



CITY OF NORMAN, OK BOARD OF ADJUSTMENT MEETING

Municipal Building, Council Chambers, 201 West Gray, Norman, OK 73069
Wednesday, April 24, 2024 at 4:30 PM

MINUTES

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in City Council Chambers of the Norman Municipal Complex, 201 West Gray Street, at 4:30 p.m., on Wednesday, April 24, 2024. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at [Agendas/Minutes | City of Norman Oklahoma Meetings \(municodem meetings.com\)](#) in excess of 24 hours prior to the beginning of the meeting.

Members: Brad Worster, Micky Webb, Ben Bigelow, James Howard, Curtis McCarty

ROLL CALL

PRESENT

Brad Worster
Micky Webb
Curtis McCarty
Ben Bigelow

ABSENT

James Howard

A quorum was present.

STAFF PRESENT

Justin Fish, Planner I
Jane Hudson, Director of Planning & Community Development
Roné Tromble, Admin. Tech. IV
Beth Muckala, Assistant City Attorney

MINUTES

1. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT of the Minutes of the March 27, 2024 Board of Adjustment meeting.

Motion made by Worster, seconded by Webb, to approve the March 27, 2024 Board of Adjustment minutes as presented.

Voting Yea: Worster, Webb, Bigelow, McCarty

The motion to approve the March 27, 2024 Board of Adjustment minutes as presented passed by a vote of 4-0.

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ACTION ITEMS

- 2. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2324-15: MATT & KRISTI MORGAN REQUEST A VARIANCE TO 36-514(c)(2)(b) OF 11' 2" TO THE 20' SIDE YARD (SOUTH) SETBACK TO ADD A STORM SHELTER/ROOM FOR PROPERTY LOCATED AT 2601 SMOKING OAK ROAD.**

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments

PRESENTATION BY STAFF: Justin Fish reviewed the staff report, a copy of which is filed with the minutes.

Mr. McCarty asked about the 20' side setback on the south and the 25' platted build line. Mr. Fish explained that the house was built facing Smoking Oak Road, so the 25' front setback should be on the west side, with the 20' side on the south.

Ms. Muckala explained there are two different codes which address setbacks. The Zoning Ordinance is always going to set them based on the district they are in; the Board of Adjustment only has the power to vary the Zoning Ordinance. The BOA cannot vary a plat. The Subdivision Code requires that setbacks be shown on a plat. Sometimes a developer shows a setback that is different from what the zoning would require. The Board's decision will not affect whether Public Works allows them to move forward on the building permit. The Board's decision is whether to allow them the 11'2" variance to the 20' setback.

Mr. McCarty asked if they could get a permit to add 5' out to the 20' zoning setback without going to the Board. Ms. Muckala said if they are complying with the zoning ordinance they would have no need to come to the Board. If they were dealing with an issue of complying with the platted build line, there would be nothing to bring to the Board.

Mr. Worster asked why the decision on building past the platted build line wouldn't be decided before coming to the Board for a variance. Ms. Muckala said they can't submit the building permit. She is not aware of Public Works comments on this. She is not sure of our policy for which one comes first where it might require both. If the Board wishes to make their vote contingent upon approval to exceed the platted build line as determined by Public Works staff, that can be done. If they have a platting issue, that is going to be addressed separately. The Board's decision to allow them to vary the zoning ordinance is not going to force a subdivision change.

Mr. Fish reported that he spoke with Jack Burdett, who said he didn't see any reason why it would have any hang-up on their side.

Mr. McCarty noted the survey shows an encroachment in the front yard, and the drawing shows it to be 6' 15/16". He asked if that has been approved in the past. Mr. Fish responded that the porch on the west side of the property was approved with a building permit, however it is encroaching in the build line.

PRESENTATION BY THE APPLICANT: Matt and Kristi Morgan, 2601 Smoking Oak Road, presented photos of the area where the shelter room is proposed. There is no electrical or gas on the side of the house. The yard is bermed up to Chestnut Road. They are proposing the addition to the edge of the berm, which wouldn't cause much difference in the site. The addition would be a storm shelter to the south side, which is really the only place they could functionally put one above ground. There are some plat questions; it's a confusing plat. They are asking to add a storm shelter room on the south side of the house because they don't have a storm shelter.

Ms. Morgan added that the air conditioning units would be moved to the back side of the house, behind the fence. Mr. Morgan stated the roofline will be the same and the brick will be the same.

Mr. Worster asked if the fence is built approximately on the property line on Chestnut. Mr. Morgan did not know the measurement of the fence; it was existing when they bought the home. It is probably about 12' off the Chestnut curb. The fence pickets are 12" wide with a 2" gap for the trim piece. They do not plan to go past the first step-up in the fence after the gate.

Mr. McCarty asked about the window on the front of the house near the corner, which shows to be right at the corner on the drawing. Mr. Morgan said the window is not accurate on the drawing.

Mr. McCarty asked if they had looked at locating the shelter in the back yard. Mr. Morgan said they looked at it, but it doesn't work well. There is a tree they don't want to lose. There is 14' sliding glass door to the patio and a long kitchen window. There is nowhere to put a door that works for them. It is an open kitchen into the livingroom.

Mr. Morgan said it doesn't have to be 15'; they would not mind making it smaller and 12' would be fine.

Mr. Worster asked why the room is so big. Ms. Morgan said it would be weird to put a small bump-out on the side, and they will use it for other storage. Mr. Morgan said we seem to be getting more nighttime storms. They have two children who sleep upstairs. They would like to be able to have the kids sleep in the shelter when nighttime storms are expected.

Mr. Bigelow asked the distance from the fence to the curb. Mr. McCarty said the curb is usually 12' from the property line in a normal platted area.

AUDIENCE PARTICIPATION: None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Worster commented on the 20' front setback, which appears to be encroached into. Ms. Morgan stated the front porch was already there, but they built the dormer over it. Mr. Morgan said they met with City staff when they went through the permitting process for the addition above the porch. They removed the old porch and built the dormer over what was there and didn't extend past what was already existing. It was 25' from where he was told to measure. Mr. Worster responded that the survey drawing shows a 20' build line at the front of the house.

Mr. McCarty asked if the porch was covered when they bought the house. Mr. Morgan said it was.

Mr. Bigelow asked if they will be able to get a permit if the variance is approved. Ms. Muckala said the information Mr. Fish received was that they would not have an issue; no official decision has been made. The Board can make their approval conditional upon Public Works signing off on the permit to acknowledge that there could be an issue. The Board's decision will not alter Public Works' decision, because they are bound by the subdivision regulations.

Motion made by Bigelow, seconded by Worster to approve BOA-2324-15 contingent on Public Works approval of the permit, and with a reduced size to a variance of 10'.

Mr. Worster commented that it a really pretty house.

Mr. Bigelow said part of the reason he is willing to move forward is that, in looking at the back of the house, he doesn't see how it could be put on the back without obstructing egress to windows.

Voting Yea: Bigelow

Voting Nay: Worster, Webb, McCarty

The motion to approve BOA-2324-15 with conditions failed by a vote of 1-3.

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MISCELLANEOUS COMMENTS

Ms. Muckala reported that she has received a dismissal of the Raven appeal of the decision on the NextEra floodplain permits. The previous appeal was also dismissed, so both items are concluded.

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 5:04 p.m.

Secretary, Board of Adjustment