

## BOARD OF ADJUSTMENT MINUTES

OCTOBER 28, 2015

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of Norman Municipal Building A, 201-A West Gray, at 4:30 p.m. on Wednesday, October 28, 2015. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at [www.normanok.gov/content/board-agendas](http://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.

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Item No. 2, being:

### ROLL CALL

MEMBERS PRESENT

Hank Ryan  
Curtis McCarty  
Kristen Dikeman (arrived at 4:32 p.m.)  
Andrew Seamans

MEMBERS ABSENT

Brant Alexander

A quorum was present.

STAFF PRESENT

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

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Item No. 3, being:

### APPROVAL OF MINUTES OF THE SEPTEMBER 23, 2015 REGULAR MEETING

*Hank Ryan moved to approve the minutes of the September 23, 2015 Regular Meeting as presented. Curtis McCarty seconded the motion.*

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

YEAS	Hank Ryan, Curtis McCarty, Andrew Seamans
NAYS	None
ABSENT	Kristen Dikeman, Brant Alexander

Ms. Tromble announced that the motion to approve the September 23, 2015 Minutes as presented passed by a vote of 3-0.

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Item No. 4, being:

**BOA-1516-4 – JAMES AND LOUISE BURRELL REQUEST A SPECIAL EXCEPTION TO PERMIT A MOBILE HOME TO SERVE AS A TEMPORARY SECOND DWELLING TO RELIEVE A MEDICAL HARDSHIP ON PROPERTY LOCATED AT 900 RED ROCK ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

- 1. Staff Report
- 2. Location Map
- 3. Application with Attachments
- 4. Site Plan

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff recommends approval of the request for three years, beginning the effective date of the Board's approval. Approval should be contingent on obtaining a certificate of occupancy for the mobile home prior to May 1, 2016. There were no filed protests.

Mr. Ryan asked if there is a time period for someone to own property before it qualifies for this special exception. Mr. Stenis said there is not.

Mr. McCarty asked if this is transferrable if the property were sold. Ms. Connors said it is not. Mr. Stenis noted that, when the need no longer exists, the mobile home must be removed.

**PRESENTATION BY THE APPLICANT:**

Phil Redwine, representing the applicants – I think staff recommended, and we've provided the materials such as the doctors' certificates to comply with the ordinance. We understand that we've got to come back in three years if we're still in need.

**AUDIENCE PARTICIPATION:**

None

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

Mr. Ryan stated his understanding is that this is for up to three years, as long as either James or Louise Burrell is living in the mobile home. Mr. Stenis said that is a stated condition in the code.

*Curtis McCarty moved to approve the Special Exception as recommended by staff. Hank Ryan seconded the motion.*

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

YEAS	Hank Ryan, Curtis McCarty, Kristen Dikeman, Andrew Seamans
NAYS	None
ABSENT	Brant Alexander

Ms. Tromble announced that the motion to approve the Special Exception passed 4-0.

Mr. Seamans noted the ten-day appeal period before the decision is final.

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Item No. 5, being:

**BOA-1516-5 – BROOKS FAMILY TRUST REQUESTS A SPECIAL EXCEPTION TO PERMIT THE EXTENSION OF A DISTRICT WHERE THE BOUNDARY LINE OF A DISTRICT DIVIDES A LOT IN SINGLE OWNERSHIP AS SHOWN OF RECORD FROM R-3, MULTI-FAMILY DWELLING DISTRICT, TO C-1, LOCAL COMMERCIAL DISTRICT, FOR PROPERTY LOCATED AT 530 W. LINDSEY STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Location Map
3. Site Plan
4. Application with Attachments

and

Item No. 6, being:

**BOA-1516-6 – BROOKS FAMILY TRUST REQUESTS A VARIANCE TO PERMIT THE ELIMINATION OF A LANDSCAPE BUFFER ALONG THE SOUTH BOUNDARY OF A PARKING LOT EXPANSION FOR JJ'S PIZZA STOP LOCATED AT 530 W. LINDSEY STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Location Map
3. Application with Attachments
4. Site Plan
5. Site photos

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff reports, a copy of which is filed with the minutes. Staff recommends approval of the Special Exception extending the C-1 district to the remainder of the lot for a parking lot and dumpster with no recommendation about conditions. Staff recommends approval of the Variance to the landscape requirements as requested, with the condition that a parking lot permit must be submitted within two years.

**PRESENTATION BY THE APPLICANT:**

Cindy Wright, Johnson & Associates, representing the applicant – We're asking for the extension of the zoning so that use will be sitting on a consistent commercial zoning. Right now that south half is a residential zoning which doesn't permit the parking lot. And we're asking for the variance for the reasons outlined by staff. It's abutting another parking lot. They're trying to fit as much as possible on that 44 feet of depth, including moving the dumpster off of College onto the site itself, and putting sidewalk along College. They just don't have room.

Mr. Ryan asked how high the edge on the south side of the parking lot will be. Ms. Wright indicated there will be a curb along the south side. All of the parking spaces are going to be up against the building. Mr. Ryan asked if it would be possible to build a fence along the south if necessary. Ms. Wright responded that there is 1.6' of area available, so it might be possible to build a fence.

Mr. McCarty asked about having two curb cuts within about five feet of each other. Ms. Connors indicated that condition currently exists. Mr. McCarty asked if the sidewalk will be continued through to the church drive for handicapped accessibility. Ms. Wright responded that there will be a sidewalk that extends on College. It currently stops where the duplex was. She assumes that there will need to be an ADA cut in the curb. They will probably be submitting the building permit for the parking lot within the next couple of weeks. The applicant is anxious

to get moving on the construction.

**AUDIENCE PARTICIPATION:**

None

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

*Hank Ryan moved to approve the Special Exception as requested to extend the C-1 zoning to the area currently zoned R-3. Kristen Dikeman seconded the motion.*

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

YEAS	Hank Ryan, Curtis McCarty, Kristen Dikeman, Andrew Seamans
NAYS	None
ABSENT	Brant Alexander

Ms. Tromble announced that the motion to approve the Special Exception passed 4-0.

Mr. Ryan commented that he would have a little bit of a problem with the request for a variance to the landscaping if the property it abuts were R-3; it is his understanding that it is zoned O-1 which serves as a buffer between residential and commercial.

*Curtis McCarty moved to approve the Variance as recommended by staff. Kristen Dikeman seconded the motion.*

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

YEAS	Hank Ryan, Curtis McCarty, Kristen Dikeman, Andrew Seamans
NAYS	None
ABSENT	Brant Alexander

Ms. Tromble announced that the motion to approve the Variance passed 4-0.

Mr. Seamans noted the 10-day appeal period before the decision is final.

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Item No. 7, being:

**BOA-1516-7 – ARIA DEVELOPMENT REQUESTS A VARIANCE OF 25' TO THE 25' SETBACK FOR A NEW SIGN AT THE NORTHWEST CORNER OF THE INTERSECTION OF 12<sup>TH</sup> AVENUE N.E. AND ROCK CREEK ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Site Plan
3. Location Map
4. Application with Attachments

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff recommends approval and has no recommendations regarding conditions.

Mr. Ryan asked if the right-of-way can be widened at some point in the future. Mr. Stenis indicated that the curb could be moved in the future; it is a State highway. Mr. Ryan asked about the sign on the business just to the north; it appears to have the 25' setback. Mr. Stenis responded that it does meet the 25' setback; it is a mini-storage.

**PRESENTATION BY THE APPLICANT:**

Heath Hans, representing the applicant – The sign is still within the property line, so the right-of-way could be increased in the future. The storage facility may have a 25' setback, but the property in relation to the road is probably about 20' higher. Cars are about 15-20' lower when approaching this site. It is really a visibility and viewability issue.

Mr. McCarty asked the height restriction on the sign. Mr. Stenis indicated it is 25 feet. Mr. McCarty noted the sign is proposed at 20'10".

Joey Wishnuk, representing the applicant, commented that this will be the exact same sign that they have where Orange Leaf is on Lindsey. Dalmarc made that sign and this is a copy of that sign, except that is a four-tenant and this is a five-tenant. We are right on the square footage with a 100' sign.

**AUDIENCE PARTICIPATION:**

None

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

*Curtis McCarty moved to approve the Variance as requested. Kristen Dikeman seconded the motion.*

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

YEAS	Curtis McCarty, Kristen Dikeman, Andrew Seamans
NAYS	Hank Ryan
ABSENT	Brant Alexander

Ms. Tromble announced that the motion to approve the Variance passed 3-1.

Mr. Seamans noted the 10-day appeal period before the decision is final.

Item No. 8, being:

**MISCELLANEOUS COMMENTS**

None

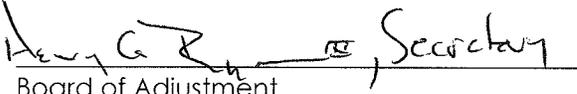
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Item No. 9, being:

**ADJOURNMENT**

There being no further business and no objection, the meeting adjourned at 4:59 p.m.

PASSED and ADOPTED this 9<sup>th</sup> day of December, 2015.

  
Board of Adjustment