



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Wednesday, January 28, 2026 at 4:30 PM

MINUTES

The Board of Adjustment of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers at the Municipal Building, on Wednesday, January 28, 2026 at 4:30 PM. Notice of the agenda of the meeting was posted at the Development Center at 225 N. Webster Ave, the Norman Municipal Building at 201 West Gray, and on the City website at least 24 hours prior to the beginning of the meeting.

Curtis McCarty called the meeting to order at 4:30 p.m.

ROLL CALL

PRESENT

Chairman Curtis McCarty
Board Member Ben Bigelow
Secretary Brad Worster
Vice Chair James Howard
Board Member Eric Williams
Board Member Matt Graves

STAFF PRESENT

Jane Hudson, Planning & Community Development Director
Lora Hoggatt, Planning Services Manager
Beth Muckala, Assistant City Attorney III
Laci Witcher, Permit Technician
Bailey LaChance, Admin Tech III
Jason Murphy, Stormwater Program Manager
Logan Gray, Planner II

GUEST PRESENT

Glenn & Sheila Burnett, 216 S. Lahoma., Norman, OK
Steve & Melissa Burgan, 433 Thorton Dr., Norman, OK
Brad Ashford, 2640 Osborne Dr., Norman, OK
Barbara Fast, 2681 Brentwood Dr., Norman, OK

1. ELECTION OF OFFICERS FOR 2026:

Motion made to nominate existing slate by Vice Chair Howard, **Seconded** by Secretary Worster.

Voting Yea: Chairman McCarty, Board Member Bigelow, Secretary Worster, Vice Chair Howard, Board Member Williams, Board Member Graves.

The motion was approved.

MINUTES

2. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS FOLLOWS:

BOARD OF ADJUSTMENT MEETING MINUTES OF OCTOBER 22, 2025.

BOARD OF ADJUSTMENT SPECIAL MEETING MINUTES OF NOVEMBER 05, 2025.

BOARD OF ADJUSTMENT SPECIAL MEETING MINUTES OF DECEMBER 10, 2025.

Motion made by Secretary Worster, **Seconded** by Vice Chair Howard.

Voting Yea: Chairman McCarty, Board Member Bigelow, Secretary Worster, Vice Chair Howard, Board Member Williams, Board Member Graves.

The motion was approved.

DISCUSSION ITEMS

3. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-11: GLENN & SHEILA BURNETT APPEALS THE DENIAL OF FLOODPLAIN PERMIT APPLICATION NO. 735 FOR THE REMOVAL OF STRUCTURES AND THE CONSTRUCTION OF A NEW RESIDENTIAL STRUCTURE LOCATED AT 216 S. LAHOMA AVENUE IN THE IMHOFF CREEK FLOODPLAIN.

Staff Presentation

Jason Murphy, Stormwater Program Manager, presented the staff report.

Mr. Bigelow clarified the structure could not proceed with construction because permits were not issued after the damage occurred.

Mr. Murphy responded the structure could not be renovated or occupied because it did not meet floodplain requirements.

Mr. Bigelow clarified the structure became non-conforming due to the prolonged period during which it could not be renovated or occupied.

Mr. Murphy replied they could have started work with the permit issued in June 2023 by mitigating flood damage, elevating the house, and renovating it, provided it was not left in the same place and made livable without meeting floodplain permit requirements.

Mr. McCarty stated he observed a nearby structure raised on a concrete block foundation and questioned whether the same could have been done under the existing permit had the structure not been so dilapidated.

Mr. Murphy replied yes, the permit received was essentially for that purpose.

Mr. McCarty acknowledged he knew the City owned the neighboring vacant properties and asked how that process occurs.

Mr. Murphy replied both previous owners approached the City about purchasing the properties after the same flooding event caused damage. One owner did not want to return tenants to the location. It was brought before City Council, and they approved the purchases with the understanding the properties could not be developed in any way.

Mr. McCarty asked whether the current owners understood the permit had a two-year timeline to bring the structure into compliance or risk losing the permit.

Mr. Murphy replied the timeline is stated on the application they received, which also served as their permit.

Mr. Worster asked what could be built today under the structures current condition.

Mr. Murphy stated since the structure lost its non-conforming use, it would be considered effectively vacant and treated as a new development. He added an engineer must confirm there is no change in elevation on nearby properties, emphasizing the flood hazard ordinance's main purposes are protecting properties, public safety, and health.

Mr. Worster questioned if a house on stilts, properly permitted, would be acceptable.

Mr. Murphy replied while the permit showed the structure on stilts, there were unresolved questions and concerns that had not been addressed, along with potential health and public safety impacts on the community.

Mr. Howard stated based on the December 2025 meeting minutes, the application must be evaluated under current rules and conditions, and he questioned what had changed between 2023 and the present.

Mr. Murphy replied the 2023 permit allowed the existing structure, which retained its non-conforming use, to be elevated in place to meet the flood hazard ordinance, but by December 2025 the non-conforming use had expired, making it new development.

Mr. Howard asked whether the permit indicating a lack of movement would result in a complete loss of property use under the floodplain permit.

Mr. Murphy replied no such indication existed because non-conforming use is governed by the zoning code, not the flood hazard ordinance.

Mr. Worster asked how it became non-conforming.

Mr. Murphy replied the house predated the flood hazard ordinance and, like many grandfathered homes in Norman's floodplain and floodway, could continue to be occupied and maintained as long as its use was not lost or abandoned; however, if damage exceeded certain thresholds, it would need to comply more closely with current flood hazard ordinance requirements.

Beth Muckala, Assistant City Attorney III, explained the non-conformity existed because the property had an established R-1 use when the flood hazard ordinance was adopted and replaced prior regulations. She also noted one cannot spend 50% of the value of the property improving the structure without achieving compliance with the flood hazard ordinance. City staff were able to confirm the substantial improvement threshold already been exceeded.

Ms. Muckala outlined the ordinance criteria for the Board.

Mr. McCarty clarified the current structure has no recognized value and the property would have to revert to raw land.

Ms. Muckala responded because the structure is in violation, it is not eligible for any credit.

Mr. Bigelow asked whether, regardless of the building's current conforming or non-conforming status, the proposed project would result in no net increase in floodwater.

Ms. Muckala replied it would be difficult to make that determination because the permit was reviewed under the "no rise" standard for new construction, and a no-rise analysis was not conducted for an existing non-conforming structure.

Mr. Bigelow stated the floodplain committee's primary concern appeared to be life safety rather than compensatory storage, and he asked if that was the reason for the effective denial and what the City would require from the applicant.

Ms. Muckala replied she could not summarize the contents of the floodplain permitting denial, but noted safety was discussed and the denial letter was included in the materials provided to the Board members.

Mr. Bigelow asked if the City was prepared to purchase the lot or give recompense, given the applicants were told it was unsafe to undertake any development due to resource risks if it does flood.

Ms. Muckala stated the City does not have an established process for this type situation. She noted individuals have previously approached the City about purchasing similar properties but encouraged such discussions should not occur during active administrative proceedings.

Mr. Howard stated it appeared the City had imposed administrative hurdles on the applicants and requested clarification.

Ms. Muckala advised the issue raised by Mr. Howard is not within the Board's authority to determine. She also stated there was a two-year time span and explained the standard is an objective determination of non-conforming use and she could not speak on why it did not proceed more quickly.

Mr. Howard asked what standard they were supposed to be applying.

Ms. Muckala replied she could not fully respond, as the question was not prepared for the meeting and she is not the decision maker. She noted the house had not been occupied as a single-family residence for over two years.

Mr. McCarty stated very clearly the Board's discussion and vote are limited to the proposed floodplain permit application and its denial.

Mr. Worster asked if it was accurate to say the application was denied because it was submitted after the non-conforming use had expired and therefore did not meet the required standard.

Ms. Muckala explained the permit to demolish and rebuild was submitted more than two years after the original permit. Staff noted the first permit, and the two-year occupancy period had expired, so the applicant was notified, the permit was rejected, and the application was later resubmitted as a new one.

Mr. Worster asked if it was denied because their application and engineering did not meet that standard.

Ms. Muckala reiterated she is not the decision maker and advised referring to the denial letter. She noted, according to the staff report and prior discussion, the existing structure is still being credited incorrectly under the applicable standard, and the foundation treatment has not been accounted for.

Mr. Bigelow asked if the applicants should go back and submit it to the floodplain committee based on the non-conforming status as if it was raw land.

Mr. Muckala stated it would be the floodplain administrator's decision whether they would consider that as an option or not. She noted she has seen issues reconsidered based on substantial changes in the submittals.

Mr. McCarty reminded the Board it is in a floodway, not a floodplain.

Applicant Presentation

Glenn and Sheila Burnett, applicants for 216 S. Lahoma, purchased the property in November 2022. After the purchase, they contacted the City to understand the requirements for remodeling the home. Following the 2023 flood, they worked with an architect and developed a plan to demolish the existing structure and rebuild the house elevated on five-foot stilts, with the structure fully raised so it does not touch the ground.

Public Comments

Mr. McCarty asked the applicants if they were aware the property was in a floodway and had experienced multiple flooding events in the past.

Ms. Burnett confirmed they were aware the property was in a floodway but were not aware it had previously flooded.

Mr. McCarty stated he was concerned about the two-year time frame during which no progress was made to bring the house into conformity.

Ms. Burnett replied they struggled to find a foundation company willing to take the project, and once they learned the cost would be too high, they began exploring alternative options.

Mr. McCarty asked whether they understood the difference between a floodway and a floodplain and if they received a flood map at the time they purchased the house.

Ms. Burnett stated they now understand the distinctions after going through the application process and previous meetings regarding the property, but they were not provided a flood map.

Board of Adjustment Discussion

Mr. Worster asked how the City could improve the process, stating if he is still unclear about what is happening, it would be difficult for an average homeowner to understand. He also asked for clarification on whether the two-year non-conforming status could be addressed.

Ms. Muckala replied an administrative appeal of the Planning Director's decision has not been submitted and as noted by the applicant, the Floodplain Permit Committee was also advised the matter was not within its purview either.

Mr. Howard clarified the applicants would need to file an appeal of the administrative decision for the non-conforming issue to be considered by the Board of Adjustment.

Ms. Muckala replied yes.

Mr. McCarty asked whether the applicants could propose an alternative plan or take a different approach if their current proposal were to be denied.

Ms. Muckala replied yes, there are still unexplored avenues.

Mr. Williams asked what options would be available for this property if it was purchased "as is" today.

Ms. Muckala explained it would be the same situation, and the applicant would have to provide something showing there is not a rise in the floodplain elevation.

Mr. Williams replied it would have to be something of the same square footage and an elevation that removes it from the floodplain.

Ms. Muckala replied yes, however, she noted she is not an engineer.

Mr. McCarty stated there may be some on-site detention needed to get no rise.

Ms. Muckala stated if the property were considered raw land, compensatory storage would be required to place any fill.

Mr. Howard stated compensatory storage could not occur on-site, as it must take place upstream to be effective.

Mr. Murphy stated any changes to the flowing part of the river could alter its hydrodynamics, and an engineer would need to consider this, since water continues to move even if compensatory storage is created.

Mr. McCarty asked whether the City has explored any measures on the vacant lots to help mitigate flooding.

Mr. Murphy replied both lots recently had structures removed and were generally graded to direct drainage toward the channel to avoid standing water and keep it away from the street. He also noted those two lots would not create enough detention to make a significant difference to Imhoff Road.

Mr. Howard asked what if people start buying property upstream and then tearing down so they can keep the structure there close to the University.

Mr. Murphy replied he does not foresee that becoming an issue. Even if all engineering criteria are met on these lots, there is still concern for public safety if flood waters are high enough to reach steering wheels on cars like they did in 2022 and 2023. The Floodplain Permit Committee is still going to consider floodplain hazard ordinances.

Mr. McCarty said the biggest concern is life safety and that needs to be taken into consideration.

Mr. Bigelow stated while it seems the City does not want a house on the property for safety reasons, the City should proactively ask the owners if they want to sell instead of waiting for the owners to approach them, given it is clear the City does not support development there.

Mr. Murphy replied the City has done that before when federal grant money was available.

Mr. Bigelow replied he understood, but he believes it is wrong on the City's side to make the homeowner go through this process repeatedly.

Mr. Worster stated he does not believe the applicants need to continue to be sent back to floodplain committee.

Ms. Muckala stated floodplain ordinances exist due to state law, which itself is based on federal law.

Mr. Bigelow asked if the Board could postpone its vote to the next meeting, allowing the owners the opportunity to ask the City whether they want to purchase the property.

Ms. Muckala acknowledged these decisions can be difficult for property owners but explained the City avoids mixing its interests, which is why we leave it up to the owner to approach the City about making an offer. If the owner chooses to postpone and pursue further discussion that is something they can do.

Mr. Bigelow stated denying the applicants at this meeting would force them to continue paying property taxes since they would be unable to take any action on the property.

Ms. Muckala stated she encourages not mixing subjects because the owners are entitled to full and fair review under the ordinances.

Mr. Howard asked what happens if the Board chooses to reverse the Floodplain Permit Committee's determination.

Ms. Muckala replied if it was a reversal such as granting the floodplain permit, they would obviously be issued the permit.

Mr. Howard asked if the applicants would still have to go through the process of engineering to prove they meet the requirements.

Ms. Muckala stated if the Board approves the application as submitted, they will not require any further engineering.

Mr. McCarty asked if the applicants had purchased flood insurance.

Ms. Burnett replied yes.

Mr. McCarty asked what the insurance company said after the flood and whether they conducted a damage assessment.

Mr. Burnett replied yes, they did.

Mr. McCarty asked if insurance would allow them to rebuild in the floodway and continue coverage without elevating the home.

Ms. Burnett replied the insurance company did not require them to elevate the house.

Mr. McCarty asked if they were worried about a tenant or their son being in this house.

Mr. and Ms. Burnett responded no.

Mr. Bigelow asked if they were interested in selling to the City or if they wanted to build and live there.

Mr. Burnett replied they felt subjected to eminent domain without proper compensation. He expressed willingness to sell but noted the last two properties the City purchased were bought for very low prices.

Mr. McCarty asked Mr. Murphy if the applicants could have raised or rebuilt the house above the floodplain under their original permit.

Mr. Murphy stated he could not speak for the Floodplain Permit Committee regarding approval or denial, but he had recommended at the time that the applicants obtain a permit to demolish and rebuild, which would then need to go back to the committee for a permit change. He also noted he and Scott Sturtz, Director of Public Works had repeatedly told the applicants, while they can use the property, they believe it is dangerous for people to live there.

Ms. Burnett also stated they were planning to increase the size of the structure from 830 square feet to 1200 square feet.

Mr. McCarty replied that was a 50% increase which is substantial.

Mr. Howard asked the Board and staff to refocus the discussion on whether the correct documents were included in the packet.

Mr. Murphy confirmed the City had all the documents needed. He then explained if the Board decides to overturn the floodplain permit, the applicants would then be required to apply for a building permit, at which point decisions regarding the proposed additions or alterations would be addressed.

Mr. McCarty stated he read from the engineering report comments about steps and stairs and noted if they are needing zero rise they would likely have to go smaller to allow for concrete steps or remove the existing shed.

Mr. Murphy stated in this case, removing the shed and fence would likely be beneficial, including elevating the structure and ensuring it is not enclosed under the house.

Mr. Worster asked if this was permitted under non-conforming use, would it have been approved.

Mr. Murphy replied when the applicants received the first permit, they could have returned explaining they physically could not elevate the structure, and it is possible the Floodplain Permit Committee could have approved it off different submittals; however, he noted he could not speak for the Committee.

Mr. Worster asked for confirmation, this was denied because it lost non-conforming use after the permit expired.

Mr. Murphy confirmed, yes.

Mr. Bigelow stated it should be made clear to the applicant if they intend to approach the City about purchasing the property, they may request a postponement before any motions are made.

Ms. Burnett replied in previous meetings they were told it was not an option to have the City purchase the property.

Mr. Burnett stated they will never get the floodplain committee to approve this, and he does not wish to go back.

Motion made by Vice Chair Howard, **Seconded** by Secretary Worster.

Voting Yea: Board Member Bigelow, Secretary Worster, Vice Chair Howard, Board Member Williams.

Voting Nay: Chairman McCarty, Board Member Graves.

The motion was approved 4-2.

4. 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.

Staff Presentation

Logan Gray, Planner II, presented the staff report.

Beth Muckala, Assistant City Attorney III, outlined the variance criteria for the Board.

Applicant Presentation

Steve and Melissa Burgan, owners of 433 Thorton Drive, explained they believe the proposed project is necessary for the safety of their home as they age, since they plan to live there permanently and it would not cause any negative impact to the surrounding neighbors.

Public Comments

Mr. Graves asked if the encroachment was on the east side, Mr. Burgan confirmed it was. Mr. Graves suggested moving it to the north side yard, where there is a 10-foot setback.

Mr. Howard asked if they were trying to gain direct access from the pool to an interior space, and Mr. Burgan confirmed this was correct.

Mr. Howard stated he agreed with Mr. Graves' suggestion to relocate the project, which would bring it into compliance with only minor modifications.

Ms. Burgan stated they chose not to use the suggested location proposed by the Board because the purpose is not just for the convenience of having an interior room by the pool, but more for when they have guests, so they do not have to use the back side of the house.

Mr. McCarty noted the Burgans removed an above-ground pool and planned to install an inground pool. He asked if they became aware of the 20-foot rear yard setback after applying for the permit, and Ms. Burgan confirmed yes, they did.

Mr. McCarty explained to the applicants why the Board suggested alternate locations to explore options that would comply without needing a variance.

Mr. Bigelow asked staff if they knew why approvals were given to surrounding neighbors that are also in the same 20-foot setback.

Mr. Gray stated he did not find that information and those houses were likely permitted before records were retained.

Mr. McCarty asked the applicants if they had looked at alternative floor plans without needing a variance.

Ms. Burgan stated she explored different options but could not make them work without making many unnecessary changes they felt were not needed.

Mr. Burgan stated they chose this proposed layout because they also need extra space.

Mr. Worster stated the plan was very well designed, but he sees other options to pursue since it does not meet variance requirements.

Board of Adjustment Discussion

Mr. Bigelow stated he was incorrect in the previous discussion about scaling and acknowledged his mistake.

Motion made by Vice Chair Howard, **Seconded** by Board Member Williams.
Voting Nay: Chairman McCarty, Board Member Bigelow, Secretary Worster, Vice Chair Howard, Board Member Williams, Board Member Graves.

The motion failed unanimously.

5. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-9: BRAD ASHFORD REQUESTS A VARIANCE TO SECTION 36-514(D)(2) TO ALLOW AN ACCESSORY BUILDING WHICH EXCEEDS THE HEIGHT OF THE PRINCIPAL BUILDING BY 6 FEET FOR THE PROPERTY LOCATED AT 2640 OSBORNE DRIVE.

Staff Presentation

Logan Gray, Planner II, presented the staff report.

Beth Muckala, Assistant City Attorney III, outlined the variance criteria for the Board.

Mr. Bigelow asked if it would be acceptable for the applicant was to add a two-story addition to the house.

Ms. Muckala replied it would be acceptable and outlined the zoning ordinance for clarification.

Mr. Gray explained in the R-1 district, two-story buildings are allowed by height, and up to three stories are permitted if the side yard setbacks are increased by at least five feet.

Mr. Howard asked what the maximum height is for two-story structures.

Mr. Gray replied the code does not define the height of the story.

Mr. Williams asked what the code says about accessory building wall heights.

Mr. Gray replied accessory building wall heights cannot exceed 10 feet unless the side and rear yard setback increase by one foot per each additional foot over 10 feet.

Ms. Muckala stated we define primary accessory buildings partially by height.

Mr. McCarty asked if there was a square foot max defined by accessory dwelling in the floor area.

Mr. Gray replied yes, in R-1 there is 650 feet maximum for an accessory dwelling unit however, this just a standard accessory building.

Mr. McCarty asked what would keep someone in the future from adding a bedroom and a bathroom to this structure.

Mr. Gray replied it would then require a building permit since it would exceed the 650 square foot and become an accessory dwelling unit.

Lora Hoggatt, Planning Services Manager, clarified if it is not for human occupancy it does not count towards the height.

Applicant Presentation

Brad Ashford, owner of 2640 Osborne Drive, explained his proposed project to the Board.

Mr. Howard asked the structural system he was proposing for the building.

Mr. Ashford replied weld and steel.

Mr. Howard asked the applicant to please explain the use of the building and asked if there was a possibility of making a single slope.

Mr. Ashford replied it is possible, he was just thinking of storage space.

Mr. Bigelow asked the applicant if he spoke with his neighbors about this potential structure.

Mr. Ashford replied yes, he spoke with adjacent neighbors.

Mr. Bigelow stated there was one letter of protest submitted from a surrounding neighbor, but it seems their concerns are non-issues after he reviewed the proposed site plan.

Mr. McCarty asked the purpose of the 12-foot overhead doors.

Mr. Ashford replied for vehicles, mechanic work, and storage.

Public Comments

Barbara Fast, 2681 Brentwood Dr., Norman, OK (protest)

Board of Adjustment Discussion

No discussion amongst the Board.

Motion made by Vice Chair Howard, **Seconded** by Secretary Worster.
Voting Yea: Board Member Bigelow.

Voting Nay: Chairman McCarty, Secretary Worster, Vice Chair Howard, Board Member Williams, Board Member Graves.

The motion failed 5-1.

- 6. CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF: A RATIFICATION OF THE DECEMBER 10, 2025 BOARD OF ADJUSTMENT VOTE APPROVING A VARIANCE TO SECTION 36-513(D)(1)(A) OF 28' TO THE REQUIRED 50' FRONT YARD SETBACK FOR THE PROPERTY LOCATED AT 7338 BRENDA (BERENDA) CIRCLE.

Staff Presentation

Beth Muckala, Assistant City Attorney III, presented the staff report.

Applicant Presentation

There was no applicant presentation.

Public Comments

There were no public comments.

Board of Adjustment Discussion

There was no discussion amongst the Board.

Motion made by Vice Chair Howard, **Seconded** by Secretary Worster.
Voting Yea: Chairman McCarty, Board Member Bigelow, Secretary Worster, Vice Chair Howard, Board Member Williams, Board Member Graves.

The motion passed unanimously.

MISCELLANEOUS COMMENTS

No miscellaneous comments.

ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

Passed and approved this _____ day of _____ 2026.

Secretary, Board of Adjustment _____