

BOARD OF ADJUSTMENT MINUTES

DECEMBER 10, 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 December 10, 2014. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at www.normanok.gov/content/boardagendas 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
Todd Marple
Curtis McCarty
Andrew Seamans

MEMBERS ABSENT

Cindy Deckard

A quorum was present.

STAFF PRESENT

Wayne Stenis, Planner II
Roné Tromble, Recording Secretary
Susan Connors, Director, Planning & Community
Development
Jeff Bryant, City Attorney
Leah Messner, Asst. City Attorney

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Item No. 3, being:

APPROVAL OF MINUTES OF THE OCTOBER 22, 2014 REGULAR MEETING AND THE NOVEMBER 19, 2014 SPECIAL MEETING

Hank Ryan moved to approve the minutes of the October 22, 2014 Regular Meeting, with one correction on page 4, fourth paragraph, to read: "So wasn't it the owner's responsibility to cure a blight?" Todd Marple seconded the motion.

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

YEAS	Hank Ryan, Todd Marple, Andrew Seamans
NAYS	None
ABSTAIN	Curtis McCarty
ABSENT	Cindy Deckard

Ms. Tromble announced that the motion to approve the October 22, 2014 Regular Meeting Minutes as corrected passed by a vote of 3-0-1.

Mr. Ryan noted that his absence from the November 19 Special Meeting was due to a request by the Chairman that he not attend.

Todd Marple moved to approve the minutes of the November 19, 2014 Special Meeting as presented. Curtis McCarty seconded the motion.

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

YEAS	Todd Marple, Curtis McCarty, Andrew Seamans
NAYS	None
ABSTAIN	Hank Ryan
ABSENT	Cindy Deckard

Ms. Tromble announced that the motion to approve the November 19, 2014 Special Meeting Minutes as presented passed by a vote of 3-0-1.

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Item No. 4, being:

BOA-1415-11 – BLUE SKY OUTDOOR ADVERTISING REQUESTS A VARIANCE OF 20' FROM THE MAXIMUM 35' HEIGHT FOR AN OFF PREMISE SIGN LOCATED AT 1298 NORTH INTERSTATE DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Applicant's Exhibit C
5. Applicant's Exhibit of Proposed Sign
6. 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.

Mr. Ryan asked if this is the first off-premise sign that has come before the Board. Mr. Stenis responded that he believes there was one off-premise sign variance many years ago for a setback issue with topographic issues.

PRESENTATION BY THE APPLICANT:

David Box, 2215 Hidden Lake Drive, representing the applicant – We have what is really a unique application for a variance in that what is allowed and permitted is a shorter sign but a significantly larger square footage. What you can see from this rendering is the sign that is currently permitted would not only block our sign, because of the overpass and other topography issues, but it would block the building. We think it would impact wayfinding when you're in this commercial shopping center. If you've been in there, there's a whole bunch of different businesses and, depending on where you are, it would block that sign that has Hertz, Backwoods, and the other businesses. What we're seeking to do with the variance is get higher, but get smaller, and to not have the blocking of the building and blocking of the other signs. We think it will be a positive impact. When we look at these variances, we've got to look at those four statutory conditions and we really feel we meet all of those. The application of the ordinance creates a significant hardship, not just to us, but I think to everyone else in this business complex. Allowing the variance would alleviate that hardship but in a means that is the least necessary because we are actually reducing the amount of square footage that otherwise would be permissible. We would ask for your approval. We do think that staff was correct in their analysis and their recommendation for approval. I'm also here with Mr. Lindmark of Blue Sky. He is here to answer any questions you may have as well.

Mr. McCarty asked if the pole will be brick and block façade as shown on the drawing. Mr. Box said it would be.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Ryan said this is exactly the type of thing that was of concern and caused us to have this type of sign ordinance. This is going to give a noticeable advantage to this sign; it will stand out quite a bit. It is significantly higher than the heights of other type signs. This is a billboard. This isn't to help someone find a business, unless the advertisements are limited to the businesses in the shopping center. I'm concerned that the people who worked long and hard on the sign stuff are going to see this and say what happened. This is going to stand out. I know that's what the applicant would like; the purpose is to advertise. The purpose of the sign ordinance is to keep those advertisements within certain bounds. This appears to me to be outside of those bounds. Twenty feet is almost 60% higher than is allowed.

Mr. Box responded that the sign ordinance is in place to make sure that we have appropriate signage. This case is about height. A billboard is permitted and will be built. The sign ordinance contemplates this. It actually permits something much larger than what we are asking for. Now our height is higher, but almost 200 square feet we are taking off that is already permitted today.

Mr. McCarty asked the approximate height of the Hertz sign. Mr. Box responded that there is an 80' Braums sign. He added that any business within the facility would have the right to advertise on the sign, but it would not be limited to those businesses. Mr. Stenis stated that the maximum height allowed for the Hertz sign is 35' if it is 60' back from the right-of-way. He believes the building is 70'.

Mr. Ryan commented that he understands what is trying to be accomplished, but he also believes we need to protect the people that passed the ordinance. Mr. Box responded that the reason for the variance process is that there are certain times when the ordinance doesn't make sense and isn't applicable. He doesn't think anybody would want 200 additional square feet of signage at this location at the low level. It would be a bad scenario for the shopping center and for the traveling public.

Mr. McCarty said he thinks reducing the size of the billboard and raising it actually improves the look and protects the retail behind it. Mr. Ryan agreed that visibility would be better, but he feels like 20' additional height is quite a bit.

Mr. Box explained the reason they picked 20' was that was the lowest amount needed to clear the building.

Mr. Ryan asked the possibility of raising it 10' rather than 20'. Mr. Lindmark responded that if they can only raise it 10', he will stay with what has already been approved. Mr. Box added that 10' will not fix the problem that the variance will alleviate – the problem that it creates for this particular retail center.

Mr. McCarty commented that he thinks the people who wrote the ordinance would appreciate a smaller billboard a little taller in this particular instance.

Mr. Stenis clarified that this billboard will be an off-premise sign and cannot advertise anything that is on-premise. Any of the businesses in the shopping center cannot put their advertising on this sign. They already have a joint ID ground sign for on-premise advertising. In order to get the off-premise sign approved originally, they had to remove about 30 square feet from the on-premise sign to get below the 200 square feet. You can see the discoloration of the brick on the picture where the panel was removed.

Curtis McCarty moved to grant the requested Variance of 20' from the maximum 35' height for an off-premise sign, as shown on the submitted rendering with a maximum overall height of 55' and a sign face of 12'x40'. Todd Marple seconded the motion.

Mr. McCarty said he thinks the applicants have made a good effort to not block the building occupants and to keep the integrity of the view from multiple areas.

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

YEAS
NAYS
ABSENT

Todd Marple, Curtis McCarty, Andrew Seamans
Hank Ryan
Cindy Deckard

Ms. Tromble announced that the motion to grant the Variance passed by a vote of 3-1.

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Item No. 5, being:

BOA-1415-12 – DERRAL MINSON REQUESTS A VARIANCE OF 16' FROM THE 25' SIDE YARD SETBACK TO ALLOW THE ADDITION OF A GARAGE LOCATED AT 7315 FRANKLIN COURT.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Applicant's Photos
5. Plat
6. 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 for clarification of the property boundaries. Mr. Stenis explained the boundaries of the property in relation to Hoshal Avenue.

PRESENTATION BY THE APPLICANT:

Derral Minson, the applicant, was available to respond to any questions. He wants to build a garage attached to the house, but does not yet have specific plans drawn up for it.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Curtis McCarty moved to grant the Variance to allow a 26'x26' garage attached to the house and approximately 9' from the property line. Hank Ryan seconded the motion.

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

YEAS	Hank Ryan, Todd Marple, Curtis McCarty, Andrew Seamans
NAYS	None
ABSENT	Cindy Deckard

Ms. Tromble announced that the motion to grant the Variance 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. 6, being:

BOA-1415-13 – ALPHA GAMMA DELTA CHAPTER HOUSE COMPANY REQUESTS A VARIANCE TO PERMIT AN INCREASE IN THE IMPERVIOUS SURFACE AREA FROM 67% TO 74% AND A MODIFICATION TO THE LANDSCAPE BUFFER/SETBACK ON THE NORTH PROPERTY LINE FOR PROPERTY LOCATED AT 930 CHAUTAUQUA AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Applicant's Statement of Justification
4. Proposed 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.

Mr. Ryan noted that the Board approved BOA-1213-05 for Phi Kappa Sigma when they requested an increase in lot coverage from 65% to 69%. He thought they had also granted an increase for Lambda Chi Alpha, but did not have the minutes available.

PRESENTATION BY THE APPLICANT:

Tim Johnson, representing the applicant – Staff has done an excellent job presenting the issues. It is also not the right zoning. We have a concurrent zoning application that goes to Planning Commission tomorrow night. There were several hurdles to jump trying to bring the existing building into code compliance, not just the impervious areas and the landscaping. The expansion to the building is to bring it up to code for the interior as well. It is not adding any rooms, but will make the bathrooms accessible, etc. Parking is really important, especially in the Core. We think it is better to try and meet the parking criteria for the building from a safety standpoint for the tenants, as well as removing the spaces on the street. To accommodate that additional impervious area, we've worked with the City Engineer's office and proposed the hatched area, which would provide on site detention, which would allow mitigation of that increased runoff based on the impervious increase. We did consider pervious paving. My experience – I work all over the United States – is it doesn't work here. I think we'd be making a mistake for both the long-term maintenance of the product as well as the fact that it probably wouldn't work over the first couple of rains. So we recommended the detention; Engineering staff agreed, so that's what we're proposing. We've prepared those plans. The architect is finishing up final design plans and we anticipate, after our zoning is approved, we would submit the final documents for review by your building staff. With the mitigation of the storm water, we feel that we meet the four criteria as spelled out by staff and we'd appreciate your approval.

Bill Gummerson, the architect – If I might, I'd also like to address the landscaping. I did reach out to our neighbor to the north of the Alpha Gamma Delta House and let them know we would be willing to lease, purchase, sign any agreement that would be

acceptable to him to provide that 10' landscape area, and he just flat said I'm not interested in doing anything. I told him we'd maintain it, we'd pay for it to be installed and we'd sign an agreement to that effect and he said I appreciate that effort very much but I'm going to decline any of it; I'm happy with it just like it is. I just wanted you to know that.

Mr. McCarty asked how deep the water would be in the parking lot during a heavy rain. Mr. Johnson said it will be limited to 5 inches. The site currently sheet drains to the street; we are changing the grades in the parking lot to allow a release point that will go out to the street like it does historically. The release rate will be no more than the historic release rate as it is today.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Curtis McCarty moved to grant the Variance to permit an increase in the impervious surface area from 67% to 74% and a modification to the landscape buffer/setback on the north property line as illustrated on the proposed site plan with the on-site water detention to manage the additional run-off per a design approved by the Public Works Department. Hank Ryan seconded the motion.

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

YEAS	Hank Ryan, Todd Marple, Curtis McCarty, Andrew Seamans
NAYS	None
ABSENT	Cindy Deckard

Ms. Tromble announced that the motion to grant the Variances 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. 7, being:

BOA-1415-14 – FIRST FIDELITY BANK REQUESTS A VARIANCE TO LOCATE A SIGN IN THE SIGHT TRIANGLE AND A VARIANCE TO THE PERIPHERAL LANDSCAPE REQUIREMENTS FOR PROPERTY LOCATED AT 118 N. PETERS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

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

PRESENTATION BY STAFF:

The applicant is requesting postponement of this application to the January 28, 2015 meeting.

PRESENTATION BY THE APPLICANT:

None

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Curtis McCarty moved to postpone the Variance request to the January 28, 2015 meeting. Hank Ryan seconded the motion.

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

YEAS	Hank Ryan, Todd Marple, Curtis McCarty, Andrew Seamans
NAYS	None
ABSENT	Cindy Deckard

Ms. Tromble announced that the motion to postpone this item as requested by the applicant passed by a vote of 4-0.

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Item No. 8, being:

BOA-1415-15 – FIRST FIDELITY BANK REQUESTS A VARIANCE OF 12' TO THE 25' SETBACK FOR A SIGN LOCATED AT 3595 WEST ROBINSON STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Zoning Map
4. Applicant's Statement of Justification
5. Drawing of Proposed Sign
6. 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.

Mr. Ryan asked the maximum height for this type of sign. Mr. Stenis responded it is 25' at the setback.

Mr. McCarty asked if the existing pole sign is non-compliant. Mr. Stenis indicated it is; it was built before the intersection was widened; the right-of-way became closer to the sign after it was built.

PRESENTATION BY THE APPLICANT:

Ryan Eshelman, representing the applicant – As part of the bank's efforts to develop their brand and build new branches, they've adopted a new signage product which is a monument sign with back-lit lettering in lieu of the pole mounted signs which you'll see on their properties all over the Metro. That's an image of the Northwest Expressway Branch which was just completed; it has a planter around the base, elevated high enough that the cars in the parking lot don't obstruct it, but much more modest in height than a pole-mounted sign. As a part of improving their branches around town, they are starting to replace those pole-mounted signs from the 80's and 90's with these monument signs. That was their intention on this property – to introduce a corner monument sign in lieu of the pole-mounted sign. Visiting with City staff, we quickly became aware that it wasn't going to be as simple as taking down the old sign and putting up the new one. Even in the existing location, we would have been non-compliant. To look for the best option that enhanced the streetscape, we had this conversation about seeking a variance using the small piece of land that's not parking – it's a very tight site – at the corner that is outside of the 30' sight triangle to replace that pole-mounted sign. The request is simply to take advantage of the corner visibility to use a monument sign similar to other businesses around town. I'm a Norman resident and I appreciate on Tecumseh – that's developer restriction as I understand – but McDonalds and Sonic and CVS don't have pole signs; they're monument signs. It provides for a more attractive streetscape. We believe that this is an enhancement to the bank's facility and also an enhancement to the Robinson streetscape and reduces some of the

visual clutter. It also gets the sign away from the adjacent bank next door – any confusion about whose driveway is what and which bank is which – this gets it to the corner where it is clearly only associated with First Fidelity.

Sean Crandall, representing the applicant, added they're trying to beautify their property and are really proud of the work they did on the new signs. I live real close to Brookhaven, so this is the one I wanted to do first since I drive by it every day.

Mr. Eshelman added that with the back-lit letters it will just make the letters glow at night and is much more subtle effect to the lighting.

Mr. Ryan asked if the sign is the same size as the example shown. Mr. Eshelman explained that they are proposing to build precisely what was built at the Northwest Expressway Branch.

Mr. Eshelman noted that they did not request a specific distance for the sign. They think the 12' would work but would like the flexibility of saying within the 25' setback and outside the 30' sight triangle. Mr. Stenis said the 12' came from him scaling it off the drawings.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Curtis McCarty moved to grant the Variance to allow a ground sign within the 25' setback and outside of the 30' sight triangle. Todd Marple seconded the motion.

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

YEAS	Hank Ryan, Todd Marple, Curtis McCarty, Andrew Seamans
NAYS	None
ABSENT	Cindy Deckard

Ms. Tromble announced that the motion to grant the Variance 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:

BOA-1415-16 – GSH AOII OKLAHOMA, L.L.C. REQUESTS A VARIANCE OF 5% TO THE MAXIMUM LOT COVERAGE FOR PROPERTY LOCATED AT 1411 ELM AVENUE.

This item was withdrawn by the applicant.

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Item No. 10, being:

MISCELLANEOUS COMMENTS

Mr. Ryan read an apology for his tone at the October 22, 2014 Board meeting.

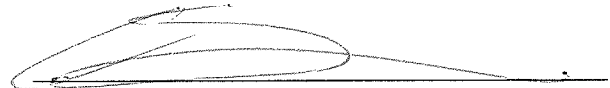
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Item No. 11, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 5:28 p.m.

PASSED and ADOPTED this 28th day of January, 2015.


Board of Adjustment