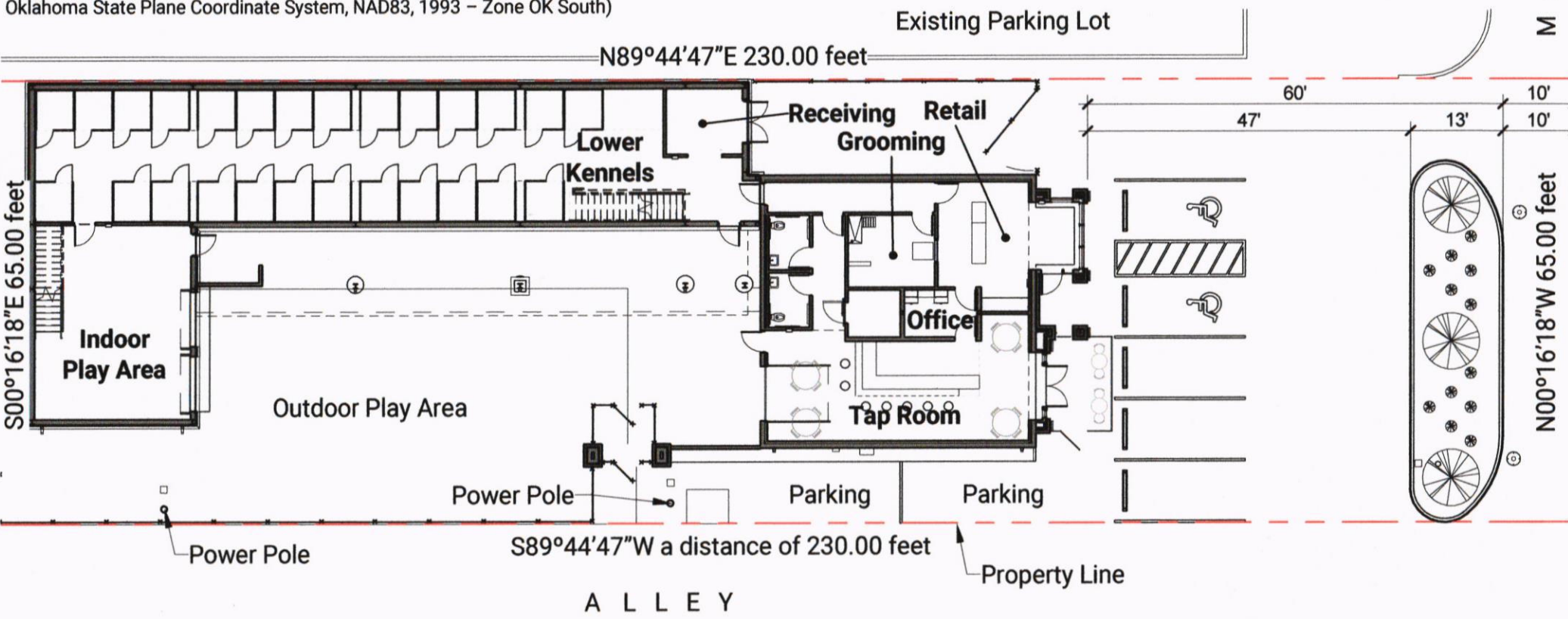
Commencing at the Southeast corner of the SW/4 of said Section 36;
 Thence N00°16'18"W a distance of 395.04 feet to the SE corner of the BETHEL BAPTIST WEST ADDITION and being the Point of Beginning;
 Thence S89°44'47"W a distance of 230.00 feet;
 Thence S00°16'18"E a distance of 65.00 feet;
 Thence N89°44'47"E a distance of 230.00 feet;
 Thence N00°16'18"W a distance of 65.00 feet to the Point of Beginning.
 Subject to easements, rights of way and restrictive covenants of record.
 (The basis of bearing for the Legal Description is grid bearing derived from the Oklahoma State Plane Coordinate System, NAD83, 1993 – Zone OK South)

ZONING DISTRICT (CITY OF NORMAN):
 C-2 GENERAL COMMERCIAL

TOTAL NET BUILDING AREA: 7,708 sq ft
 TOTAL GROSS BUILDING FOOTPRINT: 5,478 sq ft
 TOTAL LOT SIZE: 14,950 sq ft


Item 2.

MCGEE DRIVE



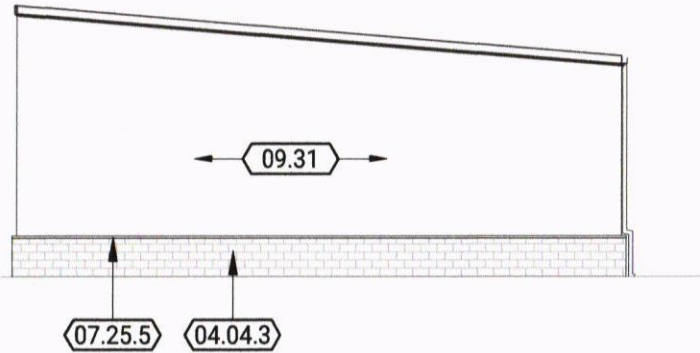
Plot Plan

PROJECT No. 2210S : Canine Spa
 SHEET ISSUE DATE : 09/01/23
 BENCHMARK : Variance Application

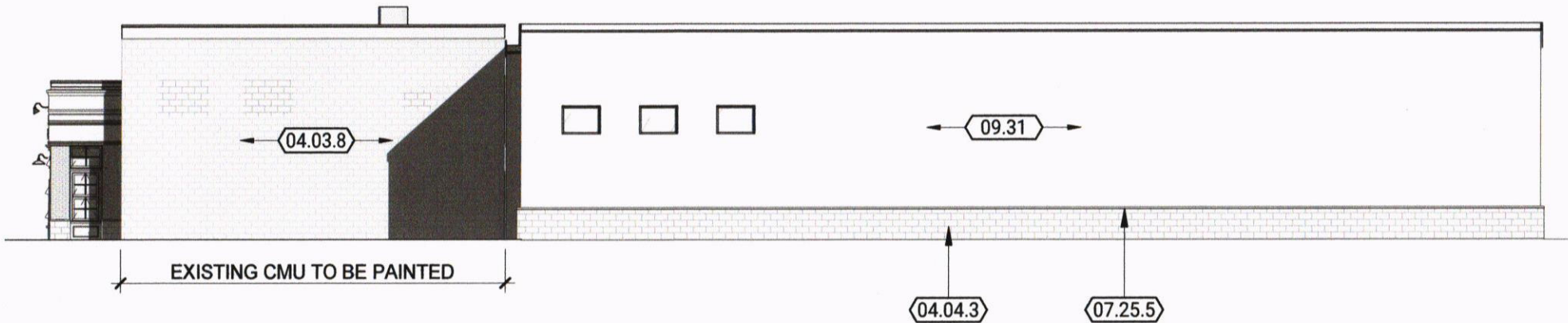

22
 SCALE : 3/64" = 1'-0"

KEYNOTES

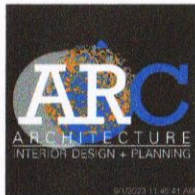
#	DESCRIPTION
04.03.8	8"x8"x16" PAINTED CMU BLOCK
04.04.3	8"x8"x16" CMU SPLIT FACE BLOCK
07.25.5	PREFINISHED METAL CAP FLASHING
09.31	BASE BID - PAINTED EIFS PANEL, ALTERNATE BID - PREFINISHED METAL PANEL SYSTEM WITH STUCCO STYLE FINISH



C West Elevation
SCALE: 1/16" = 1'-0"
RE:



D North Elevation
SCALE: 1/16" = 1'-0"
RE:



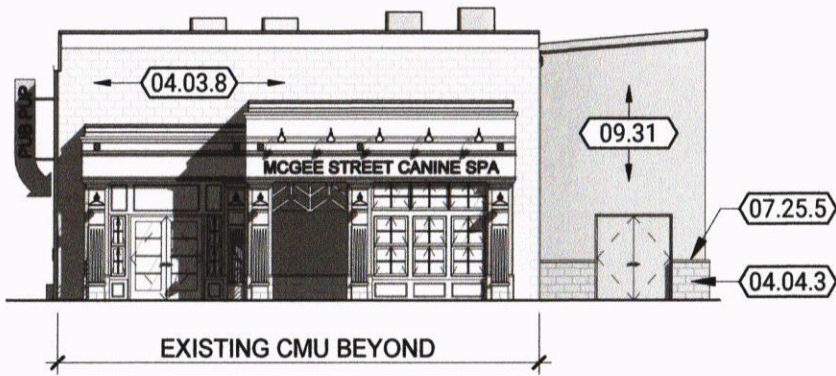
Variance Application Elevations

PROJECT No. 2210S : Canine Spa
SHEET ISSUE DATE : 09/01/23
BENCHMARK : Variance Application

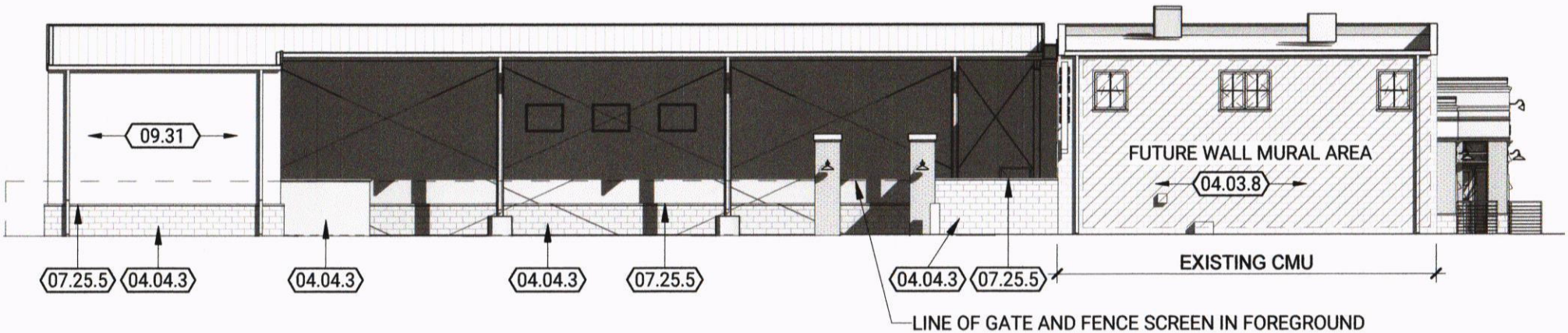
Item 2.

KEYNOTES

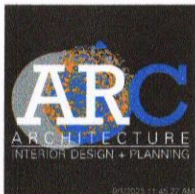
#	DESCRIPTION
04.03.8	8"x8"x16" PAINTED CMU BLOCK
04.04.3	8"x8"x16" CMU SPLIT FACE BLOCK
07.25.5	PREFINISHED METAL CAP FLASHING
09.31	BASE BID - PAINTED EIFS PANEL, ALTERNATE BID - PREFINISHED METAL PANEL SYSTEM WITH STUCCO STYLE FINISH



A East Elevation
 SCALE: 1/16" = 1'-0"
 RE: AA110



B South Elevation
 SCALE: 1/16" = 1'-0"
 RE:



Variance Application Elevations

PROJECT No. 2210S : Canine Spa
 SHEET ISSUE DATE : 09/01/23
 BENCHMARK : Variance Application



BOARD OF ADJUSTMENT DETAILED JUSTIFICATION OF VARIANCE REQUEST

Item 2.

City of Norman Planning & Community Development - 225 N. Webster Avenue - Norman, OK 73069 -- (405) 307-7112 Phone

(Revised 08/23)

Please attach additional sheets, as necessary.

Special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district:

Zoning ordinance 36-547 (a)(1) states, "Buildings requiring masonry on all sides. All buildings constructed on property zoned O-1, CO, C-1, C-2, and C-3, according to the City's official zoning map, shall have all exterior walls constructed using masonry material covering at least 80 percent of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers."

New construction, under this ordinance, shall be required to meet a standard that is not currently held within the context of this site and the surrounding properties.

Attest

The literal interpretation of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district:

Of the direct surrounding properties, zoned C-2 and RM-6, all but one building meet the standard of 80% masonry coverage on all exterior facades. Two of the three buildings within those zoning groups directly adjacent to the property seeking variance enjoy minimal or no masonry as an exterior facade material.

Attest

The special conditions or circumstances do not result from the actions of the applicant:

The exterior facades of all but one adjacent building (McGee Street Animal Hospital) are comprised of existing conditions built under circumstances outside the control or ownership of the applicant.

Attest

Granting of the Variances requested will not confer on the applicant any special privilege that is denied to other lands, structure, or buildings in the same district:

The applicant respectfully seeks a variance to be allowed to meet or exceed the same standard currently being met by adjacent buildings within the context of the site without being held to a costlier standard required by the current zoning ordinance.

Attest



CITY OF NORMAN, OK STAFF REPORT

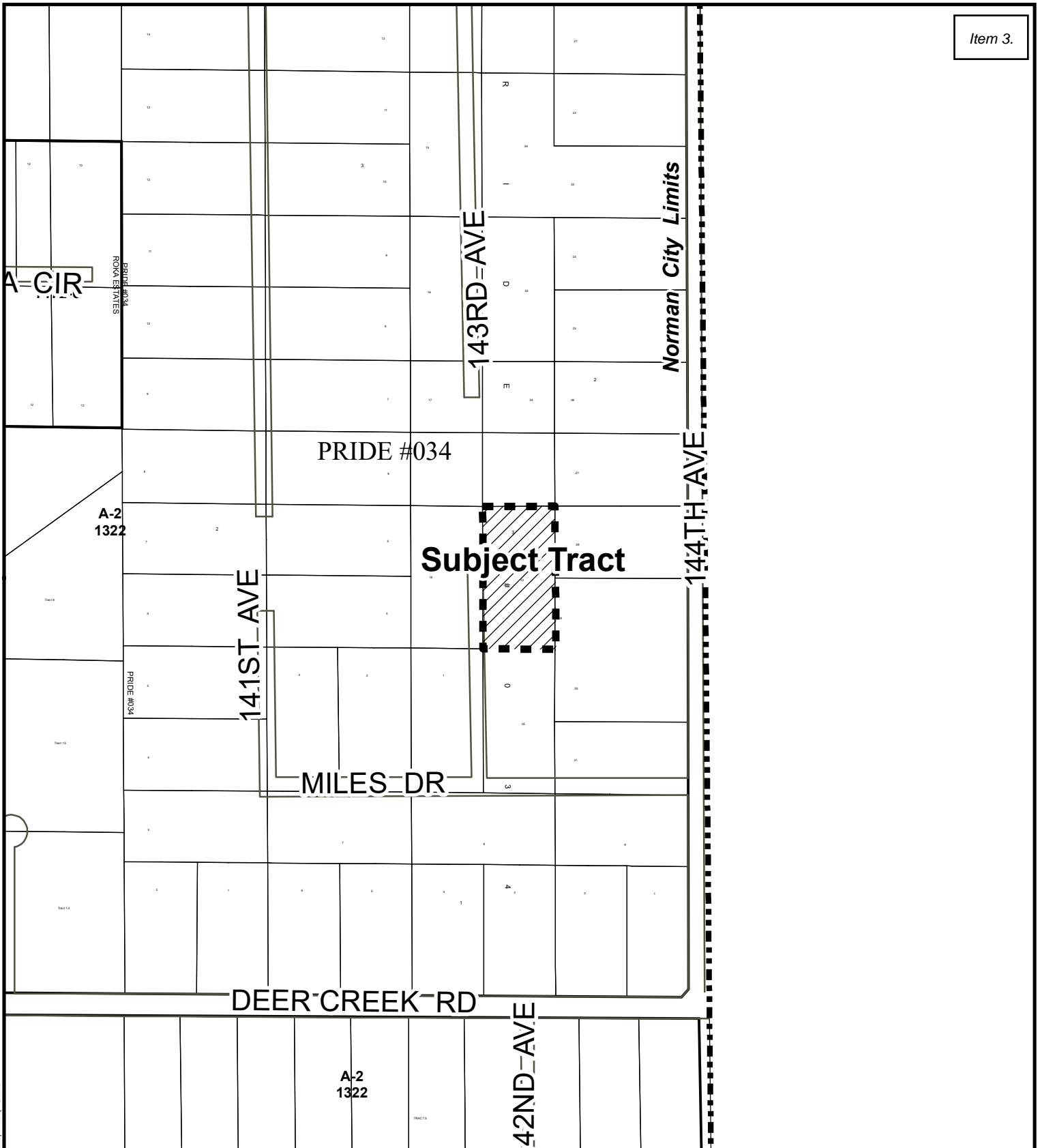
MEETING DATE: 09/27/2023

REQUESTER: Steven R. Center, Jr.

PRESENTER:

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-7: Steven R. Center, Jr. requests a Special Exception to permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship for property located at 10009 143rd Avenue N.E.

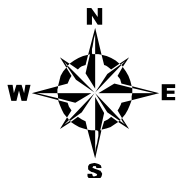
ACTION NEEDED: Approve, reject, amend, or postpone the Special Exception for BOA-2324-7.



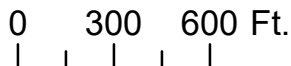
Location Map





Map Produced by the City of Norman
 Geographic Information System.
 The City of Norman assumes no
 responsibility for errors or omissions
 in the information presented.



September 7, 2023



-  Subject Tract
-  Zoning

Board of Adjustment
September 27, 2023
BOA-2324-7

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Steven R. Center, Jr.
LOCATION	10009 143 rd Avenue N.E.
ZONING	A-2, Rural Agricultural District
REQUESTED ACTION	SPECIAL EXCEPTION to permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant is requesting a special exemption to allow for a temporary mobile home as a second dwelling on the above listed property to relieve a medical hardship.

The application and site plan are attached for your review.

STANDARD OF REVIEW:

Section 570(i) of Chapter 36 (Zoning) provides:

Hearing of the Board of Adjustment on a Special Exception. The public hearing shall be held in accordance with the following provisions:

- (1) At said hearing, any party may appear in person or by agent or attorney;
- (2) In those instances where a special exception is granted the Board of Adjustment shall make a finding that the granting of such special exception will not adversely affect the public interest;
- (3) In granting any special exception, the Board of Adjustment shall prescribe the appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under the penalty sections of this ordinance. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such

action within the time limit set shall void the special exception.

The Board of Adjustment is hereby empowered and authorized to grant the following specific exceptions, to wit:

(f) To permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship. The application must include a doctor's statement indicating that the patient is in need of the care of his or her family. The mobile home must meet all City of Norman Building Code requirements and State of Oklahoma requirements for septic systems. The Exception can be approved for up to 3 years on any lot that is five acres or greater in the A-2 zoning district. The Exception can be renewed every 3 years by filing an application for an administrative extension, including a new doctor's statement. Only two (2) administrative extensions may be granted. If a third extension is needed, a new application will be required for Board of Adjustment review. Once the need for the mobile home no longer exists, the mobile home must be removed.

Please find the applicant's detailed justification in the attached application.

DISCUSSION: The subject property is approximately 5 acres and zoned A-2, Rural Agricultural District. The applicant states that his father requires daily care and that having a mobile home as a temporary dwelling would aid his care. The doctor's letter indicating his need is on file with the application in the Planning Department. A site plan showing the location of the proposed mobile home on the property is included in the packet. A mobile home permit and moving permit will be required if the Board approves the Special Exception. The Planning Department keeps a record of these Special Exceptions and their renewal/expiration dates.

CONCLUSION: Staff forwards this request for a medical hardship Special Exception and BOA-2324-7 to the Board of Adjustment for consideration.



Application for Variance or Special Exception
BOARD OF ADJUSTMENT

Case No. BOA Item 3.

City of Norman Planning & Community Development - 201 W. Gray St., Bldg. A - Norman, OK 73069 --- (405) 366-5433 Phone - (405) 366-5274 Fax

APPLICANT(S) Steven R Center Jr	ADDRESS OF APPLICANT 10009 143 rd Ave NE Newalla ok 74857
------------------------------------	--

NAME AND PHONE NUMBER OF CONTACT PERSON(S) Steve Center 405-708-8444	EMAIL ADDRESS srjcenter@gmail.com
--	--------------------------------------

Legal Description of Property: Lot 33 of Block 2 in Pride addition # 34 to Norman, Cleveland county, Oklahoma

Requests Hearing for:

VARIANCE from Chapter _____, Section _____

SPECIAL EXCEPTION to permit a mobile home to serve as a temp 2nd dwelling

Detailed Justification for above request (refer to attached Review Procedures and justify request according to classification and essential requirements therefor):

my father is 70 years old and has been battling cancer for the past 7 years. This past June he had to remove his bladder. Since that time his health has declined and has been hospitalized 2X with difficulties from the surgery. He required daily care and is unable to provide the care himself.

(Attach additional sheets for your justification, as needed.)

SIGNATURE OF PROPERTY OWNER(S): _____ _____	ADDRESS AND TELEPHONE: 10009 143 rd Ave NE Newalla 10009 143 rd Ave NE Newalla _____
---	---

OFFICE USE ONLY

<input checked="" type="checkbox"/> Application <input checked="" type="checkbox"/> Proof of Ownership <input checked="" type="checkbox"/> Certified Ownership List and Radius Map <input checked="" type="checkbox"/> Site Plan <input type="checkbox"/> Filing Fee of \$ _____	<input type="checkbox"/> VARIANCE from Chapter _____, Section _____ <input checked="" type="checkbox"/> SPECIAL EXCEPTION to <u>Medical Special Exception</u>	Date Submitted: <u>9-7-2023</u> Checked by:
--	---	---



CERTIFICATION OF OWNERSHIP

Case No. BOA

Item 3.

City of Norman Planning & Community Development - 225 N. Webster Avenue - Norman, OK 73069 — (405) 307-7112 Phone

DATE: 9/4/23

I, Steven R Center Jr, hereby certify and attest that I am the owner, or that I have an option to purchase the following described property in the City of Norman:

Lot 33 of block 2 in Pride addition # 34 to Norman Cleveland County, Oklahoma

AND, I further certify and attest that this legal description describes accurately the property requested for rezoning.

AND, I accept billing for the cost of publishing legal notice in the NORMAN TRANSCRIPT.

Owner's Signature:

Steven R Center Jr

Address:

10009 143rd Ave NE Newcastle

Agent's Signature:

Address:

NOTARY

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this _____ day of _____, 20____, personally appeared _____, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

(SEAL)

My commission expires:

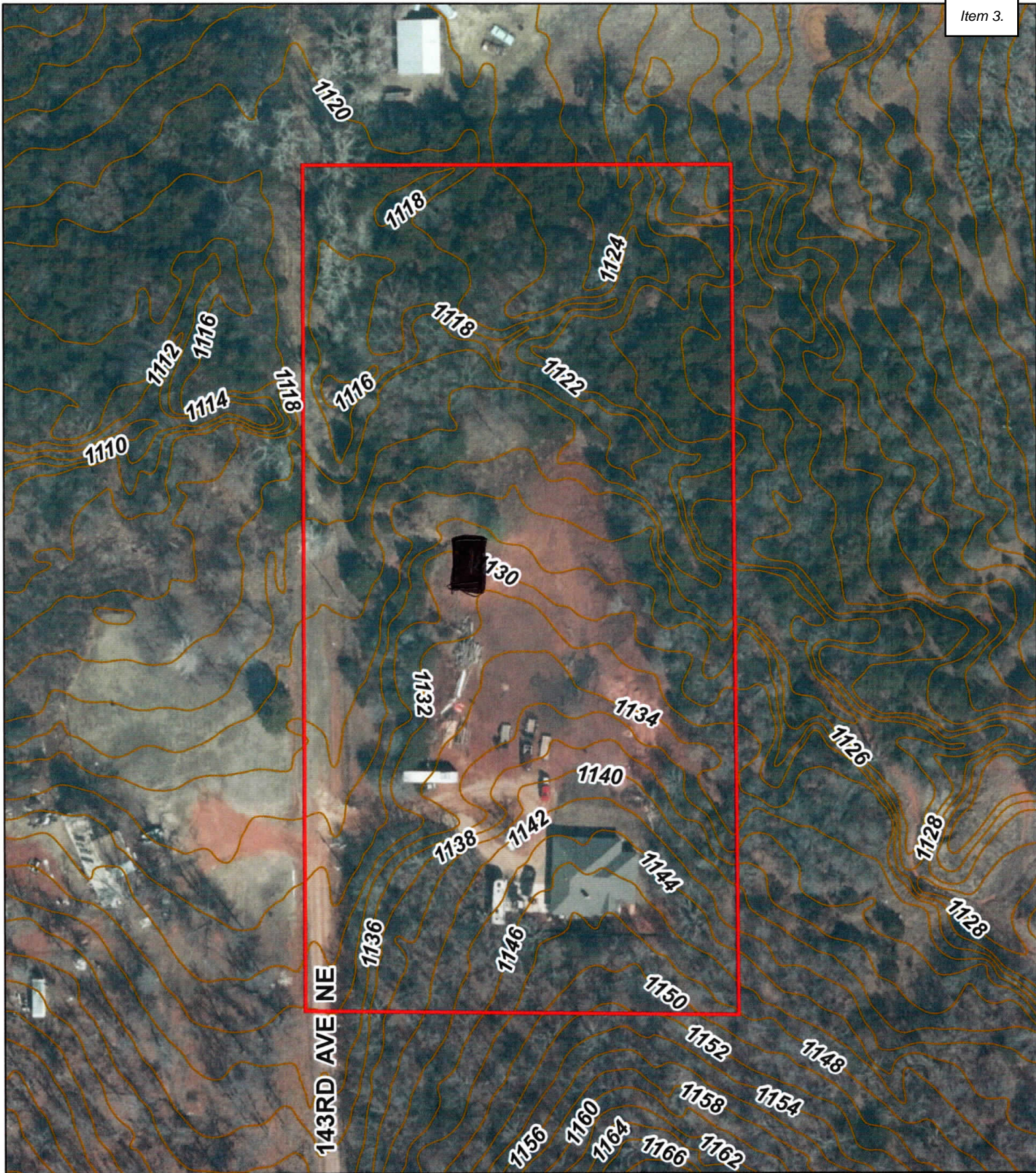
Notary Public

I hereby accept this Certification of Ownership in lieu of a deed or other legal document showing proof of ownership.

Signature: _____

Title: _____

CITY OF NORMAN

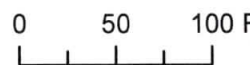


March 2023 Aerial Photography

September 7, 2023



Map Produced by the City of Norman
Geographic Information System.
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.



Site Plan



85' from the West Boundary
300' from the South Boundary



CITY OF NORMAN, OK STAFF REPORT

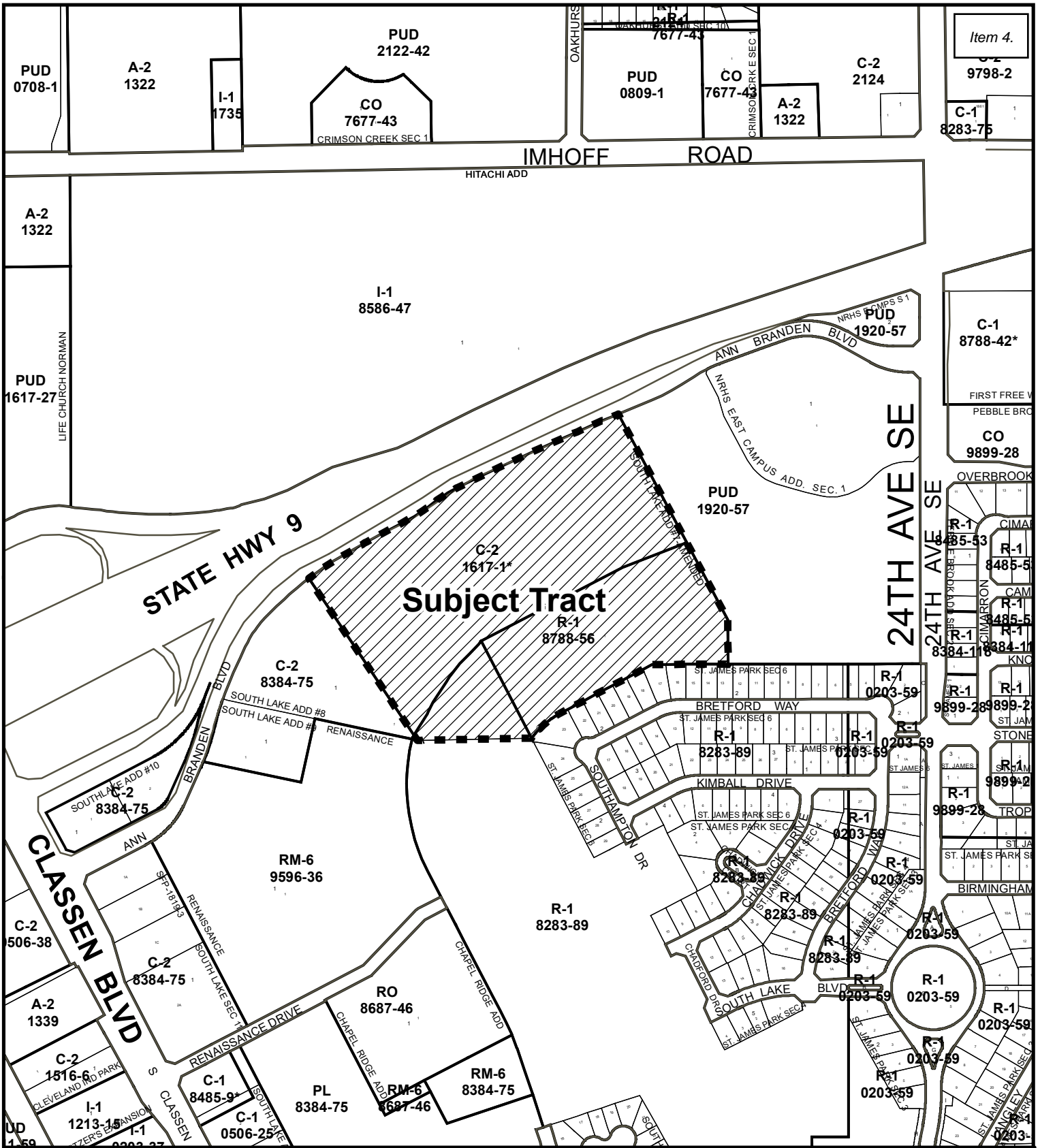
MEETING DATE: 09/27/2023

REQUESTER: James Hardwick

PRESENTER: Melissa Navarro, Planner II

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-11: James Hardwick requests Special Exception to permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record (36-570(g)(2)(a)) for Lot One, Block One, of Amended Plat of SOUTH LAKE ADDITION Section 7, located at 1900 Ann Branden Boulevard.

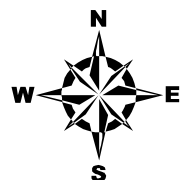
ACTION NEEDED: Approve, reject, amend, or postpone the Special Exception for BOA-2223-11.



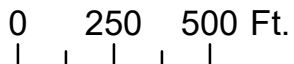
Location Map



Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



April 6, 2023



- Subject Tract
- Zoning

G:\ArcGIS10\Map_Templates\Map 11 - LocationMap\ArcMap10.mxd

Board of Adjustment
September 27, 2023
BOA-2223-11

STAFF REPORT

GENERAL INFORMATION

APPLICANT	James Hardwick
LOCATION	1900 Ann Branden Boulevard
ZONING	C-2, General Commercial District and R-1, Single Family Dwelling District with a Permissive Use for a Public or Private Golf Course as detailed below
REQUESTED ACTION	SPECIAL EXCEPTION to permit the extension of a district boundary where the boundary line of a district divides a lot in single ownership as shown of record.
SUPPORTING DATA	Location Map Application with attachments Site Plan

1. **SYNOPSIS:** James Hardwick, represented by Dane Miller, requests extension of C-2, General Commercial District, to the entirety of the lot under the provision of Chapter 36-570(g)(2)a. (Zoning Code). The property is currently zoned C-2, General Commercial District and R-1, Single Family Dwelling District with Permissive Use for a Public or Private Golf Course, adopted with additional special conditions as follows:

1. All lighting proposals be installed (and maintained) as proposed by the applicant to reduce to a minimum any lighting spillover.
2. A twenty-foot landscape buffer be maintained at the southern perimeter of the project. Narrow leaf pines, specifically red cedars or their equivalent, be planted and maintained twenty-feet on center within that area.

The Board may grant Special Exception to extend a zoning district where the boundary of a district divides a lot in single ownership.

STANDARD OF REVIEW:

Chapter 36, Section 570

- (i) *Hearing of the Board of Adjustment on a Special Exception. The public hearing shall be held in accordance with the following provisions:*

- (1) At said hearing, any party may appear in person or by agent or attorney;
- (2) In those instances where a special exception is granted the Board of Adjustment shall make a finding that the granting of such special exception will not adversely affect the public interest;
- (3) In granting any special exception, the Board of Adjustment shall prescribe the appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under the penalty sections of this ordinance. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

STAFF REVIEW:

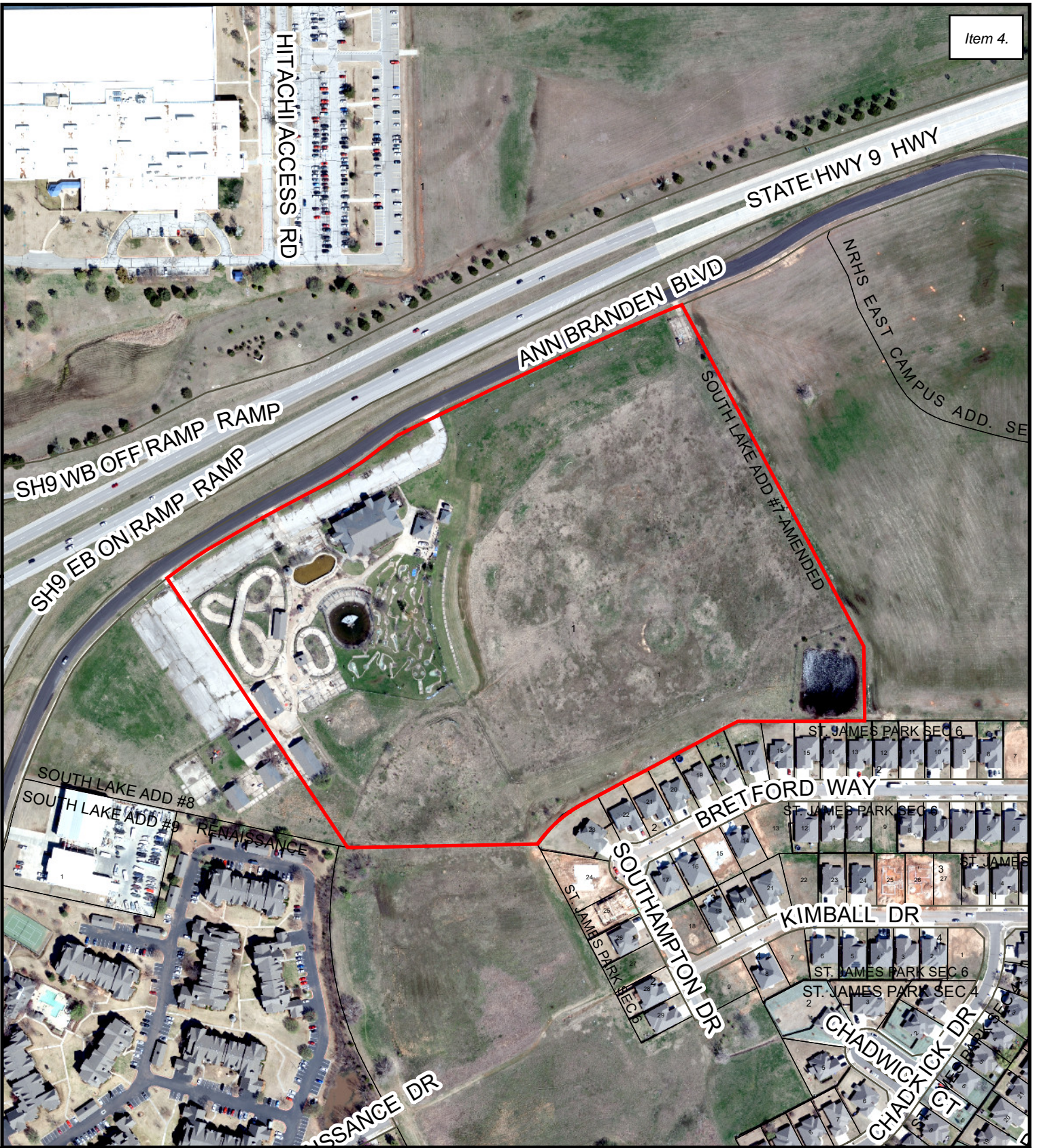
The subject property is roughly 35-acres with approximately 65% zoned C-2, General Commercial District and 35% zoned R-1, Single Family Dwelling District. The R-1 portion of the property subject to the zoning extension is on the south of the property, adjacent to R-1, Single Family Dwelling District, St. James Park, which is developed.

The subject property has been included in two previous zoning amendments:

2. Ordinance No. O-8384-75 rezoned roughly 103 acres from R-1, Single Family Dwelling District, RM-2, Low Density Apartment District, and I-1, Light Industrial District to C-1, Local Commercial District, C-2, General Commercial District, RM-6, Medium Density Apartment District and PL, Park Land District. This ordinance included the R-1 subject property. With this ordinance, the subject property was partially rezoned to C-2 in 1984.
3. Ordinance No. O-8788-56 amended the already zoned R-1 portion in the subject property to be rezoned to R-1, Single Family Dwelling District with Permissive Use for a Public or Private Golf Course, adopted with additional special conditions as follows:
 1. All lighting proposals be installed (and maintained) as proposed by the applicant to reduce to a minimum any lighting spillover.
 2. A twenty-foot landscape buffer be maintained at the southern perimeter of the project. Narrow leaf pines, specifically red cedars or their equivalent, be planted and maintained twenty-feet on center within that area.

*If the Special Exception is granted, the R-1 permissive use and the listed conditions for this portion of the property will no longer exist.

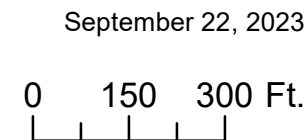
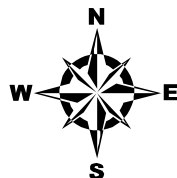
CONCLUSION: Staff forwards this request for BOA-2223-11 to the Board of Adjustment for consideration.





March 2021 Aerial Photography



Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



-  Subject Tract
-  Zoning



Application for Variance or Special Exception
BOARD OF ADJUSTMENT

Case No. BOA 2223-11

City of Norman Planning & Community Development - 225 N. Webster Avenue - Norman, OK 73069 — (405) 307-7112 Phone

APPLICANT(S) James Hardwick	ADDRESS OF APPLICANT 4673 Thornton Avenue, Suite A Fremont, CA 94536
---------------------------------------	---

NAME AND PHONE NUMBER OF CONTACT PERSON(S) Travis Harrison (405) 232-0621	EMAIL ADDRESS THarrison@FellersSnider.com
--	---

Legal Description of Property: (UNLESS THE LEGAL DESCRIPTION IS A SIMPLE LOT AND BLOCK, THE LEGAL DESCRIPTION MUST BE PROVIDED IN A WORD DOCUMENT EMAILED TO CURRENT.PLANNING@NORMANOK.GOV)

Lot One (1), Block One (1), of Amended Plat of South Lake Addition Section 7

Requests Hearing for:

VARIANCE from Chapter _____, Section _____

SPECIAL EXCEPTION to permit the extension of a zoning district boundary for a lot under single ownership

Detailed Justification for above request (refer to attached Review Procedures and justify request according to classification and essential requirements therefor):

The Applicant seeks to extend the Property's C-2, General Commercial zoning district throughout the entirety of the lot. The Property is currently zoned C-2, General Commercial, and R-1, Single Family Dwelling district.

(Attach additional sheets for your justification, as needed.)

SIGNATURE OF PROPERTY OWNER(S):
James J. Hardwick

ADDRESS AND TELEPHONE:
4673 THORNTON AVE STE A FREMONT CA
94536

OFFICE USE ONLY

- Application
- Proof of Ownership
- Certified Ownership List and Radius Map
- Site Plan
- Filing Fee of \$ _____
- Emailed Legal Description in Word Document

- VARIANCE from Chapter _____, Section _____
- SPECIAL EXCEPTION to _____

Date Submitted: _____
Checked by: _____



CERTIFICATION OF OWNERSHIP

Case No. BOA _____

City of Norman Planning & Community Development - 225 N. Webster Avenue - Norman, OK 73069 — (405) 307-7112 Phone

DATE: July 5, 2023

I, James N. Hardwick, hereby certify and attest that I am the owner, or that I have an option to purchase the following described property in the City of Norman:

Lot One (1), Block One (1) of Amended Plat of South Lake Addition Section 7, to Norman, Cleveland County, Oklahoma (1900 Ann Branden Boulevard)

AND, I further certify and attest that this legal description describes accurately the property requested for rezoning.

AND, I accept billing for the cost of publishing legal notice in the NORMAN TRANSCRIPT.

Owner's Signature: James N. Hardwick

Address: 4673 THORNTON AVE, STE A
FREMONT, CA 94536

Agent's Signature: [Signature]

Address: 100 N. Broadway, Suite 1700
Oklahoma City, OK 73102

NOTARY

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this 5th day of July, 2023, personally appeared James N. Hardwick, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

(SEAL)



My commission expires:

Carla J. Campbell
Notary Public

PLEASE SE
ACKNOWLED
FROM NOT

I hereby accept this Certification of Ownership in lieu of a deed or other legal document showing proof of ownership.

Signature: _____
Title: _____
CITY OF NORMAN

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

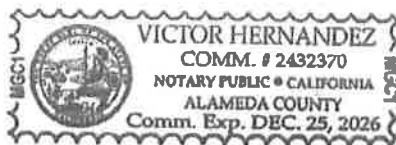
State of California
County of Alameda

On June 16, 2023 before me, Victor Hernandez, Notary Public
(insert name and title of the officer)

personally appeared James N. Hardwick
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

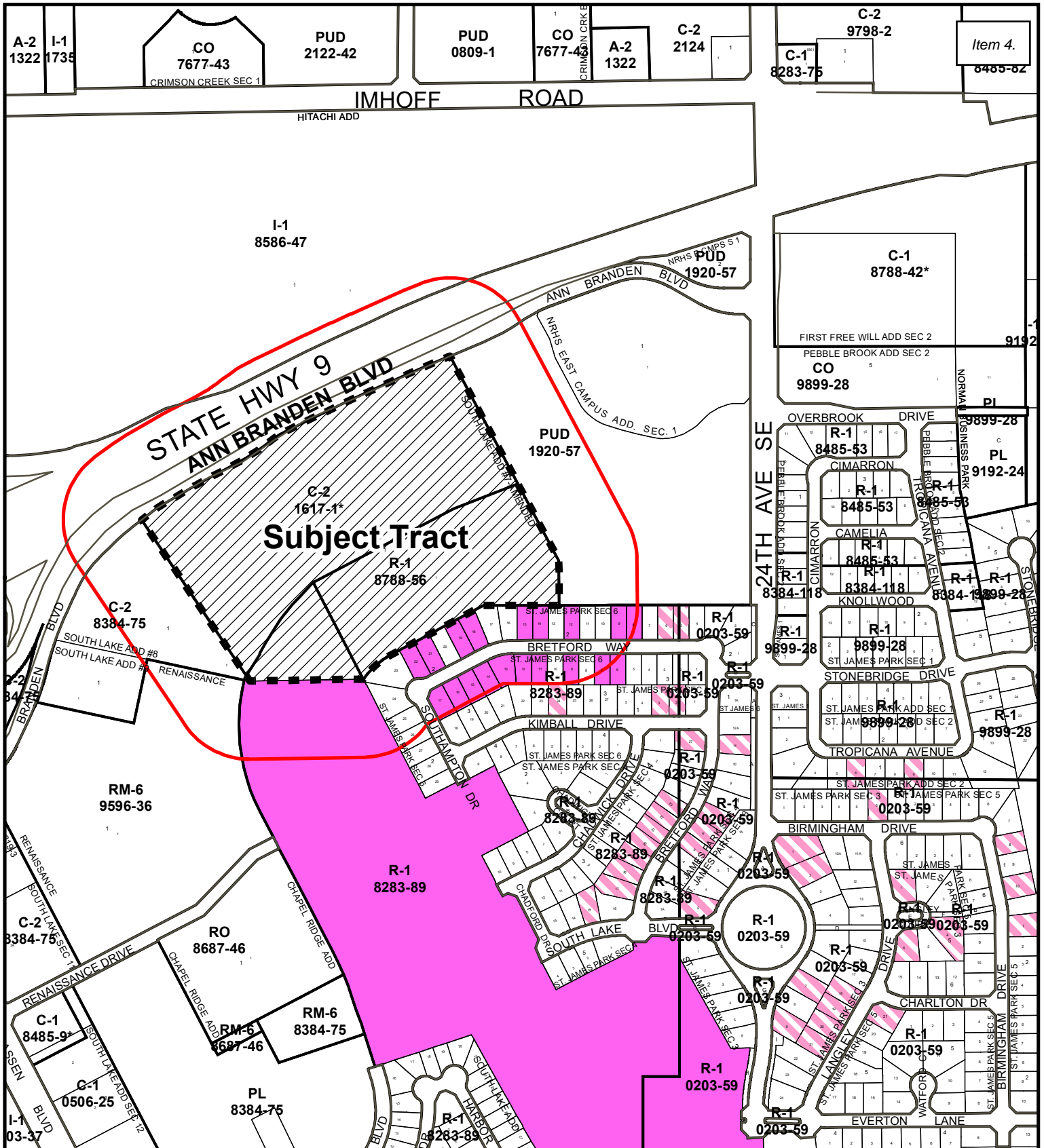
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature *Victor Hernandez* (Seal)

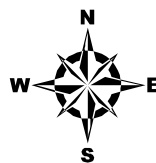
E ATTACHED
GMENT/JURAT
ARY PUBLIC



Protest Map

28.3% Protest Within Notification Area

Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



0 250 500 Feet

July 21, 2023

-  Subject Tract
-  Notification Area
-  Protest
-  Protest Outside Notification Area

Christopher and Lora Hoggatt
2317 Bretford Way
Norman, OK 73071

July 20, 2023

City of Norman Board of Adjustment
201 W. Gray St.
Norman, OK 73069

Dear Board Members,

We are writing to express our protest to the application for Special Exception to expand the C-2 zoning for the entire tract at 1900 Ann Branden Blvd, BOA-2223-11.

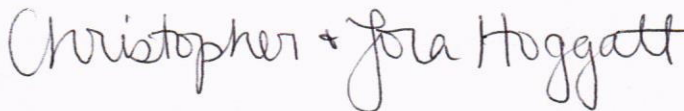
As a Planning professional, it is my understanding and interpretation that this is not the intended purpose of the Special Exception to "permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record." The provision is intended to be used in instances where there has been a mistake in legal descriptions used for rezoning applications or when land was annexed into the municipality and zoned incorrectly.

After review of minutes from Planning Commission and City Council meetings when the current zoning was approved, it is clear this area was meant to be a buffer between commercial and residential uses. Even within this property, there was meant to be a buffer of landscaping and space between the proposed golf driving range and the single-family homes.

In addition to the Special Exception not being appropriate in this specific situation, the C-2 zoning district is also not appropriate against a developed R-1 neighborhood. The C-2 district is the most intense commercial district in the Zoning Ordinance as far as uses allowed. If the site is not going to be developed as single-family, there are office and commercial districts which would be much more appropriate next to R-1 developments. The applicant should seek to rezone to a more appropriate district through the proper avenue of the regular rezoning process.

We appreciate your consideration and request you deny the Special Exception request.

Sincerely,



Christopher and Lora Hoggatt

FILED IN THE OFFICE
OF THE CITY CLERK
ON 7/20/23

I LIVE AT 2221 BRET FORD WAY IN
ST JAMES PARK. MY HOUSE BACKS UP TO
THE FIELD BEHIND WHAT USED TO BE
PERFECT SWING.

I WOULD LIKE TO PROTEST THE REQUEST
FOR SPECIAL EXCEPTION.

THE PROPERTY IS IN COMPLETE
DISREPAIR. IT SHOULD EITHER BE
REPAIRED OR TORN DOWN.

THANK YOU FOR YOUR TIME.

BECKY CRAIG

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/17/23

2221 BRET FORD WAY
NORMAN, OK 73011
405-226-4014
@BECKYC@GMAIL.COM

ANTHONY MIRZAIE

City of Norman Board of Adjustments

301 N Gray St

Norman, OK, 73069

RE: 1900 Ann Braden Blvd.

To the City of Norman Board of Adjustments,

I, Anthony Mirzaie, as a property owner of St. James Park are writing to protest the request of James Hardwick, owner of the Perfect Swing land. It has come to our attention that Mr. Hardwick is requesting to change the zoning of his land from R-1 to C-2. He is using a Special Exemption zoning request. We strongly object to this proposal. Mr. Hardwicks current zoning has a residential component that was intentionally zoned R-1 to protect the property owners of St. James Park and future property owners from the C-2 designation. Approving this special exemption removes all protections to the property owners and future owners and all that it would include. We kindly ask the Board of Adjustments to decline this request unanimously and any future zoning request to change Mr. Hardwicks land from R-1.

Sincerely,

Anthony Mirzaie

Mirzaie

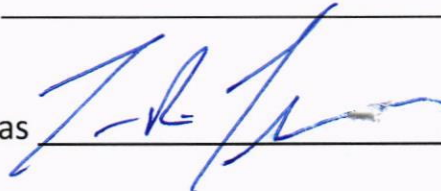
6.20.2023

①

Name and Signatures of Board Members:

HOA President: Patrick Burke _____

HOA Vice-President: Travis Thomas _____



HOA Treasurer: Brad Stanton _____

HOA Secretary: Kaly McCollom _____

Signatures of Property owners:

Print Name Tracy McCary Signature Tracy McCary ✓ out

Address 3116 Langley Dr Norman, OK 73071 ✓

Print Name Michael Mealer Signature Michael Mealer ✓ out

Address 2420 Tropicana Ave Norman OK 73071 ✓ out

Print Name Laurence May Signature Laurence May ✓ out

Address 3005 Birmingham Dr Norman, OK 73071 ✓

Print Name Gladys Crutch Signature Gladys Crutch ✓ out

Address 2327 Kimball, Norman OK 73071 ✓ out

Print Name Laura Turner-Wheeler Signature Laura Turner-Wheeler ✓ out

Address 3117 24th Ave SE Norman OK 73071 ✓ out

Print Name DOUG BUCK Signature Doug Buck ✓ out

Address 2925 Bretford way Norman, OK 73071 ✓ out

Print Name Kay Chatterji Signature Kay Chatterji ✓ out

Address 2408 Tropicana Ave Norman, OK 73071 ✓ out

Print Name Jerry Nevels Signature _____

Address 2312 BREADFORD Bctford ✓

Print Name BARBARALACKS Signature Barbara Lacks ✓ out

Address 3016 LANGLEY DR ✓ out

Print Name Abdallah Malakpati Signature A. Malakpati ✓

Address Sheridan Homes P.O. Box 1676 Norman OK 73070 ✓
2240 Bretford Way

Signatures of Property owners:

Print Name Katherine C. Neal Signature *Katherine C. Neal*

Address 2316 Bretford Way Norman, OK 73071

Print Name Linda Lee Signature *Linda Lee*

Address 2421 Birmingham Dr. Norman, OK 73071 ✓

Print Name Linda Nevels Signature *Linda A. Nevels*

Address 2312 Bretford Way

Print Name Gail Wood Signature _____

Address 2225 South Lake Blvd. ✓

Print Name GUIZHI ZHU Signature *Guizhi Zhu*

Address 2304 BRET FORD WAY NORMAN OK 73071 ✓

Print Name IAN MDOGENDI Signature *I. Mogendi*

Address 2252 Bretford Way ✓

Print Name Marius Acklin Signature *M. Acklin*

Address 2234 Bretford Way ✓

Print Name Malcolm Marshall Signature *Malcolm Marshall*

Address 2230 Bretford way ✓

Print Name Deidra Manning Signature *D. Manning*

Address 2226 Bretford Way ✓

Print Name JOSEPH FAROMIRSKI Signature *J. Faromirski*

Address 2237 BRET FORD WAY ✓

Signatures of Property owners:

Print Name JAY MATTSON Signature Jay A. Mattson
Address 2904 BRETFORD WAY ✓ out

Print Name Mike Jones Signature Mike Jones
Address 2321 Kimble Dr ✓ out

Print Name Jon Burnett Signature Jon Burnett
Address 2325 Kimball Dr, ✓ out

Print Name James Nichols Signature James Nichols
Address 2905 Bretford Way ✓ out

~~Print Name DAX COCHRAN Signature _____
Address 2709 Bretford Way~~

Print Name DAX COCHRAN Signature Dax Cochran
Address ~~2921 BRETFORD WAY~~ 2709 Bretford WAY?

Print Name JOSEPH T. LOGAN JR. Signature Joseph T. Logan Jr.
Address 2921 Bretford WAY ✓ out

Print Name GREG IMAN Signature Greg Iman
Address 3001 BRETFORD WAY, NORMAN, OK ✓ out

Print Name Zac Allen Signature Zac Allen
Address 3012 Bretford way, Norman, OK ✓ out

Print Name Jason Wisdom Signature Jason Wisdom
Address 3016 Bretford Way ✓ out

(5)

DON CERVI

405-627-5844

Signatures of Property owners:

Print Name Sarah Corpus Signature [Signature]

Address 2225 Bretford Way Norman OK 73071 ✓✓

Print Name CHRISTOPHER BECKER Signature [Signature]

Address 2233 BRETFORD way NORMAN OK 73071 ✓✓

Print Name Nichole Ransom Signature [Signature]

Address 2248 Bretford Way Norman, OK 73071 ✓✓

Print Name Erin Simpson Signature [Signature]

Address 2251 Bretford Way Norman, OK 73071 ✓✓

Print Name Lawrence Switzer Signature [Signature]

Address 2321 Bretford way Norman OK 73071 ✓✓

Print Name Caraway, Thaddeus Signature [Signature]

Address 2327 Bretford way Norman, OK 73072 ✓ out

Print Name Madison Sims Signature [Signature]

Address 2333 Bretford way Norman OK 73071 ✓ out

Print Name _____ Signature _____

Address _____

Print Name _____ Signature _____

Address _____

Print Name _____ Signature _____

Address _____

[Handwritten mark]

Signatures of Property owners:

Print Name Beth Roberson Signature B. Roberson ✓ out

Address 3008 Bretford Way, Norma OK 73071

Print Name Megan Wienke Signature M Wienke

Address 3004 Bretford, Norman, OK 73071 ✓ out

Print Name JASON JACOBSON Signature Jason Jacobson

Address 2928 Bretford WAY NORMAN, OK 73071 ✓ out

Print Name Cheryl Bäst Signature [Signature]

Address 3000 Bretford Way ✓ out

Print Name _____ Signature _____

Address _____

Print Name _____ Signature _____

Address _____

Print Name _____ Signature _____

Address _____

Print Name _____ Signature _____

Address _____

Print Name _____ Signature _____

Address _____

Print Name _____ Signature _____

Address _____

(7)

Signatures of Property owners:

Print Name TERRY Dillingham Signature *T Dillingham*
Address 2249 Bretford Way

Print Name David Jimenez Signature *D Jimenez*
Address 2924 Bretford Way, Norman OK 73071 - out

Print Name Sameer Ali Signature *Sameer*
Address 1305 Bretford way, Norman, OK 73071 ✓

Print Name John C. Kokoska Signature *John C Kokoska*
Address 2222 Bretford Way, Norman, OK 73071 ✓

Print Name Brad Stanton Signature *Brad Stanton*
Address 3101 Birmingham Blvd Norman 73071 ✓ out

Print Name TRAVIS THOMAS Signature *Travis Thomas*
Address 3013 BIRMINGHAM DR NORMAN, OK 73071 - out

Print Name Diane Lovell Signature *Diane Lovell*
Address 3016 24th Ave SE Norman, OK 73071 ✓ out

Print Name EDMUND CHOJNICKI Signature *EJ Chojnicki*
Address 3005 24TH AVE SE, NORMAN, OK 73071 ✓ out

Print Name Jennifer Goldberg Signature *J Goldberg*
Address 3001 24th AVE SE Norman OK 73071 ✓ out

Print Name _____ Signature _____
Address _____

⑧

Signatures of Property owners:

Print Name Marilyn McCary Signature Marilyn McCary
Address 3116 Langley Dr., Norman, OK 73071 ✓ out

Print Name Senona Carbone Signature Senona Carbone
Address 3112 Langley Dr., Norman OK 73071 ✓ out

Print Name Steven Carbone Signature [Signature]
Address 3112 Langley Drive, Norman OK 73071 ✓ out

Print Name Brandon Bran Signature Brandon Bran
Address 3120 Langley Dr. Norman Okla. ✓ out

Print Name Stephen M. Lane Signature [Signature]
Address 3124 Langley Dr. Norman OK ✓ out

Print Name Patricia Lane Signature Patricia A Lane
Address 3124 Langley Dr. Norman OK ✓ out

Print Name Sheldon Leigh Signature [Signature]
Address 3113 Langley Dr Norman OK 73071 ✓ out

Print Name Monica Hager Signature [Signature]
Address 3109 24th Ave SE Norman OK 73071 ✓ out

Print Name _____ Signature _____
Address _____

Print Name _____ Signature _____
Address _____

9

Signatures of Property owners:

Print Name Jack White

Signature [Handwritten Signature]

Address 2500 Langley Ct

Norman OK 73071 ✓ out

Print Name Vincent Leamy

Signature [Handwritten Signature]

Address 3012 Langley Dr

Norman OK 73071 ✓ out

Print Name MIKE DESSLER

Signature [Handwritten Signature]

Address 2501 LANGLEY CT

Norman, OK 73071 ✓ out

Print Name Pamela Donica

Signature [Handwritten Signature]

Address 2508 Langley Ct,

Norman, OK 73071 ✓ out

Print Name _____

Signature _____

Address _____

Print Name _____

Signature _____

Address _____

Print Name _____

Signature _____

Address _____

Print Name _____

Signature _____

Address _____

Print Name _____

Signature _____

Address _____

Print Name _____

Signature _____

Address _____

10

ST JAMES PARK, LLC

City of Norman Board of Adjustments
301 N Gray St
Norman, OK, 73069

RE: 1900 Ann Braden Blvd.

To the City of Norman Board of Adjustments,

We, St James Park, LLC, as a property owner of St. James Park are writing to protest the request of James Hardwick, owner of the Perfect Swing land. It has come to our attention that Mr. Hardwick is requesting to change the zoning of his land from R-1 to C-2. He is using a Special Exemption zoning request. We strongly object to this proposal. Mr. Hardwicks current zoning has a residential component that was intentionally zoned R-1 to protect the property owners of St. James Park and future property owners from the C-2 designation. Approving this special exemption removes all protections to the property owners and future owners and all that it would include. We kindly ask the Board of Adjustments to decline this request unanimously and any future zoning request to change Mr. Hardwicks land from R-1.

Sincerely,
St James Park, LLC

Jay Cervi

Jay Cervi, Member *6-20-23.*

Don Cervi

Don Cervi, Member *6-20-2023*

11

