BOARD OF ADJUSTMENT

FUNCTION AND REVIEW PROCEDURES

(Revised 03/2023)

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

FUNCTION

The Board of Adjustment of the City of Norman is composed of five citizens of the community appointed by the Mayor for three-year terms. In the enforcement of the Zoning Ordinance, the powers of the Board are in three specific areas:

- Decide APPEALS where it is alleged that an administrative official has made an error in the enforcement of the Ordinance;
- Hear and decide SPECIAL EXCEPTIONS as provided in the Zoning Ordinance and Sign Code;
- Hear and authorize VARIANCES as provided in the Zoning Ordinance and Sign Code.

APPEALS — 36-570(f)

Appeals of Administrative Decisions are filed on a separate form which is available in the Planning Department.

SPECIAL EXCEPTIONS — 36-570(g)-(i)

The Board of Adjustment is empowered to grant special exceptions for certain uses that are specifically enumerated in the Zoning Code (Chapter 36), Section 570(g). The Board's power to grant Special Exceptions is limited to the following instances:

(a) To permit the extension of a zoning district boundary where a lot under one ownership is divided into more than one district;
(b) To interpret the provisions of the ordinance where the maps of an area do not agree with the actual street layout;
(c) To grant certain exceptions to the off-street parking requirements of the Ordinance;
(d) To permit new structures to be built in the designated floodway of the Flood Hazard District on lots which are surrounded by lots with existing structures below the base flood level (a Flood Plain Permit is also required);
(e) To allow the continued use of a legal non-conforming gravel driveway and/or parking area within the Central Core Area;
(f) To permit a mobile home to serve as a temporary second dwelling to relieve a medical hardship;
(g) To allow construction and maintenance of Residential Carports.

The Sign Regulations (Chapter 28) grants the Board of Adjustment power to grant special exceptions enumerated in Section 28-905.

VARIANCES

Under Chapter 36, in each zoning district the Zoning Ordinance makes certain requirements for the height of structures, lot area, open space, setbacks and landscaping.

Under Chapter 28, the Sign Regulations makes certain requirements for the height, setback, number and size of signs.

MINOR VARIANCES have a separate application form and requirements.

Conditions for Justification of a Variance Request:

The ordinance recognizes that in certain unique instances, the strict enforcement of the provisions of the ordinance would result in undue hardship to the property owner. Therefore, the Ordinance authorizes the Board of Adjustment to grant Variances (i.e., a relaxation of the strict provisions of the Zoning Ordinance that deal with the height of structures and the area and size of yards and open space, but not the maximum permitted sign area), if the property owner can show that:

- There are special conditions or circumstances peculiar to the land or structure involved;
- The literal interpretation of the provisions of the Ordinance would deprive the applicant of rights enjoyed by others in the same district;
- The special conditions or circumstances do not result from the actions of the applicant; and
- 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.

The Ordinance authorizes the Board of Adjustment to grant variances from the Sign Regulations (Chapter 28) if the applicant can, in addition to the items above, also show the following:

- There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structure or other matters on right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desired to draw attention and do not apply generally to all businesses or enterprises;
- The variance would be in general harmony with the purposes of the code, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desired to draw attention is located;
- The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.

In the granting of a variance, the burden is upon the applicant to show that he meets each of the requirements listed above. Applications for appeals, special exceptions, and variances are available in the Planning Department office. Assistance for completing these applications will be provided by the Planning staff.

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REVIEW PROCEDURES

Formal application for review by the Norman Board of Adjustment is accomplished by presenting the following to the Planning Department twenty-one (21) days prior to the meeting date (fourth Wednesday of each month, except November and December):

- completed Application form (copies attached)
- copy of Deed to land, or executed Certificate of Ownership
- Plot Plan
- Filing Fee
  - Appeals $150.00
  - Special Exceptions and Variances $200.00
- Certified Ownership List containing names and addresses of all property owners of record within three hundred (300) feet of the applicant's property. (Sample forms are attached.) A Radius Map will be furnished to the applicant by the Planning Department GIS office (366-5316) delineating the three hundred foot notice area after a deed has been presented. That radius should be increased in one hundred (100) foot increments until fifteen (15) separate parcels are notified, or 1,000 feet, whichever comes first. *The list must be current and certified by a registered professional engineer, an attorney, a bonded abstractor, or a registered land surveyor.*

After the Application and required materials are filed, Legal Notice of the application will be published in the NORMAN TRANSCRIPT, not less than fifteen (15) days before the scheduled meeting of the Board of Adjustment. Planning staff will prepare the Legal Notice and provide you with a copy, as well as emailing the Notice to the NORMAN TRANSCRIPT. **YOU ARE RESPONSIBLE FOR THE COST OF PUBLICATION**. Also at that time every property owner within three hundred (300) feet of the property under review will be notified by letter of the application. These owners and any other citizen may protest the application if they so desire.

The Planning Department staff will research and analyze the application and prepare a Staff Report with recommendation, which will be provided to members of the Board and to each applicant or their agent.

The regular meeting of the Board of Adjustment is usually held on the fourth Wednesday of each month in the Norman Municipal Building Conference Room (201-A West Gray) at 4:30 p.m. (No meeting is scheduled during November, and the December meeting is moved earlier in the month to accommodate the holidays.)

At the public hearing on the application which is held by the Board, the Planning staff will introduce the application, and the applicant and any interested citizens will have the opportunity to speak to the Board concerning the application.

The concurring vote of three (3) members of the Board is necessary to decide in favor of an application. Minutes of the Board meeting are kept as a public record filed in the office of the City Clerk. Minutes are normally approved at the next regular meeting of the Board of Adjustment. **Recourse from the decision of the Board of Adjustment must be taken by appeal to the District court within ten (10) days after the meeting at which the Board's decision was rendered.** If no appeal is filed within ten days of the meeting, the Board's decision is considered final.

Application for Variance or Special Exception

BOARD OF ADJUSTMENT

Case No. BOA_____

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

APPLICANT(S)	ADDRESS OF APPLICANT
Clifford C. and Michelle B. Marsh	1919 Pin Oak Circle Norman, OK 73072
NAME AND PHONE NUMBER OF CONTACT PERSON(S)	**EMAIL ADDRESS**
Cliff Marsh [redacted]	[redacted]

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)*

Lot Twenty-six (26), in Block One (1), of WHISPERING PINES ADDITION, to Norman, Cleveland County, Oklahoma, according to the recorded plat thereof.

Requests Hearing for:

☒ VARIANCE from Chapter 36, Section 514 (c)(1) Front yard setback

☐ SPECIAL EXCEPTION to _____

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

VARIANCE OF 5.7' TO SECTION 36-514(c)(1)

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

SIGNATURE OF PROPERTY OWNER(S):

Clifford C. Marsh

Michelle B. Marsh

ADDRESS AND TELEPHONE:

1919 Pin Oak Circle

Norman, OK 72072

[redacted]

OFFICE USE ONLY

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

☐ VARIANCE from Chapter _____,

Section _____

☐ SPECIAL EXCEPTION to

_____

Date Submitted: _____

Checked by: _____

03202023

CERTIFICATION OF OWNERSHIP

Case No. BOA_____

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

DATE: Aug 22, 2026

I, Clifford C. Marsh, 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:

Lot Twenty-six (26), in Block One (1), of WHISPERING PINES ADDITION, to Norman, Cleveland County, Oklahoma, according to the recorded plat thereof.

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: [signature]

Address: 1919 Briar Oak Cir. Norman

Agent's Signature: William Cadwell

Address: 2909 Trailridge Dr, Norman

NOTARY

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this 22 day of August, 2026, personally appeared [signature], 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)

LATISHA MARIE CHRISTY
Notary Public - State of Oklahoma
Commission Number 26000978
My Commission Expires Jan 30, 2030

My commission expires: Jan 30, 2030

[signature]
Notary Public

I hereby accept this Certification of Ownership in lieu of a deed or other legal document showing proof of ownership.

Signature: [signature]

Title: Banker

CITY OF NORMAN

022316 rnt

BOARD OF ADJUSTMENT
DETAILED JUSTIFICATION OF VARIANCE REQUEST

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

Revised 08/23

Please attach additional sheets, as necessary.

Special conditions or 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:

Refer: Attached sheet, Item 1

Attest

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

Refer: Attached sheet, Item 2

Attest

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

Refer: Attached sheet, Item 3

Attest

Granting of the Variances requested will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same district:

Refer: Attached sheet, Item 4

Attest

DETAILED JUSTIFICATION OF VARIANCE REQUEST

Item 1 – Special conditions 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:

This is not a special condition that is only applicable to this property and probably occurs numerous times in cul-de-sacs in this district. But prohibiting the applicant from encroaching the Front Yard Building Line would result in undue hardship and added construction expenses that are unnecessary.

The obvious expansion area would be to the South side, however the existing air conditioner condenser and swimming pool equipment on concrete pads and a 16'x8' storage shed on a concrete pad already occupy the expansion space.

Relocating air conditioner condensers involve extending or relocating copper refrigerant lines, rerouting dedicated electrical circuits with possible thicker gauge wire and pouring new concrete pads.

Relocating all the swimming pool equipment is more involved. Trenches for the suction, return and gas lines must be dug from the pool to the new location and then everything properly reconnected. Pumps, filters, heaters and other components must move to their new location on a new concrete pad.

Item 2 – The literal interpretation of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district:

The applicant should adhere to the provisions of the Ordinance like all other properties in the same district. But the Board of Adjustment is the tool and the process for all properties to ask for a relaxation of the strict provisions of the Ordinance. We do not believe that approval of this Variance would grant the applicant any rights that could not be granted to other properties.

The added construction expense and the inability to find additional space in the back yard for these relocated items is the basis for this Variance. The applicants would like to expand their primary Bathroom 6'-0" to the West. This would encroach the existing 25' Building Line by 5.7'. A Boundary Survey performed by VMI in June 2026 shows the existing Primary bathroom to be currently located .3' behind the 25' Building Line.

Item 3 – The special conditions or circumstances do not result from the actions of the applicant:

The Marsh Residence was originally constructed in 1980 and was not occupied by the applicant until 2020. The applicants are respectfully asking for permission to expand their Primary Bathroom on the ground floor approximately 102 square feet. The current 80's style bathroom layout needs updating and better utilization of space. This added value to their home is very much in line with the rest of the neighborhood.

Item 4 – Granting of the Variance requested will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same district:

Granting of this Variance is unique because of the home's location on the cul-de-sac and the miniscule impact on the neighboring homes.

And because the residence is located on a cul-de-sac, this proposed expansion area is set back and not visible while driving South down Pin Oak Circle. In fact, it cannot be seen until you are directly in front of the house. The gable-end bathroom would be extruded out 6' with all the same materials, colors and roof slopes. In addition, all the existing and rotting rough cedar gable beams would be replaced and new landscaping installed. The existing concrete drive would not be disturbed either.

This Variance, if approved, would increase the square feet and total valuation of the house without negatively impacting anyone on the street. This would not confer on the applicant any special privileges that could not be granted to other properties. The addition would blend in perfectly with the existing residence, further enhancing Whispering Pines Addition.