



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 10/22/2025

REQUESTER: Alpha Phi Sorority

PRESENTER: Justin Fish, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-6: ALPHA PHI SORORITY REQUESTS A VARIANCE TO SECTION 36-551(B)(2)(B) OF 10' TO THE REQUIRED 20' LANDSCAPING STRIP AND THE REQUIRED THREE-FOOT TO FOUR-FOOT MASONRY OR ROCK WALL FOR THE PROPERTY LOCATED AT 1401 COLLEGE AVENUE.

APPLICANT	Alpha Phi Sorority
LOCATION	1401 College Avenue
ZONING	R-3, Multifamily Dwelling District
REQUESTED ACTION	Variance to Section 36-551(b)(2)(b) of 10' to the required 20' landscaping strip and the required three-foot to four-foot masonry or rock wall
SUPPORTING DATA	Location Map and Aerials Application with Attachments Site Plan Private Utility Easements and Survey

SYNOPSIS:

The applicant requests a variance to allow for a 10' landscape strip without the required three-to-four-foot masonry or rock wall. The applicant is requesting this variance so they may expand the parking area of the sorority.

The variances requested are as follows:

1. A variance to Section 36-551(b)(2)(b) of 10' to the required 20' landscaping strip and a variance to the required three-foot to four-foot masonry or rock wall.

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

APPLICABLE ZONING ORDINANCE PROVISIONS:

Section 36-551(b)(2)(b):

(b)(2) Street landscaping requirements.

- b. A landscaping strip ten feet in depth shall be located between the abutting right-of-way and the parking lot. For parking lots which are zoned residentially or lie adjacent to or directly across the street from residentially zoned land, a landscaping strip 20 feet in depth shall be provided. If a three-foot to four-foot masonry or rock wall is installed adjacent to the parking area, the required landscaping strip may be reduced to ten feet in depth.

VARIANCE CRITERIA PER NCC SECTION 36-570(k):

A variance is a “relaxation of the terms of” the Zoning Ordinance allowed only where it is not contrary to the public interest and literal enforcement would result in **unnecessary hardship** to the applicant. For the purposes of the Norman Zoning ordinance, “the term ‘hardship’ means a hardship peculiar to the property of the applicant that is **of such a degree of severity that its imposition is not necessary to carry out the spirit of this chapter and that would amount to substantial and unnecessary waste of the property.** From the terms of this ordinance, a variance shall not be granted by the Board of Adjustment unless and until the required hardship has been demonstrated based upon evaluation of the following factors:

- (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.

Where **hardship and uniqueness** are demonstrated, variances **must be narrowly tailored** so as to only alleviate the hardship and not confer special privileges upon the applicant.

Where an applicant cannot establish entitlement to a variance under the terms of the Zoning Ordinance, the applicant has the option of pursuing the project as alternatively-approved zoning pursuant to a PUD, Planned Unit Development, or SPUD, Simple Planned Unit Development.

Additionally, the existence or non-existence of protest by neighboring property owners may present facts that can be considered in establishing the necessary variance factors, namely and second and fourth above, but is not dispositive in any case.

DISCUSSION:

The subject property is near the University of Oklahoma and houses the Alpha Phi Sorority. This parcel and all surrounding parcels are residentially zoned as R-3, Multifamily Dwelling District or RM-6, Medium-Density Dwelling District. The sorority occupied this property before 1989. Under the R-3, Multifamily Dwelling District regulations, a sorority house requires Special Use zoning. However, this facility has operated as a sorority house for decades under a recognized non-conforming status without a granted Special Use for a sorority.

The applicant filed a Special Use application with the City of Norman to accommodate the proposed renovations including: an expanded parking lot, additional site access, and exterior changes to the building.

In reviewing the applicant's Special Use request, City Staff identified the applicant's non-compliance with Section 36-551(b)(2)(b). As noted above, this section of the Zoning Ordinance requires this property to install a 20' landscaping strip between the proposed parking lot and the adjacent residentially zoned property. However, the ordinance language also offers the applicant the alternative of installing a three-to-four-foot masonry or rock wall adjacent to the parking area to reduce the required landscaping strip to only ten feet. The applicant was advised of the options for compliance. The applicant declined City Staff's attempts to guide a redesign for the project that complies with 36-551(b)(2)(b) and instead stated their wish to seek a variance. The applicant was advised by City Staff of the high standard applicable to variance requests.

The applicant requests that it be permitted to reduce the required landscaping strip to 10' but be exempted from the masonry/rock wall requirement. The applicant's submission materials state that "critical underground infrastructure lines" are a unique hardship justifying issuance of a variance. The applicant produced easements regarding the referenced infrastructure. The easement grantor is the applicant in both cases. The easements do not expressly prohibit the use of or installation of surface fixtures by the applicant. Further, location parallel to a property line and in close proximity to utilities located in public right-of-way are not unique to residentially zoned properties. Additionally, the location of easements as represented allow room for redesign and compliance with the ordinance.

Staff offered the applicant the following suggested alternatives that would allow the expanded parking lot to remain:

- Reducing the aisle width of angled parking spaces to 12', freeing about 6' along the east boundary. Additionally, the length of spaces shown is also longer than required by ordinance, creating additional flexibility and options.
- Moving the expanded parking area to another area on the parcel, including the building's north side.

The applicable provisions do not mandate a certain location for the required wall, thus with one of the above suggested redesigns, it could also be located so as to avoid conflicts with

underground utilities. Additionally, as the site is currently equipped with parking, the proposed expansion could be removed from the renovation plans. These available options would achieve compliance and avoid the need for a variance. However, where a variance is not available, an applicant is always advised by staff of the ability to pursue the project as designed through alternative zoning, in this case a SPUD.

Additional Legal Evaluation: The applicant must establish uniqueness, either by the referenced easement or another characteristic of the property not yet identified or discussed. Based on the submittals and staff comments, additional information from applicant may assist in this regard. Additionally, the applicant must establish hardship of such a degree of severity that application of the Zoning Ordinance amounts to a substantial and unnecessary waste of this property. However, as Staff observes that the site has operated with the current parking for a long time, information establishing a hardship amounting to waste does not appear in the current submittals.

CONCLUSION:

Staff recommends denial of the request for a variance to Section 36-551(b)(2)(b) and BOA-2526-6.