

BOARD OF ADJUSTMENT MINUTES

JULY 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 6:00 p.m., on Wednesday, July 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 6:00 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

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)

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Item No. 3, being:

APPROVAL OF MINUTES OF THE JUNE 24, 2020 REGULAR MEETING

Brad Worster moved to approve the minutes of the June 24, 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 June 24, 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-2021-1 – JAMES A. LESTER AND VIKTORIYA MINIMA-LESTER REQUEST VARIANCES TO THE FRONT YARD SETBACK, THE REAR YARD SETBACK, AND THE SIDE YARD SETBACK TO ALLOW FOR AN ADDITION TO THE EXISTING HOUSE FOR PROPERTY LOCATED AT 1224 TROUT AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

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

PRESENTATION BY THE APPLICANT:

James Lester, the applicant – What I'm trying to do is – our house is on the block at the low spot of the entire block. We've had some problems with rain water runoff from University of Oklahoma when they built their parking lot west of Monnett and all the way to Jenkins. Originally drained it and it went across Monnett Street, which has virtually no crown on it, and it flooded the basement and caused some damage. They eventually rebuilt it. I kept asking them. And now it drains to the box drain that comes from the stadium, drains internally into the parking lot and then goes to the box drain. However, when they were working on that they bought and tore down three rental income properties along Brooks Streets, which is directly south of me, and when they did that they graded the land toward my property. Every time it rains really good I get water in the basement. I did an addition – I'm still working on it from a couple years ago – and we poured a monolithic foundation to stabilize the south wall of the basement and stop water from getting in there. We're still getting water in from the University property. So part of the reason for the addition that I want to do on the south side of the property is to – another monolithic foundation pour to hold water back from getting into the basement, because we need to get moved into the house.

My wife is sick and she's currently in the ICU up at Integris Baptist. We're living in the downstairs apartment in the garage apartment behind the house. As of about 3 weeks ago, she's confined to a wheelchair and we've got barely a sixth to an eighth of an inch to get her into the bedroom or into the bathroom. We don't know if she's going to lose her legs and feet yet, but they're working on it and they're trying to get things fixed.

What I was looking to do was on the south side of the house – the house faces east onto Trout – I wanted to do an addition. I wanted to set back a foot from the front of the house – a bathroom and enlarge the front area – study – so I had more room. And then we're going to add a greenhouse to work with all the stuff we've got out there for irrigation and everything. It's a tower, basically, and we're going to get some hoses that need to be dried for using in the yard. So that's what we're trying to do.

The lot is L-shaped so it's kind of hard figuring out front and back and sides and stuff. The other thing was that in 1922 when the Trout Addition was platted, Trout Street

from Boyd to Brooks, and it showed further south, had [indiscernible] foot right-of-way. In 1924, the plat was amended and it shows a 50' right-of-way from Boyd to Jenkins, which on the plat was shown as South University Boulevard. It was 50'; from Page to Brooks it's 60' and the extra 10' was taken off the side of the street that I'm on. The arborist from the City was out there; they had to pull a branch down this last week from one of the storms we had and they measured it out. Apparently, the street, when it was put in, was on the center of the 60' and then they built the street there. If they had run 50' right-of-way all the way down, we would have been 29'2" back from the right-of-way, but we're not.

If I don't have a variance that leaves me basically 5' by about 65' that I can build on the corner lot I have that's attached to everything and that really doesn't give me enough room to do what I need to do. Being able to do that is going to give me the ability to stabilize and keep out the rain water from the University property and be able to get my wife into the house. That's what I'm looking to try to do.

Mr. McCarty – I'm trying to figure out the site plan. I've been by the property. So what you're proposing is the new structure that is to the south of your existing house on the little shorter L. Is that correct?

Mr. Lester – Right.

Mr. McCarty – So the area behind your existing house – there's another two-story building already back there?

Mr. Lester – Yes.

Mr. McCarty – Behind your carport?

Mr. Lester – That's true.

Mr. McCarty – And you own that, as well?

Mr. Lester – Yes, I do.

Mr. McCarty – Okay. And then all the shed area – is that existing?

Mr. Lester – Yes, that's existing.

Mr. McCarty – Okay. So there's already two houses on this property. Is that correct?

Mr. Lester – Well, there's a house and there's two apartments. We're currently living in the downstairs back behind the house.

Mr. McCarty – And you're proposing that you want to add a third structure that will be attached to the existing one-story.

Mr. Lester – Yes. It will be attached to the one-story. The front room to the south of the entry is going to be opened up to it and that will give us a bathroom that's easier to access for my wife. The other part is going to be for working on landscape stuff and plants and things. The intent is so we can move into the house, because I don't have enough room to take care of my wife, basically, in the building behind the house.

Mr. McCarty – And there's no way to rehab or redo the two-story building or the other house?

Mr. Lester – We're trying to make it work now and have been for quite a long time. Since she has been in the wheelchair, I can barely get her into bed or into the bathroom. It's starting to look like, at the hospital, without getting blood flow to her right leg, she's going to lose it. And I can't lift her in that small of a space to move her. There's just no way.

Mr. McCarty – I guess this might be for staff. You're considering the addition, the way it's facing, that back yard is to the west?

Ms. Hoggatt – Yes.

Mr. Lester – To the west. Yeah.

Mr. McCarty – Is that where the 20' minimum back yard has to be?

Ms. Hoggatt – Yes. Since the rest of the house faces Trout, the addition would be just considered facing Trout as well. Is that what you're asking?

Mr. McCarty – Yes. Thank you.

Ms. Hoggatt – I do have one point to clarify. The side yard setback variance that he is requesting is because of the existing house, so we thought it would be good to include that just to kind of clear everything for the future.

Mr. McCarty – And it's encroaching because of that 90° corner – it's too close to that corner, from what I can tell on the site plan. Is that where the issue is?

Mr. Lester – The addition is going to be 5'5", I think – or 8 – from the west property line in that L portion, and I was treating it as a side yard.

Mr. Roberts – What is currently in 27-30?

Mr. Lester – It is vacant. The University of Oklahoma owns that.

Mr. Roberts – Is there any proposed projects for that?

Mr. Lester – No. They actually had, about 3 years ago when my wife's mother died, we had to go back to Kiev to take care of the arrangements. The University had told me they were – the attorney for the University was going to draw up a purchase contract for our property. Then when we got back, he had retired and the new attorney said they're not going to do anything.

Mr. McCarty – I do have one other question. You brought up a good point. So you're doing this because you also have some drainage issues, it sounds like.

Mr. Lester – Yes, sir.

Mr. McCarty – On top of your personal needs. But what are you going to do – you're increasing impervious surface. What are you going to do to mitigate and try to fix the additional coverage that you're adding to the property?

Mr. Lester – What I'm going to do, I'm going to put inlets on the west side of the addition and on the south side of the house that's there now, and also into the two lots there. And there's a catch basin directly east of where we're putting this addition in. I want to run the drain lines into that to move the water into the drainage system. That will keep it from going into the basement and ponding. That solves the University problem and it solves my problem, too.

Mr. Worster – A clarification. The house, being a Trout Avenue house, the 5' setback would apply [indiscernible] – so 5' setback to the side yard on the existing house and then the addition could maybe be thought of as a house that faced Brooks that has a 5' side yard setback. Is that correct?

Ms. Hoggatt – If there was a house on the southern portion of the lot that faced Brooks, that would be a 5' setback on the west side.

Mr. Worster – And did I see that, as a requirement for a building permit, that the City was going to make them do a lot line adjustment to make it all one parcel?

Ms. Hoggatt – Yes.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mike Thompson moved to approve all three Variances requested in BOA-2021-1 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 three variances 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:

MISCELLANEOUS COMMENTS OF THE BOARD OF ADJUSTMENT AND STAFF

1. Ms. Hoggatt – Carports have been moved into the Zoning Code; it was in the Building Code. We'll send you a copy of the ordinance, but pretty much any carport in a residential zoning area now will be coming to Board of Adjustment for approval. So we can send you the staff report and the ordinance, and then let me or Jane know, or Roné, if you have any questions. Or Beth.

Ms. Muckala – They'll be coming as a Special Exception.

Mr. Seamans – Does anybody know how many carports are submitted per year in Norman? Are we talking about 100 here or are we talking about 5?

Ms. Hoggatt – I don't have an answer for that specifically. A lot of the ones I see are out in the Ag district, so they won't be coming.

Mr. McCarty – It's only if they're non-conforming or they don't meet the Building Code – right?

Ms. Hoggatt – No. It's all.

Ms. Muckala – The entire provision was picked up and moved into the Zoning Ordinance, and so the Special Exception sets out very particular conditions. They are allowed more widely now, but under more specific circumstances. They probably need to see a copy of it, so they can see the conditions for that.

Mr. Seamans – And please put on there how many carports in 2019 we had, because I'm curious to see.

2. Ms. Muckala – I got the answer to the Petition for Certiorari in the Magnum case filed. A one-year time clock has now begun again. I'll let you know in a year.


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Item No. 6, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 6:19 p.m.

PASSED and ADOPTED this 26th day of August, 2020.



Board of Adjustment