



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/5/2025

REQUESTER: Danny Gamble

PRESENTER: Justin Fish, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-5: DP GAMBLE HOMES REQUESTS A VARIANCE TO SECTION 36-514(C)(1)(A) OF 8' TO THE REQUIRED 25' FRONT YARD SETBACK, AND A VARIANCE TO SECTION 36-514(C)(2)(C) OF 3' TO THE REQUIRED 20' OF DISTANCE BETWEEN A GARAGE WHICH FACES A STREET TO FRONT PROPERTY LINE FOR THE PROPERTY LOCATED AT 1817 INGLENOOK DRIVE.

APPLICANT	Danny Gamble
LOCATION	1817 Inglenook Drive
ZONING	R-1, Single-Family Dwelling District
REQUESTED ACTION	Variance to Section 36-514(c)(1)(a) of 8' to the required 25' front yard setback and a variance to Section 36-514(c)(2)(c) of 3' to the required 20' of distance between a garage which faces a street to front property line
SUPPORTING DATA	Location Map and Aerials Application with Attachments Variance Request Site Plan Approved Building Permit Site Plan Topography Map Site Visit Photo

SYNOPSIS:

This application concerns a single-family dwelling that was constructed 17.2' from the front property line. The construction proceeded pursuant to a permit issued for a site plan

demonstrating the home would be built in compliance with the 25' setback. The actual placement has resulted in an encroachment of 7.8' from the front property line. Additionally, this encroachment into the front setback resulted in the garage having a distance of only 17.26' from the front property line rather than the required 20'. This has resulted in an encroachment of 2.74' from the front property line. The requested variances were advertised before Staff received an updated survey of the subject property. The values shown on the survey will be used throughout the Staff report so the Board may narrowly tailor their decision.

The requested variances as advertised are as follows:

1. A variance to Section 36-514(c)(1)(a) of 8' to the required 25' front yard setback.
2. A variance to Section 36-514(c)(2)(c) of 3' to the required 20' of distance between a garage which faces a street to the front property line.

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

APPLICABLE ZONING ORDINANCE PROVISIONS:

Section 36-514(c)(1)(a):

(c)(1) *Front yard.*

- a. **The minimum depth of the front yard shall be 25 feet.**

Section 36-514(c)(2)(c):

(c)(2) *Side yard.*

- c. In no case shall **a garage which faces a street be located closer than 20 feet to that street property 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. 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.

Where an applicant cannot establish entitlement to a variance under the terms of the Zoning Ordinance, the applicant has the option of pursuing the project as alternatively-approved zoning pursuant to a PUD, Planned Unit Development, or SPUD, Simple Planned Unit Development.

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 above, but is not dispositive in any case.

DISCUSSION:

The subject property is located within the Summit Valley Addition. This Addition, like the subject property, consists of single-family properties zoned R-1, Single-Family Dwelling District. The applicant applied for a building permit in late March of 2025 based upon a site plan that demonstrates complete compliance with the two provisions that are the subject of the applicant's variance requests herein. The permit application was reviewed and approved by City Staff. During construction, the home was built encroaching on the 25' front yard setback by 7.8'. City Staff discovered the encroachment while inspecting driveway compliance on September 10, 2025. As a result of this encroachment, the home no longer had the required 20' of space between the garage and the front property line, resulting in a second encroachment. Applicant was informed of these violations on September 11, 2025.

The applicant's submission materials state topography and the shape of the lot as factors for the requested variances. Staff evaluation shows the topography on this parcel does slope quite excessively along the north and east side of the property. This slope does impact the amount of buildable space on the subject parcel. A map using the City's most recent topography data and a picture from a site visit to the subject parcel by City Staff are attached for reference. The shape of the subject lot is atypical; however, it is large enough to provide sufficient space for a single-family dwelling while meeting the minimum setbacks for the R-1, Single-Family Dwelling District, as the applicant's initial site plan demonstrated. The applicant's submissions also concede that the encroachments resulted from "an honest miss" and that their actions "w[ere] not malicious." Applicant further states that a literal interpretation of the provisions of the Ordinance would create a situation where the owner would not be able to continue construction or obtain a Certificate of Occupancy. However, the applicant's materials do not

address the applicant's option to reconstruct the dwelling as represented in its building permit submittal.

After review of the variance submittal materials, City Staff found that the justification listed for the requested variances does not meet the hardship criteria outlined in the Zoning Ordinance. Cost incurred remedying a mistake is not a factor that indicates grounds for the issuance of a variance. Staff notes that the applicant has been presented with the option to pursue a rezoning from R-1, Single-Family Dwelling District, to a SPUD, Simple Planned Unit Development. Where a variance is not available under the Code, the City's Zoning Ordinance allows a property owner to request specialized zoning, including specific setback allowances, as set forth in the applicable SPUD Narrative and Site Plan.

CONCLUSION:

Staff recommends denial of this request for a variance to Section 36-514(c)(1)(a) and Section 36-514(c)(2)(c) and BOA-2526-5.