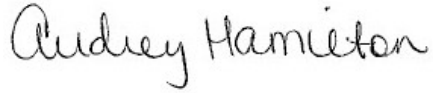


This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 19th day of November, 2021 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 25th day of January, 2022.



Audrey Hamilton, City of Durant

**MINUTES OF THE MEETING OF DURANT BOARD OF ADJUSTMENT
January 27, 2022 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 5:30 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 5:35 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 November 18, 2021

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

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen, Jones

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Public Hearings

- a. BOA 2021-06 Request by Durant Independent School District (Washington Irving Elementary School) for a variance to §154.041 (C) (1) pertaining to the replacement of a nonconforming sign for property located at 812 W. Locust Street

Danielle O'Neal reviewed with the Board of Adjustment an application for a Variance from District Regulations as it pertains to a nonconforming sign for property located at 812 W Locust Street. The applicant approached staff regarding the desire to place an animated/moving sign at Washington Irving Elementary School. There is an existing lighted changeable letter sign that the applicant is wanting to replace the existing sign face to an animated/moving sign. The existing sign is considered nonconforming; however, a part of the nonconforming ordinance states the replacement of the sign would reduce visual clutter. Since the sign is going to an animated/moving sign, staff could not state that the replacement sign would reduce visual clutter. Therefore, the applicant is requesting a variance so they can replace the existing sign for an animated/moving sign. Notifications have been made to the surrounding property owners. At the time of this report, staff received a written response opposed to the request and a phone call stating they were for the request.

Duane Meredith, applicant, spoke in favor.

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

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen, Jones, Alford

Nays: None

Abstain: None

- b. BOA 2021-07 Request by Terry Bowler for a variance to §157.32 District Regulations pertaining to lot size requirements for property located at 2608 Rodeo Road

Danielle O'Neal reviewed with the Board of Adjustment an application for a Variance from District Regulations as it pertains to lot size requirements for property located at

2608 Rodeo Road. The applicant approached staff regarding the desire to place a manufactured home at the location; however, the current lot size does not meet the current requirements for the zoning type. Current requirements require a lot zoned A-1, General Agriculture to have a lot size minimum 5 acres. The lot in question is only 1 acre. The applicant is requesting a variance to the lot size requirements so he can place a manufactured home on the lot. Notifications have been made to the surrounding property owners. At the time of this report no letters or comments have been received by staff.

Terry Bowler, applicant, spoke in favor.

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

Motion Passed with the following vote:

Ayes: Rhynes, Allen, Jones

Nays: Davis, Alford

Abstain: None

- c. BOA 2022-01 Request by Jose Narvaez for a variance to §157.032 District Regulations pertaining to lot size requirements for property located at 1415 W. Mississippi Street

Danielle O'Neal reviewed with the Board of Adjustment an application for a Variance from District Regulations as it pertains to lot size requirements for property located at 1415 W. Mississippi Street. The applicant approached staff regarding the desire to place a duplex style home at the location; however, the current lot size does not meet the current requirements for the zoning type. Current requirements for a lot zoned R-2, Two-Family Residential requires a lot area minimum of 8,000 square feet for a duplex/two-family home and requires a lot width at front building line of 80 feet. The lot does meet the lot area minimum, but does not meet the lot width at the front building line. Therefore, the applicant is requesting a variance to the lot size requirements in order to place a duplex type home on the lot. Notifications have been made to the surrounding property owners. At the time of this report staff has received one letter of support for this request.

Brian Moore, representative of applicant, spoke in favor.

Motion was made by Board Member Alford and seconded by Board Member Jones to approve a 10 foot variance which would allow a single family home.

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen, Jones, Alford

Nays: None

Abstain: None

- d. BOA 2022-02 Request by Texoma Victory Real Property Investment LLC for a variance to §157.032 District Regulations pertaining to the front setback requirements for property located near West Main Street and State Highway 70

Danielle O'Neal reviewed with the Board of Adjustment an application for a Variance from District Regulations as it pertains the front setback for property located near State Highway 70 and West Main. The applicant went through the Preliminary Plat process for Phase II of the Durant Victory Subdivision in July, 2021. The original Preliminary Plat called for the front setbacks for lots 1-11 and lots 26-27 to be at 15 feet. The Planning Commission and City Council approved the preliminary plat with these lots having setbacks at 25 feet as required by the District Regulations. The application approached staff regarding the desire to ask for a variance for the setbacks of lots 1-11 and lots 26-27 to be at 15 feet. Lots 1 through 11 face Pluto Road and Mars Avenue. Lots 26-27 will face Venus Road. The applicants engineer states in a letter attached with the application that there is a 30-foot gas easement that runs on the back of lots 1-4 and a 50-foot gas easement that runs along the back of lots 5-11, causing a reduction in the buildable area of these lots. For lots 26 and 27, the letter is requesting the setbacks to match those within phase I lots 1-16, which received a variance last year. The applicant is asking for a variance of 10 feet on the front setback in order to have a similar buildable area as phase I of the development. Notifications have been made to the surrounding property owners. At the time of this report no letters or comments have been received by staff.

Henry Qu, applicant, spoke in favor.

Motion was made by Board Member Alford and seconded by Board Member Allen to approve a variance for a front setback of 15 feet for lots 1-11 and 26-27.

Motion Passed with the following vote:

Ayes: Rhynes, Allen, Jones, Alford

Nays: None

Abstain: Davis

4. New Business

There was no new business.

ADJOURNMENT

Board Chair Rhynes adjourned the meeting.