



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Wednesday, January 24, 2024 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, relation, 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 405-366-5446, 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

1. Election of Officers for 2024

MINUTES

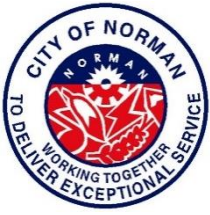
2. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the December 6, 2023 Board of Adjustment Meeting.

ACTION ITEMS

3. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-9: Sheridan Homes, L.L.C. requests a Variance to 36-519(d)(4)(a) for a lot smaller than 5,000 sq. ft.; a Variance to 36-519(d)(1) of 5' to the 25' front yard setback; a Variance to 36-519(d)(3) of 10' to the 20' rear yard setback; a Variance to 36-519(d)(2) of 5' to the required 5' east side setback; and a Variance to 36-519(d)(4)(b) of 11% to the 40% building coverage, for property located at 3608 Havenbrook Street.

MISCELLANEOUS COMMENTS

ADJOURNMENT



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 1/24/2024

REQUESTER:

PRESENTER:

ITEM TITLE: Election of Officers for 2024

ACTION NEEDED:

Elect a Chair _____

Elect a Vice Chair _____

Elect a Secretary _____



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 1/24/2024

REQUESTER:

PRESENTER: Roné Tromble, Admin. Tech. IV

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the December 6, 2023 Board of Adjustment Meeting.

ACTION NEEDED: Approve, reject, amend, or postpone the December 6, 2023 Minutes.



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Wednesday, December 06, 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, December 6, 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 \(municodem meetings.com\)](#) in excess of 24 hours prior to the beginning of the meeting.

Chair Curtis McCarty called the meeting to order at 4:30 p.m.

ROLL CALL

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

PRESENT

Brad Worster
Ben Bigelow
Curtis McCarty

ABSENT

Micky Webb
James Howard

A quorum was present.

STAFF PRESENT

Melissa Navarro, Planner II
Ken Danner, Subdivision Development Manager
Roné Tromble, Admin. Tech. IV
Beth Muckala, Assistant City Attorney

MINUTES

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the October 25, 2023 Board of Adjustment Meeting.

Motion made by Bigelow, Seconded by Worster to approve the minutes of the October 25, 2023 Board of Adjustment meeting as presented.

Voting Yea: Worster, Bigelow, McCarty

The motion to adopt the October 25, 2023 Minutes as presented was adopted by a vote of 3-0.

ACTION ITEMS

2. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-8: Kevin P. Shay and Zion T. Shay appeal an Administrative Decision regarding an administrative official's interpretation of 36-512(d)(4), the minimum 250' frontage requirement; and 36-512(d)(6)(a), the 10-acre lot area requirement in the A-2, Rural Agricultural District, for a tract of land located south of 16900 E. Tecumseh Road and east of 3501 168th Avenue N.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Exhibits A-E

PRESENTATION BY STAFF:

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

Mr. Bigelow asked if the tract immediately to the east of the subject tract predates the ordinance change. Ms. Navarro responded that it does.

Mr. McCarty asked if the Board can do anything about the subdivision regulations. Ms. Navarro said they can only address the zoning ordinance issues. Mr. McCarty asked what they would have to do to address the subdivision regulations, and if this has ever happened before. Mr. Danner reported that there have been several tracts that have been subdivided without benefit of City approval, and they have been denied permits. He does not know of any that have been able to obtain permits since the illegal subdivision.

PRESENTATION BY THE APPLICANT:

Shawn Fulkerson, representing the applicants, explained the applicants are a young couple who bought a property that had a residence on it. There was septic and a water well on the site. There was a road connecting it to 168th Avenue. It had been there for some time, but he wasn't sure it had been since 1973. His clients have invested all of their money in this to build a residence. This property will never be built as a commercial property. The only legitimate use is for a residence. They would ask for approval of a variance to allow them to proceed to try to make some use of this property. There have been no objections from any of the surrounding owners. Most of the residences in the area are legal non-conforming uses, or have been there a substantially long time.

Mr. McCarty noted that septic systems are recorded at DEQ when they are put in. He asked if there is any record of this septic. Mr. Fulkerson did not know.

Mr. Bigelow asked if there is evidence the septic and well belong to the subject lot, and not the adjacent lot that it was separated from. Mr. Fulkerson explained there are two septic systems and two wells, so each of the premises had separate.

Mr. Worster noted there is a warranty deed from 2010, and then a quit claim deed. Mr. Fulkerson said it a true hardship: there is no warranty deed; there are no affirmations of title. They relied on the fact that there was an existing structure there. They were going to put a manufactured home on it or build a house.

Mr. McCarty asked if they got a permit to remove the previous structure. Mr. Fulkerson did not know.

Mr. Bigelow commented that that Quit Claim Deed indicates that the sale was a family transaction. Mr. Fulkerson responded that the family has been unable to return the money.

Mr. Fulkerson acknowledged this is a difficult case. The overwhelming factor is this property will never be used for anything but a residential home. The area around it is not being developed commercially.

Ms. Muckala commented that this was titled and noticed as an appeal from an administrative decision. A variance is a very different review and standard from an appeal of an administrative decision. A variance is looking at the terminology and actually bending those rules based on hardship. Review of an administrative decision is a review of the language as it is – an interpretation of it as it is, and a determination of whether staff correctly interpreted that language.

Mr. Fulkerson said the application was asking for a variance from the existing code.

Mr. Fulkerson asked to withdraw the application, so he can amend the application and bring it back to include both items, a variance and an appeal of an administrative decision.

*

MISCELLANEOUS COMMENTS

Mr. Bigelow asked for clarification of whether appeals create any sort of precedent. Ms. Muckala said she was not aware of other appeals or variances on similar properties. Staff has been made aware of similar illegal subdivisions. When it comes to interpreting the zoning ordinance, it could set a precedent. A variance is a very individualized inquiry; we don't want to be looking at precedents in that case. If it is a decision we are making over and over, that means we need a code amendment rather than a variance because it is not unique.

Mr. McCarty commented he believes Mr. Danner was saying there seem to be more cases of illegal subdivisions which are violating the subdivision regulations.

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 4:52 p.m.

Secretary, Board of Adjustment



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 1/24/2024

REQUESTER: Sheridan Homes, L.L.C.

PRESENTER: Melissa Navarro, Planner II

ITEM TITLE: Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2324-9: Sheridan Homes, L.L.C. requests a Variance to 36-519(d)(4)(a) for a lot smaller than 5,000 sq. ft.; a Variance to 36-519(d)(1) of 5' to the 25' front yard setback; a Variance to 36-519(d)(3) of 10' to the 20' rear yard setback; a Variance to 36-519(d)(2) of 5' to the required 5' east side setback; and a Variance to 36-519(d)(4)(b) of 11% to the 40% building coverage, for property located at 3608 Havenbrook Street.

ACTION NEEDED: Approve, reject, amend, or postpone BOA-2324-9 for 3608 Havenbrook Street.

Board of Adjustment
January 24, 2024
BOA-2324-9

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Sheridan Homes, L.L.C.
LOCATION	3608 Havenbrook Street
ZONING	RM-6, Medium Density Apartment District
REQUESTED ACTION	Variance to 36-519(d)(4)(a) for a lot smaller than 5,000 sq. ft.; Variance 36-519(d)(1) of 5' to the 25' front yard setback; Variance to 36-519(d)(3) of 10' to the 20' rear yard setback; Variance to 36-519(d)(2) of 5' to the required 5' east side setback; Variance to 36-519(d)(4)(b) of 11% to the 40% building coverage

SUPPORTING DATA	Location Map Application with attachments Site Plan
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SYNOPSIS: The applicant is developing this property by adding a new single-family residential building. The applicant is requesting several variances to the current RM-6, Medium-Density Apartment District, zoning. Because of the nature of the lot the applicant is requesting five variances:

1. A variance to the 5,000 sq. ft. lot minimum; the subject lot is 4,545 sq. ft.
2. A variance to reduce the minimum front setback of 25' by 5' (20').
3. A variance to reduce the minimum rear setback of 20' by 10' (10').
4. A variance to reduce the minimum eastside setback of 5' by 5' (0').
5. A variance to increase the maximum building coverage 40% by 11% (51%).

The application, site plan, and the variance justification form are attached for your review.

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:

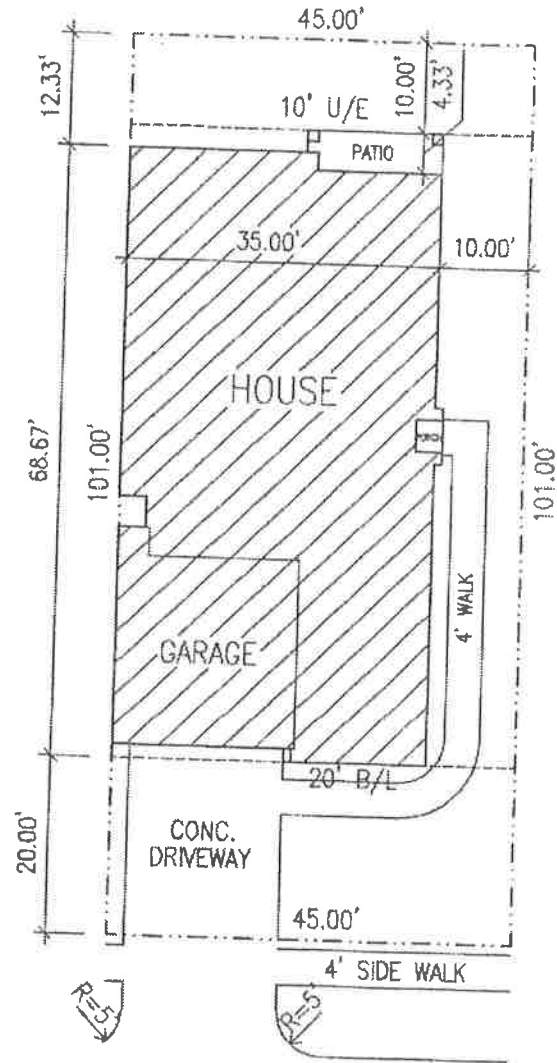
- (1) An applicant shall submit to the Board of Adjustment a written application indicating:
- (a) That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;
 - (b)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

DISCUSSION: The surrounding properties are developed with site plans similar to the one proposed by the applicant, due to Ordinance No. O-8081-52, approved as Permissive Use for a Planned Unit Development in 1981, and Ordinance No. O-9697-57, approved as a site plan amendment in 1997. These ordinances included flexible setbacks, percentages of building coverage, and minimum lot sizes. The subject property was not included in those ordinances. Instead, it was included in Ordinance No. O-8182-60, approved in 1982, which authorized the subject property a permissive use for a parking lot. Because of that, the property is zoned RM-6 only with no amendments altering area regulations. Ordinance No. O-9697-57, approved in 1997, amended Ordinance No. O-8081-52 to modify setbacks for Lots 128-133 to provide continuity. Lot 134 was not included as it was still owned by the office building and still speculated to be used for parking. The applicant wishes to replicate the design of the surrounding properties. The proposed plan will allow the applicant to build to the east property line next to an adjacent parking lot. A buffer of 5.5' is between the east property line and the parking spaces. The property will still be under the 65% impervious coverage limit.

CONCLUSION:

Staff forwards this request for BOA-2324-9 to the Board of Adjustment for consideration.



3608 HAVENBROOK STREET

LOCATION INFORMATION

LOT 134, BLOCK 1
BROOKHAVEN OF VILLAGE
NORMAN, OKLAHOMA

AREA CALCULATIONS

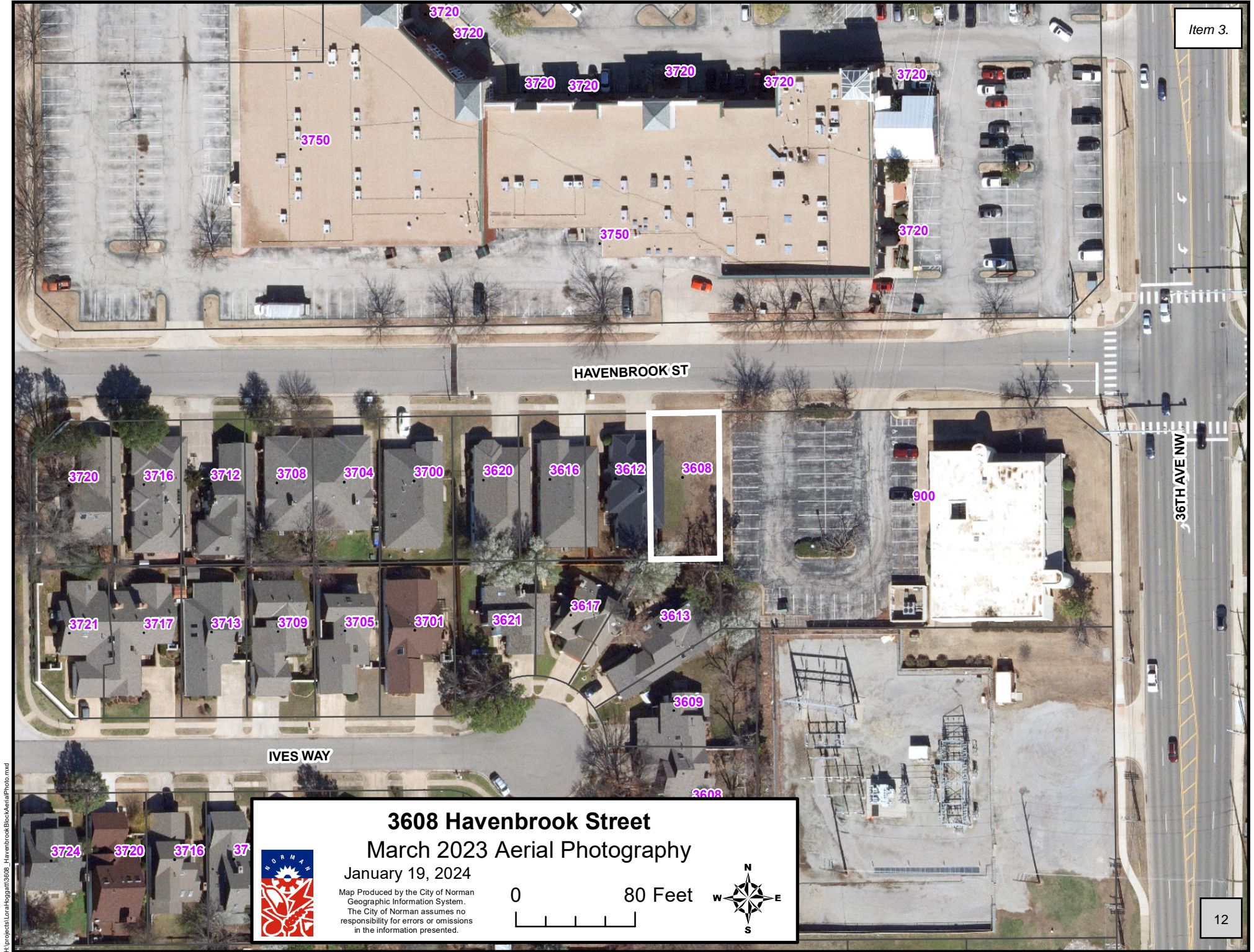
HOUSE: 1886 SQ. FT.
GARAGE: 441 SQ. FT.
LOT: 4545 SQ. FT.
COVERAGE: 2404 SQ. FT.

PLOT PLAN

10/16/2023

DEVRIE-A LEFT (10/16/2023)







Application for Variance or Special Exception
BOARD OF ADJUSTMENT

Case No. BOA _____

Item 3.

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

APPLICANT(S)

Sheridan Homes, L.L.C.

ADDRESS OF APPLICANT

P.O. Box 1676, Norman, OK 73070

NAME AND PHONE NUMBER OF CONTACT PERSON(S)

Abdi Malakouti 405-209-3333

EMAIL ADDRESS

abdi@sheridan.homes.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 134, Block 1, Village at Brookhaven

Requests Hearing for:

☒ VARIANCE from Chapter 36, Section 519

☐ SPECIAL EXCEPTION to _____

Detailed Justification for above request (refer to attached Review Procedures and justify request according to classification and essential requirements therefor). For any variance, the "Detailed Justification of Variance Request" form must be completed and attached:

1. A variance to the 5,000 sq. ft. lot minimum; the subject lot is 4,545 sq. ft.
2. A variance to reduce the minimum front setback of 25' by 5' (20').
3. A variance to reduce the minimum rear setback of 20' by 10' (10').
4. A variance to reduce the minimum eastside setback of 5' by 5' (0').
5. A variance to increase the maximum building coverage 40% by 11% (51%).

SIGNATURE OF PROPERTY OWNER(S):

ADDRESS AND TELEPHONE:

P.O. Box 1676, Norman, OK 73070

405-209-3333

OFFICE USE ONLY

- ☐ Application & Detailed Justification Form
☐ 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: _____

08307023.mt



BOARD OF ADJUSTMENT
FUNCTION AND REVIEW PROCEDURES

(Revised 03/23)

Item 3.

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

EXISTING VARIANCE CONDITIONS:

There are special conditions or circumstances peculiar to the land or structure involved:

1. The property is 4545 sq. ft. and zoned RM-6 Medium Density Apartment District. The required minimum area in this district is 5000 sq. ft., and setbacks are Front: 25', Rear: 20', Sides: 5'. However, the properties on the west were developed with different setbacks approved by O-8081-52.

Attest

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

2. All the properties on the west were approved to have different setbacks. The proposed plan will not exceed what the City of Norman have approved to the adjacent property.

Attest

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

3. The size of the lot has not been modified; it was platted this size. The special conditions for the lots on the west were approved in 1981.

Attest

The granting of the Variance will not confer special privileges on the applicant that are denied to other lands and/or structures in the same district:

4. The variance will allow to develop the property under the same circumstances than other properties in the area.

Attest



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: 11/01/2023

I, Sheridan Homes LLC, 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:

3608 Havenbrook Street

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: [Signature]

Address: P.O. Box 1676 Norman OK 73070

Agent's Signature: _____

Address: _____

NOTARY

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this 1st day of November, 2023, personally appeared Abdollah Malakout, 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: 8/2/2025

[Signature]
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

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