

BOARD OF ADJUSTMENT MINUTES

MAY 27, 2015

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., May 27, 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 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
Brant Alexander
Kristen Dikeman
Andrew Seamans

MEMBERS ABSENT

None

A quorum was present.

STAFF PRESENT

Susan Connors, Director, Planning & Community
Development
Wayne Stenis, Planner II
Janay Greenlee, Planner II
Kathryn Walker, Assistant City Attorney
Roné Tromble, Recording Secretary

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Item No. 3, being:

APPROVAL OF MINUTES OF THE MARCH 25, 2015 REGULAR MEETING

*Hank Ryan moved to approve the minutes of the March 25, 2015 Regular Meeting as presented.
Brant Alexander seconded the motion.*

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

YEAS

Hank Ryan, Curtis McCarty, Brant Alexander, Kristen
Dikeman, Andrew Seamans

NAYS

None

Ms. Tromble announced that the motion to approve the March 25, 2015 Minutes as presented passed by a vote of 5-0.

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Item No. 4, being:

BOA-1415-23 – MARK KRITTENBRINK, ON BEHALF OF GSH AOII OKLAHOMA, L.L.C., REQUESTS A VARIANCE OF 5% TO THE 65% MAXIMUM LOT COVERAGE TO ALLOW 70% LOT COVERAGE, FOR PROPERTY LOCATED AT 1411 ELM STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application and Statement of Justification
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 variance as requested. No protests were received.

Mr. Ryan asked if there are any other fraternity or sorority houses in this area that are over 65% coverage. Mr. Stenis said he had not done any calculations on any of the other properties. Unless the Board has granted a variance for another fraternity or sorority, violation of the code is not a criteria for granting another. Mr. Ryan said he is not aware of any others, but the issue of lot coverage has become more sensitive with the recent rainfall.

PRESENTATION BY THE APPLICANT:

Mark Krittenbrink, 428 West Eufaula – This was an old fraternity house that the sorority leased and then purchased in 2007 or 2009. They have made several improvements; this is the fourth phase of improvements. What they don't have is a meeting space for chapter. I would imagine North Greek has some violations in terms of coverage because it's so much more crowded there. South Greek has a nice amount of land for each house, this house being the exception. Several years ago Kappa Kappa Gamma didn't have a meeting space, and the girls were walking across campus on Sunday nights to use a classroom space to have chapter, but were able to purchase a property and build an assembly hall. This is kind of a similar request, except it needs to be adjacent to their building because they don't have adjacent land. They are walking from this location to hold their chapter meetings on Sunday nights at Dale Hall, and it presents security risks for the girls. They have a T-shaped building and they will be filling one corner with a meeting room. It's 2,000 square feet. It accesses off their dining room, so it gives them some flexibility. I don't know of another sorority – we've worked on a bunch of them. Most of them have this capacity to have chapter within their house. This is kind of an unusual situation, especially in South Greek where the lots are fairly large. They're just wanting to increase the security for the girls and to add this phase on. When we started this last summer, we went in and brought our zoning up to compliance, and we shelved this because they weren't going to do the chapter room, but then they decided to do it which is why we're in front of you now. I think we were on your agenda last fall and we pulled off. I'd be happy to answer any questions.

Mr. McCarty asked if this will be a single story structure. Mr. Krittenbrink said it will be single story because there are bedrooms that open above it. Mr. McCarty asked if parking is affected. Mr. Stenis said it is his understanding there are no sleeping rooms and the required parking is provided. Mr. Krittenbrink added that there are no sleeping rooms; it is one big space.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Curtis McCarty moved to approve the Variance. Brant Alexander seconded the motion.

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

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

Mr. Ryan said he is abstaining because he is uncomfortable with the coverage issues at this time. Ms. Walker recommended that Mr. Ryan cast a vote; if he is not comfortable, the appropriate vote would be no. Mr. Ryan acknowledged the recommendation and maintained his abstention.

Ms. Tromble announced that the motion to approve the Variance passed by a vote of 4-0-1.

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

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Item No. 5, being:

BOA-1415-24 – DAVID A. HUETTNER REVOCABLE TRUST, SUE B. HUETTNER REVOCABLE TRUST, AND HUETTNER'S INC. REQUEST A VARIANCE OF 20' TO THE 25' FRONT YARD SETBACK FOR A JOINT IDENTIFICATION GROUND SIGN TO BE PLACED AT THE SOUTHEAST CORNER OF THE PROPERTY LOCATED AT 900 24TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report with Site Plan and Aerial Photo
2. Location Map
3. Application and Statement of Justification
4. Photo of Proposed Sign

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff recommends approval of the variance as requested. We did receive one protest from the property to the south.

Mr. Ryan asked the dimensions of the proposed sign. Mr. Stenis said it is significantly smaller than allowed, approximately one-third of the size allowed.

Mr. Ryan said there is a temporary banner sign at this location; he asked if it is allowed. Mr. Stenis indicated it is a real estate sign and does not require a permit.

PRESENTATION BY THE APPLICANT:

Debbie Busking, representing the applicant – She thinks it is a nice looking sign. They have tried to be friendly neighbors and work with others around them and be consistent with the other signs in the neighborhood. The street curves to the east south of this property which will appear to give the sign a further setback.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Alexander asked what direction the sign will face. Ms. Busking said she could not definitively answer. Mr. Alexander asked if it is double or single-sided. Mr. Stenis said it was his understanding it would be double-sided. The maximum size for the sign would be 100 square feet a maximum of 25 feet high.

Mr. McCarty asked how the sign face is measured. Mr. Stenis said it would include the background to the writing, and would not include the posts in this situation.

Mr. McCarty suggested that the Board could put a square footage limitation on their approval, since we don't know the size being proposed. Ms. Connors suggested that the motion could say no larger than the sign depicted in the picture and we can obtain the dimensions prior to issuing the permit.

Mr. Seamans asked if there is a driveway or a sidewalk next to the proposed sign location. Mr. Stenis indicated it is a sidewalk that goes back to the park.

Curtis McCarty moved to approve the sign size being no larger than the size of the sign proposed in the photo, but a maximum of 40 square feet. Brant Alexander seconded the

motion.

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

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

Ms. Tromble announced that the motion to approve the proposed sign size passed by a vote of 5-0.

Ms. Walker pointed out that the request was for a Variance to the setback.

Curtis McCarty moved to approve the Variance of 20' to the 25' setback, allowing a 5' setback for the proposed sign, for a sign not larger than 40 square feet or the sign that was proposed, if it is not larger than 40 square feet. Brant Alexander seconded the motion.

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

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

Ms. Tromble announced that the motion to approve the Variance passed by a vote of 5-0.

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

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Item No. 6, being:

BOA-1415-26 – CEDAR CREEK CONSULTING, INC. REQUESTS A VARIANCE TO THE PERIPHERAL LANDSCAPING REQUIREMENTS TO ALLOW LESS THAN THE REQUIRED 5' SIDE LANDSCAPING STRIP FOR PROPERTY LOCATED AT 1835 W. MAIN STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application
4. Site Plan
5. Aerial Photo

PRESENTATION BY STAFF:

Janay Greenlee reviewed the staff report, a copy of which is filed with the minutes. Staff recommends approval of the variance as requested. One written protest was received from the property north of the site.

Mr. Alexander asked how many plants are being provided. Ms. Greenlee responded that the applicant will still be providing the required landscaping, but they will be reducing the size of the beds.

Mr. Ryan commented that the Board is very dependent on staff reports. The variances were characterized as slight, but 1.2' is a 24% variance and the 2.6' is a 53% variance. He suggested that the staff reports provide facts, and not opinions. There is a statement in the staff report that it was 100% impervious previously, but 25% of the lot was open, and now that part is going to be paved. He asked the date of the aerial photo. Ms. Greenlee indicated it was a 2013 photo prior to the car wash being removed during the past year.

Ms. Greenlee noted that the only variances requested are along the sides. They have the required street landscaping and have several landscaped islands. There was previously no landscaping on the car wash site.

Mr. McCarty asked about the landscaping being provided on the Zaxby's site immediately to the west. Ms. Greenlee responded that Zaxby's will have the required landscaping. The main reason for this variance was to allow for emergency vehicle access, while still allowing for the required parking. The lot size was a constraint on this property. This proposal meets or exceeds the landscaping requirements except along the sides in the areas denoted by cross-hatching on the site plan.

PRESENTATION BY THE APPLICANT:

Lance Mills, Cedar Creek Consulting, 117 South County Line Road in Oklahoma City – We worked with staff to come up with this, where staff could support it. Originally, we had a wider building, more parking, and a lot less landscaping. We lost 8-10 parking stalls. Staff really is looking out for the citizens. We would typically not do the landscaping islands. We wanted to continue the screening buffer that was started with the row of existing Bradford pears on the adjacent property. Our intention is to meet the spirit of the ordinance with the quantity and amount of materials planted in the islands. We're really excited to be in Norman and this site meets the criteria. Dairy Queen even made some concessions with the building and operations – this is a special building that you won't find anywhere else that I'm aware of. The fire marshal required

the access drive as a matter of public safety. We really appreciate staff and their time in helping us get something that they could support.

David Jones – Our family is from this area. We are deeply involved in our business with six family members who are very hands on. We participate in the community with fund raisers, and provide an opportunity for young folks to have a job, and we try to provide a role model for them. We start out with about 100 staff. We are very cognizant of the neighborhood. Dairy Queen was very reluctant and at first said no because of the dimensions of the lot. We are a family-owned operation. There are a tremendous amount of trees between the back of the parking area and the housing – we are trying to save all the trees that are currently there. We have a patio area out front where you can sit and enjoy the trees and shrubbery.

Mr. Ryan asked if they own the property individually. Mr. Jones said they do. They purchase the land.

Mr. Alexander asked the size of the trees. Mr. Jones said they use 30-gallon trees as much as they can. At times, they can't get the 30-gallon. At the Midwest City site, they used 26 30-gallon trees. Ms. Greenlee noted that there are size requirements for trees in the landscaping requirements. Mr. Jones added that he tries to use evergreen trees and plants where possible, so that it is green year around.

AUDIENCE PARTICIPATION:

Fred Ball, 1912 Logan Drive – He commented that the trees have grown up along the alley. He does not protest this application.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Ms. Dikeman commented that she thinks this is an ideal example of a variance. She appreciates the applicant's willingness to work with staff and sacrifice parking spaces. Mr. Alexander agrees. They are willing to move the plants around and adding things that weren't required. Ms. Dikeman also appreciated their willingness to save the existing trees.

Curtis McCarty moved to approve the Variance as requested on the site plan included with the agenda. Brant Alexander seconded the motion.

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

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

Ms. Tromble announced that the motion to approve the Variance passed by a vote of 5-0.

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

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Item No. 7, being:

MISCELLANEOUS COMMENTS

None

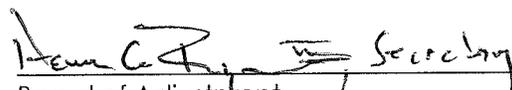
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Item No. 8, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 5:24 p.m.

PASSED and ADOPTED this 24th day of June, 2015.


Board of Adjustment