

The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

DURANT BOARD OF ADJUSTMENT

5:30 PM

**Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma
AGENDA**

October 28, 2021

CALL TO ORDER

INVOCATION/FLAG SALUTE

ROLL CALL

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

- a. Consider Approval of Regular Meeting Minutes of September 23, 2021

2. Consider Items Removed from Consent

3. Public Hearings

- a. Discussion, Consideration and Possible Action on BOA2021-04 a request for a variance to §159.08 (A) Prohibited Signs pertaining to large video screens over 32 square feet and §159.14 Tables (B) pertaining to freestanding pole signs over 50 square feet for property located at West 901 Main St.

4. New Business

ADJOURNMENT

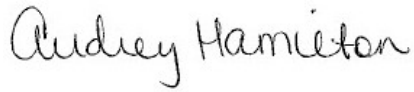
CERTIFICATE

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 28th day of October, 2020 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 26th day of October, 2021.

Audrey Hamilton

Audrey Hamilton, City of Durant

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 28th day of October, 2020 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 21st day of September, 2021.



Audrey Hamilton, City of Durant

**MINUTES OF THE MEETING OF DURANT BOARD OF ADJUSTMENT
September 23, 2021 AT 5:30 PM, Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma**

CALL TO ORDER

Board of Adjustment Chair Rhynes called the meeting to order at 5:37 p.m.

INVOCATION/FLAG SALUTE

Board Member Jones provided the invocation. Board Chair Rhynes led the flag salute.

ROLL CALL

Present:

Board of Adjustment Chairman David Rhynes

Board of Adjustment Vice Chairman Mike Davis

Board Member Mike Allen

Board Member Wayne Jones

Board Member Conner Alford (appeared at 5:42 p.m.)

Absent:

None

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

a. Consider Approval of Regular Meeting Minutes of May 27, 2021

Motion was made by Board Member Davis and seconded by Board Member Allen to approve the minutes as presented.

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen, Jones, Alford

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Public Hearings

- a. Discussion, Consideration and Possible Action on BOA2021-02 a request for a variance to §157.032 (District Regulations) pertaining to lot size requirements for property located at 401 S. 9th

Danielle O'Neal reviewed with the Board of Adjustment an application for a Variance from District Regulations as it pertains to lot size requirements. The applicant approached staff regarding the desire to place a duplex on a lot that he was planning to divide off of the parent lot. However, the lot size of the proposed new lot does not meet the lot size requirements for a duplex. The lot is 6,000 square feet and the required lot size for a duplex is 8,000 square feet. The applicant is asking for a variance of 2,000 square feet. Notifications have been made to the surrounding property owners. At the time of this report no letters or comments have been received by staff.

Spencer Barnett, applicant, spoke in favor.

Motion was made by Board Member Davis and seconded by Board Member Alford to approve the request as presented.

Motion Failed with the following vote:

Ayes: Rhynes, Jones

Nays: Davis, Allen, Alford

Abstain: None

- b. Discussion, Consideration and Possible Action on BOA2021-03 a request for a variance to §157.032 (District Regulations) regarding side setbacks for property located at the 4700 Block of University Blvd.

Danielle O'Neal reviewed with the Board of Adjustment an application for a Variance from District Regulations as it pertains to side setback requirements. The applicant approached staff regarding the desire to place triplexes within an existing subdivision. However, the layout the applicant is wanting does not meet current setback requirements. The applicant is asking for a variance from fifteen (15) feet to five (5) feet. Notifications have been made to the surrounding property owners. At the time of this report one citizen has submitted a letter of objection to this request.

Zachary Everett, applicant, spoke in favor.

Irene Moore spoke in opposition.

Motion was made by Board Member Alford and seconded by Board Member Allen to approve the request as presented.

Motion Failed with the following vote:

Ayes: Rhynes, Davis, Allen, Jones, Alford

Nays: None

Abstain: None

- c. Discussion, Consideration and Possible Action on BOA2021-04 a request for a variance to §159.08 A Prohibited Sign pertaining to large video screens over 32 square feet for property located at 901 Main

Danielle O'Neal asked the Board to take no action on this item.

Board Chairman Rhynes called for no action to be taken on the item at this time.

4. New Business

There was no new business.

ADJOURNMENT

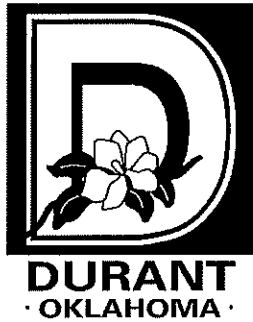
Motion made by Board Member Davis and seconded by Board Member Alford to adjourn the meeting.

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen, Jones, Alford

Nays: None

Abstain: None



THE CITY OF DURANT

Office of Community Development

Date: 10/28/2021
To: Board of Adjustment
Case: BOA 2021-04
From: Danielle O'Neal, Community Development Director
Re: Request by Palm Development Partners for a variance to § 159.08 (A) Prohibited Signs pertaining to large video screens over 32 square feet and §159.14 Tables (B) pertaining to a freestanding pole sign over 50 square feet for property located at 901 Main.

Request: Discuss, consider, and take possible action on a request by Palm Development Partners for a variance to § 159.08 (A) Prohibited Signs pertaining to large video screens over 32 square feet and §159.14 Tables (B) pertaining to a freestanding pole sign over 50 square feet for property located at 901 Main.

Current Zoning: C-3, General Commercial

Surrounding Properties:

Direction	Zoning	Use
North	C-3	Commercial
East	C-3	Commercial
South	C-3	Commercial
West	C-3	Commercial

Lot Characteristics

Width	~95 ft.
Depth	~120 ft.
Total Area	~0.25 acres (10,200 sq. ft.)

Background: The applicant approached staff regarding the desire to place a video sign that is 53 square feet as well as a freestanding pole sign that is 56 square feet. However, neither of these signs are allowed by ordinance. The video sign is considered a prohibited sign over 32 square feet and a portion of the freestanding pole sign is over the size limit by 6 square feet. Therefore, the applicant is requesting a variance to allow the 53 square foot video sign and the 56-foot freestanding pole sign.

Notifications have been made to the surrounding property owners. At the time of this report, several citizens have submitted a letter of objection to this request. They are attached.

Analysis: §158.030 of the City of Durant Code of Ordinances states the following with regards to a variance, and should be taken into consideration when making a decision.

“A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance may be granted, in whole, in part or upon reasonable conditions as provided herein, only upon a finding by the Board of Adjustment that:

- (A) The application of the ordinance to the particular piece of property would create an unnecessary hardship or result in exceptional practical difficulties;*
- (B) The conditions are peculiar to the particular piece of property involved;*
- (C) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance or the Comprehensive Plan; and*
- (D) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.*

The following is the ordinance language regarding large video signs and the requirements for a freestanding pole sign:

§ 159.08 PROHIBITED SIGNS.

Prohibited signs. The following signs are inconsistent with the purposes and standards of this chapter and are prohibited in all zoning districts:

- (A) Large screen video signs over 32 square feet;

(B) Table 2: Setback Requirements

Sign Type	Max Number Allowed	Vertical Clearance from Private Drive, Street, Sidewalk or Parking Lot	Vertical Clearance from Public Street or Sidewalk	Lighting Allowed	Location Requirement	Time Limit	Max Sign Area	Max Sign Height	Min Setback from Property Line
Freestanding Pole Sign	1 per 60' of frontage	14'	14'	Yes	N/A	N/A	50 sq. ft.	40' tall	10'

The Future Land Use map that was in affect at the time the application was submitted shows this area to be General Commercial. Therefore, this request is in line with that Future Land Use map. It should be noted that a new Comprehensive Plan and Future Land Use Map was adopted by City Council as of September 14, 2021.

Staff Recommendation: Staff does not recommend approval of this variance largely because staff does not believe that the conditions are peculiar to this piece of property.

Required Action: Hold a public hearing and approve or deny the variance to allow the large video sign that is 53 square feet and the freestanding pole sign that is 56 square feet. Any specific conditions imposed by the Board should be read into the any approval motion.

4 Questions must ask yourselves and each element must exist in order to grant a variance.

4 QUESTIONS FOR A VARIANCE

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;

2. Such conditions are peculiar to the particular piece of property involved;

3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan; and

4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

BOA# 2021-04
Variance

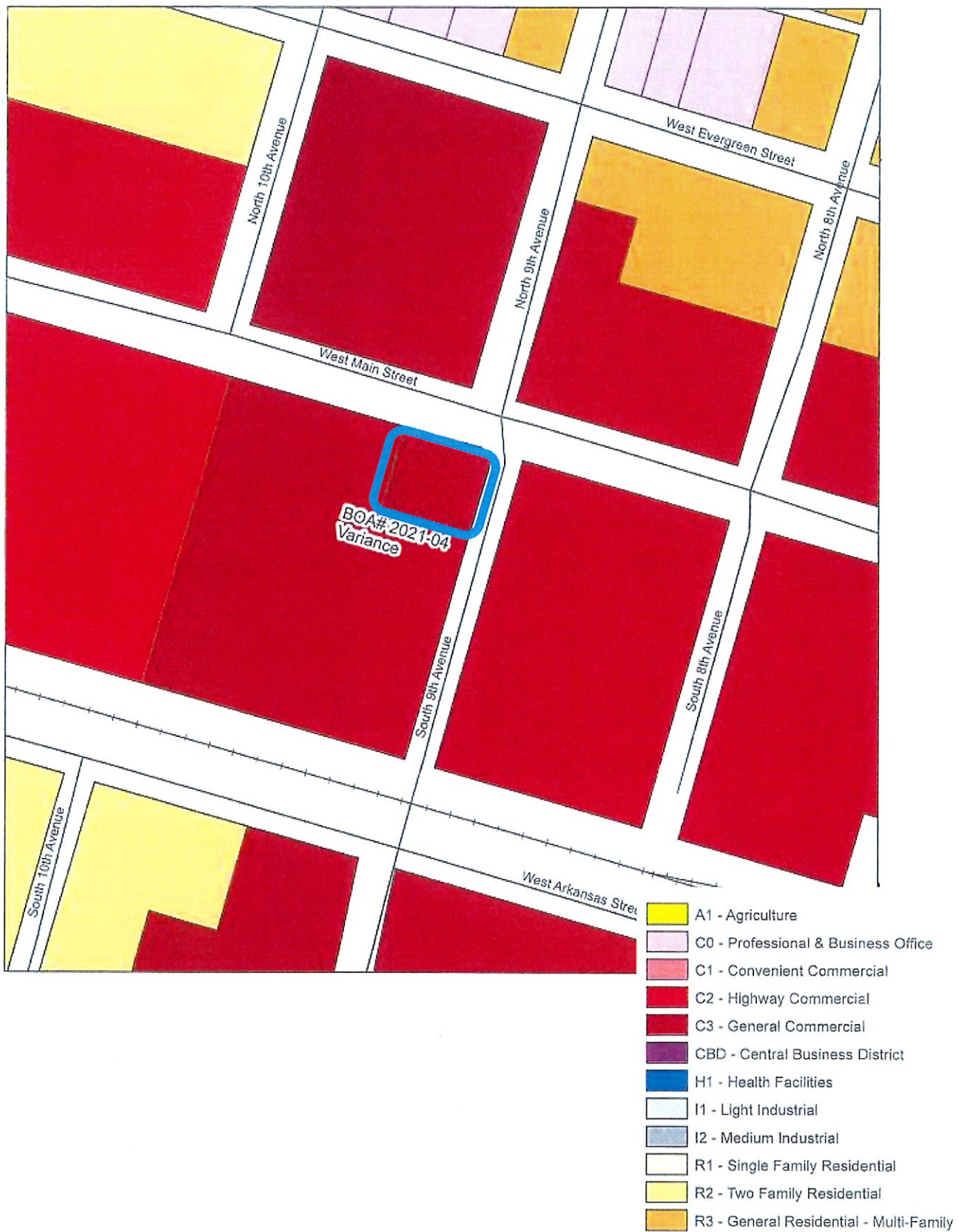
North 8th Avenue

South 8th Avenue

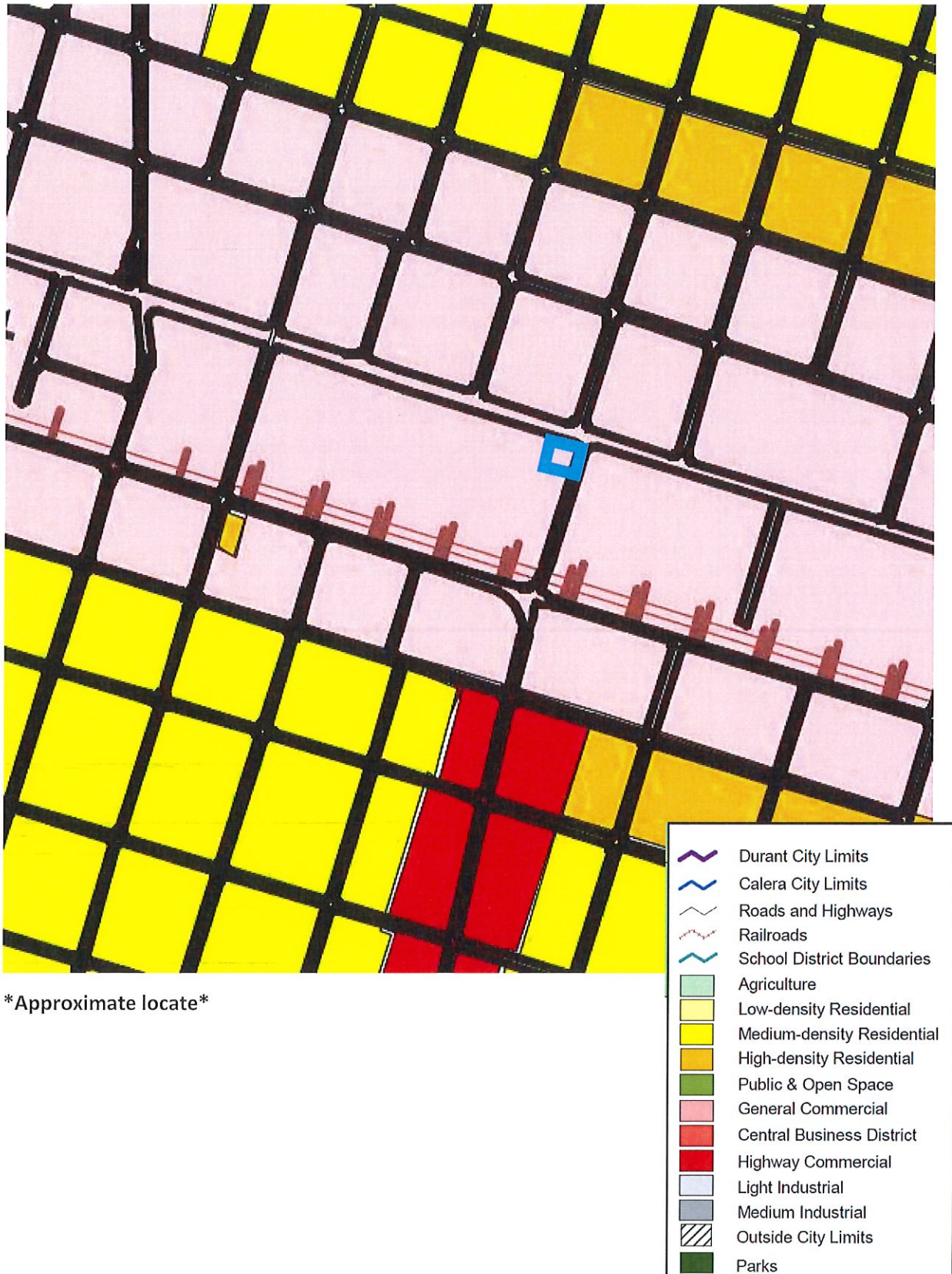
West Main Street

West Arkansas Street

Zoning Map

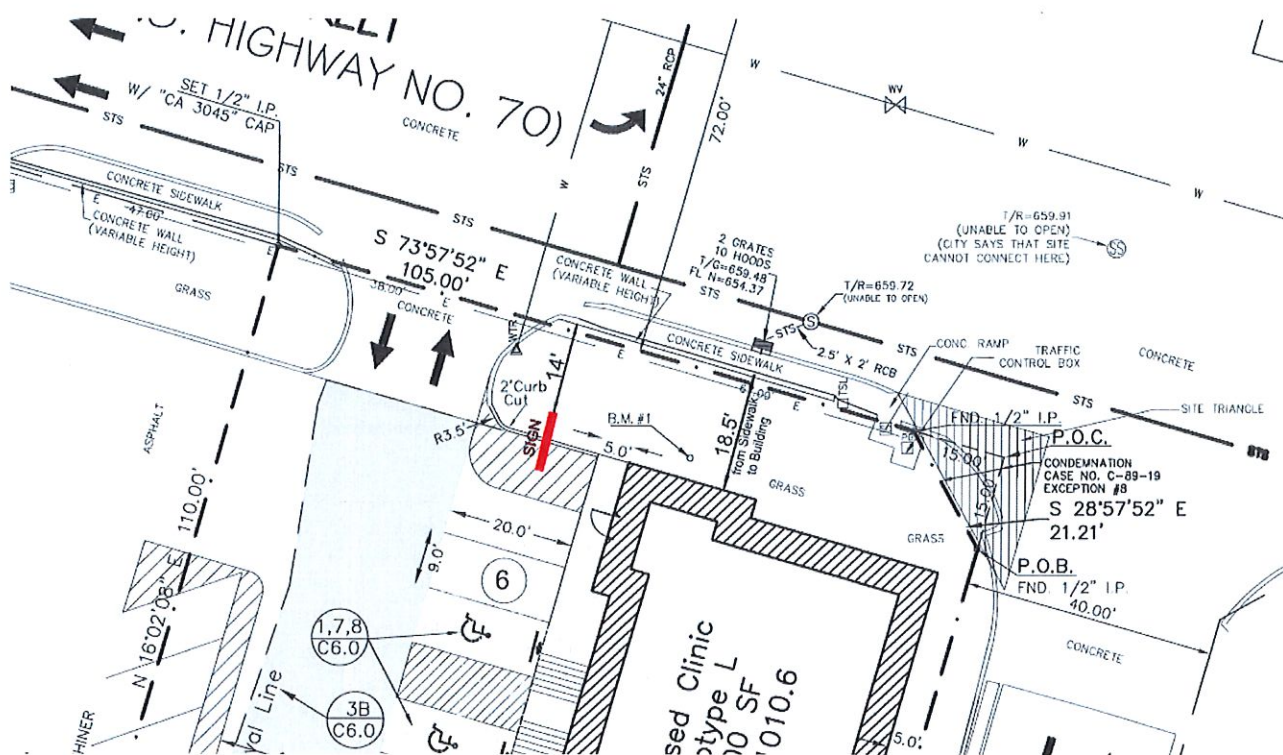


Future Land Use Map at time of application



Approximate locate

Close up of setback of sign



RECEIVED

AUG 27 2021



THE CITY OF DURANT

Office of Community Development

Board of Adjustment Application

 Petition # BOA 2021-04 Fee \$ 300

Name: Palm Development Partners	Email: wparks@winstonwarren.com	Phone #1: 615-674-2130
Mailing Address: 23134 Hwy 22N		Phone #2:
City: YUMA State: TN Zip: 38390		Fax #:
Applicant's Interest in Property: Owner		

1. I, the undersigned, request a hearing before the Board of Adjustment, in regard to the following:

- ☐ Appeal Of The Zoning Administrator's decision/Interpretation
☐ Change From One Nonconforming Use To Another Nonconforming Use
☒ Variance

2. Description of request being made (indicate appropriate section or subsections of the local zoning ordinance, where applicable):

2.) Section 159.10 (A) - We ask for an electronic message center over 32 Sq Ft; Section 159.19 Table A - We ask for a message center to be allowed in Zone C-3; Section 159.19 B Table 2 Setback- We ask for our Freestanding Pole Sign be allowed as placed on our revised site plan; Section 159.19 Table D - We ask for a total of 125.5 Sq Ft for the pylon sign instead of 60.0 allowed; We ask that our I.D. sign to be 56 Sq Ft instead of 50 Sq Ft;

 3. Reasons for request (may be attached): Xpress Wellness relies heavily on walk in traffic and is in need of a larger pylon sign with message center to better communicate its offerings such as Covid testing, Flu shots, etc as many people are not familiar with their urgent care model. We demolished the old motel sign located in the right of way which had become an eye sore and blocked visibility. We respectfully ask that our signage be accepted as submitted which is a great improvement to the old motel sign.

 4. Legal description (if applicable, may be attached): See attached

5. Is site plan attached (if determined necessary by the administrative official) containing the applicable requirements of the local zoning ordinance?

 Yes X No

 6. Location of property: 901 Main Street Present Zoning: C-3

7. The foregoing information and attachments are true and accurate to the best of my knowledge:

 Applicant (Signature) W. Parks

 Date 8/1/2021

Date Filed Initial		Date Payment Received Initial		Notification Mailed Date Initial		Comments	
Proof of Publication Received Date Initial				Property Posting Verified Date Initial		Comprehensive Plan Recommendations	
Staff Recommendation ___ Approve ___ Deny		PC Recommendation ___ Approve ___ Deny		City Council Action ___ Approve ___ Deny		Ordinance #	

LEGAL DESCRIPTION
LOT A

"AS SURVEYED" TRACT A LEGAL DESCRIPTION

A portion of Lots 1 and 2 in Block 204 in the City of Durant, Bryan County, Oklahoma, according to the recorded plat thereof, being more particularly described as follows:

COMMENCING at the Northeast corner of Lot 1, Block 204, CITY OF DURANT ADDITION;

THENCE South 16°02'08" ~~East~~ ^{WEST}, along the East line of said Lot 1, a distance of 15.00 feet to the POINT OF BEGINNING;

THENCE continuing South 16°02'08" ~~East~~ ^{WEST}, along the East line of said Lot 1, a distance of 95.00 feet;

THENCE North 73°57'52" West, parallel with the North line of said Block 204, a distance of 120.00 feet;

THENCE North 16°02'08" East, parallel with the East line of said Lot 1, a distance of 110.00 feet to a point on the North line of said Block 204;

THENCE South 73°57'52" East, along the North line of said Block 204, a distance of 105.00 feet;

THENCE South 28°57'52" East a distance of 21.21 feet to the POINT OF BEGINNING.

Said tract of land contains an area of 13,087 square feet or 0.3000 acres, more or less.

SPECIAL WARRANTY DEED



STATE OF OKLAHOMA §
 §
COUNTY OF BRYAN §

KNOW ALL MEN BY THESE PRESENTS

THAT, BRIARWOOD DURANT, L.P., a Texas limited partnership (the "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to the Grantee (as hereinafter defined), has **GRANTED, BARGAINED, SOLD and CONVEYED**, and by these presents does hereby **GRANT, BARGAIN, SELL and CONVEY**, unto **PALM DEVELOPMENT PARTNERS**, a Tennessee general partnership, 23134 Highway 22 North, Yuma, Tennessee 38390 (the "Grantee"), that certain real property situated in Durant, Bryan County, Oklahoma, and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes, and all improvements located thereon, together with (i) all of Grantor's rights, benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in anywise appertaining to such real property, and (ii) all right, title and interest of Grantor in and to all strips and gores and any land lying in the bed of any street, road or alley, open or proposed, adjoining such real property (collectively, the "Property"); subject, however, to those matters more particularly described on Exhibit "B" attached hereto and made a part hereof for all purposes (collectively, the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any way belonging, unto Grantee, its successors and assigns forever, subject to the Permitted Exceptions; and Grantor does hereby bind themselves and their successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the Property, subject to the Permitted Exceptions, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or claim the same, or any part thereof, by, through and under Grantor, but not otherwise.

RS 558

STATE OF OKLAHOMA
Bryan County
Documentary Stamps \$ 558.⁰⁰

IN WITNESS WHEREOF, this Special Warranty Deed has been executed as of the date of the acknowledgments set forth below, but effective as of the 10th day of May, 2021.

GRANTOR:

BRIARWOOD DURANT, L.P.,

a Texas limited partnership

By: Briarwood SC, Inc.,

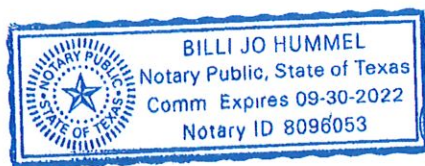
a Texas corporation,

its General Partner

by: 
Alan Mann, President

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This Special Warranty Deed was acknowledged before me on this 7th day of May, 2021, by Alan Mann, President of Briarwood SC, Inc., a Texas corporation, General Partner of Briarwood Durant, L.P., a Texas limited partnership, on behalf of the limited partnership.



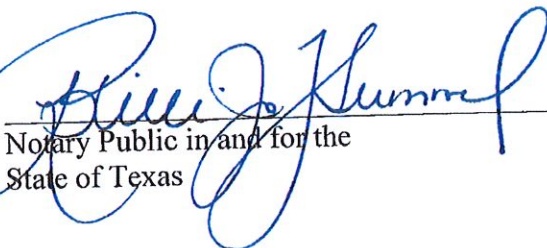

Notary Public in and for the
State of Texas

EXHIBIT "A"

Property Description

A portion of Lots 1 and 2 in Block 204 in the City of Durant, Bryan County, Oklahoma, according to the recorded plat thereof, being more particularly described as follows:

Commencing at the Northeast corner of Lot 1, Block 204, City of Durant Addition; Thence South 16 degrees 02 minutes 08 seconds East, along the East line of said Lot 1, a distance of 15.00 feet to the Point of Beginning; Thence continuing South 16 degrees 02 minutes 08 seconds East, along the East line of said Lot 1, a distance of 95.00 feet; Thence North 73 degrees 57 minutes 52 seconds West, parallel with the North line of said Block 204, a distance of 120.00 feet; Thence North 16 degrees 02 minutes 08 seconds East, parallel with the East line of said Lot 1, a distance of 110.00 feet to a point on the North line of said Block 204; Thence South 73 degrees 57 minutes 52 seconds East, along the North line of said Block 204, a distance of 105.00 feet; Thence South 28 degrees 57 minutes 52 seconds East, a distance of 21.21 feet to the Point of Beginning.

I-2021-733507 Book 1560 Pg: 628
05/13/2021 8:08 am Pg 0626-0629
Fee: \$ 24.00 Doc: \$ 558.00
Tammy Reynolds - Bryan County Clerk
State of Oklahoma

EXHIBIT "B"

Permitted Exceptions

1. Ad valorem taxes for 2021, and subsequent years which are not ascertainable, due or payable.
2. Rights or claims of parties in possession not shown by the Public Records.
3. Any claim to ownership or of rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, limestone, sand and gravel located in, on or under the Property or produced from the Property, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation or otherwise, and any rights, privileges, immunities, rights of way and easements associated therewith or appurtenant thereto, whether or not the interest or rights appear in the Public Records.
4. Statutory section line road easements in favor of the State of Oklahoma, where applicable.
5. Joint Brian County – City of Durant Airspace Zoning Ordinance No. 1 regulating airspace and height of structures in approach zone to Eaker Field Airport, recorded in Book 568, Page 442.
6. City of Durant Ordinance No. 851 regulating, restricting and prohibiting in the City of Durant, Oklahoma, the building or setting up of drilling rigs for the purpose of exploring, developing and producing oil or gas, recorded in Book 509, Page 278.
7. Height Restrictions Zoning Ordinance relating to zoning, establishing that airport hazards are contrary to public interest, and other matters of record in Book 1067, Page 1017 and re-recorded in Book 1071, Page 284.
8. That portion of the Property described in Condemnation Proceedings in Case No. C-89-19 by the City of Durant, Oklahoma.

I-2021-733507 Book 1560 Pg: 629
05/13/2021 8:08 am Pg 0626-0629
Fee: \$ 24.00 Doc: \$ 558.00
Tammy Reynolds - Bryan County Clerk
State of Oklahoma

XPRESS WELLNESS
901 WEST MAIN STREET
DURANT, OK

MAIN STREET
 (A.K.A. U.S. HIGHWAY NO. 70)

9TH AVENUE

Proposed Clinic
Prototype L
3,600 SF
FFE=1010.6

Owner/Developer Info:
 Owner:
 Palm Development
 23134 Highway 23H
 Yuma, TN 38390
 731-535-7734
 wparks@winstonwarren.com

Land Data:
 Zoning: C-3
 (General Commercial)
 Area: 0.30 Ac. +/-

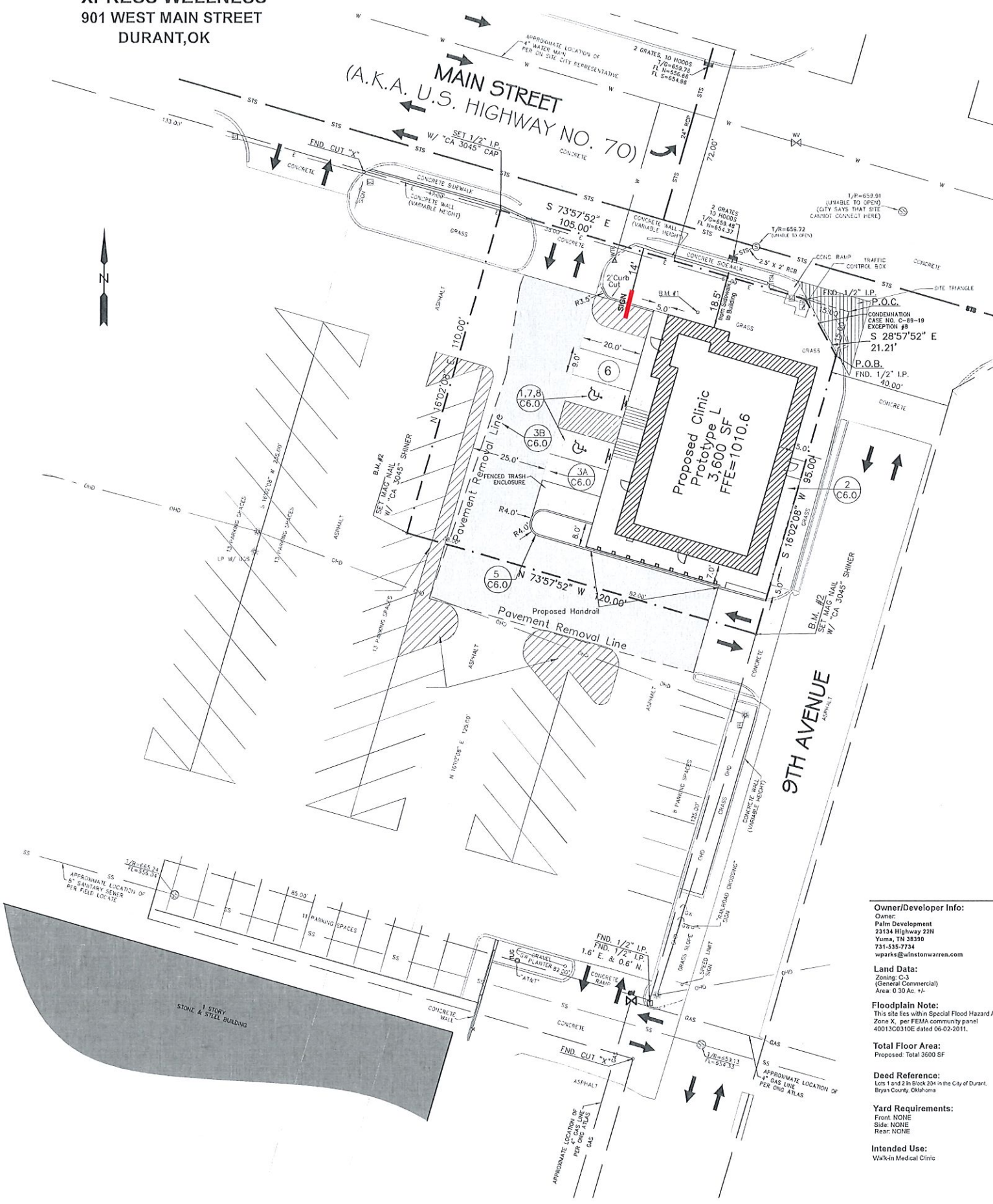
Floodplain Note:
 This site lies within Special Flood Hazard Area
 Zone X, per FEMA community panel
 40013C0310E dated 06-02-2011.

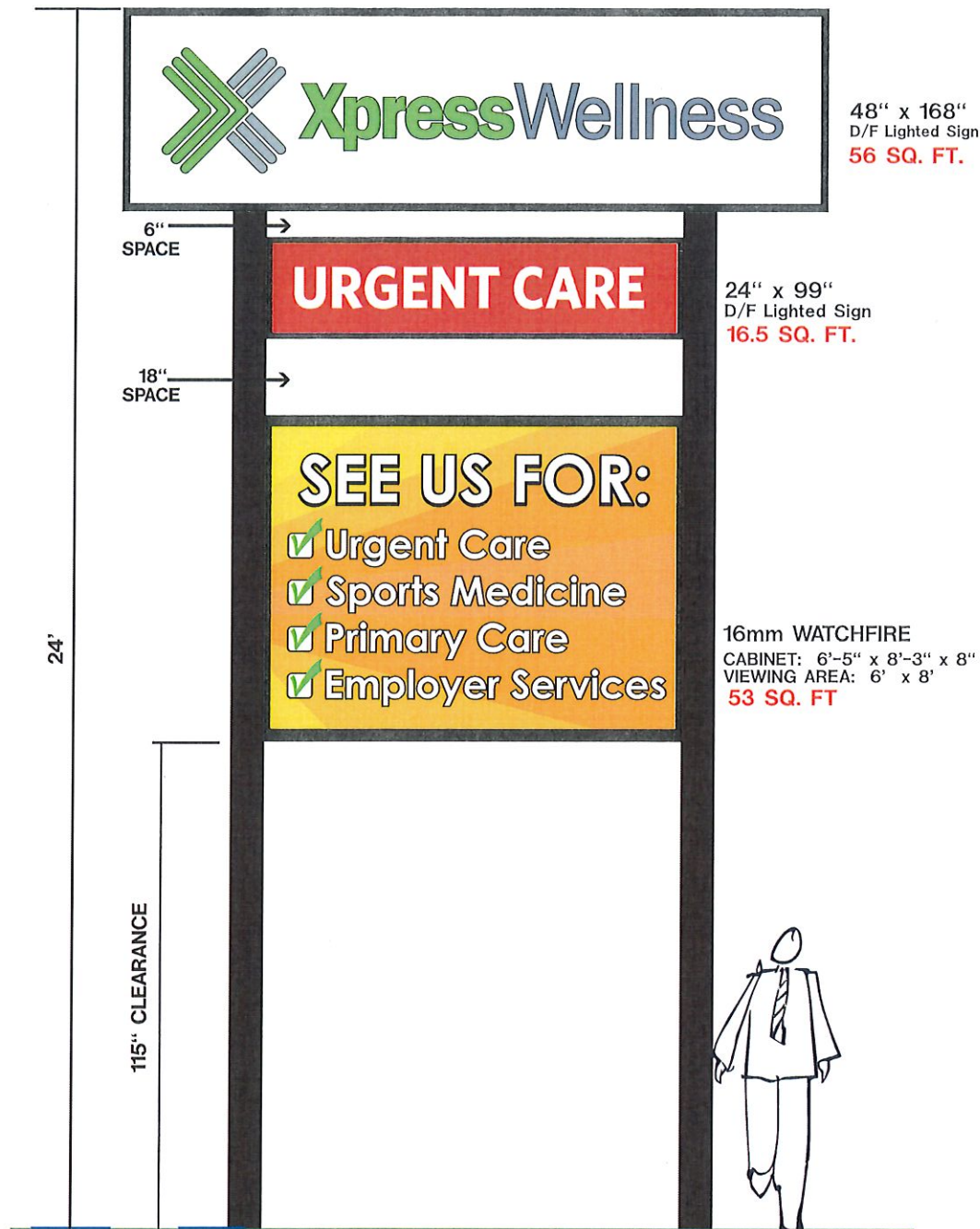
Total Floor Area:
 Proposed: Total 3600 SF

Deed Reference:
 Lots 1 and 2 in Block 204 in the City of Durant,
 Bryan County, Oklahoma

Yard Requirements:
 Front: NONE
 Side: NONE
 Rear: NONE

Intended Use:
 Walk-in Medical Clinic





DOUBLE-SIDED, INTERNALLY LIGHTED PYLON SIGN WITH TWIN POLES:

THE I.D. SIGN IS 48" x 168" x 24", INTERNALLY LIGHTED WITH LEDS.
THIS SIGN TO SADDLE MOUNT ON TWO 8" SQUARE STEEL POSTS (107" CENTER-CENTER).
ITS TWO FACES ARE EMBOSSED, PAINTED PANS.

MIDDLE SIGN TO BE A DOUBLE-SIDED, INTERNALLY LIGHTED SIGN, 24" x 99" x 24".
CABINET HAS 2" RETAINERS, FLAT ACRYLIC FACES, AND IS ALSO LED.
SIGN TO END MOUNT BETWEEN TWO 8" x 8" STEEL POLES, WITH POSITIONABLE BRACKETS.

BOTTOM SIGN WILL BE A DOUBLE FACED, 16mm WATCHFIRE ELECTRONIC MESSAGE CENTERS.
THE CABINETS ARE 77" TALL BY 99" WIDE WITH A VIEWING AREA OF 6' x 8'.
THESE TO ALSO END MOUNT BETWEEN THE TWO POLES WITH BRACKETS.

OVER-ALL HEIGHT 24'
TOTAL SQ. FT. 125.5

PYLON SIGN ELEVATION

PUBLIC COMMENT FORM

City of Durant
Community Development Department *(please return by October 21, 2021)*
300 W. Evergreen St.
P.O. Box 578
Durant, OK, 74701

 I am **FOR** the requested variance as explained on the attached public notice for Petition # BOA2021-04

____ I am **AGAINST** the requested variance as explained on the attached public notice for Petition #BOA2021-04

Date, Location & Time of Zoning Board of Adjustment meeting:

Thursday, October 28, 2021, 5:30 pm

Durant City Hall, Council Chambers, 300 W Evergreen Street, Durant OK 74701

Name:

Brarwood Durant, LP

(please print) By: Alan S. Mahn, Managing Partner

Address:

3100 Monticello Ave, #300

Dallas, TX 75203

Signature:

Signature: _____

Date:

10/17/21

COMMENTS:

[illegible]

PUBLIC COMMENT FORM

City of Durant
Community Development Department (please return by October 21, 2021)
300 W. Evergreen St.
P.O. Box 578
Durant, OK, 74701

___ I am **FOR** the requested variance as explained on the attached public notice for Petition # BOA2021-04

☒ I am **AGAINST** the requested variance as explained on the attached public notice for Petition #BOA2021-04

Date, Location & Time of Zoning Board of Adjustment meeting:

Thursday, October 28, 2021, 5:30 pm
Durant City Hall, Council Chambers, 300 W Evergreen Street, Durant OK 74701

Name: RONALD M RIDGWAY
(please print)
Address: 892 W MAIN
Durant, OK 74701
Signature: Ronald M Ridgway
Date: 10-19-2021

COMMENTS:

we have zoning laws on the books for a reason
The boulder to me is to close to the road in front of main
not enough room for a vehicle to pass or for a car to
stop. Other obstructions or distractions would be
a safety hazard.
I have seen too many accidents at this corner
in years. I feel a sign would help the
current zoning laws would not be enough
The height of the sign or the sign takes
your eyes away from the busy corner.
If we also not careful we could start
to look like Vegas strip to our town

Tom Minkley

PUBLIC COMMENT FORM

City of Durant
Community Development Department (please return by September 16, 2021)
300 W. Evergreen St.
P.O. Box 578
Durant, OK, 74701

✓ I am **FOR** the requested variance as explained on the attached public notice for Petition # BOA2021-04

___ I am **AGAINST** the requested variance as explained on the attached public notice for Petition #BOA2021-04

Date, Location & Time of Zoning Board of Adjustment meeting:

Thursday, September 23, 2021, 5:30 pm

Durant City Hall, Council Chambers, 300 W Evergreen Street, Durant OK 74701

Name:

201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Address:

(please print) 901-1027 W. Main St.

Dyant, OK

Signature:

[Signature]

Date:

9/16/21

COMMENTS:

[illegible]

PUBLIC COMMENT FORM

City of Durant
Community Development Department (please return by September 16, 2021)
300 W. Evergreen St.
P.O. Box 578
Durant, OK, 74701

☐ I am **FOR** the requested variance as explained on the attached public notice for Petition # BOA2021-04

☒ I am **AGAINST** the requested variance as explained on the attached public notice for Petition #BOA2021-04

Date, Location & Time of Zoning Board of Adjustment meeting:

Thursday, September 23, 2021, 5:30 pm
Durant City Hall, Council Chambers, 300 W Evergreen Street, Durant OK 74701

Name: Ronald M Ridgway
(please print)
Address: 813 W MAIN
Signature: Ronald M Ridgway
Date: 9-16-21

COMMENTS:

WE HAVE ZONING LAWS IN THE BOOKS FOR
A REASON. THE BUILDING TO BE IS TO CLOSE TO
THE ROAD AND THE SET BACKS DO NOT LOOK WISE
TO ME. ANY OTHER OBSTRUCTION COULD BE A SAFETY
HAZARD.
I HAVE SEEN TO MANY ACCIDENTS AT THIS CORNER
FOR YEARS. I FEEL THIS COULD INCREASE AS WELL
NOW
IF WE ARE NOT CAREFUL IT WILL START TO BE
A NEGATIVE STRIP LOOK TO OUR TOWN.

Response to BOA2021-04

1 message

Shane Knight <shaneknight07@gmail.com>
To: planning@durant.org

Thu, Sep 16, 2021 at 12:48 PM

Mrs. O'Neal.

Please accept this email as my recommendation to deny the above noted BOA request concerning a variance for:

1. 159.10 (A): request for an electronic message center over 32 SF.
 - The site for this business is located at a major intersection within downtown Durant. Traffic is either stopped or slow moving through this location; traffic is also within 25 feet of the building along Main Street. A messaging board, over 32 SF, is not needed for a business to convey their services to passing pedestrians and traffic.
2. 159.19 (A) Table 1 & 159.19 (C): Allowance of messaging center in a C-3 Zoning Classification.
 - It appears that an "Animated or moving sign" is allowed in a C-3 zone per Section (A) Table 1, however, per Section 159-19 (C) an animated sign is NOT allowed within zoning district C-3.
3. 159.19 (D): Allowance for sign exceeding total square footage requirements for C-3 Zoning Classification.
 - Applicant is requesting to more than double the allowable area for signage in a C-3 zone. The need for a sign this large, with such close proximity to pedestrians and traffic is unnecessary. There are reasons that communities regulate sign sizes for particular areas of a community. Pedestrian areas, downtown areas and densely developed areas purposefully limit signage size to provide a more pedestrian friendly and aesthetically pleasing experience. This is of utmost importance in downtown areas and specifically for Durant; this location is in close proximity to Historic Downtown and approximately 5 years ago was designated as the entrance to the Durant Arts District.

Again, I stress, large signage is a detriment to the pedestrian experience of this area. Large signage is also a safety issue at this location; a distraction to the busy traffic & pedestrian signals at this intersection. An intersection that now has more limited visibility due to the close proximity of the building construction to the street.

Additional observation to consider in denying these variance requests:

According to the site plan, provided with this BOA application, it appears that the building is constructed in violation of Durant Ordinance 157.023-B (D). The setback distance as measured from the front lot line to the face of the building shall in no case be less than 1/2 the height of the building. Along 9th Avenue, this building is only set back 5 feet from the property line. This would have limited the height of this building to only be 10 feet tall. It appears that this building is closer to 16 feet tall along 9th Avenue. Variances for additional violations to Durant Ordinances are unnecessary.

(A) Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

(B) Where a building line has been established by plat approved by the Planning Commission or, in the case of areas annexed into the city, approved by a governmental agency having legal jurisdiction to approve such plats, and such line requires a greater or lesser front yard setback than is prescribed by these regulations for the district in which the building line is located, the required front yard shall comply with the building line so established by such plat.

(C) For existing through lots, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only an accessory building may be built on the line thus established. The main building must observe the front yard requirements for both streets. In the case of existing through lots which are bounded on three sides by streets, all yards between the main building and a street shall be regulated as front yards unless a front, side, and rear building line have been established by plat.

(D) If buildings along the frontage of any street between two intersecting streets in any residential district have observed an average setback which is greater or lesser in dimension than the minimum front yard or setback established for the district in which the street frontage is located, and if no front building line has been established by plat, then the average setback of all buildings fronting upon such street between two intersecting streets shall establish the minimum front yard requirement. All vacant lots shall be assumed to have a minimum front yard specified for the district in computing the average front yard. These provisions shall not be interpreted as requiring a setback or front yard of more than ten feet greater than the front setback observed by any building on a contiguous lot. The provisions shall be superseded on any lot where a minimum building line has been established by plat or ordinance and the front yard or setback provisions of such plat or ordinance shall be observed. In all districts except CBD, the distance as measured from the front lot line to the face of the building shall in no case be less than 1/2 the height of the building.

Thank you.
Shane Knight - concerned citizen



Danielle O'Neal <doneal@durant.org>

RESPONSE: Notice of Public Hearing BOA2021-04

1 message

Lenzie Knight <lenzieknight@gmail.com>
To: planning@durant.org

Thu, Sep 16, 2021 at 5:21 PM

Dear Danielle,

In response to the Notice of Public Hearing BOA2021-04 advertised on 9/9/21 in the Durant Democrat, I ask the Board of Adjustment to deny the requested variances.

Sign ordinances are in place in to preserve the character of space, create community, and to protect from "sign competition" between businesses.

The 9th and Main corner is the intersection of our entertainment district and our central business district, by way way of our arts district. It is imperative that we do everything we can to protect what remains of that intersection. The new urgent care is an eyesore; we don't need an over-sized over-lit billboard adding to the disaster that has already been allowed. Surrounding businesses, with signs that comply with the existing ordinances, have no difficulty conveying their services and notifying their customers of their location.

Please help improve our community, maintain the integrity of the existing character, and encourage beautification. In the best interest of the future of our community, vote to deny all of the variances requested.

Lenzie Knight

PUBLIC COMMENT FORM

City of Durant
Community Development Department (please return by September 16, 2021)
300 W. Evergreen St.
P.O. Box 578
Durant, OK, 74701

☒ I am **FOR** the requested variance as explained on the attached public notice for Petition # BOA2021-04

☐ I am **AGAINST** the requested variance as explained on the attached public notice for Petition #BOA2021-04

Date, Location & Time of Zoning Board of Adjustment meeting:

Thursday, September 23, 2021, 5:30 pm
Durant City Hall, Council Chambers, 300 W Evergreen Street, Durant OK 74701

Name:

Mohammad Ghadianloo
(please print)

Address:

815 N 16th Ave Durant, OK 74701

Signature:

[Handwritten Signature]

Date:

9/20/2021

COMMENTS:

N/A