



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 09/24/2025

REQUESTER: Stephen Teel

PRESENTER: Lora Hoggatt, Planning Services Manager

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF BOA-2526-4: STEPHEN TEEL REQUESTS A VARIANCE TO SECTION 36-514(D)(1) OF 5' TO THE REQUIRED 10' SIDE YARD SETBACKS ADJACENT TO A THREE-STORY ADDITION ON THE SOUTHWEST PORTION OF THE PROPERTY LOCATED AT 490 ELM AVENUE.

APPLICANT	Stephen Teel
LOCATION	490 Elm Avenue
ZONING	R-1, Single-Family Dwelling District
REQUESTED ACTION	Variance to Section 36-514(d)(1) of 5' to the required 10' side yard setbacks adjacent to a 3-story addition on the southwest portion of the property
SUPPORTING DATA	Location map and aerials Cleveland County Assessor Property Card Application with attachments Site Plan

SYNOPSIS:

This application concerns a proposed addition to an existing single-family dwelling that is three stories in height. The applicant is requesting a variance to allow 5' side yard setbacks rather than the required 10' minimum side yard setbacks for a 3-story structure.

The variances being requested are as follows:

1. A variance to Section 36-514(d)(1) of 5' to the required 10' side yard setbacks for a 3-story structure, applicable to the primary dwelling addition.

The application, site plan, and the variance justification form provided by the applicant are attached for your review. Also attached, and provided by City Staff, are available aeriels relating to the property, which provide greater detail regarding the structure at issue.

APPLICABLE ZONING ORDINANCE PROVISIONS:

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

(c)(2) *Side yard.*

- a. Except as hereinafter provided in NCC 36-515 and 36-544, **there shall be a side yard on each side of a principal building which shall have a width of not less than five feet**; unattached, one-story buildings of accessory use, including ADUs, shall be set back five feet from any side lot line; provided, however, that accessory buildings shall not be required to set back more than three feet from the interior side lot line when all parts of said building are located not more than 50 feet from the rear property line or rear utility easement line.

Section 36-514(d)(1):

(d) *Height regulations.*

1. Except, as provided in NCC 36-546, no building shall exceed two stories in height. **A three-story building may be constructed if the side yards are increased an additional five feet.**

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. From the terms of this ordinance, a variance 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.

Where an applicant has demonstrated an unnecessary hardship, variances should be narrowly tailored by the Board of Adjustment so as to only alleviate the hardship and not confer special privileges upon the applicant.

DISCUSSION:

The subject property is located directly north of the University of Oklahoma and backs up directly to the Chautauqua Historic District. The property's deed establishes that applicant took ownership in August 1992. In 2001, the applicant applied for two separate Lot Line Adjustments (LLA). A third LLA was completed in 2023. Between approximately 2001 and late 2003, the applicant constructed addition(s) to the dwelling structure on the property. All previous additions have been evaluated by staff and staff has confirmed that the structure currently satisfies applicable development standards for the property, including impervious coverage and setbacks. No LLA had an effect on the location of the south property line at issue in this variance request.

The dwelling as currently constructed meets the required 5' side yard setback. However, with the proposed three-story addition to the south side of the dwelling, the side yard setbacks of the addition must be increased by an additional 5' to a total of 10'. The applicant states in submitted materials they wish to continue the south elevation by constructing the three-story addition in line with the existing two-story facade, which is constructed 5' from the south property line. The northwest corner of the addition is proposed at 5' from the side property line.

According to attached county records, the current parcel (after LLAs) is more than half an acre in size. The current dwelling structure is 9,019 square feet in size with seven bedrooms and five full bathrooms. The applicant's proposed construction would add a "private library and reading lounge." In the submissions, applicant's representative asserts that the addition "is not a gratuitous addition [and] is integral to the identity and narrative of the home." Applicant requests the three-story height in order to encapsulate a restored double-decker bus within the interior of the addition.

The applicant's submission materials state structural alignment, architectural integrity, and the height of the Hillel Foundation building at 494 Elm Avenue, south of the subject property, as justification for the requested variances and references a letter of support from that adjacent neighbor. Staff notes that Hillel's use, height or adjacent location to applicant's property are not unusual or unique, as it is common for residential use to abut office or commercial uses, particularly along the boundary of University property.

The applicant's submissions also indicate that "similar nonconforming setbacks are found throughout this historic neighborhood." City Staff were able to locate several properties that appeared to have one or more setback encroachments. Regardless, other non-conforming structures in the same district may not be considered as grounds for the issuance of a variance.

CONCLUSION:

Staff forwards this request for a variance to Section 36-514(d)(1) and BOA-2526-4 to the Board of Adjustment for consideration.