



# CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069  
Wednesday, May 24, 2023 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, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.*

### ROLL CALL

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

### MINUTES

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the April 26, 2023 Board of Adjustment Meeting.

### ACTION ITEMS

2. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-11: James Hardwick requests Special Exception to permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record (36-570(g)(2)(a)) for Lot One, Block One, of Amended Plat of SOUTH LAKE ADDITION Section 7, located at 1900 Ann Branden Boulevard.
3. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-16: Jerry Turner requests a Variance of 9' to 36-514(d)(2), to allow an accessory building in excess of the height of the principal building for property located at 3710 NW Della Street.

### MISCELLANEOUS COMMENTS

### ADJOURNMENT



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 05/24/2023

**REQUESTER:**

**PRESENTER:** Roné Tromble, Admin. Tech. IV

**ITEM TITLE:** Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the April 26, 2023 Board of Adjustment Meeting.

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**ACTION NEEDED:** Approve, reject, amend, or postpone the April 26, 2023 Minutes.



## CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069  
Wednesday, April 26, 2023 at 4:30 PM

### MINUTES

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in City Council Chambers of the Norman Municipal Complex, 201 West Gray Street, at 4:30 p.m., on Wednesday, April 26, 2023. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at <https://www.normanok.gov/your-government/public-information/agendas-and-minutes> in excess of 24 hours prior to the beginning of the meeting.

Chair Curtis McCarty called the meeting to order at 4:33 p.m.

#### ROLL CALL

##### PRESENT

Secretary Brad Worster  
Micky Webb  
Ben Bigelow (arrived at 4:39)  
James Howard  
Chairman Curtis McCarty

A quorum was present.

##### STAFF PRESENT

Melissa Navarro, Planner I  
Kelvin Winter, Code Compliance Supervisor  
Lora Hoggatt, Planning Services Manager  
Roné Tromble, Admin. Tech. IV  
Beth Muckala, Asst. City Attorney

#### MINUTES

1. Consideration of Approval, Rejection, Amendment, and/or Postponement of the Minutes of the February 22, 2023 Board of Adjustment Meeting.

Motion made by Worster, seconded by Webb, to approve the minutes of the February 22, 2023 meeting as presented.

Voting Yea: Worster, Webb, Howard, McCarty

The motion to approve the minutes of the February 22, 2023 Board of Adjustment meeting as presented passed by a vote of 4-0.

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**ACTION ITEMS**

2. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-15: Hillel Foundation requests a Variance to 36-517(d)(5), the impervious area, for a new building to replace the existing building located at 494 Elm Avenue.

**ITEMS SUBMITTED FOR THE RECORD:**

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

**PRESENTATION BY STAFF:**

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

**PRESENTATION BY THE APPLICANT:**

Matt Peacock, Peacock Design, representing the applicant, presented the project.

**AUDIENCE PARTICIPATION:** None

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

Motion made by Worster, seconded by Howard, to approve BOA-2223-15 for Hillel Foundation as presented.

Voting Yea: Worster, Howard, McCarty

Voting Nay: Webb

The motion to approve BOA-2223-15 as presented passed by a vote of 3-1.

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

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3. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-11 Item 1.  
11: James Hardwick requests Special Exception to permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record (36-570(g)(2)(a)) for Lot One, Block One, of Amended Plat of SOUTH LAKE ADDITION Section 7, located at 1900 Ann Branden Boulevard.

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Postponement Memo

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

Mr. McCarty announced that the applicant has requested postponement of this item.

Motion made by Webb, seconded by Howard, to postpone BOA-2223-11 to the May 24, 2023 meeting.

Voting Yea: Worster, Webb, Howard, McCarty

The motion to postpone BOA-2223-11 to the May 24, 2023 meeting passed by a vote of 4-0.

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4. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-222 Item 1.  
12: Howard Pollack requests a Variance of 12.5' to 36-516(c)(4), the lot width requirement, and a Variance of 125 sq. ft. to 36-516(c)(5)(a), the lot area requirement, for a legal, non-conforming lot located at 125 W. Himes Street.

**ITEMS SUBMITTED FOR THE RECORD:**

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

**PRESENTATION BY STAFF:**

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

**PRESENTATION BY THE APPLICANT:**

Robert Spencer, representing the applicant, was available to answer questions but did not have a presentation.

**AUDIENCE PARTICIPATION:** None

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

Motion made by Bigelow, seconded by Worster, to approve BOA-2223-12 as presented.

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

The motion to approve BOA-2223-12 as presented passed by a vote of 5-0.

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

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13: Metro Sign, on behalf of the Church of Christ, requests a Variance to 28-508(a)(2)(b) to the front setback for a digital monument sign at 1660 24th Avenue S.E.

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Application with Attachments
4. Aerial Photo with Zoning Overlay
5. Aerial Photo of Site

**PRESENTATION BY STAFF:**

Kelvin Winter reviewed the staff report, a copy of which is filed with the minutes.

Mr. Bigelow asked if there was a variance for the school's sign across the street. Ms. Muckala responded that there is a question about applicability of our code to Norman Public Schools in certain situations; staff couldn't find anything specific.

Mr. Webb asked if past practice has been to be liberal in these cases. Ms. Muckala could not recall a similar application. Mr. Winter said there was a similar case, but the zoning was R-1 rather than A-2; that was approved for a church at Boyd and Wiley.

**PRESENTATION BY THE APPLICANT:**

Jerry Wright, Metro Sign, 125 W. Parkland in Yukon, was available to answer any questions. He provided an updated picture of the proposed sign, which has been reduced in size because of the size of the proposed location. The width of the sign has been reduced from 12' to 8'7".

Mr. Bigelow asked if there is a reason the sign is located as proposed, rather than on the return at the entry, which would be less of a variance. Mr. Wright responded that it was the applicant's request; there is conduit run to the proposed location. The fences on the north and south protrude out further than where the sign is proposed. They wanted it as close to the property line as possible for visibility. He noted that the median from the sidewalk to the parking lot is 11' wide, which was the main reason for reducing the width of the sign.

**AUDIENCE PARTICIPATION:** None

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

Mr. Bigelow asked if other members had any thoughts about locating the sign in the return at the entry to get it a little further back. Mr. Howard thought that would be a reasonable compromise. Mr. McCarty noted that they have decreased the width of the sign from 12' to 8'7". Mr. Worster thinks it would be better in the middle of the property; if it were in the return, it would harder for stacked cars to be able to see traffic.

Mr. Howard commented that additional parking has been added to the project, which has dramatically increased the size of the parking area. He asked about the possibility of losing one parking space to accommodate the sign. Mr. Wright said they think they

will have to block off the parking space behind the sign because it is so close to the curb. They are planning to locate the sign as close to the curb of the parking lot, away from the sidewalk, as they can. Mr. McCarty commented that if a car were parked next to the sign, you wouldn't be able to see it.

Mr. Worster asked what the front setback would be if the property were zoned C-1 or C-2. Mr. Winters said that setback would be zero feet for commercial or industrial.

Motion by Worster to approve BOA-2223-13 for the smaller (8'7" wide) digital monument sign for Church of Christ with a 5' setback.

Mr. Wright noted that there is 11' from the sidewalk to the parking lot curb, so with the smaller sign proposed he could only place it 3.5' off the property line.

The motion died for lack of a second.

Motion by Worster, seconded by Bigelow, to approve BOA-2223-13 for the smaller (8'7" wide) digital monument sign for Church of Christ with a 1.5' setback from the property line.

Voting Yea: Worster, Bigelow, Howard, McCarty

Voting Nay: Webb

The motion to approve BOA-2223-13 with a 1.5' setback passed by a vote of 4-1.

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

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6. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-222 Item 1.  
14: Swiftco, on behalf of Vytautas and Sue Ringus, requests a Variance to 36-514(d) for a new garage located at 530 W. Eufaula Street (and 305 College Avenue).

**ITEMS SUBMITTED FOR THE RECORD:**

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

**PRESENTATION BY STAFF:**

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

Mr. Bigelow asked whether the property is in a historic district; Ms. Navarro said it is not.

**PRESENTATION BY THE APPLICANT:**

Brent Swift, 109 E. Tonhawa Street, representing the applicant, presented the project. The owners will be doing a lot line adjustment to combine the two lots into one.

Mr. Bigelow asked whether the construction activities will end up killing the tree they are trying to save with the variance. Mr. Swift responded.

Mr. Worster asked if there will be something above the garage. Mr. Swift said it will be a library.

Mr. Worster asked about the lot line adjustment. Mr. Swift responded with the history of the 305 College lot, which did not exist when the area was originally platted.

**AUDIENCE PARTICIPATION:**

Ruth Walker, 524 W. Comanche, had a number of questions, including the distance from the sidewalk, and what is going to happen to the house (torn down or moved somewhere else).

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

Motion made by Webb, seconded by Bigelow, to approve BOA-2223-14 as presented.

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

The motion to approve BOA-2223-14 as presented passed by a vote of 5-0.

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

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**MISCELLANEOUS COMMENTS**

None

**ADJOURNMENT**

There being no further business and no objection, the meeting adjourned at 5:11 p.m.

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Secretary, Board of Adjustment



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 05/24/2023

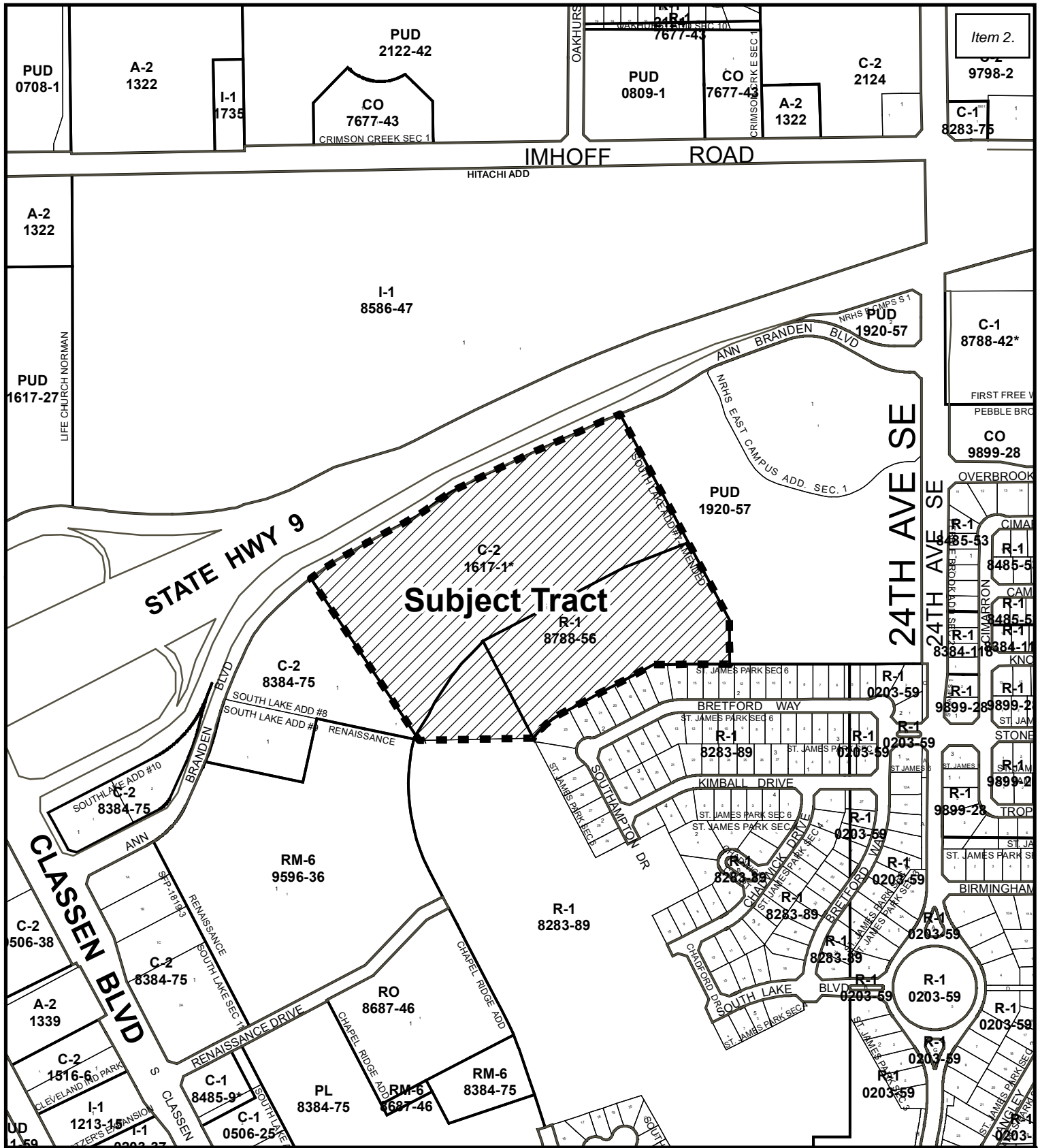
**REQUESTER:** James Hardwick

**PRESENTER:** Melissa Navarro, Planner II

**ITEM TITLE:** Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-11: James Hardwick requests Special Exception to permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record (36-570(g)(2)(a)) for Lot One, Block One, of Amended Plat of SOUTH LAKE ADDITION Section 7, located at 1900 Ann Branden Boulevard.

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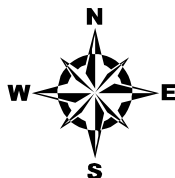
**ACTION NEEDED:** Approve, reject, amend, or postpone the Special Exception for BOA-2223-11.



# 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 6, 2023

0 250 500 Ft.



Subject Tract



Zoning



# office memorandum

**Date:** May 24, 2023

**To:** Board of Adjustment

**From:** Melissa Navarro, Planner I

**Subject:** Item No. 3: Postponement of BOA-2223-11

The applicant, James Hardwick, has requested postponement of the request for a Special Exception to permit the extension of a zoning district boundary for a lot under single ownership for property at 1900 Ann Branden Dr.

Staff recommends that the Board of Adjustment postpone this item to their June 28, 2023 meeting.



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 05/24/2023

**REQUESTER:** Jerry Turner

**PRESENTER:** Melissa Navarro, Planner II

**ITEM TITLE:** Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-16: Jerry Turner requests a Variance of 9' to 36-514(d)(2), to allow an accessory building in excess of the height of the principal building for property located at 3710 NW Della Street.

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**ACTION NEEDED:** Approve, reject, amend, or postpone the Variance for BOA-2223-16.



Board of Adjustment  
May 24, 2023  
BOA-2223-16

### **STAFF REPORT**

#### **GENERAL INFORMATION**

<b>APPLICANT</b>	Jerry Turner
<b>LOCATION</b>	3710 NW Della Street
<b>ZONING</b>	R-1, Single Family Dwelling District
<b>REQUESTED ACTION</b>	Variance of 9' to 36-514(d)(2), to allow an accessory building in excess of the height of the principal building
<b>SUPPORTING DATA</b>	Location Map Application with attachments Site Plan

**SYNOPSIS:** The principal building, or the existing house, on this property is 14' tall. The applicant plans to build an accessory building that will be 23' tall, which is 9' taller than the principal building. The applicant is requesting a variance to the requirement that no accessory building shall exceed the height of the principal building to which it is an accessory.

#### **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.

**The applicant provided responses to the four variance criteria. Please see attached Existing Variance Conditions sheet to review their responses.**

**DISCUSSION:** The Marlatt Subdivision was platted in the 1960s and includes lots about one acre or more, giving the neighborhood a rural character even though it is zoned R-1. The proposed building will not block the view to any neighbor as it will be located in the back of the property. The building will meet the required setbacks and coverage requirements.

**CONCLUSION:** Staff forwards this request for a variance and BOA-2223-16 to the Board of Adjustment for consideration.



Application for Variance or Special Exception  
**BOARD OF ADJUSTMENT**

Case No. BOA 2223-16

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

<b>APPLICANT(S)</b> JERRY TURNER	<b>ADDRESS OF APPLICANT</b> 3710 NW Della St. Norman OK 73072
<b>NAME AND PHONE NUMBER OF CONTACT PERSON(S)</b> Brandon Pennel (405) 413-0188	<b>EMAIL ADDRESS</b> bpennelwork@gmail.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)

**Requests Hearing for:**

- ☐ VARIANCE from Chapter 36, Section 514(d)(2)  
☐ SPECIAL EXCEPTION to \_\_\_\_\_

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

Requesting VARIANCE FOR Structure Height ON  
 100x40 Shop building on property. MAXIMUM Roof Height  
 (peak of roof) will not exceed 23' most likely less with 5/12  
 pitch. CURRENT Dwelling Height is At 14' so requesting a  
 VARIANCE for maximum of 9' higher. Structure should be  
 much closer to 20'-22' max but want to be safe depending  
 on dirt work etc. other neighbors in area have buildings that  
 exceed dwelling height. (Attach additional sheets for your justification, as needed.)

SIGNATURE OF PROPERTY OWNER(S):

ADDRESS AND TELEPHONE:

~~3710~~ 3710 NW Della St  
 Norman, OK 73072

- ☒ Application  
☒ Proof of Ownership  
☒ Certified Ownership List and Radius Map  
☒ Site Plan  
☒ Filing Fee of \$ 200.00  
☐ Emailed Legal Description in Word Document

- ☒ VARIANCE from Chapter 36,  
 Section 514(d)(2)  
☐ SPECIAL EXCEPTION to \_\_\_\_\_

Date Submitted:

5-3-2023

Checked by:

mt



# CERTIFICATION OF OWNERSHIP

Case No. BOA \_\_\_\_\_

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

DATE: 5-2-23

I, Jerry M. Turner, 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: Jerry M. Turner

Address: 3710 NW Della St

Norman, OK 73072

Agent's Signature: \_\_\_\_\_

Address: \_\_\_\_\_

## NOTARY

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this 2nd day of May, 2023, personally appeared Jerry M. Turner, 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.



My Notary Public term expires: 7/27/2026

Erika Blake

Notary Public

I hereby accept this Certification of Ownership in lieu of a deed or other legal document showing proof of ownership.

Signature: Erika Blake

Title: MSO

CITY OF NORMAN



**BOARD OF ADJUSTMENT**  
**FUNCTION AND REVIEW PROCEDURES**

Item 3.

(Revised 03/23)

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

**EXISTING VARIANCE CONDITIONS:**

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

Although neighborhood is zoned R-1. This is more of a rural setting with multiple buildings on properties including farm animals (horses, chickens, ducks) as well as large gardens.

Attest

MBP

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

zoning restrictions require living dwelling to be tallest on property, but multiple buildings exceed that in the neighborhood

Attest

MBP

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

Because ~~there~~ of the circumstance of neighborhood multiple buildings currently exceed height of living dwelling I would like to request the same standard to allow me to protect my property & personal belongings

Attest

MBP

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

Property across street and adjacent to our property has buildings taller than living dwelling as well as many properties in neighborhood.

Attest

MBP

3710 NW Della St

