

## BOARD OF ADJUSTMENT MINUTES

**MARCH 22, 2017**

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 West Gray, at 4:30 p.m., March 22, 2017. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at [www.normanok.gov/content/board-agendas](http://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 4:37 p.m.

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Item No. 2, being:

**ROLL CALL**

MEMBERS PRESENT

Brad Worster  
Curtis McCarty  
James Howard  
Andrew Seamans

MEMBERS ABSENT

Nils Gransberg

A quorum was present.

STAFF PRESENT

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

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Item No. 3, being:

**APPROVAL OF MINUTES OF THE FEBRUARY 22, 2017 REGULAR MEETING**

*Curtis McCarty moved to approve the minutes of the February 22, 2017 Regular Meeting as presented. Brad Worster seconded the motion.*

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

YEAS

Brad Worster, Curtis McCarty, Andrew Seamans

NAYS

None

ABSTAIN

James Howard

ABSENT

Nils Gransberg

Ms. Tromble announced that the motion to approve the February 22, 2017 Minutes as presented passed by a vote of 3-0-1.

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Item No. 4, being:

**BOA-1617-24 – JENNIFER WALLER REQUESTS A VARIANCE OF 3' TO THE 20' REAR YARD SETBACK TO ALLOW FOR A BUILDING ADDITION AND A VARIANCE OF APPROXIMATELY 8' TO THE 25' FRONT YARD SETBACK TO ALLOW FOR A COVERED PORCH AND STEPS FOR PROPERTY ZONED R-1, SINGLE FAMILY DWELLING DISTRICT, LOCATED AT 821 WEST BROOKS STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Location Map
3. Application with Attachments

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff recommends approval as requested.

**PRESENTATION BY THE APPLICANT:**

Mark Krittenbrink, representing the applicant – The owner, Jenn Waller, is here today. She has recently purchased this property, just about six months ago. Jenn is a Norman girl that's lived on the West Coast, and then on the East Coast, and she's come back to Norman and settled in at home, so we're glad to have her back. This is the site plan; here's Brooks and Flood. This is on the northeast corner of Brooks and Flood. McKinley School is right across the way. You can see this is our front. We are right on the property line, and there's our setbacks. The garage currently extends out beyond the setback line; I'm sure it was built back in '30s back before the – Flood was probably as wide as it was, but we're not tampering with that. Here's the existing first floor, and I'm showing you this because it explains why we're asking for what we're asking. We have a small front porch that has a small aluminum awning on the front; it offers very little protection. Most of the houses in this neighborhood have really lovely front porches, and that's what we're wanting to do. Also, the front of the house is a little flat it seems like without it, but it's mostly a function of being able to get into your front door of your house, unlock the door and not be in the rain. You can see I have a small study, living room, dining room, kitchen, and garage. There's no bedroom on the first floor. Jenn and her boyfriend intend to retire in this house, and I think we want a master bedroom and a bath you can take a bath in on the first floor. Here's the second floor. You can see a couple of bedrooms; these are small ceiling rooms. Here is the front elevation, so you can see it just has a little metal canopy, some stone wainscot on either side of the front door, which is curious. This is what we're wanting to do to the front, so just adding a small porch – just small cover, flat roof across the top so as to not involve getting into the roof or the window above. We'll cover that stone veneer on either side with just some wood paneling and picking that up in the detailing in the front columns. We have some shutters and some other accessories on the front, but that's the bulk of what we're asking for in the first variance.

This is the site plan. You can see this is the front, and there's the three feet that we're extending out over the rear setback – Flood being along this street. There's the front, so Flood is over here now. Here's the porch. Here's the master suite addition over here. We were right on the setback line here along Flood, and we're limited what we can do because we have the dining room and the kitchen and we can't really build over those with the bedroom or we don't have any light coming in. So we're sticking out a little bit and then creating this master suite here. It's not huge. The bathroom, shower, and toilet closet, little utility room – washer and dryer, dog bath, and then a master bedroom. It's only 12 feet in depth, because we're trying to stay out of the way in front of the kitchen window, and to just get enough room, not so much for the bedroom for these functions there, it just works out really well if we can pop out that three feet. So those are the reasons we're making this request, to get a front entry cover that gives us

protection as we're coming into our house, and then the back side just getting a master suite on the first floor. With this, everything that you need is on the first floor. There's a utility room, which isn't there now, and then the master suite. So for long-term, this gives them an opportunity to have full living on the first floor. I would be happy to answer any questions.

Mr. Howard – How far does the existing porch step out right now?

Mr. Krittenbrink – The porch is, I think, about four feet now and then it has a metal awning that just mounts to the wall and it's probably two feet maybe. Maybe a little bit deeper than two feet.

Mr. Howard – So you're going to basically extend another two feet out. Okay. Plus steps. What's the size of that master bedroom, if you don't mind me asking?

Mr. Krittenbrink – It's 12 by 18.

Mr. Howard – Fairly standard for a master bedroom size?

Mr. Krittenbrink – Yeah. We don't want to make it huge. Actually, I'd like to have more depth but we're limited. We've got an existing window, so we're just – you don't want to look out your kitchen window at a brick wall.

Mr. McCarty – I have a quick question, just to make sure I'm clear on this. So the house looks like it's currently built to the front yard setback. Is that right?

Mr. Krittenbrink – It is.

Mr. McCarty – So that little porch that's there is already encroaching?

Mr. Krittenbrink – It is.

Mr. McCarty – And you're going three feet beyond that?

Mr. Krittenbrink – Four.

Mr. McCarty – Or one more foot?

Mr. Krittenbrink – I think we're asking for two, so it's four feet deep now – we'd like to go out another two feet, and then eight feet wide.

Mr. McCarty – So the front, in totality, is going to be eight foot encroaching into the 25 foot building line. Is that right?

Mr. Krittenbrink – That's correct.

Mr. McCarty – So you're adding on about another six feet?

Mr. Krittenbrink – No. The front porch is four feet currently, and then we are adding on an additional four.

Mr. Howard – Two feet of it being patio and the other two feet being steps for a total of eight.

Mr. Krittenbrink – So let's say if our porch now is four feet deep and eight feet wide, the new porch would be – because the width really isn't an issue – the new porch would be six feet deep and eight feet wide. Then with two feet of steps going down.

Mr. McCarty – Are the steps covered?

Mr. Krittenbrink – No, they are not.

Mr. McCarty – So technically, I mean, if it's not covered, that wouldn't be encroaching.

Mr. Stenis – The code does allow here uncovered open porches may project into a required front yard not to exceed five feet. So, disregarding the awning ...

Mr. McCarty – I guess my point is he really doesn't need eight feet.

Mr. Stenis – He needs a three foot variance, because he's covering it.

Mr. McCarty – No, I'm talking about the front porch. The back is three feet.

Ms. Connors – Then you need six feet in front.

Mr. Krittenbrink – Six feet total. Because my understanding is because we're an uncovered porch, now the awning probably ...

Mr. Howard – We're talking about eaves also.

Mr. Krittenbrink – You can encroach two feet with an eave. So right now, Curtis, we're four feet, which is all encroaching. So we're adding another two feet onto that porch and then putting a cover on it. So the cover is what is ...

Mr. Worster – The sides aren't walled in; they're just columns. Visually you'll be able to see through it.

Mr. Krittenbrink – Yeah. It's just a roof with two legs out in the front to support it. And it's a nice corner lot. It's a bigger lot than what you might think. It's just not big in the right areas for us, so you've got a hedge coming down over here. I think it will be very much of an enhancement to the property and to that intersection personally. The house looks a little flat right now – the front does.

Mr. Worster – Regarding the rear yard setback, that ends up being the side yard of the neighbor, then.

Mr. Krittenbrink – Yes. Side yard of the neighbor, correct.

Mr. Worster – And a typical side yard setback is 15'?

Ms. Connors – On a corner, but it typically would not be.

Mr. Worster – I was thinking about the spacing of the buildings going down Flood.

Mr. Stenis – If they were houses side by side, they would be allowed 5' and 5' side yard setback, so they'd be 10' apart if they were both fronting on the same street.

Mr. Worster – I'm trying to picture how it looks going down Flood, so there will still be quite a bit of space between the houses.

Mr. Krittenbrink – There will be. It's the Fishers and we did that house a few years ago. Now, they're pretty tight to that property line, but not – I mean, they're 5'.

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

Mr. McCarty – Go back to your first floor layout, please. I can't see it very well and we don't have this, but the door that's going to the outside – what is that area? It looks like there's a door right there. Is that right?

Mr. Krittenbrink – That's just a little way to get into the back yard. Right now you come out the garage. This is the existing door and it comes over there. We're just opening that up to create a way to get into the back yard and then also into the utility room, and that goes into the side yard and then that ties into – so it's like a back foyer.

Mr. McCarty – How wide is that area?

Mr. Krittenbrink – This area right there is just four feet.

Mr. Howard – I always had trouble with corner lots. I think Brad hit on that. You've got rear yard setbacks and side yard setbacks, and depending on which way the house is facing how it addresses the road tends to determine that. Contextually, it's not always the case. So that's one thing that's leaning me in one direction. But knowing the area very well, having grown up there, and looking at what the proposal is and how it fits in with the rest of the area, it seems appropriate. The porch doesn't seem to be a large issue with regards to what's already there and how it affects the frontage, either.

*James Howard moved to grant the variances as requested. Brad Worster seconded the motion.*

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

YEAS

Brad Worster, Curtis McCarty, James Howard, Andrew  
Seamans

NAYS	None
ABSENT	Nils Gransberg

Ms. Tromble announced that the motion, to grant the variances as requested, passed by a vote of 4-0.

Mr. Seamans noted that there is a 10-day appeal period to District Court.

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Item No. 5, being:

**BOA-1617-25 – BROOKHAVEN OFFICE PARK, L.L.C. REQUESTS A VARIANCE TO THE 25' REQUIRED SETBACK TO ALLOW INSTALLATION OF TWO ENTRYWAY SIGNS FOR PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF 36<sup>TH</sup> AVENUE N.W. AND ROCK CREEK ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Photos
3. Location Map
4. Application with Attachments

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff supports variances of up to 15' to the required 25' setback, so that the signs are not located in any sight triangles, and staff supports only one sign per street frontage.

Mr. Worster – Wayne, you mentioned the existing brick structures there on Rock Creek. So those would be removed?

Mr. Stenis – One or both of those would have to be removed, because they are both in the sight triangles at the driveways.

Ms. Connors – And they're not permitted.

Mr. Stenis – They never got a permit. So, even if this is approved, they're at the property line and so both would probably have to be – one would have to be removed; the other one relocated, or the other one relocated somewhere else.

Mr. Howard – I was thumbing through this earlier and I could not find the proposed location for the second sign on Rock Creek. I understand where the one is on 36<sup>th</sup>, but not Rock Creek. Is there a site plan that shows that that I'm missing?

Ms. Connors – On this map, there's a driveway right here, and these two signs are on either side of that driveway.

Mr. Howard – So you're in support of a sign. There we go.

Mr. Stenis – I believe this represents the drive approach, and it appears to be on the east side of that drive approach. He actually constructed them on both sides. I did have a plat of the subdivision. I've highlighted in yellow the approximate locations of the two sign locations, one on 36<sup>th</sup> and one on Rock Creek Road. The reason I put the yellow highlights is because there are utility easements, so they would have to provide letters from the utility companies as well to locate them in the easements, if they are in fact putting them in the easements. I believe on 36<sup>th</sup> Avenue the utility easement is 20' wide, and on Rock Creek Road I'm not sure whether this one aligns with the location of the sign or not.

**PRESENTATION BY THE APPLICANT:**

Sean Rieger, representing the applicant – I think it should be noted that I did not show up with a PowerPoint and Mr. Krittenbrink did, so I think this may be the first hearing where I have not had one and somebody else did. But I did bring those in color for you to look at – this was the submittal that we put in. I appreciate Mr. Stenis working with us on this. We understand the sight triangle issue and we agree to that, and we understand the utility easement issue as well. What I want to focus you on really in this matter, and the site plan kind of shows direction – the aerial on that second page kind of shows it – is what we're asking for is a sign right here, which is on Rock Creek Road. One of the primary essences of this request is that you can see our development

sits back – on 36<sup>th</sup> – did I say Rock Creek, I'm sorry. This is 36<sup>th</sup> Avenue right here. Our entry is a little boulevard entry off 36<sup>th</sup> but the whole frontage is taken up by buildings that are not us. So if you're driving up and down 36<sup>th</sup>, you don't really see this development back in the back, and so our hope is to bring that sign as far to the front as we possibly can, understanding the utility easements and the sight triangle easement, to make sure that if you're driving up and down 36<sup>th</sup> you're not going to see the buildings in the back, but hopefully you will see the little sign as close to the street as possible. Same thing up on Rock Creek, and the road comes right up through the center and so we are only requesting it on one side, and that's also because they have a fence all the way up to the right-of-way on this apartment complex on the side and the parking over here as well. So we're, again, just trying to get right up as close as we can to the right-of-way. As to residential, again, they have a fence all the way around their property over here, so I don't think that would be in effect. This is a low sign, and one other thing – C-1 would allow a much bigger sign than this is proposed as. You could put back-lit lights. You can put pole signage. You can do a lot of different things. This is an office park and we're merely looking for sort of an elegant brick signage to be used as close to the front as we can get. So that's the essence of the plans. We would appreciate very much your approval. Thank you.

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

*Curtis McCarty moved to grant the variances as recommended by staff. James Howard seconded the motion.*

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

YEAS	Brad Worster, Curtis McCarty, James Howard, Andrew Seamans
NAYS	None
ABSENT	Nils Gransberg

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

Mr. Seamans noted that there is a 10-day appeal period before the decision is final.

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Item No. 6, being:

**BOA-1617-26 – SKM DEVELOPMENT, L.L.C. REQUESTS A VARIANCE TO THE 60' REQUIRED SETBACK TO ALLOW INSTALLATION OF SIGNAGE FOR PROPERTY LOCATED NEAR THE NORTHWEST CORNER OF 24<sup>TH</sup> AVENUE N.W. AND HEMPHILL DRIVE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Photo
3. Location Map
4. Application with Attachments

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff supports the variance to the 60' setback requirement for a larger joint identification ground sign that is no larger than the proposed sign, is no taller than 35' and is not a digital message center. We did not receive any protests.

Mr. McCarty – So you just said something about 35'.

Mr. Stenis – The maximum height of a joint ID ground sign, or a ground sign, is 35'. You're allowed to increase the height of the sign on a 1:6 ratio by increasing the setback, but it maxes at 35.

Mr. McCarty – Because this one shows 35'8-7/8". It complies because they've set it back a little further?

Mr. Stenis – The applicant was agreeable to lowering it to 35'.

Mr. McCarty – Okay. Because right now this says it's taller.

Mr. Stenis – Right. That's why I wanted to be specific on the recommendation.

Mr. Howard – And the digital part is going away, right?

Mr. Stenis – They're not asking for a variance to the setback.

Ms. Connors – There is no digital.

Mr. Stenis – I just wanted to make that clear. That was not part of their request at this time.

**PRESENTATION BY THE APPLICANT:**

Sean Rieger, representing the applicant – Here are the color photos as well of what you have in the packet. Again, I thank Mr. Stenis very much for his help on this one as we thought through ways to make this work. I concur, and for the record, agree that this would only be 35' maximum. That drawing did show an additional 8". We will lower it to 35' maximum and there will be no digital. We agree. No digital on this property at all. Really this one is, in essence, a problem of these buildings. I don't know if you've ever driven up and down this area of 24<sup>th</sup> but I don't know how these buildings, frankly, got built, but the storage building is built all the way up to the right-of-way. I don't know how that occurred, but it did many years ago. And the veterinary clinic is built right up to 24<sup>th</sup> Avenue also. So we are hemmed in on both sides by buildings that are all the way up to the right-of-way, and this is 24<sup>th</sup> Avenue – again, a major corridor, very intense commercial zoning in this area. All the signs on this area are right up at the right-of-way. This is a unique project. I'm sure you've all seen it – Madison Square. It's open there. It has many, many small bays and the report states, and I had told Mr. Stenis this, that it could be up to 68 tenants. Obviously, we don't think that will be 68 tenants, but it will be a lot, obviously, with that many small spaces available within the site. Certainly there will be many of those that combine bays, but it has the possibility of having many, many, many tenants and that's what they've kind of run into, is that they have the sign out front on 24<sup>th</sup> and they've



realized now to get this full occupancy, they're going to run out of space on that sign, so they need to have additional signage. They're moving the one over to Hemphill Drive and they want this one to be right there on 24<sup>th</sup> Avenue, but it really needs to be out on the frontage so that it can be seen because of these buildings that are built out to the front. So that's the essence of the proposal. Again, we would request your accommodation if you would, please. Thank you very much.

Mr. Stenis – On the drawing just wanted to clarify the elevations show a north-south and an east-west elevation, and I'm assuming that those labels were transposed.

Mr. Rieger – Correct. Thank you. East-west should say north-south. I don't know if the person that drew this was thinking east-west meant the lineage of the sign, but it is not the face of the sign. That is correct.

Mr. Worster – So the existing sign that's there – is it brick? Is it masonry?

Mr. Rieger – I believe it is metal.

Mr. Worster – And they're going to literally move that one over to the frontage?

Mr. Rieger – Correct.

Mr. Worster – And the new one will go ...

Mr. Rieger – In that same location. The existing sign right there will be replaced with the new one. That's the proposal.

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

*Brad Worster moved to grant the variance as recommended by staff. James Howard seconded the motion.*

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

YEAS	Brad Worster, Curtis McCarty, James Howard, Andrew Seamans
NAYS	None
ABSENT	Nils Gransberg

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

Mr. Seamans noted that there is a 10-day appeal period before the decision is final.

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Item No. 7, being:

**BOA-1617-27 – KENNETH AND JENNIFER JENKINS REQUEST A VARIANCE OF 6.5' TO THE 25' REQUIRED FRONT YARD SETBACK TO ALLOW CONSTRUCTION OF A NEW TWO-CAR GARAGE ON PROPERTY LOCATED AT 912 WILSON STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Staff Report
2. Location Map
3. Application with Attachments

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff supports the variance as requested because of the unusual circumstances of the lot/improvements, it is the minimum one necessary to achieve commonly held benefits of having an enclosed garage, similar variances have been granted others in residential zones, and it should not negatively affect the health or safety of the property owner or the public. We did not receive any protests.

**PRESENTATION BY THE APPLICANT:**

Jennifer Jenkins, the applicant – We just bought the house this last summer. We relocated our family here because I joined a dental practice in town. So we're planning on being here for a really long time because I plan on retiring from this dental practice. Pretty much what we're asking for is we want to replace the carport with an attached garage. The carport will be demolished and we're going to have a brand new attached garage to the house. The way that our floorplan is, it's really the only area that we can build the garage that would make sense. There's already a driveway there. We really are excited about turning this house into the house we want to stay at for a really long time. And we have some of our lovely neighbors here to support us. Thanks.

Mr. McCarty – On the Certificate of Survey there's a concrete driveway that goes back to a shed, and it looks like some more concrete. Was that a garage at one time?

Ms. Jenkins – It's a workshop that the previous owners had built. It's a single car lane that goes back to that workshop. I don't even really know – I know that one of the comments was it would have to have like a double driveway to go back there, and I don't even think that there's enough space to put another lane.

Mr. Stenis – That was regarding if you put double wide garage on that side of the house, you probably need two car access.

Mr. McCarty – Do you plan on leaving that there, so we're going to have two curb cuts on the same property and that's okay?

Ms. Connors – They're already there so we would allow them to remain.

**DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:**

*Brad Worster moved to grant the variance as requested. Curtis McCarty seconded the motion.*

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

YEAS	Brad Worster, Curtis McCarty, James Howard, Andrew Seamans
NAYS	None

ABSENT            Nils Gransberg

Ms. Tromble announced that the motion, to grant the variance as requested, passed by a vote of 4-0.

Mr. Seamans noted that there is a 10-day appeal period before the decision is final.

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Item No. 8, being:

**MISCELLANEOUS COMMENTS**

None

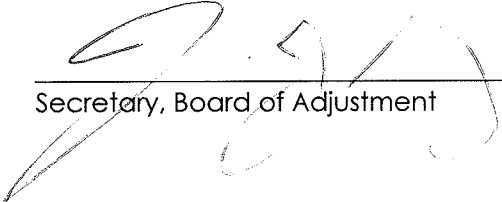
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Item No. 9, being:

**ADJOURNMENT**

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

PASSED and ADOPTED this 26<sup>th</sup> day of April, 2017.



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Secretary, Board of Adjustment