

BOARD OF ADJUSTMENT MINUTES

FEBRUARY 27, 2013

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in the North Conference Room of the Norman Municipal Building, 201-A West Gray, at 4:30 p.m., February 27, 2013. 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 Andrew Seamans called the meeting to order at 4:30 p.m.

* * *

Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Andrew Seamans
Margaret Farmer
Hank Ryan
Tom Sherman

MEMBERS ABSENT

None

A quorum was present.

STAFF PRESENT

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

* * *

Item No. 3, being:

APPROVAL OF MINUTES OF THE JANUARY 23, 2013 REGULAR MEETING.

Tom Sherman moved to approve the minutes of the January 23, 2013 Regular Meeting as submitted. Margaret Farmer seconded the motion.

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

YEAS

Margaret Farmer, Hank Ryan, Tom Sherman,
Andrew Seamans

NAYS

None

Chairman Seamans announced that the motion to approve the January 23, 2013 Minutes as submitted passed by a vote of 4-0.

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Ms. Connors noted that there is a request by the applicant to postpone Item No. 7. That can be done at this time.

Item No. 7, being:

BOA-1213-14 – WIREGRASS DEVELOPMENT, L.L.C. REQUESTS A VARIANCE OF APPROXIMATELY 51' TO THE 50' SIDE YARD SETBACK FOR A PROPOSED DIGITAL BILLBOARD (OFF-PREMISE SIGN) ON PROPERTY LOCATED AT 512 NORTH INTERSTATE DRIVE.

ITEMS SUBMITTED FOR THE RECORD

1. Staff Report
2. Location Map
3. Site Plan
4. Plat
5. Photo

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT

Tom Sherman moved to postpone consideration of this Variance request. Hank Ryan seconded the motion.

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

YEAS	Margaret Farmer, Hank Ryan, Tom Sherman, Andrew Seamans
NAYS	None

Chairman Seamans announced that the motion to postpone consideration of this Variance request passed by a vote of 4-0.

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Item No. 4, being:

BOA-1213-11 – RON AND DEANNA EADES REQUEST A VARIANCE OF APPROXIMATELY 10' TO THE 20' SIDE YARD SETBACK (EAST) FOR PROPERTY LOCATED AT 1400 SPRUCE STREET.

ITEMS SUBMITTED FOR THE RECORD

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Site Plan
5. Aerial Photo
6. Photos of Existing Condition
7. Proposed Elevations

PRESENTATION BY STAFF

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. One protest letter was received which represented 0.3% of the notification area.

Chairman Seamans noted a conflict on this item because he lives within the notification area for the project, and asked to be recused.

Tom Sherman moved to recuse Mr. Seamans from participation on this item. Margaret Farmer seconded the motion.

YEAS

Hank Ryan, Tom Sherman, Margaret Farmer,
Andrew Seamans

NAYS

None

The motion passed by a vote of 4-0. Chairman Seamans left the room and Vice Chair Farmer assumed control of the meeting.

Mr. Sherman asked about the 20' side setback. Mr. Stenis explained that when there are two corner lots back-to-back, there is a required 20' side setback. In this case, the developer platted the 20' setback although it could have been 15'.

Ms. Farmer asked about the utility easement encroachment. Mr. Stenis explained they are possible with letters of approval from the franchise utilities. The consent to encroach would have to be approved by the City Council, acting as the Utility Authority. There are no City utilities in the affected part of the easement.

PRESENTATION BY THE APPLICANT

Ron Eades, the applicant, distributed copies of photos showing the interior of his current shop space, and the view of the existing shop building behind the fence from various angles. You can see from the pictures that the structure really doesn't encroach upon the view or the function of the neighborhood. The last picture shows the curvature of the road, and shows why the building never has or can interfere with vision around any intersection.

Mr. Sherman asked if the roofline of the new building will be any higher than the existing building. Mr. Eades said he spoke with Landon, who told him what the requirements are for height of the building – no higher than half the height of the attic of the main building. Mr. Ryan asked if the

new building will be taller than the existing building. Mr. Eades said the existing building has 8' walls and at least 2' for the roof. Mr. Ryan commented that the drawings that were provided show a 3' peak for the roof on the new buildings, so it looks like it will be taller than the existing building, and the overhangs look larger. Mr. Sherman pointed out that the drawings for the new building show 10' walls with 3' for the roof, so it will be taller than the existing.

Mr. Eades noted that the neighbors to the south have no windows on the side that would look into the yard.

PARTICIPATION BY THE AUDIENCE

Jack Green stated that his protest was that the letter didn't specifically say that the property would not be used for a commercial purpose. It also did not specifically state what the property was going to be used for. If those two conditions were met, he would withdraw his protest.

Ms. Connors explained that the zoning doesn't allow commercial use of the property, and it doesn't have anything to do with this variance. The zoning of the property is residential. The Board of Adjustment does not have authority over the use of the land.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT

Mr. Ryan said his concerns are that the new building will be significantly larger than the existing building. The applicant has, to some extent, by adding the sunroom, reduced the amount of flexibility they had with the lot.

Mr. Sherman pointed out that if this lot had been platted according to the regulations, they would only need a 5' variance instead of a 10' variance.

Mr. Ryan noted that there was a protest. Mr. Sherman said he would be more concerned if the protest was because of the visual effects of the project. The use is easy enough to control. He pointed out that staff is recommending a condition that the variance is only for the proposed building; if it burns, a new one is not automatically allowed.

Mr. Stenis pointed out that he also recommended a condition that the fence not be allowed to be moved. Ms. Farmer asked if the fence is as far out as it can go. Mr. Stenis referenced the site plan, which shows the fence and the property line where the fence could go. Mr. Sherman commented that moving the fence would have more visual impact on the neighborhood than raising the roof on the building.

Hank Ryan moved to approve the Variance of approximately 10' to the platted 20' side yard setback (east side) for construction of a shop building, with the condition that the variance is valid only for the life of that building, and the condition that the fence not be relocated any closer to the property line. Tom Sherman seconded the motion.

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

YEAS	Hank Ryan, Tom Sherman, Margaret Farmer
NAYS	None
RECUSED	Andrew Seamans

Vice Chair Farmer announced that the motion to grant the Variance passed by a vote of 3-0.

She noted the 10-day appeal period before construction can begin.

Chairman Seamans was invited back into the room and resumed control of the meeting.

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Item No. 5, being:

BOA-1213-12 – PAUL AND NADIA HARRINGTON REQUEST A VARIANCE OF APPROXIMATELY 22.5' FROM THE 25' SIDE YARD SETBACK (NORTH) FOR AN EXISTING BARN FOR PROPERTY LOCATED ON THE EAST SIDE OF 36TH AVENUE N.E. APPROXIMATELY 1/4 MILE NORTH OF TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Photo
5. Site 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. He reported that when he was on-site, the neighbor to the south told him that he did not protest the variance.

PRESENTATION BY THE APPLICANT

Anthony Pate, the General Contractor for the applicant, indicated that the site plan is pretty accurate. The strip of land to the north where the barn was supposed to be built belongs to Mrs. Harrington's family. The wording on the application is incorrect with regard to the distance of the barn from the property line.

Mr. Ryan asked if the barn was existing when the property was deeded to the applicants. Mr. Harrington said it was.

Mr. Sherman asked how much of the property in the area is owned by the family. Mr. Harrington indicated he is not exactly sure, but Mrs. Harrington's mother owns three or four additional parcels to the north.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT

Tom Sherman moved to approve a Variance of 22.5' to the 25' side yard setback (north side) for the existing barn. Hank Ryan seconded the motion.

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

YEAS	Margaret Farmer, Hank Ryan, Tom Sherman, Andrew Seamans
NAYS	None

Chairman Seamans announced that the motion to grant the Variance passed by a vote of 4-0.

Item No. 6, being:

BOA-1213-13 – MICHAEL MEADE REQUESTS A VARIANCE OF APPROXIMATELY 1.1' TO THE 35' FRONT YARD SETBACK AND A VARIANCE OF APPROXIMATELY 2.5' TO THE 5' SIDE YARD SETBACK FOR AN EXISTING HOUSE LOCATED AT 924 ELM AVENUE.

ITEMS SUBMITTED FOR THE RECORD

1. Staff Report
2. Location Map
3. Site Plan
4. Plat
5. Photo

PRESENTATION BY STAFF

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. A variance to the front yard setback is not necessary. There were no protests filed on this variance request.

PRESENTATION BY THE APPLICANT

Richard Ewalt, representing the applicant – This is an existing non-conformance for 63 years. The applicant does have a buyer for the property and they are trying to remove the cloud on the title.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT

Mr. Ryan commented that any variance should be worded so that it only pertains to the existing structure, and would not allow any future additions to the structure.

Tom Sherman moved to approve the Variance of approximately 2.5' to the 5' side yard setback for the current structure. Margaret Farmer seconded the motion.

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

YEAS	Margaret Farmer, Hank Ryan, Tom Sherman, Andrew Seamans
NAYS	None

Chairman Seamans announced that the motion to grant the Variance passed by a vote of 4-0.

Item No. 8, being:

MISCELLANEOUS DISCUSSION

None

Item No. 9, being:

ADJOURNMENT

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

PASSED and ADOPTED this 27th day of MARCH, 2013.

Alan G. Ryan, Jr., SECRETARY
Board of Adjustment