

BOARD OF ADJUSTMENT MINUTES

APRIL 23, 2014

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of the Norman Municipal Building A, 201-A West Gray, at 4:30 p.m., April 23, 2014. 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

Acting Chairman Hank Ryan called the meeting to order at 4:32 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Hank Ryan
Cindy Deckard
Todd Marple

MEMBERS ABSENT

Tom Ballenger
Andrew Seamans

A quorum was present.

STAFF PRESENT

Wayne Stenis, Planner II
Roné Tromble, Recording Secretary
Susan Connors, Director, Planning & Community
Development
Jeanne Snider, Asst. City Attorney

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Item No. 3, being:

APPROVAL OF MINUTES OF THE MARCH 26, 2014 REGULAR MEETING

Cindy Deckard moved to approve the minutes of the March 26, 2014 Regular Meeting as presented. Todd Marple seconded the motion.

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

YEAS	Hank Ryan, Cindy Deckard, Todd Marple
NAYS	None
ABSENT	Tom Ballenger, Andrew Seamans

Acting Chairman Ryan announced that the motion to approve the March 26, 2014 Minutes as presented passed by a vote of 3-0.

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Item No. 4, being:

BOA-1314-16 – DOUG AND CARA ANDERSON REQUEST A VARIANCE OF APPROXIMATELY 15' TO THE 25' SIDE YARD SETBACK TO REPLACE A METAL STORAGE BUILDING DESTROYED BY A TORNADO FOR PROPERTY LOCATED AT 5620 NORTH BLUE LAKE DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Site Plan
5. 2001 Aerial Photo
6. 2005 Aerial Photo
7. 2013 Aerial Photo

PRESENTATION BY STAFF:

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

Mr. Ryan asked when the 2013 aerial photo was taken. Mr. Stenis responded that it was taken in approximately March, before the May tornado. He did perform a site visit to confirm that the structure is no longer there.

PRESENTATION BY THE APPLICANT:

Doug and Cara Anderson, the applicants, were available to answer questions but did not make a presentation.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Todd Marple moved to grant the Variance as requested. Cindy Deckard seconded the motion.

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

YEAS	Hank Ryan, Cindy Deckard, Todd Marple
NAYS	None
ABSENT	Tom Ballenger, Andrew Seamans

Acting Chairman Ryan announced that the motion to grant the Variance as requested passed by a vote of 3-0. He noted that there is a ten-day appeal period before the decision is final and a building permit can be issued.

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Item No. 5, being:

BOA-1314-17 – 20/20 SIGN DESIGN, ON BEHALF OF CASE AND ASSOCIATES, REQUESTS A SPECIAL EXCEPTION TO SEC. 18-406 OF THE SIGN CODE TO PROVIDE A LARGER ENTRY IDENTIFICATION SIGN FOR THE APARTMENTS LOCATED AT 6475 36TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Sign Permit Application
5. Site Plans
6. Rendering of Proposed Sign

PRESENTATION BY STAFF:

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

PRESENTATION BY THE APPLICANT:

Eddie Johnson, 20/20 Sign Design, was available to answer questions but did not make a presentation.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Todd Marple moved to find that granting the Special Exception would not adversely affect the public interest. Cindy Deckard seconded the motion.

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

YEAS	Hank Ryan, Cindy Deckard, Todd Marple
NAYS	None
ABSENT	Tom Ballenger, Andrew Seamans

Acting Chairman Ryan announced that the motion finding that granting the Special Exception would not adversely affect the public interest was adopted by a vote of 3-0.

Mr. Ryan asked whether "The Icon at Norman – Urban Apartments" is the complete name of the complex. Mr. Stenis indicated that is the complete name of the apartments. Mr. Johnson agreed that it is the complete name.

Cindy Deckard moved to grant the Special Exception as requested. Todd Marple seconded the motion.

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

YEAS	Hank Ryan, Cindy Deckard, Todd Marple
NAYS	None
ABSENT	Tom Ballenger, Andrew Seamans

Acting Chairman Ryan announced that the motion to grant the Special Exception as requested passed by a vote of 3-0. He noted that there is a ten-day appeal period before the decision is final.

Mr. Johnson commented that staff was phenomenal in helping him walk through the process of filing the application for the Special Exception and providing all the forms he needed.

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Item No. 6, being:

MISCELLANEOUS DISCUSSION

Ms. Connors reported that Mr. Seamans had called and was stuck in traffic.

Ms. Connors reviewed changes to the Zoning Ordinance that were adopted by City Council on April 22 that will affect the Board of Adjustment. One amendment removes paragraph (b) of subsection 7 of Sec. 441 regarding non-conforming buildings destroyed by fire or act of God. That language required the Board to find "compelling public necessity requiring a continuance of the non-conforming use". This will now be addressed in Sec. 419 and allow a non-conforming structure to be rebuilt exactly as it was if destroyed by other than an intentional act of the owner.

Another amendment adds paragraph (f) to subsection 7 to allow a special exception for a mobile home to serve as a temporary second dwelling in the A-2 zoning district in the case of a medical hardship. We have had some requests for this. The application must include a doctor's statement and can be granted for a period of three years. Oklahoma City and Edmond allow this use. We will track these permits.

The other amendment is to subsection 10, and changes the definition of a variance to allow for a variance to any development standard contained in Chapter 22, except where there is provision for a Special Exception.

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Item No. 7, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 4:50 p.m.

PASSED and ADOPTED this 28TH day of MAY, 2014.



Board of Adjustment