



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 5/22/2024

REQUESTER: Sue and Vytaus Ringus

PRESENTER: Justin Fish, Planner I

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2324-17: SUE AND VYTAUS RINGUS REQUEST A VARIANCE TO 36-514(c)(2)(b) AND 36-514(d)(2) OF 15' TO THE 25' SIDE SETBACK (15' SIDE PLUS 10' FOR HEIGHT ABOVE 10'), RESULTING IN A 10' SIDE YARD SETBACK ON COLLEGE AVENUE, AND A VARIANCE TO 36-514(d)(2) OF 9' TO THE 11' REAR YARD SETBACK (1' FROM ALLEY PLUS 10' FOR HEIGHT ABOVE 10'), RESULTING IN A 2' SETBACK ON THE ALLEY RIGHT-OF-WAY, FOR A NEW ACCESSORY BUILDING AT 530 W. EUFAULA STREET.

APPLICANT	Sue and Vytaus Ringus
LOCATION	530 W. Eufaula Street
ZONING	R-1, Single Family Dwelling District
REQUESTED ACTION	Variance to 36-514(c)(2)(b) and 36-514(d)(2) of 15' to the 25' side setback (15' side plus 10' for height above 10'), resulting in a 10' side yard setback on College Avenue, and a Variance to 36-514(d)(2) of 9' to the 11' rear yard setback (1' from alley plus 10' for height above 10'), resulting in a 2' setback on the alley right-of-way, for a new accessory building
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant is seeking the approval of two variances for the construction of an accessory building with an attached garage. This accessory building will be located on the south side of the property along the rear property line. Because of the location of the proposed structure the applicant will require two variances. The variances requested are as follows:

1. A variance of 15' to the required 25' side yard setback (15' side plus 10' for height above 10').
2. A variance of 9' to the required 11' rear yard setback (1' from alley plus 10' for height above 10').

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

VARIANCE CRITERIA PER SECTION 570(k):

A variance from the terms of this ordinance 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.

Please see the attached justification from the applicant.

DISCUSSION: The subject property previously consisted of two lots, each with a house. Lot Line Adjustment No. 1679, filed of record on August 30, 2023, combined the two lots with the front of the property facing W Eufaula St. The subject lot has also received a variance (BOA-2223-14 approved April 26, 2023) of 6' to the required 11' rear yard setback for the construction of this same accessory building. The applicant requested the original variance to preserve the mature trees on the property.

However the variance of 6' was not enough to avoid removing a tree so the applicant is now requesting a variance of 9' to the rear yard setback, and the variance of 15' to the side yard setback.

CONCLUSION: Staff forwards this request for BOA-2324-17 to the Board of Adjustment for consideration.