



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 8/28/2024

REQUESTER: Michael & Aimee Peay

PRESENTER: Justin Fish, Planner I

ITEM TITLE: 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.

APPLICANT Michael & Aimee Peay

LOCATION 1119 W. Apache Street

ZONING R-1, Single Family Dwelling District

REQUESTED ACTION Variance to 36-514(c)(2)(a) of 2' to the 5' side setback, resulting in a 3' side yard setback on the West property line.

SUPPORTING DATA Location Map
Application with attachments
Site Plan

SYNOPSIS: The applicant is seeking the approval of a variance in order to proceed with plans to construct an addition to the west side of their existing home. The variance being requested is as follows:

1. A variance of 2' to the required 5' side 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.

Please see the attached justification from the applicant.

DISCUSSION: The single-family dwelling that currently exists on the subject property was constructed before the City of Norman's zoning ordinance was adopted. For this reason, the structure has been considered a non-conforming structure. The applicant wishes to construct an addition to the dwelling in line with the existing structure at a 3' west side setback. This proposal however, would increase the structure's degree of non-conformity. As a result, the applicant is seeking a 2' variance to the 5' minimum side yard setback to bring the entire structure to legal non-conforming status.

CONCLUSION: Staff forwards this request for BOA-2425-03 to the Board of Adjustment for consideration.