



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 9/25/2024

REQUESTER: Brandon & Megan Swart

PRESENTER: Justin Fish, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2425-04: BRANDON AND MEGAN SWART REQUEST A VARIANCE TO 36-514(c)(3) OF 9'9" TO THE 20' REAR YARD SETBACK FOR A SECOND STORY DECK FOR PROPERTY LOCATED AT 4100 NICOLE PLACE.

APPLICANT	Brandon & Megan Swart
LOCATION	4100 Nicole Pl.
ZONING	R-1, Single Family Dwelling District
REQUESTED ACTION	Variance of 9' 9" to the required 20' rear yard setback for the construction of an addition to rear side of the home for a second story deck.
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant is seeking the approval of a variance so they may construct a second story deck. This deck is part of a second story addition. The variance being request is as follows:

1. A variance of 9' 9" to the required 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.

DISCUSSION: The existing single-family home on the subject lot sits, at its closest point, 23' 6" from the rear property line. The rear property line is angled to the Northeast causing the amount of depth to decrease by a total 49' when the rear and side yard property lines meet in the Northeast corner. The proposed deck addition would place the home at 11' 6" from the rear property line. This is displayed on the proposed site plan.

CONCLUSION: Staff forwards this request for a variance BOA-2425-04 to the Board of Adjustment for consideration.