



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Wednesday, May 22, 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.

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

ROLL CALL

MINUTES

1. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES OF THE APRIL 24, 2024 BOARD OF ADJUSTMENT MEETING.

ACTION ITEMS

2. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2324-17: SUE AND VYTAUS RINGUS REQUEST A VARIANCE TO 36-514(c)(2)(b) AND 36-514(d)(2) OF 15' TO THE 25' SIDE SETBACK (15' SIDE PLUS 10' FOR HEIGHT ABOVE 10'), RESULTING IN A 10' SIDE YARD SETBACK ON COLLEGE AVENUE, AND A VARIANCE TO 36-514(d)(2) OF 9' TO THE 11' REAR YARD SETBACK (1' FROM ALLEY PLUS 10' FOR HEIGHT ABOVE 10'), RESULTING IN A 2' SETBACK ON THE ALLEY RIGHT-OF-WAY, FOR A NEW ACCESSORY BUILDING AT 530 W. EUFAULA STREET.
3. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2324-16: DON AND ROBIN ALLEN REQUEST A VARIANCE TO 36-514(c)(3) OF 11'6" TO THE 20' REAR YARD SETBACK, RESULTING IN AN 8'6" SETBACK, TO ALLOW THE ADDITION OF A MASTER BEDROOM AND BATHROOM SUITE ON THE FIRST FLOOR OF THE EXISTING HOME LOCATED AT 6 BINGHAM PLACE.

MISCELLANEOUS COMMENTS

ADJOURNMENT



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 5/22/2024

REQUESTER:

PRESENTER: Roné Tromble, Admin. Tech. IV

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES OF THE APRIL 24, 2024 BOARD OF ADJUSTMENT MEETING.

ACTION NEEDED: Approve, reject, amend, or postpone the minutes of the April 24, 2024 Board of Adjustment meeting.



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

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, April 24, 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.

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

ROLL CALL

PRESENT

Brad Worster
Micky Webb
Curtis McCarty
Ben Bigelow

ABSENT

James Howard

A quorum was present.

STAFF PRESENT

Justin Fish, Planner I
Jane Hudson, Director of Planning & Community Development
Roné Tromble, Admin. Tech. IV
Beth Muckala, Assistant City Attorney

MINUTES

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

Motion made by Worster, seconded by Webb, to approve the March 27, 2024 Board of Adjustment minutes as presented.

Voting Yea: Worster, Webb, Bigelow, McCarty

The motion to approve the March 27, 2024 Board of Adjustment minutes as presented passed by a vote of 4-0.

*

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.

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.

Mr. McCarty asked about the 20' side setback on the south and the 25' platted build line. Mr. Fish explained that the house was built facing Smoking Oak Road, so the 25' front setback should be on the west side, with the 20' side on the south.

Ms. Muckala explained there are two different codes which address setbacks. The Zoning Ordinance is always going to set them based on the district they are in; the Board of Adjustment only has the power to vary the Zoning Ordinance. The BOA cannot vary a plat. The Subdivision Code requires that setbacks be shown on a plat. Sometimes a developer shows a setback that is different from what the zoning would require. The Board's decision will not affect whether Public Works allows them to move forward on the building permit. The Board's decision is whether to allow them the 11'2" variance to the 20' setback.

Mr. McCarty asked if they could get a permit to add 5' out to the 20' zoning setback without going to the Board. Ms. Muckala said if they are complying with the zoning ordinance they would have no need to come to the Board. If they were dealing with an issue of complying with the platted build line, there would be nothing to bring to the Board.

Mr. Worster asked why the decision on building past the platted build line wouldn't be decided before coming to the Board for a variance. Ms. Muckala said they can't submit the building permit. She is not aware of Public Works comments on this. She is not sure of our policy for which one comes first where it might require both. If the Board wishes to make their vote contingent upon approval to exceed the platted build line as determined by Public Works staff, that can be done. If they have a platting issue, that is going to be addressed separately. The Board's decision to allow them to vary the zoning ordinance is not going to force a subdivision change.

Mr. Fish reported that he spoke with Jack Burdett, who said he didn't see any reason why it would have any hang-up on their side.

Mr. McCarty noted the survey shows an encroachment in the front yard, and the drawing shows it to be 6' 15/16". He asked if that has been approved in the past. Mr. Fish responded that the porch on the west side of the property was approved with a building permit, however it is encroaching in the build line.

PRESENTATION BY THE APPLICANT: Matt and Kristi Morgan, 2601 Smoking O Road, presented photos of the area where the shelter room is proposed. There is no electrical or gas on the side of the house. The yard is bermed up to Chestnut Road. They are proposing the addition to the edge of the berm, which wouldn't cause much difference in the site. The addition would be a storm shelter to the south side, which is really the only place they could functionally put one above ground. There are some plat questions; it's a confusing plat. They are asking to add a storm shelter room on the south side of the house because they don't have a storm shelter.

Ms. Morgan added that the air conditioning units would be moved to the back side of the house, behind the fence. Mr. Morgan stated the roofline will be the same and the brick will be the same.

Mr. Worster asked if the fence is built approximately on the property line on Chestnut. Mr. Morgan did not know the measurement of the fence; it was existing when they bought the home. It is probably about 12' off the Chestnut curb. The fence pickets are 12" wide with a 2" gap for the trim piece. They do not plan to go past the first step-up in the fence after the gate.

Mr. McCarty asked about the window on the front of the house near the corner, which shows to be right at the corner on the drawing. Mr. Morgan said the window is not accurate on the drawing.

Mr. McCarty asked if they had looked at locating the shelter in the back yard. Mr. Morgan said they looked at it, but it doesn't work well. There is a tree they don't want to lose. There is 14' sliding glass door to the patio and a long kitchen window. There is nowhere to put a door that works for them. It is an open kitchen into the livingroom.

Mr. Morgan said it doesn't have to be 15'; they would not mind making it smaller and 12' would be fine.

Mr. Worster asked why the room is so big. Ms. Morgan said it would be weird to put a small bump-out on the side, and they will use it for other storage. Mr. Morgan said we seem to be getting more nighttime storms. They have two children who sleep upstairs. They would like to be able to have the kids sleep in the shelter when nighttime storms are expected.

Mr. Bigelow asked the distance from the fence to the curb. Mr. McCarty said the curb is usually 12' from the property line in a normal platted area.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Worster commented on the 20' front setback, which appears to be encroached into. Ms. Morgan stated the front porch was already there, but they built the dormer over it. Mr. Morgan said they met with City staff when they went through the permitting process for the addition above the porch. They removed the old porch and built the dormer over what was there and didn't extend past what was already existing. It was 25' from where he was told to measure. Mr. Worster responded that the survey drawing shows a 20' build line at the front of the house.

Mr. McCarty asked if the porch was covered when they bought the house. Mr. Morg said it was.

Mr. Bigelow asked if they will be able to get a permit if the variance is approved. Ms. Muckala said the information Mr. Fish received was that they would not have an issue; no official decision has been made. The Board can make their approval conditional upon Public Works signing off on the permit to acknowledge that there could be an issue. The Board's decision will not alter Public Works' decision, because they are bound by the subdivision regulations.

Motion made by Bigelow, seconded by Worster to approve BOA-2324-15 contingent on Public Works approval of the permit, and with a reduced size to a variance of 10'.

Mr. Worster commented that it a really pretty house.

Mr. Bigelow said part of the reason he is willing to move forward is that, in looking at the back of the house, he doesn't see how it could be put on the back without obstructing egress to windows.

Voting Yea: Bigelow

Voting Nay: Worster, Webb, McCarty

The motion to approve BOA-2324-15 with conditions failed by a vote of 1-3.

*

MISCELLANEOUS COMMENTS

Ms. Muckala reported that she has received a dismissal of the Raven appeal of the decision on the NextEra floodplain permits. The previous appeal was also dismissed, so both items are concluded.

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 5:04 p.m.

Secretary, Board of Adjustment



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 5/22/2024

REQUESTER: Sue and Vytaus Ringus

PRESENTER: Justin Fish, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2324-17: SUE AND VYTAUS RINGUS REQUEST A VARIANCE TO 36-514(c)(2)(b) AND 36-514(d)(2) OF 15' TO THE 25' SIDE SETBACK (15' SIDE PLUS 10' FOR HEIGHT ABOVE 10'), RESULTING IN A 10' SIDE YARD SETBACK ON COLLEGE AVENUE, AND A VARIANCE TO 36-514(d)(2) OF 9' TO THE 11' REAR YARD SETBACK (1' FROM ALLEY PLUS 10' FOR HEIGHT ABOVE 10'), RESULTING IN A 2' SETBACK ON THE ALLEY RIGHT-OF-WAY, FOR A NEW ACCESSORY BUILDING AT 530 W. EUFAULA STREET.

APPLICANT	Sue and Vytaus Ringus
LOCATION	530 W. Eufaula Street
ZONING	R-1, Single Family Dwelling District
REQUESTED ACTION	Variance to 36-514(c)(2)(b) and 36-514(d)(2) of 15' to the 25' side setback (15' side plus 10' for height above 10'), resulting in a 10' side yard setback on College Avenue, and a Variance to 36-514(d)(2) of 9' to the 11' rear yard setback (1' from alley plus 10' for height above 10'), resulting in a 2' setback on the alley right-of-way, for a new accessory building
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant is seeking the approval of two variances for the construction of an accessory building with an attached garage. This accessory building will be located on the south side of the property along the rear property line. Because of the location of the proposed structure the applicant will require two variances. The variances requested are as follows:

1. A variance of 15' to the required 25' side yard setback (15' side plus 10' for height above 10').
2. A variance of 9' to the required 11' rear yard setback (1' from alley plus 10' for height above 10').

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 previously consisted of two lots, each with a house. Lot Line Adjustment No. 1679, filed of record on August 30, 2023, combined the two lots with the front of the property facing W Eufaula St. The subject lot has also received a variance (BOA-2223-14 approved April 26, 2023) of 6' to the required 11' rear yard setback for the construction of this same accessory building. The applicant requested the original variance to preserve the mature trees on the property.

However the variance of 6' was not enough to avoid removing a tree so the applicant is now requesting a variance of 9' to the rear yard setback, and the variance of 15' to the side yard setback.

CONCLUSION: Staff forwards this request for BOA-2324-17 to the Board of Adjustment for consideration.



Item 2.

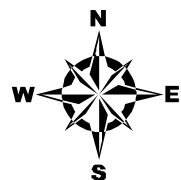
Subject Tract

**Chautauqua
Historic District**

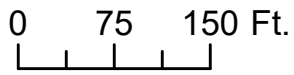
Location Map




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.



May 3, 2024



 Subject Tract

\\norman-01\city\departments\GIS\AcGIS\10_Map_Templates\Bk11_Location_Map\AcMap10.mxd



Application for Variance or Special Exception
BOARD OF ADJUSTMENT

Case No. BOA 2324-17

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

APPLICANT(S) <u>Sue Ringus</u> <u>Vytaus Ringus</u>	ADDRESS OF APPLICANT <u>530 W Eufaula St</u> <u>Norman, OK 73069</u>
---	--

NAME AND PHONE NUMBER OF CONTACT PERSON(S) <u>Brent Swift</u> <u>(405) 831-8222</u>	EMAIL ADDRESS <u>brentswift@gmail.com</u>
---	--

Legal Description of Property: (UNLESS THE LEGAL DESCRIPTION IS A SIMPLE LOT AND BLOCK, THE LEGAL DESCRIPTION MUST BE PROVIDED IN A WORD DOCUMENT EMAILED TO CURRENT.PLANNING@NORMANOK.GOV)

LOT 17A OF BLOCK 19 OF TR WAGGONERS FIRST
ADDITION NORMAN CLEVELAND COUNTY, OKLAHOMA

Requests Hearing for:

- VARIANCE from Chapter R1, Section 36-514(C)(2 & 3)
- 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:

Variance request is to preserve mature trees on
the property.

SIGNATURE OF PROPERTY OWNER(S):

ADDRESS AND TELEPHONE:

530 W Eufaula St
Norman, OK 73069

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:

5-1-2024

Checked by:



CERTIFICATION OF OWNERSHIP

Case No. BOA _____

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

DATE: May 1, 2024

I, _____, 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:

AND, I further certify and attest that this legal description describes accurately the property requested for rezoning.

AND, I accept billing for the cost of publishing legal notice in the NORMAN TRANSCRIPT.

Owner's Signature: _____

Address: 530 W Eufala St

Agent's Signature: _____

Address: _____

NOTARY

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this 1st day of May, 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:

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

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:

There are trees & trying to avoid mature trees.

Attest
Yes

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

Attest
Yes

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

Attest
Yes

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:

Attest
Yes



21.01 - 530 W
EUFULA
Norman, OK 73069

Architect
Butler Architects and Urbanism
718 W. Sheridan, OK 73102
www.butlearchitects.com

General Contractor
Calkins & Roofing
109 E. Topeka St. Suite 100
Norman, OK 73069
www.brentstaff.com

Structural Engineer
Chris Ramsayer
XXX
XXX

NOT FOR CONSTRUCTION

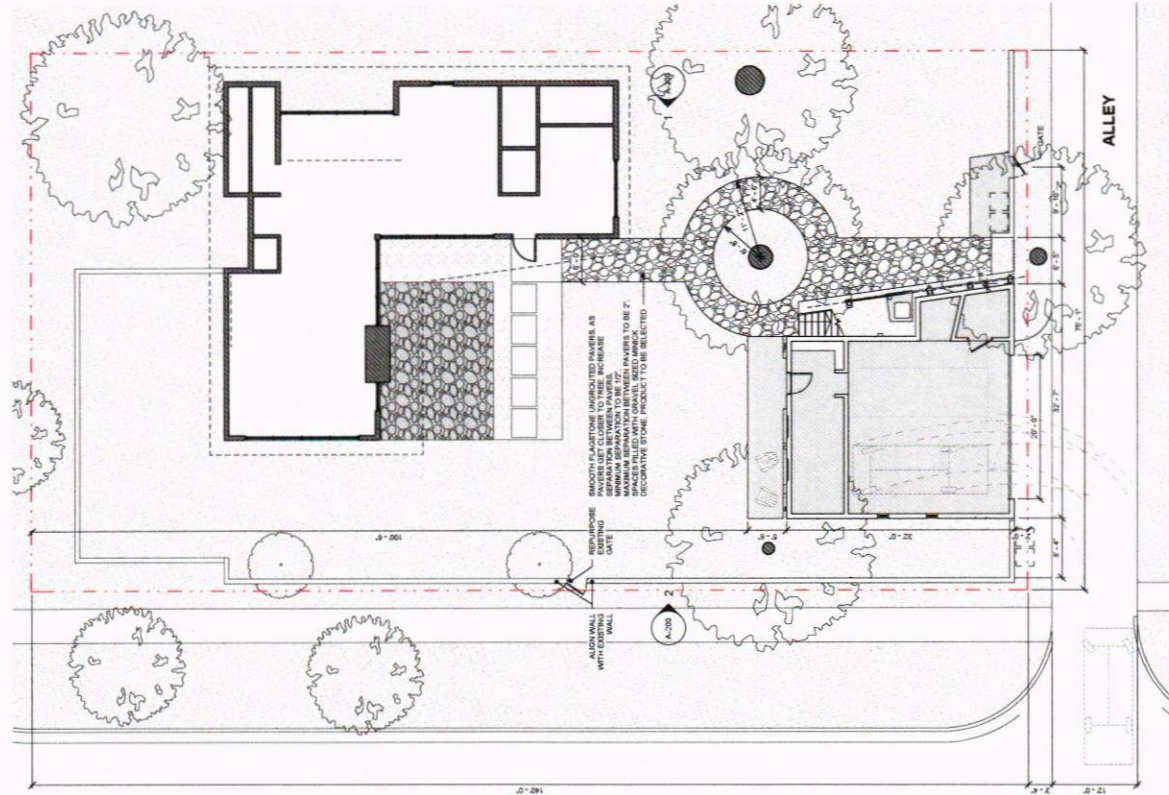
Rev	Date	Submission
1	07/20/20	Master Plan

This drawing is not for construction and shall not be used for such purposes. It is intended for informational purposes only. The information herein is not intended to constitute an offer of any financial product or service. Copyright 2020 by Butler Architects.

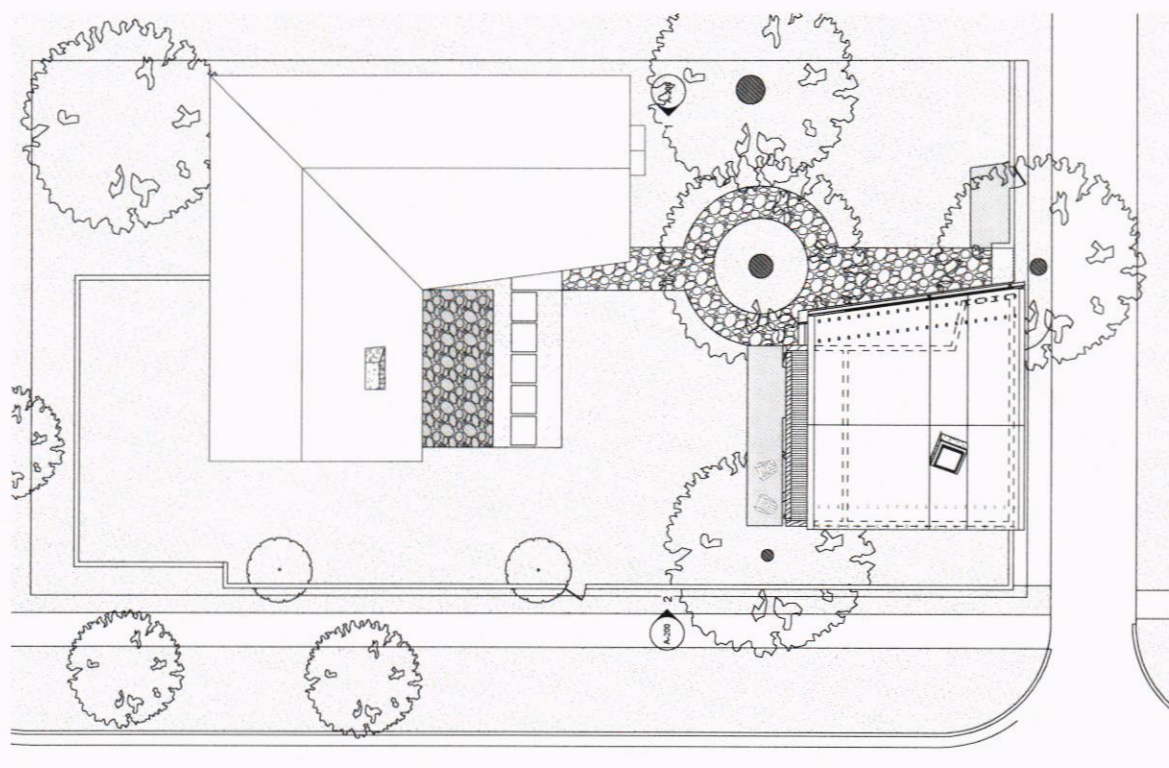
Drawing Title:
SITE PLAN

Sheet No.
A-101

Scale
1/8" = 1'-0" @ 11x17" CS8"



1 SITE PLAN



2 SITE ROOF PLAN



21.01 - 530 W
EUFAULA
530 W Euftula St.
Norman, OK 73069

Architect
Builders Architects and Urbanism
718 W. Euftula St.
Oklahoma City, OK 73102
www.bauarchitects.com

General Contractor
Swift Co. Construction & Roofing
109 E Tonhawa St Suite 100
Norman, OK 73069
www.swiftco.com

Structural Engineer
Chris Ramseyer
XXX

CONSTRUCTION

Rev	Date	Submission
1	10/27/2021	14:43:19

This sheet is the property of Builders Architects and Urbanism. It is to be used only for the project and location specified. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Builders Architects and Urbanism.

Copyright 2021 by Builders Architects

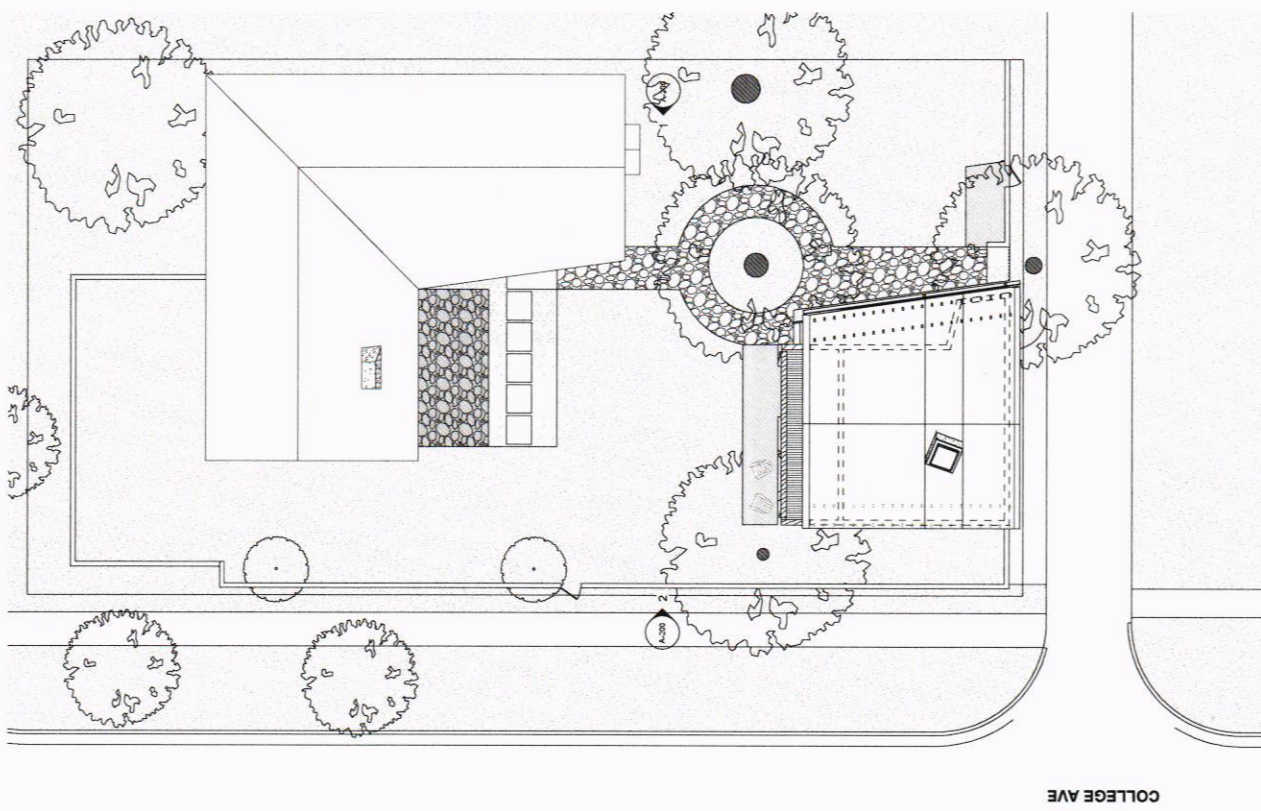
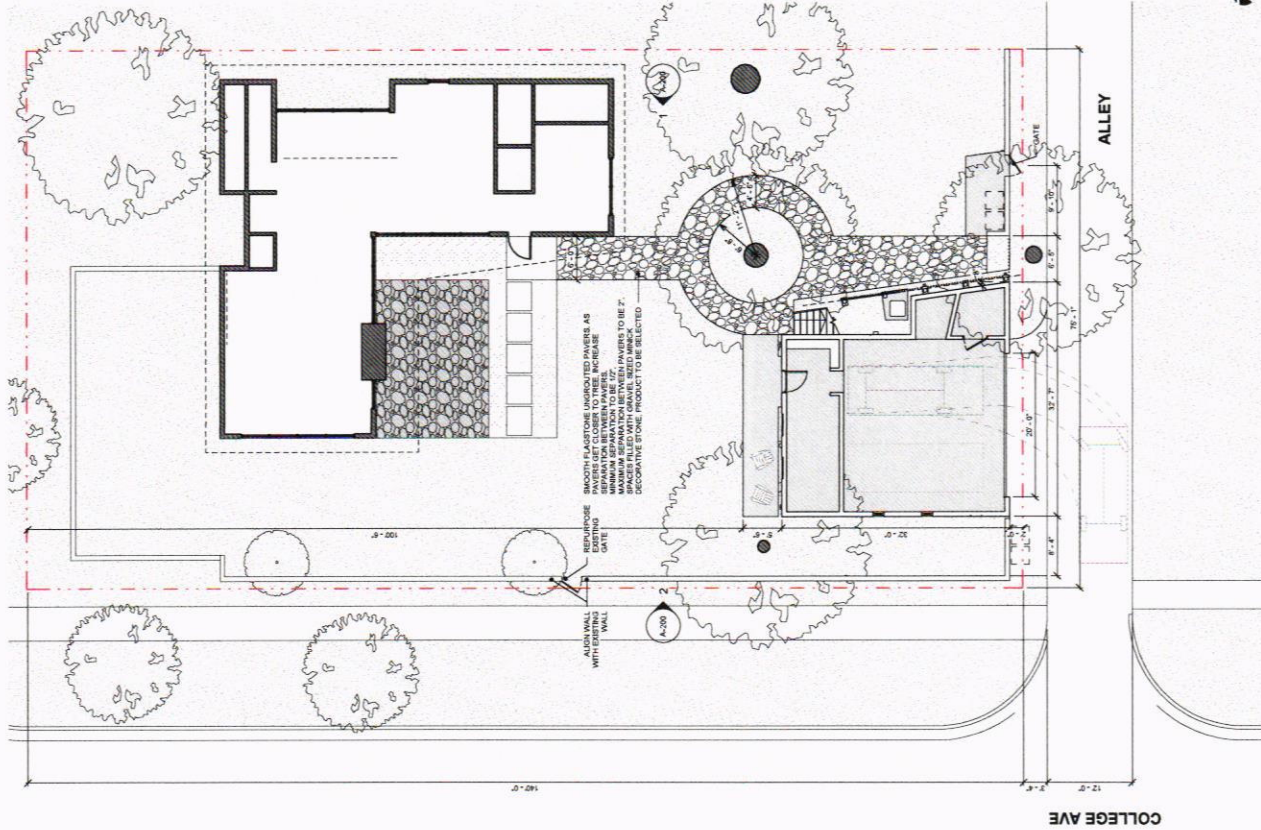
Drawing Title:

Sheet No.

A-101

Scale
1/8" = 1'-0" @ 11"x17"

Item 2.





21.01 - 530 W
EUFaula
530 W Eufula St
Norman, OK 73069

Architect
Butler Architects and Urbanism
718 W. Sheridan
Oklahoma City, OK 73102
www.butlerarchitects.com

General Contractor
Swift Co. Construction & Roofing
109 E. Tonkawa St Suite 100
Norman, OK 73069
www.swiftcoff.com

Structural Engineer
Chris Ramsayer
XXX

NOT FOR CONSTRUCTION

Rev Date Submission

The owner is advised that this drawing is for informational purposes only and is not to be used for construction. The owner is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The owner is also responsible for providing all necessary information to the contractor. The contractor is responsible for providing all necessary information to the owner. The contractor is also responsible for providing all necessary information to the owner.

Drawing Title:

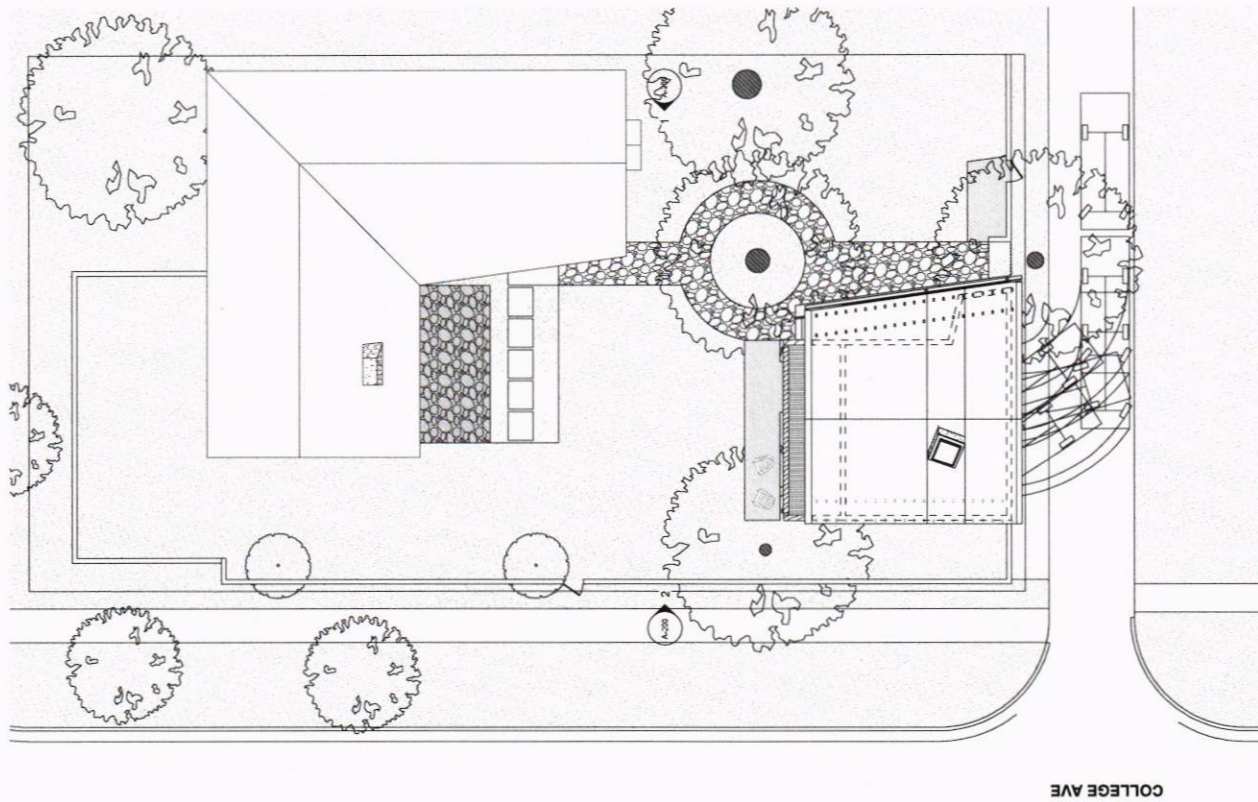
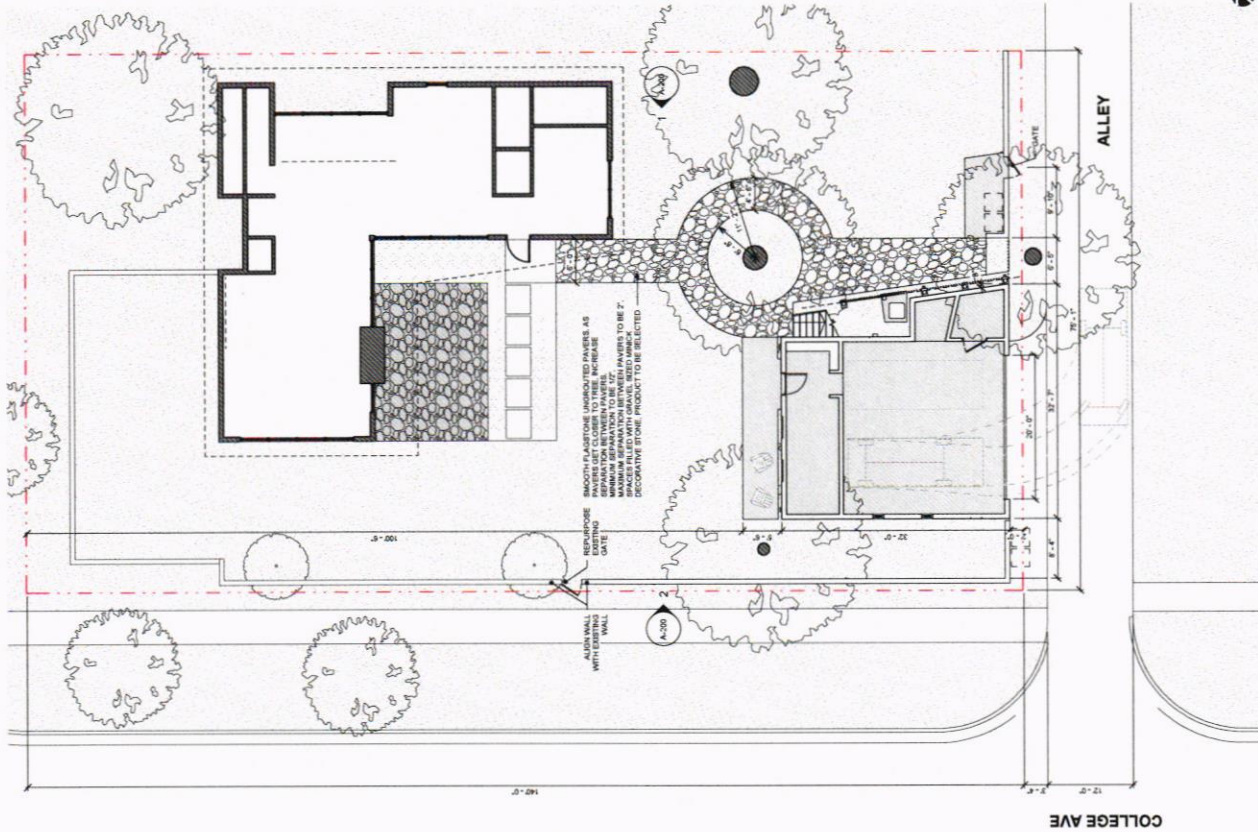
SITE PLAN

Sheet No.

A-101

Scale: 1/8" = 1'-0" @ 0'-0" 3/8"

Sheet





21.01 - 530 W
EUFAULA
530 W Eufaula St.
Norman, OK 73069

Architect
Butzer Architects and Urbanism
718 W. Sheridan
Oklahoma City, OK 73102
www.butzerarchitects.com

General Contractor
Swift Co. Construction & Roofing
109 E. Tonhava St Suite 100
Norman, OK 73069
www.brentswift.com

Structural Engineer
Chris Ramseyer
XXX
XXX

NOT FOR CONSTRUCTION

Rev	Date	Submission
1	10/15/23	Submittal/Permit

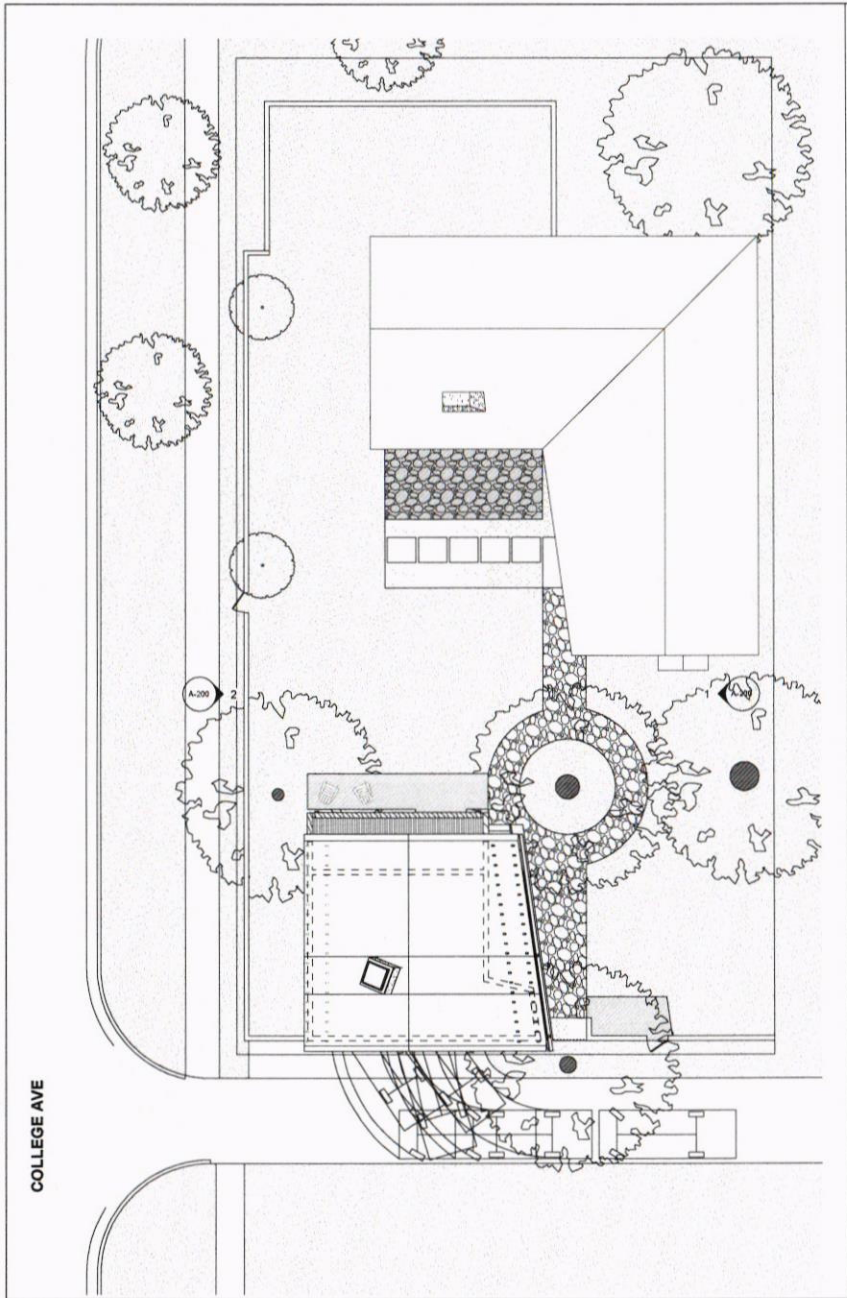
The design, its concept, all drawings and written or digital notes are the intellectual property of Butzer Architects and Urbanism and may only be modified or used to create another work with their written consent. This document is provided by U.S. Copyright Law.
Copyright 2024 of Butzer Architects

Drawing Title:
SITE PLAN

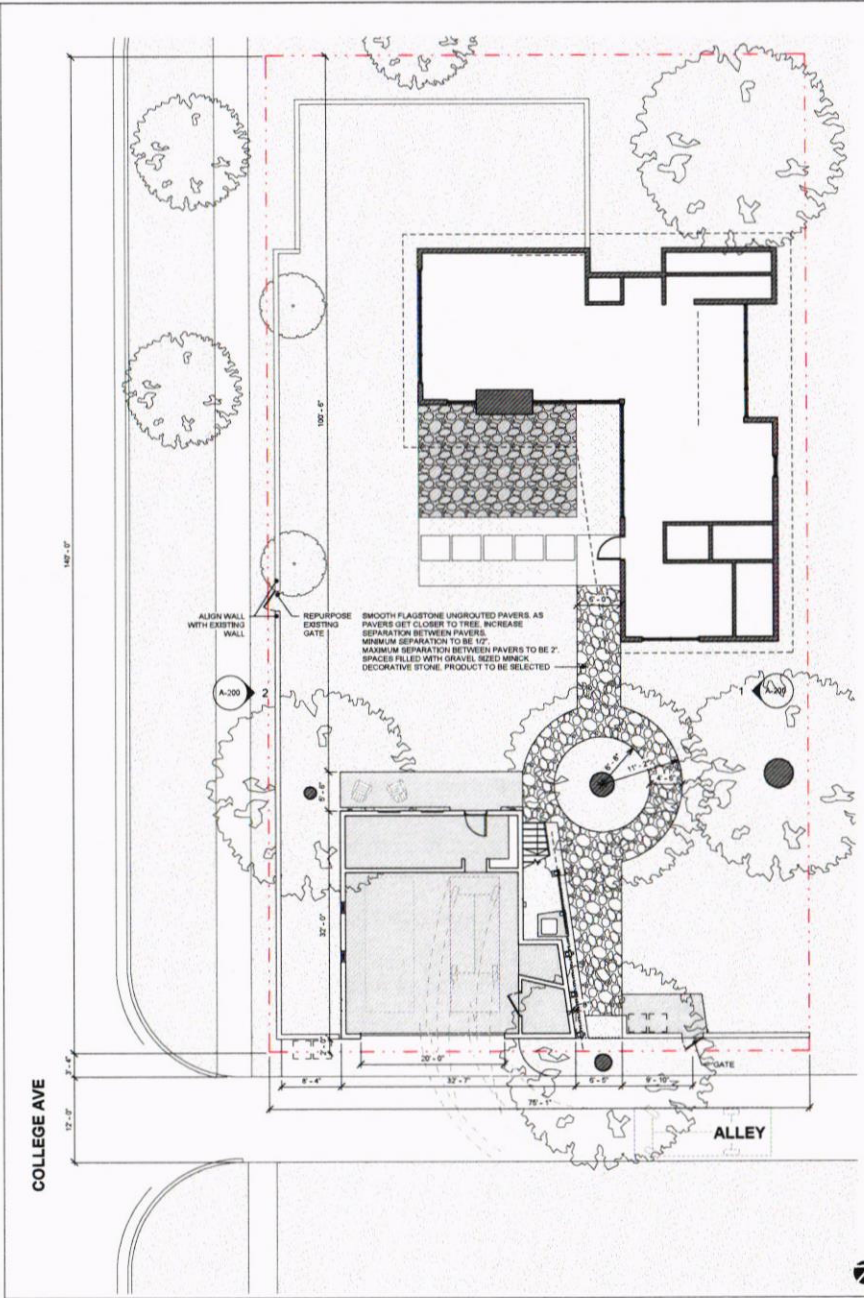
Sheet No.
A-101

Scale
1/8" = 1'-0" @ 24"x36"

Status
PRELIMINARY



2 SITE ROOF PLAN



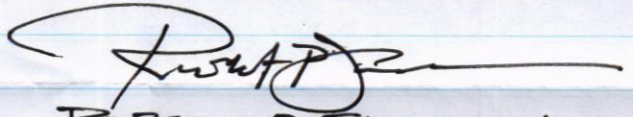
1 SITE PLAN

SUPPORT LETTER
5-17-2024

05/12/24

To All Whom it may concern

WE OWN THE PROPERTIES AT 601 W. EUFAULA ST.
AND 527 W. EUFAULA ST., AND WE ENTHUSIASTICALLY
SUPPORT SUE AND VYTRAS RINGUS IN THEIR REQUEST
FOR VARIANCE. WE BELIEVE THIS PROJECT WILL HAVE
A POSITIVE IMPACT ON OUR NEIGHBORHOOD.



ROBERT P THOMPSON

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-17-24 KH



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 05/22/2024

REQUESTER: Don & Robin Allen

PRESENTER: Justin Fish, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2324-16: DON AND ROBIN ALLEN REQUEST A VARIANCE TO 36-514(c)(3) OF 11'6" TO THE 20' REAR YARD SETBACK, RESULTING IN AN 8'6" SETBACK, TO ALLOW THE ADDITION OF A MASTER BEDROOM AND BATHROOM SUITE ON THE FIRST FLOOR OF THE EXISTING HOME LOCATED AT 6 BINGHAM PLACE.

APPLICANT	Don & Robin Allen
LOCATION	6 Bingham Place
ZONING	R-1, Single Family Dwelling District
REQUESTED ACTION	Variance to 36-514(c)(3) of 11'6" to the 20'; rear yard setback, resulting in an 8'6" setback, to allow the addition of a master bedroom and bathroom suite on the first floor
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant is seeking the approval of one variance to construct a new master bedroom and bathroom suite. The addition will connect to the back of the existing single-family home, extending into the 20' rear-yard setback. The variance requested is as follows:

1. A variance of 11' 6" to the 20' rear-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:

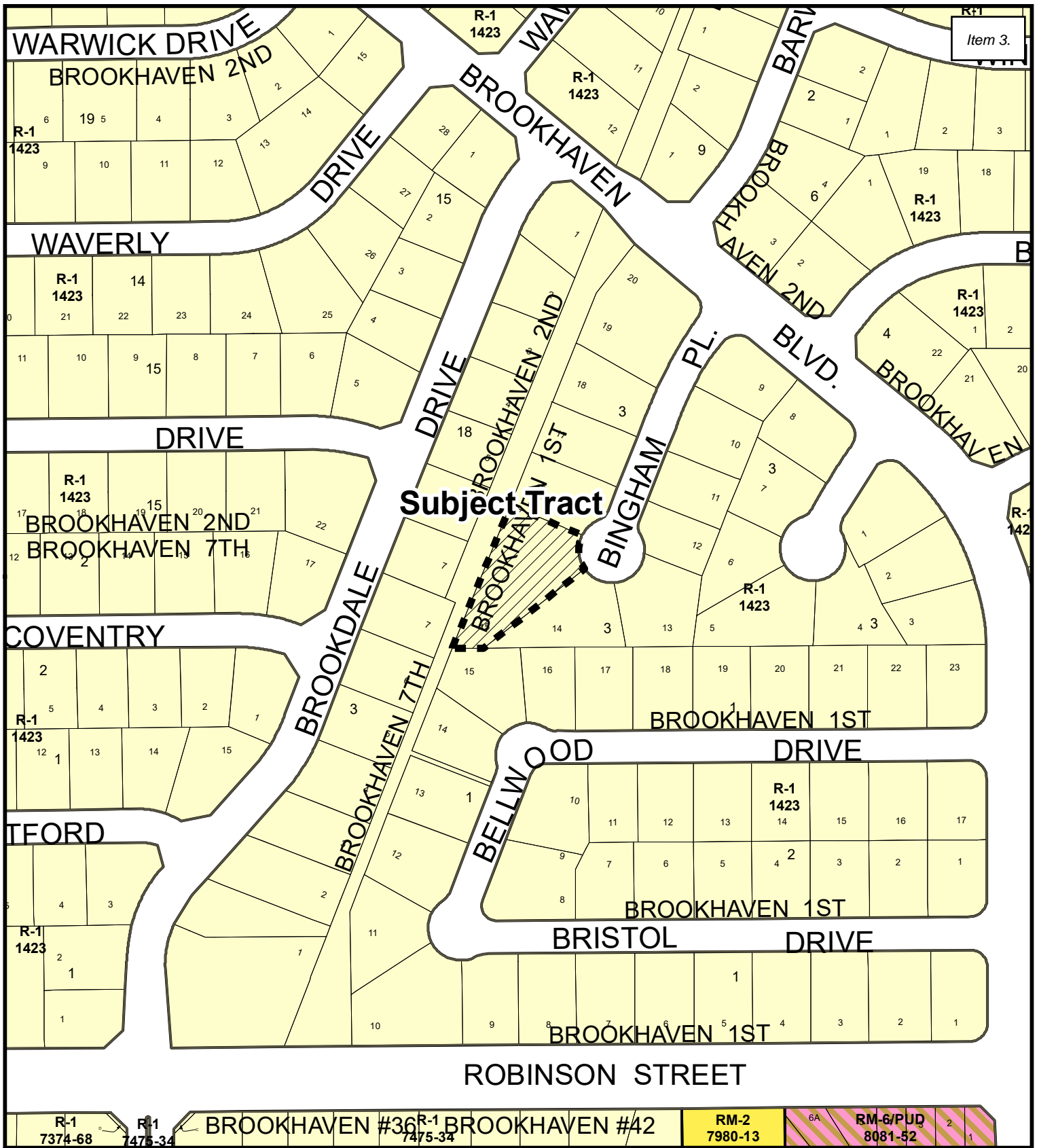
- (1) An applicant shall submit to the Board of Adjustment a written application indicating:
 - (a) That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;
 - (b)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

Please see the attached justification from the applicant.

DISCUSSION: The subject property located at 6 Bingham Place is part of the Brookhaven 1st Plat. The proposed addition would set 8' 6" from the rear property line. The proposed addition will not encroach on any utility easements. There is a platted 20' right-of-way strip that runs along the rear of all the properties located on Bingham Place and the lots backing up to the Bingham Place lots which front Brookdale Drive. This right-of-way has never been used. Over the years, since the filing of Brookhaven 1st Plat in July of 1963, the area has been fenced in by the abutting property owners and structures have been built, giving all the property owners extra space in the rear yards. The proposed addition will be 8' 6" from the rear property line, but approximately 24' from the rear fence.

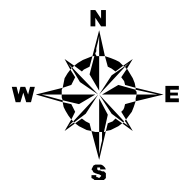
CONCLUSION: Staff forwards this request for BOA-2324-16 to the Board of Adjustment for consideration.



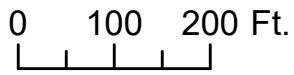
Location Map




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.



April 18, 2024



 Subject Tract

G:\ArcGIS10\MapTemplates&T1_LocationMap\ArcMap10.mxd



Application for Variance or Special Exception
BOARD OF ADJUSTMENT

Case No. BOA Item 3.

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

APPLICANT(S) Don and Robin Allen	ADDRESS OF APPLICANT 6 Bingham Place Norman, OK 73072
--	--

NAME AND PHONE NUMBER OF CONTACT PERSON(S) Curtis McCarty 405.520.0333	EMAIL ADDRESS cmccarty@camccartyconstruction.com
---	--

Legal Description of Property: *(UNLESS THE LEGAL DESCRIPTION IS A SIMPLE LOT AND BLOCK, THE LEGAL DESCRIPTION MUST BE PROVIDED IN A WORD DOCUMENT EMAILED TO CURRENT.PLANNING@NORMANOK.GOV)*

Lot 15, Block 3, Brookhaven 1

Requests Hearing for:

VARIANCE from Chapter _____, Section 36-514(C)(3)

SPECIAL EXCEPTION to _____

Detailed Justification for above request (refer to attached Review Procedures and justify request according to classification and essential requirements therefor):

Please see attached.

(Attach additional sheets for your justification, as needed.)

SIGNATURE OF PROPERTY OWNER(S):

ADDRESS AND TELEPHONE:

6 Bingham Place

Norman, OK 73072

405.990.7051

OFFICE USE ONLY

- Application
- 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 3.

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

DATE: 4-8-24

I, Robin Allen, 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:

6 Bingham Place

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: *Robin Allen*

Address: 6 Bingham Place

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:

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



C.A. McCarty
CONSTRUCTION, LLC

April 8, 2024

To whom it may concern,

Robin and Don Allen are requesting an encroachment into the 20' backyard requirement by 11'6" to allow them to add a master bedroom and bathroom suite onto their home. This addition will provide the only bedroom and full bathroom on the first floor. When they purchased this property there is an existing fence that is to the west boundary at a 20' platted public park that was put on the plat in 1963. Many of the neighbors who back up to this public park have fenced this area into their backyard, making their yards appear larger than they really are. The addition will still be out of the 7.5' platted easement. We do not feel this variance will affect any of the neighbors since this plat was done in 1963 and all the neighbors have enclosed their backyards with this public park.

Thanks you for your consideration.

Curtis A. McCarty
Managing Member



BOARD OF ADJUSTMENT DETAILED JUSTIFICATION OF VARIANCE REQUEST

Item 3.

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 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:

The backyard of this home appears to be larger than it really is and that the owners knew. There is a park space that is in the back of the yard that has created a hardship for their master bedroom/bathroom addition.

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:

The 20' back yard set back cannot be met with the room addition they need to stay in their home long term

Attest

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

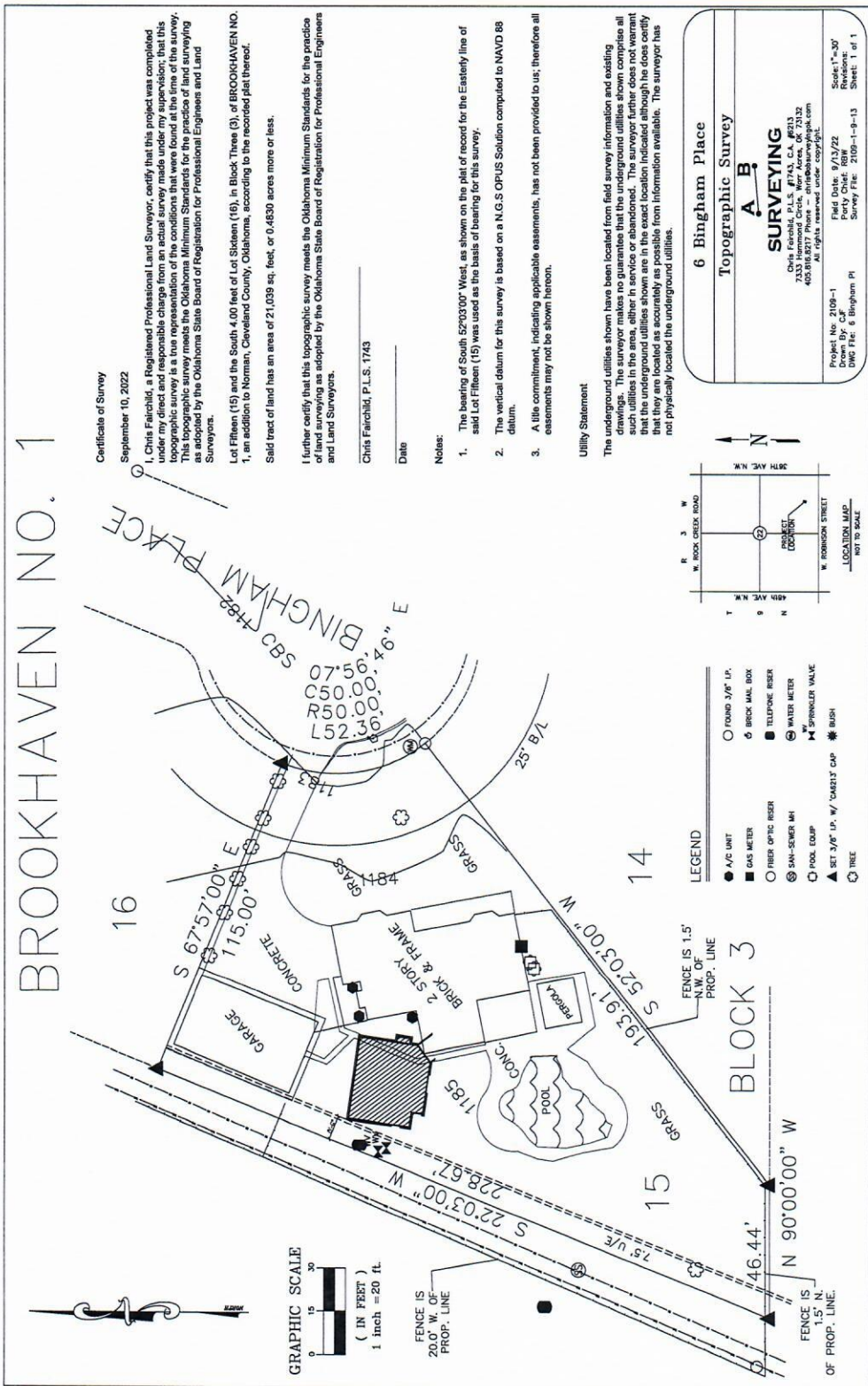
The applicants did not know the addition wouldn't fit until we had a survey of the property done and found out they didn't have space they thought.

Attest

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

This request for variance will not affect anyone else.

Attest



Certificate of Survey

September 10, 2022

I, Chris Fairchild, a Registered Professional Land Surveyor, certify that this project was completed under my direct and responsible charge from an actual survey made under my supervision; that this topographic survey is a true representation of the conditions that were found at the time of the survey. This topographic survey meets the Oklahoma Minimum Standards for the practice of land surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.

Lot Fifteen (15) and the South 4.00 feet of Lot Sixteen (16), in Block Three (3), of BROOKHAVEN NO. 1, an addition to Norman, Cleveland County, Oklahoma, according to the recorded plat thereof.

Said tract of land has an area of 21,039 sq. feet, or 0.4830 acres more or less.

I further certify that this topographic survey meets the Oklahoma Minimum Standards for the practice of land surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.

Chris Fairchild, P.L.S. 1743

Date

Notes:

- The bearing of South 52°03'00" West, as shown on the plat of record for the Eastern line of said Lot Fifteen (15) was used as the basis of bearing for this survey.
- The vertical datum for this survey is based on a N.G.S OPUS Solution computed to NAVD 88 datum.
- A title commitment, indicating applicable easements, has not been provided to us; therefore all easements may not be shown hereon.

Utility Statement

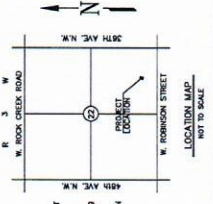
The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

6 Bingham Place
Topographic Survey

A B
SURVEYING

Chris Fairchild, P.L.S. #1743, C.A. #213
7333 Homestead Circle, West Area, OK 73132
chris@fairchildsurvey.com
All rights reserved under copyright.

Project No: 2109-1
Drawn By: C.F.
DWG File: 6 Bingham Pl
Field Date: 9/13/22
Survey File: 2109-1-9-13
Scale: 1" = 30'
Revisions:
Sheet: 1 of 1



LEGEND

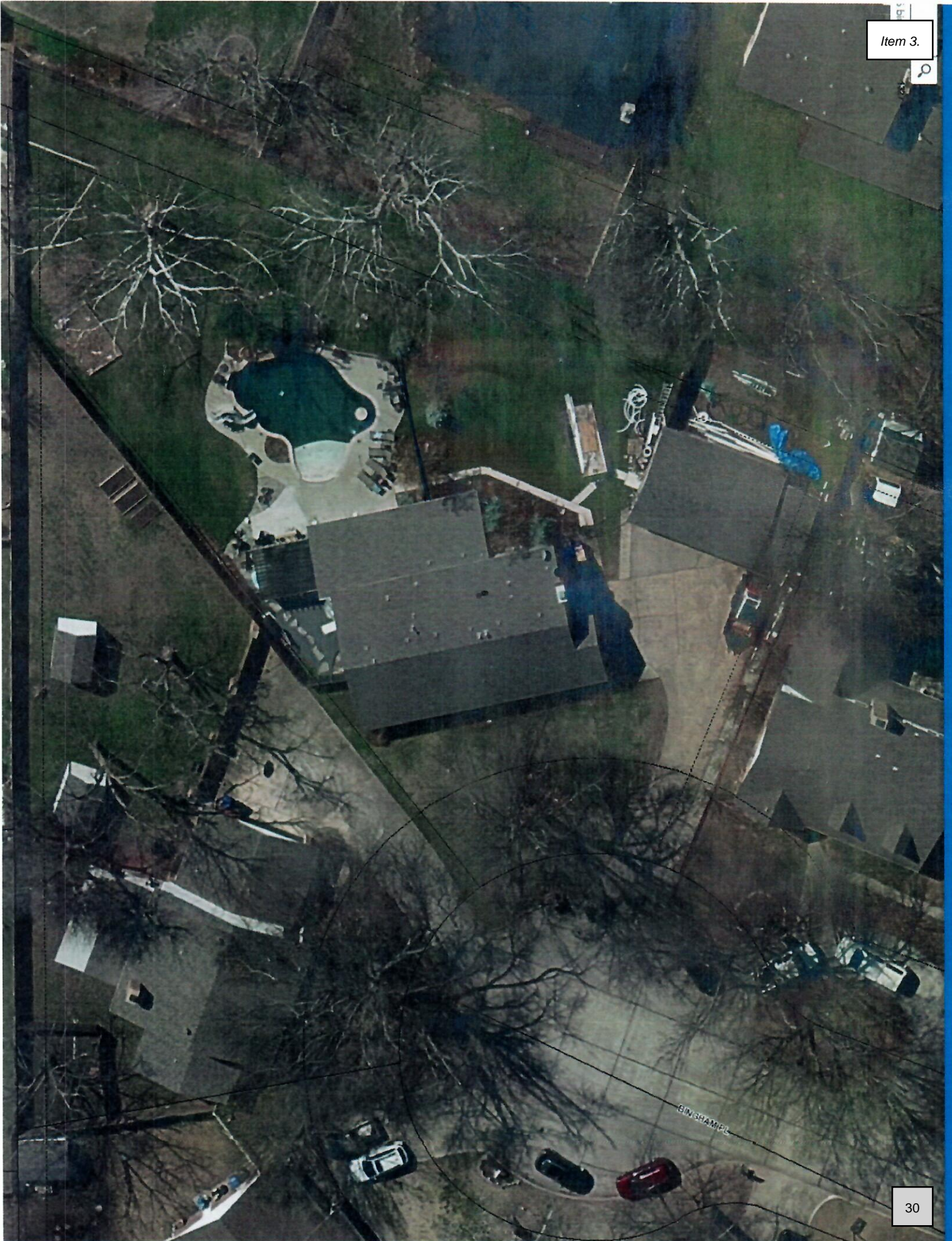
●	4"/6" UT
○	FOUND 3/4" IP
□	GAS METER
○	FRIER OPTIC RISER
○	TELEPHONE RISER
○	BRICK MAIL BOX
○	FOUND 3/4" IP
○	WATER METER
○	SAW-SEWER WH
○	POOL EQUIP
▲	SET 3/8" IP #4 'CARRY' CAP
○	SPRINKLER VALVE
○	BUSH
○	TREE



FENCE IS 20.0' W. OF PROP. LINE

FENCE IS 1.5' N.W. OF PROP. LINE

FENCE IS 1.5' N. OF PROP. LINE







Item 3.

