

## BOARD OF ADJUSTMENT MINUTES

NOVEMBER 4, 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, November 4, 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. This meeting was originally scheduled for October 28, 2020, but was rescheduled due to an ice storm and power outages.

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  
via Video Conference

Brad Worster  
Curtis McCarty  
Rick Roberts  
Andrew Seamans

MEMBERS ABSENT

Mike Thompson

A quorum was present via video conference.

STAFF PRESENT  
in person unless noted

Lora Hoggatt, Planning Services Manager  
Roné Tromble, Recording Secretary  
Elisabeth Muckala, Asst. City Attorney (Video)

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Item No. 3, being:

**APPROVAL OF MINUTES OF THE SEPTEMBER 23, 2020 REGULAR MEETING**

*Curtis McCarty moved to approve the minutes of the September 23, 2020 Regular Meeting 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
ABSENT	Mike Thompson

Ms. Tromble announced that the motion to approve the September 23, 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-2021-5 – JOHN TOAL REQUESTS A VARIANCE TO 22:421.1(4)(B) TO ALLOW THE HEIGHT OF A NEW GARAGE TO BE 4' TALLER THAN THE PRINCIPAL STRUCTURE (HOUSE) ON PROPERTY LOCATED AT 1001 BROOKSIDE DRIVE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Withdrawal Email
2. Location Map

*This item was postponed at the September 23, 2020 meeting at the request of the applicant. The application was subsequently withdrawn by the applicant. No further action is needed. It appears here only to provide information.*

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Item No. 5, being:

**BOA-2021-8 – KATHLEEN RYLAND REQUESTS A SPECIAL EXCEPTION UNDER 22:441(7)(F) TO PERMIT A MOBILE HOME TO SERVE AS A TEMPORARY SECOND DWELLING TO RELIEVE A MEDICAL HARDSHIP ON PROPERTY LOCATED AT 6310 84<sup>TH</sup> AVENUE N.E.**

**ITEMS SUBMITTED FOR THE RECORD:**

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

**PRESENTATION BY STAFF:**

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

**PRESENTATION BY THE APPLICANT:**

Kathleen Ryland, the applicant, did not have a presentation, but was available to answer questions.

Mr. Roberts – Looking at this plot plan, is this a subdivision, or is this just a lot that's facing onto 84<sup>th</sup> Street?

Ms. Ryland – No. It's just 5 acres sitting on 84<sup>th</sup> Street.

Mr. Roberts – So there's no HOA that comes into play here?

Ms. Ryland – No, sir.

**AUDIENCE PARTICIPATION:**

None

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

*Rick Roberts moved to approve the Special Exception requested in BOA-2021-8 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, Rick Roberts, Andrew Seamans
NAYS	None
ABSENT	Mike Thompson

Ms. Tromble announced that the motion, to approve the Special Exception 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.

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Item No. 6, being:

**BOA-2021-9 – SAM AND LISA TALLEY REQUEST A VARIANCE TO 22:421.1(C) OF APPROXIMATELY 10' TO THE 20' REAR YARD SETBACK TO ALLOW FOR AN ADDITION TO THE EXISTING HOUSE TO REPLACE AN EXISTING ACCESSORY BUILDING FOR PROPERTY LOCATED AT 3903 NORTHRIDGE ROAD.**

**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:**

Sean Rieger, representing the applicant (via video) – Gunner Joyce is here, as well as Michael Mitscher, the architect of this project. Lisa Talley is on the phone with us and can chime in as well as needed. If it's okay if I can share the screen and show you the project. Let me take you through it so you can have a good familiarity with what is being requested here. Our location is right across the street from Brookhaven Park. This is Brookhaven Boulevard, if you're familiar with Brookhaven Park up here on the upper right. We're a corner lot, which is significant. This is the site right here right on the corner with a large circular drive out front, and a corner parcel here looking over to the park. As Lora said, this is really an application to replace an existing structure, and the existing structure is right here. You can see that little yellow footprint right there. It extends just a little bit past the rear setback line. The structure, as it is, is no problem; that's fine because it's not attached. Once you attach it, though, then, by code – I think it has always been a little bit of an oddity to me – I'm not sure why it's written this way – but accessory structure can be back there that far back – ten feet from the back property line, but once it attaches to the building, it cannot. Then it becomes a part of the house. The goal is to replace this structure with a new structure that does attach to the house, but is basically on the same footprint as what was there right now, and it would be additional living quarters and some loft beds. I'll show you the project here in just a couple more slides. This is the site plan. Again, it's taking that yellow structure right there, replacing it with a new structure on basically the same footprint but attaching it to the house. Again, once you attach it to the house, then we violate the back setback, even though that existing building was there already. So the request is to basically allow for this new addition, which is two stories, but I will show you in just a moment they've tried very hard to keep that two-stories down and really it works pretty well I think. So this is the site plan; the gray right here is the existing house. Of significance is that this is a house that's built with a large carve-out in the front and a circular drive, so the building is pushed back a little bit and you can kind of see in relation to the neighbor. The building is pushed pretty far back on the site to have this effect of the front courtyard area and the circular drive. So then the pool is here, and it really has only one other area back here to add onto. Again, basically replacing that existing structure. As they've done great architectural work here – I applaud Mike for this, because what he's done – you see the location of

the addition is right here. North is to the top. If you look at this elevation right here, you can see now that's a second story addition, but they've done it in a way that the roofline is no taller than the existing ridgeline of the existing one-story house. So, basically, the roofline just carries back to the north with no windows on the north wall – so there's no windows looking out to the north from this addition. Very intentional. And then for the upper story, they've done it in a way that are basically pop-out dormers – you can see right here – but keeping that low roofline so that we don't have anything that's too massive – nothing that's too foreboding on the neighbors. If you look on the west side of this building, you can see they just show upper windows so, again, there's not really views out to the neighbors – to either the north or the west – but to allow light into the second floor. Then the views of this house on the second floor dormer windows with the dormer roof is to look out onto the pool area here and look out onto the park, which is off page right over here. So good architecture to try to make sure that we're sensitive to all the neighbors and we haven't done it in a way that would be foreboding upon them. This is a little bit of a perspective. You can see right here this is basically additional living area down on the bottom just off the pool, and up here is basically some bedroom facilities and I believe a restroom as well up there. But, again, sensitive to the architecture – make sure that it's broken up with some dormer roof elements that carry the views out to the east. You've probably read the staff report, so I won't reiterate this. But they're, again, just changing the existing accessory structure to put on a second story onto basically the same footprint. This is a couple of features of the uniqueness of this site. There's a large tree right here and some trees around the perimeter, and that, again, will buffer anything that – if there was any concern. These will have significant landscape buffering around the perimeter. Drainage is the same; doesn't change. Again, we're just adding that roof element that will tie into what is already existing roof element – not any more dominant than what is there on the main structure. Always a consideration when we're talking about additions to houses, have we asked for anything more in impervious coverages? Not at all. Here we have 65% maximum impervious allowed; this, with the addition, because we're really only replacing an existing structure and attaching it here, takes us up to 58% impervious, and the building coverage takes us up to 35% coverage, where we're allowed at 40% coverage.

There is precedent – I always think it's helpful for the Board to know that you've done this before, basically. This was a project for Board approval back in 2012, where we had an accessory structure – same situation. We had an accessory structure that was already there that impeded onto the building setback. This applicant wanted to connect an accessory structure to the main house. Once they connected it, then it was going to violate the side yard, so we went to the Board of Adjustment in July 2012, and that was approved. Very similar to this project.

This is another one. This was in 2016. This was in Brookhaven 28, just a little ways north of this project. This was one where they were doing a very similar thing – they were adding onto the house. They were replacing sort of a trellis structure here, adding onto the house with somewhat of a similar project right off of the pool. It also was going to be on the rear yard. That one was approved by the Board as well back in 2016.

This one comes to you with no controversy that we're aware of. Instead, the Talleys, being good neighbors, went around to everybody and asked them if they had

any issues, if they supported it – they did. You see the map right there – really extensive support. I'm not aware of any protests that were filed, so I think it comes to you pretty cleanly. With that, we simply would ask for your support and consideration, and we're happy to answer any questions that you have. Thank you.

Mr. Roberts – It was very well presented and covered as far as all the precedents. My only question, based on my background, is where are the utilities in relation to this existing structure that's going to be impeding on that building line?

Mr. Rieger – Let me share the screen again so I can show you that. I'll take you up to GIS. This is actually a GIS map. That green line right there is sanitary sewer; sanitary sewer comes right down the edge right through this property right alongside. We not impeding on those easements. We're going to stay out of those easements to not affect those. Water is out front, out here. There's another easement in the back that I believe may have gas, but we're not impeding on the easements for utilities; those will not be affected.

Mr. McCarty – Is there a 10' platted easement in the back yard?

Mr. Rieger – Yes, I believe so. I think, if I heard your question right, is there a 10' platted easement.

Mr. McCarty – Yes.

Mr. Rieger – Yes.

Mr. McCarty – So you're not encroaching into that?

Mr. Rieger – No, sir.

**AUDIENCE PARTICIPATION:**

None

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

*Curtis McCarty moved to approve the Variance requested in BOA-2021-9 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, Rick Roberts, Andrew Seamans
NAYS	None
ABSENT	Mike Thompson

Ms. Tromble announced that the motion, to approve the Variance 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.

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Item No. 7, being:

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

Mr. McCarty – Are we required to be back face-to-face next month?

Ms. Muckala – Yes, on November 15 the emergency legislation passed by the State Legislature is going to expire. Those were amendments to the Open Meetings Act, which will no longer be in effect allowing Zoom this way. So we will have to be meeting in person.

Mr. McCarty – Do we anticipate that's going to get extended at all?

Ms. Muckala – Well, it's certainly something we've been watching. But, no, we really don't anticipate that – this deadline has been approaching for a long time and we know it's on their radar and they've exited session and there's no sign of convening for an emergency to extend – right now, anyway.

Ms. Hoggatt – Also, our next meeting is one of the weird ones because of the holidays. It's on December 2<sup>nd</sup>. It will be here in Chambers, unless we hear otherwise.

Ms. Muckala – We'll certainly let you know if there's any news.

Ms. Hoggatt – And since there's only five of you, I think we can space out more than we could in D or in our other conference room.

Mr. Roberts – And at the same time?

Ms. Hoggatt – Yes. It will still be 4:30; it's just a different day.

Mr. McCarty – Will you send us a calendar reminder about that date?

Ms. Hoggatt – We'll do it.

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Item No. 8, being:

**ADJOURNMENT**

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

PASSED and ADOPTED this 2<sup>nd</sup> day of December, 2020.



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Board of Adjustment