

**BOARD OF ADJUSTMENT MINUTES**

**JULY 27, 2011**

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in the South Conference Room of the Norman Municipal Building, 201-A West Gray, at 4:30 p.m., July 27, 2011. Notice and agenda of said meeting were posted in the Municipal Building at the above address 24 hours prior to the beginning of the meeting.

Item No. 1, being:

**CALL TO ORDER**

Chairman Tom Sherman called the meeting to order at 4:30 p.m.

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Item No. 2, being:

**ROLL CALL**

MEMBERS PRESENT

Margaret Farmer  
Jim Ruhl  
Howard Saxion  
Tom Sherman

MEMBERS ABSENT

Hank Ryan

A quorum was present.

STAFF PRESENT

Doug Kosciński, Manager, Current Planning  
Wayne Stenis, Planner II  
Roné Tromble, Recording Secretary

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Item No. 3, being:

**APPROVAL OF MINUTES OF THE MAY 25, 2011 REGULAR MEETING.**

*Howard Saxion moved to approve the minutes of the May 25, 2011 Regular Meeting as submitted. Jim Ruhl seconded the motion.*

There being no discussion, a vote was taken with the following result:

YEAS

Jim Ruhl, Howard Saxion, Tom Sherman

NAYS

None

ABSENT

Hank Ryan

ABSTAIN

Margaret Farmer

The motion to approve the minutes of the May 25, 2011 Regular Meeting was adopted by a vote of 3-0-1.

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Item No. 4, being:

**BOA-1112-1 – FIRST OKLAHOMA CONSTRUCTION, INC. REQUESTS A VARIANCE OF 3.2’ TO THE 25’ FRONT YARD SETBACK AND A VARIANCE OF 6.6’ TO THE 20’ SIDE YARD SETBACK (CORNER LOT) FOR PROPERTY LOCATED AT 509 SUMMIT CREST LANE.**

**ITEMS SUBMITTED FOR THE RECORD**

1. Staff Report
2. Location Map
3. Applicant’s Statement of Justification
4. Mortgage Survey
5. Plot Plan
6. Plat

**PRESENTATION BY STAFF**

Mr. Koscinski presented the staff report, a copy of which is filed with the minutes. There were no protests filed on this application.

Mr. Sherman commented that the side yard setback issue is a result of not having a house behind them, or the required setback would be 5’ less. Mr. Koscinski added that we are not protecting anybody in this case by imposing the 20’ setback, and they are not very far off from a 15’ setback.

**PRESENTATION BY THE APPLICANT**

The applicant was present, but had nothing to add to the staff presentation.

**COMMENTS FROM THE AUDIENCE**

None

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT**

Ms. Farmer commented that she believes the property looks good. Mr. Sherman added that it was an honest error. Mr. Koscinski pointed out that there is no house on the lot next door at this time, and there is more than a 5’ setback on that side.

*Margaret Farmer moved to grant the Variance of approximately 3.2’ to the 25’ front yard setback and a Variance of approximately 6.6’ to the 20’ side yard setback for property located at 509 Summit Crest Lane. Jim Ruhl seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Margaret Farmer, Jim Ruhl, Howard Saxion, Tom Sherman
NAYS	None
ABSENT	Hank Ryan

Chairman Sherman announced that the motion to grant the Variances passed by a vote of 4-0.

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Item No. 5, being:

**BOA-1112-2 – BROOKHAVEN MANSIONS, L.L.C. REQUESTS A SPECIAL EXCEPTION TO THE PARKING REQUIREMENTS FOR A PROPOSED INDEPENDENT LIVING CENTER GENERALLY LOCATED ON THE WEST SIDE OF 36<sup>TH</sup> AVENUE N.W. APPROXIMATELY ½ MILE SOUTH OF WEST ROCK CREEK ROAD.**

**ITEMS SUBMITTED FOR THE RECORD**

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Site Plan

**PRESENTATION BY STAFF**

Mr. Koscinski presented the staff report, a copy of which is filed with the minutes. There were no protests filed on this application.

Ms. Farmer asked if the parking spaces shown facing 36<sup>th</sup> Avenue would be the ones that would be added if needed. Mr. Koscinski indicated that the spaces shown on the site plan will be built; there are 140 spaces on the site plan. Additional parking could be added in areas shown on the site plan as landscaping at each of the four corners of the building and adjacent to the driveway on 36<sup>th</sup>.

Ms. Farmer asked what is considered "elderly" for this project. Phil Clour, representing the applicant, indicated that the average age for residents of the project is supposed to be 82. David Hargis, also representing the applicant, believes the minimum age will be 55. Ms. Farmer commented that there is a huge difference between 55 and 82 years of age. Her husband is 82 and they would not begin to think of living without two cars. One of her concerns is the back-to-back parking along 36<sup>th</sup>, because elderly people have trouble turning to look behind them and there is danger of backing into something.

Mr. Clour provided a rendering of what the facility will look like.

Ms. Farmer asked whether these will be regular size parking spaces, unlike The Cottages which made wider spaces. Mr. Clour responded that these will be regular sized spaces. Mr. Koscinski added that there are eight handicapped-accessible spaces.

Mr. Ruhl asked if there is enough room in the landscaping to meet the current parking requirements. Mr. Koscinski responded affirmatively. Mr. Sherman asked if there is enough room to actually exceed the requirements. Mr. Clour indicated he has not computed how many additional spaces could be added. Mr. Sherman commented that the spaces could probably be added in stages to address additional need.

Mr. Ruhl asked if there is a trigger that would require additional parking, and how the City would know if they chose not to target the elderly market. Mr. Koscinski explained that staff would either notice it or would receive complaints from residents.

Mr. Ruhl asked if these will be one-bedroom units. Mr. Hargis indicated that most of them will be, but there will be a few two-bedroom units.

Mr. Koscinski noted that the Board can add additional conditions. The simple one that staff suggested is that if there is a change of occupancy, they would have to comply with the parking requirement. There could be a time limit to install the additional spaces. Mr. Sherman said he is concerned how staff would monitor any change in usage. Mr. Koscinski indicated there is no separate licensing. What sometimes happens when properties change hands is they'll call for a zoning compliance letter, so that is one way staff would know about it. Variances and special exceptions that are granted attach to the property, not to the owner.

**PRESENTATION BY THE APPLICANT**

Phil Clour reported that there is a facility similar to this one on South Western in Oklahoma City. It is a beautiful facility. It actually has a few less parking spaces than this proposal.

Mr. Koscinski commented that having the on-site buses and cars that this applicant proposes does mitigate the need for the residents to have cars.

**COMMENTS FROM THE AUDIENCE**

None

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT**

*Howard Saxion moved to grant the Special Exception to decrease the off-street parking requirement from 1.8 spaces/dwelling unit to 1.2 spaces/dwelling unit. Margaret Farmer seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Margaret Farmer, Jim Ruhl, Howard Saxion, Tom Sherman
NAYS	None
ABSENT	Hank Ryan

Chairman Sherman announced that the motion to grant the Special Exception passed by a vote of 4-0.

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Item No. 6, being:

**BOA-1112-3 – NORMAN SCHOOL DISTRICT NUMBER 29 REQUESTS A VARIANCE OF 25’ TO THE 25’ FRONT YARD SETBACK FROM THE PICKARD AVENUE RIGHT-OF-WAY FOR A REPLACEMENT OF AN EXISTING AGRICULTURAL BUILDING.**

**ITEMS SUBMITTED FOR THE RECORD**

1. Staff Report
2. Location Map
3. Applicant’s Statement of Justification
4. Overall Site Plan
5. Aerial Photo

**PRESENTATION BY STAFF**

Mr. Koscinski presented the staff report, a copy of which is filed with the minutes. There were no protests filed on this application.

Ms. Farmer noted that the old building measures 95’ east to west and the new building is 120’ east to west. She asked if it will be closer to the street. Mr. Koscinski explained that the expansion will be on the west, but they can’t move it any further to the west than that because there is another building there.

**PRESENTATION BY THE APPLICANT**

The applicant had representatives available to respond to questions. Dan Andrulonis offered a full-size set of plans. The building is a 50-60 year old metal building that is white metal panels. The new building will be brick and match all of the existing buildings of the high school.

Ms. Farmer asked if any parking will be taken by the building expansion. Mr. Andrulonis indicated that the new building will be as close to the other buildings as possible without violating fire setbacks. He thinks they have made the parking situation better by defining the parking spots and providing curbs around the building. The fire lane will still be striped.

**COMMENTS FROM THE AUDIENCE**

None

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT**

*Margaret Farmer moved to grant the Variance of approximately 25’ to the 25’ front yard setback from the Pickard Avenue right-of-way for the new agriculture building for Norman High School. Jim Ruhl seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Margaret Farmer, Jim Ruhl, Howard Saxion, Tom Sherman
NAYS	None
ABSENT	Hank Ryan

Chairman Sherman announced that the motion to grant the Variance passed by a vote of 4-0.

Item No. 7, being:

**BOA-1112-4 – MARK KRITTENBRINK, AGENT FOR BOB AND KAREN KING, REQUESTS A VARIANCE OF 5' TO THE 25' FRONT YARD SETBACK AND A 3% VARIANCE TO THE BUILDING COVERAGE MAXIMUM TO ALLOW CONSTRUCTION OF A NEW HOUSE ON PROPERTY ZONED R-1, SINGLE FAMILY DWELLING DISTRICT, LOCATED AT 815 CRUCE STREET.**

#### **ITEMS SUBMITTED FOR THE RECORD**

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Site Plan/Roof Plan
5. Floor Plan
6. Elevations

#### **PRESENTATION BY STAFF**

Mr. Koscinski presented the staff report, a copy of which is filed with the minutes. There were five protests filed, which amounted to approximately 6.5% of the notice area.

Ms. Farmer asked how close they can build to the right-of-way in the alley. Mr. Koscinski indicated they can build up to 5' from the alley. Mr. Sherman commented that it is preferable to have alley access. Mr. Koscinski said the code actually requires it. He added that a detached garage can be closer than the 5' side setback and they have moved it to the corner which requires a 3' side yard setback and 1' rear setback.

Mr. Sherman asked if the driveway for the garage is concrete. Mr. Koscinski responded that it will be, but is not currently. There is a gravel cutback area there now. The new driveway will have to be impervious, but pavers would be a permitted option. The code requires hard surfacing.

Ms. Farmer asked if the courtyard is considered impervious. Mr. Koscinski said it is if it is paved.

Mr. Saxion asked, with the increase in impervious area over what is currently existing, if there are any known drainage or flooding issues. Mr. Koscinski explained that the drainage is probably not adequate, but it is an existing platted lot so there is really no mechanism to retrofit. The increase in impervious area is approximately 1.5 times the existing.

#### **PRESENTATION BY THE APPLICANT**

Mark Krittenbrink, representing the applicant – With me today is Katie Sanchez from our office, also Bob and Karen King, the owners of the property, are here as well. Never been in a situation before where we got letters of protest, so I was a bit taken aback, because I felt like this was such a great project and I thought we worked so hard to stay within the parameters of what was allowed. I did read the letters of protest, and there are several issues I'd like to address that really aren't the business of this board, because they're more aesthetic, but I did want to clarify some things. I believe there has probably been some miscommunication and I think I have to take responsibility for that. Maybe we didn't present our plans as clearly as we could have. For one, this is not going to be a rental structure – a weekend house for somebody to come watch games. It is going to be a retirement home for Bob and Karen King, and at that it's a modest one. The footprint of the house is just a little bit under 1100 square feet with a 20x20 garage. I read some notes that we are tripling our impervious lot coverage, and actually when you add the house, the addition on the back, and the shed in the back, that comes up to about 826 square feet. As noted, we're proposing 1,490, so it is an increase, but it's 1.5 times or 1.75 times –

it's not three times. Our lot coverage – in terms of impervious, we're at 54% -- we're allowed 65%, so we're way under on that. There was some concern about the alley width. The alley width is 40 feet, as it is everywhere. We are building a fence along that alley, which we are allowed to do by code. Again, that's really not an issue. There is concern about privacy. If anything, I think we've increased privacy of the area. We still have the front that faces to the south, and we have the east that faces to the alley. Now, the owner has built a wall along the alley to ensure their own privacy, and of course they're not hearing the noise and the dust that comes from the alley. North we have a detached garage in the back corner, so that separates us from the back yard to the north. And then on the west side, which is where we really have the only abutment and adjacent neighbor, is one of the four existing houses that are pretty similar in appearance, and we've focused the view of this house to the south and to the east. We only have two bedroom windows on the west side, so not really too invasive -- probably less glass on the west side now in what we're proposing than in what currently exists.

There was some concern about parking. We have a double garage on-site for the two occupants to park their cars, so parking won't be an issue. There were some concerns that maybe our design wasn't as friendly as it could have been, and again that's really not a function of this board, but we did have a wall out front, and once we were looking at it last week, we realized that we went higher than the four feet you're allowed when you go in front of the setback line, so we did revise the plan just a bit to show that the wall would come down low at four feet. We do have a couple of columns to support the gate. It fences the yard to give them a little bit of privacy and a little bit of control. It's not a very big lot, as we discussed.

The reason we're here today is a couple things. One is the setback of the front, and the other is an overage in our allowable coverage. If you're familiar with this core area, and I think everybody here is, setbacks are all over the page. Lots have been divided and subdivided over the course of time. I would bet if you go from Lindsey to probably Main Street and from Jenkins over to Flood, I think over 30% of the properties have some sort of setback violation. I'm always thrilled when I work on a project in the core area where there isn't a setback violation because it makes my job a lot easier. Specifically to this case, this is a lot that was probably meant to be two 50x100 deep that faced the west – I think that would be Flood. But it didn't. They divided, facing oriented toward the south, into four different lots that currently don't comply with size requirements. Of those four lots, there were four identical houses built. They all are at 20' front setbacks. Not one of them goes beyond that. The house on the far corner actually extends over the front yard setback and the allowable side yard setback. The house that is directly to our east, which would be 648 South Lahoma, exceeds the side yard setback on the south and the north side. So for this one block of Cruce, from Lahoma down to Flood, that north side of the block, every structure on that block exceeds or violates some sort of setback. If you would drive by those houses, they look fine. MaryJane, did you know your house exceeds the setback by 10 feet in the front? They're beautiful. They happen throughout the neighborhood, and I think it is part of the charm or the personality of the neighborhood, but I don't think we're asking for anything that everybody else doesn't enjoy already.

The current house is 27 feet wide, and that is 27 feet of house that is at 20 feet back from the street. The only part of our house that is at 20 feet is 14 feet wide; it's the living room. So we've set back the majority of the house from the setback line, and actually go behind it, but have that 5x14', which is where we're getting the 70 square feet. So we felt like it's fair to keep the 20' front yard setback, because that's what everybody else has, but we'll diminish it and we'll set the house back so it won't be quite an imposition. Are we being granted something that everybody else doesn't already have? No, we're not. Everybody already has this adjustment.

With regard to the percentage of lot coverage, we are 58 square feet over and I wish we weren't because I wouldn't have to address it. It's a modest home. If I showed you the floor plans, they aren't big rooms. But we are 58 square feet over. I believe if you would also go into this neighborhood, you would find that there are probably a lot of homes that exceed the lot coverage that would be allowed today. We'd like to maintain that 58 square feet because, as I said, it's a tight lot; it's a tight house. It's not excessive. It's not pushy. It's pretty modest. It's cottage style. It will be stucco or painted brick. It has some really nice features to it. And I think it will be a nice addition to this neighborhood. I don't have anything more to say, unless someone has something to say to me.

#### **COMMENTS FROM THE AUDIENCE**

Alan Atkinson, 648 S. Lahoma – I'm across the alley. This is kind of awkward, because whenever a property goes from being rental to owner-occupied, that's a win for the neighborhood. So I don't want Bob and Karen to feel like they're not being welcomed. We're so happy to have them. Or for Mark to feel like we don't appreciate the sensitivity with which he has designed what is, in fact, a modest home. It's truly, I think, probably our general concern that there is no way for it not to be shoe-horned into that lot. The variance, then, allows not simply this house, but future houses to be incrementally enlarged. The three other properties along that stretch, on those other non-conforming lots, are all now at this point rental properties. I guess our fear is that with a variance allowed to the owner-occupants, why wouldn't it also be allowed to somebody that wants to add more bedrooms to their rental properties? So in some ways our concern is sort of looking down the road – that this sets a precedent that could stand in the future to enlarge the number of rental occupants in that immediate vicinity, rather than increase the number of owner-occupants that we see moving into the neighborhood. We don't want to discourage our new neighbors, who most of us have met and have enjoyed spending time with. On the other hand, looking down the road, we don't want to make it easier for people to say let's add two more bedrooms onto my rental property and make some more money.

Mr. Koscinski commented that the code would require them to address parking if the property next door wanted to add three more bedrooms. They would have to add parking if there is not adequate parking. They could ask the Board for a special exception to parking, but they would have to get both of those things approved: a coverage variance as well as a parking variance. This lot is somewhat unique because they have the ability to add to their parking, but the rest of the lots would have limited opportunities.

Mary Jane Rutherford, 725 S. Flood – I have a question of Mark. When you said that there was no other option about the property to the north, was an inquiry actually made to see if she would sell some of her property? It's a huge lot and it's not occupied right now. I just wondered if anyone had inquired if that property was not available to the north. The other thing I just wanted to express a general concern that we're making two-way streets out of alleys in Norman. This is a paved alley and one garbage truck with barely fit down it. I think if we're going to continue to do this, it might be wise to consider a recommendation – or forward a recommendation to whoever makes these decisions -- that we have one-way alleys for the safety of children who play in the neighborhood and for other tenants. Because as we continue to make access roads out of alleys – which is not what they're intended to be for private use, necessarily – what's happening here is you're going to make it a true corner for other people to enter and leave. And if there's company, then there will definitely be an impact on the corner. And, as it is, of course there's no parking anyway around this place. So thank goodness for McKinley School lot or all of us would be in big trouble. We all use it. But that's my concern, too, about the alley, plus

my sense of space and buildings and to erect a two-story building in this already tiny lot. I walked it the other night with my dog and I tried to imagine how it would be, and I'm not questioning that it wouldn't be beautiful in the structure itself – it's just the size of the lot. And the lot at the other end of the alley that has a house on it, on Boyd Street and the alley, is on a double lot and it's very beautiful and there's enough space – enough dirt to accommodate the structure. That's my concern.

Vicki Dollarhide, 645 S. Lahoma – The issue that concerns me most is future occupancy – increasing occupancy on a tiny lot. And it sounds like parking would be really adequate for you, and that's great. But should you ever sell it, isn't it increasing to three bedrooms and one study? That could be several more occupants and parking is already very, very scarce, to say the least, in our neighborhood. And that's always a concern when rental properties stack up more occupants and there's no place for cars.

Mr. Krittenbrink clarified that the second floor on this house was kind of an afterthought. We wanted to go with a high roof. The upstairs is very, very small. It would be really hard to turn it into much of a rental. The bedrooms are just 9' wide and there is a very narrow study. There's room for a set of bunk beds in each bedroom for grandkids when they stay over. I don't think it would really work for a rental structure.

Ms. Dollarhide continued that they have a situation right now with a house with one bedroom downstairs and one bedroom upstairs. At present there are three boys living in it, and their girlfriends, and their cars, so there are already maybe six cars. And then when another boy comes back after the summer session. It's the proximity to the University. It's not what most of us would want, but a student wants a rental that is close to class.

#### **DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT**

Ms. Farmer commented that this is an amazing project. People that live near the University and choose to live near there know there are going to be students. That's the price they pay. We have somewhat of a precedent for the Board to be more flexible in this part of town than they are in new subdivisions.

Mr. Saxion said he understands the concerns. He used to live in Dallas near Highland Park. This request is a fairly modest increase in what would be allowed. It is difficult to speculate what may happen in the future and that shouldn't be a criteria to what a private property owner may want to do with their house at some point if they choose to no longer live there. I don't think it is going to be a negative impact on the neighborhood. It's probably a huge improvement over the existing structure and it probably would help everybody's property values.

Mr. Sherman commented that he loves core Norman. Its blessings are also its curse, because of its proximity to the University. Students are always going to be an issue. Parking will always be an issue. Even a fraternity or sorority party can push cars down in front of Cruce Street properties. My big concern in this area is impervious surface and stormwater. If impervious surface was asked to be waived, I would have a problem with that. I don't think that the increase in the actual house coverage of 3% is too significant. From my time on this Board, side, front and rear yard setback variances have been issued fairly regularly because trying to find the right fit for these small lots is difficult. Mark has done a lot of work in this area, and when you can find someone that wants to buy in that area and is willing to accept a small lot, is willing to accept the design issues they have to face, and still can come up with something that aesthetically is

good and adds value to that area, there is probably no better way in the long-term to try and protect your neighborhoods than to have some of these properties purchased by people that want to live there. There is no guarantee in the long run that they'll stay there. But if they're trying to look at those properties as retirement homes or downsizing homes in an area they love, because they went to the University or they just like it, that's a plus. That will help move out some of those houses that end up being over-staffed with students. That's always going to be a problem. The issue on the alleys is difficult, but under City code right now the City has tried to get houses in these areas to actually have their garages and access in the alley to help get them off the street and get away from having to have front driveways. It does make for an issue in moving back and forth down the alley, and it probably needs to be looked at in some way. But, again, that's something that you need to recommend to your City Council person, to have them look at it and the City can look at it and study that. In general, these kinds of projects, in my opinion, are the kind of projects that I would want to have in my neighborhood. This takes a property that, in my opinion, is not very attractive and it's not going to be used for much other than a rental to a student, and puts it in the hands of an owner and puts it into a position where it's worth a whole lot more money than it is today. That, to me, improves everybody's situation. I do understand your concerns and I do understand the issues of living in core Norman. It's a beautiful area, but it's just difficult from a parking standpoint or from those kind of standpoints to do what you need to do. But because of all these small lots, and odd lots, and if you look at our protest map and you look at the way the lot sizes were set up, there is no rhyme or reason to any of that, but that's what it is. And to not be willing to help people to fit in to what they have is just not being fair to the community. You cannot legislate people out of being able to live in there. I do appreciate people like Mark who worked hard on this, and Bob and Karen King who want to live there.

Ms. Farmer commented that 3% of a small lot is not very much. Mr. Sherman commented that you run into the lot coverage problem with any small lot in core Norman. The issue is not impervious surface, related to water runoff; it has to do with the amount of building that can occupy the lot. Those are two separate percentages. I do have a concern with impervious surface; I don't want to increase any more than what's allowed under the code because it's already a problem. It's better at 3% than when it was at 10%.

Mr. Saxion asked about guttering along the roof line and where it will convey the water. Mr. Krittenbrink indicated it will probably go east and then south. Mr. Saxion asked if they will regrade the lot. Mr. Koscinski explained that they will have to submit a site grading plan and show that there will be no impact on abutting properties.

*Jim Ruhl moved to grant the Variance of 5' to the 25' front yard setback and a 3% Variance to the building coverage maximum for 815 Cruce Street. Howard Saxion seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Margaret Farmer, Jim Ruhl, Howard Saxion, Tom Sherman
NAYS	None
ABSENT	Hank Ryan

Chairman Sherman announced that the motion to grant the Variances passed by a vote of 4-0.

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Item No. 8, being:

**BOA-1112-5 – MARK KRITTENBRINK, AGENT FOR TONY AND NANCY GARDNER, REQUESTS A VARIANCE OF 0.5' TO THE 5' SIDE YARD (NORTH) SETBACK AND A 5% VARIANCE TO THE BUILDING COVERAGE MAXIMUM TO ALLOW FOR AN ADDITION TO AN EXISTING HOUSE ON PROPERTY ZONED R-3, MULTI-FAMILY DWELLING DISTRICT, LOCATED AT 220 S. UNIVERSITY BOULEVARD.**

**ITEMS SUBMITTED FOR THE RECORD**

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Site Plan
5. Building Elevations
6. Floor Plans

**PRESENTATION BY STAFF**

Mr. Koscinski presented the staff report, a copy of which is filed with the minutes. The applicant requested a Variance to the amount of building coverage allowed, but staff's calculations do not indicate that such a Variance is needed. Staff calculated 37% coverage and 40% is allowed. There were no protests filed on this application.

**PRESENTATION BY THE APPLICANT**

Mark Krittenbrink, representing the applicants, was available to answer questions and introduced the property owners.

Ms. Farmer asked about the indication they will be retaining part of the existing driveway. Mr. Krittenbrink responded it will provide a parking pad for visitors. Mr. Koscinski indicated that the new driveway to the reoriented garage is a good idea and fulfills some of the spirit of what Council wanted when they asked that new drives come off alleys when possible.

**COMMENTS FROM THE AUDIENCE**

Candy Bloomshack, a neighbor to the north of the Gardners, said she thinks it is a great project and she supports it 100%. Having the driveway off the alley is a great thing to do.

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT**

*Howard Saxion moved to grant the Variance of 0.5' to the 5' side yard setback (north) for 220 S. University Boulevard. Margaret Farmer seconded the motion.*

There being no further discussion, a vote was taken with the following result:

YEAS	Margaret Farmer, Jim Ruhl, Howard Saxion, Tom Sherman
NAYS	None
ABSENT	Hank Ryan

Chairman Sherman announced that the motion to grant the Variance passed by a vote of 4-0.

Item No. 9, being:

**MISCELLANEOUS DISCUSSION**

None

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Item No. 10, being:

**ADJOURNMENT**

There being no further business, Chairman Sherman adjourned the meeting at 5:49 p.m.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Board of Adjustment