

BOARD OF ADJUSTMENT MINUTES

JUNE 27, 2012

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in the City Council Chambers of the Norman Municipal Building, 201 West Gray, at 4:30 p.m., June 27, 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 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 4:30 p.m.

* * *

Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Margaret Farmer
Hank Ryan
Howard Saxion
Tom Sherman

MEMBERS ABSENT

Jim Ruhl

A quorum was present.

STAFF PRESENT

Susan Connors, Director, Planning & Community
Development
Wayne Stenis, Planner II
Roné Tromble, Recording Secretary

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Item No. 3, being:

APPROVAL OF MINUTES OF THE APRIL 25, 2012 REGULAR MEETING.

*Hank Ryan moved to approve the minutes of the April 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, Hank Ryan, Howard
Saxion, Tom Sherman

NAYS

None

ABSENT

Jim Ruhl

Chairman Sherman announced that the motion to approve the April 25, 2012 Minutes passed by a vote of 4-0.

* * *

Item No. 4, being:

BOA-1112-18 – TONIE CHAMPEAU-SWENSON AND KEITH SWENSON REQUEST A VARIANCE OF APPROXIMATELY 5' TO THE 25' FRONT YARD SETBACK TO ALLOW AN ADDITION TO THE EXISTING HOUSE AT 3901 GOSHAWK CIRCLE.

ITEMS SUBMITTED FOR THE RECORD

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Site Plan
5. Addition Floor Plan
6. Plat Map
7. Aerial Photo
8. Applicant's Photos (5)

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.

PRESENTATION BY THE APPLICANT

Keith Swenson, the applicant, explained they are recently married and are trying to make what was hers and what was his now theirs. By adding on, it helps in more than one way. It's an office for the daycare business that his wife has at home, and it gives them a master bedroom. One of the issues is the way the house was built on the lot. The other houses are in line with the curvature of the cul-de-sac; this one is not. They dropped the addition back a foot and a half and it still is into the setback. They can move the pool and the deck, but it's not as easy as it looks. The pool, in some spots, is about two and a half feet underground because of the slope. That would have to be dug up, moved, and dug up again, along with the deck itself. The back corner of the house is the current dining room, which is very small and they are trying to add a dining room as well. The dining room addition would have to be redesigned because of the window in the existing dining room. They have talked with the neighbors, and the one that lives to the side that would be seeing this really has no issue with it.

Mr. Ryan asked how long they have owned the house. Ms. Swenson said she is the original owner and has lived there since 1994. The pool has been in place for 14 years. Chairman Sherman asked whether the house was a custom build. Ms. Swenson indicated it was.

Mr. Saxion asked about the cost of relocating the pool, and whether that is even possible given its age. Mr. Swenson said it probably could not be moved. Another concern is that one side of the yard is fenced off for the daycare, and pushing the pool back would put it into an easement on the back of the lot. The pool is 31 or 32'. He did not know what the cost would be to move it. The option if this is not approved cuts out the additional closet, cuts out the powder bath, and made everything else a little smaller, just cutting out that extra 5'. When they positioned the house on the curve of the setback, that corner of the house is actually 25'1"; they put it right on that line.

Chairman Sherman commented that the location of the house provides a maximum back yard, which is good because of the daycare. He suggested that they simply move the closet back

into what was going to be the master bedroom. It may not provide the full closet size, but they could almost keep the entire study.

Mr. Swenson showed an earlier design without encroaching the 5' into the setback. Chairman Sherman commented that design simply took the entire closet out. He did not think you would have to take the entire closet out. Mr. Swenson countered that it would only be a 2' deep closet.

Mr. Stenis offered a drawing with the setback scaled.

Chairman Sherman explained that the Board looks at applications all the time, and their job is to try and use a common sense approach to deal with situations, especially where the homeowner wasn't responsible for what they inherited, and where there are other situations in the neighborhood where other people have received accommodations for whatever the problems may be. It is also the Board's job to enforce the codes as they're written and enforce the setbacks in the ordinances of the city. Something of this nature is not normally something which we're going to look at as a reason to do a variance.

Mr. Ryan asked about the possibility of creating a larger closet at the expense of some of the master bedroom space. Mr. Swenson responded then there's really no reason to put the addition on because it would be the same size as the bedroom they currently have, approximately 15' by 15'. Mr. Ryan pointed out there would be another bedroom and significantly increased square footage. Mr. Swenson countered that they are trying to get a bigger master bedroom and a bigger dining room. The closet space they have now is no bigger than this table. They want a walk-in closet where there's room to hang stuff up. They have agreed that if they have to cut back, they're not going to add on because it's not what they really want. The way the rest of the house is designed, there's really no place to add on to the back side of the house.

John Mertens, builder for the applicants, worked with the applicants on this design with his architect. The preliminary drawing wasn't getting what they wanted. It didn't have a powder bath. It did get the pantry, but they wanted it to do everything that they were trying to accomplish. So that's why they had him draw it encroaching into the 25' setback, but getting them all the features that they wanted. You see a powder bath in here. You have a different location of the pantry. You do have to build on square edges and they will end up squaring it off with the furthest part of that 25'. As a builder, you're not going to start putting so many jogs into it. That starts getting into roofing and everything else. Their final drawing did incorporate all the features that they were trying to accomplish. They did look at going farther back but then they got into moving a deck that was concreted in. Right now the bay window for the breakfast area overlooks the pool. If they took what they were doing and tried to shift it back to incorporate the design that they want, then they're looking at the side of the wall at that point as well and they're moving their pool.

Chairman Sherman suggested there's an option in there, especially if you don't mind reversing the closet that's in the study to a closet for the bedroom. Mr. Swenson said that took the walk-in closet that they wanted of 12' by 8' and made it 4' by 6'.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT

Mr. Ryan commented that there are four standards and it seems that they clearly don't meet three of them. The upside is there aren't any protests. He is troubled by the fact that one of the applicants was involved in creating the conditions that put them in the position they're in now. It will grant them special privileges.

Ms. Farmer observed that cul-de-sacs are awkward somewhere on the end, and this is the worst designed one she has ever seen. It didn't end up with a nice looking cul-de-sac and the design was beyond their control. She thinks that sometimes cul-de-sacs could be considered special cases. In this case there is a huge fence between them and their neighbor. It looks like a bunch of gray fence when you turn in that cul-de-sac. This is not going to impact any sight line. It's not going to impact the neighbor. She is leaning toward giving them some special consideration for the awkwardness of this area. We do that often in the older part of town when we're trying to say what they plan to do is going to look better. The old historic district and the surrounding areas are not the same thing as this. Whoever designed that cul-de-sac just kind of squished them over on the side.

Mr. Saxion noted, on the aerial photo, that it looks like some of the houses have a setback less than 25'. Mr. Stenis explained that the property to the south meets their setback. The property to the west of the subject property is further back than the setback. The next one at 3804, and the next one over, all meet the setback lines. Ms. Farmer indicated that 3905 to the south has a jog in the setback line. Mr. Saxion said it doesn't look as wide and doesn't seem consistent. He asked if there is any City reason to have a setback that far. There's no likelihood of widening the road, or even utilities probably. Mr. Stenis said it is to give ample open space in front yards that are consistent through the neighborhood. The utilities would be in the right-of-way.

Mr. Stenis commented that the lot to the south appears that they might have reduced the front yard setback in order to give them ample buildable area, because it has an easement on the east and an easement on the south. He offered a couple of options. One was to move the deck around to the other side of the pool and shift the structure north. Another might be to cut off the edge of the deck as it connects to the pool and shift the floor plan north, which looks like it would still leave them about a 3-4' wide steps going up to the deck and be able to meet the setback. Another option might be to do a lot line adjustment between them and the west property and expand the floor plan toward the west - make it deeper than what they have and still meet a setback on the side yard and shift the south part of the addition up a little to meet the front yard setback.

Chairman Sherman stated that if you look at the three houses in the cul-de-sac, the shape of all those lots is dramatically different. Ms. Farmer added that they don't have a typical cul-de-sac lot, which fans out, which is part of their problem. She thinks staff is belittling the cost of moving the pool and thinks it is going to be a real hardship on them. Chairman Sherman noted another consideration with moving the pool is the whole back yard is structured to the homeowner's business, with one side set up for the daycare use. Once you start moving the pool, you've got to realign and remove all that other equipment that is there for that purpose. Part of the problem with two of these cul-de-sac lots is they back up to a main street. It is an unusual platted area.

Mr. Saxion said what concerns him about denying this would be that there seems to be an inconsistent setback width in the cul-de-sac. Because it's not consistent, he has a hard time

being real firm that we've got to maintain this 25' setback in this particular case. It is unusual. It's not a typical thing that we would see in a newer subdivision, as opposed to in the older part of downtown. It is a concern to apply this hard and fast rule in this particular situation when the plat wasn't hard and fast throughout this cul-de-sac area, regardless of buildability.

Ms. Farmer feels that this situation on this cul-de-sac is unique and it's not going to impact anyone else.

Mr. Stenis observed on the property to the south he is seeing a setback line on the west side which is 25' and then the other side is less. Typically on corner lots we'll have a 15' side yard setback and a 25' front yard setback. They might have been calling that a corner lot. Ms. Farmer commented she is not sure you can have a corner lot on a cul-de-sac.

Howard Saxion moved to approve a Variance of 5' to the 25' front yard setback to accommodate the proposed addition to this property, recognizing its unique situation of being on a cul-de-sac. Margaret Farmer seconded the motion.

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	Jim Ruhl

Chairman Sherman announced that the motion to grant the Variance passed by a vote of 4-0. He noted the 10-day appeal period before construction can be started. The applicant can apply for their building permit immediately.

Item No. 5, being:

MISCELLANEOUS DISCUSSION

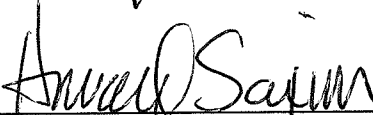
None

Item No. 6, being:

ADJOURNMENT

There being no further business, Chairman Sherman adjourned the meeting at 5:05 p.m.

PASSED and ADOPTED this 25 day of July, 2012.



Board of Adjustment