

BOARD OF ADJUSTMENT MINUTES

APRIL 27, 2011

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in the South Conference Room of the Norman Municipal Building, 201-A West Gray, at 4:30 p.m., April 27, 2011. Notice and agenda of said meeting were posted in the Municipal Building at the above address 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Chairman Tom Sherman called the meeting to order at 4:30 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Margaret Farmer
Jim Ruhl
Hank Ryan
Howard Saxion
Tom Sherman

MEMBERS ABSENT

None

A quorum was present.

STAFF PRESENT

Doug Koscinski, Manager, Current Planning
Wayne Stenis, Planner II
Roné Tromble, Recording Secretary

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Item No. 3, being:

APPROVAL OF MINUTES OF THE DECEMBER 8, 2010 REGULAR MEETING.

Hank Ryan moved to approve the minutes of the December 8, 2010 Regular Meeting as submitted. Margaret Farmer seconded the motion.

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

YEAS	Margaret Farmer, Jim Ruhl, Hank Ryan, Tom Sherman
NAYS	None
ABSTAIN	Howard Saxion

The motion to approve the minutes of the December 8, 2010 Regular Meeting was adopted by a vote of 4-0-1, with Mr. Saxion abstaining because he was not at that meeting.

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Item No. 4, being:

ELECTION OF OFFICERS FOR 2011

Hank Ryan nominated the following slate of officers for 2011: Chairman – Tom Sherman; Vice Chairman – Margaret Farmer; Secretary – Howard Saxion. Jim Ruhl seconded the motion.

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

YEAS	Margaret Farmer, Jim Ruhl, Hank Ryan, Howard Saxion, Tom Sherman
NAYS	None

The slate of officers nominated for 2011 was adopted by a unanimous vote of 5-0.

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Item No. 5, being:

BOA-1011-10 – JONATHAN & NATALIE FOWLER (KRITTENBRINK ARCHITECTURE, L.L.C.) REQUEST A VARIANCE OF APPROXIMATELY 3.5' TO THE 5' SIDE YARD SETBACK TO ALLOW AN ADDITION AT THE SAME SETBACK AS THE EXISTING HOME ON PROPERTY LOCATED AT 422 PARK AVENUE.

ITEMS SUBMITTED FOR THE RECORD

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Site Plan
5. Roof Plan
6. Building Elevations

PRESENTATION BY STAFF

Chairman Sherman disclosed that he began work for Fowler Holding Company on April 1 of this year so may have an appearance of a conflict on this item. Mr. Ryan asked for further explanation. Chairman Sherman stated that the applicant, Jonathan Fowler, is the son of the owner of Fowler Holding Company, and operates the VW dealership, which is a wholly-owned subsidiary of Fowler Holding Company. He does not have a direct working relationship with the applicant. The Board agreed that Chairman Sherman did not have an actual conflict on this item.

Mr. Ruhl stated that he does have an actual conflict on this item and that he would be abstaining from participation.

Mr. Koscinski presented the staff report, a copy of which is filed with the minutes. One protest was received from the property owner at 428 Elm that did not give any reasons for their protest. In addition, one email was received regarding drainage. Bob Hanger visited the site to investigate the problem, and could find no standing water or anything to determine where the problem existed. The comment was that adding impervious surface in the area would make the problem worse.

Ms. Farmer asked if the new shed will be further toward the rear than the existing shed. Mr. Koscinski explained that the code only requires a 1' setback for the shed and the proposed location is legal. No variance is requested or needed for the new shed.

PRESENTATION BY THE APPLICANT

Mark Krittenbrink, architect for the applicants, stated that if you drive down Park Avenue, about half of the houses south of Symmes are built just 18" off the side property line, then you have the neighbor's drive and their detached garage and then their house, which is 18" off the property line. With regard to a fire-rated wall, they will do whatever is required when they apply for the building permit. This addition will encroach 72 square feet. The addition will be on the back of the house and will be a seamless addition and will allow the owner an opportunity for a master bedroom on the main level, with a master bathroom, and an expanded kitchen. They currently have a large paved area in the back which will be removed and there will be a much smaller paved patio; there will be a net increase of impervious coverage. They do not have a drainage problem now; water doesn't stand in the back yard.

Mr. Ryan asked what would happen if the addition followed the current code. Mr. Krittenbrink indicated it would kill the project as it stands now. It is not a very big house, or a very wide house. It would be very awkward and would look like an addition. As designed, the project extends all the existing roof lines.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT

Howard Saxion moved to approve the Variance as requested. Hank Ryan seconded the motion.

Chairman Sherman commented that this is an area of town where it is very difficult to do additions without a variance. Ms. Farmer commented that this proposal is an upgrade to the property.

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

YEAS	Margaret Farmer, Hank Ryan, Howard Saxion, Tom Sherman
NAYS	None
ABSENT	None
ABSTAINING	Jim Ruhl

Chairman Sherman announced that the motion to approve the Variance passed by a vote of 4-0-1. He advised the applicant of the 10-day appeal period before the Variance is final and construction can begin.

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Item No. 6, being:

BOA-1011-11 – ROBERT & BIRTHE FLEXNER (KRITTENBRINK ARCHITECTURE, L.L.C.) REQUEST A VARIANCE OF APPROXIMATELY 4' TO THE 15' SIDE YARD SETBACK OF A CORNER LOT TO ALLOW AN ADDITION TO THE EXISTING HOME ON PROPERTY LOCATED AT 503 W. SYMMES STREET.

ITEMS SUBMITTED FOR THE RECORD

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Site Plan
5. Elevation

PRESENTATION BY STAFF

Mr. Koscinski presented the staff report, a copy of which is filed with the minutes. There were no filed protests.

Ms. Farmer asked if there is sidewalk along the property. Mr. Krittenbrink responded that there is a sidewalk along Park Avenue, outside the existing yard. Ms. Farmer asked if they will have to remove the fence. Mr. Koscinski said they will probably take it down during construction, but they will replace it.

PRESENTATION BY THE APPLICANT

Mark Krittenbrink, the architect for the applicant – This is a simple addition on the main level.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT

Mr. Ryan commented that this is another variance to make the house more livable. Mr. Sherman agreed and added that it doesn't interfere with existing conditions in the neighborhood.

Howard Saxion moved to approve the Variance as requested. Hank Ryan seconded the motion.

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

YEAS	Margaret Farmer, Jim Ruhl, Hank Ryan, Howard Saxion, Tom Sherman
NAYS	None
ABSENT	None

Chairman Sherman announced that the motion to approve the Variance passed by a vote of 5-0. He advised the applicant of the 10-day appeal period before the Variance is final.

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Item No. 7, being:

BOA-1011-12 – SOONER LEGENDS INN & SUITES, L.L.C., REQUESTS A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REQUIREMENTS FOR PROPERTY LOCATED AT 1200 24TH AVENUE S.W.

ITEMS SUBMITTED FOR THE RECORD

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Site Plan
5. As-Built Drawings
6. Aerial Photo

PRESENTATION BY STAFF

Mr. Koscinski presented the staff report, a copy of which is filed with the minutes. There were no filed protests. He referred to the provisions in the Zoning Code addressing special exceptions at 22:441(9)(b) and (c).

Mr. Sherman suggested a change of use could be the trigger for reviewing the special exception.

PRESENTATION BY THE APPLICANT

Doug Kennon, the applicant – He is the person who stands out in the parking lot and manages parking when they are busy. In the service industry, you don't sell what you can't cover. They don't rent their facilities on game days because they are too busy and don't have the staff. They turn away business all the time. This proposal is trying to help with the smoking situation because they are a smoking bar. He is trying to build the outdoor patio to alleviate some smoking situations.

Mr. Koscinski pointed out that the patio will be covered but open air so it won't be used all year long when it is too hot or too cold.

Mr. Saxion said he supports this request. The applicant knows how his business operates. If people can't find parking, they are going to go elsewhere.

Mr. Kennon added that the ordinance requires 1.2 parking spaces per hotel room, which is over 163 parking spaces just for rooms. He sold out five days in the first ten days of April and never had more than 30 cars in the lot. His three largest clients all usually come by bus or private coach. They normally only pull about two guests a day off the road. He has an agreement with the neighbors to use their parking when they are closed. The hotel was sold out 21 days last year. He noted that they also have two other pieces of property, but it really wouldn't help with the parking.

Mr. Ruhl asked if a special exception would travel with the title of the property rather than with the ownership. Mr. Koscinski responded affirmatively. Mr. Ruhl commented that if the facility were sold, they wouldn't necessarily have to sell the other two lots.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT

Mr. Ryan said he was supportive of the special exception, but he also likes the idea of requiring a renewal in five years because of the possibility of a change in conditions. Mr. Koscinski commented that at one point the restaurant business was owned separately from the hotel. Mr. Sherman suggested that a change in use or ownership could trigger review of the special exception. Mr. Kennon commented that there are currently two ownerships but the same control; the L.L.C.s will change, but it won't change the majority ownership.

Ms. Farmer asked what would happen if the owners decided to use all of the facilities every day. That would be a change in operations, and Mr. Sherman pointed out that the owner would have to have more parking spaces or lose business.

Mr. Saxion asked how the City will know if ownership changes. Mr. Koscinski responded that they would need new licenses for the restaurant. There is also an annual hotel license. The certificate of occupancy will reference the special exception.

Hank Ryan moved to approve the Special Exception to the off-street parking requirements, with the condition that this Special Exception will need to be reviewed if majority ownership (of the hotel and/or food service) changes or if a change of use occurs. Jim Ruhl seconded the motion.

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

YEAS	Margaret Farmer, Jim Ruhl, Hank Ryan, Howard Saxion, Tom Sherman
NAYS	None
ABSENT	None

Chairman Sherman announced that the motion to approve the Special Exception with the condition passed by a vote of 5-0. There is no ten-day appeal period for a Special Exception.

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Item No. 8, being:

MISCELLANEOUS DISCUSSION

Ms. Farmer announced that she will not be present for the May meeting.

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Item No. 9, being:

ADJOURNMENT

There being no further business, Chairman Sherman adjourned the meeting at 5:22 p.m.

PASSED and ADOPTED this _____ day of _____, 2011.

Board of Adjustment