

BOARD OF ADJUSTMENT MINUTES

AUGUST 26, 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, August 26, 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

Vice Chairman Curtis McCarty called the meeting to order at 4:35 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT
via Video Conference

Brad Worster
Mike Thompson
Rick Roberts
Andrew Seamans (arrived at 4:37 p.m.)
Curtis McCarty

Present In Person

MEMBERS ABSENT

None

A quorum was present via video conference and in person.

STAFF PRESENT

Jane Hudson, Director of Planning and
Community Development
Ken Danner, Subdivision Development
Manager
Roné Tromble, Recording Secretary
Bryce Holland, Multimedia Specialist
Kelvin Winter, Code Compliance Supervisor
(Video)
Elisabeth Muckala, Asst. City Attorney (Video)

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Item No. 3, being:

APPROVAL OF MINUTES OF THE JULY 22, 2020 REGULAR MEETING

Rick Roberts moved to approve the minutes of the July 22, 2020 Regular Meeting 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 |
| NAYS | None |
| NOT PRESENT | Andrew Seamans |

Ms. Tromble announced that the motion to approve the July 22, 2020 Board of Adjustment Regular Meeting Minutes as presented passed by a vote of 4-0.

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Item No. 4, being:

BOA-2021-2 – ONCUE 139 REQUESTS A VARIANCE TO CHAPTER 18 (SIGN CODE), SECTION 504(B)(1)(E) TO ALLOW A SIGN WITH A MAXIMUM OVERALL HEIGHT OF 45', A VARIANCE OF 10' IN HEIGHT, WITH THE MAXIMUM SETBACK INCREASE, FOR PROPERTY LOCATED AT 2960 CLASSEN BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments
4. Site Plan

PRESENTATION BY STAFF:

Mr. Winter reviewed the staff report, a copy of which is filed with the minutes.

PRESENTATION BY THE APPLICANT:

Ward McKellum, representing OnCue, was available by phone to answer questions.
Robbie Hudson, representing OnCue, was available in person to answer any questions.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Roberts – The question I have is, there are extenuating circumstances for this sign, but are we creating any future problems as far as setting precedents for other businesses in that area? Or just the elevation of the highway and trees – does that create the special circumstances?

Ms. Muckala – Variances are always evaluated on a case-by-case basis, and this particular application does mention that it's unique topography, and staff will have evaluated internally the placement of the sign. So I think it would be hard to say that this automatically sets a case for other signs.

*Brad Worster moved to approve the Variance requested in BOA-2021-2 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. McCarty noted that there is a 10-day appeal period before the decision is final.

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Item No. 5, being:

BOA-2021-3 – D&D JETS REQUESTS A VARIANCE OF APPROXIMATELY 7' TO THE 25' PLATTED REAR BUILDING LINE (2' TO THE R-1 20' 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. Site Plan
5. Aerial Photo

PRESENTATION BY STAFF:

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

Mr. Seamans – Is it 20 or 25'?

Ms. Hudson – Where's a platted 25' build line on this lot. This lot backs up to Imhoff, as you know. Maybe you've been by there. So he's asking the variance for 7' to the 25' platted build line; and then this would also be considered a variance to the 20' rear yard setback, and that would be 2' into that 20'.

Mr. McCarty – So this is a platted building line, not just an ordinance?

Ms. Hudson – Correct. I've got Ken Danner here with Public Works, but due to the location of these lots that were developed in this subdivision, the ones that back up to Imhoff have that additional platted build line. Normally you don't see those on any of the plats that we have. I don't know why they did that at that time, unless it was because of the location that it was backing up to Imhoff.

Mr. McCarty – So if we approve this, does that mean that it has to then amend the plat and be filed at the Courthouse?

Ms. Hudson – No, this would just be a variance that you would be granting them to extend into that platted build line that's on that lot.

Ms. Muckala – From the perspective of our Zoning Ordinance, normally the platted building lines are reflecting what's in the zoning code – they don't affect the zoning code. The variance you're granting is specific to the Zoning Ordinance itself. It's just the oddity that it's different here.

Mr. Worster – In the future, if this was granted, when the applicant goes to sell the home and they get a survey, the survey would show platted building line and then it would show an encroachment in that. Is there anything that the applicant can file of record that would show that this variance was granted?

Ms. Muckala – Well, I couldn't speak to the effectiveness in a County record of an ordinance granting a variance. What a decision today will do will give them authority under our Zoning Ordinance. They will not be out of line with our zoning regulations. Whether or not they have to address this anomaly through replatting in the future due to

that issue, I couldn't say.

Mr. Worster – So maybe they just need to keep a copy of this, however the vote comes out, and a copy of the minutes on file and hand that to a buyer in the future.

Ms. Muckala – This is information they will want to keep handy, yes. But as far as our Zoning Ordinance, they would be in compliance.

Mr. Roberts – Does this encroachment create any issues or problems with utilities that are there?

Mr. Danner – This does not encroach into the easement. I will say, if this plat came forward in this day and time, that 25' building line would not be shown on the plat.

PRESENTATION BY THE APPLICANT:

Darrol Ray, the applicant, was available to answer questions. I apologize for taking so long and having to come back and present this before you again. Just hoping for a good outcome.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Rick Roberts moved to approve the Variance requested in BOA-2021-3 as presented. Curtis McCarty seconded the motion.

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

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| 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:

MISCELLANEOUS COMMENTS OF THE BOARD OF ADJUSTMENT AND STAFF

Mr. Worster – When is the carport ordinance going to Council? Or has it already gone to Council?

Ms. Hudson – The carport ordinance has already gone to Council, and the effective date is actually tomorrow.

Ms. Tromble – At this point it looks like we may have two carport applications for next month, or more.

Mr. Worster – My concern was that carports were going to come to the Board of Adjustment even if they were going to be constructed behind the setback lines. I think that's problematic.


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Item No. 7, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 4:51 p.m.

PASSED and ADOPTED this 23rd day of September, 2020.


Board of Adjustment