

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**

May 19, 2022

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 March 24, 2022

2. Consider Items Removed from Consent

3. Public Hearings

- a. BOA2022-04 Request by BREI, LLC for a variance to §156.035 District Regulations pertaining to the lot size for property located near North 4th Avenue and Willow Street

4. New Business

ADJOURNMENT

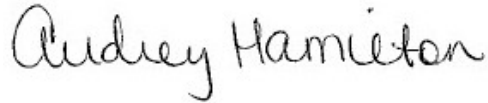
CERTIFICATE

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 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 17th day of May, 2022.

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 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 22nd day of March, 2022.



Audrey Hamilton, City of Durant

**MINUTES OF THE MEETING OF DURANT BOARD OF ADJUSTMENT
March 24, 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

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 January 27, 2022

Motion was made by Board Member Jones and seconded by Board Member Davis 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. BOA2022-03 Request by Perry Salisbury for a variance to §157.032 District Regulations pertaining to the setback requirements for property located at 3026 Meagan Avenue

Danielle O'Neal reviewed with the Board of Adjustment an application for a Variance from District Regulations as it pertains to setback requirements for property located at 3025 Meagan Avenue. The applicant approached staff regarding the desire to place a single family home at the above location; however, the design of the house that was proposed goes into the front / rear setback of the property. The plans for the house show the house to be approximately 4,200 square feet. Therefore, the property owner has requested to go through the variance process. Current front setback requirements for a lot zoned as R-1, Single Family Residential is 30 feet and the rear setback is 20 feet. Notifications have been made to the surrounding property owners. At the time of this report, staff has not received any letters or comment cards regarding this request.

Perry Salisbury spoke regarding the variance request.

Motion was made by Board Member Davis and seconded by Board Member Alford to table the request.

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen, Jones, Alford

Nays: None

Abstain: None

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: 05/19/2022
To: Board of Adjustment
Case: BOA 2022-04
From: Danielle O'Neal, Community Development Director
Re: Request by BREI, LLC for a variance to §156.035 District Regulations pertaining to lot size requirements for property located near North 4th Avenue and Willow Street.

Request: BREI, LLC is asking for a variance to §156.035 District Regulations pertaining to lot size requirements for property located near North 4th Avenue and Willow Street.

Current Zoning: R-3, General Residential

Surrounding Properties:

Direction	Zoning	Use
North	R-3	Single Family Residential
East	R-3	Single Family Residential
South	R-3	Single Family Residential
West	R-3	Single Family Residential

Lot Characteristics (as Re-platted)

Width	~48 ft.
Depth	~148 ft.
Total Area	~0.17 acre (~7,400 sq. ft.)

Background: The applicant approached staff regarding the desire to complete a re-plat in order join two lots together and build a single family home. The original two lots were approximately 25 feet by 148 feet; therefore, did not meet current lot size requirements and were not buildable. As a note, this area was platted around 1913. Even by joining the lots together, they still do not meet the lot size requirements for this zoning district. Planning Commission and City Council heard the re-plat request at their April meetings and approved the request with the contingency that the applicant is able to receive a variance from the Board of Adjustment. The applicant will also need to follow the correct process to ensure water and sewer will be connected to the proposed house. The site plan for the house shows the house to be approximately 1,100 square feet and with the dimensions given, should have no trouble fitting on the lot and adhere to current setbacks.

Notifications have been made to the surrounding property owners. At the time of this report, staff has not received any letters or comment cards regarding this request.

Analysis: §157.30 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 lot size requirements:

§ 156.035 DISTRICT REGULATIONS.

No lot or yard shall be established in any district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged to exceed these regulations, except as elsewhere provided in these regulations.

Zoning Districts	Lot Area Minimum	Lot Width at Front	Building Coverage (%)	Impervious Coverage (%)	Front (B)	Yards Min. Setback Side Interior		Exter	Rear	Height Maximum
						Adj. Res. District	Adj. Non-Res. District			
R-3 General Residential (F)	6,000 sq. ft. (single-family dwellings)	50'	50%	None	25' including double frontage	5' ^C	5' ^C	15'	20'	35'
	8,000 sq. ft. + (duplex and two-family dwellings)	70'	50%	None	25' including double frontage	5' ^C	5' ^C	15'	20'	35'

C For buildings of more than one story, the minimum width of the side yard on all lots shall be not less than 10 feet. On a lot where the principal use is a nonresidential building there shall be a side yard of not less than one-half the height of the building but in no case less than 15 feet.

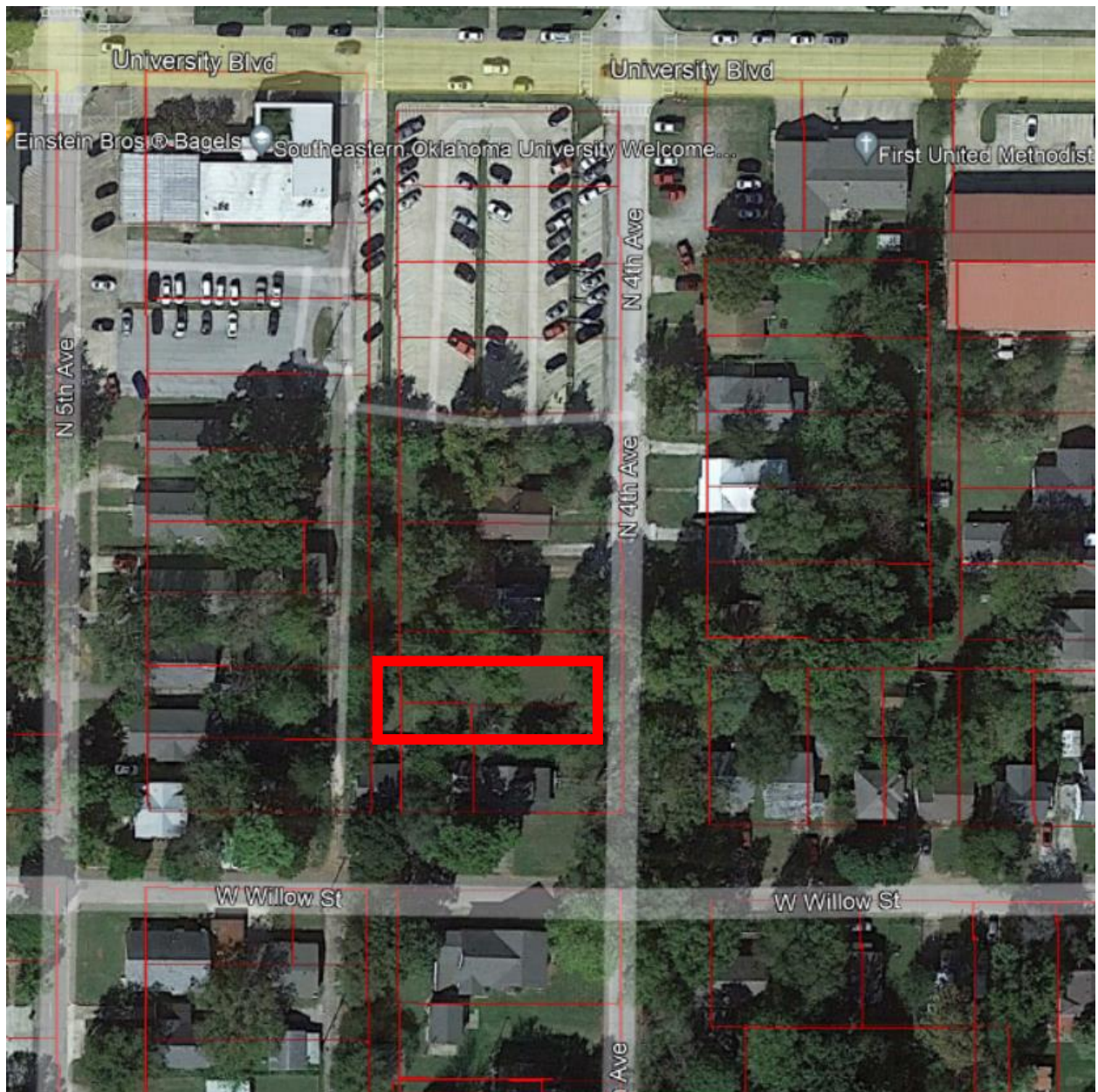
E A building or structure may exceed the maximum height regulations by adding one foot onto the required front, side and rear yards for each two feet of additional height.

The Future Land Use Map has this area as Mixed Residential; therefore, the use is in line with the Future Land Use Map. Parking requirements do require two parking spots.

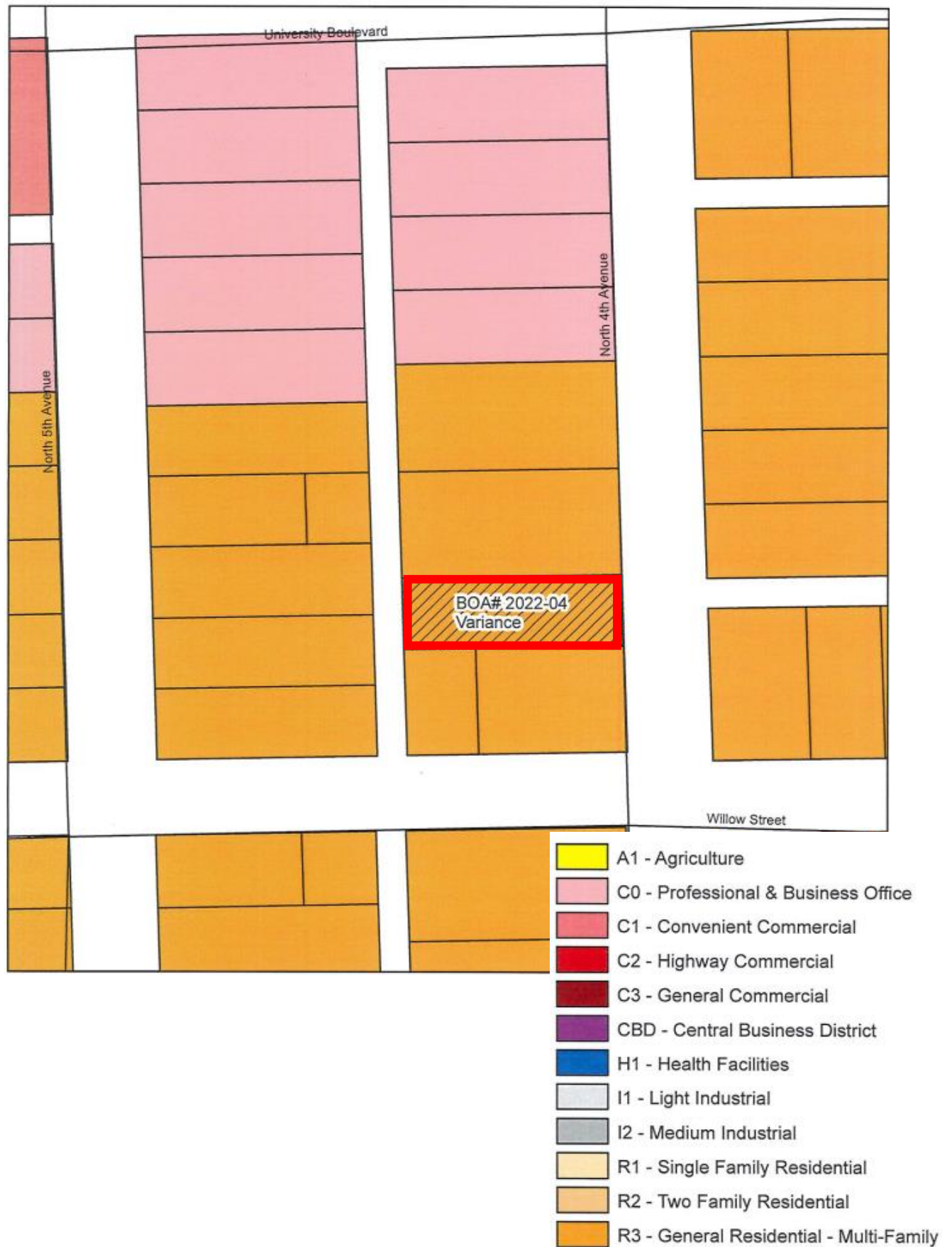
Staff Recommendation: Staff does support the approval of this variance.

Required Action: Hold a public hearing and approve or deny the variance to the lot size requirements in order to place a single-family house on the lot. Any specific conditions imposed by the Board should be read into the any approval motion.

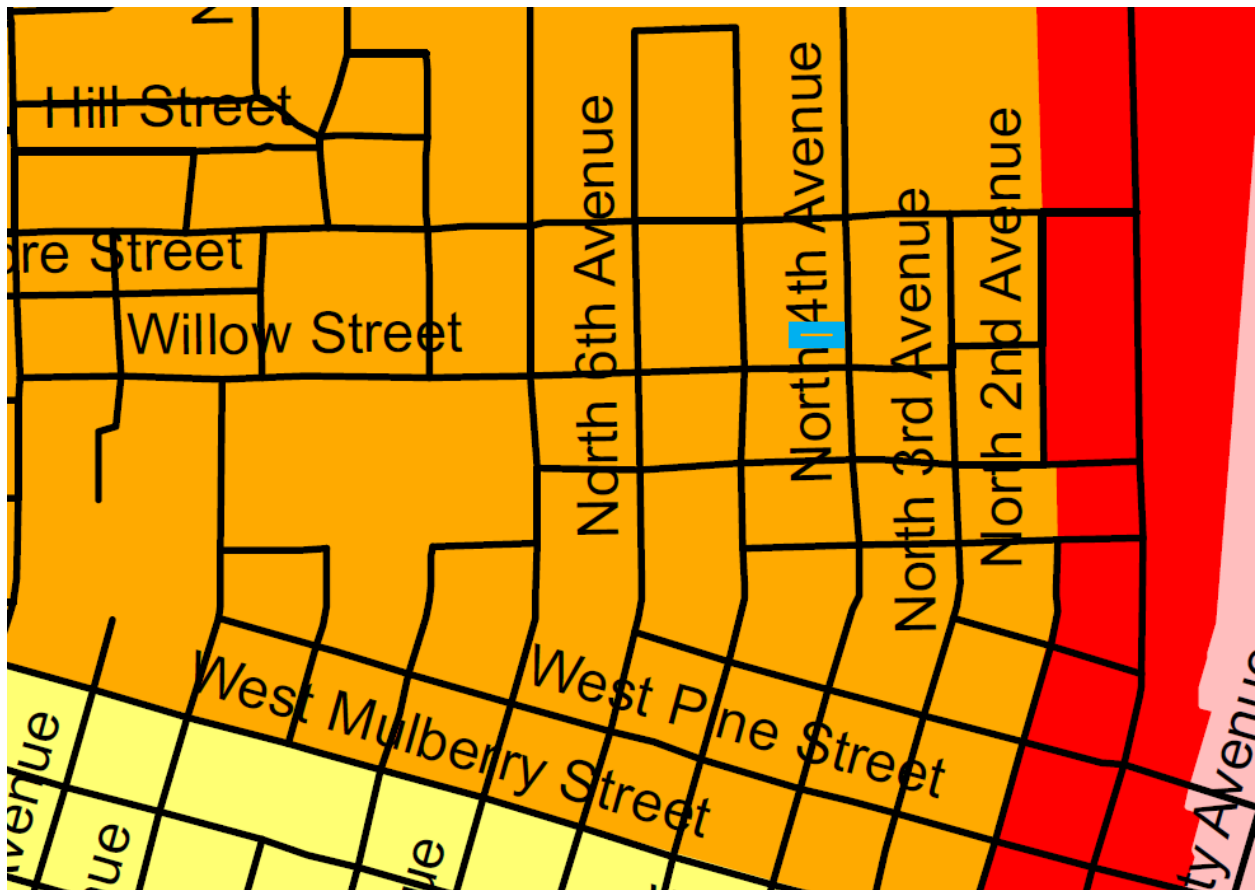
Aerial Map



Zoning Map



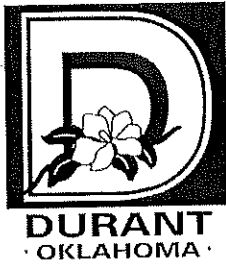
Future Land Use Map



Location is approximate

Future Land Use





THE CITY OF DURANT

Office of Community Development

Board of Adjustment Application

Petition # BOA2022-04 Fee \$ 300

Name: BREI, LLC.		Email: billy@blackburnplumbingllc.com	Phone #1 580-916-6799
Mailing Address: P.O. Box 816			Phone #2 580-775-1779
City: DURANT	State: OK	Zip: 74702	Fax # N/A
Applicant's Interest in Property: TO BUILD A NEW HOUSE			

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): VARIANCE TO LOT WIDTH
3. Reasons for request (may be attached): JOINED TWO LOTS TOGETHER AND STILL WOULDN'T MEET CITY REQUIREMENTS
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 ☒ No ☐
6. Location of property: 1303 N. 4TH Present Zoning: _____
7. The foregoing information and attachments are true and accurate to the best of my knowledge:

Applicant (Signature) [Signature] Date 4/15/22

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

After recording, return to:
Blackburn Real Estate Investments, LLC
P.O. Box 816
Durant, OK 74702

-2021-734134 Book 1562 Pg. 1,089
06/02/2021 2:33 pm Pg 1089-1089
Fee: \$ 18.00 Doc: \$ 29.25
Tammy Reynolds - Bryan County Clerk
State of Oklahoma



**JOINT TENANCY
WARRANTY DEED**

File No.: 2021040136

Documentary Stamps: \$29.25

That Dan T. Crouse or Barbara Ann Crouse, Trustees of the Dan T. and Barbara Ann Crouse 2009 Revocable Trust, (the "Grantor"), in consideration of the sum of TEN & NO/100 Dollars and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, do(es) hereby, grant, bargain, sell and convey unto Blackburn Real Estate Investments, LLC, a Limited Liability Company, as joint tenants and not as tenants in common, with right of survivorship, the whole estate to vest in the survivor, (the "Grantee"), the following described real property and premises situate in Bryan County, Oklahoma, to wit:

Lots 24 and 25 in Block 1 of Normal Heights First Addition, to the City of Durant, Bryan County, Oklahoma, according to the recorded plat thereof.

Together with all the improvements thereon and the appurtenances thereto belonging, and warrant the title to the same. SUBJECT TO easements, rights of way, restrictive covenants of record.

TO HAVE AND TO HOLD said described premises unto said Grantee, and to the heirs, successors and assigns of the survivor, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

Signed and delivered this 1st day of June, 2021.

Dan T. and Barbara Ann Crouse 2009 Revocable Trust

By: *Dan T. Crouse*
By: Dan T. Crouse, Trustee

STATE OF OKLAHOMA
Bryan County, 29.25
Documentary Stamps \$

By: *Barbara Ann Crouse*
By: Barbara Ann Crouse, Trustee

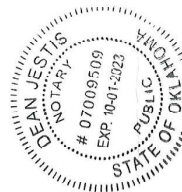
ACKNOWLEDGMENT - OKLAHOMA FORM

STATE OF OKLAHOMA
COUNTY OF BRYAN

ss.

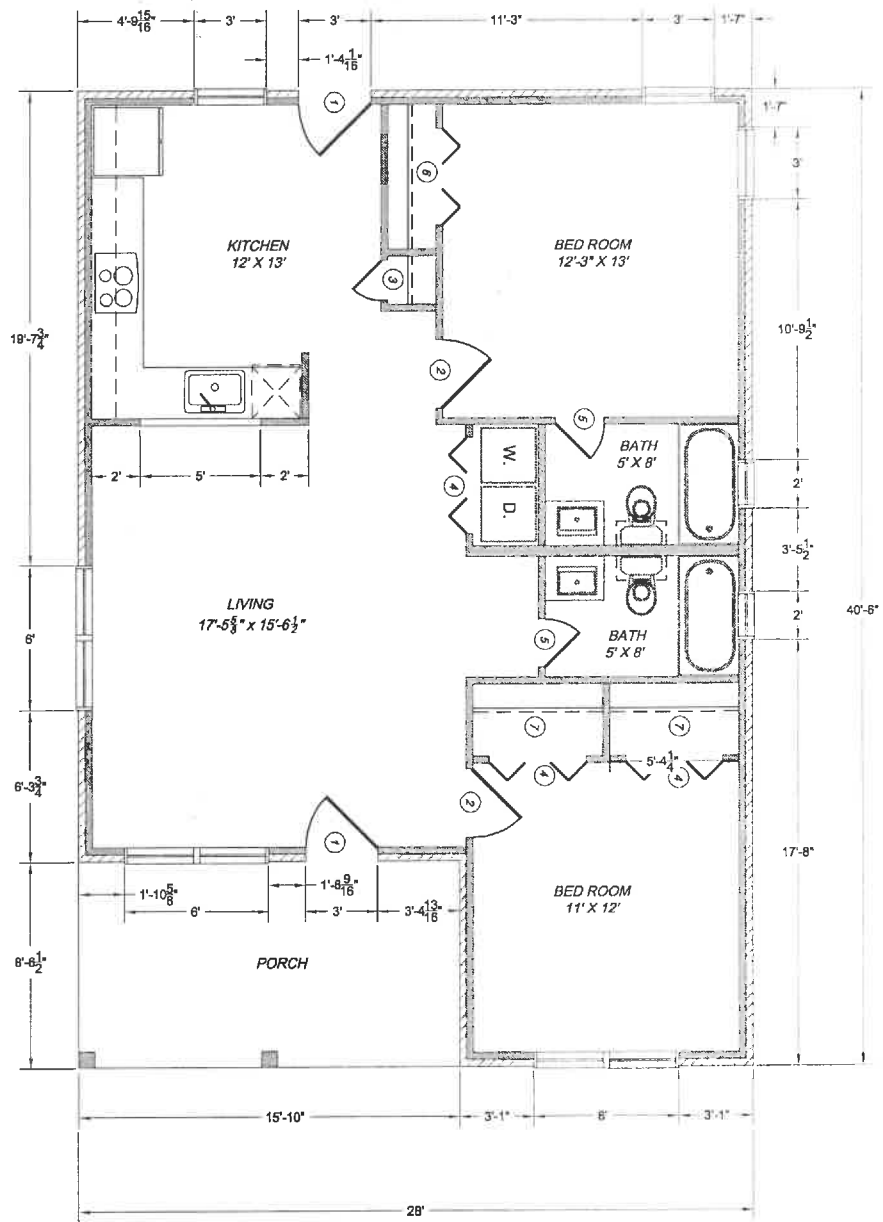
This instrument was acknowledged before me on this 1st, day of June, 2021 by Dan T. Crouse or Barbara Ann Crouse, Trustees of Dan T. and Barbara Ann Crouse 2009 Revocable Trust.

Commission No.:



Dean J. Jettis
Notary Public
My Commission Expires:

- ① 3' DOOR
- ② 2'-10" DOOR
- ③ 20" DOOR
- ④ 4' BIFOLD DOOR
- ⑤ 2' DOOR
- ⑥ 2x6 CLOSET
- ⑦ 3x5-4" CLOSET



PLAN VIEW
SCALE: 1" = 30"

AREA: 998.75 SQ. FT.

