



CITY OF NORMAN, OK
BOARD OF ADJUSTMENT MEETING
225 N Webster, Development Center, Conference Room A
Wednesday, October 23, 2024 at 4:30 PM

AGENDA

The Board of Adjustment of the City of Norman, Cleveland County, State of Oklahoma, will meet in Regular Session in the Council Chambers at the Municipal Building, on Wednesday, October 23, 2024 at 4:30 PM and notice of the agenda of the meeting was posted at the Norman Municipal Building at 201 West Gray, and on the City website at least 24 hours prior to the beginning of the meeting.

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

MINUTES

1. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT of the Minutes of the September 25, 2024 Board of Adjustment meeting.

ACTION ITEMS

2. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2425-07: IDEAL HOMES OF NORMAN, LP REQUESTS A MINOR VARIANCE FOR A SMALL PORTION OF ONE CORNER OF THE HOUSE WHICH ENCROACHES 0.8' INTO THE SIDE SETBACK (4.2' FROM THE SOUTH PROPERTY LINE) FOR PROPERTY LOCATED AT 409 SONORA LANE.

MISCELLANEOUS COMMENTS

ADJOURNMENT



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 10/23/2024

REQUESTER:

PRESENTER: Roné Tromble, Admin. Tech. IV

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT of the Minutes of the September 25, 2024 Board of Adjustment meeting.

ACTION NEEDED: Approve, reject, amend, or postpone the minutes of the September 25, 2024 Board of Adjustment meeting.



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Wednesday, September 25, 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, September 25, 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 \(municodem meetings.com\)](#) in excess of 24 hours prior to the beginning of the meeting.

Chair Curtis McCarty called the meeting to order at 4:31 p.m.

ROLL CALL

PRESENT

Brad Worster
Micky Webb
James Howard
Curtis McCarty

ABSENT

Ben Bigelow

A quorum was present

STAFF PRESENT

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

MINUTES

1. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT of the Minutes of the August 28, 2024 Board of Adjustment meeting.

Motion made by Worster, seconded by Webb, to approve the minutes of the August 28, 2024 Regular Meeting as presented.

Voting Yea: Worster, Webb, Howard, McCarty

The motion to approve the August 28, 2024 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-2425-04: BRANDON AND MEGAN SWART REQUEST A VARIANCE TO 36-514(c)(3) OF 9'9" TO THE 20' REAR YARD SETBACK FOR A SECOND STORY DECK FOR PROPERTY LOCATED AT 4100 NICOLE PLACE.

ITEMS SUBMITTED FOR THE RECORD:

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

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

PRESENTATION BY THE APPLICANT:

Megan Swart, 4100 Nicole Place, the applicant, stated they are trying to add an addition onto their existing home, which would include replacing the pergola with a roofed patio, as well as going upward for an extra bonus room, bedroom, and bath. The original plan was to have a deck. They talked to their neighbors, and are removing the deck and balcony from the plans that were submitted due to their concerns.

Mr. McCarty asked if the doors shown on the drawing will be changed to windows. Ms. Swart responded affirmatively.

Mr. Worster asked whether there will still be an encroachment into the rear setback. Ms. Swart responded the pergola will be removed and patio cover constructed with brick beams.

Corey, the general contractor with TLC Renovations, explained the work that will be done. The decision was just made to delete the deck in favor of a covered patio to address the neighbor's concerns. New drawings have not yet been done.

Mr. McCarty said it is his understanding the addition to the house is not being extended into the rear yard setback; it is just the covered patio. Ms. Swart said that is correct.

Mr. McCarty asked if the patio cover will be lower than the deck would have been. Corey stated it will be roughly 8' off the ground. The second story doors will be changed to windows.

AUDIENCE PARTICIPATION:

Scott Saltus, 4128 Nicole Place, submitted a protest letter. He stated he is in favor of the revised plan. The deck was going to overlook his entire back yard and windows, and that is being removed.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Motion made by Howard, seconded by Webb, to approve a Variance to 36-514(c)(3) of 9'9" to the 20' rear yard setback for an 8' tall covered patio.

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

The motion to approve a Variance to 36-514(c)(3) of 9'9" to the 20' rear yard setback for an 8' tall covered patio passed by a vote of 3-1.

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

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3. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2425-05: ELIZABETH GREENHAW REQUESTS A VARIANCE TO 36-514(c)(2)(b) OF 10' TO THE 20' SIDE YARD SETBACK REQUIRED FOR A CORNER LOT FOR PROPERTY LOCATED AT 1001 CLASSEN BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

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

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

PRESENTATION BY THE APPLICANT:

Jeremy Steele, 535 S. Pickard Avenue, representing the applicant, was available to answer questions.

Mr. Howard asked the reason for the requested placement of the house. Mr. Steele responded that they were trying to mimic where the previous house was and they missed the 20' setback. Without the variance the property is almost too narrow for a house. He believes they will be 4' further from Ferrill Street than the previous house was.

Mr. Howard asked how the placement of the house will related to the houses behind it. Mr. Steele stated that it will be a little bit north of the houses behind it.

Mr. Worster asked when the other house was removed. Mr. Steele said it was removed about a month earlier. It was roughly 4' closer to Ferrill Street than the new house is planned. It was also facing Classen.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Howard commented that the front elevations of the homes on Ferrill Street move back and forth quite a bit, but it would create a uniform frontage on Ferrill Street. Looking at Classen, he sees the benefit of moving the parking to the rear of the property. He believes the request is appropriate.

Motion made by Worster, seconded by Howard, to approve BOA-2425-05 as presented, a Variance to 36-514(c)(2)(b) of 10' to the 20' side yard setback.

Voting Yea: Worster, Webb, Howard, McCarty

The motion to approve BOA-2425-05 as presented passed by a vote of 4-0.

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

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- 4. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2425-06: BRITTANI BEAVER AND MICHAEL SERNA REQUEST A VARIANCE TO 36-514(c)(1)(a) OF 5' TO THE 25' FRONT YARD SETBACK FOR A NEW HOUSE IN THE CHAUTAUQUA HISTORIC DISTRICT FOR PROPERTY LOCATED AT 505 CHAUTAUQUA AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

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

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

PRESENTATION BY THE APPLICANT:

Michael Bewley, 2815 Short Drive in Edmond, and Owen Love, 3101 Venice Court in Norman, the builders for the applicants, explained the request for the variance was so that the new house will line up with the houses to the north and south, most of which are between 19' and 21' from the property line.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Motion made by Howard, seconded by Webb, to approve BOA-2425-06 as presented, with a Variance to 36-514(c)(1)(a) of 5' to the 25' front yard setback.

Voting Yea: Worster, Webb, Howard, McCarty

The motion to approve BOA-2425-06 as presented passed by a vote of 4-0.

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

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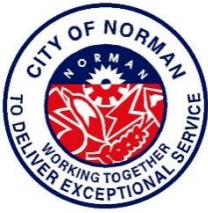
MISCELLANEOUS COMMENTS

Whitney Kline noted that the next meeting of the Board will be held in the Development Center, Conference Room A.

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 5:01 p.m.

Secretary, Board of Adjustment



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 10/23/2024

REQUESTER: Ideal Homes of Norman, LP

PRESENTER: Justin Fish, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2425-07: IDEAL HOMES OF NORMAN, LP REQUESTS A MINOR VARIANCE FOR A SMALL PORTION OF ONE CORNER OF THE HOUSE WHICH ENCROACHES 0.8' INTO THE SIDE SETBACK (4.2' FROM THE SOUTH PROPERTY LINE) FOR PROPERTY LOCATED AT 409 SONORA LANE.

GENERAL INFORMATION

APPLICANT	Ideal Homes of Norman, LP
LOCATION	409 Sonora Lane
ZONING	Planned Unit Development, PUD O-0607-51
REQUESTED ACTION	Minor Variance for the southeast corner which encroaches into the 5' side yard setback by 0.8'
SUPPORTING DATA	Location Map Application with attachments Site Plan Plat map

SYNOPSIS: The applicant is seeking approval of a variance to bring the existing single-family home into conformity. The variance being requested is as follows:

1. A variance of 0.8', or 9.6", to the required 5' side yard setback.

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

VARIANCE CRITERIA PER SECTION 570(k)(6):

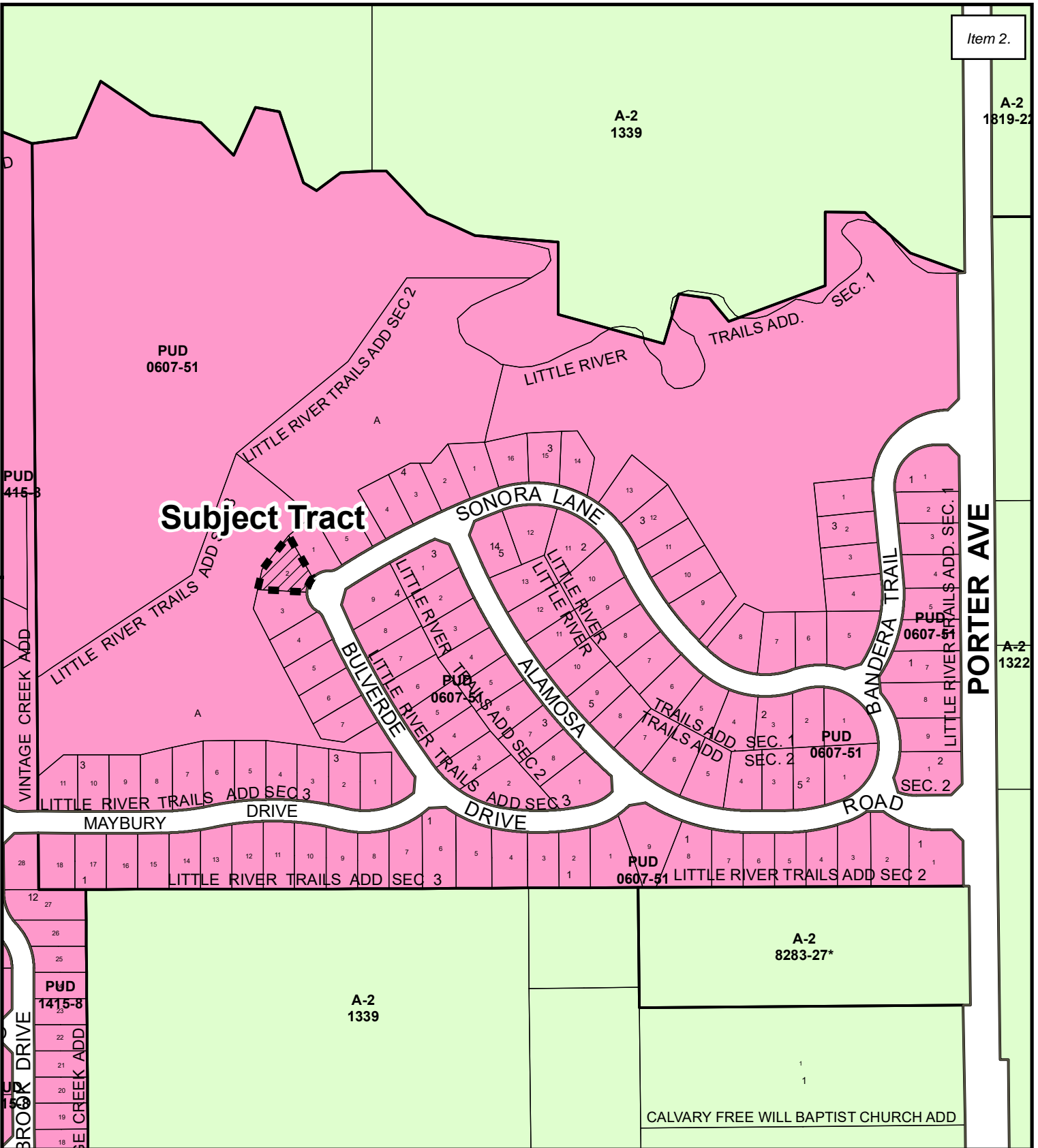
A minor variance may be granted by the Board of Adjustment for an encroachment upon any required building setback line when that encroachment represents approximately ten percent of the required yard or involves only a minor portion of the structure.

- a) A minor variance may be granted only upon a finding by the Board of Adjustment that the application of the ordinance to the particular property would create an unnecessary hardship, that there are peculiar conditions of the property which contributed to the encroachment, and relief, if granted, would not cause detriment to the surrounding properties or the public good, or impair the purposes and intent of the ordinance.

DISCUSSION: The subject property is located in the Little River Trails PUD, Planned Unit Development. The single family home was constructed in October of 2023. This home went through the city's review process to obtain a building permit. The site plan submitted as part of the original building permit showed the corner of the house in question at the required 5' side yard setback. However, when the home was constructed it was built with the southwest corner encroaching the 5' side yard setback by 9.6".

As stated in the zoning ordinance "A minor variance may be granted by the Board of Adjustment for an encroachment upon any required building setback line when that encroachment represents approximately ten percent of the required yard or involves only a minor portion of the structure." As shown on the submitted site plan, a minor portion of the structure is within the setback.

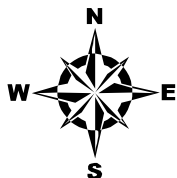
CONCLUSION: Staff forwards this request for a minor variance and BOA-2425-07 to the Board of Adjustment for consideration.



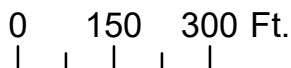
Location Map



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.



October 3, 2024



Subject Tract



Zoning



Application for Minor Variance
BOARD OF ADJUSTMENT

Case No.

Item 2.

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

APPLICANT(S)
Ideal Homes of Norman, LP
ADDRESS OF APPLICANT
c/o Rieger Law Group PLLC, Attorney for Applicant
136 Thompson Dr,
Norman, OK 73069

NAME AND PHONE NUMBER OF CONTACT PERSON(S)
c/o Libby Smith, Attorney for Applicant
405-310-5274
EMAIL ADDRESS
lsmith@rsjattorneys.com

Legal Description of Property: Lot 2, Block 4, in Little River Trails Addition Section 3, in City of Norman, Cleveland County, Oklahoma, according to the recorded plat thereof.
Commonly known as 409 Sonora Lane, Norman, OK

Requests Hearing for:
MINOR VARIANCE from Chapter 36, Section PUD 0607-51; 5' side yard setback requirement

Detailed Justification for above request (refer to attached Function and Review Procedures and justify request according to classification and essential requirements therefor):
The Applicant requests a minor variance from the required 5' side yard setback on the south side of the property. As built, a small portion of one corner of the house located on the property encroaches into the south side yard setback. At the corner nearest the property line, the house sits 4.2' from the south property line. The Applicant requests that a variance be granted so that the existing house may remain on the property. It would create unnecessary hardship upon the Applicant to force them to remove and destroy the entire existing home based on such a small encroachment. The shape of the lot makes designing and placing a home upon the lot difficult which contributed to the encroachment. However, the shape of the lot also allows ample distance between the home on the neighboring property for the majority of the shared property line. Allowing the existing home to remain would not cause detriment to the neighbors or public good or be contrary to the intent of the ordinance.
(Attach additional sheets for your justification, as needed.)

SIGNATURE OF APPLICANTS:
[Signature]
Libby Smith, Attorney for Applicant
ADDRESS AND TELEPHONE:
136 Thompson Dr.
Norman, OK 73069
405-310-5274

OFFICE USE ONLY

- Application
Proof of Ownership
Notice List and Radius Map
Plot Plan
Filing Fee of \$300.00

Date Submitted:
Checked by:

Before any MINOR VARIANCE can be granted, four conditions must be met.

1. ***The application of the ordinance to this particular property would create an unnecessary hardship.***

The home on this lot had already been constructed by the time the encroachment was discovered. As built, a small portion of one corner of the home encroaches into the south side yard setback. It would create unnecessary hardship upon the Applicant to force them to remove and destroy the entire existing home based on such a small encroachment.

2. ***There are peculiar conditions of the property or structure which contributed to the encroachment.***

The shape and size of the lot makes designing and placing a home upon the lot difficult which contributed to the encroachment. The narrow front portion of the lot makes positioning the home on the lot within the side yard setbacks, while still ensuring that the front yard depth is aligned with the rest of the neighborhood, difficult.

3. ***Relief, if granted, would not cause detriment to surrounding properties, or, in general, the public good.***

The relief would not cause detriment to neighboring properties or the public good. Only a small portion of the home encroaches into the side yard setback area. The encroachment may only affect the neighboring property to the south; however, there is still ample space between the two properties along the majority of the shared property line.

4. ***The relief requested would not impair, or be contrary, to the purposes and intent of the ordinance.***

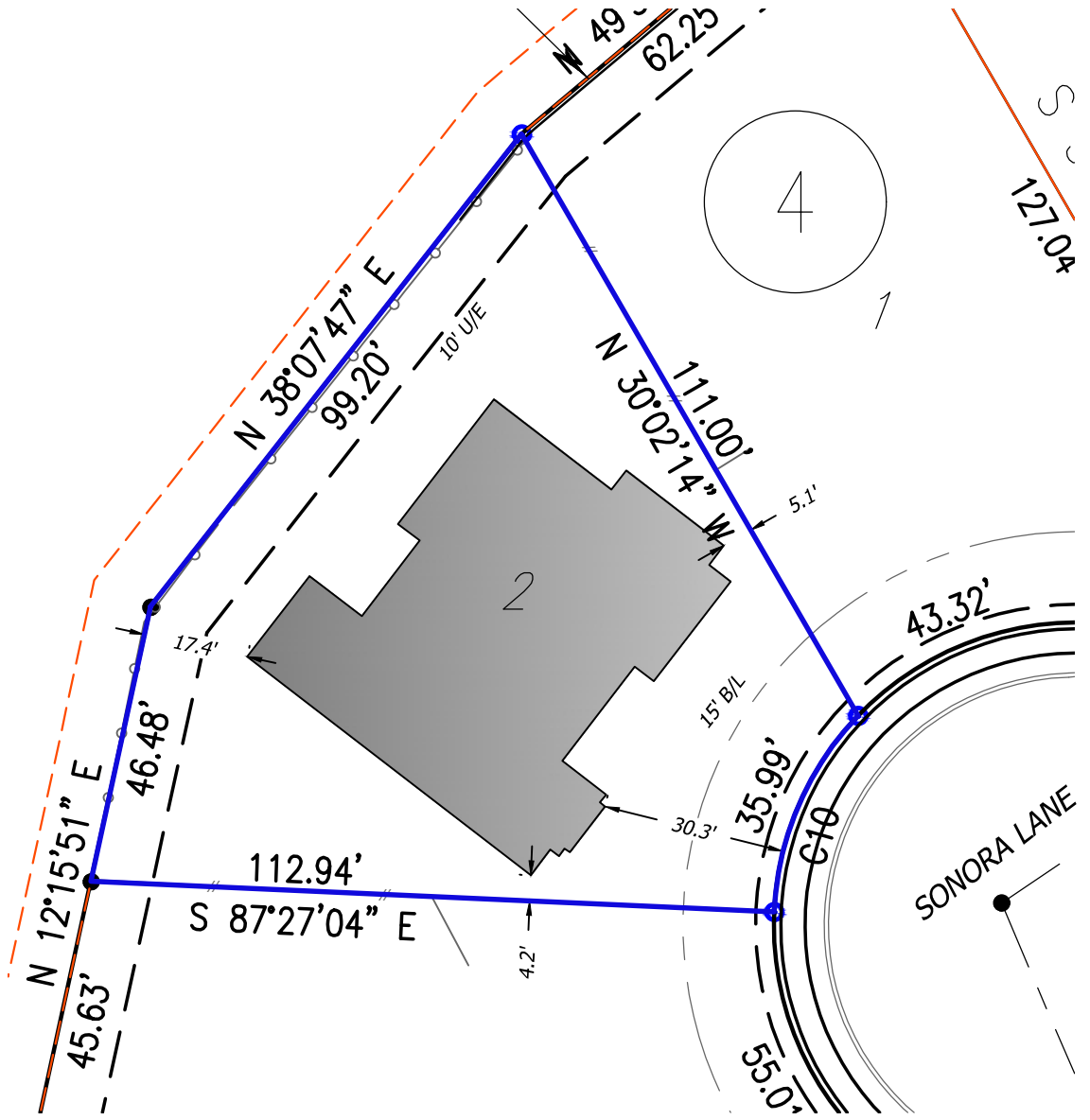
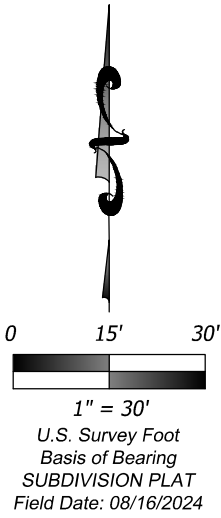
The ordinance is intended to ensure that there are adequate side yard setbacks between single-family homes, ensuring access to utilities, suitable distance between structures, and uniform development. In this case, only a small corner of the home encroaches within the setback area which still provides ample distance between homes along the majority of the shared property line. The encroachment will not prevent utility holders from accessing any utility easements or any portion of the structures on the subject property or neighboring property. There is still adequate space between the structures on both properties. Finally, allowing the encroachment will promote uniform development within the neighborhood because the design of the existing home and the depth of the front yard are both consistent with the rest of the neighborhood.

Legal Description

Lot Two (2), Block Four (4), in Little River Trails Addition Section 3, to the City of Norman, Cleveland County, Oklahoma, according to the recorded plat thereof.

Commonly known as 409 Sonora Ln, Norman, Oklahoma.

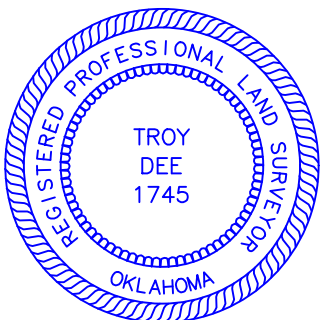
EXHIBIT



G LEGAL DESCRIPTION

LOT TWO (2), BLOCK FOUR (4), IN LITTLE RIVER TRAILS ADDITION SECTION 3, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

I, Troy Dee, herewith state that the above plat is a true and correct representation of a survey made on the ground, under my supervision Witness my signature and surveyors seal this 19 day of August, 2024.



Troy Dee
Troy Dee, PLS #1745
August 19, 2024

Prepared By
GOLDEN
LAND SURVEYING

4131 N.W. 122nd St., Suite 100, Oklahoma City, Oklahoma 73120
C.A.# 7263 / Exp. Date =6/30/2026
Telephone: (405) 849-6010 Email: troy@goldenls.com
Drafted by: 1X GLS Job No.: 1XXXXX
Plot Date: August 19, 2024