



Application for Variance or Special Exception
BOARD OF ADJUSTMENT

Case No. BOA 2324-8

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

APPLICANT(S) KEVIN P. SHAY ZION T. SHAY	ADDRESS OF APPLICANT 3501 168TH AVE. N.E. NORMAN, OK 73026
NAME AND PHONE NUMBER OF CONTACT PERSON(S) SHAWN D. FULKERSON, ATTORNEY for Applicants, 405-691-4949	EMAIL ADDRESS sfulkerson@fulkersonlawoffice.com

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)

The S/2 of the NW/4 of the NW/4 of the NW/4 of Section 15, T9N, R1E, of the Indian Meridian, Norman, Cleveland County, OK (Word document will be emailed.)

Requests Hearing for:

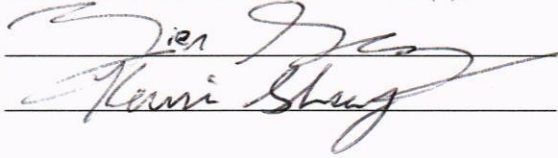
- ☒ VARIANCE from Chapter 36, Section 36-512-A-2(d)(6)
☐ SPECIAL EXCEPTION to _____

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

SEE ATTACHED.

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

SIGNATURE OF PROPERTY OWNER(S):



ADDRESS AND TELEPHONE:

3501 168th Ave. N.E.
NORMAN, OK 73026
405-420-2012

OFFICE
USE
ONLY

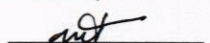
- ☒ Application
☒ Proof of Ownership
☒ Certified Ownership List and Radius Map
☐ Site Plan
☒ Filing Fee of \$ 200.00
☐ Emailed Legal Description in Word Document

- ☒ VARIANCE from Chapter 36,
Section 512(d)(6)
☐ SPECIAL EXCEPTION to _____

Date Submitted:

10-12-2023

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:

9-3-2023

I, KEVIN P. SHAY AND ZION T. SHAY, 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:

Kevin P. Shay

Address:

3501 168th Ave. N.E. Norman

Agent's Signature:

Travis J. Fulkerson

Address:

10444 Greenbriar Pl. OKC

Oklahoma City, OK 73159

NOTARY

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this 3rd day of September, 2023, personally appeared Kevin P. Shay and Zion T. Shay, 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:

6-24-25

Pam Jenkins
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:

See attached Detailed
Justification for Request.

Attest
ZTS *[Signature]*

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

See attached Detailed
Justification for Request.

Attest
ZTS *[Signature]*

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

See attached Detailed
Justification for Request.

Attest
ZTS *[Signature]*

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:

See attached Detailed
Justification for Request.

Attest
ZTS *[Signature]*

Detailed Justification for request.

Applicant Kevin P. Shay's original Warranty Deed dated April 2, 2010, and the Quit Claim Deed dated January 10, 2018 (said deeds attached as Exhibits A and B), provided two separate tracts of land, said land containing a separate resident (house) on Tract 1 and a residence (mobile home) on Tract 2 allowing for two separate residences with outgoing roads leading from each tract (see attached survey dated July 7, 2013, as Exhibit C). Each tract has a well and septic tank.

On January 23, 2023, Tract 2 was deeded to Applicants Kevin P. Shay and Zion T. Shay by Quit Claim Deed (said deed attached as Exhibit D). See also attached survey dated December 15, 2022, marked Exhibit E.

Applicant Zion T. Shay then attempted to move a new modular home onto Tract 2 and was advised by the City of Norman that no permits would be allowed.

Applicants were advised by the City of Norman that this parcel should never have been divided. Applicants relied on these individual tracts being separate residences at the time of the original purchase of said property. When Tract 2 was conveyed to Applicants Kevin P. Shay and Zion T. Shay, they both were relying on the knowledge that Tract 2 was a separate residence.

These circumstances do not result from the actions of the Applicants. Without the granting of a variance, it would result in undue hardship to the Applicants. Applicant's hardship is that Zion T. Shay and his family moved into temporary housing in order to save money. They have now succeeded in buying the land and home, but have been prohibited from moving the modular home onto the land. The granting of this variance will not be an undue burden for neighboring lands, as Tract 2 has been a separate residence with its own ingress and egress.