

BOARD OF ADJUSTMENT MINUTES

SEPTEMBER 25, 2019

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of Building A of the Norman Municipal Complex, 201 West Gray, at 4:30 p.m., on Wednesday, September 25, 2019. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at www.normanok.gov/content/board-agendas in excess of 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

Curtis McCarty
Mike Thompson
James Howard
Andrew Seamans

MEMBERS ABSENT

Brad Worster

A quorum was present.

STAFF PRESENT

Jane Hudson, Principal Planner
Lora Hoggatt, Planner II
Roné Tromble, Recording Secretary
Elisabeth Muckala, Asst. City Attorney

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Item No. 3, being:

APPROVAL OF MINUTES OF THE JUNE 26, 2019 REGULAR MEETING

Curtis McCarty moved to approve the minutes of the June 26, 2019 Regular Meeting as presented. Mike Thompson seconded the motion.

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

YEAS Curtis McCarty, Mike Thompson, James Howard,
 Andrew Seamans
NAYS None
ABSENT Brad Worster

Ms. Tromble announced that the motion to approve the June 26, 2019 Board of Adjustment Regular Meeting Minutes as presented passed by a vote of 4-0.

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Item No. 4, being:

BOA-1920-1 – DAVID WATERMAN REQUESTS A VARIANCE OF FOUR (4) FEET TO THE FIVE (5) FOOT EAST SIDE YARD SETBACK TO ALLOW A CARPORT FOR PROPERTY ZONED R-3, MULTI-FAMILY DWELLING DISTRICT, AND LOCATED AT 315 E. TONHAWA STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments

PRESENTATION BY STAFF:

1. Ms. Hudson reviewed the staff report, a copy of which is filed with the minutes. Staff supports this variance request and recommends approval.

PRESENTATION BY THE APPLICANT:

1. David Waterman, 315 E. Tonhawa Street – I just moved to the area. I'm a retired military Navy Captain and bought the house. It's awesome. But I discovered that the garage is missing. Up to a few years ago, a full garage was there. I bought it knowing the garage wasn't there, but I was hoping to be able to build on the current foundation, of which this is. Essentially what I'm trying to do is build a 6-post carport, a very simple one that has an angle into my yard so it doesn't run into my neighbor's yard. The neighbor is Mark Dillon. I've tried, in my not architect way, to have several representations of what it would look like. So it's about nine feet from the back of Mark's house, and it would be a foot off from the fence into my yard. The property line, according to the survey, is in Mark's yard, so it's like 18 inches from the property line; it would be a foot from the fence is where the posts would be. It would have a gutter. It would be engineered and sunk in there so the winds don't take it away and all that kind of stuff. The point is to protect the vehicles, not to make a hazard. For those of you who have a picture of the foundation that remains, the posts are going to go in the corner of that foundation. If we keep the 5 foot, there's a tape measure on this image of where the carport posts would start, and that means I have to relocate the gate, the shed, and kind of everything, including the side steps to the house if I relocated the shed. It's meant to be temporary. It will be a permanent fixture. But eventually, in a year or two, my intent is to just extend the length of the house and put a two-car garage on there and then remove the carport and just keep the paved area. So I would like your consideration to please have a variance of, essentially, 12 inches from the fence for the 6-post carport. Can I answer any questions?

2. Mr. Thompson – The only thing I saw – you're planning on putting in a new carport – or not a new carport, but a new garage.

Mr. Waterman – When I can, yes. Two years is a target – maybe.

Mr. Thompson – If that gets approved on the issue that it is coming down within the next three-four years, is there any way that can be followed up and make sure it comes down.

Mr. McCarty – We can put a stipulation in that the carport is temporary for two

years.

Mr. Thompson – Oh, I think I'd like it longer than two. It's going to take at least two.

Mr. Seamans – Are you asking so he doesn't have to come back here for another meeting – to make the carport into a garage. Is that what you're asking.

Mr. Thompson – Well if the usage is temporary, how do we know it's temporary?

Mr. Waterman – I guess when I apply for the garage, the permit would say that the carport will now be removed, on the fact that the garage is being built to replace the carport.

3. Mr. McCarty – So accessory structures have a side yard setback of less than five foot. Right? They can go down to a three?

Ms. Hudson – If you're in the back 50, and he was not, is what I was told.

Mr. McCarty – It's not in the back 50? So it can't be less than 5'.

Ms. Hudson – I think Landon actually talked to you about that, right? About being in the back 50'.

Mr. Waterman – Yes. If I put it in the back, then I should put in a new pad and either trim up or – so it's all more money, whichever we do to fit the existing regulations, and, yes, it's money. So I'm trying to kind of do economy of decision here and use what I have and provide cover for my vehicles until the time 2 or 3 years from now I can build a proper extension to the house and then, Scout's honor, when the garage comes along and says I want to build a garage in there and the carport goes away to the concrete pad.

4. Mr. McCarty – He will have to permit the carport, right?

Ms. Hudson – Correct.

Mr. McCarty – And it has to be fire rated construction because it's less than 3' to the property line.

Ms. Hudson – Correct. I talked to the building reviewer about that. They went and talked to our permit manager and what they thought would work would just be some sort of a hardiboard or something. Just along that piece that would go along the fence there.

Mr. McCarty – The posts would have to be, also.

Mr. Waterman – I talked to the gentleman out there and it needs to be engineered, steel sunk in the concrete and all that. It's still going to be less than it is to build a new pad and extend a new pad, move the gate, and all of that. Because I still have to build the carport anyway. Or I would like to build a carport.

5. Mr. Howard – Just in terms of the material that you're using, you said it's going to be steel posts.

Mr. Waterman – Yes. Steel roof.

Mr. Howard – Metal deck. So it's all metal?

Mr. Waterman – Yes. It's all metal. Like I said, I don't want to be creating a hazard, so the company – the type building is wind rated to the house, so it's not going anywhere. It's a corrugated – it's not the prettiest thing. When I'm done, I want to keep

the craftsman look with the line, which is why I want to build the garage and flow it through. But it's the most economical way I see forward. I'm open to suggestions. But it's what I see as an option right now.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

1. Mr. Howard – I'm really falling in line with Mike in terms of – I can see this having a stipulation of some period of time to allow for the opportunity to build the garage in the future. With the materials that he's using, they're appropriate in terms of life safety and with concerns to fire. And knowing that there is an existing garage there at one point, I'm assuming that the rest of the neighborhood has similar non-conforming structures. That's where I stand right now.

2. Mr. McCarty – There's an alleyway back there, too. Right?
Mr. Waterman – Yes.

Mike Thompson moved to approve BOA-1920-1. James Howard suggested a friendly amendment to add a time limit on the approval of five years. Mr. Thompson accepted the friendly amendment. Curtis McCarty seconded the motion as amended.

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

YEAS Curtis McCarty, Mike Thompson, James Howard,
Andrew Seamans
NAYS None
ABSENT Brad Worster

Ms. Tromble announced that the motion, to approve the variance for a period of five years, passed by a vote of 4-0.

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

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Item No. 5, being:

BOA-1920-2 – GARY AND SUSIE BREECE REQUEST A VARIANCE OF TWO AND ONE-HALF (2.5) FEET TO THE FIVE (5) FOOT SOUTH SIDE YARD SETBACK TO ALLOW A CARPORT FOR PROPERTY ZONED R-1, SINGLE-FAMILY DWELLING DISTRICT, AND LOCATED AT 501 MERRYWOOD LANE.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments

PRESENTATION BY STAFF:

1. Ms. Hudson reviewed the staff report, a copy of which is filed with the minutes. Staff supports this variance request and recommends approval.

PRESENTATION BY THE APPLICANT:

1. Susie Breece, 501 Merrywood Lane – I was listening about the 50' from the rear. We can't go back because it used to be a pecan grove and there's literally – how tall?

Gary Breece – They're huge pecan trees in that area.

Ms. Breece – Anyway, we just want – I hate to say carport – I've been saying porte cochere because it sounds prettier. The reason why – when we bought our house two years ago – we're the only house on the street with the single wide driveway. We remedied that in our yard by taking out a garden right next to our house and taking out all the concrete driveway and laying it back so that we had more concrete space. But, as you can see in a picture, when they built the house – I'm sorry I didn't run off all the copies like that last man did. There's two brick walls that they built to enter into the back to go into – the garage is on the back of our home, which is a really tight little circle anyway, especially when you drive a Suburban. So that's why we want to build this porte cochere on the side of the home, because we have a door that goes into the garage right there and it would just be a lot easier when you come in and out ten times a day, jump in the car, jump out, to not have to drive all around, and we can just go right in that door. But if you look at those two brick walls, if we have to set in 5' from the property line, the post is going to be in the middle of the driveway. So then we're going to have to dodge the posts. It would look really odd to have the carport end at the center of the driveway.

Mr. Breece – And it makes it tougher to park two cars side-by-side.

Ms. Breece – There's pictures – I think he put some tables out there and he showed you ...

Mr. Breece – I just took a couple of 1'x1' end tables.

Ms. Breece – Showed where it would be if we had to set it in by the ordinance now versus how it would look if we could move it south a little bit.

Mr. Breece – We put our concrete – I guess you can put your concrete right up to the property line. We didn't; we put it a foot away from the property line – a foot north of the property line. Of course, we're asking to not have to set those supporting posts in more than 30" from the property line, rather than 60". Just 30" so that it will blend with the inside of that brick wall. Otherwise those two posts are sitting inside that brick wall

and it would look totally silly. People driving by would be going why in the world would they do that? But when I say set it in no more than 30" to the north, that's the most I want to set it in, just so it is beyond that brick wall. Now, if I could set it right on the edge of our concrete, which would be one foot in from the property line, that's my real preference.

2. Mr. McCarty – How far do you have from your house to the property line?

Mr. Breece – It's 20'± 18'.

Mr. McCarty – So from the house to the property line you have 18'± How wide is your gate?

Mr. Breece – The gate is a 12' gate. And the two posts – 5' – right there's the south edge of the property line. You'll see we have laid this new drive within a foot of that. And the two posts would be sitting right here inside of that. So you could still get your car in and out of the back. It's really more the aesthetics than it is the function. Just the neighbors and myself and anybody ever driving by would be going why would they put their posts there?

Ms. Breece – I admit I have trouble driving back there and then backing out of it.

Mr. Breece – Yeah, you do want to swing kind of wide, so this post here at least would be somewhat in the way of trying to swing wide to turn in. But we don't want to drive back in there and park anyway, because it is a hassle, especially in a Suburban. But the two posts sitting here – I don't know. If somebody coming along did buy that home – I might be a little more reluctant to buy if I saw two posts sitting there.

3. Mr. McCarty – Is it going to be attached to your house.

Ms. Breece – It will have to be attached now – that picture that we have. That was my preference to have that little.

Mr. McCarty – So it's not free-standing.

Ms. Breece – Yes.

Mr. Breece – We did have 7' from the house.

Ms. Breece – So that will be gone now and the builder is just going to attach this side of it to the house.

Mr. Seamans – So there will just be two columns, then the other side will be attached to the wall.

Ms. Breece – Yes, that's correct.

Mr. Breece – So there's not going to be posts on the back of the house. That will be attached.

Ms. Breece – No, not that are supporting. There might be something there aesthetically.

Mr. Breece – So it's aesthetics for us, and function, too, especially since we both drive Suburbans. We have 9 grandkids between the ages of 2 and 8. We've got one boy; he's the youngest; he's the 2-year old. At any rate, you can't even get all of them in one Suburban, but that's why we drive Suburbans. We've got baby seats in them. Anyway, we drive Suburbans, which tend to be a little wider car, obviously, than some of these much smaller cars. Right now, even moving that post further to the south, it's still – there's kind of a tight squeeze. You can't just hop out and sling your door open without slinging it into the other Suburban. So you've got to be – even a little guy like me, I've

got to kind of slide in and out.

4. Mr. Howard – Have you talked to your neighbor about any of their plans to add onto their ...

Mr. Breece – They know we're doing it. We've shown them pictures of it and everything.

Mr. Howard – Are they aware that it would limit their ability to expand?

Mr. Breece – And I guess they got that letter, too.

Mr. Howard – Are they aware that it could potentially limit their ability to expand?

Ms. Hudson – Well, it wouldn't limit their ability to expand. I mean, if they wanted to expand, they could come up within 5' of their property line. But if they wanted to come closer, then they could come to the Board of Adjustment and ask for a variance as well. Because they're at 2.5', and even if they came and asked for a variance of 4' to where they could be a foot off of their property line, that still gives you 3.5 separation between the structures, depending on what they're going to be constructing. I mean, I understand if it was a house and you have bedrooms windows. It would be a little bit different. But it's not going to impact what they could propose to build on their property. They still have the 5' side yard setback.

Mr. Breece – I just took a picture this morning that gives you a pretty good idea. This is our place and here's our neighbor's place. I think there's 44' from the edge of our driveway up to their garage, and they've got about a 20' driveway there. They do have a little 10' gate kind of right in the middle between their house and the edge of our driveway that, if they wanted to drive a car back around there they could. With this tree here in the way, I don't know – I can't imagine them ever – anybody ever wanting to come up – because they've already got a 2-car garage here and a nice big, wide driveway. Like I said, the 30" – setting it in – that was just for the aesthetic. That's 30". That at least keeps it even with the north side of that brick wall. To come in any further than that just looks downright silly. My preference, just so I've got a little more room between the house and the posts, is to put it right on the driveway, which is you're talking 1' – 12" instead of 30".

5. Mr. Howard – If this were a typical structure, we would have a 5' building line, but then the eave could overhang into that 5' building area by 2'.

Mr. Breece – We wouldn't even have an eave. Our eave would stay on our concrete. It wouldn't be hanging out. Especially if you're going to give us the 4' variance instead of – where we only have to build it 12" off the property line instead of 30".

Ms. Hudson – What was advertised and what was sent out was the 2.5', so we couldn't.

Mr. Breece – I said no more than 30". Anything beyond that I felt like would be icing on the cake because it would just be easier to get two Suburbans in and out of there.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Curtis McCarty moved to approve BOA-1920-2 and allow for a 2.5' encroachment into the side yard at 501 Merrywood Lane. Mike Thompson seconded the motion.

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

YEAS Curtis McCarty, Mike Thompson, James Howard,
 Andrew Seamans
NAYS None
ABSENT Brad Worster

Ms. Tromble announced that the motion, to approve the variance as recommended by staff, passed by a vote of 4-0.

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

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Item No. 6, being:

MISCELLANEOUS COMMENTS OF THE BOARD OF ADJUSTMENT AND STAFF

None

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Item No. 7, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 4:57 p.m.

PASSED and ADOPTED this 23rd day of October, 2019.



Board of Adjustment