

**BOARD OF ADJUSTMENT MINUTES**

**JUNE 24, 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 4:30 p.m., on Wednesday, June 24, 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](http://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 4:35 p.m.

\* \* \*

Item No. 2, being:

**ROLL CALL**

MEMBERS PRESENT  
via Video Conference

Brad Worster  
Curtis McCarty  
Rick Roberts  
Andrew Seamans  
Mike Thompson (was online, but without video,  
so was unable to participate)

MEMBERS ABSENT

None

A quorum was present via video conference.

STAFF PRESENT

Lora Hoggatt, Planner II  
Roné Tromble, Recording Secretary  
Elisabeth Muckala, Asst. City Attorney (Video)

\* \* \*

Item No. 3, being:

**APPROVAL OF MINUTES OF THE MAY 27, 2020 REGULAR MEETING**

*Rick Roberts moved to approve the minutes of the May 27, 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, Rick Roberts, Andrew Seamans
NAYS	None
ABSTAIN	Mike Thompson

Ms. Tromble announced that the motion to approve the May 27, 2020 Board of Adjustment Regular Meeting Minutes as presented passed by a vote of 4-0.

\* \* \*

Item No. 4, being:

**BOA-1920-18 – KIRK HAYS AND SAMANTHA WATSON REQUEST THREE VARIANCES TO SECTION 22:421.5 (R-2, TWO-FAMILY DWELLING DISTRICT), INCLUDING A VARIANCE TO THE INTENSITY OF USE (BUILD ON 3,750 SQ. FT. LOT), THE FRONT YARD SETBACK (SETBACK OF 2'3"), AND THE REAR YARD SETBACK (NO LESS THAN 10 FEET), FOR PROPERTY LOCATED AT 107 NORTH FINDLAY AVENUE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Location Map
3. Application with Attachments
4. Aerial Photo
5. Letter of Support

**PRESENTATION BY STAFF:**

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

**PRESENTATION BY THE APPLICANT:**

Kirk Hays, 105 N. Findlay Avenue, the applicant (via video conference) – We basically just want the front yard setback to be that small because our current house that we live in, which is next door – that's how far it's set back. So if we were to comply with the new zoning ordinances that require it to be set back 25', it would be a very strange look to have one house that's 2 or 3' away from the sidewalk and then the house just next to it 25' back. We bought the house next door with the intention of tearing it down and building ourselves something there. What we're building is not going to be any – I mean, the footprint is going to be slightly larger than the house we have. There was an attached garage that was also on the property. So I feel like we got rid of an old dilapidated house and we're trying to bring revitalization. That's really all I have to say. I don't have anything else prepared, besides what I sent over to you, Lora.

Mr. Roberts – I have a couple of questions in reference to the footprint on the lot. Obviously, you're going to stay under the required. But that property being on an alley, you're showing a 10' setback on the alley. Is there enough room for a parking pad, or are you going to be required to put your car in the garage every time you come home?

Mr. Hays – We believe the plan is that there'll be enough room to put a car. We're going to kind of put some diagonal spaces. We're in the beginning stages of all this, but the house is going to be far enough away from the alley that we'll have a couple parking spots outside of the garage. That way, if we do have guests visit, we would have a place for them to put their car.

Mr. Roberts – Without obstructing the flow of traffic through the alley?

Mr. Hays – Yeah. Absolutely.

Mr. Roberts – The other question I have, in looking at the plot plan, is if you're coming out

of the alley and you're requesting a 2'3" setback on the front property line, does that create a blind corner coming out of that alley, trying to access onto Findlay?

Mr. Hays – The answer to your question is no, it does not, because there's still a 10' or 15' right-of-way that's in front of the house. It's 2 or 3' away from the property line, which is about where the sidewalk is, but then there's an additional 10' of space in between the sidewalk and the street. You definitely wouldn't have a blind corner.

Ms. Hoggatt – I asked Ken about that in Engineering, and he said that the standard site triangle wouldn't be in force because of the – basically, the historic part of the neighborhood. He said the standard one wouldn't be enforced here.

Mr. Roberts – May I ask another question of Beth? I think this plot plan or the site plans were designed back in the 60's. And trying to meet the – that is a 3,700 square foot lot. And if they have to meet the current 5,000 square feet, you could never build anything on that lot. Would that be correct?

Ms. Muckala – I would not have the engineering or design expertise to speak upon that, but I can say that that has been a consideration in a lot of similar applications, just the feasibility of that under all circumstances considering the way it was platted way back when.

Mr. Roberts – Does changing in the rear of the house – on the east of the property, are there utilities back there? Will this infringe on any of the utility access? I don't know if utilities are in the front or the back.

Ms. Hoggatt – Usually when there's an alley they're put in the alley. But site specifically, for the actual building, I'm not sure.

Mr. Hays – I can chime in on this. There is a telephone pole in the last 5' of the property and it goes across the alleyway to another telephone pole that's supplying power to several houses in the area, including the one I live in right now. But the design plan we have does not obstruct.

Mr. Roberts – Do you know anything about the water and sewer?

Mr. Hays – I do, yeah. My house currently and a couple of others have sewer lines running through the property as well. Again, those lines go in the last 5' of this property. So the house being within 10' shouldn't obstruct any of those utilities.

Ms. Muckala – As a matter of legal effect, encroachments and vacations have to go through City Council, so a decision by the BOA would not have the effect of resolving that issue, if it were an issue.

**AUDIENCE PARTICIPATION:**

None

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

*Brad Worster moved to approve all three Variances requested in BOA-1920-18 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, Rick Roberts, Andrew Seamans
NAYS	None
ABSTAIN	Mike Thompson

Ms. Tromble announced that the motion, to approve the variances as requested, passed by a vote of 4-0.

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

\* \* \*

Item No. 5, being:

**MISCELLANEOUS COMMENTS OF THE BOARD OF ADJUSTMENT AND STAFF**

1. Update on Ordinance No. O-1920-44: allowing administrative approval of renewals to Special Exceptions to Relieve a Medical Hardship

Ms. Tromble reported that Ordinance No. O-1920-44 to allow administrative approval of renewals on Special Exceptions for medical hardships was adopted by City Council on June 23, so it will be effective in 30 days. It allows for two consecutive administrative renewals; if a third one is needed, it would have to come back to the Board.

2. Ms. Muckala gave an update on the email she sent earlier. There was a Petition for Certiorari filed today in the Magnum case. I will be happy to send you all a copy so you can see it. It is nothing out of the ordinary. It's another process that's probably going to take six months to a year to hear the resolution.


\* \* \*

Item No. 6, being:

**ADJOURNMENT**

There being no further business and no objection, the meeting adjourned at 4:48 p.m.

PASSED and ADOPTED this 22<sup>nd</sup> day of July, 2020.



Board of Adjustment