

**BOARD OF ADJUSTMENT MINUTES**

**FEBRUARY 24, 2021**

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, February 24, 2021. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at <https://www.normanok.gov/your-government/public-information/agendas-and-minutes> 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 4:42 p.m.

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Item No. 2, being:

**ROLL CALL**

MEMBERS PRESENT  
via Video Conference

Curtis McCarty  
Rick Roberts  
Andrew Seamans

MEMBERS ABSENT

Brad Worster  
Mike Thompson

A quorum was present via Video Conference.

STAFF PRESENT  
in person unless noted

Lora Hoggatt, Planning Services Manager  
Roné Tromble, Recording Secretary  
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 JANUARY 27, 2021 REGULAR MEETING**

*Curtis McCarty moved to approve the minutes of the January 27, 2021 Regular Meeting as presented. Rick Roberts seconded the motion.*

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

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

Ms. Tromble announced that the motion to approve the January 27, 2021 Board of Adjustment Regular Meeting Minutes as presented passed by a vote of 3-0.

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Item No. 4, being:

**BOA-2021-16 – JOSHUA POWELL, M.D. REQUESTS A VARIANCE FROM 18:504(A)(1) OF 15' TO THE 25' SETBACK FOR A SIGN FOR PROPERTY LOCATED AT 816 24<sup>TH</sup> AVENUE N.W.**

**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:**

Dr. Allen, representing Dr. Powell (via Video) – We know there was a protest from one of the dentists across the street. I don't think he understands we aren't trying to make a sign more visible or anything else. Like the application said, the building has been hit twice within three years, and almost every month somebody runs into the yard. The first time the building was hit we actually were open, and luckily, even though concrete was shattered through the lobby, no one was hit. The second time, which happened just within the last few months, a large truck literally drove completely through the building, taking out three exam rooms. If we had been open at that time, there would have been multiple fatalities because those rooms are always full of patients. So we asked the City both times if we could have a guard rail put up on the southbound side of the curve to try to prevent that and were denied both times. But the City traffic planner – we talked about the sign and he thought that was a good idea and actually encouraged us to apply for the variance so we could actually build a berm behind the sign, so not just having the sign but actually having the berm that would hopefully deter traffic from hitting the building. The way the sign sits now, it's literally right beside the building, so there's no protection from it or anything. If you were to put boulders or any kind of berm there now to protect the building, the sign would be totally obscured. So that's the whole point of wanting to move the sign was just to try to build a barrier at our cost to try to protect our patients.

Mr. McCarty – I see the application, but I don't see any drawing of any type for what the sign will look like. I think I see in the drawing of where the building is where the sign may go.

Dr. Allen – I thought that was sketched on there, but basically where the sign is now we would be coming about 15' further out, which actually puts it right in line with where the traffic – because the traffic is missing the curb and coming straight toward our building. If you're at Robinson and look directly south, our building looks like it's sitting right in the center of the street. We're going to move the sign forward to 15' and then put basically retaining wall wings on it and berm behind it. So the sign will look just like it does now, except moved forward, because it actually has wings on it now, too, which are just

decorative. Like I said, it's not in a place where it would actually deter traffic – it would not be in between the building and the traffic line. Every car that has come in the yard comes in the exact same spot, and that's why we chose the spot for the sign. We would love to have guardrails but, for whatever reason, that doesn't seem to be an option.

Mr. Seamans – Are you saying that there's a missing document that you need to submit?

Dr. Allen – We drew on the application – I mean, it's just a line drawing.

Mr. McCarty – It's the last page on your application. But I don't see a picture of the sign or how it's to be constructed or anything like that for me to make a good decision on if I think it's going to be a hazard or not. A berm is one thing, with boulders or rocks, but taking the existing sign and you're just planning – I went by your facility yesterday. Are you just planning on moving the existing sign?

Dr. Allen – Yes. The exact same sign. We would just place it in conjunction with the berm. Because if we put the berm where it needs to be, that sign where it is now would be blocked by the berm.

Mr. Roberts – Are we just approving the request to move the sign, and the City will approve the actual sign itself, or whatever engineered drawings you have.

Dr. Allen – Yes. And we're actually going to use the exact same sign. But, yes, we're here for the approval to move the sign. And then we would have to submit that to the City to make sure it meets the size requirements, but it will because it's literally the same sign.

Mr. McCarty – I understand that. Once you build the berm, how tall is the berm going to be? How tall is the sign going to be?

Dr. Allen – The exact same height that it is now. It's just that we're moving it forward so we can put a berm behind it. The sign will be identical to the sign that is there now. Just moving the sign forward is not going to be enough protection; we need something that's going to stop a moving vehicle. So what he's asking is the sign to be the exact same size. Because we're using the same sign. It won't be any higher. It will be the same height. Everything will be the same, except it will be forward with a berm behind it to reinforce it. Because, honestly, the sign was hit the first time before it came on to the building, and the sign itself was exploded into the building because it was just brick. So that's why we need something behind the sign to reinforce the brick structure, so that's why we're going to build a berm behind it. But it's going to be the same height. If something can bash through that and a berm, then there's no stopping them.

**AUDIENCE PARTICIPATION:**

None

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

Mr. Seamans – In my mind, I thought that the sign itself was going to act as a guardrail, so I was glad that you guys cleared that up that you're just moving the existing sign and then trying to build the protection device behind that sign.

Dr. Allen – Yes, there will be a berm behind the sign to basically absorb any impact.

Mr. Roberts – So, aesthetically, the general public driving down the street won't see anything different, because the berm or the safety deterrent will be behind it.

Dr. Allen – Correct. It will just be a little bit forward from where it is – basically halfway between the sidewalk and where the sign is now.

Mr. Roberts – But it doesn't block or impede any line of sight entering.

Dr. Allen – No. When you're looking south down 24<sup>th</sup>, you see our building. This time you will see a sign instead of the building. So your target will be the sign and not the building. I hope that it never gets hit again, because we're kind of tired of this. But it will be far back enough that a car pulling out will be well in front of the sign before they enter the street. I think it's probably 15' back from the street still. With the increased traffic on 24<sup>th</sup> – this cost us nearly ¼ of a million dollars to repair, and that doesn't include if there was going to be life involved in this. So we need to protect the lives and the property in this area due to the increased traffic.

Mr. McCarty – Is there not another way of doing it without being 15' out in the 25' setback?

Dr. Allen – I don't see how, because the way the curve is, unless you put a guardrail there. The guardrail is what we really wanted. If the City would put a guardrail along the west side of that curve that would prevent the traffic from coming in on the property, but we have no way of stopping anything from getting on the property. The trajectory coming off that curve – they're missing that curve and coming straight – it has ran right – where the sign is now it's to the west of where the traffic comes into the yard every time, and they hit the building within a few feet of the same place both times. The last time they actually hit the sign also where it is now, and a car, and that kind of slowed it down so the vehicle didn't come completely into the building the first time.

Mr. McCarty – Do you plan on putting some type of structure behind the sign that's going to slow down the cars or try and stop them?

Dr. Allen – Yes, the berm behind it.

Mr. McCarty – That's all you're going to put in is a berm behind it.

Dr. Allen – Well, the sign is about 3' tall. So we'll berm behind it a good 2.5' of dirt behind

it and landscape that so it looks good. There is no 100% guarantee it's going to stop it. Depending how the traffic comes off the road, but how the tracks are in the yard every month and how both vehicles came in to hit the building, that berm and a sign where we're talking about would have been hit first and at least stop the trajectory. It might not have kept them from hitting the building, but they wouldn't hit it with the force they did.

Mr. McCarty – This question might be for staff. Mr. Winters, has the traffic engineer looked at this? Is there no solution? It seems to be a problem, maybe, created by the curve in the road. Is there no solution from the City's perspective, or liability, of putting any type of device behind the City sidewalk or at the City sidewalk – cable system – anything that would help to protect their property and help another way other than putting a berm out in the middle of the right-of-way or in the building footprint and a sign?

Mr. Winter – We haven't asked them that. The applicant asked and, I guess, was told no. This was their second option to try to mitigate that circumstance.

Ms. Muckala – I have not received any feedback from Public Works directly on this, and I can't speak for whether Lora has. I sounds like Kelvin hasn't. So if the Board did want more input directly from them, it might be a matter where this would have to be postponed to get that information if you find it vital to this consideration.

Mr. Roberts – It sounds like the City, for whatever reason, that they don't want to put up any type of a barrier, which I understand. Aesthetically, if the owner of the property is willing to do this, and if it will protect the property and also patients, I think he's willing to accept the burden of it.

*Rick Roberts moved to approve the Variance requested in BOA-2021-16 as presented. Curtis McCarty seconded the motion.*

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

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

Ms. Tromble announced that the motion, to approve the Variance as requested, passed by a vote of 3-0.

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-2021-17 – KYLE AND AIMEE DAVIS REQUEST A VARIANCE TO 22:420.2(4)(A) OF 20' TO THE REQUIRED 100' FRONT SETBACK FOR NEW CONSTRUCTION ON PROPERTY LOCATED AT 1501 36<sup>TH</sup> AVENUE S.E.**

**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:**

Kyle Davis, the applicant (via Video) – Just to summarize, and as it says on here, we're just asking for that 20' variance to be 80' from the center of the road. Again, we have that watershed coming right behind us through the entirety of our property. We also only have access on the western side of the property. The 100' setback is kind of pushing us so far back into that ravine that we're really trying to get that buffer to stay off of that watershed as much as possible.

**AUDIENCE PARTICIPATION:**

None

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

*Rick Roberts moved to approve the Variance requested in BOA-2021-17 as presented. Curtis McCarty seconded the motion.*

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

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

Ms. Tromble announced that the motion, to approve the Variance as requested, passed by a vote of 3-0.

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-2021-18 – ALPHA CHI OMEGA HOUSING CORPORATION, PSI CHAPTER REQUESTS VARIANCES TO 22:431.5(2) FOR REDUCED NUMBER OF PARKING SPACES; 22:422.5(3)(G) TO INCREASE IMPERVIOUS AREA; 22:431.8 TO REDUCE LANDSCAPING; 22:431.8(2)(B) TO REDUCE STREET LANDSCAPING; 22:431.8(3) TO REDUCE LANDSCAPING ON PARKING LOT ISLANDS, FOR NEW CONSTRUCTION ON PROPERTY LOCATED AT 1115 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:**

Matt Siebert, representing the applicant (via Video) – Here is just an overview of the property, just to get you all familiar with the property. It's 1115 College. A couple images of the existing house; this is from the southwest corner, another one from the southeast of the existing parking lot, existing house. This is the proposed design of the west elevation – the front that will face College. This is a site plan with proposed parking lot, proposed house location. We have 87 beds planned, which means we are required to have 87 parking spots by the Zoning Ordinance. With this layout, we have 77 shown. There is currently an existing agreement with Kappa Sigma house directly west for 10 spots; we look to keep that agreement with them for the additional 10 that we're required. We're adding sidewalks on the south and on the east property lines. Eliminating two curb cuts – there is currently a drive on the west side; we're eliminating that. And we're to one curb cut on the west and then the parking lot has two curb cuts on the east and we're eliminating one and just having the single curb cut there on the north. Next we've done a review of the dumpster approach from the garbage truck, so that's what we've proposed there to show that we can do that – they can get the dumpster and then back up and then exit on that north side. This is the historical impervious area; we're about 37,400 square feet. The proposed is about 6,000 square feet more – it's 43,380. We are detaining that in the parking lot on the northeast corner and not providing additional storm sewer drainage more than the historical area with this new layout. Proposed landscape plan. We are asking for three variances, in addition to the parking reduction – we're asking for a variance on the north property line, the east property line, and the south property line. We are keeping two of the existing trees on the south, and then adding three trees to compliment those that are there. This is another view from the southwest corner, looking back toward the northeast of the house. I'll take any questions.

Mr. McCarty – So the impervious increase you plan to detain that water in your parking lot. Currently you have no detention on-site or anything. So you're actually increasing detention on-site?



Mr. Siebert – There is no detention and there also is no storm sewer in this area of town. So all of the storm we are either sheet flowing across the drive and detaining it. We are detaining it in the parking lot, and then we're using concrete slope walls for our downspouts in the yard. So the impact to everything off our property – we're not increasing the storm drainage from the historical square footage. Does that answer your question?

Mr. McCarty – It does. Thank you.

Ms. Hoggatt – I do have one other comment. I forgot to say earlier, this has already gone to Planning Commission for their special use, just to bring the zoning into compliance. So your approval would be kind of contingent on City Council. It will not be on the City Council agenda until Board of Adjustment has made a determination. So if you did not approve all of these variances, then they would have to go back to Planning Commission with a SPUD request do all these things as part of their zoning.

Mr. Siebert – There's quite a bit of history on this. We have actually been working with staff since 2018, when we first did the layout, and were of the understanding, based on input from staff, that these variances we could get through the special use. It wasn't until we applied to the Planning Commission that it came to light that we were a bit out of order. It wasn't intentional. We've tried to do everything we could to get our ducks in a row since. But that's kind of what happened and why we're a little bit out of order.

Mr. Roberts – I have a question in reference to this parking area. You're going to be short approximately 10 spots, then you have the agreement with the other sorority. But is that a contractual agreement or a handshake? Is this something that could be withdrawn?

Mr. Siebert – They have had up to 15 spaces in the past. They currently have 10. They rent them. Anything can happen, but it's been an agreement for multiple years. They have more parking than they need. It's directly to the west. Yes, it could happen, but it's been an agreement that's been in place for several years, so it's not something we perceive.

Mr. McCarty – It looks like a lot of forethought has gone into this – parking lots and fraternities and sororities over there, which I'm involved in – one in particular. There's a lot of extra parking generally, so the parking doesn't bother me so much. You've increased impervious surface and have a solution for it, so it sounds like a lot of good planning has gone into your project, so I'm fine with that.

**AUDIENCE PARTICIPATION:**

None

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

*Curtis McCarty moved to approve the Variances requested in BOA-2021-18 as presented. Rick Roberts seconded the motion.*

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

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

Ms. Tromble announced that the motion, to approve the Variances as requested, passed by a vote of 3-0.

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

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Item No. 7, being:

**BOA-2021-19 – JOHN R. DOLLAR REQUESTS VARIANCES TO 22:420.2(4)(C) OF APPROXIMATELY 15' TO THE 50' REAR YARD SETBACK FOR AN EXISTING ACCESSORY STRUCTURE, AND VARIANCE OF APPROXIMATELY 31' TO THE 50' REAR YARD SETBACK FOR ANOTHER EXISTING ACCESSORY STRUCTURE, FOR PROPERTY LOCATED AT 5725 BROADWAY (TRACT 1).**

**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:**

Preston Caldwell, SMC Consulting Engineers, representing the applicant (via Video) – I don't have anything that I want to add. I'm here to answer any questions.

**AUDIENCE PARTICIPATION:**

None

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

*Curtis McCarty moved to approve the Variances requested in BOA-2021-19 as presented. Rick Roberts seconded the motion.*

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

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

Ms. Tromble announced that the motion, to approve the Variances as requested, passed by a vote of 3-0.

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-2021-20 – JOHN R. DOLLAR REQUESTS A VARIANCE TO 22:420.2(4)(B) OF APPROXIMATELY 17.5' TO THE 25' SIDE YARD (NORTHWEST) SETBACK FOR AN EXISTING ACCESSORY STRUCTURE FOR PROPERTY LOCATED AT 5635 BROADWAY (TRACT 2).**

**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:**

Preston Caldwell, SMC Consulting Engineers, representing the applicant (via Video) – was present but did not have a presentation.

**AUDIENCE PARTICIPATION:**

None

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

*Rick Roberts moved to approve the Variances requested in BOA-2021-20 as presented. Curtis McCarty seconded the motion.*

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

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

Ms. Tromble announced that the motion, to approve the Variances as requested, passed by a vote of 3-0.

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

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Item No. 9, being:

**BOA-2021-21 – JIM AND DAIL COBB REQUEST A VARIANCE TO 22:421.1(3)(A) OF 7.5' TO THE REQUIRED 25' FRONT SETBACK FOR NEW CONSTRUCTION ON PROPERTY LOCATED AT 1111 SOUTH LAHOMA 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. Your approval for this is contingent on the approval of the lot line adjustment.

Mr. McCarty – If the lot line adjustment doesn't get approved, then what we do today doesn't matter?

Ms. Hoggatt – The house that's existing now is kind of straddling the property line, so this would make it legal to build on a second lot, if the lot line adjustment is approved. I don't see any issues with it.

Ms. Muckala – It's not necessarily that, as a former function, your action would be cancelled out. But when we have applications like this that have multiple needs, sometimes the only way to bring them in a manner that is timely for the applicant to allow them to come where the request itself is made contingent upon the further approval. So that's how it was written in the agenda and done like that to avoid doubling up or extra time.

**PRESENTATION BY THE APPLICANT:**

Rick McKinney, representing the applicant (via Video) – Would you like to see some of my attachments to clarify this better? This is the location – we're about two blocks west of University and a block and a half south of Lindsey Street. It's actually at the dead end of Lahoma and Hoover. Going back to this lot split that we were addressing, right now it's two of the old township size lots that are 50 feet wide; this one is 50 wide, this one is 55 feet wide. But there's a single house right now that straddles both lots, like Lora was saying. The owner would like to divide the lot in the east/west direction and stay off of this existing house five feet for a side yard for that house. And that's reflected in this diagram, where the resultant lot would be 76 feet deep and 105 feet wide. That would give us a lot area of just south of 8,000 square feet and 6,000 feet is the minimum lot, so that's not an issue there. The concern we have is that this house right here right now is 17.5 feet off the building line, but current zoning requires your front yard to be 25 feet and, if you're on a corner, your other lot line needs to be 20 feet, and so it really cuts back in the allowable buildable area.

Ms. Hoggatt – We can't see your screen.

Mr. McKinney – I'm sorry. Let me see if I can do that. I didn't realize that was the case. Anyway, back to this. These are the two narrow lots. There's a house on the north side of these two lots. The owner is David Hames. We have to get these things rectified before they can close on the land, so that's why we're kind of getting one in front of the other. So what he'd like to do is divide the lots this way and provide a 5 foot side yard on both lots. This house on the north half sits back 17.5 feet, not the normal required 25'. This also shows a 25' lot here, and on a corner lot, if your front yard is 25', your other front yard has to be 20', so it really cuts back on our buildable area. A view from the corner – this is Lahoma Street here and then Hoover right at the bottom. The intersection actually is down 7' from the finished grade of the lot. This is the house in the background. This is the part of the house that's 17.5' from the building line. The new house, as we're proposing – this little bay window would be 17.5; the bulk of our house would be back 21.5' to here. So it's just one area that pops out there, and then a top view here shows how these two houses would impact each other. They're virtually the same distance; they're on the corner. I did want to show you this as well. This is that existing house. Our house would be located here. If you look around the neighborhood, right across the street these people's front porch is within 15' of the property line. Then you go just up the block on Lahoma – this is a corner lot but with the old zoning and setbacks they were probably allowed to be as close as 5' on a side yard. But this house right here sets about 11' from property line to house. So are requesting to simply be 17.5' back, just like that one, then all these would line up and it's very similar to what's across the street. So the request is for a 7.5' reduction in the 25' front yard to match the neighbor to the north.

**AUDIENCE PARTICIPATION:**

1. Mark Grogis, 729 Elmwood – It's owned in the Grogis Legacy Trust. I'm not here to protest or dissuade the man from building his home. The main concern we have is stormwater runoff and the increase of the impervious surface footprint that's going to be on this lot, being that the lot is 7' higher than the crown in the road and we have no storm sewers – no storm drainage in this area. At any given time when we have a rain, the home that's kind of to the southwest of the proposed new home, which would be the unmarked lot there – yes, that one. It's a very large house and when they built that house, we're directly behind that house – 800 – and we get about 6" of rainwater in our back yard every time it rains. Now, the owners of that house – Mike and Jenny Roberts – and us – we put a lot of work into French drains and gravel to kind of remedy the flooding that we got from their construction of their huge house and their pool to eliminate the flooding in our yard and Mark and Crystal Hutchison's yard, which is 731 Elmwood, because, as you know, water runs downhill. So my question is, with the topography in this area, and the fact that we don't have storm drains, and that lot happens to be 7' higher than the road, when they put the impervious surface footprint double as to what's in it, where is all this water going to go and/or can they at least make provisions for their stormwater runoff so that we don't become flooded again after spending thousands of dollars to remedy what already happened at 800 Hoover?

Mr. McKinney – I was unaware of that issue, I can sure appreciate that. I think one thing

that also compounds this situation is Hoover doesn't have curbs and gutters.

Mr. Grogis – None.

Mr. McKinney – That may fall back as a municipal concern to keep the water in the street, rather than running through people's yards to the south.

Mr. Grogis – Just to interrupt you, Mr. McKinney. The other problem we have is – you see the abandoned section of Lahoma Avenue there?

Mr. McKinney – Yes.

Mr. Grogis – Between 730 and 800. That's the corridor for the stormwater that comes right into our yard, and once it floods our yard, it floods Mark and Crystal's next door to us. And we're not talking a little bit of water. We're talking flooding. So with your lot being 7' above the crest of the road, it only seems to be a reasonable assumption that we're going to start getting more water once you cover up the dirt.

Mr. McKinney – There's no doubt that we will increase the – right now we have zero impervious area in what would be our Lot 16. The lot coverage that we would have, and the impervious area that we would have are well beneath the allowed coverage for residential zoning. The way the lot slopes off, I think if this was a flat lot level with the street, we would still have the same kind of runoff. Now the water that comes off this – each one of these blue lines is a contour – is a foot. So you can see it's 7' here; it's about 5' here; it's about 1' back here. The top of this is like a plateau and it's flat. And we could grade the site to take the water largely out this way, but it's all eventually going to end up in the street.

Mr. Grogis – And Hoover runs downhill to the west. If you can move your drawing up a little bit to the top. Again, we see the abandoned Lahoma Avenue between 730 and 800 – that's nothing more than a catchment basin between 730 and 800. The difference in elevation between 730 and 800 is about 5' now. So that turns into a gutter right there. That turns into a storm drain. Move up a little further, you'll see what it does to Elmwood. It just dumps into everybody on Elmwood.

Mr. McKinney – Is your house right here, Sir?

Mr. Grogis – Yes, Sir. And the one right next to me is Mark and Crystal Hutchison, 731 Elmwood. They flood equally as bad. Now what we've done, just to be clear, is the owners of 800 – Mike and Jenny Roberts and ourselves, we bore the expense of putting in French drains and gravel between our two lots to catch all the water that has been occurring, and it's been working now for the last year. So we don't want to nix your plan. That's not my intent. All I want to do is make sure we're not gaining any more water when you put another structure on that raw dirt – more water is going to run down Lahoma and turn us into a lakefront property again. So anything you can do to alleviate

that or work it into your proposal that the storm runoff just doesn't dump into us would be appreciated.

Mr. McKinney – Some things that I can think of, and I haven't consulted with the owner, but much like rain barrels that are under downspouts. If somehow we can collect or hold – slow down the water – you know, kind of a timed release. Or even if we had a catch basin area within this part of the yard, which maybe in this area, where the water could go to a cistern, if you will, and then again let the water come out on a timed release. This is really unfortunate, because – and I'm real sensitive to what you're saying, but we're not doing anything wrong.

Mr. Grogis – I understand.

Mr. McKinney – This is a municipal issue, where this street is set up to almost encourage swift runoff without any gutters. And it's really unusual to see an urban street like this without gutters – concrete curb and gutter. But, again, even if the water went all the way to the west to Pickard, then does it turn left and end up down ...

Mr. Grogis – No. It doesn't make it to Pickard. I love your drawing and I wish the new owners well. But it's just a concern of me and everybody on Elmwood. The gentleman next to me, he floods out equally as bad. Paving is just going to increase the flooding, I would assume.

Mr. McKinney – I can sure address this with the owner. And I can reply back to the City. But I don't know ...

Mr. McCarty – Rick, can you go back to your aerial photo? The abandoned Lahoma – I suppose that's owned by the City?

Mr. Grogis – Yes, I would assume.

Mr. McKinney – Looks like a right-of-way that's not been abandoned, maybe.

Mr. McCarty – Has it been maintained? It looks like it's full of trees.

Mr. Grogis – It has 4 large trees. I have some photos of it. The owner of 730 has fenced over to 800 with a wood fence. But I assume this is still owned by the City. It's an assumption on my part. But it's clearly denoted on your map there that it's part of the City property. If the City could do something in there – maybe gravel – just something to give us ...

Mr. McCarty – Have you met with anybody at City Hall to discuss that – possibly improving that area, cleaning it up?

Mr. Grogis – Well, what we've done so far, Mr. McCarty, is like I said – us and Mike and



Jenny Roberts in the back, we've handled it on our own with, what he's saying, like a cistern. We put gravel between our lots, about 5' deep with like a French drain system, and for now it's handling what we have. But now what our concern is, with the new building, we're going to catch more water. That's all. So if they can do anything to address that, it would be very helpful to us. And we look forward to the new home. We just don't want their stormwater runoff.

Mr. McCarty – It seems like there might be something, even with a fence across there, it could be changing the direction of the water flow. That's probably a problem. Fences can be damming.

Mr. Grogis – I'm not that well-versed in the engineering part of it, but when we got the letter it's just a general concern for us.

Mr. McCarty – Mr. McKinney, if you could go back to an existing photo, isn't there a large mound of dirt and a big tree on the corner already?

Mr. McKinney – There is about 8 trees. Let me go back to here. These are all existing oak trees. Right on the property line – there's 9 of them, I think. They're all 14" diameter.

Mr. McCarty – It's raised way up anyways. It's not detaining any water as it is.

Mr. McKinney – No, it's not. Well, let me go back to – if you look here, each one of these lines represents a 12" drop, so the water is – all of this water here is coming right into this lot. But it is somewhat slowed down by that grassy top, and then when we put a house there with a front porch and a back porch and a driveway, that will definitely have quicker runoff than turf. What happens to your water – where do you send your water once it goes into your French drains?

Mr. Grogis – It's going straight down into the ground. It's just a gravel – they dug out like 4' of gravel and put No. 57 in there and it's just seeping down into the ground. There's no real way to get it to stop.

Mr. McKinney – But there's no outlet for that water. It just sits and perks into the grade?

Mr. Grogis – Yes. Percolates down. Prior to that, before Jenny and Mike did that, water just came into the yards and it sat there for a day or two – killed all the lawn, the vegetation and everything. It's a mess. So I don't want to take up too much more of your time. But if you guys could consider that before we change the footprint on that lot, it would be very helpful to a lot of concerned neighbors. Good luck on your project.

Mr. McKinney – I appreciate that, and I'll make the owner well aware of that, as well as the seller. I mean, the seller has got a piece of property here that also has some baggage. We will address that.

Mr. Grogis – And the other thing, not to fan everybody's ear, but maybe we could get with the City in that abandoned Lahoma section there, like clean it up because the elevation drop between 800 and 730 is about 5' and it's rapidly. And 800 put up a concrete retaining wall on their property line, so it turns this into a canal. So maybe, with the help of the City, we might be able to resolve it for everybody.

Mr. McKinney – Now there is some new – I say new – when this house was built – some new concrete curb and gutter on both sides of Lahoma. So from this point, all of this water hits Lahoma and then it goes down Lahoma and it turns the corner somewhat or it runs right across.

Mr. Grogis – We have curbs on Elmwood, so the water runs down the actual storm sewer, which goes down – I think its Rosemont – and it turns left and it goes to the catch basin. Anyway, that's our concern. We're not protesting your proposal. We just need a little help.

Mr. McKinney – Thank you for bringing it up. Please tell me your name, and can I get your contact information?

Mr. Grogis – Yes. My name is Mark Grogis. We're 729 Elmwood. My phone number – it's a Palm Beach phone number – it's 561-723-5051.

Mr. McKinney – Thank you, Mr. Grogis. We will stay in communication.

Mr. Grogis – Okay. Thank you very much and good luck with your project.

2. Larry Steele – I live at 730 Hoover, which is directly across the street from this new build. I came to talk about light. My wife and I are light sensitive. I looked at some of the drawings – the architectural drawings – and I don't have anything against architects – one of my best friend is one – but sometimes they put cutesy lights up that do not protect the neighboring area from light overspill. We have some neighbors in our neighborhood that have bright lights and we have tried to speak to them, and some of them have done some things to mitigate that; some of them haven't. But looking at the lights over the upper porch portico and on top by the garage, and also there will need to be garage lights. Yes, right there.

Mr. McKinney – That's not a light fixture; that's a vent.

Mr. Steele – That's a vent? Okay. Where are the light fixtures?

Mr. McKinney – The light fixtures would be – well, I don't have the front view. The light fixtures – I understand what you're – we would have probably two porch lights, which would be sharp cutoff, and we'd probably have a light here near the garage, which would also be shielded.

Mr. Steele – I don't have a problem against people having their lights, but would not like any of their lights – I've got plenty of my own. So if that could be full cutoff lights or down lights, I have no problem with this build right here that I've seen the drawings on.

Mr. McKinney – Well, I can commit to you, you will not see any light source from the fixtures we put on the house. We may shine some light up and down the wall, or down on the ground for the porch, but we won't have floodlights, we won't have – I'm with you. I don't want to have a lot of bright lights, either.

Mr. Steele – I just wanted to make sure that if this happens, which I don't have a problem with it being rezoned and everything, but I don't want any more lights shining in the front of my house. If you can tell me that's something that you can deal with, then I can deal with it also.

Mr. McKinney – Well, I can tell you that you won't have any direct lightbulbs pointing at your house. There will be light coming out of this house – coming out of the windows and porch lights. So instead of just looking at a dark lot with trees that you have now, there will be some residential type lighting, but we will restrict any glare and direct light coming at your house.

Mr. Steele – Right. I have downlights all on my side coming down out of my soffit and I have lights that shine back onto my house on my tree in the front. So it doesn't affect anyone but me. I would hope that pretty soon Norman would talk about having some type of residential light ordinance for people like myself and my wife who are light sensitive and have a hard time sleeping in bright lights. So I will take you at your word on that, and I won't have any problems or concerns about the variances. I won't file any problems with that. Thank you so much.

Mr. McKinney – I will tell you that right now I think there are nine trees. There is one tree right here – this is the only place that we can access our garage.

Mr. Steele – I don't have a problem with that. The problem with trees is that in the winter they don't have leaves, and so all the light just pours out from behind us and it becomes a nuisance. If they're down lights or they're full cutoffs, I don't have a problem. I just don't want some lights – some of the fraternities stick up these long 12' lights straight up and down to light whatever – I don't know what they're lighting. I just want to make sure there weren't anything like that coming onto the property.

Mr. McKinney – I appreciate your comments. We'll keep you posted.

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

*Rick Roberts moved to approve the Variance requested in BOA-2021-21 as presented. Curtis McCarty seconded the motion.*

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

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

Ms. Tromble announced that the motion, to approve the Variance as requested, passed by a vote of 3-0.

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

\* \* \*

Item No. 10, being:

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

None

\* \* \*

Item No. 11, being:

**ADJOURNMENT**

There being no further business and no objection, the meeting adjourned at 5:44 p.m.

PASSED and ADOPTED this 24<sup>th</sup> day of March, 2021.

A handwritten signature in blue ink, appearing to be "R. W. ...", written over a horizontal line.

Board of Adjustment