



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 08/27/2025

REQUESTER: Randy & Susan Hornburger

PRESENTER: Justin Fish, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-3: RANDY AND SUSAN HORNBURGER REQUEST A VARIANCE TO 36-512(D)(1) OF 19' TO THE REQUIRED 100' FRONT YARD SETBACK FROM THE CENTERLINE OF A PUBLIC STREET FOR AN EXISTING ACCESSORY BUILDING, AND A VARIANCE TO 36-512(D)(1) OF 20' TO THE REQUIRED 100' FRONT YARD SETBACK FROM THE CENTERLINE OF A PUBLIC STREET FOR AN EXISTING ADDITION TO THE HOME AT THE PROPERTY LOCATED AT 10600 E. FRANKLIN ROAD.

APPLICANT Randy & Susan Hornburger

LOCATION 10600 East Franklin Road

ZONING A-2, Rural Agricultural District

REQUESTED ACTION Variances to Section 36-512(d)(1) of 20' to the required 100' from the center line of a public street for an existing addition and Section 36-512(d)(1) of 19' to the required 100' from the center line of a public street for an existing shed

SUPPORTING DATA Location map and aerials

Application with attachments

Site Plan

SYNOPSIS:

This application concerns two structures existing on the parcel: a primary dwelling and an accessory structure. The applicant purchased this property in 2009. The applicant is requesting a variance to the front setback for both structures. County records indicate the primary dwelling was constructed in or around 2002; however, the construction prompting this application is an addition completed within the last year on the north side of the primary dwelling. The accessory structure, a "shop building," appears to have been previously constructed by the applicant in or

around 2010-2013. The City's records do not indicate that building permits were obtained for the shop building or the addition to the house.

The variances being requested are as follows:

1. A variance to Section 36-512(d)(1) of 20' to the required 100' from the center line of a public street, applicable to the primary dwelling addition.
2. A variance to Section 36-512(d)(1) of 19' to the required 100' from the center line of a public street, applicable to the accessory structure.

The application, site plan, and the variance justification form provided by the applicant are attached for your review. Also attached, and provided by City Staff, are a topographical map for the property, and available aeriels relating to the property, which provide greater detail regarding the structures at issue.

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:

As indicated by the applicant, the primary dwelling appears to have been constructed at the 100' setback from the center line of East Franklin Road. Thus, the entirety of the recent addition violates the required front yard setback. The applicant has measured the distance between the furthest northern points of both structures and the center line of East Franklin Road and has indicated on the site plan that the primary dwelling addition is located 80' from the center line,

and the accessory structure is 81' from the center line. Thus, the applicant has requested a 20' and 19' variance, respectively. The site plan provided by the applicant does not show the current state of construction, and staff has provided an aerial obtained from a third-party source that the applicant agrees demonstrates the state of current construction.

The applicant's submission materials state topography as a factor for the requested variances. Staff evaluation is that the topography on this parcel is consistent across the entire parcel and with other properties located in the A-2, Rural Agricultural District.

The applicant's submissions also indicate that "several properties in the area have buildings and homes in a reduced setback." City Staff could not locate a property along East Franklin Road with a similar setback encroachment. Regardless, other non-conforming structures in the same district may not be considered as grounds for the issuance of a variance.

CONCLUSION:

Staff forwards this request for variances to Sections 36-512(d)(1) and BOA-2526-3 to the Board of Adjustment for consideration.