

BOARD OF ADJUSTMENT MINUTES

AUGUST 27, 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., on August 27, 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

Chairman Andrew Seamans called the meeting to order at 4:30 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Hank Ryan
Cindy Deckard
Todd Marple
Andrew Seamans

MEMBERS ABSENT

Tom Ballenger

A quorum was present.

STAFF PRESENT

Wayne Stenis, Planner II
Roné Tromble, Recording Secretary
Susan Connors, Director, Planning & Community
Development
Leah Messner, Assistant City Attorney
Aaron Milligan, Storm Water Pollution Specialist

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Item No. 3, being:

APPROVAL OF MINUTES OF THE JULY 23, 2014 REGULAR MEETING

*Todd Marple moved to approve the minutes of the July 23, 2014 Regular Meeting as presented.
Hank Ryan seconded the motion.*

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

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

Ms. Tromble announced that the motion to approve the July 23, 2014 Minutes as presented passed by a vote of 4-0.

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Item No. 4, being:

BOA-1415-04 – Ed AND CINDY FULMER REQUEST A VARIANCE TO THE MAXIMUM BUILDING COVERAGE ALLOWED FOR PROPERTY LOCATED AT 632 GREYSTONE LANE.

ITEMS SUBMITTED FOR THE RECORD:

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

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 item.

Mr. Ryan asked if a slatted roof has to be open vertically or horizontally. Mr. Stenis responded that it has to be open so water can go through it.

Mr. Marple asked about the total imperious area currently. Mr. Stenis said he believes it is close to 65%, but it does not exceed it.

PRESENTATION BY THE APPLICANT:

Holly Hunt, Krittenbrink Architecture, representing the applicant – It was only upon inception of the project that we realized they were at their maximum coverage. We decided to go through this process in hopes that we can give the owners what they really need. Coverage there would really suit their needs and how they use the house and give them some protection from the western exposure. I hope that you will side with us. If you have any questions, I'm happy to answer any of them.

Mr. Ryan noted that Mr. Krittenbrink's letter indicates there are acute angles on either side yard; he only sees one acute angle. Ms. Hunt agreed that there is only one acute angle. The angle does make the lot smaller than some of the others in the neighborhood.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Hank Ryan moved to grant the Variance as recommended by staff. 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, Andrew Seamans
NAYS	None
ABSENT	Tom Ballenger

Ms. Tromble announced that the motion to grant the Variance as requested, passed by a vote of 4-0. Chairman Seamans noted that there is a ten-day appeal period before the decision is final.

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Item No. 5, being:

BOA-1415-05 – A.P. AND CAROL A. BLUE REQUEST A SPECIAL EXCEPTION TO PERMIT A MOBILE HOME TO SERVE AS A TEMPORARY SECOND DWLLING TO RELIEVE A MEDICAL HARDSHIP FORPROPERTY LOCATED AT4700 108TH AVENUE S.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Doctor's Note
4. Aerial Photo Site Plan

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:

Nana Williford, 4700 108th Avenue S.E., the applicant's daughter – Phil and Carol are my parents. We moved them back here over a year ago with the understanding that they would live in their own home. When they arrived here, they backed out of that. My father is not in good health and Mom made this decision to purchase this mobile home. When my husband and I were absent, she allowed them to move it in and install it. We're just trying to support my parents' wish to live close to us so that we can help. My dad is a very brittle diabetic and is currently recovering from amputation surgery for gangrene. Before they moved out here, Dad was suffering multiple seizures because they were having trouble regulating his blood sugar and Mom was all on her own in New Mexico. We're just really trying to support them in their desire to live close to us. It's our desire that we only have this mobile home as long as necessary. Our plan was to buy the property and remove all the outbuildings and build something new in the future, so we're really hoping that we'll be able to stay here and make that happen. If you have any questions, I'd be glad to answer them as best as I can. Mom and Dad weren't able to be here. There was an emergency and they're in an appointment and the doctor couldn't see Dad as soon as they thought. I don't know if they'll make it or not.

Mr. Ryan asked when the mobile home was put on the property. Ms. Williford responded it was put on the property more than a year ago. They are not living in the mobile home. It is tied down. Right now they have a family of eight, including her parents.

Mr. Ryan commented that it looks like the medical justification is only for her father, so if something were to happen to him, then a medical justification would have to be obtained for her mother. Ms. Williford responded that her mom has some back problems but she believes she would be able to live independently on her own.

Ms. Connors noted that the applicants have been working with staff since the mobile home was moved on the property. There had to be a code amendment to allow this type of medical hardship to be a special exception.

Ms. Williford added that they had suggested to her parents moving the mobile home onto a new property but they really wanted to be close to the family.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Ryan asked whether it is necessary to include in the motion that the property is less than 5 acres. Mr. Seamans asked if this would set a precedent for lots smaller than 5 acres. Staff indicated it would not.

Hank Ryan moved to grant the Variance as requested, with the following conditions recommended by staff: 1) It will be valid for up to 3 years (beginning on the date of a valid mobile home permit) but may be renewed upon application; 2) A valid mobile home permit and certificate of occupancy must be obtained; and 3) When the mobile home is removed, a valid mobile home moving permit must be obtained, with the note that the property area is 4.53 acres. 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, Andrew Seamans
NAYS	None
ABSENT	Tom Ballenger

Ms. Tromble announced that the motion to grant the Variance as requested, with the conditions recommended by staff, passed by a vote of 4-0.

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Item No. 6, being:

BOA-1415-06 – SANDRA GAMBONE REQUESTS A VARIANCE OF APPROXIMATELY 3' TO THE 5' SIDE YARD (EAST) SETBACK AND A VARIANCE OF APPROXIMATELY 17' TO THE 20' REAR YARD (SOUTH) SETBACK FOR AN EXISTING GARAGE FOR PROPERTY LOCATED AT 1800 ELMHURST DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Final Site Development Plan
5. Aerial Photo
6. Photos of Existing Conditions

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. There were three filed protests on this application.

PRESENTATION BY THE APPLICANT:

The applicant or a representative was not present.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Hank Ryan moved to deny the Variance. 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, Andrew Seamans
NAYS	None
ABSENT	Tom Ballenger

Ms. Tromble announced that the motion to deny the Variance passed by a vote of 4-0.

Mr. Marple asked how the City will resolve this. Ms. Messner explained that the City has the option of filing Municipal Court charges if the structure remains. It may also be possible to file some type of action in District Court enjoining the building from remaining and asking the judge to order removal.

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Item No. 7, being:

BOA-1415-07 – MIKE PIERCE REQUESTS A VARIANCE OF APPROXIMATELY 2.5 SQUARE FEET TO THE 7,000 SQUARE FOOT LOT AREA REQUIREMENT TO ALLOW A TWO-FAMILY DWELLING IN THE R-3, MULTI-FAMILY DWELLING DISTRICT, FOR PROPERTY LOCATED AT 301 EAST BOYD STREET.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. There was one filed protest on this application.

Mr. Ryan asked if there are any two-family dwellings in the neighborhood that don't meet the lot requirements. Mr. Stenis responded that he is not aware of any. The newer ones that were permitted meet the requirement.

PRESENTATION BY THE APPLICANT:

Mike Pierce, the applicant – The reason we filed the application is because, even behind this property, there's another lot on McCullough; it meets the requirements. We intend to put multi-family on that. There are already apartments behind this particular property. Next door to us is one vacant lot and next to that is a house in a condition close to what we just tore down. Past that, you're at the railroad tracks with apartments. Your own inner city study shows that lot on Boyd as under-utilized. If you go by the map and the red indication that it's under-utilized. The other option would be to apply for zoning to get commercial property there. There is commercial property just down the street. I think it was the intent from day one that all those lots be of the same R-3, same size. It's just due to survey tweaks – ¾ of an inch on the front of the lot which faces Boyd. That could happen any time just to make Boyd a little wider for the use. It's not any different than anything else that is going on in the neighborhood. I think if anybody had their opportunity, like he said, they would have made that 140' deep. Particularly the property facing Boyd, I can't see it being any more of a nuisance than the property we have on McCullough, which will and does meet the requirements. And it's right behind it just a bit to the west.

Mr. Ryan asked how long he has owned this property. Mr. Pierce explained that the property is owned by a relative that lives in New York and one in Dallas. He is trying to buy the property from them and trying to come to a price. He has a contract with them to buy it, but it depends on what happens at this meeting what the property is worth. Her father had it and she got it from an inheritance. It has been more than five years. He bought it and it was a public nuisance. The guy was a hoarder. He had not only these two houses, but houses on Mockingbird and houses in Oklahoma City. He had them just stacked – we just bulldozed it -- hauled it off. I do not have title at this time, but I do have the right to represent the family; I'm part of the family.

Mr. Ryan asked if he has attended any of the Center City Visioning Project meetings. Mr. Pierce said he has not been to the meetings. Mr. Ryan commented that it does have some significant

options entailing Boyd Street, and the fact that this property fronts on Boyd Street makes it significantly different from the other properties. Mr. Pierce said he would like to utilize the property as best he can. He knows people have tried to buy the property and get it rezoned to put more apartments there, which a lot of people in the area don't want. This would conform with the rest of the neighborhood. At this point, it is hard to determine the value of the property. If it can only be developed with a single-family home, it's not worth as much as what it would be on a commercial basis.

Mr. Ryan commented that the Board is being asked to grant a variance that will increase the value of this property. Mr. Pierce agreed.

AUDIENCE PARTICIPATION:

James Shelton, 914 Monnett Avenue – He asked where the construction vehicles will park. He protested because of the lack of infrastructure for support of doing construction work, tear down, debris. Where are they going to park?

Mr. Pierce said there is a gentleman working on some property on McCullough who has asked for permission to park on Mr. Pierce's lot. Parking is a problem. It is a legitimate question. He will be required to provide parking for the tenants. He intends to make enough parking on the lot. There is not room in the alley to park in this particular location.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Ryan commented that all the lots on this block are going to have the same issue. The amount at issue is virtually nothing. Granting the variance will definitely increase the value of the property. It may also have some effect on the options going forward for the Center City project; some of the options entail significant changes to Boyd Street.

Mr. Marple asked why an increase in value is an issue. Mr. Ryan replied that the protest letter seemed to indicate that they felt it would decrease the value of their property, so it's not fair to increase the value of this property when someone protests feeling it will decrease their value. He is not sure that there will be a long-term decrease to the single-family properties.

Mr. Pierce asked if the City has stopped issuing building permits in this area because of the Center City project. Ms. Connors responded that they have not.

Tammy McCown, 4508 Kensal Rise Place, the applicant for the next item – No one even knew this was a problem until I brought it to their attention. I'm purchasing 205 East Boyd. County Assessor records showed every one of these lots at 140 by 50. When you go into all the realtors' stuff it showed it 50 by 140. When I came down to the City we had to go back and blow up all the plats and find all this stuff and the only reason I knew about it is when I got my mortgage inspection survey it came back at 139.95. So I could have come into here and got all my building permits and built and done what I was going to do and nobody would have ever known it until this came up and I just wanted to be honest about it. But I didn't want to build something and have something fall apart.

Hank Ryan moved to grant the Variance as requested, noting the square footage of the property is 6,997.5 square feet. Todd Marple seconded the motion.

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

YEAS
NAYS
ABSENT

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

Ms. Tromble announced that the motion to grant the Variance as requested passed by a vote of 4-0. Chairman Seamans noted that there is a ten-day appeal period before the decision is final.

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Item No. 8, being:

BOA-1415-08 – TAMMY McCOWN REQUESTS A VARIANCE OF APPROXIMATELY 2.5 SQUARE FEET TO THE 7,000 SQUARE FOOT LOT AREA REQUIREMENT TO ALLOW A TWO-FAMILY DWELLING IN THE R-3, MULTI-FAMILY DWELLING DISTRICT, FOR PROPERTY LOCATED AT 205 EAST BOYD STREET.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. There was one filed protest on this application.

PRESENTATION BY THE APPLICANT:

Tammy McCown, 4508 Kensal Rise Place, the applicant – This is really similar to the other one, but we would be taking this from five units down to two. It was my understanding of the Center City project that the whole area was short on two to four-unit properties. I can personally attest – I have some houses on Jenkins. The first house I built over there I bought it for \$178,500 and I fixed it up and made it nice. It actually had enough square footage to do a triplex. It had over 9,000 square feet so I did a triplex. The next one I bought, just a few months later, I had to pay \$190,000 for it. Then the next year, to get the same thing, because of us making things nicer, I had to pay \$250,000 to get the next lot. So anybody that says their property values are decreasing because of what's going on, then sell me your property. This really wouldn't have even been an issue if I hadn't got a survey. All public information was incorrect.

Mr. Ryan asked how long she has owned this property. Ms. McCown responded that she has a contract to purchase it.

Mr. Ryan asked if the property will be worth more if the variance is approved. Ms. McCown said if it is not approved, there is a contingency in the contract. She is offering more than she normally would have because of what she can do with the property. People pay way less than \$100,000 for the lots on Boyd and McCullough now. There are people now that are paying between \$175,000 and \$225,000 for them.

Mr. Ryan commented that one of the concerns of residents in the area is parking. Ms. McCown stated that she makes sure her tenants have at least one parking space per person, so there would be no need for anybody to ever park on the street. The problem with parking on Monnett is not from the residents, but from all the students.

Mr. Shelton asked about guest parking. Ms. McCown responded that she tells her tenants they have one spot per person and no room for guests, and if they park across the sidewalk and she drives past she will call the police to ticket them. It's the people who don't maintain their properties that you have the problems with parking. When you're maintaining your properties and allowing for all that, it helps the neighborhood. All of her parking will be in the back. She would love for the City to fix the alley.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Hank Ryan moved to grant the Variance as requested, noting that the square footage of the lot is 6,997.5 square feet. 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, Andrew Seamans
NAYS	None
ABSENT	Tom Ballenger

Ms. Tromble announced that the motion to grant the Variance as requested passed by a vote of 4-0. Chairman Seamans noted that there is a ten-day appeal period before the decision is final.

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Item No. 9, being:

MISCELLANEOUS DISCUSSION

None

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Item No. 10, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 5:23 p.m.

PASSED and ADOPTED this 24TH day of SEPTEMBER, 2014.



Board of Adjustment