

**BOARD OF ADJUSTMENT MINUTES**

**FEBRUARY 22, 2012**

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., February 22, 2012. 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) at least 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 4:28 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

\* \* \*

Item No. 3, being:

**APPROVAL OF MINUTES OF THE JANUARY 25, 2012 REGULAR MEETING.**

*Hank Ryan moved to approve the minutes of the January 25, 2012 Regular Meeting as submitted. Howard Saxion 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 January 25, 2012 Minutes passed by a vote of 5-0.

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Item No. 4, being:

**BOA-1112-12 – VONDAH STOCKBRIDGE AND JOSEPH SEAY REQUEST A VARIANCE FROM THE PLATTED FRONT BUILD LINE (WHICH EXCEEDS THE STATUTORY SETBACK) FOR A PROPOSED ICE HOUSE LOCATED AT 2118 WEST LINDSEY STREET.**

**ITEMS SUBMITTED FOR THE RECORD**

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Aerial Photo
5. Site Plan Sketch
6. Site Plan
7. Photographs
8. Aerial Photo of Exceptions to Setbacks in the Area

**PRESENTATION BY STAFF**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. There were no protests filed on this variance request.

Mr. Saxion asked whether there are any plans to widen Lindsey Street in the future. Mr. Koscinski said there are not. We currently have 100' of right-of-way within Lindsey which should be sufficient for any normal road widening. No engineer has been hired to design that project, nor has a bond issue been approved to fund it. If the City required 150' of right-of-way, rather than 100', we would need to buy property.

Mr. Saxion asked the value of the structure. Vondah Stockbridge, the applicant, indicated that the value of the structure and improvements is \$150,000.

Ms. Farmer asked if 100' of right-of-way is sufficient for four lanes and a turning lane. Mr. Koscinski responded that the current requirements are for about 13' per lane. Mr. Saxion asked the distance of the structure from the center line of Lindsey. Mr. Koscinski replied that it will be 88'. Part of the problem with this is that the plat is lacking in a lot of critical dimensions. Mr. Saxion asked if approval of the variance would result in platting the property. Mr. Koscinski explained that it is already platted. The condition that the Council suggested over 40 years ago was never followed up on. In the 1950s the Council would grant zoning and then negotiate for improvements. From the 1970s forward, we have a full legal platting process. This one had already been platted and no one, at that time, thought it should be replatted again. Chairman Sherman noted that any variance that is approved doesn't change a plat; it issues a specific variance to what exists at the present time. The issue becomes whether we set a precedent that makes it more difficult to turn a future request down.

Ms. Farmer asked if the problem is because of the curve. This will not be happening all along Lindsey Street. Mr. Koscinski explained that this area is the old Lindsey Drive.

Mr. Koscinski commented that the Director has suggested that, if the Board grants the variance, the applicant be advised that they would be responsible for moving the building if that becomes necessary.

Mr. Ryan commented that under current zoning, they would not need a variance, so this actually only grants them what would be allowed under current zoning. Mr. Koscinski added that this is similar to a variance that was considered at the January meeting, the difference being that was an existing building and this is for a proposed building.

Mr. Saxion asked for more clarification of the structure. Ms. Stockbridge indicated it will be an ice vending machine.

Mr. Koscinski noted that no protests were filed on this application.

Mr. Ruhl asked how tall the structure will be. Ms. Stockbridge responded that it is about 14' in height, which includes the condensers on the top of the building. It is 6' x 14' and has about the same footprint as a parking space. She noted that the ones in Oklahoma City are a lot bigger than this will be. This will be the same as the one they have located in Purcell.

**PRESENTATION BY THE APPLICANT**

The applicant did not make a separate presentation.

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

*Hank Ryan moved to approve a variance with a minimum 10' setback from the front property line, with the provision that the property owner would not be able to recover the cost of moving the unit later should there be a right-of-way expansion. Howard Saxion 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 grant the Variance passed by a vote of 5-0. Mr. Koscinski noted that the Variance is not final until the 10-day appeal period has passed. Because they have already started construction, they can continue at their own risk.

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Item No. 5, being:

**BOA-1112-13 – TYLER SIGNS, L.L.C. REQUESTS A VARIANCE TO THE HEIGHT REQUIREMENTS FOR A WALL SIGN LOCATED AT 2424 SPRINGER DRIVE.**

**ITEMS SUBMITTED FOR THE RECORD**

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Photo Representation of Proposed Sign
5. Aerial Photo of Site
6. Photos of Subject Building
7. Building Floor Plan

**PRESENTATION BY STAFF**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. There were no protests filed on this variance request.

Mr. Saxion asked if the proposed sign would be illuminated. Matt Hinkle, representing the applicant, said it would not be.

Mr. Saxion asked about the Dillard building wall sign and whether it is higher. Mr. Koscinski indicated it is. Two things have happened: the code already had one amendment that identified what are called building identification signs, which are permitted anywhere on the side of the building. Individual tenants, at this point, still require either a variance or we don't allow their sign. This building does have the identification sign of "United Way Plaza." If this tenant sign were proposed for the second floor, they would be allowed to have such a sign. The ordinance does not allow tenant signs above 25'.

Ms. Farmer asked if the building owner has given permission for this sign. Mr. Hinkle indicated that Mr. Smith is one of the owners of the building.

Ms. Farmer commented that she doesn't think the drawing looks bad, but the building would look really funny if every floor had a sign on it. Mr. Ryan said he has a problem with the precedent this would set.

Chairman Sherman asked if the Dillard building has any additional signs on it. Mr. Koscinski thought the owner had restricted signage to the building name. He noted that Sooner Mall is an example of a building with multiple tenant signs on the exterior.

Mr. Saxion asked why the height limit was set at 25'. Mr. Koscinski did not know the answer; that provision was adopted in 1979. Chairman Sherman commented that they could have a 50' pole sign for the property.

Chairman Sherman commented that the building identification sign is very clear on the side of the building from the Interstate. The proposed sign would be angled to the northwest, because of the way the building is set up. He commented that this particular sign doesn't bother him so much as the precedent for allowing a building to be covered with signs. Tenants would like to have some visibility. The issue of visibility by residential areas is one thing to take into consideration.

Mr. Hinkle commented that the building houses some odd tenants. Mr. Smith just wants his name on the building and requested it be above the third floor. Part of the problem is that a tree is going to cover the façade as it grows. Mr. Ryan commented that the sign is purely for marketing, rather than for locating the business. Mr. Hinkle added that the sign will only be visible from southbound I-35. Chairman Sherman commented that some of the other tenants of the building might like to have additional visibility, such as the Norman Convention & Visitors Bureau.

Mr. Ryan commented that the sign ordinance probably took into consideration that if signs are down lower on the building not as many people will want them because they're not as effective. If taller, bigger signs were allowed, more people would want them because they see them as more effective. Mr. Ruhl added that the proposed sign is not as much a concern, but other signs might cause more concerns. Chairman Sherman noted that the proposed sign will not be lighted, and it is a conservative design, but it opens the door to other signs that would not meet those criteria.

Mr. Kosciński commented that there are supposed to be some justifications, and they have correctly noted the tree would hamper visibility of a legally placed sign. There is not going to be a multiplicity of signs; it is not too large; there are not too many of them. There are some grounds that could be cited if there were future applications that cited this as a precedent.

Ms. Farmer asked, if the building changes hands completely, whether the Board is obligated to allow the next people to have a sign. Mr. Kosciński indicated that, even without the owner's concurrence, the Board could attach conditions to this Variance, such as it is for Mr. Smith, and a future tenant would have to have the same type of sign (not illuminated and the same size).

Mr. Ryan stated that he thinks the sign as proposed looks nice and would be fine, but he is concerned about the next five or six. Everybody's taste is different.

Chairman Sherman asked if there is a reasonable way to approve this variance with enough restrictive conditions that it doesn't open an automatic precedent for everybody in the future. Ms. Farmer commented that they would still come in and ask for a variance. She added that there are likely to be more tall buildings in Norman in the future. If the issue keeps coming back, then staff would probably want to look at changing the ordinance.

Mr. Stenis pointed out that the applicant does have the option for a ground sign or an Interstate ground sign. Mr. Kosciński commented that option is more costly than the proposed sign.

Mr. Hinkle pointed out that the building isn't a shopping center and they don't really want a lighted highway sign.

Mr. Ryan asked what would be involved in modifying the sign ordinance. Mr. Kosciński responded that it would have to go through the Planning Commission and City Council, which is approximately a three-month process. Mr. Ryan commented that turning this down could be a reference for looking at the ordinance to see if there's a way to make it consistent for everybody.

Mr. Hinkle commented that Tyler Sign Company is involved in looking at the sign ordinance.

**PRESENTATION BY THE APPLICANT**

The applicant did not make a presentation.

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

*Hank Ryan moved to deny the application for a variance on the basis of the concern that this would be precedent setting, not on the basis of the sign that was proposed; and encourage staff to review the Sign Ordinance for possible amendments. Howard Saxion seconded the motion.*

Chairman Sherman commented that this proposal is fair and reasonable, but the issue of precedent setting, especially in light of the fact that the sign ordinance is in the focal point of staff and the Council, leads him to believe this is the only reasonable track to take.

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 deny the Variances passed by a vote of 5-0. If the applicant disagrees with this decision, the next step would be to District Court.

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Item No. 6, being:

**MISCELLANEOUS DISCUSSION**

None

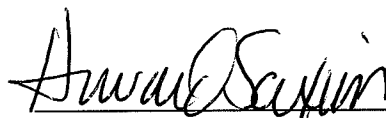
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Item No. 7, being:

**ADJOURNMENT**

There being no further business, Chairman Sherman adjourned the meeting at 5:16 p.m.

PASSED and ADOPTED this 28 day of March, 2012.  
*as amended*

  
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Board of Adjustment