



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Wednesday, May 22, 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, May 22, 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 \(municodemeetings.com\)](https://www.municodemeetings.com) in excess of 24 hours prior to the beginning of the meeting.

Chair Curtis McCarty called the meeting to order at 4:31 p.m.

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

ROLL CALL

PRESENT

Brad Worster
Micky Webb
Ben Bigelow
James Howard
Curtis McCarty

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 APRIL 24, 2024 BOARD OF ADJUSTMENT MEETING.

Motion made by Worster, seconded by Webb, to approve the April 24, 2024 Board of Adjustment Minutes as presented.

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

The motion to approve the April 24, 2024 Board of Adjustment minutes as presented passed by a vote of 4-0-1.

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ACTION ITEMS

2. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2324-17: SUE AND VYTAUS RINGUS REQUEST A VARIANCE TO 36-514(c)(2)(b) AND 36-514(d)(2) OF 15' TO THE 25' SIDE SETBACK (15' SIDE PLUS 10' FOR HEIGHT ABOVE 10'), RESULTING IN A 10' SIDE YARD SETBACK ON COLLEGE AVENUE, AND A VARIANCE TO 36-514(d)(2) OF 9' TO THE 11' REAR YARD SETBACK (1' FROM ALLEY PLUS 10' FOR HEIGHT ABOVE 10'), RESULTING IN A 2' SETBACK ON THE ALLEY RIGHT-OF-WAY, FOR A NEW ACCESSORY BUILDING AT 530 W. EUFAULA STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments
4. Site Plans with Turning Radii
5. Support Letter

PRESENTATION BY STAFF: Justin Fish reviewed the staff report, a copy of which is filed with the minutes.

Mr. Worster asked how tall the accessory structure will be. Mr. Fish responded that he believes it will be 19'8".

PRESENTATION BY THE APPLICANT:

Brent Swift, 1112 Whispering Pines Drive, representing the applicants, explained the issues they have had with this site. When they laid it out on the site, the building was encroaching on a tree the applicants want to preserve, which was the reason for the original variance. The property line shown on the survey was parallel to the alley, running east/west, which is 3'4" difference from where the actual property line is. It laid out completely differently by several feet when they were working off the property.

Mr. Worster asked how far the house is from the property line. Mr. Swift said the house is 15' from the property line. The setback was platted at 15'. The accessory structure they are requesting to be setback 10' from the property line. The request for the rear yard is a setback of 2', which will end up being 5'4" from the edge of alley pavement. In this area, a 5' apron off the alley is pretty standard for a single car garage. The turning radius is shown on the site plan.

Mr. Howard asked if there are other two-car garages in the area. Mr. Swift responded affirmatively.

Mr. Howard asked about other structures in the area closer to the property line on College Avenue. Mr. Swift said between Eufaula and Symmes there is one house facing College; they have no garage but park right off the alley.

Mr. Worster asked which tree they are trying to save. Mr. Swift said they would like to save both the tree in the alley and the one shown in the middle of the circle, but the one in the circle is the largest tree.

AUDIENCE PARTICIPATION: None

Mr. McCarty noted that a letter of support was received.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Worster said he had looked at the property. Much of the area is different block-by-block. The houses that face College Avenue look to be at the front yard setback of 20' or so. With this building being tall, it will really stand out, being that close to the street. He does not mind the alley setback as long as the utility companies have access as needed. This will look like a building that was placed a lot closer to the street than everybody else. It is a narrow street, but there is parking on both sides of the street.

Mr. Bigelow asked to be recused out of an abundance of caution due to a potential conflict. He vacated his seat.

Motion made by Worster, seconded by Webb, to separate the two requests into two votes.

Voting Yea: Worster, Webb, Howard, McCarty

The motion to separate the two requests passed by a vote of 4-0.

Motion made by Worster, seconded by Webb, to approve the Variance of 9' to the required 11' rear setback.

Voting Yea: Worster, Webb, McCarty

Voting Nay: Howard

The motion to approve the Variance of 9' to the required 11' rear setback passed by a vote of 3-1.

Motion made by Worster, seconded by Webb, to approve the Variance of 15' to the required 25' side yard setback.

Voting Yea: McCarty

Voting Nay: Worster, Webb, Howard

The motion to approve the Variance of 15' to the required 25' side yard setback failed by a vote of 1-3.

Mr. McCarty noted the 10-day appeal period before the decision is considered final.

Mr. Bigelow resumed his seat.

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Mr. McCarty announced that he needed to be recused from the next item.

Motion made by Worster, seconded by Webb, to allow Mr. McCarty to recuse on this item.

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

The motion to allow Mr. McCarty to be recused on this item passed by a vote of 5-0.

Mr. McCarty vacated his seat; Mr. Howard assumed control of the meeting.

3. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2324-16: DON AND ROBIN ALLEN REQUEST A VARIANCE TO 36-514(c)(3) OF 11'6" TO THE 20' REAR YARD SETBACK, RESULTING IN AN 8'6" SETBACK, TO ALLOW THE ADDITION OF A MASTER BEDROOM AND BATHROOM SUITE ON THE FIRST FLOOR OF THE EXISTING HOME LOCATED AT 6 BINGHAM PLACE.

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.

Mr. Bigelow asked the status of the park property that various property owners have fenced in. Ms. Muckala said there is no ability to adversely possess public land. It appears that property is a totally dedicated in fee public space, not an easement. Staff can't verify that the buildings in the public area were issued permits. Mr. Worster commented that the City has never done anything with this park, or maintained it.

PRESENTATION BY THE APPLICANT:

Curtis McCarty, 717 26th Avenue N.W., representing Don and Robin Allen, presented the project. The house was built in 1967, in a neighborhood that was platted in 1963. They purchased the home in 2013, as it still exists today. They had a full survey done of the property. They are trying to add a master bedroom; the house is two stories and all the bedrooms are upstairs. The addition will adjoin the house at an odd angle to keep it as close to the house as possible. There is a 7.5' easement in the rear, and the addition will be at 8'6". There is a garage that appears to be built right up to the easement. There is also a pool.

Mr. Worster asked if the garage is detached. Mr. McCarty responded affirmatively; he provided an aerial photo of the property.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Motion made by Bigelow, seconded by Worster, to approve the Variance of 11'6" to the 20' rear yard setback.

Voting Yea: Worster, Webb, Bigelow, Howard

The motion to approve the Variance of 11'6" to the 20' rear yard setback was approved by a vote of 4-0.

Mr. Howard noted the 10-day appeal period before the decision is final.

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Mr. McCarty resumed his seat.

MISCELLANEOUS COMMENTS - None

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 5:08 p.m.

Secretary, Board of Adjustment