

BOARD OF ADJUSTMENT MINUTES

APRIL 22, 2020

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session via Video Conference and in City Council Chambers of the Norman Municipal Complex, 201 West Gray, at 3:30 p.m., on Wednesday, April 22, 2020. 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 3:32 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT
via Video Conference

Brad Worster
Curtis McCarty
Mike Thompson
Rick Roberts
Andrew Seamans

A quorum was present via video conference.

STAFF PRESENT

Lora Hoggatt, Planner II
Roné Tromble, Recording Secretary
Elisabeth Muckala, Asst. City Attorney (Video)
Kelvin Winter, Code Compliance Supervisor
(Video)
Jane Hudson, Planning Director

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Item No. 3, being:

APPROVAL OF MINUTES OF THE JANUARY 22, 2020 REGULAR MEETING

Brad Worster moved to approve the minutes of the January 22, 2020 Regular Meeting as presented. Curtis McCarty seconded the motion.

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

YEAS	Brad Worster, Curtis McCarty, Mike Thompson, Rick Roberts, Andrew Seamans
NAYS	None

Ms. Tromble announced that the motion to approve the January 22, 2020 Board of Adjustment Regular Meeting Minutes as presented passed by a vote of 5-0.

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Item No. 4, being:

BOA-1920-12 – D&D JETS REQUESTS A VARIANCE OF APPROXIMATELY 3'7" TO THE 25' REAR YARD SETBACK TO ALLOW AN ADDITION TO THE HOUSE LOCATED AT 15 RUSTIC HILLS.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments
4. Plat
5. Aerial Photo

PRESENTATION BY STAFF:

Ms. Hoggatt reviewed the staff report, a copy of which is filed with the minutes. She noted that it is unusual to have a platted build line in the rear yard. There are limits of no access onto Imhoff Road in the rear. Typically the rear setback is 20' instead of 25'.

PRESENTATION BY THE APPLICANT:

Darrol Ray, the applicant, did not have a presentation, but was available via video conference to answer questions.

Mr. McCarty – I see the site plan attached, and read your comments. I suppose that when you bought the property you weren't aware that there was a 25' building line in the rear?

Mr. Ray – That is correct.

Mr. McCarty – And this addition that you're wanting to do, there's no way of doing it without this encroachment?

Mr. Ray – Correct.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Roberts – It doesn't look like it's going to interfere with any utility easements, as far as access to them. And only the very tip corner is going to encroach on that, so it doesn't look like it's a huge issue at this point.

Rick Roberts moved to approve BOA-1920-12 as presented. Mike Thompson seconded the motion.

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

YEAS	Brad Worster, Curtis McCarty, Mike Thompson, Rick Roberts, Andrew Seamans
NAYS	None

Ms. Tromble announced that the motion, to approve the variance as requested, 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. 5, being:

BOA-1920-13 – CONSTRUCTION UNLIMITED, L.L.C. REQUESTS A VARIANCE TO THE 25' MAXIMUM SIGN HEIGHT FOR A BUILDING IDENTIFICATION SIGN LOCATED AT 2450 WEST ROBINSON STREET.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

Mr. Winter reviewed the staff report, a copy of which is filed with the minutes. It meets all the criteria for the permit for identification for the address numbers, except the height is limited to 25' on a one-story building and the height of this is approximately 34' to the top of the sign. The variance is a request to go higher than what the code allows currently. It's going to go on an architectural feature that was designed for this purpose.

PRESENTATION BY THE APPLICANT:

JD Walker, the applicant, did not have a presentation, but was available via video conference to answer questions.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Brad Worster moved to approve BOA-1920-13 as submitted. Rick Roberts seconded the motion.

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

YEAS	Brad Worster, Curtis McCarty, Mike Thompson, Rick Roberts, Andrew Seamans
NAYS	None

Ms. Tromble announced that the motion, to approve the variance as requested, 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-1920-14 – ROBERT AND DONNA DAVIS REQUEST A VARIANCE OF APPROXIMATELY 5' TO THE 20' REAR YARD SETBACK TO ALLOW THE ADDITION OF A SUNROOM TO THE BACK OF THE HOUSE LOCATED AT 1929 SHELBY COURT.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

Ms. Hoggatt reviewed the staff report, a copy of which is filed with the minutes. They would like to build a sunroom addition onto the rear of their house.

Mr. Roberts – Is the existing residence already encroaching within that 20' setback? Ms. Hoggatt responded that it does look that way.

Mr. Roberts – That's what I was thinking. And the proposed addition, not that it makes it right, but it's not exceeding what's already encroached on, according to the drawing.

This item was delayed to later in the meeting to try and get the applicant online.

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Item No. 7, being:

BOA-1920-15 – JAMES AND GLORIA LONG REQUEST A VARIANCE OF APPROXIMATELY 4' TO THE 5' SIDE YARD (NORTH) SETBACK TO ALLOW THE RECONSTRUCTION OF A GARAGE AND CARPORT WHICH WERE DESTROYED BY FIRE AT 447 COLLEGE AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

Ms. Hoggatt reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT:

Jim Long, the applicant, did not have a presentation, but was available via video conference to answer questions. Travis Rice was also available via video conference to respond to questions.

AUDIENCE PARTICIPATION:

John Kmetz and Loretta Bass, 440 College Avenue, via video conference – We just wanted to call in with support for Jim and Gloria's application. They're great neighbors. They had the garage fire. So we just wanted to support it. I'm sure whatever they build is going to be very tasteful and appropriate.

Mitch Baroff was present in person in support of the application, but did not want to speak.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Curtis McCarty moved to approve BOA-1920-15 as presented. Brad Worster seconded the motion.

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

YEAS	Brad Worster, Curtis McCarty, Mike Thompson, Rick Roberts, Andrew Seamans
NAYS	None

Ms. Tromble announced that the motion, to approve the variance as requested, 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-1920-14 – ROBERT AND DONNA DAVIS REQUEST A VARIANCE OF APPROXIMATELY 5' TO THE 20' REAR YARD SETBACK TO ALLOW THE ADDITION OF A SUNROOM TO THE BACK OF THE HOUSE LOCATED AT 1929 SHELBY COURT.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY THE APPLICANT:

Bob Davis, the applicant, present via speaker phone – We're adding a small sunroom on the back of our house. It's a pie-shaped lot and the house doesn't sit parallel to the north property line, which is the back side of the property. So when you take the 20' setback, you wind up with a small corner of the sunroom extending out – I think it was about 4'2" – a little less than five feet. Area-wise, I think it's 10 or 12 square feet of the room that sticks out into the setback. But without the variance, we can't build the room and we've already committed to a considerable amount of expense on it. So we're just trying to go through the process. You should have all the information – pictures and drawings of how it sits.

Mr. Seamans – One of the questions was whether the existing building is in the actual setback.

Mr. Davis – The existing building?

Mr. McCarty – The house – is it already encroaching into the 20' setback.

Mr. Davis – Yeah, it appears – we just kind of noticed that when I was talking to the folks down at the City when I handed all the information in. The house has been here for about 42 years, I guess. The encroachment on that is less than – it is almost negligible. I didn't calculate the square footage of the house, because I assumed, since it had been there since they built the thing, it wouldn't really make any difference. But I don't know. It encroaches less than the sunroom does, as it looks to me, anyway. I didn't calculate numbers on it.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Rick Roberts moved to approve BOA-1920-14 as presented. Mike Thompson seconded the motion.

Mr. Andrews – Do we need to add anything about the existing overhang to the existing house? The existing encroachment to the rear yard setback for the existing structure.

That would be a question for staff, I guess.

Mr. McCarty – I think it would take an accurate survey to tell. I think this is an image of the house that the sunroom company has put on the site plan. In my opinion, I don't think it's accurate.

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

YEAS	Brad Worster, Curtis McCarty, Mike Thompson, Rick Roberts, Andrew Seamans
NAYS	None

Ms. Tromble announced that the motion, to approve the variance as requested, 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. 8, being:

BOA-1920-16 – DON CRETSINGER REQUESTS A VARIANCE OF TWO PERCENT (2%) TO THE MAXIMUM BUILDING COVERAGE FOR PROPERTY LOCATED AT 412 PARK DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

Ms. Hoggatt reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT:

Don Cretsinger was available via video conference to answer questions.

Mr. McCarty – Was there a house on this property and it's been demoed or torn down now?

Mr. Cretsinger – Yes, there is a home currently on the property. It has a basement on it and so I am waiting until the permit is finalized before Midwest Wrecking takes down the current home. It has been abandoned for close to 15 years. Obviously, I don't want to tear down the old one and have a huge hole in the ground while we're waiting. The new home will also have a basement in it.

Mr. McCarty – Don, do you have a site plan or anything of the new property and how it sits on the lot. I don't think I have anything in my packet.

Mr. Cretsinger – You can see it's a very odd, small lot. Because of that we were only able to get a one-car garage on there. You cannot park cars on Park Drive, obviously – it's a one-way. So we had designed in a carport which is nothing more than cantilevered roofs – it has no structure that goes to the ground, so I did not think we were actually over the 40% when we put in for the application. We were at 39 point something. But they said that the roof structure – the cantilevered roof structure does count as part of that footprint, even though there's no structure that goes to the ground, and hence, that put us over the 40% to 42 for the cantilevered roofs. And that is just simply what we're calling a carport to put the second car off the street.

Mr. Worster – It's a little hard to read the text here, but you still meet the overall impervious surface requirement. Is that correct?

Mr. Cretsinger – That is correct.

AUDIENCE PARTICIPATION:

Mitch Baroff, 421 Park Drive, appearing in person – I talked to a lot of the neighbors, and everybody is very happy that that old house is going. But there's one thing that we need

to deal with, with most of the lots on Park and Elm. We have a problem in the back yard of that tri-plex when they built it and they drained half the lot to the back and half the lot to the street. We have to drain all those lots from now on to the street, so people's back yards don't flood. They already flood, but it's a lot worse. And that's the only comment I had. I don't know how this gets onto the building end of things, but we surely need to deal with draining the entire lot to Park Drive. Besides that, we're very happy that there's going to be an owner-occupied house in our neighborhood.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Roberts – In response to that concern, to approve the footprint of just the carport that's going to go 2% over the allowed, would that be an issue we need to address, or just approving the footprint of the building? That would be just Don's issue that he needs to address during the building, isn't it?

Ms. Muckala – Yes, your responsibility is only on the application in regards to exceeding the 40%. Any drainage concerns would need to go through our Public Works Department to get instructions to the applicant on how that's to be addressed.

Brad Worster moved to approve BOA-1920-16 as presented. Rick Roberts seconded the motion.

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

YEAS	Brad Worster, Curtis McCarty, Mike Thompson, Rick Roberts, Andrew Seamans
NAYS	None

Ms. Tromble announced that the motion, to approve the variance as requested, 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. 9, being:

MISCELLANEOUS COMMENTS OF THE BOARD OF ADJUSTMENT AND STAFF

None


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Item No. 10, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 4:02 p.m.

PASSED and ADOPTED this 27th day of May, 2020.



Board of Adjustment