

**BOARD OF ADJUSTMENT MINUTES**

**DECEMBER 5, 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, December 5, 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](http://www.normanok.gov/content/board-agendas) in excess of 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  
Roné Tromble, Recording Secretary  
Elisabeth Muckala, Asst. City Attorney  
Jane Hudson, Interim Planning Director

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Item No. 3, being:

**APPROVAL OF MINUTES OF THE OCTOBER 24, 2018 REGULAR MEETING**

*Brad Worster moved to approve the minutes of the October 24, 2018 Regular Meeting as presented. Curtis McCarty seconded the motion.*

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

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

Ms. Tromble announced that the motion to approve the October 24, 2018 Board of Adjustment Regular Meeting Minutes as presented passed by a vote of 5-0.

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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. Aerial Photo – View of highway sign in right-of-way
2. Location Map
3. Sign Study submitted by Applicant
4. Application with Attachments

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff supports a 20-foot height variance request for a 55-foot tall sign at a reduced size of 480 square feet per face. No letters of protest or support were received.

**PRESENTATION BY THE APPLICANT:**

David Box, representing the applicant – If you'll permit me, I'm going to hand you a series of exhibits, all of which staff has. As staff indicated, we did continue this multiple times. That was at my request to my client to go get a sign study done so that I could see and I could evaluate whether or not I thought we met the elements necessary for a variance. Under tab A, the sign location – you'll see this is what staff has produced and you will see that highway sign that would block it at the height that is permitted. Then moving to B, it's the line of sight study that we did. What you'll see here in this image is from a certain set of distances what it would be blocked by, that is then further illustrated as you turn to the next page. You will see a person standing and the sign at 35' tall is almost entirely blocked, and then at 55' tall, the base of the sign is just at the minimum height necessary to be able to be viewed. The next page is from several distances behind as you're approaching it and you can see the difference between the 35' compared to the 55'. Any time you have a sign application that's always a bit of an odd issue. This one is a bit unique in that what you have here is a sign that is already permitted. You had a digital EMC billboard sign permitted at 35' at 672 square feet. So that is a sizeable sign that could be built today; it's already permitted. What we're trying to offer is what we believe to be perhaps a better scenario for the City of Norman, in that you'll get a sign that is significantly smaller – almost 300 square feet smaller than what is permitted today – but raised slightly taller, but in a manner that allows it to be viewed by the traveling public. So when you think of these signs, a lot of times they will have PSAs on them so you'll have Amber alerts and Silver alerts and things like that. When you have an EMC sign or any sign that's obstructed, it impairs the ability for that sign to serve its purpose. Because this sign is already a permitted sign and can exist today, we think what we propose for this variance is perhaps a better scenario for the City and for the traveling public. You will also see images of the sign at 67'. Again, we raised it to 55' to meet that element that is found in the statutes that it be the minimum necessary to alleviate the hardship. We believe that that study, along with everything else that I've presented and staff presented, does meet all the statutory elements as well as the ordinance elements as outlined by staff. I do believe that is why staff does support the

variance that we request. I'd be happy to answer any questions you might have.

Mr. McCarty – Will this sign be on 24/7.

Mr. Box – Yes, pursuant to whatever the City regulations are. I assume that there are regulations as to brightness at certain levels at night, and things like that. Yes.

**AUDIENCE PARTICIPATION:**

None

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

*Curtis McCarty moved to approve BOA-1819-02 at the reduced size of 55' height and 480 square feet per face. Brad Worster seconded the motion.*

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

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

Ms. Tromble announced that the motion, to approve the sign at a height of 55' and 480 square feet per face, passed by a vote of 5-0.

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

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Item No. 5, being:

**BOA-1819-08 – CHRISTOPHER AND KRISTINA SERENA REQUEST SPECIAL EXCEPTION TO PERMIT A MOBILE HOME TO SERVE AS A TEMPORARY SECOND DWELLING TO RELIEVE A MEDICAL HARDSHIP FOR PROPERTY LOCATED AT 13609 EAST ETOWAH ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Application with Attachments

**PRESENTATION BY STAFF:**

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff recommends approval of the request for 3 years to begin the effective date of the Certificate of Occupancy.

Mr. Stenis noted that the applicant has already submitted a mobile home application. There have been other Variances by different applicants that were approved previously that are open-ended, and they never followed through with the project they were requesting it for. There needs to be some indication of when to start the three-year clock.

Mr. Worster asked what they have to do for the building permit. Mr. Stenis indicated there has to be a foundation, footing, and skirting.

**PRESENTATION BY THE APPLICANT:**

Kristina Serena, the applicant – If you approve it, this house is going in and we're moving in as soon as possible.

**AUDIENCE PARTICIPATION:**

None

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

*Curtis McCarty moved to approve BOA-1819-08 for a period of three years from the date the permit is issued for the mobile home. James Howard seconded the motion.*

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

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

Ms. Tromble announced that the motion, to approve the Special Exception for a period of three years from the date the mobile home permit is issued, passed by a vote of 5-0.

Mr. Seamans noted there is a 10-day appeal period before the decision is final and the permit can be issued.

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Item No. 6, being:

**MISCELLANEOUS COMMENTS OF THE BOARD OF ADJUSTMENT AND STAFF**

Ms. Tromble distributed calendars of the 2019 meeting schedule.

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Item No. 7, being:

**ADJOURNMENT**

There being no further business and no objection, the meeting adjourned at 4:47 p.m.

PASSED and ADOPTED this 23<sup>rd</sup> day of January, 2019.



Board of Adjustment

Andrew Seamans