

Board of Adjustment
June 28, 2023
BOA-2223-18

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Stephen and Erika Miller
LOCATION	1611 Jenkins Avenue
ZONING	R-1, Single Family Dwelling District
REQUESTED ACTION	Variance to 36-552(a) to allow a fence 2' taller than the 4' maximum height (for a total of 6') along the front property line
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant plans to replace the existing 6' front fence with a new 6' fence to minimize the noise coming from the street. The applicant has had a 6' fence in the front yard for at least 18 years (reviewing the historical aerials). The City of Norman is underway with the street widening project for Jenkins Avenue; this street widening project will affect this property, as it will bring the roadway closer to the front property line. The front yard fence will act as a sound buffer.

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 and related information.

DISCUSSION: The City is currently preparing the easements for the Jenkins Avenue widening project, which will impact this property's fence and landscaping. The applicant would like to take this as an opportunity to modernize the fence and prevent the noise from the road from coming into the house. The house on this property is closer to the road than other properties on the same street.

CONCLUSION: Staff forwards this request for a fence height variance and BOA-2223-18 to the Board of Adjustment for consideration.