



**CITY OF NORMAN, OK**  
**BOARD OF ADJUSTMENT MEETING**  
Development Center, Room A, 225 N. Webster Ave., Norman, OK 73069  
Wednesday, July 23, 2025 at 4:30 PM

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## **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 call 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, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS FOLLOWS:

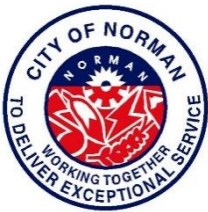
BOARD OF ADJUSTMENT MEETING MINUTES OF JUNE 25, 2025.

### **ACTION ITEMS**

2. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-1: DAN GLENN REQUESTS A VARIANCE TO 36-514(C)(1)(A) OF 3' TO THE REQUIRED 25' FRONT YARD SETBACK TO ALLOW FOR A FRONT PORCH, AND A VARIANCE TO 36-514(C)(2)(A) OF 2' TO THE REQUIRED 5' SIDE YARD SETBACK TO ALLOW THE DWELLING STRUCTURE TO BE BUILT 3' FROM THE PROPERTY LINE AT THE PROPERTY LOCATED AT 510 W. EUFAULA STREET.
3. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-2: HOME CREATIONS, INC., APPEALS THE DENIAL OF FLOODPLAIN PERMIT APPLICATION NO. 716 FOR THE PROPOSED BURN PIT IN THE BISHOP CREEK FLOODPLAIN NEAR EAGLE CLIFF WEST SUBDIVISION.

### **MISCELLANEOUS COMMENTS**

### **ADJOURNMENT**



**CITY OF NORMAN, OK**  
**BOARD OF ADJUSTMENT MEETING**  
Development Center, Room A, 225 N. Webster Ave., Norman, OK 73069  
Wednesday, June 25, 2025 at 4:30 PM

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## MINUTES

The Board of Adjustment of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Conference Room A at the Development Center, on Wednesday, June 25, 2025 at 4:30 PM and notice of the agenda of the meeting was posted at the Development Center at 225 N. Webster Ave, Norman Municipal Building at 201 West Gray, and on the City website at least 24 hours prior to the beginning of the meeting.

Curtis McCarty called the meeting to order at 4:32 p.m.

### ROLL CALL

#### BOARD MEMBERS PRESENT

Brad Worster  
Curtis McCarty  
Micky Webb  
James Howard  
Eric Williams

#### BOARD MEMBERS ABSENT

Ben Bigelow  
Matt Graves

#### STAFF PRESENT

Lora Hoggatt, Planning Services Manager  
Justin Fish, Planner I  
Beth Muckala, Assistant City Attorney III  
Whitney Kline, Admin Tech IV  
Greg Clark, Development Services Manager

#### GUESTS PRESENT

Glenn & Michelle Secrest, 2682 Brentwood Drive, Norman, OK  
Betty & Kenneth White, 2674 Brentwood Drive, Norman, OK  
Tim Eisel, Eisel Roofing & Construction  
Ben Lacourse & Gunner Joyce, Rieger Sadler Joyce Law Firm

### MINUTES

1. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS FOLLOWS:

BOARD OF ADJUSTMENT MEETING MINUTES OF MAY 28, 2025.

**Motion** by Mr. Worster to approve the minutes from the May 28, 2025 Board of Adjustment regular meeting; **Second** by Mr. Howard.

***The motion passed unanimously with a vote of 5-0.***

## **ACTION ITEMS**

*The Board heard Item 3 before Item 2 due to applicant request.*

- 3. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2425-16: GLENN SECREST REQUESTS A VARIANCE TO 36-514(C)(2)(A) OF 3' TO THE REQUIRED 5' MINIMUM SIDE YARD SETBACK TO ALLOW FOR A GARAGE ADDITION 2' FROM THE EAST SIDE PROPERTY LINE FOR THE PROPERTY LOCATED AT 2682 BRENTWOOD DRIVE.**

### **Staff Presentation**

Justin Fish, Planner I, presented the staff report.

### **Applicant Presentation**

Tim Eisel, Representative of the Applicant, explained the proposed project.

Mr. Howard asked whether the detached structure in the back right corner of the lot could be used as a garage. Glenn Secrest, the homeowner, responded the building is a shop that was placed by the previous owner and not intended to be used as a garage.

### **Public Comments**

Betty White, 2674 Brentwood Drive, Norman, OK (protest)

### **Board of Adjustment Discussion**

Mr. McCarty asked if there were egress issues associated with the proposed garage location. Mr. Eisel explained they had worked with City staff and there were no issues in regard to egress to the bedrooms that are located on the east side of the property.

Mr. Williams asked what roofing material would be used for the garage. Mr. Eisel stated metal roofing will be used to match the addition that was added onto the existing single-family home on the property.

Mr. McCarty asked if the two accessory structures had been addressed since they do not meet the accessory structure requirements or side/rear yard setbacks. Mr. McCarty further asked if these needed to be included with the variance.

Mr. Fish explained the existing structures have different setback requirements because they are accessory structures. A variance is not the proper request or solution for a structure in an easement; the applicant would need to receive Consent to Encroach from City Council.

**Motion** by Mr. Webb to approve BOA-2425-16; **Second** by Mr. Howard.

***The motion failed with a vote of 2-3. Mr. Howard, Mr. Worster, and Mr. Williams voting against.***

2. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF BOA-2425-15: RUSSELL AND EMILY KAPLAN REQUEST A VARIANCE TO 36-514(C)(4) OF 5' TO THE REQUIRED 50' MINIMUM LOT WIDTH TO ALLOW FOR A LOT 45' IN WIDTH AT THE PROPERTY LOCATED AT 816 MILLER AVENUE

Item 1.

Staff Presentation

Justin Fish, Planner I, presented the staff report.

Applicant Presentation

Ben Lacourse, Representative of the Applicant, explained the proposed project.

Public Comments

There were no public comments.

Board of Adjustment Discussion

**Motion** by Mr. Worster to approve BOA-2425-15; **Second** by Mr. Howard.

***The motion passed unanimously with a vote of 5-0.***

**MISCELLANEOUS COMMENTS**

There were no miscellaneous comments.

**ADJOURNMENT**

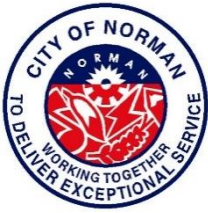
The meeting was adjourned at 4:55 p.m.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

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Secretary, Board of Adjustment





## CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 07/23/2025

**REQUESTER:** Dan Glenn

**PRESENTER:** Justin Fish, Planner I

**ITEM TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-1: DAN GLENN REQUESTS A VARIANCE TO 36-514(C)(1)(A) OF 3' TO THE REQUIRED 25' FRONT YARD SETBACK TO ALLOW FOR A FRONT PORCH, AND A VARIANCE TO 36-514(C)(2)(A) OF 2' TO THE REQUIRED 5' SIDE YARD SETBACK TO ALLOW THE DWELLING STRUCTURE TO BE LOCATED 3' FROM THE PROPERTY LINE AT THE PROPERTY LOCATED AT 510 W. EUFAULA STREET.

<b>APPLICANT</b>	Dan Glenn
<b>LOCATION</b>	510 W Eufaula Street
<b>ZONING</b>	R-1, Single-Family Dwelling District
<b>REQUESTED ACTION</b>	Variances to Section 36-514(c)(1)(a) of 3' to the required 25' front yard setback and Section 36-514(c)(2)(a) of 2' to the required 5' side yard setback
<b>SUPPORTING DATA</b>	Location Map Application with attachments Site Plan

**SYNOPSIS:** The applicant is requesting two variances for an existing legal non-conforming single-family home along W Eufaula Street. The variances being requested are as follows:

1. A variance to Section 36-514(c)(1)(a) of 3' to the required 25' front yard setback.
2. A variance to Section 36-514(c)(2)(a) of 2' 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):**

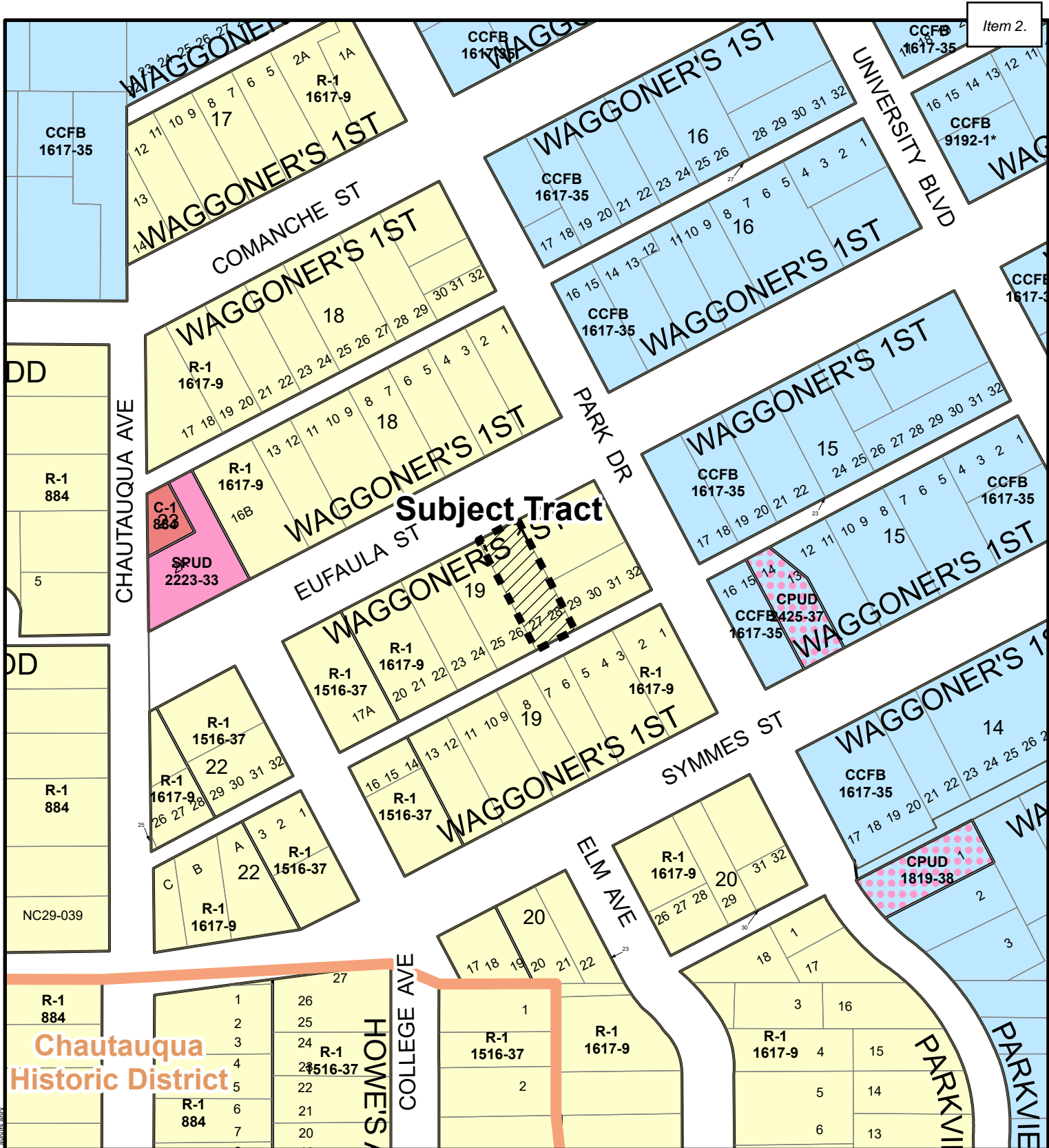
A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- (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 applicant requests a variance to the front and side yard setbacks for the existing single-family home along W Eufaula Street. The original home, constructed in 1940, was built 3' from the west property line, resulting in a legal non-conforming structure under the current City of Norman Zoning Ordinance. The requested variance of 2' to the required 5' side yard setback would allow legal non-conforming status for the existing structure. Additionally, the applicant has requested a variance of 3' to the required 25' front yard setback to construct a covered porch on the front of the existing single-family home along W Eufaula Street. Currently, the home has an uncovered stoop that does not provide protection from the elements. This uncovered stoop is 22' 6" from the front property line. Uncovered, open stoops are permitted to project into the required front yard setback by 5'. The proposed covered porch will sit 22' from the front property line.

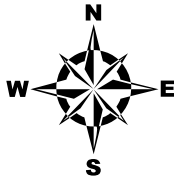
**CONCLUSION:** Staff forwards this request for variances to Sections 36-514(c)(1)(a) and 36-514(c)(2)(a) and BOA-2526-1 to the Board of Adjustment for consideration.



# 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.



July 8, 2025

0 75 150 Ft.



Subject Tract



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) Dan Glenn	ADDRESS OF APPLICANT [REDACTED]
NAME AND PHONE NUMBER OF CONTACT PERSON(S) Dan Glenn [REDACTED]	EMAIL ADDRESS [REDACTED]

**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](mailto:CURRENT.PLANNING@NORMANOK.GOV))

Lot 27, 28 Block 19 Waggoner Addition

**Requests Hearing for:**  
☒ VARIANCE from Chapter 36, Section 36-514 (c)(1)(a) and 36-514(c)(2)(a)  
☐ 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:

This is a request to add a roof over the front porch on the north side of the residence at 510 W Eufaula.

In addition to improving the accessibility to the 1940 home, it will be more in keeping with the style of other homes in this established neighborhood. The porch will extend 3' into the 25' setback.

The request is also to grant a variance for the west setback. The dwelling was built 3' from the property line 85 yrs ago.

To reiterate, I am requesting a variance of 3' to the required 25' front yard setback and a variance of 2' to the required 5' side yard setback.

SIGNATURE OF PROPERTY OWNER(S):

ADDRESS AND TELEPHONE:

[REDACTED]

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: \_\_\_\_\_





**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.

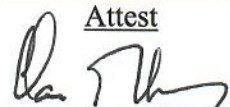
Special conditions or circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district:

The north orientation of this building needs a covered entrance.

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:

At least 6 of 12 residential units in the same block extend into the 25' setback.

Attest  


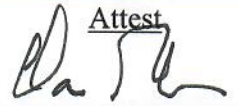
The special conditions or circumstances do not result from the actions of the applicant:

Lack of maintenance over time occurred prior to present ownership.

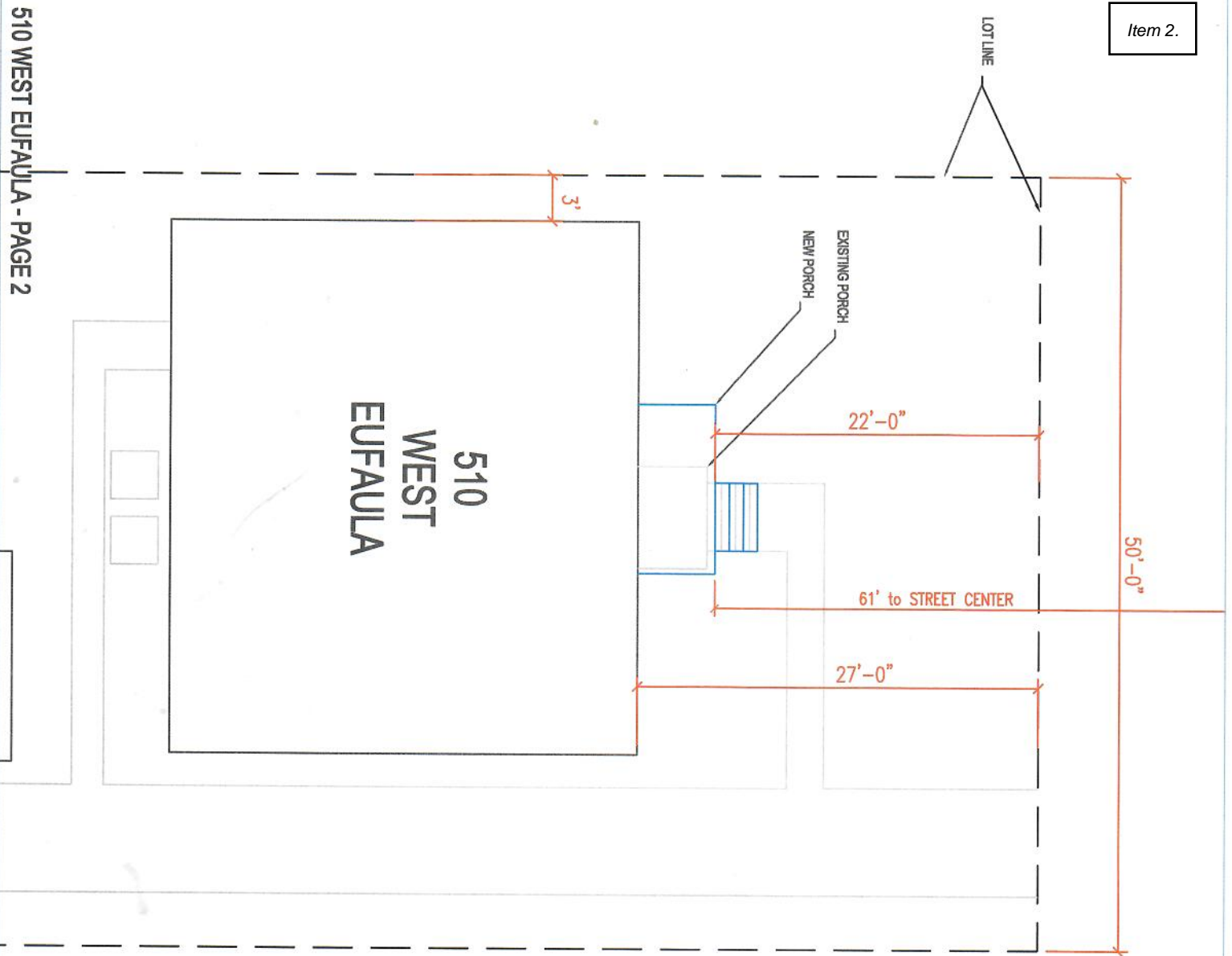
Attest  


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:

Variances are common due to the age of this established neighborhood.

Attest  


510 WEST EUFAULA - PAGE 2



REPLACE EXISTING 30 SQ. FT PORCH WITH  
NEW 55 SQ. FT PORCH.

4" CONCRETE SLAB REINFORCED WITH #3 REBAR  
ON 8" CONCRETE BLOCK WALLS ON 8 X 12 CONC.  
FOOTING WITH COMPACTED SAND FILL.

WOOD FRAMED 5/12 PITCHED ROOF - COMPOSITION  
SHINGLES TO MATCH EXISTING ROOF. 4X4 POSTS

36" HIGH RAIL WITH 1" BALUSTERS W SPACED 3" APART

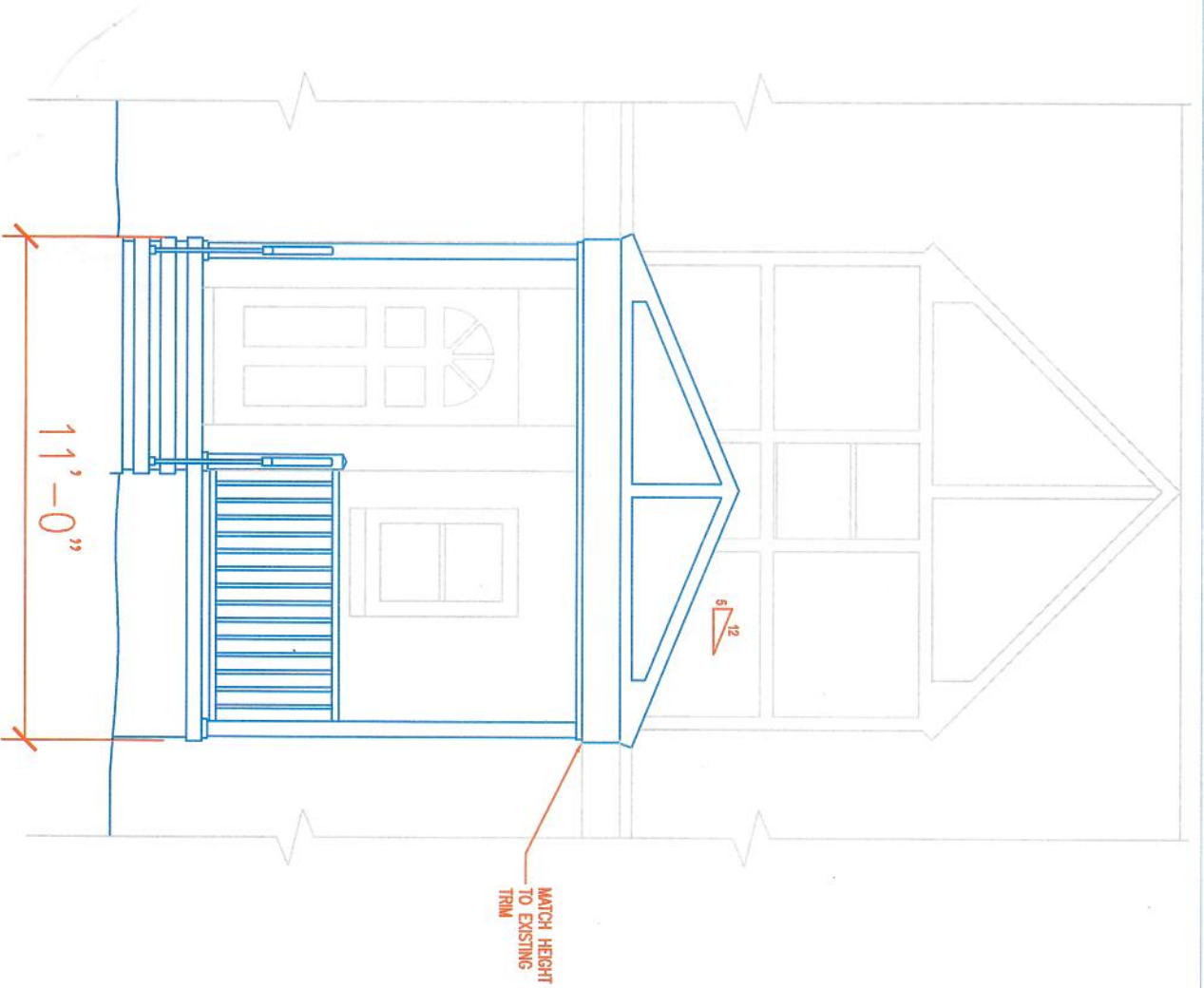
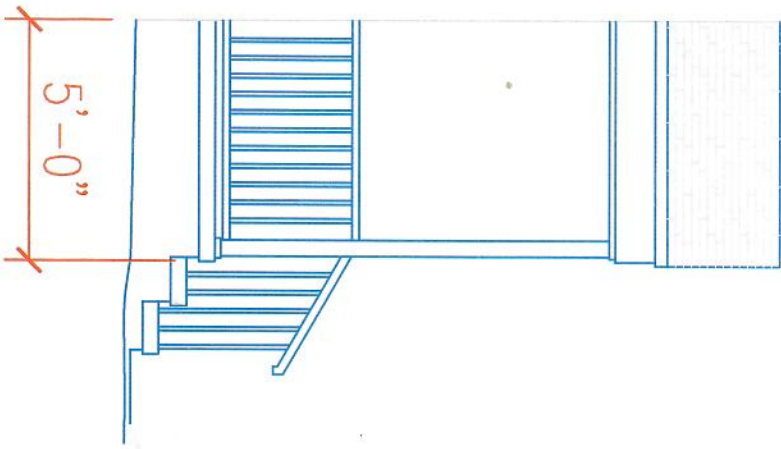
1 1/2" CONCRETE STAIR TREADS W 7" RISE. STAIR RAIL  
34" ABOVE NOSE OF TREAD.

GABLE SURFACE TO MATCH MATERIAL AND FINISH ON  
EXISTING HOUSE.



**SITE PLAN**

SCALE: 1"=10'





## CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 07/23/2025

**REQUESTER:** Home Creations, Inc.

**PRESENTER:** Jason Murphy, Stormwater Program Manager

**ITEM TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-2: HOME CREATIONS, INC., APPEALS THE DENIAL OF FLOODPLAIN PERMIT APPLICATION NO. 716 FOR THE PROPOSED BURN PIT IN THE BISHOP CREEK FLOODPLAIN NEAR EAGLE CLIFF WEST SUBDIVISION.

<b>APPELLANT</b>	Home Creations, Inc.
<b>FLOODPLAIN PERMIT APPLICATION NO.</b>	716
<b>ACTION BEING APPEALED</b>	Denial of a Floodplain Permit on June 2, 2025
<b>SUPPORTING DATA</b>	Floodplain Map FPP Staff Report FPP Application & Attachments FPPC Minutes 6/2/25 FPPC Denial Letter

**BACKGROUND:** This application is an appeal of the administrative decision made by the Floodplain Permit Committee (FPPC). The Zoning Ordinance, Chapter 36, provides in Section 533(f)(7):

*Appeals from any decision of the Floodplain Permit Committee may be taken by any person . . . aggrieved by any decision of the Committee, to the Board of Adjustment. The Board of Adjustment shall consider the appeal at a regular or special meeting as soon as practicable and make its decision on the suitability of the proposed use in relation to the flood hazard. Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision to a court of competent jurisdiction. At least two members of the Board of Adjustment shall have*



*successfully completed the (8) eight-hour basic floodplain training offered by the Oklahoma Water Resource Board or equivalent training or education.*

Home Creations, Inc. requests an appeal of the denial of its Floodplain Permit Application NO. 716. The appeal application is attached.

Chapter 36, Section 570(c)(1) provides that the Board of Adjustment (BOA) has the power to hear and decide appeals where it is alleged there is error in any administrative order, requirement, decision or determination in the enforcement of Chapter 36, the Zoning Ordinance. Section 570 (f) provides that “an administrative official shall forthwith transmit to the [BOA] all papers constituting the record upon which the action appealed from was taken.” Staff has therefore attached the packet and minutes of the Floodplain Permit Committee for review by the Board.

### **STAFF COMMENTS:**

#### **Staff Description and Background of the Home Creations, Inc. FP Permit Application**

On March 13, 2025, a floodplain notice of violation was sent to the applicant regarding illegal fill in the Bishop Creek floodplain near Eagle Cliff West Subdivision. An estimated 15,000 cubic yards of material, including trees and vegetative material had been cleared for the development and had been discarded into the adjacent floodplain. A complaint was filed by two different groups of inspectors who discovered the violation during routine inspections. Home Creations, Inc. staff met with City staff to discuss a remedy. Staff recommended removal of the fill from the floodplain and disposal of the material offsite outside of the floodplain. The applicant indicated removal of the material from the floodplain was not possible and proposed to burn the fill on site using an air curtain incinerator in a 10’ wide by 30’ long and 10’ deep burn pit. Air curtain incineration involves the use of a forced air “curtain” that contains smoke and particulates and recirculates the material and re-burns it, reducing smoke and emissions significantly. According to the applicant’s engineer, this process leaves little to no remaining material and will effectively remove the fill from the floodplain and satisfy the requirements of the notice of violation. The applicant indicated, despite their application site plan showing a single burn pit near the fringe of the floodplain, that multiple pits would be required in various locations. The burning process is weather dependent and likely to take several months to complete. The applicant contacted the Norman Fire Marshall and began the process of obtaining a burn permit for this work.

Aerial images from multiple years indicate this area is regularly inundated with water where a significant amount of the material is currently located. The applicant indicated a plan to move the material north, to the burn pit on the site plan, within the regulatory floodplain. The applicant indicated additional pits would likely be required but was unable to provide a location for where those pits would be located. Staff recommended the work be performed outside of the regulatory floodplain, negating the need for the floodplain permit to address the existing violation.

On June 2, 2025, the Floodplain Permit Committee voted against the application with a vote of 0 in favor, 6 against (with 1 absent). Because of its failure to get the five required favorable votes, the application was denied. Significant reasons for the denial were included in the permit denial letter. The major concerns included:

- the availability of alternative locations not subject to flooding or erosion damage for the proposed work;
- the ambiguity of the number of proposed pits (the permit application only included one pit location, not the unspecified number of pits indicated by the applicant during the meeting);
- the lack of analysis of the effect of multiple pits on the floodplain; and
- the impacts the proposed work would have on maintaining the open space and natural values of the floodplain, specifically native vegetation, which were not adequately addressed.

### **Home Creation's Appeal and Arguments**

Please see the attached memo from the applicant's representative justifying the appeal.

### **BOA Authority and Standard of Review**

The Board of Adjustment's authority for review in this instance is broad:

*In exercising the above-mentioned powers, the Board of Adjustment shall reverse or affirm, wholly or in part, shall modify the order, requirement, decision, or determination appealed from, shall make such order, requirement, decision, or determination as ought to be made, so long as such action is in conformity with the terms of this chapter, and to that end shall have the powers of an administrative official from whom the appeal is taken.*

Chapter 36, Section 570(d)(1) of the Norman Municipal Code.

In the case that the Board of Adjustment, considering Home Creations, Inc. arguments, finds there was "an alleged error in any order, requirement, decision or determination" of the Floodplain Permit Committee's review of Floodplain Permit Application NO. 716, the Board of Adjustment may make and vote upon such motion as "ought to be made" in conformity with the Zoning Ordinance, to provide the applicant redress. The BOA's authority on appeal is broad, and the BOA has and may exercise the "powers of [the] administrative [body] from whom the appeal is taken."

In determining whether to approve or deny a floodplain permit request, the following relevant factors should be considered:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

10. The relationship of the proposed use to the City's adopted land use plan for that area.

In considering a floodplain permit request, the Floodplain Permit Committee also has the power to "attach such conditions ... as it deems necessary to further the purposes of the chapter." Such conditions include:

- a. Modification of waste disposal and water supply facilities.
- b. Limitations on periods of use and operation.
- c. Imposition of operational controls, sureties, and deed restrictions.
- d. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
- e. Floodproofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the base flood. The following floodproofing measures, among others, may be required:
  1. Anchorage to resist flotation and lateral movement;
  2. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction;
  3. Reinforcement of walls to resist water pressures;
  4. Use of paints, membranes, or mortars to reduce seepage of water through walls;
  5. Addition of mass or weight to structures to resist flotation;
  6. Installation of pumps to lower water levels in structures;
  7. Construction of water supply and waste-treatment systems so as to prevent the entrance of floodwaters;
  8. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures;

9. Construction to resist rupture or collapse caused by water pressure or floating debris;
10. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and stormwaters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices;
11. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will ensure they are not subject to flooding and to provide protection from inundation by the regulatory flood;
12. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will ensure that the facilities are situated at elevations above the height associated with the base flood elevation or are adequately floodproofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters.

The purposes of the City of Norman's Flood Hazard District are stated as follows:

*Statutory Authorization. Description and purpose.* The Legislature of the State of Oklahoma has in the Oklahoma Floodplain Management Act, Sections 1601 through 1620.1 of Title 82 of the Oklahoma Statutes, delegated the responsibility, and authorized local governments, to adopt and enforce regulations designed to minimize flood losses within this Flood Hazard District . . . The City thus declares that it is the purpose of this Flood Hazard District to exercise this delegated authority, to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas;
7. Control in special flood hazard areas, uses such as fill dumping, storage of materials, structures, buildings and any other works which, acting alone or in combination with other existing or future uses, would cause damaging flood heights or erosive velocities by obstructing flows and reducing floodplain storage;

8. Ensure that potential buyers are notified that property is in a floodprone area;
9. Meet the needs of the streams to carry floodwaters and protect the creek channels and floodplains from encroachment so that flood heights and flood damage will not be increased;
10. Enhance existing protections for residents, structures, and public facilities from flood damage;
11. Preserve floodplain areas for their open space and natural habitat values; and
12. Establish provisions and procedures that will provide additional protections for floodplain areas with no net loss of allowable density on affected lots and parcels.

City Staff will be present to provide any additional information the BOA may require in evaluating the attached application.

**CONCLUSION:** Staff forwards Home Creations, Inc.'s appeal of the Floodplain Permit Committee's denial of Floodplain Permit Application NO. 716 and BOA-2526-2 to the Board of Adjustment for consideration.







**STAFF REPORT**

06/02/2025

**PERMIT NO. 716**

**ITEM:** This Floodplain Permit Application is for the proposed burn pit in the Bishop Creek floodplain near Eagle Cliff West subdivision.

**BACKGROUND:**

APPLICANT: Home Creations

Builder: ESO Excavation, LLC

ENGINEER: SMC Consulting Engineers, P.C.

On March 13, 2025, a floodplain notice of violation was sent to the applicant in regards to illegal fill in the Bishop Creek floodplain near Eagle Cliff West Subdivision. Trees that had been cleared for the development had been discarded into the adjacent floodplain. A complaint had been filed by two different groups of inspectors that had discovered the violation during routine inspections. Home Creations staff met with City staff to discuss a remedy. Staff recommended removal of the fill from the floodplain and disposal of the material offsite outside of the floodplain. The applicant indicated that removal of the material from the floodplain was not possible and proposed to burn the fill on site using an air curtain incinerator in a 10' wide by 30' long and 10' deep burn pit. Air curtain incineration involves the use of a forced air "curtain" that contains smoke and particulates and recirculates the material and re-burns it reducing smoke and emissions significantly. The applicant has indicated that multiple pits will likely be required to dispose of all the material. According the applicant's engineer, this process leaves little to no remaining material and will effectively remove the fill from the floodplain and satisfy the requirements of the notice of violation. This process is weather dependent and likely to take several months to complete. The applicant has contacted the Norman Fire Marshall and began the process of obtaining a burn permit for this work.

**STAFF ANALYSIS:**

Site located in Little River Basin or its Tributaries? Yes ☐ No ☒

According to the latest FIRM, the site of the proposed work is located in the Bishop Creek Floodplain (Zone AE). At the proposed site, the BFE is 1088.0'. Aerial images from multiple years indicate that the area is regularly inundated with water where a significant amount of the material is currently located. The applicant has indicated they plan to move the material further north, but partially inside the regulatory floodplain to create the burn pits. See attached plans and aerial maps. The applicant has indicated that some of the burn pits may be outside of the floodplain, but likely, most won't be. Staff recommendation would be that work be performed outside of the regulatory floodplain negating the need for the permit to address the existing violation, the applicant has indicated that removing the fill from the floodplain in a manner other than burn pits at this location is not possible.

Applicable Ordinance Sections:

Subject Area:

36-533	(e)2(a).....	Fill restrictions
	(e)2(e).....	Compensatory storage
	(f)(3)(8) .....	No rise considerations

(e)2(a) and (e)2(e) Fill Restrictions in the Floodplain and Compensatory Storage – Fill is restricted because storage capacity is removed from floodplains, natural drainage patterns are adversely altered, and erosion problems can develop. Compensatory storage must be provided within the general location of any storage that is displaced by fill or other development activity and must serve the equivalent hydrologic function as the portion which is displaced with respect to the area and elevation of the floodplain.

The applicant has indicated that an air curtain incinerator will leave little to no material once the process is complete. This would correct the existing violation and satisfy the requirement once the work is complete.

(f)3(a)(8) No Rise Considerations – For proposed development within any flood hazard area (except for those designated as regulatory floodways), certification that a rise of no more than 0.05 ft. will occur in the BFE on any adjacent property as a result of the proposed work is required. For proposed development within a designated regulatory floodway, certification that no increase in the BFE on any adjacent property as a result of the proposed work is required.

The project engineer has submitted a No Rise statement indicating that this project will not cause a rise in the BFE at this location, meeting the ordinance requirements.

**Conclusion:** Staff forwards this application for Floodplain Permit #716 to Floodplain Permit Committee for their consideration.

**ACTION TAKEN:** \_\_\_\_\_





# City of Norman

## Floodplain Permit Application

Floodplain Permit No. 716

Building Permit No. \_\_\_\_\_

Date 05/22/2025 6/2/2025

### FLOODPLAIN PERMIT APPLICATION (\$100.00 Application Fee Required)

#### **SECTION 1: GENERAL PROVISIONS (APPLICANT to read and sign):**

1. No work may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Occupancy is issued.
5. The permit will expire if no work is commenced within 2 years of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements and must be included with this floodplain permit application.
7. Applicant hereby gives consent to the City of Norman or his/her representative to access the property to make reasonable inspections required to verify compliance.
8. The following floodplain modifications require approval by the City Council:
  - (a) A modification of the floodplain that results in a change of ten percent (10%) or more in the width of the floodplain.
  - (b) The construction of a pond with a water surface area of 5 acres or more.
  - (c) Any modifications of the stream banks or flow line within the area that would be regulatory floodway whether or not that channel has a regulatory floodplain, unless the work is being done by the City of Norman staff as part of a routine maintenance activity.
9. All supporting documentation required by this application is required along with the permit fee by the submittal deadline. Late or incomplete applications will not be accepted.
10. I, THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

#### **SECTION 2: PROPOSED DEVELOPMENT (To be completed by APPLICANT.)**

APPLICANT: Home Creations ADDRESS: 2240 N. Broadway, Moore, OK 73160

TELEPHONE: (405) 692-2222 SIGNATURE: mo sharifi

BUILDER: ESO Excavation, LLC ADDRESS: P.O. Box 1001 Mustang, OK 73064

TELEPHONE: (405) 554-3478 SIGNATURE: Eric Owens

ENGINEER: SMC Consulting Engineers, P.C. ADDRESS: 815 W. Main, OKC, OK 73106

TELEPHONE: (405) 232-7715 SIGNATURE: C.D. Q

**PROJECT LOCATION**

To avoid delay in processing the application, please provide enough information to easily identify the project location. Provide the street address, subdivision addition, lot number or legal description (attach) and, outside urban areas, the distance to the nearest intersecting road or well known landmark. A sketch attached to this application showing the project location would be helpful.

Eagle Cliff West, Section 1

Approximate Center of Site: 35°10'00.6"N / 97°26'03.2"W

**DESCRIPTION OF WORK (Check all applicable boxes):****A. STRUCTURAL DEVELOPMENT**ACTIVITYSTRUCTURE TYPE

- |  |   |
|--|---|
| <input type="checkbox"/> New Structure         | <input type="checkbox"/> Residential (1-4 Family)                                       |
| <input type="checkbox"/> Addition              | <input type="checkbox"/> Residential (More than 4 Family)                               |
| <input type="checkbox"/> Alteration            | <input type="checkbox"/> Non-Residential (Flood proofing? <input type="checkbox"/> Yes) |
| <input type="checkbox"/> Relocation            | <input type="checkbox"/> Combined Use (Residential & Commercial)                        |
| <input checked="" type="checkbox"/> Demolition | <input type="checkbox"/> Manufactured (Mobile) Home                                     |
| <input type="checkbox"/> Replacement           | <input type="checkbox"/> In Manufactured Home Park? <input type="checkbox"/> Yes        |

ESTIMATED COST OF PROJECT \$ TBD Work that involves substantial damage/substantial improvement requires detailed cost estimates and an appraisal of the structure that is being improved.

**B. OTHER DEVELOPMENT ACTIVITIES:**

- ☐ Fill    ☐ Mining    ☐ Drilling    ☐ Grading
- ☒ Excavation (Beyond the minimum for Structural Development)
- ☐ Watercourse Alteration (Including Dredging and Channel Modifications)
- ☐ Drainage Improvements (Including Culvert Work)    ☐ Road, Street or Bridge Construction
- ☐ Subdivision (New or Expansion)    ☐ Individual Water or Sewer System

In addition to items A. and B. provide a complete and detailed description of proposed work (failure to provide this item will be cause for the application to be rejected by staff). Attach additional sheets if necessary.

Burning cleared trees within floodplain while using air curtain incinerator and associated burn pit.

Burn pit to be approximately 10' wide by 30' long by 10' deep.

### C. ATTACHMENTS WHICH ARE REQUIRED WITH EVERY APPLICATION:

The applicant must submit the documents listed below before the application can be processed. If the requested document is not relevant to the project scope, please check the Not Applicable box and provide explanation.

- A. Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel, floodway, and the regulatory flood-protection elevation.
- B. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information.

☒ Not Applicable:

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- C. Subdivision or other development plans (If the subdivision or other developments exceeds 50 lots or 5 acres, whichever is the lesser, the applicant **must** provide 100-year flood elevations if they are not otherwise available).

☒ Not Applicable:

---



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- D. Plans (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information.

☒ Not Applicable:

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- E. A profile showing the slope of the bottom of the channel or flow line of the stream.

☒ Not Applicable:

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- F. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures.

☒ Not Applicable:

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- G. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

☒ Not Applicable:

---

- H. For proposed development within any flood hazard area (except for those areas designated as regulatory floodways), certification that a rise of no more than five hundredths of a foot (0.05') will occur on any adjacent property in the base flood elevation as a result of the proposed work. For proposed development within a designated regulatory floodway, certification of no increase in flood levels within the community during the occurrence of the base flood discharge as a result of the proposed work. All certifications shall be signed and sealed by a Registered Professional Engineer licensed to practice in the State of Oklahoma.
- I. A certified list of names and addresses of all record property owners within a three hundred fifty (350) foot radius of the exterior boundary of the subject property not to exceed 100 feet laterally from the Special Flood Hazard Area. The radius to be extended by increments of one hundred (100) linear feet until the list of property owners includes not less than fifteen (15) individual property owners of separate parcels or until a maximum radius of one thousand (1,000) feet has been reached.
- J. A copy of all other applicable local, state, and federal permits (i.e. U.S. Army Corps of Engineers 404 permit, etc).

**After completing SECTION 2, APPLICANT should submit form to Permit Staff for review.**

**SECTION 3: FLOODPLAIN DETERMINATION (To be completed by Permit Staff.)**

The proposed development is located on FIRM Panel No.: 40027C0295J, Dated: 02/20/2013

The Proposed Development:

☐ Is NOT located in a Special Flood Hazard Area

(Notify the applicant that the application review is complete and NO FLOODPLAIN PERMIT IS REQUIRED).

☒ Is located in a Special Flood Hazard Area.

☐ The proposed development is located in a floodway.

☒ 100-Year flood elevation at the site is 1089.00 Ft. NGVD (MSL) ☐ Unavailable

See Section 4 for additional instructions.

SIGNED: 

DATE: 5/29/25

**SECTION 4: ADDITIONAL INFORMATION REQUIRED (To be completed by Permit Staff.)**

The applicant must also submit the documents checked below before the application can be processed.

- ☐ Flood proofing protection level (non-residential only) \_\_\_\_\_ Ft. NGVD (MSL). For flood proofed structures applicant must attach certification from registered engineer.
- ☐ Certification from a registered engineer that the proposed activity in a regulatory floodway will not result in any increase in the height of the 100-year flood (Base Flood Elevation). A copy of all data and calculations supporting this finding must also be submitted.
- ☒ Certification from a registered engineer that the proposed activity in a regulatory flood plain will result in an increase of no more than 0.05 feet in the height of the 100-year flood (Base Flood Elevation). A copy of all data and calculations supporting this finding must also be submitted.
- ☐ All other applicable federal, state, and local permits have been obtained.

Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SECTION 5: PERMIT DETERMINATION (To be completed by Floodplain Chairman.)**

The proposed activity: (A) ☐ **Is**; (B) ☐ **Is Not** in conformance with provisions of Norman's City Code Chapter 22, Section 429.1. The permit is issued subject to the conditions attached to and made part of this permit.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

If **BOX A** is checked, the Floodplain committee chairman may issue a Floodplain Permit.

If **BOX B** is checked, the Floodplain committee chairman will provide a written summary of deficiencies. Applicant may revise and resubmit an application to the Floodplain committee or may request a hearing from the Board of Adjustment.

APPEALS: Appealed to Board of Adjustment: ☐ Yes ☐ No  
 Hearing date: \_\_\_\_\_

Board of Adjustment Decision - Approved: ☐ Yes ☐ No

Conditions:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SECTION 6: AS-BUILT ELEVATIONS (To be submitted by APPLICANT before Certificate of Occupancy is issued.)**

1. FEMA Elevation Certificate  
and/or
2. FEMA Floodproofing Certificate

NOTE: The completed certificate will be reviewed by staff for completeness and accuracy. If any deficiencies are found it will be returned to the applicant for revision. A Certificate of Occupancy for the structure will not be issued until an Elevation and /or Floodproofing Certificate has been accepted by the City.



Consulting Engineers, P.C.  
815 West Main  
Oklahoma City, OK 73106  
405-232-7715  
FAX 405-232-7859  
www.smcokc.com

*Civil Engineering  
Land Development  
Storm Water Management*

Terence L. Haynes  
Christopher D. Anderson  
Muhammad A. Khan

May 22, 2025

Mr. Scott Sturtz, P.E., CFM  
Floodplain Administrator  
City of Norman

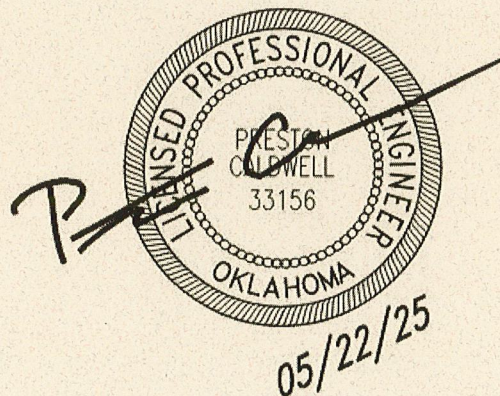
RE: No Rise Certification for  
Eagle Cliff West, Section 1  
Norman, Oklahoma  
SMC #6552.01

Dear Mr. Sturtz,

As a part of the proposed construction of Eagle Cliff Section 1, there were trees cleared to allow the subdivision to be built. These trees have been pushed offsite within the adjacent FEMA Effective Floodplain to be burned. The contractor will be utilizing an air curtain incinerator with an appropriately sized burn pit (roughly 10' wide by 30' long by 10' deep). With this incineration process, there will be little to no remaining material upon completion of the burning. Nonetheless, there will be no rise in the base flood elevation (BFE) or adverse impact will occur on the property or any adjacent properties, upstream or downstream.

Sincerely,  
SMC Consulting Engineers, P.C.

Preston Caldwell, P.E.

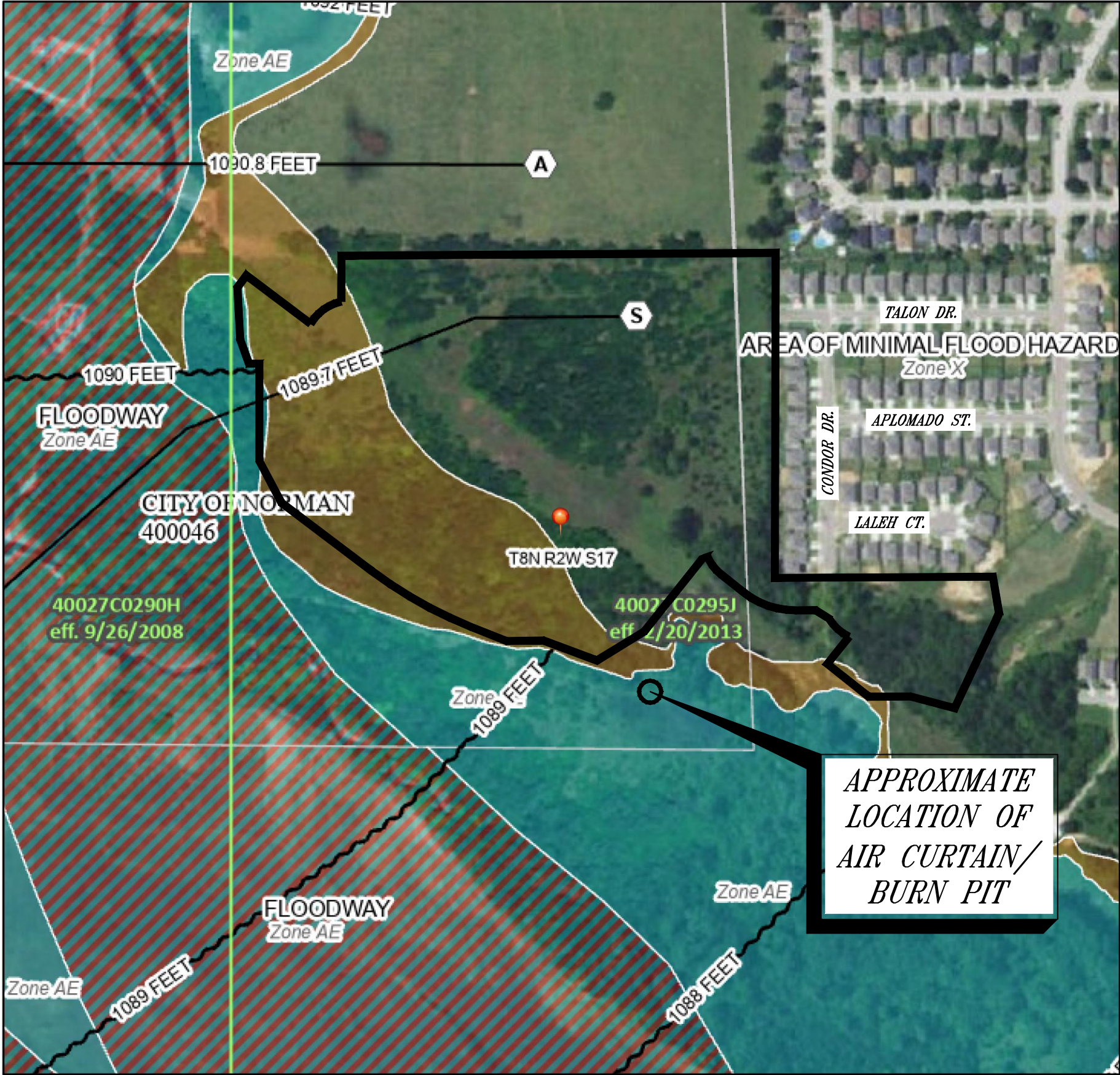




# National Flood Hazard Layer FIRMMette



97°26'23"W 35°10'11"N



97°25'45"W 35°9'42"N

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available

MAP PANELS		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/22/2025 at 1:58 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

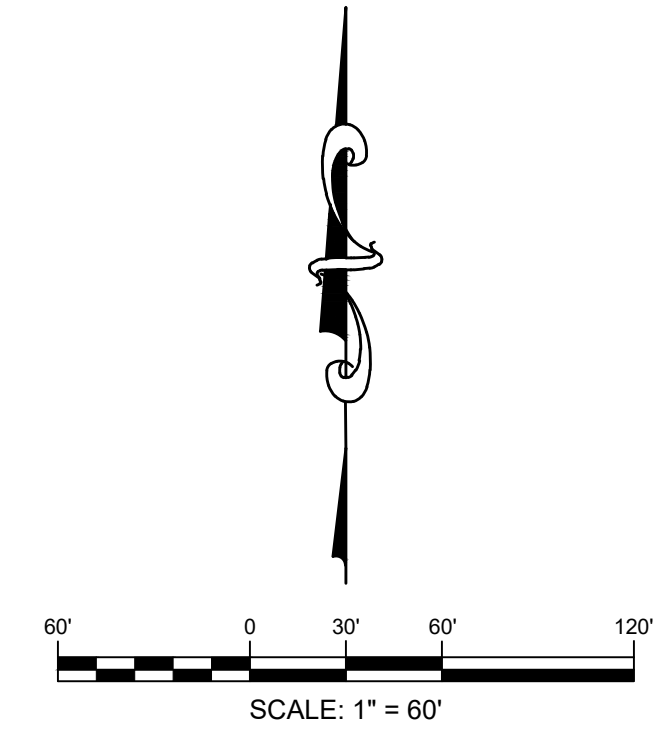
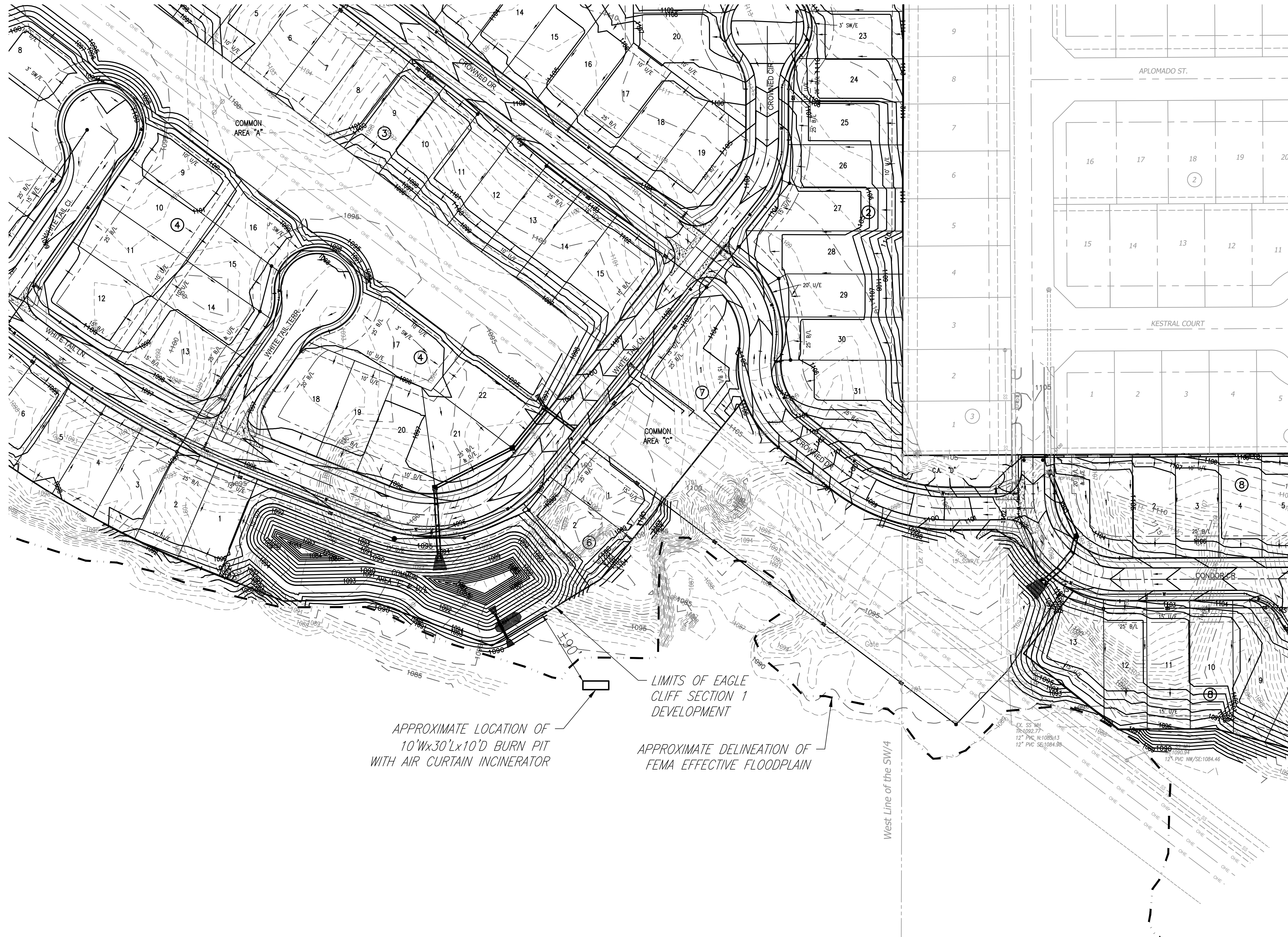
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



# SITE & GRADING PLAN FOR FLOODPLAIN ACTIVITY PERMIT

## **EAGLE CLIFF WEST SECTION 1**

A PART OF THE N.E. ¼ OF SECTION 16, T13N, R5W, I.M.  
OKLAHOMA CITY, CANADIAN COUNTY, OKLAHOMA



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**EAGLE CLIFF WEST SECTION 1**

**JENKINS AVE. & POST OAK DR.  
NORMAN, OKLAHOMA**

**SMC**  
SMC Consulting Engineers, P.C.  
6110 S. Lincoln Blvd., Suite 200  
Norman, Oklahoma 73069  
Phone: 405-232-7715 Fax: 405-232-7659  
Website: www.smcok.com

OKLAHOMA CERTIFICATE OF AUTHORIZATION NO. CA 464 EXP. 06/30/2025

No.	Revision	By	Date

PROJECT NO.: 6552.01  
DATE: 05/22/25  
SCALE: 1" = 60'  
DRAWN BY: SY  
ENGINEER: CHRISTOPHER D. ANDERSON  
P.E. NUMBER: 18288

**SITE & GRADING PLAN  
FOR FLOODPLAIN  
ACTIVITY PERMIT**

SHEET NO.  
**EXHIBIT 1**





# The City of NORMAN

225 N. Webster • P.O. Box 370  
Norman, Oklahoma 73069 • 73070

Item 3.

March 13, 2025

Home Creations  
c/o Hossein Farzaneh  
2252 North Broadway Street  
Moore, OK 73160

**Certified Mail**  
Regular U.S. Mail  
Email: [DEQ@homecreations.com](mailto:DEQ@homecreations.com)

Re: Illegal Modification and Fill in the Bishop Creek Floodplain at Eagle Cliff West Development

Dear Mr. Farzaneh:

City staff investigated illegal modifications of the floodplain and illegal fill material in the floodplain on property you own immediately south of the Eagle Cliff West Development. The location of the excavation and fill material are indicated on the attached map and are located within the City of Norman (1% chance) floodplain Zone AE.

City records indicate that floodplain permits have not been obtained to perform modifications or place fill within the floodplain, which is a violation of the floodplain ordinance. In summary, you are in violation of the City Code of Ordinances Chapter 36 Section 533 FH, Flood Hazard District, which has been adopted by City Council.

## Section 533 FH (f)(14) - Enforcement of Violations

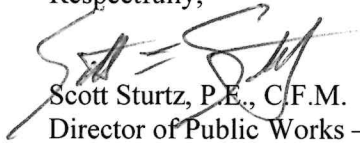
- a. Each day during which a violation exists shall constitute a separate offense.
- b. For each offense cited, a penalty of not less than \$50.00 nor more than \$750.00 shall be assessed to:
  1. The owners of record; and/or
  2. Any person employed in connection therewith and who may have assisted in the commission of such violation.
    - i. In addition to the penalties provided in NCC 1-114, the City may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this article or to correct the violations thereof. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited buildings, structures, obstructions, or improvements, nor prevent the enforcement, correction, or removal thereof.
    - ii. The legally recorded owner of any property located in a special flood hazard area onto which fill material of any nature has been applied, with or without his knowledge and in violation of the provisions of this article, shall immediately, and at his expense, remove all such material upon written request to do so by the Director of Public Works. Upon failure of the property owner to complete this work in a timely manner, the City Council may order the work to be completed and expenses charged to the property owner or levied against the property.
    - iii. Any and all apprehended persons depositing fill material of any nature in violation of this article shall be prosecuted to the fullest extent of the law.

Please be aware that any development including modifications or placing of fill in the floodplain requires a floodplain permit from the City. More information is available on the City's website

([www.normanok.gov](http://www.normanok.gov)) by clicking the Flood Hazard Protection link on the Stormwater Division's home page. The floodplain permit application form can be downloaded from the website also.

Please apply for floodplain permits or remove fill and return the disturbed areas to their original condition by April 13, 2025. Failure to comply may result in the aforementioned penalties, as well as any other means of removal or compliance attainment allowed by law. Please contact Jason Murphy at (405) 366-5455 if you need further information about the floodplain permit.

Respectfully,



Scott Sturtz, P.E., C.F.M.

Director of Public Works – Floodplain Administrator

cc: Darrell Pyle, City Manager  
Shannon Stevenson, Assistant City Manager  
Tim Miles, City Engineer  
Beth Muckala, Assistant City Attorney III  
Jason Murphy, Stormwater Program Manager  
Todd McLellan, Development Engineer





## Eagle Cliff West

### Legend

- 1% Chance Floodplain
- Floodway
- Lot Line
- Parcel



Mar 10, 2025 at 11:29:01 AM  
Norman OK 73072  
United States










Item 3.



## Eagle Cliff West 2023

### Legend




-  BFE 2021
-  1% Chance Floodplain
-  Floodway





## Eagle Cliff West Dec. 2024 Approximate Burn Pit Locations

### Legend

-  BFE 2021
-  1% Chance Floodplain
-  Floodway





## CITY OF NORMAN, OK

### FLOODPLAIN PERMIT COMMITTEE MEETING

Development Center, Conference Room B, 225 N. Webster Avenue,  
Norman, OK 73069

Monday June 2, 2025 at 3:30 PM

## MINUTES

The Floodplain Permit Committee of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Conference Room B at the Development Center, on the 2nd day of June, 2025, at 3:30 p.m., and notice of the agenda of the meeting was posted at the Norman Municipal Building at 201 West Gray, Development Center at 225 N. Webster and on the City website at least 24 hours prior to the beginning of the meeting.

### ROLL CALL

The meeting was called to order by Mr. Sturtz at 3:31 p.m. Roll was taken. Committee members in attendance included Bill Scanlon, Resident Member; Sherri Stansel, Resident Member; Scott Sturtz, Floodplain Administrator; Tim Miles, City Engineer; Lora Hoggatt, Public Services Manager; and Ken Danner, Subdivision Development Manager. Committee members absent included Jane Hudson, Director of Planning. Also in attendance were Jason Murphy, Stormwater Program Manager; and Roxsie Stephens, Staff. Citizens in attendance included Chris Dragg, Ken Dragg, Audra Carr, John Carr, Mo Sharifi, Chris Anderson, Kevin Potts, and J W Dansby.

### MINUTES

1. Approval of minutes from the April 7<sup>th</sup> 2025 meeting
  - a. Minutes were approved with a vote of 5 to 0, with a minor edit made to spelling.
  - b. Mr. Sturtz abstained from voting as he was absent this meeting.
2. Approval of minutes from the May 19<sup>th</sup> 2025 meeting
  - a. Minutes were approved with a vote of 5 to 0.
  - b. Mrs. Hoggatt abstained from voting as she was absent this meeting.

### ACTION ITEMS

3. Floodplain Permit No. 716

Mr. Sturtz stated that the floodplain permit application is for the proposed creation of a burn pit in the Bishop Creek floodplain near Eagle Cliff West development.

Mr. Murphy stated the applicant is Home Creations. The builder is ESO Excavation, LLC and the engineer is SMC Consulting Engineers, P.C.

Mr. Murphy provided a staff report, detailing the request and plan to create a burn pit in the Bishop Creek floodplain with respect to the floodplain permit requirements and potential impacts.

Mr. Murphy stated staff presents permit app #716 to the committee for consideration.



Mr. Sturtz asked the committee if they had any questions.

Mr. Scanlon stated an observation that the applicant had to have knowledge that their actions that led to a need for removal were in violation of floodplain ordinances. Mr. Scanlon then asked for clarity on why their proposed solution is specifically for a burn pit and if it is due to the economic cost savings. Mr. Anderson, with SMC Consulting Engineers, stated that it would be impossible to remove the trees out of there due to the condition of the ground. Mr. Anderson asked Mr. Sharifi, with Home Creations, if he had any input to add to the answer. Mr. Sharifi declined to provide a statement.

Mrs. Stansel asked if this is what the meeting with staff and the applicant, prior to the committee meeting, had gone. Mr. Sturtz clarified that the preliminary meeting with the applicant was to discuss what options were available. Mr. Scanlon asked if there would be a fine applied to the applicant for the floodplain violations that have been made. Mrs. Sturtz advised that administration is currently allowing the applicant to work towards a solution.

Mr. Sturtz made a statement that he was concerned of multiple burn pits being needed, the permit is for a burn pit, not multiples. He also requested for more information on what would be done with the soil that is removed for the burn pits while the burn pit is in operation, as the location is within a floodplain. He also expressed concern over the destruction of native plants and additional erosion caused.

Mr. Anderson stated that they needed to create the burn pits as close to the tree piles within the floodplain as possible due to the excessive amounts of rain received and soft ground. Mr. Sturtz stated that the applicant was able to haul the trees into the floodplain area with soft ground so the reasoning does not stand.

Mrs. Hoggatt asked Mr. Anderson and Mr. Sharifi for confirmation that they chose to complete mass grading and remove every single tree. Mr. Sharifi and Mr. Anderson did not answer but Mr. Sturtz did confirm that yes, the applicant had done mass grading to the development area. Mrs. Hoggatt asked Mr. Sharifi why they chose to haul the trees into the adjacent floodplain area rather than disposing alternatively. Mr. Sharifi responded that they own that land and were not aware of a restriction.

Mr. Sturtz asked again for an answer on what will happen with the soil that is dug up, will the trees being burned leave any remaining material that will create more fill in the floodplain and will they be disturbing additional native vegetation. Mr. Anderson then stated that the soil would be removed, there would be a hole and that would act as compensatory storage. Mr. Sturtz stated that it would not be while there is trees occupying the space within the hole. Mr. Anderson stated that he understands that but they are being asked to remove the trees and that is why they are here. Mr. Anderson stated the pile of dirt should not be a problem for this reason. He also stated that the incineration of the trees, based on his research shows, would leave only minimal ash. Mr. Anderson stated that the soil would remain next to the burn pit while in operation and when finished, the soil would be moved back into the hole. Mr. Danner stated for clarification that the soil would remain in the floodplain while the burn pits are in operation, potentially dispersing water. Mrs. Stansel pointed out that the staff report states that aerial footage shows the area to be under water numerous times of the year. The land having a high water table will interfere with the plan for a burn pit.

Mr. Sturtz asked for any comments from the public.

Mr. John Carr stated that the applicant is being dishonest when they say it is impossible to remove the trees from the floodplain. Mr. Carr stated that when you burn that amount of wood, there would be an excess amount of emissions released into the air and an air quality permit would be required. Mr. Carr explained that they work on the adjacent property and are very familiar with the land and the water table present. Mr. Carr stated that while the ground will be soft, it is not impossible to find equipment possible of removing the trees. Mr. Carr then explained how the trees are displacing sand into the Bishop Creek, which is changing the creek entirely and decreasing the capacity of the creek. This is leading to flooding onto their land and the potential of substantial financial loss.

Mrs. Audra Carr stated that she also owns the property south of this area. She provided additional details surrounding the changes to Bishop Creek. She stated that there two log jams currently, one being 80ft long at least and 80ft wide. The sediment is flowing south and the creek is becoming increasingly shallower.

Mr. Kevin Potts stated that he could confirm what Mr. and Mrs. Carr had stated. He stated that the development should not impact your neighbor.

Mr. Scanlon motioned to deny the permit. Mrs. Stansel seconded the motion. **The permit application was denied with a vote of 6-0.**

#### 4. Floodplain Permit No. 717

Mr. Sturtz stated that the floodplain permit application is for the proposed replacement of a pedestrian bridge over Brookhaven Creek near 705 36<sup>th</sup> Ave NW.

Mr. Sturtz said the applicant is Chris Dragg. The builder is Chris Dragg and the Engineer is Dansby Engineering, PLC.

Mr. Murphy presented the staff report, providing details of requirements for the replacement bridge, with respect to the Floodplain permit requirements.

Mr. Murphy stated staff recommends Floodplain Permit Application #717 be approved.

Mr. Sturtz asked the committee if they have any questions.

Mr. Scanlon asked if they were improving the materials used on this bridge. Mr. Sturtz asked if it had been wood used previously. Mr. Dragg confirmed that it had been wood previously and they are using stronger materials.

Mr. Sturtz asked for any comments from the public.

Mr. Danner motioned to approve. Mr. Scanlon seconded the motion. **The permit application was approved with a vote of 6-0.**

#### MISCELLANEOUS COMMENTS

Mr. Scanlon stated that he feels enforcement to the applicant of #716 for the floodplain violations would be the correct action to take.

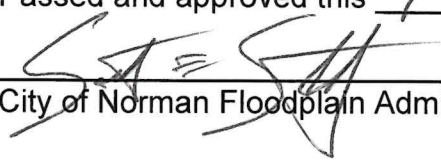
Mr. Sturtz advised the committee that he had to issue an emergency permit for a pipe replacement to reopen a road and that permit would be presented at the next meeting.



**ADJOURNMENT**

Mr. Danner motioned to adjourn. Mr. Scanlon seconded the motion. Mr. Sturtz adjourned the meeting at 4:25 p.m.

Passed and approved this 7<sup>th</sup> day of July, 2025

  
\_\_\_\_\_  
City of Norman Floodplain Administrator, Scott Sturtz



The City of  
**NORMAN**

225 N. Webster  
Norman, Oklahoma 73069

Item 3.

June 3, 2025

**Certified Mail**

Home Creations  
c/o Hossein Farzaneh  
2252 North Broadway Street  
Moore, OK 73160

Regular U.S. Mail  
Email: [DEQ@homecreations.com](mailto:DEQ@homecreations.com)

Re: Floodplain Permit Application #716

Dear Mr. Farzaneh:

Floodplain Permit Application #716 was denied by the Floodplain Permit Committee by a vote of 6 against and 1 absent. The no votes indicated that not enough information was provided to address concerns related to following sections of the Flood Hazard District Ordinance:

36-533: (f) *Floodplain permit administration.*

(5) *Approval or denial:*

Approval or denial of a floodplain permit request, as required by subsection (e)(4)a and b of this section, by the Floodplain Permit Committee shall be based on all of the provisions of this chapter and the following relevant factors:

- (i) The availability of alternative locations, not subject to flooding or erosion damage for the proposed use;

Additionally, the submitted plans for the floodplain permit application contained a single burn pit location, but in subsequent conversations both prior to and during the Floodplain Permit Committee meeting, it was indicated that multiple pits would be required at indeterminate locations with no analysis provided to indicate potential effects on the floodplain. Concerns were also raised as to the impacts the proposed work would have on maintaining the open space and natural values of the floodplain, specifically native vegetation, which were also not adequately addressed.

Per the Flood Hazard District Ordinance section listed below, you may request a hearing from the City's Board of Adjustment to appeal this decision. If you wish to do so, please contact the City's Planning and Community Development Department at (405) 366-5433.

36-533: (f) *Floodplain permit administration.*

(7) *Appeals:*

Appeals from any decision of the Floodplain Permit Committee may be taken by any person or persons, jointly or severally, aggrieved by any decision of the Committee, to the Board of Adjustment. The Board of Adjustment shall consider the appeal at a regular or special meeting as soon as practicable and make its decision on the suitability of the proposed use in relation to the flood hazard. Any persons aggrieved by the decision of the Board of Adjustment may appeal such decision to a court of competent jurisdiction. At least two members of the Board of Adjustment shall have

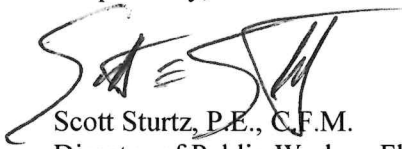


successfully completed the eight-hour basic floodplain training offered by the State Water Resource Board or equivalent training or education.

If you have further questions about the floodplain permit application or the City's Flood Hazard Ordinance, please contact City Public Works staff at (405) 366-5455.

Floodplain Permit Application #716 was applied for to address the March 13, 2025 Notice of Violation (NOV) related to illegal modifications and fill in the Bishop Creek Floodplain at Eagle Cliff West Development. The timeframe given to address that violation expired on April 13, 2025. That deadline had been extended while you were actively working with City staff to find a solution to address the violation. Please provide alternative solutions to address this violation by June 13, 2025 or you will be subject to penalties outlined in the March 13, 2025 NOV.

Respectfully,



Scott Sturtz, P.E., C.F.M.

Director of Public Works – Floodplain Administrator

cc: Jane Hudson, Director of Planning and Development  
Tim Miles, City Engineer  
Ken Danner, Subdivision Development Manager  
Lora Hoggatt, Planning Services Manager  
Bill Scanlon, Citizen Member  
Sheri Stansel, Citizen Member  
Jason Murphy, Stormwater Program Manager  
Todd McLellan, Development Engineer















