



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:

Yes, the property at 490 Elm Avenue is uniquely positioned in both physical context and adjacent use. The requested variance applies to the south side, which directly abuts the Hillel Foundation, a student center serving OU students. This adjacent property is not residential and is currently completing a two-story building with minimal window openings on its north elevation. Similarly, the proposed addition at 490 Elm includes no windows on its south side. The usual zoning concerns tied to increased height, such as impacts to residential privacy, views, or natural light, are entirely negated in this case. There is no other house in the area that shares these conditions, and importantly, the Hillel Foundation has provided written support for the variance. The addition will serve as a private educational library and cultural space within a distinctively designed residence that includes a two-story atrium. The applicant also owns the rear parcel, minimizing any broader external impact. These unique architectural and contextual factors clearly distinguish this case from typical residential conditions within the same district.

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:

Yes, enforcing the 10-foot side yard setback would impose unreasonable constraints that are not consistently applied to other properties in the same district. The Elm Street area is within a historic neighborhood where lot divisions over time have resulted in numerous nonconforming conditions. There are multiple nearby examples of homes that do not meet current setback requirements due to these longstanding configurations. Furthermore, the adjacent property is a commercial building of equal or greater scale, reinforcing that the proposed massing and placement are contextually appropriate. Requiring the upper floors to step back would disrupt the structural alignment and reduce usable program space, effectively depriving the applicant of full and reasonable use of the property, a right clearly enjoyed by others in the immediate area.

Attest

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

Yes, the special conditions arise from the unique zoning context and physical character of the site, not from any action by the applicant. The applicant has consistently complied with all city regulations, including maintaining the original five-foot south side yard setback throughout the evolution of the home. The adjacent commercial development and the property's proximity to non-residential uses are pre-existing conditions that shape the site's constraints. No exemptions have been previously requested or granted. The proposed design is a measured and thoughtful response to these inherited conditions, not an attempt to overbuild or circumvent code. In fact, similar nonconforming setbacks are found throughout this historic neighborhood, further affirming the legitimacy of this request.

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:

Yes, granting this variance does not confer any special privilege to the applicant, but rather supports a use and form that is fully consistent with the surrounding context. The neighborhood includes numerous examples where setback enforcement has been adjusted, particularly for side and front yard encroachments. The adjacent commercial building already reaches three stories, and the proposed addition's massing aligns appropriately. In this case, allowing the requested massing enables the new addition to align seamlessly with the existing home's façade, preserving architectural continuity and ensuring the expansion reads as a natural, integrated part of the original structure — not as an afterthought. This request reflects a continuity of precedent in the district and does not exceed what others have been allowed. Rather than a privilege, it is a context-sensitive adjustment in keeping with long-standing neighborhood patterns.

Attest