

BOARD OF ADJUSTMENT MINUTES

JULY 23, 2014

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of the Norman Municipal Building A, 201-A West Gray, at 4:30 p.m., on July 23, 2014. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at www.normanok.gov/content/board-agendas at least 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Chairman Andrew Seamans called the meeting to order at 4:30 p.m.

* * *

Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Todd Marple
Tom Ballenger
Andrew Seamans

MEMBERS ABSENT

Hank Ryan
Cindy Deckard

A quorum was present.

STAFF PRESENT

Wayne Stenis, Planner II
Roné Tromble, Recording Secretary
Susan Connors, Director, Planning & Community
Development
Leah Messner, Assistant City Attorney

* * *

Item No. 3, being:

APPROVAL OF MINUTES OF THE JUNE 25, 2014 REGULAR MEETING

Tom Ballenger moved to approve the minutes of the June 25, 2014 Regular Meeting as presented. Todd Marple seconded the motion.

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

| | |
|--------|--|
| YEAS | Todd Marple, Tom Ballenger, Andrew Seamans |
| NAYS | None |
| ABSENT | Hank Ryan, Cindy Deckard |

Ms. Tromble announced that the motion to approve the June 25, 2014 Minutes as presented passed by a vote of 3-0.

* * *

Item No. 4, being:

BOA-1415-01 – HILLARY BURNS AND LARRY BURNS REQUEST A VARIANCE OF APPROXIMATELY 3' TO THE 5' SIDE YARD (NORTH) SETBACK TO ALLOW A NEW GARAGE TO BE CONSTRUCTED ON AN EXISTING SLAB FOR PROPERTY LOCATED AT 820 SOUTH FLOOD AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Aerial Photo
4. Applicant's Statement of Justification
5. Applicant's Photos
6. Site Plan
7. Drawings of Proposed Garage

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. There was one filed protest.

PRESENTATION BY THE APPLICANT:

Larry Burns, the applicant – A large limb from the neighbor who doesn't oppose us rebuilding this garage fell from his yard onto the house, knocking it off the foundation and it has got to be rebuilt. The problem with the lady that had the protest – she may have us mixed up with another house. We have off-street parking back there. There is no reason to block the alley, or whatever she was saying. Also, there is no business running out of my daughter's house, so I think she may be talking about another house rather than our actual 820. I haven't talked to her.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Todd Marple moved to grant the Variance as requested, with the following conditions as recommended by staff: 1) The work shall commence within 6 months from the building permit approval date; 2) The variance only applies to this garage; and 3) The variance otherwise expires per Section 22-419, Non-Conforming Uses. Tom Ballenger seconded the motion.

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

| | |
|--------|--|
| YEAS | Todd Marple, Tom Ballenger, Andrew Seamans |
| NAYS | None |
| ABSENT | Hank Ryan, Cindy Deckard |

Ms. Tromble announced that the motion to grant the Variance as requested, with the conditions recommended by staff, passed by a vote of 3-0. Chairman Seamans noted that there is a ten-day appeal period before the decision is final.

* * *

Item No. 5, being:

BOA-1415-02 – ZAHED SIDDIQUE REQUESTS VARIANCES OF APPROXIMATELY 10' TO THE PLATTED 25' SIDE (NORTH) SETBACK AND 5' TO THE REQUIRED 20' STATUTORY SIDE YARD (NORTH) SETBACK FOR AN EXISTING HOUSE LOCATED AT 2827 WALNUT ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Plat Map
4. Applicant's Statement of Justification
5. Sheet 2 of Survey
6. Aerial Photo

PRESENTATION BY STAFF:

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

PRESENTATION BY THE APPLICANT:

Zahed Siddique, the applicant – I just wanted to make sure, before we move into the house, to rectify what needed to be done. That's why I approached the board. We are going to move in as a family. We wanted a bigger space.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Todd Marple moved to grant the Variance as requested, with the following condition recommended by staff: 1) That the process to resolve the building permit issue be started within 90 days. Tom Ballenger seconded the motion.

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

| | |
|--------|--|
| YEAS | Todd Marple, Tom Ballenger, Andrew Seamans |
| NAYS | None |
| ABSENT | Hank Ryan, Cindy Deckard |

Ms. Tromble announced that the motion to grant the Variance as requested, with the condition recommended by staff, passed by a vote of 3-0.

* * *

Item No. 6, being:

BOA-1415-03 – ASPEN HEIGHTS REQUESTS A VARIANCE TO THE COMMERCIAL OUTDOOR LIGHTING STANDARDS TO MODIFY THE MINIMUM LIGHT LEVEL REQUIRED IN PARKING AREAS AND THE REQUIREMENT FOR FULL CUT-OFF FIXTURES FOR A MULTI-FAMILY HOUSING PROJECT GENERALLY LOCATED AT 2601 CLASSEN BOULEVARD (FORMERLY SOONER MOBILE HOME PARK).

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Final Site Development Plan
5. Exhibit 1 and Exhibit 2 of Lighting
6. Pertinent Excerpt of PUD Narrative
7. Photos of Proposed Buildings

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. The applicant has withdrawn their request for a variance from the requirement for full cut-off fixtures. There were no filed protests on this application.

Mr. Seamans asked the outcome if the Board approves this variance and, down the road, a grocery store wants to lower their light levels because this is a precedent. Mr. Stenis said he believes the unique hybrid nature of this development is different than a commercial development; it would be a completely different evaluation. Ms. Connors added that it's not very often that a commercial development wants to lower their light level, but if they did staff would probably not support that. Since this is a private, gated development, staff felt that the general public won't have access so the safety issues staff would be concerned about should be less.

PRESENTATION BY THE APPLICANT:

Hal Ezzell, representing the applicant – There will be 149 structures on the site that constitute 194 units. They're built in the American Craftsman style. If you look at your site plan, you'll see that the parking is generally contained in front of the structure. I would like to thank staff for pointing us in the direction of finding compliant fixtures that would accomplish both tasks: that would be a full cut-off fixture but also would throw light sufficiently forward to accomplish what we need to do in lighting the front parking areas. As you see from the lighting diagram, it is intended to be almost like a subdivision in the way it functions and flows. But it is a multi-family project; it is not owner-occupied. It is a hybrid in the sense that we're providing a single-family residential structure in a nice American Craftsman style, but we're also providing community amenities which you would typically get in a multi-family project, with regards to management, pool facilities, recreational exercise, trails, etc.

The hardship in this case is if we had to put pole lights up, which is the only way you can meet a .2 footcandle on the whole 26.2 acre site, that entirely changes the characteristic and nature of the project. It's not a commercial project. You want a calming aesthetic. It's not like a grocery store parking lot where you want as much light as you can possibly get.

As an historic perspective, one of the reasons that the zoning was opened up in this manner for variance requests was because of the commercial lighting ordinance and all of the unknowns that were associated with it as a new and novel ordinance for the City. We would respectfully request that the variance be granted as set forth. It has staff support. It meets the

criteria. It is the first, so it's a little bit unique in that regard.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Tom Ballenger moved to grant the Variance as requested to modify the minimum light level required in parking areas, because it is a multi-family hybrid development. Todd Marple seconded the motion.

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

| | |
|--------|--|
| YEAS | Todd Marple, Tom Ballenger, Andrew Seamans |
| NAYS | None |
| ABSENT | Hank Ryan, Cindy Deckard |

Ms. Tromble announced that the motion to grant the Variance as requested passed by a vote of 3-0. Chairman Seamans noted that there is a ten-day appeal period before the decision is final.

* * *

Item No. 7, being:

MISCELLANEOUS DISCUSSION

None

* * *

Item No. 8, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 5:00 p.m.

PASSED and ADOPTED this 27TH day of AUGUST, 2014.


Board of Adjustment