

BOARD OF ADJUSTMENT MINUTES

AUGUST 22, 2018

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of Building A of the Norman Municipal Complex, 201 West Gray, at 4:30 p.m., on Wednesday, August 22, 2018. 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

Brad Worster
Curtis McCarty
Mike Thompson
James Howard
Andrew Seamans

MEMBERS ABSENT

None

A quorum was present.

STAFF PRESENT

Wayne Stenis, Planner II
Jane Hudson, Interim Director, Planning &
Community Development
Roné Tromble, Recording Secretary
Elisabeth Muckala, Asst. City Attorney

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Item No. 3, being:

APPROVAL OF MINUTES OF THE JULY 25, 2018 REGULAR MEETING

Brad Worster moved to approve the minutes of the July 25, 2018 Regular Meeting as presented. 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
ABSTAIN	Mike Thompson

Ms. Tromble announced that the motion to approve the July 25, 2018 Board of Adjustment Regular Meeting Minutes as presented passed by a vote of 4-0-1.

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Item No. 4, being:

BOA-1819-02 – WHISTLER SIGN COMPANY REQUESTS A VARIANCE TO THE 35' HEIGHT LIMITATION FOR A DIGITAL OFF-PREMISE SIGN ON PROPERTY LOCATED AT 501 N. INTERSTATE DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

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

Mr. Seamans noted that the applicant has requested postponement of this item to the September 26 meeting.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mike Thompson moved to postpone BOA-1819-02 to the September 26, 2018 meeting. Brad Worster seconded the motion.

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

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

Ms. Tromble announced that the motion, to postpone this item to the September 26, 2018 meeting, passed by a vote of 5-0.

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Item No. 5, being:

BOA-1819-05 – MARK BELMER REQUESTS A VARIANCE OF 10' TO THE REQUIRED 20' REAR YARD (NORTH) SETBACK TO ALLOW GARAGE ACCESS FROM THE SIDE STREET FOR PROPERTY LOCATED AT 3801 DANFIELD LANE.

ITEMS SUBMITTED FOR THE RECORD:

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

Mr. McCarty asked to be recused from consideration of this item.

Brad Worster moved to allow Mr. McCarty to be recused from this item. Mike Thompson seconded the motion.

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

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

Ms. Tromble announced that the motion, to allow Mr. McCarty to be recused from this item, passed by a vote of 5-0.

Mr. McCarty left the room.

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff does not support this variance request because it has not been demonstrated that the criteria for granting a variance has been met by the applicant and because there are alternative solutions which do not require a variance. No written letters of support or protest were received.

Mr. Thompson – Section to the north of the lot, this is not a greenbelt? This is zoned to be residential in the future?

Mr. Stenis – Yes, it is, and there's a preliminary plat; it's Brookhaven 41.

PRESENTATION BY THE APPLICANT:

Ryan Eshelman, the architect, 3709 Dalston Circle – If I could, I'm going to distribute a few exhibits you can look at while I'm talking. I've been working with the Belmers through this project. As City staff has noted, it is certainly not impossible to build on this lot within the zoning parameters. This is driven by a specific design, but we also think that it has some merits that not only benefit the home, but also benefit the streetscape. Just very briefly, on page 2 you can see a detailed layout of the home and the site. The

homeowners' wish was to create an L-shaped home which wrapped around a pool and pool courtyard, where the living space, the master suite, the key living areas all opened up onto that area. They didn't want to create a yard with a pool in it behind the house, as is traditionally done with a rectangular home. It was all driven by the indoor-outdoor engagement of this outdoor pool space – a lot of privacy by wrapping the house around it, and not a lot of grass and yard to mow and water and fertilize in the back of the house. Obviously, on a corner lot, there's substantial yard in the front of the house. As a part of that design, obviously the front of the house faces Danfield Lane. There is a circular drive indicated to access the front door, and a separate driveway to access the garages, as is typical for homes of this size and quality in a neighborhood like Brookhaven. A three-car is included, but there has been an attempt to minimize the visual impact of the garage. It also works well with the arrangement of the house. You can see in the configuration that's proposed there is a two-car garage which is pushed well back from the street. You can see it's 53' from the curb line, and a one-car garage perpendicular to that which presents a gable façade to the street, and allows that third car access while minimizing the visual impact to the street. You can see the red dashed line that cuts through the plan; that indicates the current zoning required setback and the extent to which the proposed plan extends beyond it. I will note that this is just garage, single story; there's no living space or upper story space that would be included in that proposed encroachment.

Again, just to reinforce the thinking behind this and why we feel like this is a benefit to all parties. I've spoken to Mr. Vinyard, who occupies the house immediately to the west, and he has no objection. Obviously, he has two lots on which his house and substantially more improvements are built. But on the following page, you'll note the typical or very common three garage door configuration on a corner lot. I've got just a smattering of pictures from west Norman where you see the wide driveway and the three doors in the face of the house exposed to the street. That is perfectly within the allowance of the zoning ordinance. That is the baseline condition.

If you turn past those images of those three garage doors, there's a quick diagram. You can see the floorplan in gray. There's a quick diagram of how the floorplan would be modified to meet the existing zoning parameters. That dark gray box is a three-car garage with all of the doors facing the street, pushed out to the 15' setback required. It allows the homeowner to maintain the master suite exposure to the pool that they want. But, unfortunately, it gets three garage doors on the street. The garage doors are about 20' closer to the street, and the driveway is 50% wider. On the following page is a couple of illustrations of how what has been proposed has been done elsewhere in town. You're all familiar with the kind of L-shaped garage configuration. But this is the effect that we intend. The garage door is pushed back. One of the doors is 90 degrees. These are corner lots elsewhere in Norman in which the strategy has been employed and we think that it's an enhancement both to the house and to the streetscape. We don't believe that the 10' adjustment on the rear property line will compromise the lots which will ultimately be developed to the north. And, again, we feel like the houses across the street would appreciate the affect that's been created here and the approach up Brookhaven Boulevard would be better for this configuration.

The suggestion within the staff report that a solution would be to buy the additional lot and double the size of the property is not one that the homeowner will entertain. They really have no desire for more land. As I noted, they want to create an intimate pool courtyard in the back, not a large expanse of grass and yard. That's a quick explanation of the design, why it's configured the way it is, how it works on the site, and we believe how this solution, though it requires one variance, is a benefit to both the home and the neighbors. I will note that we're not requesting any other variance. All of the hardscape and lot coverage and other setbacks are in full compliance. It's just this one issue related to the rear setback line that we're coming before you to discuss.

Mr. Seamans – Was the rear setback known at the time of design and you went across it? Or was it unknown and unclear?

Mr. Eshelman – No. The zoning is very clear about that rear line. It was understood that this would require a variance. This was the preferred design solution and, as I noted, we recognize that there is another way to build a modified version of this house by changing the garage configuration.

Mr. Thompson – If we backed up to a greenbelt, I don't see that I'd have a problem with it.

Mr. Eshelman – It's a temporary greenbelt.

Mr. Thompson – That's kind of where I'm getting stuck.

Mr. Eshelman – I did not speak to Mr. Shadid, who is building the house immediately to the east, but I would propose that his view across to this house would be more favorable with the garage configuration shown in this variance than the three garage doors in a standard configuration.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Howard – To me, the two most difficult sites to work with when designing a home in terms of how we plat these projects is typically the cul-de-sac lots and the corners because you really do have two front facades that need to be in balance with the neighborhood around it. So I do understand that challenge. I'm also curious – again, this is one of those odd things that happens when you're on a corner lot, based upon what's considered a side yard and a rear yard and the front yard. One of the reasons why we have the 5' side yards is in part because we want to reduce the potential of fire moving from one structure to another. Of course, throughout this entire neighborhood, and most typical neighborhoods, there's only 10' between each roofline – actually, it's a little bit less than that, if I'm not mistaken, because you're allowed another additional 6" or a foot ...

Mr. Stenis – The roof overhang is allowed to be 2' beyond the side wall.

Mr. Seamans – So wall to wall would be 10'.

Mr. Howard – Wall to property line, so it would be double that in a normal situation. So

the one thing that I do see on that side is that we don't have an increased exposure in terms of the structure itself to that more narrow dimension – the 5' side yard, which is on one side.

Brad Worster moved to grant the Variance as requested. Mike Thompson seconded the motion.

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

YEAS	Mike Thompson, James Howard, Andrew Seamans
NAYS	Brad Worster
RECUSED	Curtis McCarty

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

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

Mr. McCarty was invited back into the meeting.

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Item No. 6, being:

BOA-1819-03 – OKLAHOMA REALTY REHAB, L.L.C. REQUESTS A SPECIAL EXCEPTION TO THE CENTRAL CORE AREA PARKING REQUIREMENT TO PLACE ALL NEW OR EXPANDED PARKING ADJACENT TO ANY EXISTING ALLEY FOR PROPERTY LOCATED AT 303 E. HIMES STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Withdrawal of Application

This item was withdrawn by the applicant. No action was necessary. The item appeared on the agenda because it had been advertised prior to being withdrawn.

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Item No. 7, being:

MISCELLANEOUS COMMENTS OF THE BOARD OF ADJUSTMENT AND STAFF

Jane Hudson, Interim Planning Director, was introduced and welcomed.

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Item No. 8, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 5:00 p.m.

PASSED and ADOPTED this 26th day of September, 2018.


Board of Adjustment