

**BOARD OF ADJUSTMENT MINUTES**

**FEBRUARY 23, 2022**

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in City Council Chambers of the Norman Municipal Complex, 201 West Gray Street, at 4:30 p.m., on Wednesday, February 23, 2022. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at <https://www.normanok.gov/your-government/public-information/agendas-and-minutes> in excess of 24 hours prior to the beginning of the meeting.

Item No. 1, being:

**CALL TO ORDER**

Chairman Curtis McCarty called the meeting to order at 4:30 p.m.

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Item No. 2, being:

**ROLL CALL**

MEMBERS PRESENT

Brad Worster  
Patrick Schrank  
James Howard  
Curtis McCarty

MEMBERS ABSENT

None

A quorum was present.

STAFF PRESENT

Lora Hoggatt, Planning Services Manager  
Logan Hubble, Planner I  
Anais Starr, Planner II  
Roné Tromble, Admin. Tech. IV  
Elisabeth Muckala, Asst. City Attorney

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Item No. 3, being:

**APPROVAL OF MINUTES OF THE JANUARY 26, 2022 REGULAR MEETING**

*Brad Worster moved to approve the minutes of the January 26, 2022 Regular Meeting as presented. James Howard seconded the motion. There being no further discussion, a vote was taken with the following result:*

YEAS	Brad Worster, Patrick Schrank, James Howard, Curtis McCarty
NAYS	None
ABSENT	None

The motion to approve the January 26, 2022 Board of Adjustment Regular Meeting Minutes as presented passed by a vote of 4-0.

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Item No. 4, being:

**BOA-2122-7 – KEVIN EASLEY HAS FILED AN APPEAL OF THE DECISION OF THE HISTORIC DISTRICT COMMISSION ON THE GROUNDS THAT THE HISTORIC DISTRICT COMMISSION FAILED TO APPLY THE PROPER STANDARDS FOR PROPERTY LOCATED AT 549 S. LAHOMA AVENUE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Postponement Memo
2. Request for Postponement

Chairman McCarty announced that the applicant has requested postponement of this item to the March 23, 2022 meeting of the Board.

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

*Patrick Schrank moved to postpone BOA-2122-7 to the March 23, 2022 meeting. James Howard seconded the motion.*

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

YEAS	Brad Worster, Patrick Schrank, James Howard, Curtis McCarty
NAYS	None
ABSENT	None

The motion, to postpone BOA-2122-7, passed by a vote of 4-0.

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Item No. 5, being:

**BOA-2122-13 – DANIEL SCHWARTZ REQUESTS A VARIANCE OF 280 SQUARE FEET OR 4% TO THE MAXIMUM BUILDING COVERAGE ALLOWED BY SECTION 22:421.1(3)(F) FOR AN ADDITION TO THE EXISTING STRUCTURE FOR PROPERTY LOCATED AT 514 W. EUFAULA STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

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

**PRESENTATION BY STAFF:**

1. Logan Hubble reviewed the staff report, a copy of which is filed with the minutes.

**PRESENTATION BY THE APPLICANT:**

1. Mark Krittenbrink, Krittenbrink Architecture, 428 W. Eufaula – The Schwartzes live in Lawton right now; they're moving to Norman. They bought the house that was designed by Harold Gimeno on Eufaula Street, if you know which one it is – it's beautiful, it's very simple in its application on the front. I live just a few doors down from that house. This house turns hands often, because people buy it because they love it and then they find out they can't live in it because the rooms are so small. This couple bought it with the intent that they would add on to the back to accommodate their lifestyle. They have some older children, but they have a younger child who is very disabled and requires a lot of care, so they need a plan that will have a room or bedroom right next to the master bedroom so they can go in and out at will quickly during the night when the need arises. There's also in this plan a garage that's off the back of the house that has a chair lift so they can raise and get her into the house under cover. So what's being added is a garage and an eating area, den area to the back of the house, then a master suite and a bedroom for the daughter, and then the garage. There is a studio apartment that's above the garage. When they actually were looking to buy, I don't know if you know the Kaplan's house that's on the 400 block, and they have this air B&B on the back side. Honestly, people wanted to buy the house for the air B&B, but they've sold the house anyway. The applicant wanted the garage apartment because they felt that would be there if they needed a caregiver to live on-site. I think you all have the report in front of you. In this neighborhood sites, over the course of time, have been subdivided and subdivided and two houses live -- right across the street from each other at the west are two properties that were originally one lot, the size of my lot, but they have two properties on it. That happens a lot in this neighborhood in that core area where lots have been divided and subdivided, so sites are tight. There are quite a few houses that are, I'm sure, over 40% in terms of lot coverage. I am one of those houses, as a matter of fact, but a lot of people have that, so it's not unique to this situation. A lot of people have attached garages, which seems fair. There are several studio apartments in the area that are above garages. There's nothing that the applicant is asking here that sets him apart or gives him special privileges or asking for anything that others in the neighborhood don't already enjoy. That's the gist of my presentation. I'm happy to answer any questions. I will say this, because the house is so awesome, we're not doing anything – they say I want a big a front porch – no, we can't touch the front of the

house, but we can do something in the back, and the owners were very sensitive to that component that they want to be sensitive to the historic nature of the property.

2. Mr. Howard asked if the two decks being shown on the plan were included in the coverage area. Mr. Krittenbrink responded affirmatively. Mr. Hubble indicated the decks count against the impervious coverage. Mr. Krittenbrink added that the structure made a jog because there is a big tree in the back that they wanted to maintain, so the master bathroom dog-legs around the tree.

3. Mr. McCarty asked where the total impervious coverage stands. Mr. Hubble responded that the total impervious is fine.

4. Mr. Worster said the floorplan that was provided was helpful to understand why it was needed. Are you taking out the concrete on the east side? The driveway currently goes to the back yard. It looked like you were stopping it at the house, so there'd be a parking space or two in the front.

Mr. Krittenbrink said there will be a pull-off space in front for the daily. We're doing an arbor over that, but they're going to change it out to pavers or something that will allow water to go through.

Mr. Worster asked for clarification whether it is an arbor and not a carport. It looked like there were ballisters or something.

Mr. Krittenbrink explained there is a small stucco wall that runs across the front. We're extending that down to define it so it won't be used for parking to make that very clear. They really wanted a big front porch, and you can't do that on this house. So that gives them kind of a side porch. The wall gives them some privacy and prevents that from ever being used as a carport.

#### **AUDIENCE PARTICIPATION:**

None

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

1. Mr. Howard – We've had some other items come before this Board before that were similar in nature, in that the building area was going to be in excess of what's allowed by ordinance, yet the overall project was well within the impervious surface requirements. For me, it creates this quandary of what's more critical – maintaining the impervious area so that we can deal with stormwater runoff, or is the size of the building the more critical issue? I have never really gotten a good clear answer on what that is, and that's what's making this particular decision difficult for me right now. I just want to bring that to the forefront.

2. Mr. Worster – I had similar thoughts on that, but if you drive the neighborhood from the additional drawings – it's kind of hard to tell on the smaller version – it's going to look the same from the street, and the houses are close enough there you can't even really see into the back yards to see how far back it goes. I don't know that, from a visual aspect, adding a few more square feet in the back is going to be noticeable as far as a change in the neighborhood. If you're driving down the street, I don't think you'll notice.

You'll notice it driving down the alley. But I really don't think it will be that noticeable. It's two story in the back, though, but it's two story in the front. There's a two-story property two doors down that goes all the way down. Visually, I don't think in this instance it's going to be noticeable that much from the street – at least the difference of 280 feet.

3. Mr. McCarty – I have similar comments, so I won't repeat all that. I have a concern that we have a 40% requirement and a 65. I don't know why we do that. I think the max coverage is what's important, in my opinion, and not to go over that. That's our stormwater. That's what our max impervious surface is. We run into this quite often on the footprint of the house. From a planning perspective, I think it's an old requirement that ought to be looked at and that the overall impervious surface is really what's critical. I think over the years it has been discussed can we change that ordinance, but it's not for us to decide.

4. Mr. Schrank – In my opinion, I don't think that this actually qualifies for the four things that were outlined. I have concerns about it for the neighbors of the property. I will be voting no on this.

*Brad Worster moved to approve the Variance as requested in BOA-2122-13. James Howard seconded the motion.*

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

YEAS	Brad Worster, Curtis McCarty
NAYS	Patrick Schrank, James Howard
ABSENT	None

The motion, to approve the Variance as requested, failed by a vote of 2-2.

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Item No. 6, being:

**BOA-2122-14 – MIKE AND KAREN BYRD REQUEST A SPECIAL EXCEPTION UNDER SECTION 22:441(7)(F) TO PERMIT A MOBILE HOME TO SERVE AS A TEMPORARY SECOND DWELLING TO RELIEVE A MEDICAL HARDSHIP FOR PROPERTY LOCATED AT 12901 EAST POST OAK ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

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

**PRESENTATION BY STAFF:**

1. Logan Hubble reviewed the staff report, a copy of which is filed with the minutes.

**PRESENTATION BY THE APPLICANT:**

1. Mike and Karen Byrd, 13020 East Post Oak Road – We never thought we'd ever sell our place. Where we're wanting to move to was my father-in-law and mother-in-law's place. We moved out there to help them years ago. But I have a lot of lung problems. I did flooring my whole life, and been hospitalized 13 times in a year with pneumonia, and they made me quit doing flooring. Now my knees are going out and I'm going to have to have knee surgery and a bunch of other things. She's got heart problems. It's just to the point we need to downsize and slow down. Our daughter and son-in-law live on the place now.

2. Mr. Howard asked if there is a letter from a doctor with regard to the health condition.

Ms. Byrd said there is.

Ms. Tromble said we didn't include it with the staff report, but it's in the file.

3. Mr. McCarty asked the timeline on these.

Mr. Hubble said it's three years and then they can reapply twice.

Ms. Byrd – I plan on living past that, so you'll see me again.

4. Mr. Schrank asked about the placement of the home. I noticed it was at the front.

Ms. Byrd is aware they have to be 100' from centerline and 25' from a neighbor. There's a good section that we can put it at, so we're not exactly set in stone where it's going to be. It could go back, up, side – however it needs to go.

Mr. Byrd said there is plenty of square footage there to put what we're going to put there and be far enough off the fence. We've talked to all the neighbors.

Mr. McCarty explained it has to go through a permitting process so it will have to have a site plan, well, septic, and other information be turned in and be accepted like a normal building permit would.

**AUDIENCE PARTICIPATION:**

None

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

*Patrick Schrank moved to approve the Special Exception as requested in BOA-2122-14. James Howard seconded the motion.*

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

YEAS	Brad Worster, Patrick Schrank, James Howard, Curtis McCarty
NAYS	None
ABSENT	None

The motion, to approve the Special Exception as requested, passed by a vote of 4-0.

Mr. McCarty noted the 10-day appeal period before the decision is considered final.

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Item No. 7, being:

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

1. Mr. Howard – I just want to reiterate the discussion we had on one of the previous items on the docket. It would be very beneficial if we could receive some clarity on what the driving factors were between those ordinances. They seem to be at odds with each other. I do believe it is because one of the requirements is antiquated in terms of what the City is trying to achieve. If we could get some clarity on that, I think I could maybe help providing better votes in the future. Or maybe this would not come in front of the Board at all, I think would probably be the better scenario.

Ms. Muckala – We can look back and try to figure out when that language was added, or when the entire thing was passed and get some background for you.

Mr. McCarty – I know over the years the Planning Department has discussed this, but it's got to take direction from Council for them to actually look at this. I've had issues, personally, where I had to shrink a house down where we're way under on the 65%, but the footprint of the house is bigger than 40%. I think, ultimately, if we're moving toward any type of density, which a lot of the world is doing, that's where I think the 65% becomes more important. I don't know how we try and get guidance from the Planning Department and Council of how to maybe review that ordinance, but I think it would be wise. We're just a Board, but if it's something that can be brought to Council's attention, it might be something that could be changed or reviewed.

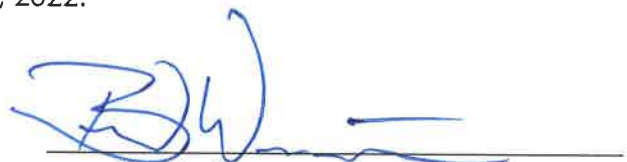
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Item No. 8, being:

**ADJOURNMENT**

There being no further business and no objection, the meeting adjourned at 4:52 p.m.

PASSED and ADOPTED this 23<sup>rd</sup> day of March, 2022.

  
Board of Adjustment