



# CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069  
Wednesday, June 28, 2023 at 4:30 PM

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## 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, June 28, 2023. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at [Agendas/Minutes | City of Norman Oklahoma Meetings \(municodemeetings.com\)](https://www.normanok.gov/agendas/minutes) in excess of 24 hours prior to the beginning of the meeting.

Vice Chair James Howard called the meeting to order at 4:32 p.m.

### ROLL CALL

#### PRESENT

Brad Worster  
Micky Webb  
James Howard

#### ABSENT

Curtis McCarty  
Ben Bigelow

#### STAFF PRESENT

Lora Hoggatt, Planning Services Manager  
Melissa Navarro, Planner II  
Zach Abell, Planner I  
Kelvin Winter, Code Compliance Supervisor  
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 May 24, 2023 Board of Adjustment Meeting.

Motion made by Worster, Seconded by Webb, to approve the minutes of the May 24, 2023 Board of Adjustment meeting as presented.

Voting Yea: Worster, Webb, Howard

The motion to approve the minutes of the May 24, 2023 meeting passed by a vote of 3-0.

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## **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.

### **ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Postponement Memo
3. Request for Postponement to July 26, 2023

### **AUDIENCE PARTICIPATION:**

Patrick Burke, 2337 Bretford Way, President of the St. James Park HOA – This application pertains to land adjacent to their subdivision. They have presented a petition with 60 signatures against the proposal.

Don Cervi, 1901 Windemere Drive, one of the developers for St. James Park – They have raw land that will also abut the subject tract. He asked how many times this can be postponed.

Ms. Muckala addressed the question of postponement. Mr. Webb added that during his time on the Board, it has been the choice of the applicant. Ms. Muckala agreed that the past policy of the Board has been to give deference to the applicant.

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

Mr. Worster asked that the applicant be present next month to provide more information if they want to postpone again.

Motion made by Worster, Seconded by Webb, to postpone BOA-2223-11 to the July 26, 2023 meeting.

Voting Yea: Worster, Webb, Howard

The motion to postpone BOA-2223-11 to the July 26, 2023 meeting passed by a vote of 3-0.

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3. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-17: BMS Homes, L.L.C. requests a Variance of 22' to 36-516(c)(1), the required 25' front setback, and a Variance of 15' to the required 20' side (east) setback to 36-544(e), to allow construction of a new house with a front and east side setback to match the existing houses on the block, for property located at 202 W. Johnson Street.

**ITEMS SUBMITTED FOR THE RECORD:**

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

**PRESENTATION BY STAFF:**

Zach Abell reviewed the staff report, a copy of which is filed with the minutes.

**PRESENTATION BY THE APPLICANT:**

Brad Smith, 3420 Bear Mountain Drive, representing BMS Homes – The lot was platted at 75x80', rather than a typical 50x140'. The surrounding homes on the street are anywhere from 18' to 25' back from the road, and they are requesting a variance to line up with the other homes on the street so the new home will fit in.

Mr. Worster likes that this is an infill project. He asked how they got the distance the neighboring houses are set back. Mr. Smith responded that he talked to the neighbors and got permission to measure how far they were from the street.

**AUDIENCE PARTICIPATION:** None

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

Mr. Webb asked if the neighbors know about the project. Mr. Smith said he had discussed it with three residents, and they were initially concerned that it would be for students, but he explained this would be a 3-bedroom, 2-bath house, and they were pleased to see the project.

Motion made by Worster, Seconded by Webb, to approve BOA-2223-17 as requested, with a 22' variance to the 25' front setback, and a 15' variance to the 20' side (east) setback to be in line with neighboring homes.

Voting Yea: Worster, Webb, Howard

The motion to approve BOA-2223-17 as requested passed by a vote of 3-0.

Mr. Howard noted there is a ten-day appeal period before the decision is final.

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4. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-18: Stephen and Erika Miller request a Variance to 36-552(a) to allow a fence 2' taller than the 4' maximum height (for a total height of 6') along the front property line for property located at 1611 Jenkins 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.

**PRESENTATION BY THE APPLICANT:**

Erika Miller, 1611 Jenkins Avenue, explained that their home sits very close to Jenkins Avenue and the widening project will affect their home. They wanted the wall and top of the fence to fit with the home, as well as provide a sound barrier, some privacy, and a sense of security.

Mr. Worster asked about the retaining wall. Stephen Miller indicated it will be about 18" high. They are replacing the existing wood fence with a concrete and wood fence.

**AUDIENCE PARTICIPATION:** None

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

Motion made by Webb, Seconded by Worster, to approve BOA-2223-18 as requested, for a fence 2' taller than allowed by ordinance.

Voting Yea: Worster, Webb, Howard

The motion to approve BOA-2223-18 as requested passed by a vote of 3-0.

Mr. Howard noted there is a ten-day appeal period before the decision is final.

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5. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-19: Diane Peppler requests a Variance to 36-516(c)(1) of approximately 6' to the 25' front yard setback for construction of a new garage on the south side of the property at 219 S. Stewart 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.

**PRESENTATION BY THE APPLICANT:**

Randy Peppler, 3605 Bridgeport Road, was available to answer questions. The adjacent property is CCFI's property and their large, fenced basketball court. The fence is closer to Stewart than the garage will be.

**AUDIENCE PARTICIPATION:** None

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

Motion made by Worster, Seconded by Webb, to approve BOA-2223-19 as requested, with a variance of 6' to the 25' front setback for a detached garage.

Voting Yea: Worster, Webb, Howard

The motion to approve BOA-2223-19 as requested passed by a vote of 3-0.

Mr. Howard noted there is a ten-day appeal period before the decision is final.

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6. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-20: Hollen Properties, L.L.C. requests a Variance to 36-516(c)(2) of 4' to the 5' side (north) setback for construction of a new garage for property located at 925 Chautauqua Avenue.

**ITEMS SUBMITTED FOR THE RECORD:**

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

**PRESENTATION BY STAFF:**

Zach Abell reviewed the staff report, a copy of which is filed with the minutes.

**PRESENTATION BY THE APPLICANT:**

Charles Hollen, 925 Chautauqua Avenue, said they bought the house to remodel it for their daughter. As part of that, they added a utility room, but the exterior wall of the utility room would have been in the same plane as the existing garage. The garage was dilapidated and needed to be removed. The original garage was on the 1' line. They are asking for a variance of 4' to build a new garage on that 1' line. The adjacent neighbor to the north said he had no problems with it. He noted the diagram showing the proposed garage at the 5' setback with respect to the existing driveway. He asked what the rear setback needs to be; they were told 10' by one person and 5' by another.

Mr. Worster said it looks like there is a utility easement in the rear. Ms. Hoggatt stated that if there is a utility easement, it must be 1' off the easement.

Mr. Worster asked if they will have to have a 1-hour fire rating. Mr. Hollen responded that they have been told that, and they will comply with that.

Mr. Worster commented that a lot of the detached garages in the area are in similar locations, at or on the property line. He doesn't see a problem with the proposal as long as the eaves of the garage don't overhang the property line.

**AUDIENCE PARTICIPATION:** None

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

Motion made by Worster, Seconded by Webb, to approve BOA-2223-20 as requested, with a 4' variance to the 5' side setback on the north.

Voting Yea: Worster, Webb, Howard

The motion to approve BOA-2223-20 as requested passed by a vote of 3-0.

Mr. Howard noted there is a ten-day appeal period before the decision is final.

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7. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-21: City of Norman requests a Variance of 17.4' to 28-505(b)(3) to allow placement of a projecting sign farther from the right-of-way than normally permitted for property located at 318 E. Comanche Street.

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Application with Attachments
4. Sign Permit Application with Attachments

**PRESENTATION BY STAFF:**

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

**PRESENTATION BY THE APPLICANT:**

Taylor Johnson, Transit and Parking Manager, referred to the site layout diagram showing Bay 5 and the sidewalk adjacent to Porter Avenue.

**AUDIENCE PARTICIPATION:** None

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

Motion made by Worster, Seconded by Webb, to approve BOA-2223-21 as requested, with a variance of 17.4' to the required 4' or less setback from the right-of-way for the projecting sign.

Voting Yea: Worster, Webb, Howard

The motion to approve BOA-2223-21 as requested passed by a vote of 3-0.

Mr. Howard noted there is a ten-day appeal period before the decision is final.

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8. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-22: Barry Barger and Jeremy and Morgan Hudson request a Special Exception to permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship for property located at 4800 E. Cedar Lane Road.

**ITEMS SUBMITTED FOR THE RECORD:**

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

**PRESENTATION BY STAFF:**

Zach Abell reviewed the staff report, a copy of which is filed with the minutes.

**PRESENTATION BY THE APPLICANT:**

Barry Barger, 2928 Misty Ridge Drive, explained that they're trying to combine their two households onto the same property, owned by his daughter and son-in-law. His son-in-law has 100% medical disability received after his second deployment to Iraq. His wife is medically disabled with Huntington's disease at a very advanced stage. They want the families close together so they can support each other.

Mr. Webb suggested the applicant think about postponing until more Board members are present. He does not plan to vote in favor of it.

Mr. Barger requested that this application be postponed.

**AUDIENCE PARTICIPATION:** None

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

Motion made by Worster, Seconded by Webb, to postpone BOA-2223-22 to the July 26, 2023 meeting.

Voting Yea: Worster, Webb, Howard

The motion to postpone BOA-2223-22 to the July 26, 2023 meeting passed by a vote of 3-0.

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9. Consideration of Approval, Rejection, Amendment, and/or Postponement of BOA-2223-23: Kirk Hays and Samantha Watson request a Variance of 2% to 36-516(c)(6) to allow for building coverage in excess of 40% to add a pergola for property located at 107 N. Findlay Avenue.

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Postponement Memo

**PRESENTATION BY STAFF:**

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

**PRESENTATION BY THE APPLICANT:** None

**AUDIENCE PARTICIPATION:** None

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

Motion made by Worster, Seconded by Webb, to postpone BOA-2223-23 to the July 26, 2025 meeting.

Voting Yea: Worster, Webb, Howard

The motion to postpone BOA-2223-23 to the July 26, 2025 meeting passed by a vote of 3-0.

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**MISCELLANEOUS COMMENTS**

None

**ADJOURNMENT**

There being no further business and no objection, the meeting adjourned at 5:13 p.m.

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Secretary, Board of Adjustment