



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Wednesday, April 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 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

ROLL CALL

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

MINUTES

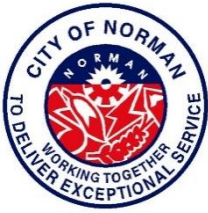
1. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT of the Minutes of the March 27, 2024 Board of Adjustment meeting.

ACTION ITEMS

2. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2324-15: MATT & KRISTI MORGAN REQUEST A VARIANCE TO 36-514(c)(2)(b) OF 11' 2" TO THE 20' SIDE YARD (SOUTH) SETBACK TO ADD A STORM SHELTER/ROOM FOR PROPERTY LOCATED AT 2601 SMOKING OAK ROAD.

MISCELLANEOUS COMMENTS

ADJOURNMENT



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 4/24/2024

REQUESTER:

PRESENTER: Roné Tromble, Admin. Tech. IV

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT of the Minutes of the March 27, 2024 Board of Adjustment meeting.

ACTION NEEDED: Approve, reject, amend, or postpone the minutes of the March 27, 2024 Board of Adjustment meeting.



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

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

MINUTES

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

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

ROLL CALL

PRESENT

Curtis McCarty
Ben Bigelow
Brad Worster
Micky Webb

ABSENT

James Howard

A quorum was present.

STAFF PRESENT

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

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MINUTES

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

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

Voting Yea: Worster, Webb, Bigelow, McCarty

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

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ACTION ITEMS

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

ITEMS SUBMITTED FOR THE RECORD:

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

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

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

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

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

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

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

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

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

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

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

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

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

Mr. McCarty agreed with the previous comments.

Voting Yea: Worster, Bigelow, McCarty

Voting Nay: Webb

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

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

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MISCELLANEOUS COMMENTS

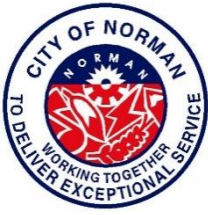
Ms. Muckala reported that we have received an appeal to District Court from Raven Investments of their appeal of the floodplain permit to the Board. Also, we have received a dismissal of the previous appeal filed by NextEra in District Court. So there is only one pending appeal related to that project.

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

ADJOURNMENT

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

Secretary, Board of Adjustment



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: April 24, 2024

REQUESTER: Matt & Kristi Morgan

PRESENTER: Justin Fish, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2324-15: MATT & KRISTI MORGAN REQUEST A VARIANCE TO 36-514(c)(2)(b) OF 11' 2" TO THE 20' SIDE YARD (SOUTH) SETBACK TO ADD A STORM SHELTER/ROOM FOR PROPERTY LOCATED AT 2601 SMOKING OAK ROAD.

APPLICANT	Matt & Kristi Morgan
LOCATION	2601 Smoking Oak Rd.
ZONING	R-1, Single-Family Dwelling District
REQUESTED ACTION	Variance to 36-514(c)(2)(b) of 11' 2" to the 20' side yard (south) setback to add a storm shelter/room
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant is seeking to construct a storm shelter/room on the south end of their existing single-family home. This house is situated on this lot with the front facing west, which was platted as the side yard setback at 20'. The platted 25' front build line is located on the south end of the property, which acts as the existing structure's side yard setback. The existing home is built to the platted side yard setback of 25'. This proposed addition to the south side of the structure would cause the structure to extend into the zoning setback of 20'. The storm shelter/room requires 16' 2" of space to be constructed in the desired location. The applicant is requesting a single variance. The variance request is as follows:

1. A variance of 11' 2" to the 20' side yard setback, per Section 36-514(c)(2)(b) of the Zoning Ordinance.

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.

Please see the attached justification from the applicant.

DISCUSSION: The subject property at 2601 Smoking Oak Rd. is a part of the Forest Hills Addition. This lot was originally 204' wide with a platted 25' build line on the south side of the property along Chestnut Ln. and a platted 20' build line on the west side of the property along Smoking Oak Rd. The subject lot was split into two lots at some point after the final plat. The house that currently sits on the property is built with the front facing Smoking Oak Rd. In 2021, a detached garage was constructed at the end of the driveway on the north side of the property.

The proposed addition will not cause any issues with the site triangle. The property will meet all other area regulations, including impervious coverage and other setbacks.

Note: The survey and site plan submitted by the applicant shows the street along the southern lot line as Cottonwood Ln, however the correct street name is Chestnut Ln.

CONCLUSION: Staff forwards this request for BOA-2324-15 to the Board of Adjustment for consideration.



Application for Variance or Special Exception
BOARD OF ADJUSTMENT

Case No. BOA _____

Item 2.

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

APPLICANT(S) Matt & Kristi Morgan	ADDRESS OF APPLICANT 2601 Smoking Oak Norman, OK 73072
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NAME AND PHONE NUMBER OF CONTACT PERSON(S) Matt Morgan - 405-250-7304 Kristi Morgan - 405-641-5701	EMAIL ADDRESS matt@scissortailroofing.com kristi@scissortailroofing.com
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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)

FOREST HILLS W 120' LOT 4 BLK 12

Requests Hearing for:

- VARIANCE from Chapter 36, Section Building line sideyard
- 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:

We purchased an existing home with the building set where it currently is. The home does not have a storm shelter/room. We are needing to build one for the protection of our family. Due to the layout of the home, the south end (side yard) is the only logical location for this room to be built. Other areas would have access issues, possibly drainage issues, and the removal of trees. One of the reasons we love this older neighborhood is the beautiful trees. The proposed location sits below the sight line so would not be a hinderance to anyones view.

SIGNATURE OF PROPERTY OWNER(S):

ADDRESS AND TELEPHONE:

2601 Smoking Oak

 Norman, OK 73072

 405-250-7304

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: _____



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: 02/14/2024

I, Matthew Morgan, 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:

2601 Smoking Oak Rd, Norman OK 73072

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: *Matthew Morgan*

Address: 2601 Smoking Oak Rd, Norman OK 73072

Agent's Signature: _____

Address: _____

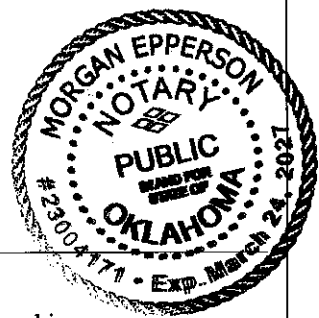
NOTARY

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: 3/24/2027

M. Epperson
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



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 or 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:

The requested construction area is on the side of our lot. Due to being on a corner lot, the side of our lot is being treated the same as the front setback. Any other location for this storm room could create drainage issues or diminish access to our garage/home.

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:

Being on a corner lot, our side setback is larger than normal.

Attest

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

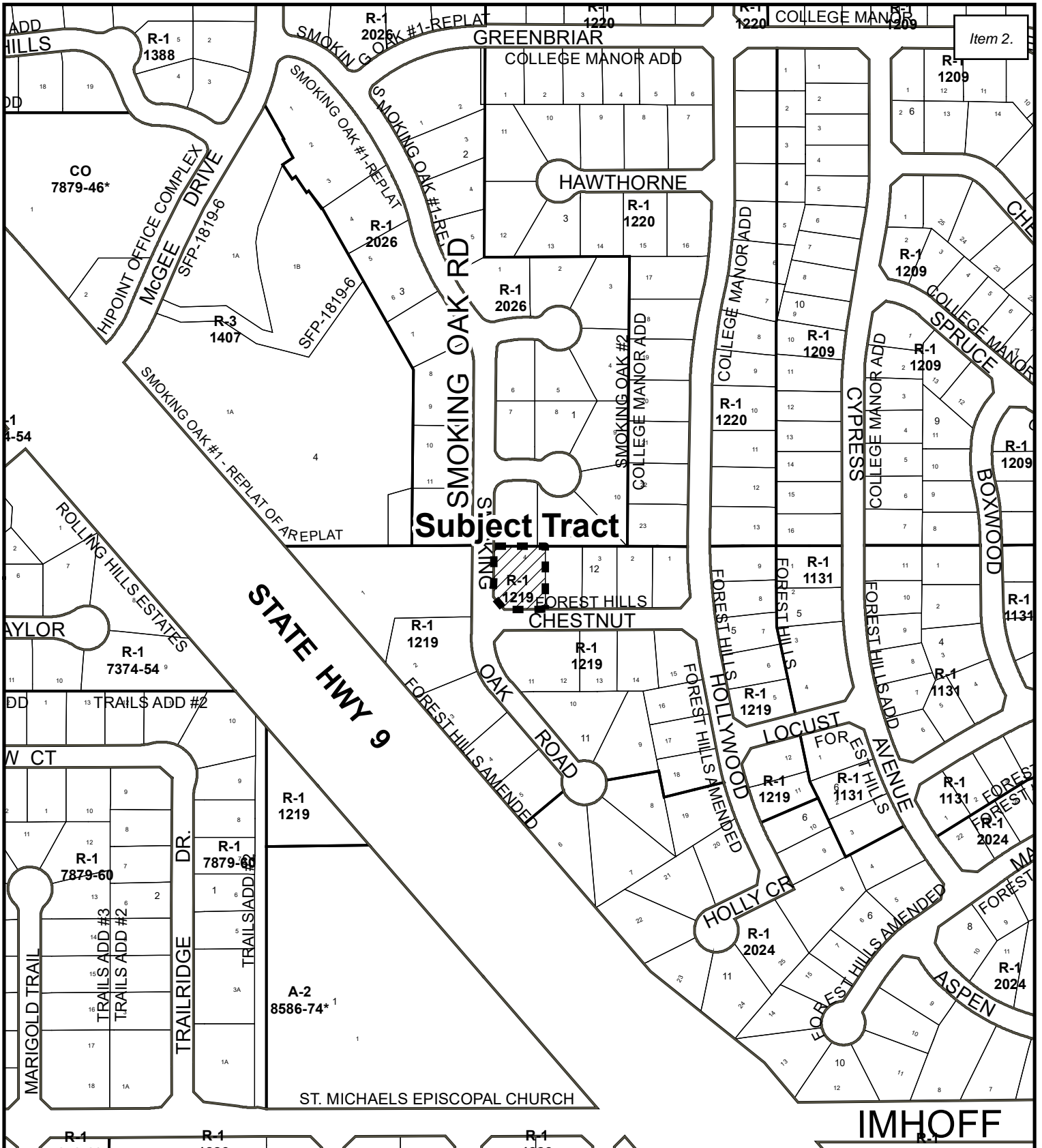
We purchased an existing home with the structure placed where it is.

Attest

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

There have been others granted a variance for a reduced side setback when on a corner lot.

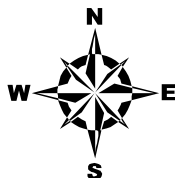
Attest



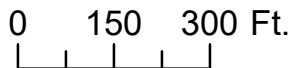
Location Map




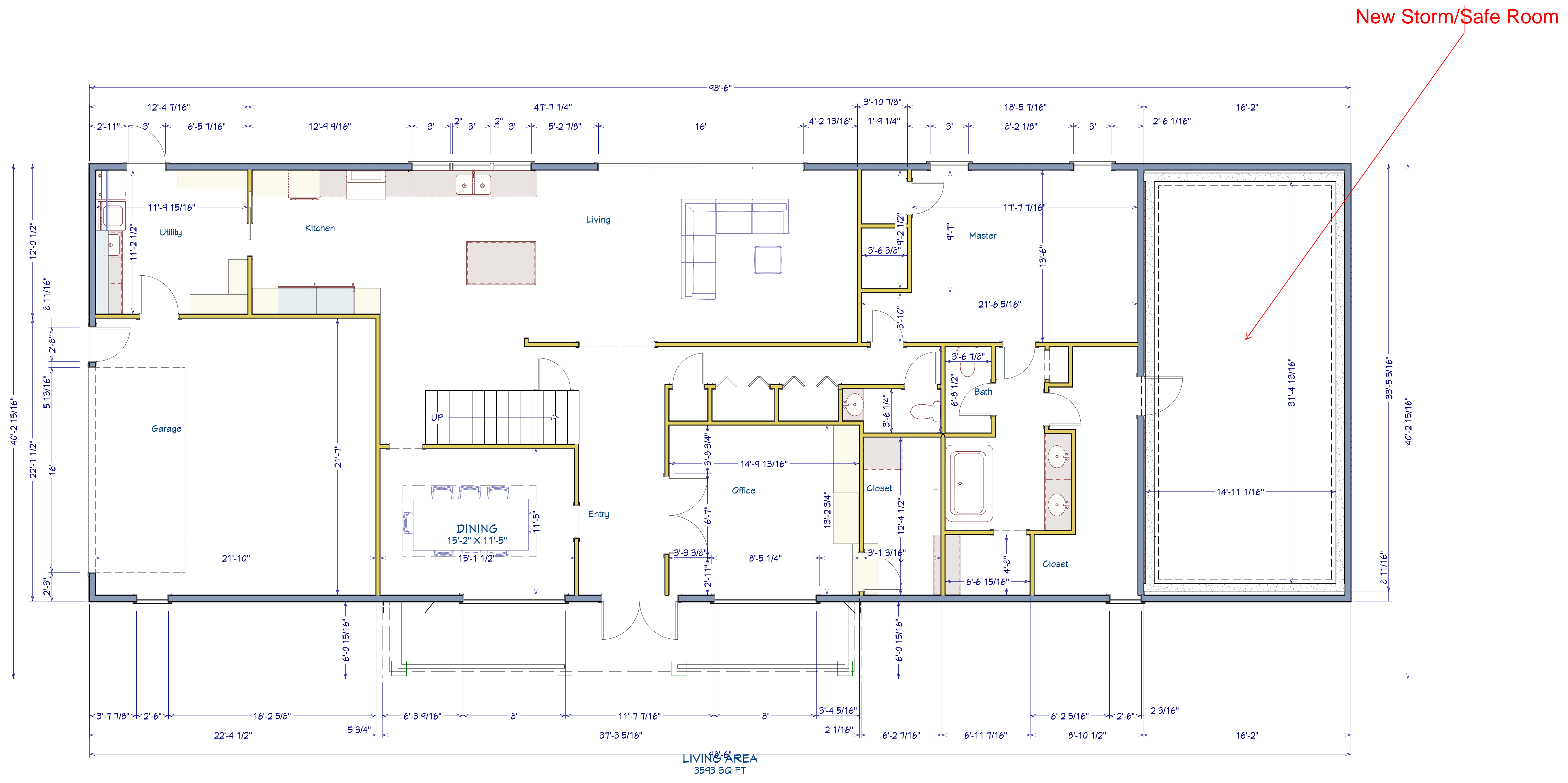
Map Produced by the City of Norman Geographic Information System. The City of Norman assumes no responsibility for errors or omissions in the information presented.



April 4, 2024



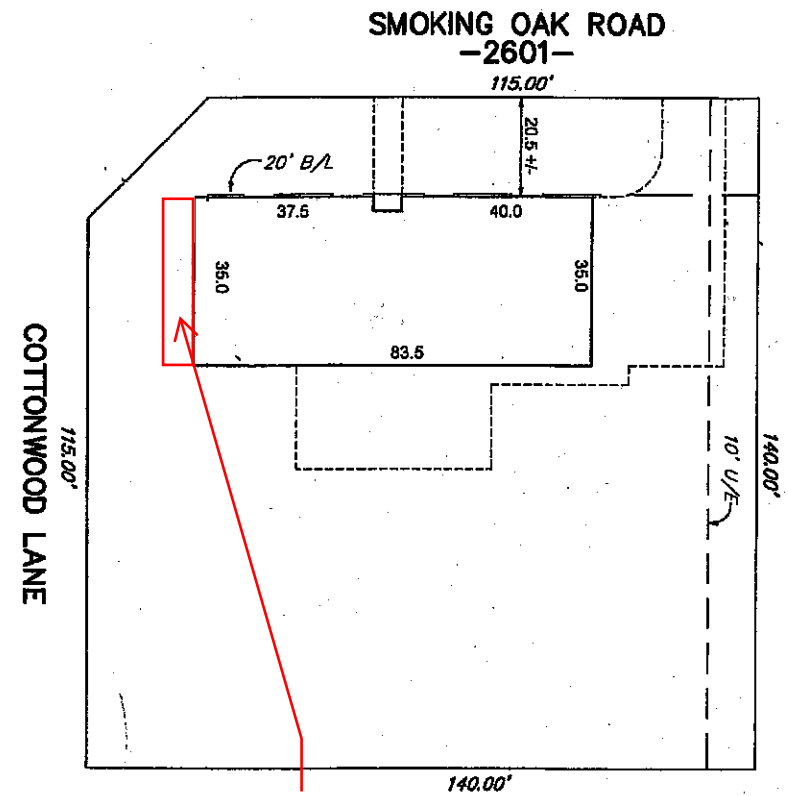
 Subject Tract



2605 Smoking Oak Rd
Norman, Oklahoma
Google Street View
Apr 2022 See more dates

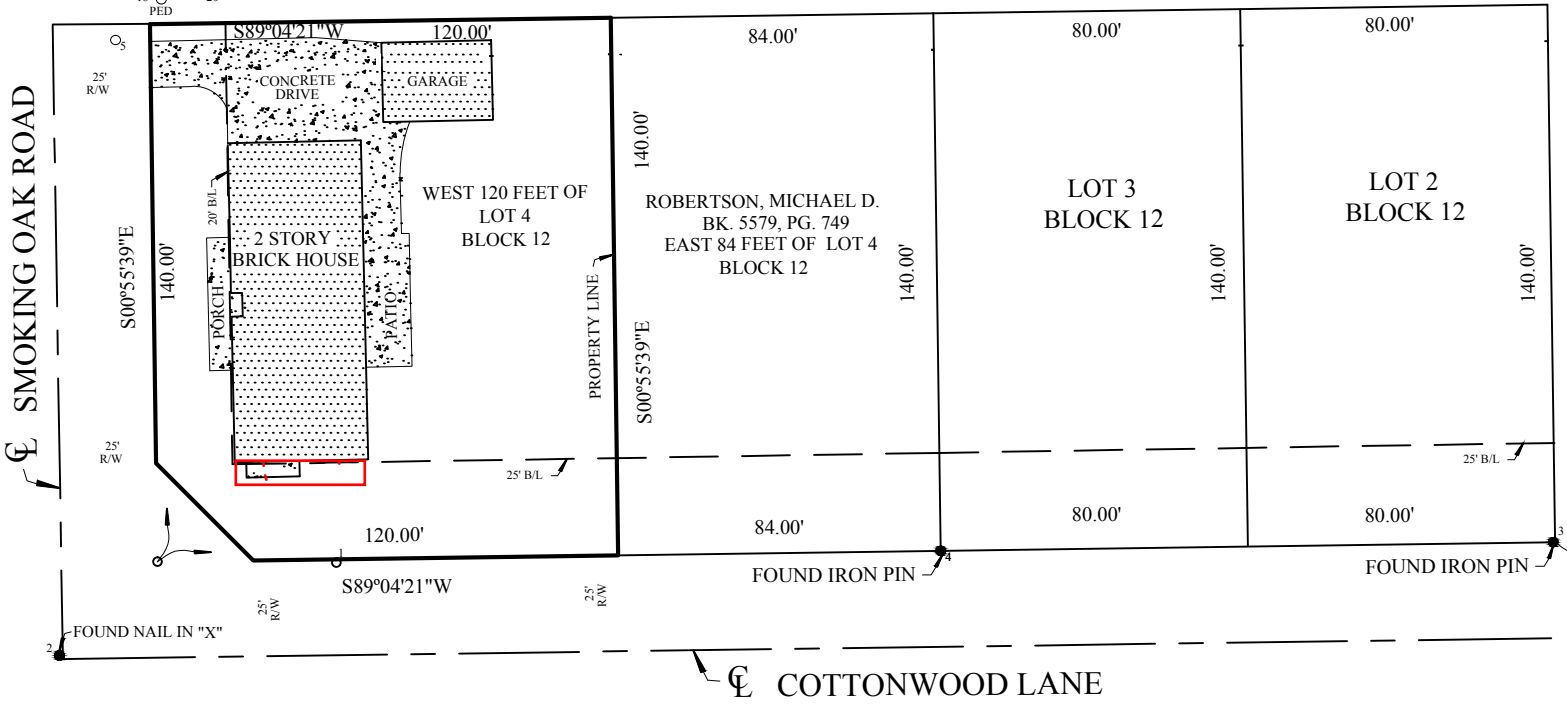
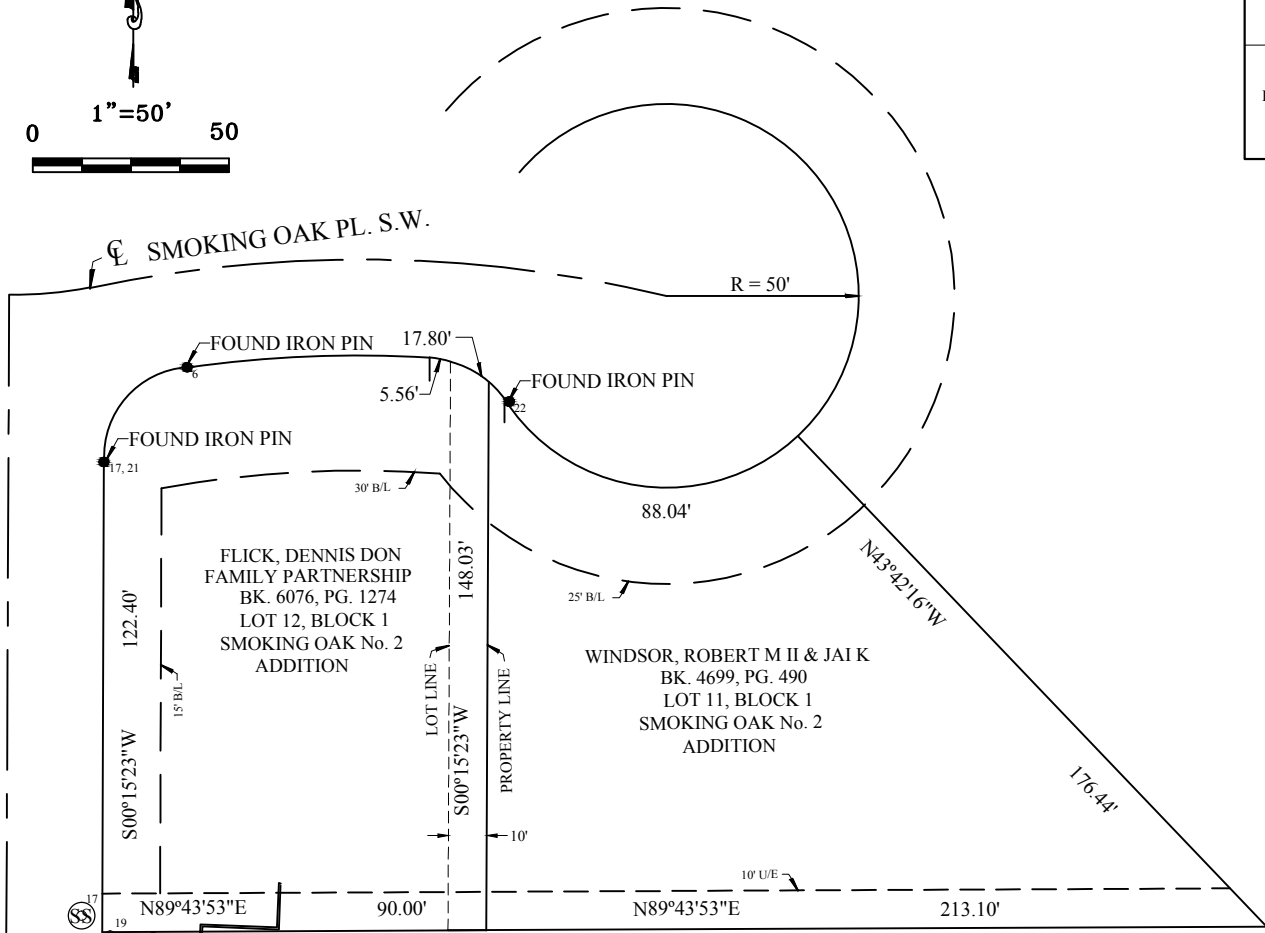
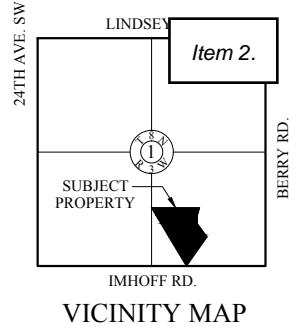
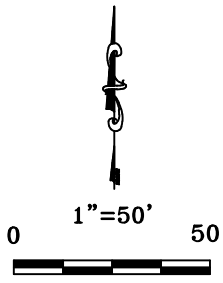


Item 2.



Adding 35x15 to south side for Storm/Safe Room

CERTIFICATE OF SURVEY



LEGEND:

- FOUND 3/8" I.P.
- SET 3/8" I.P.
- CALCULATED POINT
- PROPERTY LINE
- - - UTILITY EASEMENT
- BUILDING LIMIT

LEGAL DESCRIPTION:

The West 120 feet of Lot Four (4) in Block Twelve (12) of Lots 5 to 9 incl. BLK 5, LOTS 9 to 12 incl. BLK 6, BLKS 11 and 12 FOREST HILLS ADDITION, to the City of Norman, Cleveland County, Oklahoma, according to the recorded plat thereof.

BASIS OF BEARINGS:

FILED PLAT OF RECORD - FOREST HILLS ADDITION

I HEREBY CERTIFY THAT THIS SURVEY WAS DONE UNDER MY DIRECT SUPERVISION AND MEETS OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

RONALD D. SMITH REG. # 1398 DATE

PRELIMINARY
NOT A SIGNED AND SEALED DOCUMENT

SCALE: 1" = 50'	DATE: 02-10-2023
SHEET 1 OF 1	DATE REVISED:
DRAFTED BY: TJS	SURVEY NO.: 12,492
CHECKED BY: RS	

CENTERLINE SERVICES L.L.C.
C.A.# 4557 L.S. Ex. 6/30/24

P.O. BOX 338,
NOBLE, OKLAHOMA
73068

PHONE: (405) 306-8555 E-MAIL: centerlineok@gmail.com

PREPARED FOR: THE MORGAN FAMILY

PROPERTY ADDRESS: 2601 SMOKING OAK RD., NORMAN, OKLAHOMA