



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Wednesday, August 28, 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, August 28, 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.

Chair Curtis McCarty called the meeting to order at 4:30 p.m.

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

ROLL CALL

PRESENT

Brad Worster
Micky Webb
Curtis McCarty
Ben Bigelow
James Howard

A quorum was present.

STAFF PRESENT

Justin Fish, Planner I
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 22, 2024 BOARD OF ADJUSTMENT MEETING.

Motion made by Webb, seconded by Bigelow, to approve the minutes of the May 22, 2024 Board of Adjustment meeting as presented.

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

The motion to approve the May 22, 2024 Board of Adjustment minutes as presented passed by a vote of 5-0.

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ACTION ITEMS

2. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2425-02: BOB AND ELLEN USRY REQUEST A VARIANCE TO 36-512(d)(3) OF 19' TO THE 50' REAR YARD SETBACK FOR THE ADDITION OF A BATHROOM FOR THE POOL PAVILION AND A VARIANCE OF 25'3" TO THE 50' REAR YARD SETBACK FOR A STORAGE SHED FOR PROPERTY LOCATED AT 2247 60TH AVENUE N.E.

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.

PRESENTATION BY THE APPLICANT:

Mark Krittenbrink, 428 W. Eufaula, representing the applicant, explained that there is a shed at the back of the property that is existing and serves as a well house which is 24'9" from the rear property line. The existing cabana is being converted to a one bedroom apartment for family, and they are adding a bathroom and closet to the east side; it is currently 38' from the property line and will be 31' with the addition. They are asking for 7' additional encroachment for the addition.

Mr. Webb asked what is behind the property. Mr. Krittenbrink responded it is pasture. The trees are on the fenceline.

Ellen Usry, 2247 60th Avenue NE, explained the history of the property, which is 3 acres. Behind the property is all pasture.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Motion made by Bigelow, seconded by Webb, to approve the Variance of 25'3" to the required 50' rear yard setback for the existing shed, and the Variance of 19' to the required 50' rear yard setback for the bathroom/closet addition as requested in BOA-2425-02.

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

The motion to approve the two variances requested in BOA-2425-02 passed by a vote of 5-0.

Mr. McCarty noted the ten-day appeal period before the decision is final and a building permit can be obtained.

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3. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2425-01: KATJA WANDA LIEBERMANN REQUESTS A VARIANCE TO 36-514(c)(2)(a) OF 1' TO THE 5' SIDE YARD (WEST) SETBACK FOR A NEW GARAGE TO BE LOCATED APPROXIMATELY IN THE SAME LOCATION AS AN EXISTING SHED FOR PROPERTY LOCATED AT 1116 W. EUFAULA STREET.

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.

PRESENTATION BY THE APPLICANT:

Katja Wanda Liebermann, 1116 W. Eufaula Street, the applicant, explained the project and provided a photo of the existing shed and a site plan showing the existing and proposed dimensions. She is asking to match the existing location of the shed on the west side with the new garage. The new garage will be 12' wide, and moving it to the 5' setback would impinge on the gate in the fence and the step down from the back door into the yard.

Mr. Howard asked if there are other properties with similar conditions in the area. Ms. Liebermann indicated that behind her property there is a building that is right on the property line, so it is much closer than 4'. She will also be replacing the fence/gate.

Mr. McCarty asked about the fence on the east side of the shed. Ms. Liebermann indicated there is a diagonal fence that closes the area between the house and the shed. She will have to move the fence with the new garage, but there is a set of concrete steps right behind the fence so there is not a lot of space. It will have to be at a 45° angle because there is no other way to get an operable gate into the fence.

Mr. Howard asked about the possibility of moving the structure 1-2' further back. Ms. Liebermann indicated there is an existing tree that will be right behind the proposed garage.

Mr. Howard asked how far the new garage will extend under the canopy of the tree. Ms. Liebermann said she has not measured, but believes she will have to trim some of the branches. Mr. Howard commented that there is limited coverage that you can put over the root system of a tree and not affect its health.

AUDIENCE PARTICIPATION:

Dean Carter, owner of 1127 W. Eufaula, expressed concern about safety and fire access with only a 4' setback.

Mr. McCarty explained that Ms. Liebermann will have to apply for a building permit, and during that process they will review fire requirements.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Bigelow asked if the shed was permitted and when it was built. Mr. Fish did not research when it was built, but thinks it was before the ordinance establishing the 5' setback was adopted.

Motion made by Bigelow, seconded by Worster, to approve the Variance of 1' to the 5' required side yard (west) setback as requested in BOA-2425-01.

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

The motion to approve the Variance of 1' to the 5' required side yard setback (west) as requested in BOA-2425-01 was adopted by a vote of 5-0.

Mr. McCarty noted the ten-day appeal period before the decision is final and a building permit can be obtained.

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4. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2425-03: MICHAEL AND AIMEE PEAY REQUEST A VARIANCE TO 36-514(c)(2)(a) OF 2' TO THE 5' SIDE YARD (WEST) SETBACK FOR AN ADDITION TO AN EXISTING HOUSE FOR PROPERTY LOCATED AT 1119 W. APACHE STREET.

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.

PRESENTATION BY THE APPLICANT:

Colby Cowart, BJ Roofing & Construction, the contractor and designer for the applicant, reviewed the project. They will be adding 14' to the rear of the house at the northwest corner. Moving the addition to the 5' setback would make the addition more complex and not as natural.

Michael Peay, 915 Foxglove Trail, Fairview, Texas, the applicant, explained that they wanted to find a place in Norman. The house only has one bathroom, and they are trying to get an en suite by adding a bathroom.

Mr. Worster asked what sort of fire barriers might be necessary. Mr. Cowart responded they will have to do a 1-hour fire separation wall on that side of the addition. Mr. Worster asked if that would also have to be on the existing house. Mr. Cowart indicated he would have to ask City staff.

Mr. Bigelow asked about the roofline. Mr. Cowart explained how the roofline will be designed.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Worster commented that the houses are very close together. He was concerned with the fire rating on the west wall of the existing structure as well as the addition.

Motion made by Howard, seconded by Bigelow, to approve the Variance of 2' to the 5' required side yard (west) setback as requested in BOA-2425-03.

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

The motion to approve the Variance of 2' to the 5' required side yard (west) setback requested in BOA-2425-03 was adopted by a vote of 5-0.

Mr. McCarty noted the ten-day appeal period before the decision is final and a building permit can be obtained.

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MISCELLANEOUS COMMENTS - None

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 5:02 p.m.

Secretary, Board of Adjustment