



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 12/10/2025

REQUESTER: Allison Basden & Lawrence Basden Jr.

PRESENTER: Justin Fish, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-7: ALLISON BASDEN & LAWRENCE BASDEN JR. REQUESTS A VARIANCE TO SECTION 36-513(D)(1)(A) OF 2.85' TO THE REQUIRED 50' FRONT YARD SETBACK FOR THE PROPERTY LOCATED AT 7338 BRENDA (BERENDA) CIRCLE.

APPLICANT	Allison Basden & Lawrence Basden Jr.
LOCATION	7338 Brenda Circle
ZONING	RE, Residential Estate Dwelling District
REQUESTED ACTION	Variance to Section 36-513(d)(1)(a) of 2.85' to the required 50' front yard setback
SUPPORTING DATA	<ul style="list-style-type: none">Location MapApplication with AttachmentsVariance Request SurveyCleveland County Clerk Ownership Certification1973 Plat of East Oaks No. 1 Addition

SYNOPSIS:

This application concerns a single-family dwelling that was constructed in 1974. The dwelling was constructed 22.15' from the street right-of-way line; however, the applicable front setback for this parcel is 50' from the street right-of-way line. The placement of the dwelling has resulted in an encroachment of 27.85' from the street right-of-way line. The dwelling has changed owners several times since construction in 1974, and at least 4 times since 2007, as demonstrated by available public county records. To bring the dwelling into conformity with the Zoning Ordinance, the applicant has requested a variance from the Board of Adjustment.

The requested variances as advertised are as follows:

1. A variance to Section 36-513(d)(1)(a) of 2.85' to the required 50' front yard setback.

However, upon further review of this application, it was discovered that the original advertisement was incorrectly based on the dwellings' location from the property line, rather than from the street right-of-way line located 25' deep into the northern portion of the subject lot (see Survey). Thus, in order to address the correct setback line, staff is recommending the BOA consider a variance as follows:

1. A variance to Section 36-513(d)(1)(a) of 27.85' to the required 50' front yard setback.

The application, site plan, and the variance justification form provided by the applicant are attached for your review.

APPLICABLE ZONING ORDINANCE PROVISIONS:

Section 36-513(d)(1)(a):

(d)(1) *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

- a. The minimum depth of the front yard shall be 50 feet.

VARIANCE CRITERIA PER NCC SECTION 36-570(k):

A variance is a "relaxation of the terms of" the Zoning Ordinance that may be allowed where it is not contrary to the public interest and literal enforcement would result in **unnecessary hardship** to the applicant. For the purposes of the Norman Zoning ordinance, "the term 'hardship' means a hardship peculiar to the property of the applicant that is **of such a degree of severity that its imposition is not necessary to carry out the spirit of this chapter and that would amount to substantial and unnecessary waste of the property**. From the terms of this ordinance, a variance shall not be granted by the Board of Adjustment unless and until the required hardship has been demonstrated based upon evaluation of the following factors:

- (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.

Where **hardship and uniqueness** are demonstrated, variances **must be narrowly tailored** so as to only alleviate the hardship and not confer special privileges upon the applicant.

Additionally, the existence or non-existence of protest by neighboring property owners may present facts that can be considered in establishing the necessary variance factors, namely and second and fourth factor above, but is not dispositive in any case.

DISCUSSION:

The subject property is located within the East Oaks Addition, which was platted in 1973. As platted, this subdivision is accessed by a 50' private drive (dedicated in conjunction with necessary underground utility easements, see Survey). The center of the platted private drive constitutes the property lines of lots located to both the north and south of the drive, resulting in right-of-way lines 25' deep into the northern portion of the subject lot.

This Addition consists of single-family dwellings zoned RE, Residential Estate Dwelling District, which requires that the front setback be measured from the street right-of-way line. Measuring 50' from this street right-of-way line, the setback/build line is ultimately located 75' deep into the lot itself. The applicants have owned the subject property since 2015, and according to public records the property has changed ownership at least three times prior to their ownership since construction. While attempting to complete a sale of the subject property the prospective buyer was denied title insurance due to the dwelling being considered a non-conforming structure. The applicant has submitted a certified survey showing the existing dwelling to be a distance of 22.15' from the street right-of-way line. This results in an encroachment of the front yard setback of 27.85'.

As addressed by applicant in its response to the variance justification factors, and as is apparent from public historical records, this home was originally built in its current location. As such, applicable factual records support the applicant's assertion that the requested variance need did not result from applicant's actions, but occurred several years prior to applicant's ownership of the property. Additionally, public records also make it clear that this issue passed, apparently unnoticed, through multiple ownership changes prior to applicant's ownership, indicating potential hardship through loss of prior investment by applicant in the property itself. Granting of the requested variance would also not appear to indicate harm to the surrounding properties in light of the more than 50 years that have passed since placement of the home in its current location. Further, granting a variance would allow the applicant to sell the property, a right commonly enjoyed by other properties, and several previous owners of this same property, in the same zoning district.

Additionally, following original advertisement, it was discovered that 25' additional variance was required by applicant for the main dwelling in order to account for the street right-of-way line's 25' encroachment into the property. City staff therefore proposes BOA's consideration of approval of a 27.85' variance.

CONCLUSION:

Staff recommends approval of BOA-2526-6, a request for a variance of 27.85' to the front building line for the principal dwelling on the subject property, subject to Section 36-513(d)(1)(a).