

CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069 Wednesday, January 25, 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.

* * *

Board Members: Brad Worster, Micky Webb, James Howard,

Ben Bigelow, Curtis McCarty

ROLL CALL

1. Election of Officers for 2023

MINUTES

 Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the November 30, 2022 Regular Board of Adjustment Meeting.

ACTION ITEMS

3. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-10: Hymer Hall #4, L.L.C. and Carol A. Iman request a Variance to 22:431.4 (1)(a), the Exterior Appearance requirements, for an addition to an existing building at 1300 Lindsey Plaza Drive.

MISCELLANEOUS COMMENTS

ADJOURNMENT



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE:	01/25/2023
REQUESTER:	
PRESENTER:	
ITEM TITLE:	Election of Officers for 2023
ACTION NEEDED:	
ACTION NEEDED: Elect a Chair	



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 01/25/2023

REQUESTER:

PRESENTER: Roné Tromble, Admin. Tech. IV

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of

the Minutes of the November 30, 2022 Regular Board of Adjustment

Meeting.

ACTION NEEDED: Approve, reject, amend, or postpone the November 30, 2022 Minutes.





CITY OF NORMAN, O'K BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069 Wednesday, November 30, 2022 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, November 30, 2022. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at https://www.normanok.gov/your-government/public-information/agendas-and-minutes in excess of 24 hours prior to the beginning of the meeting.

Secretary Brad Worster called the meeting to order at 4:45 p.m.

ROLL CALL

PRESENT

Ben Bigelow Brad Worster Micky Webb

ABSENT

Curtis McCarty
James Howard

A quorum was present.

STAFF PRESENT

Lora Hoggatt, Planning Services Manager Rone' Tromble, Admin. Tech. IV Beth Muckala, Asst. City Attorney

ACTION ITEMS

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the September 28, 2022 Regular Board of Adjustment Meeting.

Motion made by Webb to approve the minutes of the September 28, 2022 Regular Board of Adjustment meeting as presented, Seconded by Bigelow.

Voting Yea: Bigelow, Worster, Webb

The motion to approve the minutes of the September 28, 2022 Regular Board of Adjustment meeting was adopted by a vote of 3-0.

Item 2.

2. Consideration of Approval, Rejection, Amendment, and/or Postponement of BO 2223-8: FASTSIGNS, on behalf of Diamond Crest Apartments, requests a Variance of 25' to the 25' setback under 18:505(a)(2) to allow two ground signs for an apartment complex located at 101 Crestland Drive.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

 Lora Hoggatt reviewed the staff report, a copy of which is filed with the minutes. She added that the site plan was reviewed by the Traffic Engineer, who had no problems with the proposed locations.

PRESENTATION BY THE APPLICANT:

- 1. Jay Matlock, FASTSIGNS, 927 N. Elm Place in Broken Arrow, representing Diamond Crest Apartments, presented the project. The owner recently purchased what used to be the Hillcrest Apartments on Alameda; they are going through a remodel and want to get visibility for the complex.
- 2. Mr. Bigelow asked about a sign on the gable end of the building. Mr. Matlock responded that the sign on the building is not part of the variance request.
- 3. Mr. Worster asked what the sign at the entrance on Crestland will look like. Mr. Matlock responded that it will be very similar to the sign on the corner, with the telephone number and new logo, for identification visibility.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Motion made by Webb to approve the variance as requested for BOA-2223-8, Seconded by Bigelow.

Voting Yea: Bigelow, Worster, Webb

The motion to approve BOA-2223-8 was adopted by a vote of 3-0.

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

Item 2.

3. Consideration of Approval, Rejection, Amendment, and/or Postponement of BO 2223-9: Telamon, on behalf of Anthemnet, requests a Variance of 113.5' to the 200' setback under 22:431.2(3)(d) for property located at 6698 East State Highway 9.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

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

PRESENTATION BY THE APPLICANT:

- Carrie Willey, Telamon on behalf of Anthemnet, 320 NE 39th Terrace in Oklahoma City, presented the project.
- 2. Mr. Bigelow asked the lifespan of the tower. Ms. Willey responded that the lease is for 30 years. Mr. Worster asked about options for extensions. Ms. Willey responded that the lease is 5 years, with options for 5 additional periods, for 30 years total.
- 3. Mr. Bigelow commented that it appears that the variance is because of self-imposed restrictions. Ms. Willey responded that the property owners prefer the variance.

AUDIENCE PARTICIPATION:

- Blake Virgin, 6710 E. State Highway 9, spoke in opposition to the request. He provided a handout with information, including a "Site B" which will meet all the applicant's stated objectives. He does not believe there is a valid justification for varying from the ordinance.
- 2. Mr. Bigelow commented on page 32 of the agenda packet, the last bullet point says "there were no objections from the community". That clearly doesn't seem to be the case. Mr. Virgin responded that they were told at the Pre-Development meeting that they could build the tower as a matter of right.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

- 1. Mr. Webb stated he is not in favor of granting the variance.
- 2. Mr. Bigelow added that he would also vote no.
- 3. Ms. Willey said she would request the Board go ahead and vote on the request.

Motion made by Bigelow to reject the variance requested for BOA-2223-9, Seconded by Webb.

Voting Yea: Bigelow, Worster, Webb

The motion to reject BOA-2223-9 was adopted by a vote of 3-0. The variance was denied.

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

MISCELLANEOUS COMMENTS

Ms. Tromble noted the calendars for the 2023 meetings were distributed. The next meeting will be the 4th Wednesday in January. The meetings are currently scheduled to be held in Council Chambers, and we will update the location once we know when the new building will be ready.

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 5:11 p.m.	
Board of Adjustment	_



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 01/25/2023

REQUESTER: Hymer Hall #4, L.L.C. and Carol A. Iman

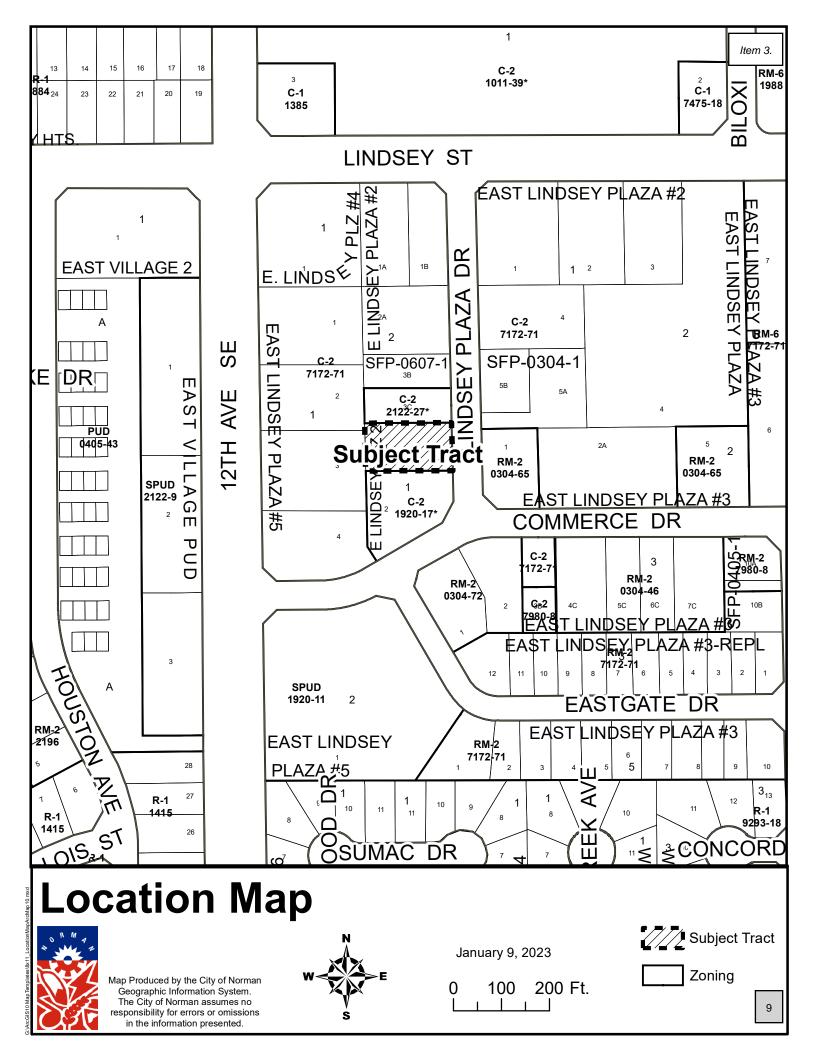
PRESENTER: Lora Hoggatt, Planning Services Manager

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of

BOA-2223-10: Hymer Hall #4, L.L.C. and Carol A. Iman request a Variance to 22:431.4 (1)(a), the Exterior Appearance requirements, for an addition to

an existing building at 1300 Lindsey Plaza Drive.

ACTION NEEDED: Approve, reject, amend, or postpone the Variance BOA-2223-10.



Board of Adjustment January 25, 2023 BOA-2223-10

STAFF REPORT

GENERAL INFORMATION

APPLICANT Hymer Hall #4, L.L.C. and

Carol A. Iman

LOCATION 1300 Lindsey Plaza Drive

ZONING C-2, General Commercial District

REQUESTED ACTION Variance to 22:431.4(1)(a) – the

exterior appearance requirement for all exterior walls, exclusive of windows, doors, roofs, glass, or sidewalk and walkway covers, to be constructed using masonry material covering at least eighty

(80) percent of said walls.

SUPPORTING DATA Location Map

Application with attachments

Site Plan

<u>SYNOPSIS:</u> The applicant is requesting 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. be constructed using masonry materials. The applicant would like to construct an all metal building with no masonry materials to match the existing building on the property.

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 441.11:

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

(a) An applicant shall submit to the Board of Adjustment a written application indicating:

<u>Please see the applicant's responses to each of the below criteria in the attached document.</u>

- (1) 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;
- (2) 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;
- (3) That the special conditions and circumstances do not result from the actions of the applicant;
- (4) 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 letter from the applicant detailing their justification for their request.

<u>DISCUSSION</u>: This development began construction prior to the adoption of the Exterior Masonry requirements in 2005. The exterior materials utilized in this general area vary from a mix of metal, EIFS and brick.

The building reflected in this application was constructed with metal siding. The applicant plans to continue this with the expansion of the building.

CONCLUSION: Staff forwards this request for BOA-2223-10 to the Board of Adjustment for consideration.



Application for Variance or Special Exception **BOARD OF ADJUSTMENT**

Case No. BOA-a

Item 3.

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

City of thomas a managed community 2000 opinion.	
HYMER HALL #4 LLC and CAROL A. IMAN	ADDRESS OF APPLICANT 1217 LINDSEY PLAZA DRIVE STE 101 NORMAN. OK 73071
AME AND PHONE NUMBER OF CONTACT PERSON(S) GREG THAN 405.409.4464	Iman. fl carwash & gmail. com Rudy & rjh-realty. com
an addition to Norman, Cleve	of East Lindsey Plaza Sections eland County, OKLAHOMA, orded in Book 13 of Plats,
equests Hearing for: VARIANCE from Chapter 22, Section 431.4 SPECIAL EXCEPTION to etailed Justification for above request (refer to attached Review Proquirements therefor):	
See Attached.	
(Attach additional sheets IGNATURE OF PROPERTY OWNER(S): Ly Ly Ly Ly Ly Ly Ly Ly Ly L	For your justification, as needed.) ADDRESS AND TELEPHONE: 1217 LINDSEY PLAZA DR. STE 101 Norman, OK 73071 405.409.4464
Application	VARIANCE from Chapter 22, Date Submitted:

Filing Fee of \$ 200.00

Certified Ownership List and Radius Map

Proof of Ownership

Site Plan

Section 43/.4(1)(a)

SPECIAL EXCEPTION to

Checked by:

S'A

CERTIFICATION OF OWNERSHIP

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

CAPY (100) CONTROL (100) CONTR
I, Rudy Hymer, 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 I, Block I, of East Lindsey Plaza Section 4, an addition to Norman, Cleveland County, Oklahoma, according to the plat recorded in Book 13 of Plats, Page 16
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: Address: Agent's Signature: Agent's Signature: Address:
Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this 3nd day of Javary, 2023, personally appeared RVDY HYMER, 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.
My commission expires: My commission expires: I hereby accept this Certification of Ownership in lieu of a deed or other legal document showing proof of ownership.
Signature: Title:

Attachment to Board of Adjustment Variance Application

Detailed Justification for the above request

We bought the existing lot and building in 2018 with the understanding that existing building could be expanded under the same masonry finish requirements as existed when it was built. The marketing materials state it was "pre-platted for an additional 3600 sq. ft. building, which dos not require an exterior stone masonry finish." Their terminology may be off as it may have referred to a building permit or other source. It was the seller's understanding that it could be enlarged under the previous rules. There may be information on this on the original building permit if it is available in the City's records. Please see exhibit 1 and 2.

We wish to enlarge this building using the same exterior construction materials as the existing building.

This variance is justified based on:

There are special conditions peculiar to this building in that the existing structure is a structure with a metal exterior. It was built with the expectation of adding the other ½ of the building with the same look and design as the existing building. The shape of the current building and the remaining land clearly show that this was the intention.

There are other buildings in this subdivision that have metal exteriors.

The special conditions that warrant this request did not result from the actions of the applicant. These conditions are a result of the previous building permit granted when the existing building was approved and built.

The granting of this variance does not confer special privileges as it is merely required to complete the rest of the building which was always intended.

If the variance is not granted and masonry requirements are enforced, then the aesthetics of the combined building would be less than desirable as you would have ½ of a building metal and ½ with some masonry on it. This would distract from the overall aesthetics of the subdivision as a whole.

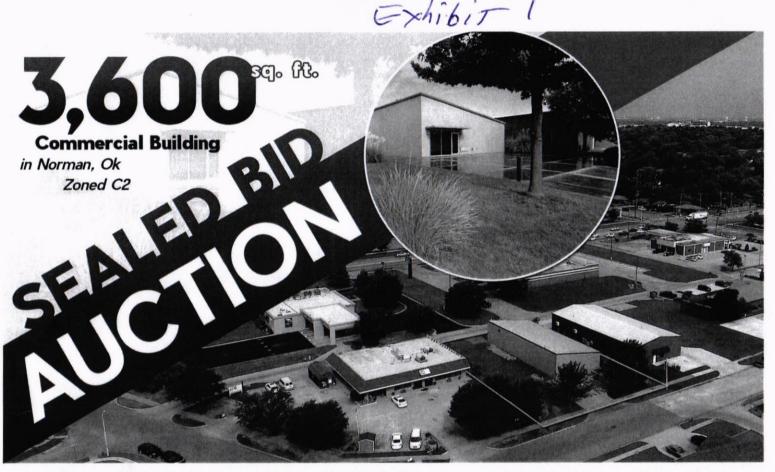
In good faith, request that this variance be granted.

Lung Hers

Sincerely,

Rudy Hymer, Owner

RJH Realty Investments Inc.



Located in a desirable and growing area of Norman, OK. This 3,600 sq. ft. commercial building located on a 0.41-acre lot is well suited for a variety uses. The building is near the intersection of Lindsey St and 12th Ave SE/Highway 77 and is adjacent to an existing Arvest Bank and AutoZone with multiple large multifamily develops within a 1-mile radius. The property has been pre-platted for an additional 3,600 sq. ft. building, which does not require an exterior stone masonry finish. Built in 2006, this quality constructed building (see Building Detail Sheet for all details) has only had one owner. With a good location, this property has lots of potential.

The building dimensions are 40' x 90' and include a 22' x 16' office area with built in desk, cabinets, adjustable shelving, glass storefront and polished concrete flooring; a second office area is 16' x 20'. The shop area includes an 8' x 8' bathroom, wash sink, 134,000 BTU overhead heater, 12' x 14' overhead door and polished concrete flooring throughout. The property is in outstanding condition and move-in ready for the next owner. See the Bid Packet for full Bidding Instructions.

TERMS AND CONDITIONS:

AUCTION TERMS AND CONDITIONS:

PROCEDURE: The property will be offered via a Sealed Bid Auction.

BUYER'S PREMIUM: The contract purchase price will include a Buyer's Premium equal to 4% of the bid amount.

DOWN PAYMENT: 10% of the total contract purchase price will be due as a down payment on the day of auction, with the balance due in cash at closing. The down payment may be made in the form of cashier's check, personal check, or corporate check, YOUR

title, and similar related matters. Property will be sold "AS-IS".

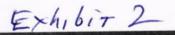
CLOSING: The closing shall take place 30 days after the auction or as soon thereafter as applicable closing documents are completed by Seller.

POSSESSION: Possession of the property shall be at closing.

REAL ESTATE TAXES: Real Estate taxes shall be prorated to the date of closing.

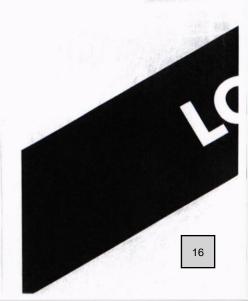
MINERALS: Any minerals owned by Seller shall be conveyed with the Property; however, no

DISCLAIMER AND ABSENCE OF WARRANTIES: All information contained in this brochure and all related materials are subject to the terms and conditions outlined in the Purchase Agreement. The property is being sold on an "AS IS, WHERE IS" basis, and no warranty or representation, either expressed or implied, concerning the property is made by the Seller or the Auction Company. All sketches and dimensions in the brochure are approximate. Each potential bidder is responsible for conducting his or her own independent inspections, investigations, inquiries, and due diligence concerning the property.



PROPERTY DETAIL SHEET

- ❖ Built in 2005-2006 under L.E.E.D. Silver Guideline
- Pre-platted to include another 3600 sq. ft. of construction where NO EXTERIOR STONE/MASONRY REQUIRED
- One owner
- No rentals
- * Alliance Steel- Saddle Tan, Dessert Sand
- ❖ Insulated 3" PSK
- ❖ Lot Dimensions 100' X 180', 18,000 sq. ft. with 10' Easements on the North and South
- ❖ Building Dimensions 40' X 90', 3600 sq. ft.
- Office 1 is 22' X 16'
 - o Built in Desk, Cabinets and Adjustable Shelving
 - 8' X 12' Storefront Glass
 - Polished Concrete Flooring- Charcoal
 - Amana PTAC 12,000 BTU Digital Control Heat Pump Air Conditioner
 - Nest Programmable Thermostat
 - Nest Protect Smoke Detector
 - 104 Linear Feet of FRP/Interior Panels
 - o T-8 Lighting
 - Outside Hose Bibs X3
 - o Inside Hose Bibs X1
 - Floor Drains X2
- ❖ Office 2 is 16' X 20'
 - Open Bay (No Columns)
 - Overhead Door 12'W X 14'H with Garage Door Openers and Remotes
 - Modine MT132 134,000 BTU Infrared Heater
 - 2-Tub Deep Sink
 - o 240v Air Compressor Service
 - Hold/Cold Shower Setup
 - Polished Concrete Flooring- Brown
 - Bathroom is 8' X 8',
 - Polished Concrete- OU Red
 - Custom Concrete Countertop

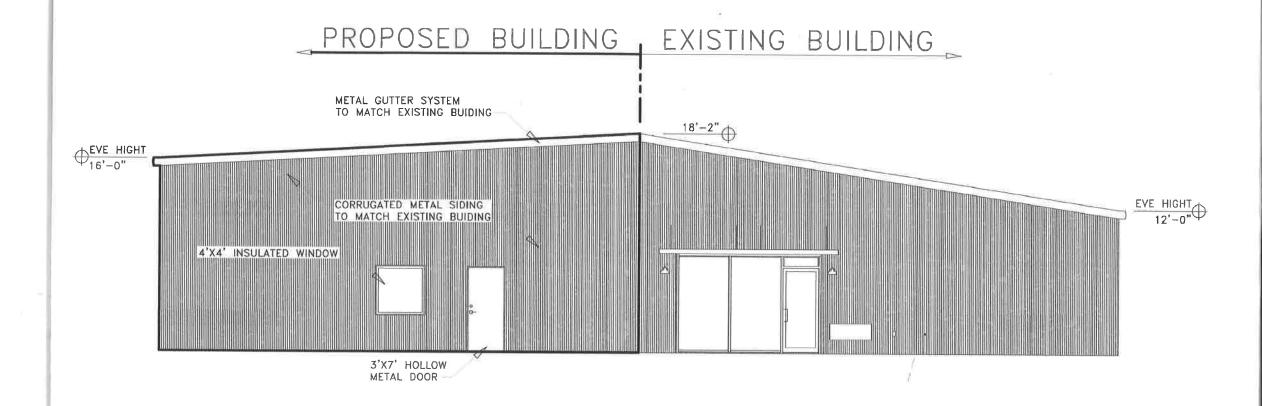


SEC. 431.4 - EXTERIOR APPEARANCE

(Ordinance No. O-0405-59 - September 27, 2005)

- (1) All new construction after October 28, 2005 must include masonry facades as outlined below. These requirements shall apply to all principal structures and accessory buildings larger than 108 square feet. For purposes of this section of the ordinance, *masonry materials* shall mean and include brick, slump-faced or decorative concrete masonry unit (CMU), stucco, concrete (poured in place, pre-cast or tilt-wall) with aggregate, sandblasted or textured coating finish, stone, rock or other structural material of equal durability and architectural effect. Smooth faced concrete masonry unit (CMU), except as accent to approved finish material, shall not be installed on any commercial façade or the principal façade of any industrial building.
 - (a) 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 of Norman's official Zoning Map, shall have all exterior walls constructed using masonry material covering at least eighty (80) percent of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers.
 - (b) Buildings requiring masonry along street frontage only: All buildings constructed on property zoned I-1, I-2, or M-1, according to the City of Norman's official Zoning Map, shall have all principal facades (which is any side of a building that faces or is oriented toward any abutting street) constructed using masonry material covering at least eighty percent (80%) of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers. This provision shall apply only to those structures adjacent to any State of Oklahoma highway or an Urban Arterial as identified on the NORMAN 2025 Land Use and Transportation Plan, as amended or replaced with subsequent Plans, and to any industrial lot abutting any zoning district other than industrial. This provision shall not apply to lots of record as of the date of adoption of this ordinance IF a building permit is obtained within one year after the effective date of this ordinance.
 - (c) Buildings within any P.U.D. Any commercial or non-residential use within a Planned Unit Development shall have all exterior walls constructed using masonry material covering at least eighty percent (80%) of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers, unless waived by the City Council when the PUD is approved.
 - (d) Special Uses. Any institutional or non-residential Special Use in any zoning district shall have all exterior walls constructed using masonry material covering at least eighty percent (80%) of said walls, exclusive of all windows, doors, roofs, glass, or sidewalk and walkway covers, unless waived by the City Council as part of the approval.

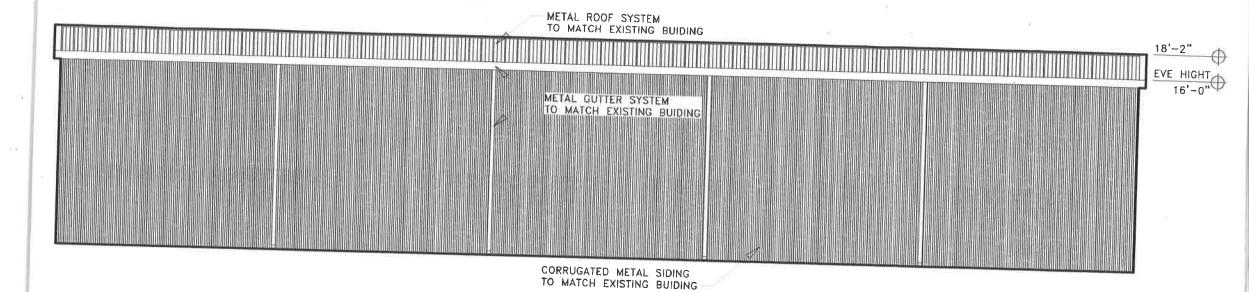
- (2) Outdoor storage or display of materials and goods is prohibited in the CO and C-1 Districts and within any required setback area in the TC District, as well as all public rights-of-way. However, in all commercial districts, an exception is granted for items located within five (5) feet of the primary structure for display of vending machines, newspaper racks, bagged ice storage, small-scale propane sales, and other such similar items, provided that no such items encroach onto a public right-of-way or easement. In all other commercial zoning districts after October 28, 2005, the following criteria must be observed:
 - (a) In those zoning districts that allow outdoor storage or display of merchandise, such items may not be located immediately adjacent to any public right-of-way, but instead must be stored or displayed no closer than half the distance between the right-of-way and the principal building, or twenty-five (25) feet, whichever is greater. However, display of living plant materials and ornamental statuaries may occur at any location so long as it does not create a visual barrier to traffic and is not within ten (10) feet of a public right-of-way. This exception does not include landscape timbers, blocks, stones, bags of wood chips or soil, fencing materials, or other similar items.
 - (b) In those districts that allow the sale or repair of vehicles, where the principal use of the premises involves the sale and display of finished vehicles, such as automobiles, boats, recreational vehicles, construction vehicles and heavy equipment, no special setbacks are required other than landscaping that would be required for parking areas and buildings by other sections of this chapter. Vehicles or equipment may not be parking or displayed within any required landscape area.
 - (c) In no instance shall outside display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, or a parking space necessary to meet the minimum parking requirements of all of the uses on the lot.
 - (d) All existing outdoor storage areas must comply with the requirements of this subsection within two (2) years of the effective date of this ordinance (October 28, 2005), or seek approval by the City Council for a revised Site Plan that shows substantial compliance with these requirements. For all new or expanded areas of outside display or storage, such locations must be clearly identified on a Site Plan that has been approved by the City Council.



FRONT ELEVATION

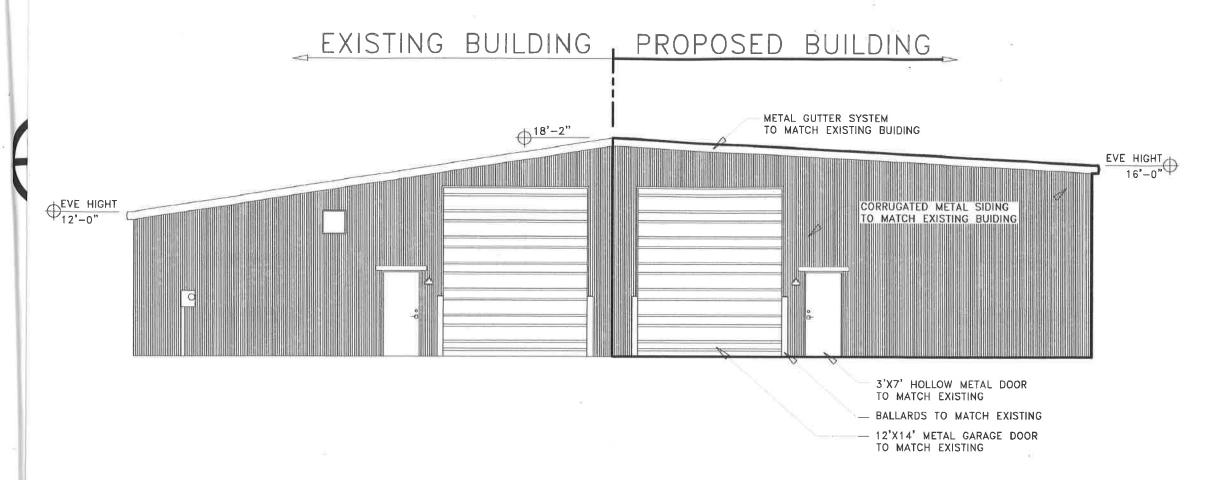
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Item 3.



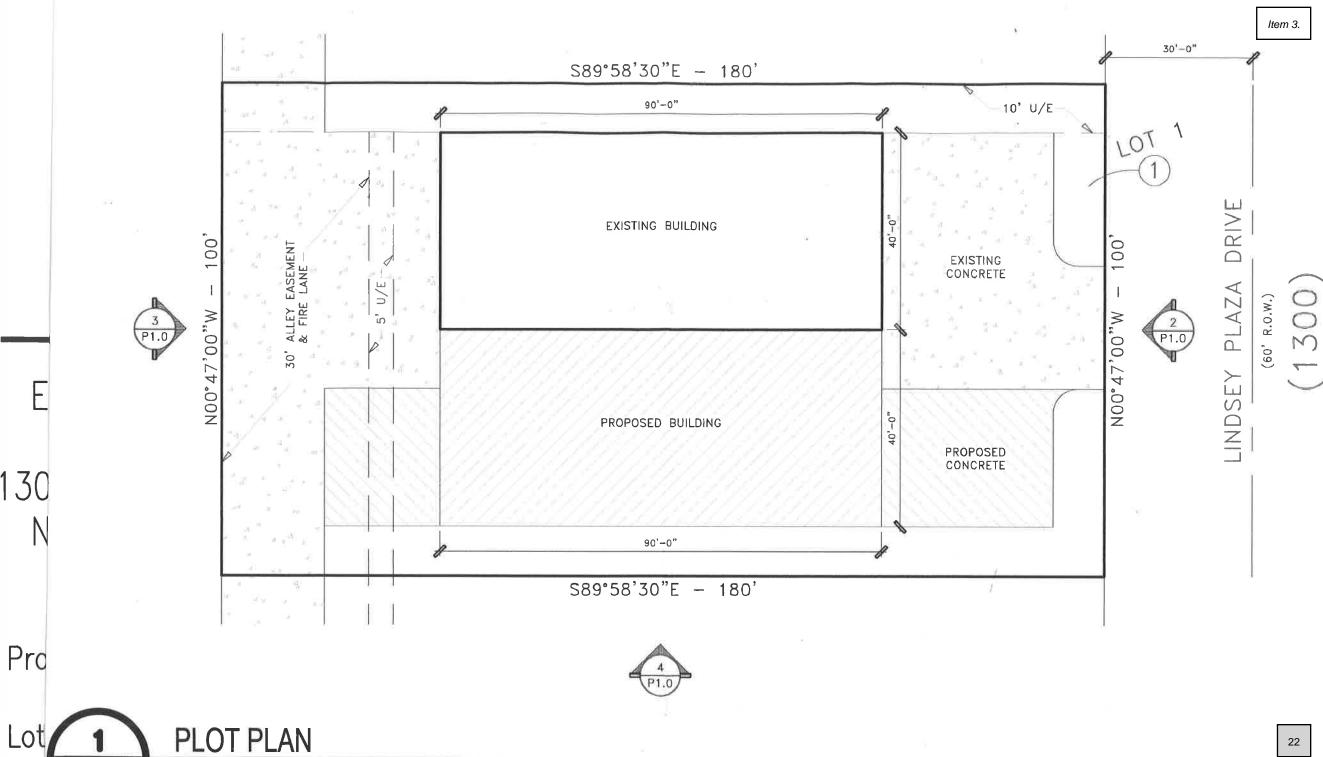
SIDE ELEVATION

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"



SCALE: 1/16" = 1'-0"