

Board of Adjustment
June 28, 2023
BOA-2223-17

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Brady Smith (BMS Homes, L.L.C)
LOCATION	202 W. Johnson St.
ZONING	R-2, Two-Family Dwelling District
REQUESTED ACTION	Variance of 22' to the required 25' front setback and variance of 15' to the required 20' side setback.
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant is requesting a variance of 22' to the 25' front setback and a variance of 15' to the required 20' side setback of the R-2, Two-Family Dwelling District to allow construction of a new home.

The application, site plan, and the Existing Variance Conditions 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.

The applicant provided responses to the four variance criteria. Please see the attached Existing Variance Conditions form.

DISCUSSION: The Highland Addition was platted in 1903. This lot has been in this configuration since 1964, which was prior to the adoption of the Subdivision Regulations in 1973. It is still a legal lot. The surrounding homes were built in the 1930s, which was before the City of Norman adopted a zoning ordinance. The applicant wishes to build a new home in a location that will blend in with the existing older homes. The way the lot is configured creates a setback issue with either the front or rear setback, depending on how the applicant constructs the new house.

CONCLUSION: Staff forwards this request for a front setback and a side setback variance and BOA-2223-17 to the Board of Adjustment for consideration.