



## CITY OF NORMAN, OK STAFF REPORT

**MEETING DATE:** 1/28/2026

**REQUESTER:** Steve and Melissa Burgan

**PRESENTER:** Logan Gray, Planner II

**ITEM TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-10: STEVE & MELISSA BURGAN REQUEST A VARIANCE TO SECTION 36-514(C)(3) OF 6'6" TO THE REQUIRED 20' REAR YARD SETBACK FOR THE PROPERTY LOCATED AT 433 THORTON DRIVE.

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<b>APPLICANT</b>	Steve and Melissa Burgan
<b>LOCATION</b>	433 Thorton Drive
<b>ZONING</b>	R-1, Single-Family Dwelling District
<b>REQUESTED ACTION</b>	Variance to Section 36-514(c)(3) of 6' 6" to the required 20' rear yard setback for an addition to the existing primary structure
<b>SUPPORTING DATA</b>	<ul style="list-style-type: none"><li>Location map and aerials</li><li>Application with attachments</li><li>Site Plan</li><li>Floor Plan</li></ul>

### **SYNOPSIS:**

This application concerns a proposed addition to an existing single-family dwelling. The applicant is requesting a variance of 6' 6" to allow for a rear yard setback of 13' 6" rather than the required 20' minimum rear yard setback for primary structures.

The variance being requested is as follows:

1. A variance to Section 36-514(c)(3) of 6' 6" to the required 20' rear yard setback for an addition to the existing primary structure.

The application, variance justification form, site plan, and floor plans provided by the applicant are attached for review. Also attached, and provided by City Staff, are available aerials relating to the property.

### **APPLICABLE ZONING ORDINANCE PROVISIONS:**

#### **Section 36-514(c)(3):**

*Rear yard.*

**There shall be a rear yard having a depth of not less than 20 feet or 20 percent of the depth of the lot, whichever amount is smaller;** unattached one-story buildings of accessory use, including ADUs, shall set back one foot from the utility easement or alley line.

#### **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. From the terms of this ordinance, a variance 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.**

Where an applicant has demonstrated an unnecessary hardship, variances should be narrowly tailored by the Board of Adjustment so as to only alleviate the hardship and not confer special privileges upon the applicant.

### **DISCUSSION:**

The subject property, 433 Thorton Drive, is located in the Westwood Estates subdivision. The existing dwelling was constructed in 1966 and currently meets the required 20' rear yard setback. The applicants propose an approximately 1,200 SF addition to the existing dwelling. The proposed addition meets the development regulations of the R-1, Single-Family Dwelling District, except for the 20' rear setback for single-family dwellings, which it encroaches on by 6' 6".

The proposed addition to the existing dwelling includes a bedroom, bathroom, wet bathroom with access to pool area, closet space, safe room, and a covered porch. As shown on the site plan, the proposed addition encroaches into the required 20' rear yard setback by 6' 6". The applicant's submission materials state that the requested variance is necessary to allow for the "Aging in Place" elements of the addition. The applicants further state that the existing dwelling cannot be retrofitted with "Aging in Place" accommodations without "substantial financial and loss of use hardship," citing that halls, doorways, and shower entrances are too narrow.

Staff recognizes and understands the goals to accommodate "Aging in Place" measures; however, construction to create the accommodations must still comply with adopted zoning regulations. Staff does not find that these circumstances constitute a hardship as defined in Section 36-570(K).

**CONCLUSION:**

Staff recommends denial of this request for a variance to Section 36-514(c)(3) and BOA-2526-10.