



Application for Variance or Special Exception  
**BOARD OF ADJUSTMENT**

Case No. BOA \_\_\_\_\_

City of Norman Planning & Community Development - 225 N. Webster Avenue - Norman, OK 73069 — (405) 307-7112 Phone

APPLICANT(S) BMS Homes LLC, Brady Smith (Owner)	ADDRESS OF APPLICANT 5409 Heidelberg Drive, Mustang, OK. 73064
NAME AND PHONE NUMBER OF CONTACT PERSON(S) Brady Smith (405) 627-3677	EMAIL ADDRESS Brady.Smith@bmshomes.net

**Legal Description of Property:** (UNLESS THE LEGAL DESCRIPTION IS A SIMPLE LOT AND BLOCK, THE LEGAL DESCRIPTION MUST BE PROVIDED IN A WORD DOCUMENT EMAILED TO CURRENT.PLANNING@NORMANOK.GOV)

HIGHLAND LOTS PRT 1-3 BEG NE/C LT 1 S 80' W72' S20' W3' N100' E75' TO BEG BLK 22

**Requests Hearing for:**

☒ VARIANCE from Chapter 36, Section 516 - R-2, TWO FAMILY DWELLING DIS

☐ SPECIAL EXCEPTION to \_\_\_\_\_

**Detailed Justification for above request** (refer to attached Review Procedures and justify request according to classification and essential requirements therefor):

According to ch. 36 section 516 part (c) of the Norman Munipal Code, area regulations

state that the setback for the front yard be a minimun 25' from the property line

and a minimum of 20' side setback when there are two frontages on the property.

With that being said we are requesting that the city allow a variance so that the new proposed home aligns with the surrounding homes on the street. See attached for justification.

(Attach additional sheets for your justification, as needed.)

SIGNATURE OF PROPERTY OWNER(S):

*Brady Smith*

ADDRESS AND TELEPHONE:

5409 Heidelberg Drive, Mustang, OK. 73

Cell: (405) 627-3677

OFFICE  
USE  
ONLY

- ☐ Application
- ☐ Proof of Ownership
- ☐ Certified Ownership List and Radius Map
- ☐ Site Plan
- ☐ Filing Fee of \$ \_\_\_\_\_
- ☐ Emailed Legal Description in Word Document

☐ VARIANCE from Chapter \_\_\_\_\_,

Section \_\_\_\_\_

☐ SPECIAL EXCEPTION to \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Checked by: \_\_\_\_\_



# CERTIFICATION OF OWNERSHIP

Case No. BOA \_\_\_\_\_

City of Norman Planning & Community Development - 225 N. Webster Avenue - Norman, OK 73069 — (405) 307-7112 Phone

DATE: 5/16/23

**Brady Smith**

I, \_\_\_\_\_, hereby certify and attest that I am the owner, or that I have an option to purchase the following described property in the City of Norman:

AND, I further certify and attest that this legal description describes accurately the property requested for rezoning.

AND, I accept billing for the cost of publishing legal notice in the NORMAN TRANSCRIPT.

Owner's Signature: \_\_\_\_\_

Address: 5409 Heidelberg Drive, Mustang, TX

Agent's Signature: \_\_\_\_\_

Address: \_\_\_\_\_

## NOTARY

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

(SEAL)

My commission expires: \_\_\_\_\_

Notary Public

I hereby accept this Certification of Ownership in lieu of a deed or other legal document showing proof of ownership.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

CITY OF NORMAN





**BOARD OF ADJUSTMENT**  
**FUNCTION AND REVIEW PROCEDURES**

(Revised 03/23)

City of Norman Planning & Community Development - 225 N. Webster Avenue - Norman, OK 73069 -- (405) 307-7112 Phone

**EXISTING VARIANCE CONDITIONS:**

There are special conditions or circumstances peculiar to the land or structure involved:

The lot dimensions are 75' x 80' making it a non typical lot. The current set backs per code call for a minimum 25' front and a 20' side for a corner lot. The proposed set backs will allow BMS Homes to build in line with the surrounding homes on the street.

Attest  
BMS

The literal interpretation of the provisions of the Ordinance would deprive the applicant of rights enjoyed by others in the same district:

Set backs outlined in the Ordinance will place the home further back than the surrounding homes on the street making it out of place with an odd location and design of home.

Attest  
BMS

The special conditions or circumstances do not result from the actions of the applicant:

BMS Homes purchased the lot with its current plat dimensions on March 21 of 2023. The original deed shows that the lot has been platted this way as far back as 1964.

Attest  
BMS

The granting of the Variance will not confer special privileges on the applicant that are denied to other lands and/or structures in the same district:

The granting on the variance will allow BMS Homes to build a new home that will align with the existing homes on the street. This will be a deviation from the new city building code. However, an exception must be made to accomodate for the existing setbacks of the homes surrounding the new build.

Attest  
BMS



This document prepared by (and after recording return to):  
Frank D. Thompson, II, Esq., OBA No. 32171  
BELL & LISS, LLC  
702 King Farm Blvd., Suite 155  
Rockville, MD 20850  
File No.: 76704OKF-HQ

Recorders Memorandum  
All or part of this instrument  
is not legible or is of poor quality.

**PERSONAL REPRESENTATIVE'S DEED**

**KNOW ALL MEN BY THESE PRESENTS:**

THIS INDENTURE, made this 21 day of MARCH, 2023, between **BEVERLY O. LIGON AKA BEVERLY OLIVE LIGON**, as the duly qualified and acting Personal Representative and heir of the Estate of **JACK ROSS LIGON, III**, deceased, as party or parties of the first part, whose address is: **3304 NE 12TH STREET, OKLAHOMA CITY, OK 73117** (hereinafter referred to as "Grantor"), and **BMS HOMES LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY**, as party or parties of the second part, whose address is: **5409 HEIDELBERG DRIVE, MUSTANG, OK 73064** (hereinafter referred to as "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors, and assigns where the context requires or permits);

**WITNESSETH:**

That whereas, under and by virtue of authority and power in the Order of the Court entered of record in case number PB-2018-1069 in the District Court of Oklahoma County, State of Oklahoma, to which reference is hereby made.

Whereas, said Court did on the 16<sup>th</sup> day of October, 2018, enter an Order Authorizing Personal Representative to Sell Real Property, wherein the Personal Representative was authorized to sell the real property described herein without further judicial authorization or a Return of Sale or confirmation of such sale. Said Order is hereby referred to and made a part of this indenture.

Now therefore, **BEVERLY O. LIGON AKA BEVERLY OLIVE LIGON**, as the Personal Representative of the Estate of the Deceased, **JACK ROSS LIGON, III**, party of the first part, pursuant to authority and power granted in the Order Authorizing Personal Representative to Sell Real Property, does by these presents grant and convey, unto the party of the second part, his/her/their heirs forever, all of the right, title, interest and Estate of the said Deceased, at the time of his death, in the following described real property situated in Cleveland County, State of Oklahoma, to-wit:

**SEE ATTACHED EXHIBIT "A" AND INCORPORATED HEREIN.**

Property Address: 202 WEST JOHNSON STREET, NORMAN, OK 73069


Together with all improvements thereon, and rights on ingress and egress.



TO HAVE AND TO HOLD the said tract or parcel of land, together with all improvements thereupon and the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of said Grantee forever in FEE SIMPLE.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

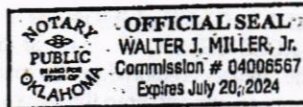
WITNESS the following signatures and seal:

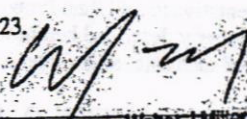
  
BEVERLY O. LIGON AKA BEVERLY OLIVE LIGON, PERSONAL REPRESENTATIVE AND HEIR OF THE ESTATE OF JACK ROSS LIGON, III, DECEASED, WHO DEPARTED THIS LIFE ON OR ABOUT 2-17-2016

STATE / COMMONWEALTH OF OKLAHOMA  
CITY / COUNTY OF OKLAHOMA, to-wit:

I, a Notary Public of the aforesaid jurisdiction, do hereby certify that the foregoing instrument was acknowledged before me this 21 day of MARCH, 2023, by BEVERLY O. LIGON AKA BEVERLY OLIVE LIGON, personal representative and heir of the estate of JACK ROSS LIGON, III, deceased.

Given under my hand this 21 day of MARCH, 2023.



  
NOTARY PUBLIC Walter J. Miller Jr. (SEAL)  
My Commission Expires: 07/20/2024

Send Subsequent Tax Bills to:

BMS HOMES LLC  
5409 HEIDELBERG DRIVE  
MUSTANG, OK 73064

**EXHIBIT "A"**

**THE FOLLOWING DESCRIBED REAL PROPERTY AND PREMISES SITUATE IN CLEVELAND COUNTY, STATE OF OKLAHOMA, TO WIT:**

**PART OF LOTS ONE (1), TWO (2) AND THREE (3), IN BLOCK TWENTY-TWO (22), OF HIGHLAND ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT ONE (1); THENCE SOUTH 80 FEET; THENCE WEST 72 FEET; THENCE SOUTH 20 FEET; THENCE WEST 3 FEET; THENCE NORTH 100 FEET; THENCE EAST 75 FEET TO THE POINT OF BEGINNING.**

**LESS AND EXCEPT ANY INTEREST IN AND TO THE OIL, GAS AND OTHER MINERALS PREVIOUSLY RESERVED OR CONVEYED.**

**EXCEPTING THEREFROM ANY RIGHTS, TITLE, AND INTEREST IN ALL THOSE LANDS CONVEYED BY DEED FROM BEVERLY O. LIGON, AS THE DULY QUALIFIED AND ACTING PERSONAL REPRESENTATIVE OF THE ESTATE OF JACK ROSS LIGON, III, DECEASED, TO SEDRICK WILLIAMS, A SINGLE PERSON, DATED 11-01-2018, RECORDED 11-01-2018, IN BOOK RB 5861, PAGE 580, AS INSTRUMENT NO. R2018-35089, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**THE FOLLOWING DESCRIBED REAL PROPERTY SITUATED IN CLEVELAND COUNTY, STATE OF OKLAHOMA TO WIT:**

**THE NORTH 100 FEET OF LOTS FOUR (4) AND FIVE (5) IN BLOCK TWENTY-TWO (22), OF HIGHLAND ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.**

**BEING a portion of the same property conveyed by Deed executed by GAYLA L. OSBORN, SINGLE, on 3/27/2008, as recorded on 3/27/2008 at Book/Liber RB 4470, Page/Folio 522, Instrument R 2008 10706 and re-recorded on 3-18-2011, in Book RB 4850, PAGE 674, as INSTRUMENT NO. R 2011 8749 in the land records of CLEVELAND COUNTY, OKLAHOMA unto JACK ROSS LIGON, III, SINGLE. The said Jack Ross Ligon, III having since departed this life on or about 2-17-2016.**

**Parcel Identification Number: 35523 (GEO NO. NC29HGHL 22 1002).**



3052

## GENERAL FORM

## WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That J. D. Reynolds & Mary B. Reynolds,  
husband and wife,

parties of the first part, in consideration of  
the sum of Ten and other consideration - - - - - DOLLARS  
in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and con-  
vey unto Julia Pauline Garcia, a widow

second part, the following described real property and premises situated in Cleveland County, State of  
Oklahoma, to-wit:

Part of Lots 1, 2 and 3, in Block 22, of Highland Addition  
to Norman, Oklahoma, according to the recorded plat thereof,  
described as follows: Beginning at the Northeast corner of  
Lot 1, thence South 80 feet, thence West 72 feet, thence  
South 20 feet, thence West 3 feet, thence North 100 feet,  
thence East 75 feet to the place of beginning.



together with all improvements thereon and the appurtenances thereunto belonging, and warrant the  
title to the same.

To Have and to Hold said described premises unto the said part of the second part  
heirs and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, and  
judgments, mortgages and other liens and encumbrances of whatsoever nature.

Signed and delivered this 1st day of March 19 64

*J. D. Reynolds*  
*Mary B. Reynolds*

## INDIVIDUAL ACKNOWLEDGMENT

State of Oklahoma, Cleveland County, ss.  
Before me, the undersigned, a Notary Public, in and for said County and State, on this 1st day of March  
19 64, personally appeared



to me known to be the identical person who executed the within and foregoing instrument, and  
acknowledged to me that executed the same as free and voluntary act and deed  
for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

My Commission Expires June 14, 1965

*Roy E. Elliott*  
Notary Public

STATE OF OKLAHOMA 211  
COUNTY OF CLEVELAND  
FILED FOR RECORD  
*Mar 3* 1964 at 11:50 AM  
Book 303 Page 211  
HELEN JANSING Clerk  
By *Edith Hill* Deputy

Scale 1/16" = 1'

N↑



BMS Home  
5409 Heidelberg Drive  
Mustang, OK. 73064  
Cell: (405) 627-3677

ASSOCIATE 1  
Brady Smith  
5409 Heidelberg Drive  
Mustang, OK. 73064  
Cell: (405) 627-3677

ASSOCIATE 2  
Brett Smith  
3420 Bear Mountain Drive  
Norman, OK. 73069  
Cell: (405) 627-0872

CLIENT  
202 West Johnson Street  
Norman, OK. 73069

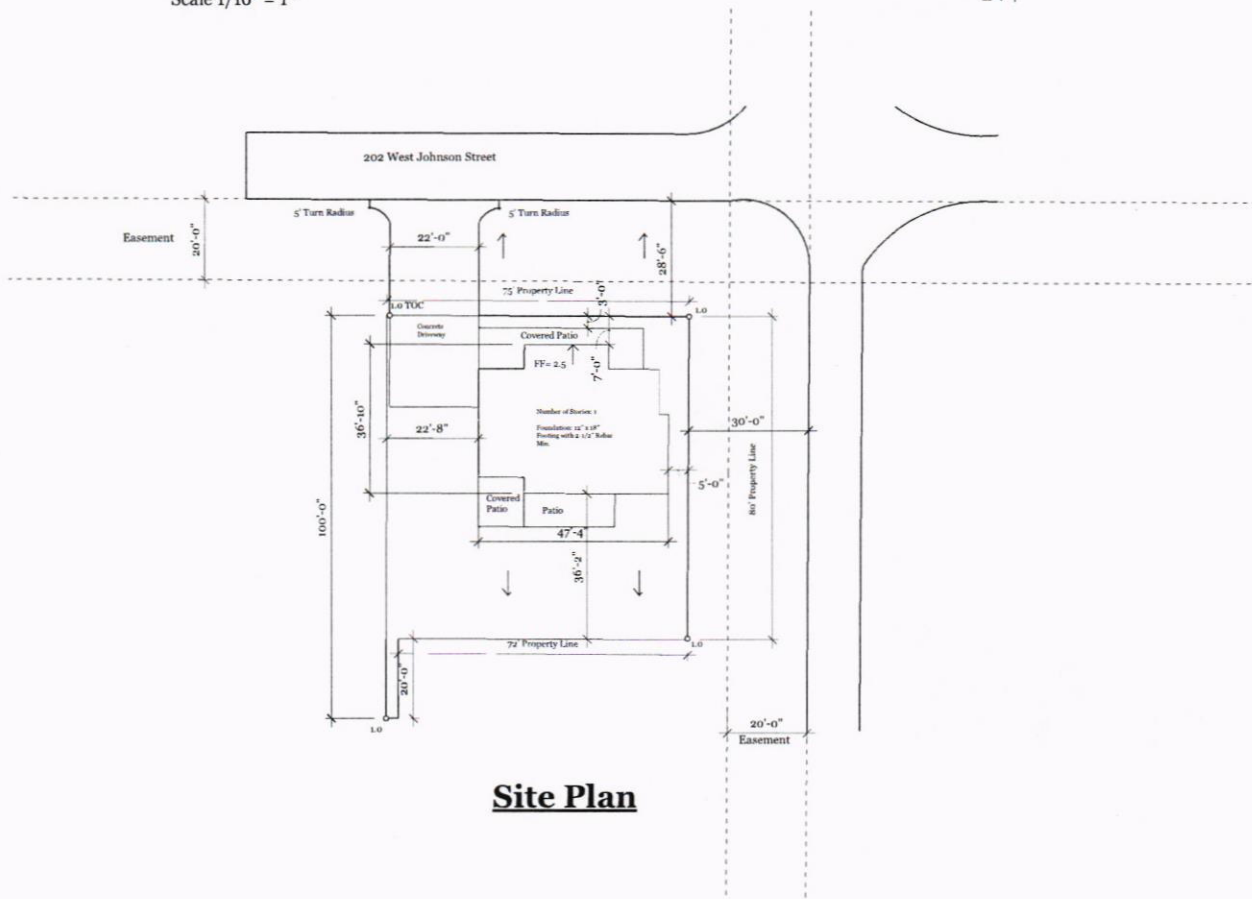
PROJECT  
Norman - Farm

DRAWN BY  
BMS

ISSUE  
4/14/23

RE-ISSUE  
MM.DD.YY

DESCRIPTION  
Site Plan



**Site Plan**

**C-1**



## **Proposed Setback**

Proposed home setback is 3' from the building line to the north that will allow us to blend in nicely with the surrounding homes on the street



## **Current Setback**

Current setbacks call for 25' min front yard, you will see that the home will set further back than the surrounding homes making it out of place and decreasing the size of the back yard substantially.



BMS Homes  
5409 Heidelberg Drive  
Mustang, OK. 73064  
Cell: (405) 627-3677

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Cell: (405) 627-0872

CLIENT  
202 West Johnson Street  
Norman, OK. 73069

PROJECT  
Norman - Farm

DRAWN BY  
BMS

DATE  
4/14/23

RE-ISSUE  
MM.DD.YY

DESCRIPTION  
Approximate View