

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**

January 26, 2023

AGENDA

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 July 28, 2022
- b. Discussion, Consideration and Possible Action on the 2023 Board of Adjustment Regular Meeting Calendar

2. Consider Items Removed from Consent

3. Information Items

4. Public Hearings

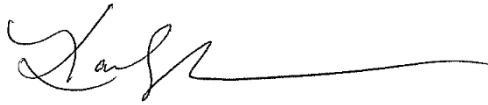
- a. BOA2022-10 Request by Kevin Gordon for a variance to §156.137 Buildings pertaining to allowing more than one principal building on one lot for property located at 2300 Chuckwa Dr.
- b. BOA2022-09 Request by Roma's for a variance to § 158.19 Tables (B) Table 2: Setback Requirements pertaining to the maximum sign area requirements for property located at 121 W. Main.

5. New Business

ADJOURNMENT

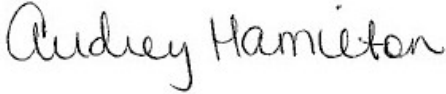
CERTIFICATE

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 15th day of December, 2022 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 24th day of January, 2023.

A handwritten signature in black ink, appearing to be "Karl", followed by a long horizontal line extending to the right.

, 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 11:00 a.m. on the 21st day of July, 2022.



Audrey Hamilton, City of Durant

**MINUTES OF THE MEETING OF DURANT BOARD OF ADJUSTMENT
July 28, 2022 AT 5:30 PM, Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma**

CALL TO ORDER

Chairman Rhynes called the meeting to order at 5:30 p.m.

INVOCATION/FLAG SALUTE

Board Member Jones provided the invocation. Chairman 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

Absent:
Board Member Conner Alford

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 19, 2022

Vice Chairman Davis moved to amend the minutes and remove Item 1a from the Consent Items.

2. Consider Items Removed from Consent

Vice Chairman Davis moved to amend the Regular Meeting Minutes of May 19, 2022 to

reflect that the Board of Adjustment did consider the applicability of section 157.30 of the Durant Code of Ordinances to those circumstances.

Motion was made by Vice Chairman Davis and seconded by Board Member Allen to amend the minutes as requested.

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen, Jones

Nays: None

Abstain: None

3. Information Items

4. Public Hearings

- a. BOA2022-07 Request by Durant Main Street Coffee for a variance to §156.035 District Regulations pertaining to the front and rear setback requirements for property located near Main Street and Radio Road

Danielle O'Neal reviewed with the Board of Adjustment an application for a variance from District Regulations as it pertains to the front and rear yard setback requirements for property located near Main Street and Radio Road. The applicant approached staff regarding the desire to plat this property and move the center lot line 40 feet to the East in order to make the triangle shaped lot larger. A final plat was approved by City Council at their July meeting. Council also approved a Revocable Permit for a parking lot that will be located in the Right-Of-Way of Main Street. The setbacks for the triangle piece were determined to be a front setback that runs along Main Street, a rear setback that runs along the North side of the property and a side setback that runs along the East side of the property. Therefore, the front setback would be 25 feet and the rear would be 20 feet. As a note, since the property was platted and the line was moved, the property will not be considered an existing lot of record. The applicant states in the application that they are requesting the front setback be reduced to 15 feet and the rear setback be reduced to 10 feet. They further explain that this would allow the buildable area to be increased. Notifications have been made to the surrounding property owners. The Future Land Use Map has this area as Commercial; therefore, the use is in line with the Future Land Use Map. At the time of this report, staff has not received any letters or comment cards regarding this request.

Steve Harriman, applicant, spoke in favor of this item.

Motion was made by Board Member Jones and seconded by Vice Chairman Davis to approve the 15 foot variance for the front setback and 10 foot variance on the rear setback contingent upon the size of the buildable area being kept to no more than 3,500 square feet.

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen, Jones

Nays: None

Abstain: None

5. New Business

There was no new business.

ADJOURNMENT

Motion made by Vice Chairman Davis and seconded by Board Member Jones to adjourn the meeting.

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen, Jones

Nays: None

Abstain: None

Schedule of Regular Meetings for Durant Board of Adjustment Calendar Year 2023

<u>Date</u>			<u>Time</u>	<u>Location</u>
January	26	2023	5:30	Roscoe J. Hatfield Council Chambers
February	23	2023	5:30	Roscoe J. Hatfield Council Chambers
March	23	2023	5:30	Roscoe J. Hatfield Council Chambers
April	27	2023	5:30	Roscoe J. Hatfield Council Chambers
May	25	2023	5:30	Roscoe J. Hatfield Council Chambers
June	22	2023	5:30	Roscoe J. Hatfield Council Chambers
July	27	2023	5:30	Roscoe J. Hatfield Council Chambers
August	24	2023	5:30	Roscoe J. Hatfield Council Chambers
September	28	2023	5:30	Roscoe J. Hatfield Council Chambers
October	26	2023	5:30	Roscoe J. Hatfield Council Chambers
November	23	2023	5:30	Roscoe J. Hatfield Council Chambers
December	28	2023	5:30	Roscoe J. Hatfield Council Chambers

Filed By:

Audrey Hamilton, Board of Adjustment Secretary
Durant City Hall
PO Box 578
Durant, OK 74702-0578

Filed in the office of the Durant City Clerk
on _____, 2022.

Cynthia Price, City Clerk



THE CITY OF DURANT

Office of Community Development

Date: 12/15/2022
 To: Board of Adjustment
 Case: BOA 2022-10
 From: Danielle O’Neal, Community Development Director
 Re: Request by Kevin Gordon for a variance to §156.137 Buildings pertaining to allowing more than one principal building on one lot for property located at 2300 Chuckwa Dr.

Request: Kevin Gordon is asking for a variance to §156.137 Buildings pertaining to allowing more than one principal building on one lot for property located at 2300 Chuckwa Dr.

Current Zoning: A-1, General Agriculture

Surrounding Properties:

Direction	Zoning	Use
North	A-1 / R-1	Single Family Uses
East	A-1	Single Family Uses
South	A-1	Single Family Uses
West	A-1	Single Family Uses

Lot Characteristics

Width	~431 ft.
Depth	~274 ft.
Total Area	~2.7 acres (~118,094 sq. ft.)

Applicant: Kevin Gordon

Background: The applicant approached staff regarding the desire to build a garage style apartment to live in while the demolition and reconstruction of the primary residence occurs. After the reconstruction of the primary residence occurs, the applicant would like to keep the garage style apartment for his children to stay in while they visit.

The applicant states in the application that they are planning to live in the garage style apartment for a year while the primary residence is being demolished and reconstructed. After that time, the garage will be used to store equipment in and the living quarters will be used for their children to stay in while they visit. Current ordinances do not allow more than one principal building per lot; therefore, they are asking for a variance to allow both principal buildings to be on this lot.

Notifications have been made to the surrounding property owners. At the time of this report, staff has received two letters of support for 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. As a reminder, all elements of the following should be present.

“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 Future Land Use Map has this area as Low to Medium Residential; therefore, the use is in line with the Future Land Use Map.

The following is the ordinance language regarding more than one principal building:

§ 156.137 BUILDINGS.

Any building hereafter erected or structurally altered shall be located on one lot and except as provided herein; there shall be no more than one principal building and the customary accessory buildings on one lot; provided further that accessory buildings may not be erected or placed in the front and side yard areas as required in the separate districts.

(Prior Code, § 157.118) (Ord. 1040, passed 4-12-1983)

§ 156.006 DEFINITIONS.

ACCESSORY OR AUXILIARY USE OR STRUCTURE. A use or structure customarily incidental, appropriate, and subordinate to the principal use of a building or to the principal use of land and which is located upon the same lot therewith.

BUILDING, PRINCIPAL. A building or buildings in which the principal use of the building site is conducted. In any residential district, any dwelling shall be deemed to be the principal building on the building site.

Staff Recommendation: While staff does not have an issue with the proposed development, staff's only question/concern would be if the request meets all of the requirements in order to grant a variance.

Required Action: Hold a public hearing and approve or deny the variance to allow both principal buildings on one lot for the property located at 2300 Chuckwa Dr. Any specific conditions imposed by the Board should be read into any approval motion.



Maxey Drive

Shirley Street

Wilson Street

Larry Avenue

Gershwin Drive

Red Fox Road

Estelle Street

Marie Drive

BOA# 2022-10
Variance

Delivery Lane

Oak Hills Drive

Chuckwa Street

Chuckwa Street

Highway Us 69-75 Ramp - Highway Us 69-75

Highway Us 69-75

University Boulevard



Criswell Boulevard

Westside Drive

Medical Drive

Bryan Drive

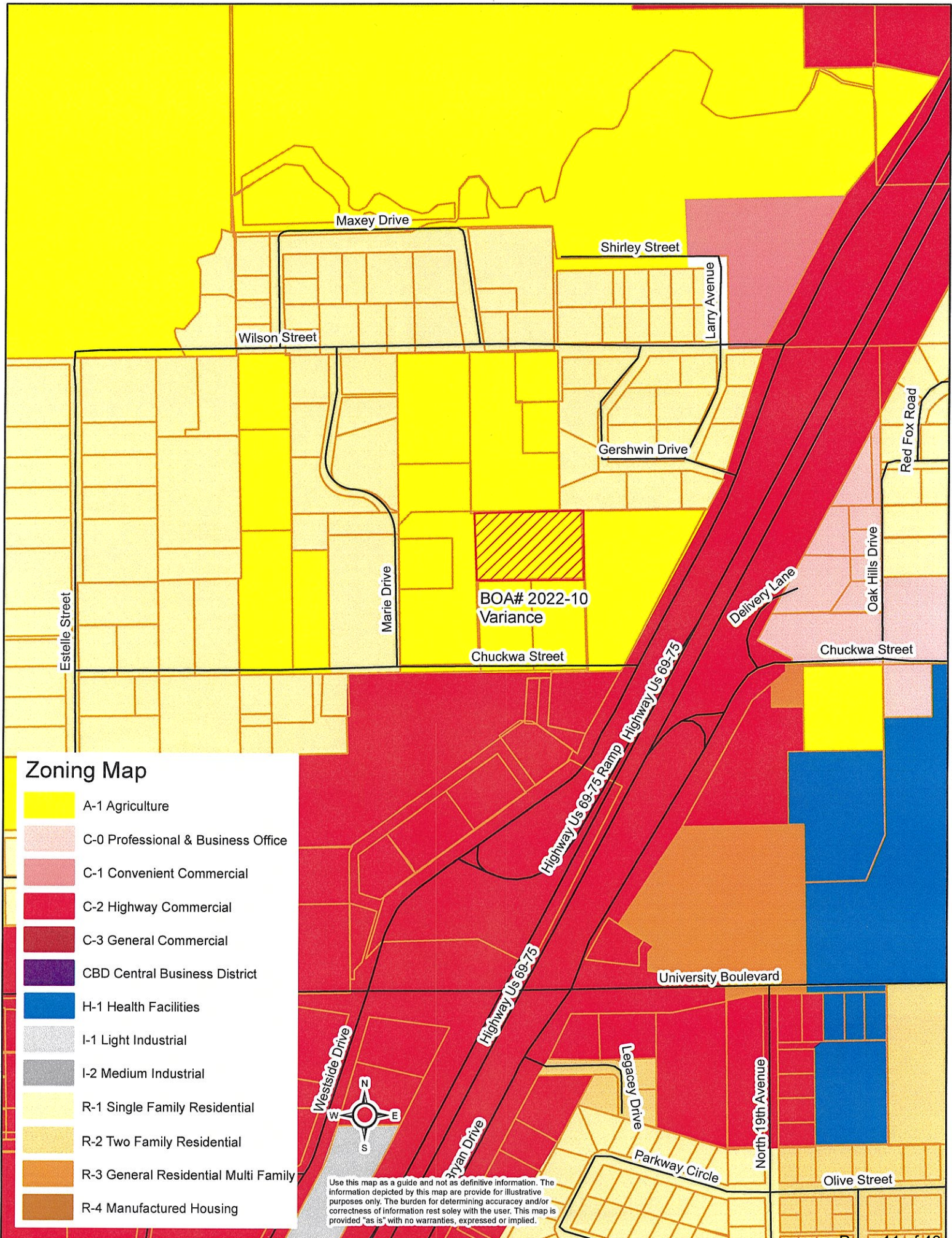
Legacy Drive

North 19th Avenue

Parkway Circle

Olive Street

Use this map as a guide and not as definitive information. The information depicted by this map are provide for illustrative purposes only. The burden for determining accuracy and/or correctness of information rest solely with the user. This map is provided "as is" with no warranties, expressed or implied.

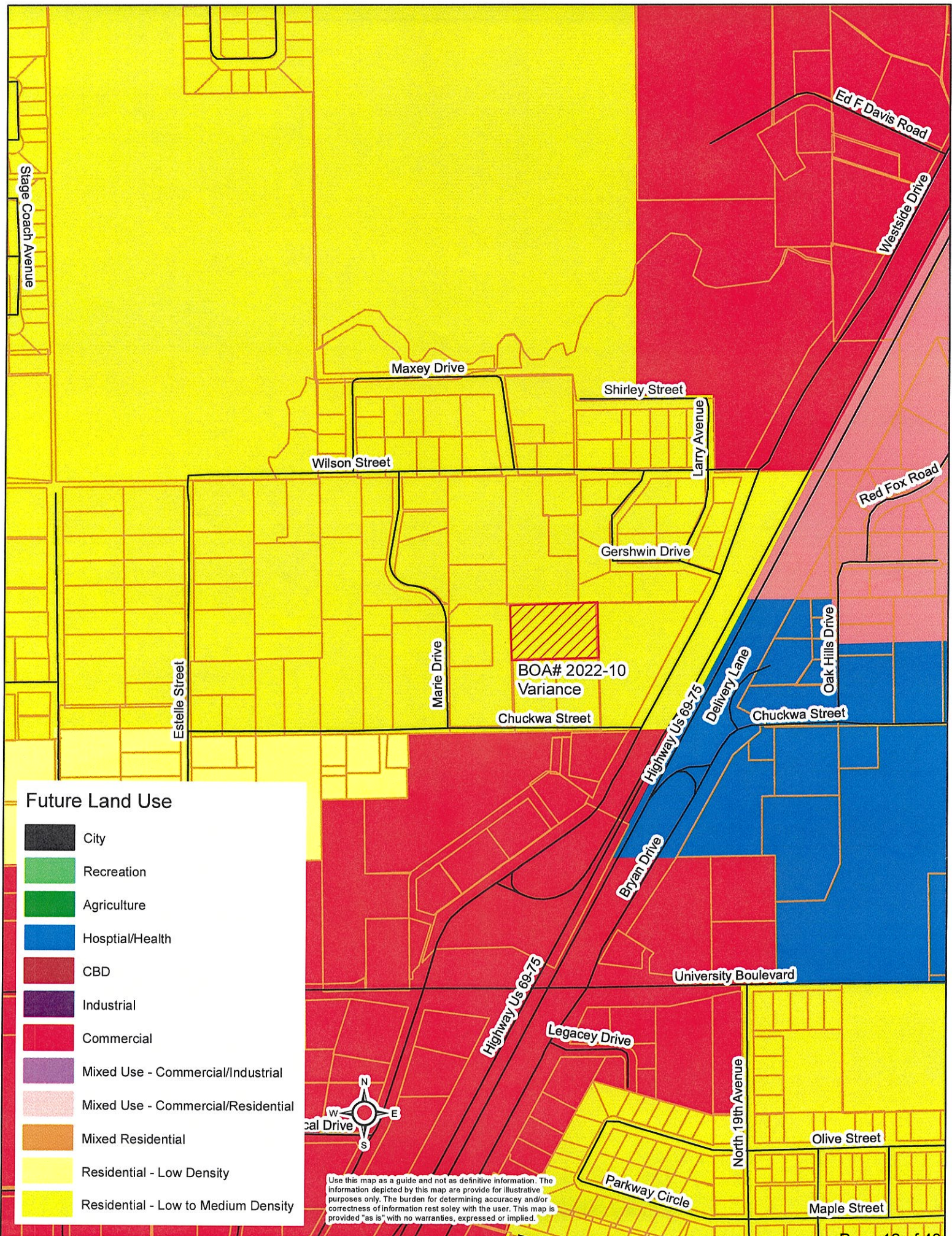


Zoning Map

- A-1 Agriculture
- C-0 Professional & Business Office
- C-1 Convenient Commercial
- C-2 Highway Commercial
- C-3 General Commercial
- CBD Central Business District
- H-1 Health Facilities
- I-1 Light Industrial
- I-2 Medium Industrial
- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 General Residential Multi Family
- R-4 Manufactured Housing



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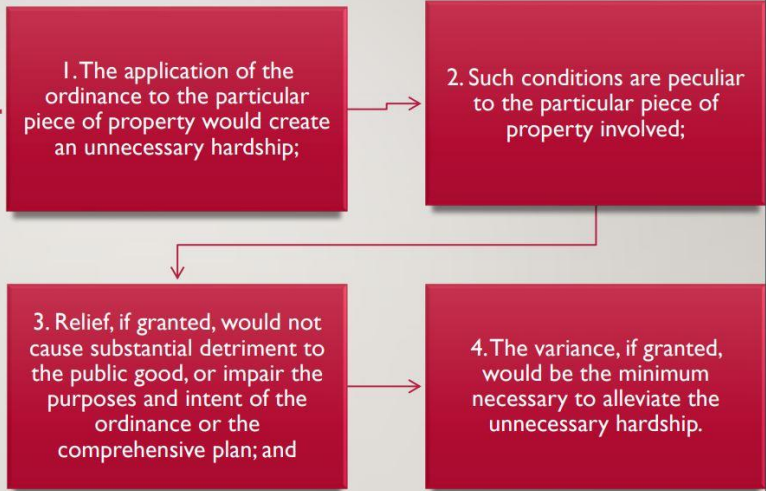
Future Land Use

- City
- Recreation
- Agriculture
- Hospital/Health
- CBD
- Industrial
- Commercial
- Mixed Use - Commercial/Industrial
- Mixed Use - Commercial/Residential
- Mixed Residential
- Residential - Low Density
- Residential - Low to Medium Density



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4 QUESTIONS FOR A VARIANCE





THE CITY OF DURANT

Office of Community Development

Board of Adjustment Application

Petition # BDA 2022-10 Fee \$ 300.00

Name: <u>KEVIN J. GORDON</u>	Email: <u>gordon.kevingordon@gmail.com</u>	Phone #1: <u>(580) 916-8444</u>
Mailing Address: <u>2300 CHUCKWA DR</u>		Phone #2: _____
City: <u>DURANT</u> State: <u>OK</u> Zip: <u>74701</u>		Fax #: _____
Applicant's Interest in Property: <u>(SELF)</u>		

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): Build garage with living quarters without having to replot property.

3. Reasons for request (may be attached): Plan to build garage to live in it for a year, while current house is demolished and a new one is rebuilt in its current spot. Garage will then be used to store tractor and lawn equipment and living quarters to be used when children come to visit with their families.

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: 2300 CHUCKWA DR Present Zoning: FARM

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

Applicant (Signature) *Kevin J Gordon* Date 11.9.22

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 #

INDEX

**WARRANTY DEED
(JOINT TENANCY)**

County of Bryan
Filed 5-20-04
Book 1058 Page 606 Trm 318
Patricia L. Brady 607
County Clerk [Signature] Deputy.

KNOW ALL MEN BY THESE PRESENTS:

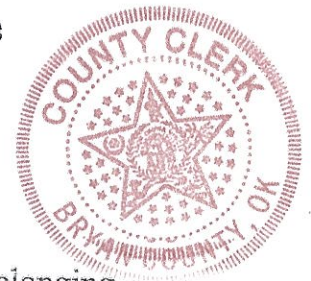
That, **BRIAN J. REMSHARDT** and **JILL MICHELLE REMSHARDT**, husband and wife, parties of the first part, in consideration of the sum of Ten and more (\$10.00) Dollars, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto **KEVIN JAMES GORDON** and **MISTY YVONNE GORDON**, husband and wife, 4057 E. 26th St., Tulsa, OK 74114, joint tenants, the survivor to take all, and not as tenants in common, parties of the second part, their grantees, and their heirs and grantees of the survivor, all of the following described real property and premises, situated in Bryan County, State of Oklahoma, to-wit:

Tract 1: A part of the SW/4 NW/4 NE/4 and a part of E/2 SE/4 NE/4 NW/4 of Section 30, Township 6 South, Range 9 East of the Indian Base and Meridian, Bryan County, Oklahoma, more particularly described as BEGINNING at a point that is North 89 degrees 37 minutes 44 seconds East a distance of 217.50 feet from the Southwest Corner of the E/2 SE/4 NE/4 NW/4 of said Section 30; Thence North 01 degrees 07 minutes 34 seconds West a distance of 374.73 feet; Thence North 89 degrees 47 minutes 07 seconds East a distance of 217.50 feet; Thence South 01 degrees 07 minutes 34 seconds East a distance of 374.13 feet; Thence South 89 degrees 37 minutes 44 seconds West a distance of 217.50 feet to the point of beginning.

Tract 2: A part of the SW/4 NW/4 NE/4 and a part of E/2 SE/4 NE/4 NW/4 of Section 30, Township 6 South, Range 9 East of the Indian Base and Meridian, Bryan County, Oklahoma, more particularly described as BEGINNING at the Northwest Corner of the E/2 SE/4 NE/4 NW/4 of said Section 30; Thence North 89 degrees 47 minutes 07 seconds East a distance of 435.0 feet; Thence South 01 degrees 07 minutes 34 seconds East a distance of 290.0 feet; Thence South 89 degrees 47 minutes 07 seconds West a distance of 435.0 feet; Thence North 01 degrees 07 minutes 34 seconds West a distance of 290.0 feet to the point of beginning.

R. S. \$93.75

Bryan County
Documentary Stamps \$ 93.75



together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto parties of the second

000666

part, their grantees and the heirs and grantees of the survivors, forever, free, clear and discharged of and from all former grants, titles, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

SIGNED AND SEALED this the 18th day of May, 2004.

Brian Remshardt
BRIAN J. REMSHARDT

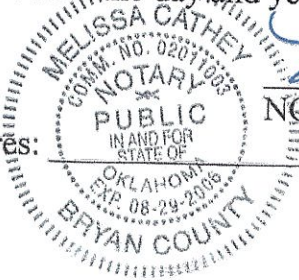
Jill Michelle Remshardt
JILL MICHELLE REMSHARDT

STATE OF OKLAHOMA)
)ss. ACKNOWLEDGMENT
COUNTY OF BRYAN)

Before me, the undersigned, a Notary Public in and for said County and State, on this 18th day of May, 2004, personally appeared BRIAN J. REMSHARDT and JILL MICHELLE REMSHARDT, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and Seal the day and year last above written.

My Commission Expires:



Melissa Cathey
NOTARY PUBLIC

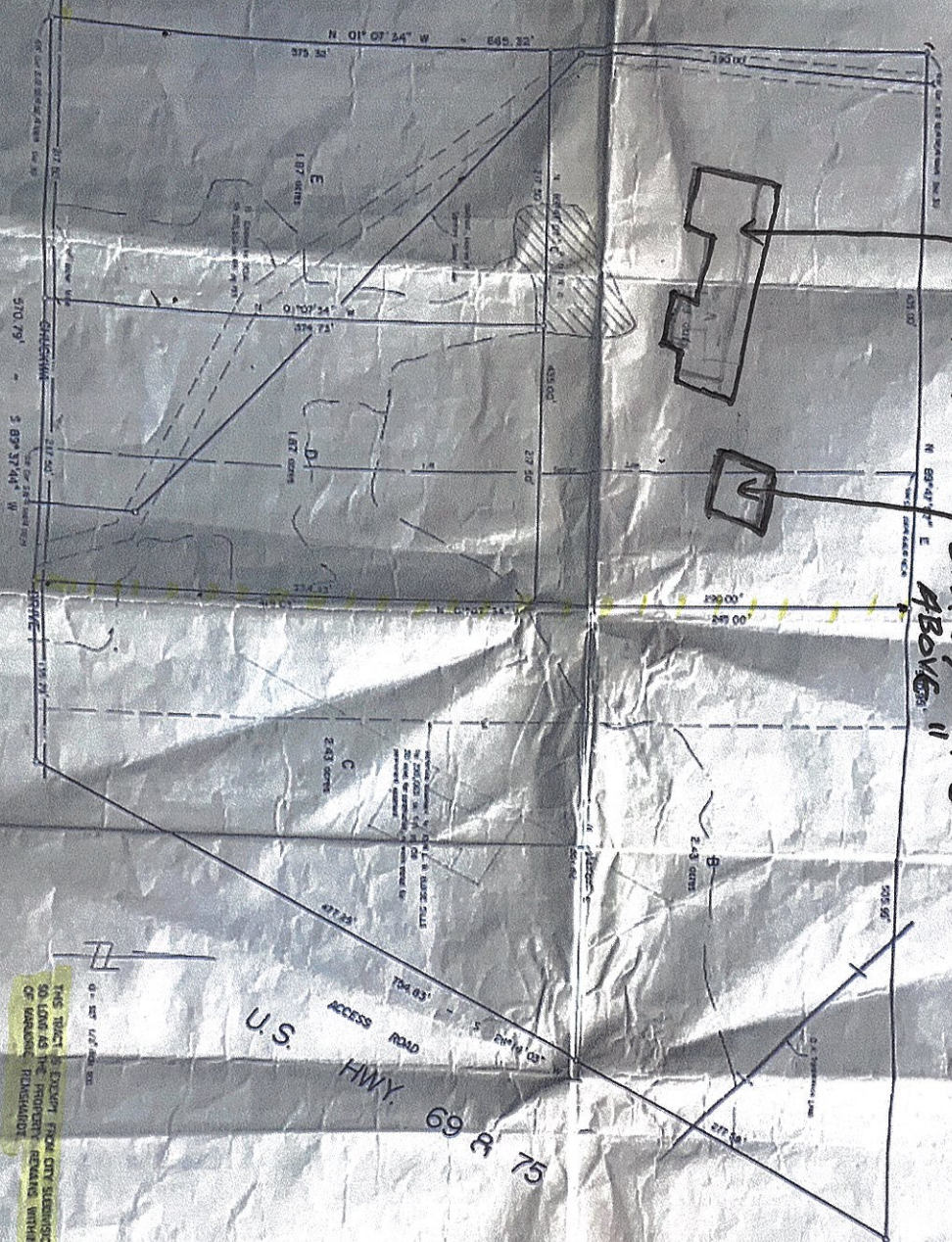
000667

A PART OF THE E/2 SE/4 NE/4 NW/4
 A PART OF THE SW/4 NW/4 NE/4
 SEC. 30, T6S, R9E

BRYAN CO, OKLAHOMA

2300 Chautauq
 Current House
 Structure

NEW STRUCTURES
 GARAGE WITH
 LIVING SPACE
 ABOVE



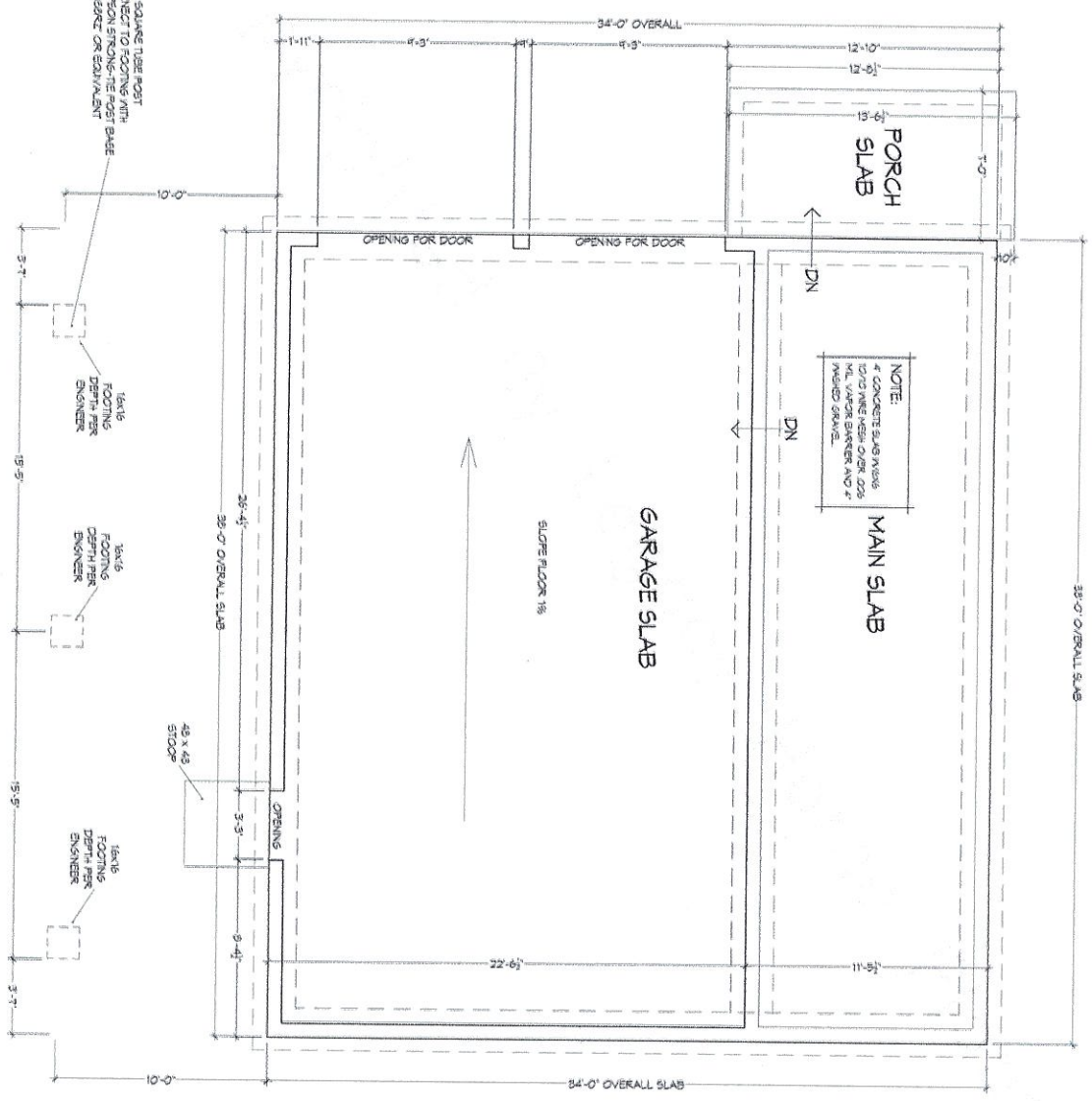
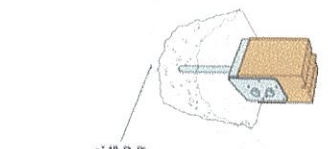
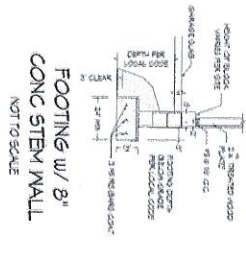
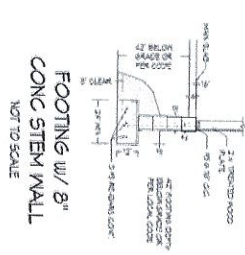
THIS TRACT EXCEPT FROM CITY SUBDIVISION PLATING REQUIREMENTS
 ON LOT 16 IS THE PROPERTY REVEALED WITHIN THE "IMMEDIATE FUTURE"
 OF RECORDED INSTRUMENT

SECTION 30, T6S, R9E
 PART OF THE SW/4 NW/4 NE/4
 PART OF THE E/2 SE/4 NE/4 NW/4
 SEC. 30, T6S, R9E
 BRYAN COUNTY, OKLAHOMA

1. PART OF THE SW/4 NW/4 NE/4
 PART OF THE E/2 SE/4 NE/4 NW/4
 SEC. 30, T6S, R9E
 BRYAN COUNTY, OKLAHOMA
 AS SHOWN BY THE SURVEY OF THE
 LANDS OF THE UNITED STATES
 IN THE YEAR 1896
 AND BY THE SURVEY OF THE
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 AND BY THE SURVEY OF THE
 LANDS OF THE UNITED STATES
 IN THE YEAR 2016
 AND BY THE SURVEY OF THE
 LANDS OF THE UNITED STATES
 IN THE YEAR 2020

RENE ENGINEERING, INC.
 1000 N. W. 100th St.
 Oklahoma City, Oklahoma 73127
 PHONE: (405) 761-1111
 FAX: (405) 761-1112
 WWW: www.rene-engineering.com





FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

FOUNDATION NOTES

FOUNDATION HAS BEEN EXAMINED BASED ON PLANS AND FOUND TO BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS. THE FOUNDATION IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING NOTES:

1. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL FOUNDATION CODE BOOK (IFC).

2. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL FOUNDATION CODE BOOK (IFC).

3. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC) AND THE INTERNATIONAL FOUNDATION CODE BOOK (IFC).

4. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPC) AND THE INTERNATIONAL FOUNDATION CODE BOOK (IFC).

5. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODE (IFSC) AND THE INTERNATIONAL FOUNDATION CODE BOOK (IFC).

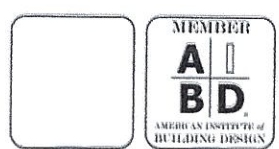
6. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC) AND THE INTERNATIONAL FOUNDATION CODE BOOK (IFC).

7. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENVIRONMENTAL CODE (IEC) AND THE INTERNATIONAL FOUNDATION CODE BOOK (IFC).

8. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL HEALTH AND SAFETY CODE (IHSC) AND THE INTERNATIONAL FOUNDATION CODE BOOK (IFC).

9. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL OCCUPANCY SAFETY AND HEALTH CODE (IOSH) AND THE INTERNATIONAL FOUNDATION CODE BOOK (IFC).

10. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CONSTRUCTION CODE (ICC) AND THE INTERNATIONAL FOUNDATION CODE BOOK (IFC).



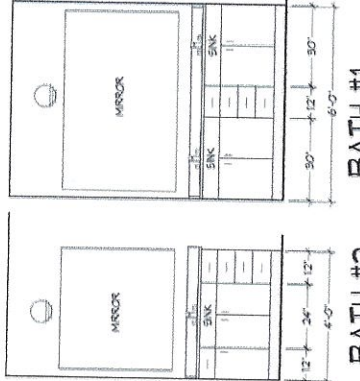
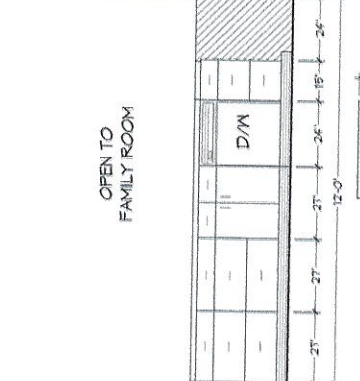
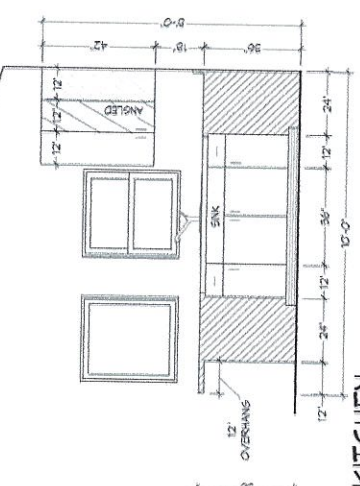
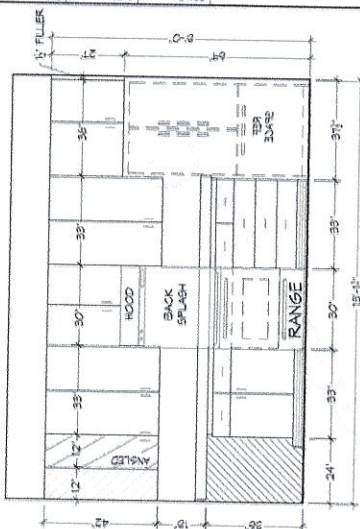
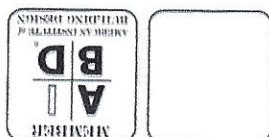
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FOR	SCALE	DATE	FILE
PLAN NAME	As Shown	12-11-20	
PLAN NO.	DRAWN BY	blw/dsmv	SHEET #
			1

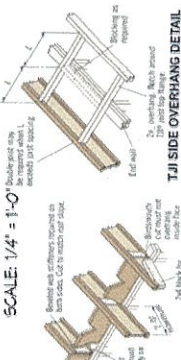
0435-1292-1250 (2.2) (Reversed)

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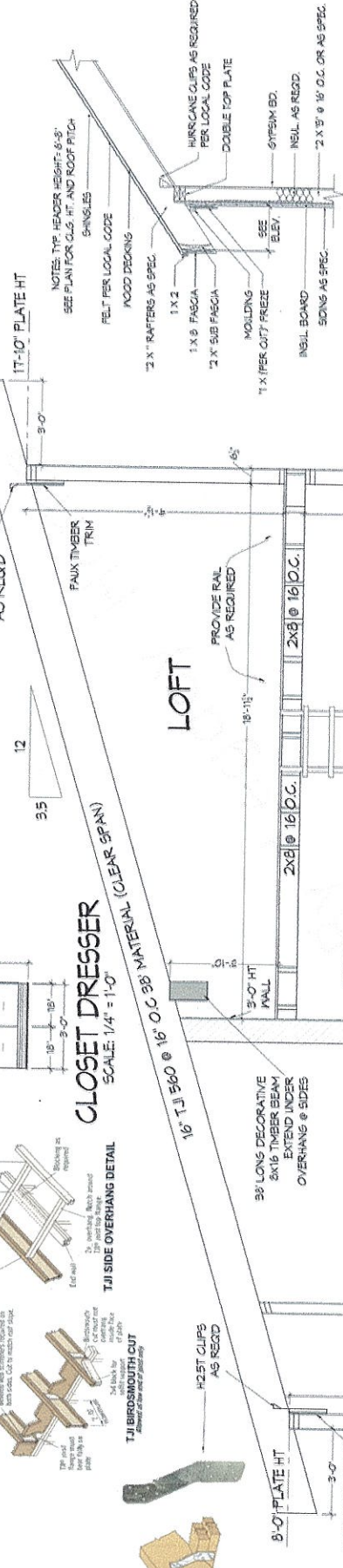
KITCHEN
SCALE: 3/8" = 1'-0"

CLOSET DRESSER
SCALE: 1/4" = 1'-0"

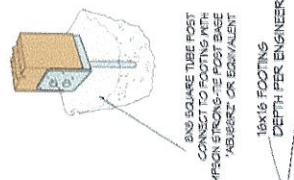


BATH #1
SCALE: 1/4" = 1'-0"

BATH #2
SCALE: 1/4" = 1'-0"



PLUMB-CUT RAFTER - NO SOFFIT
TYPICAL CORNICE DETAIL W/ SIDING
NO SCALE

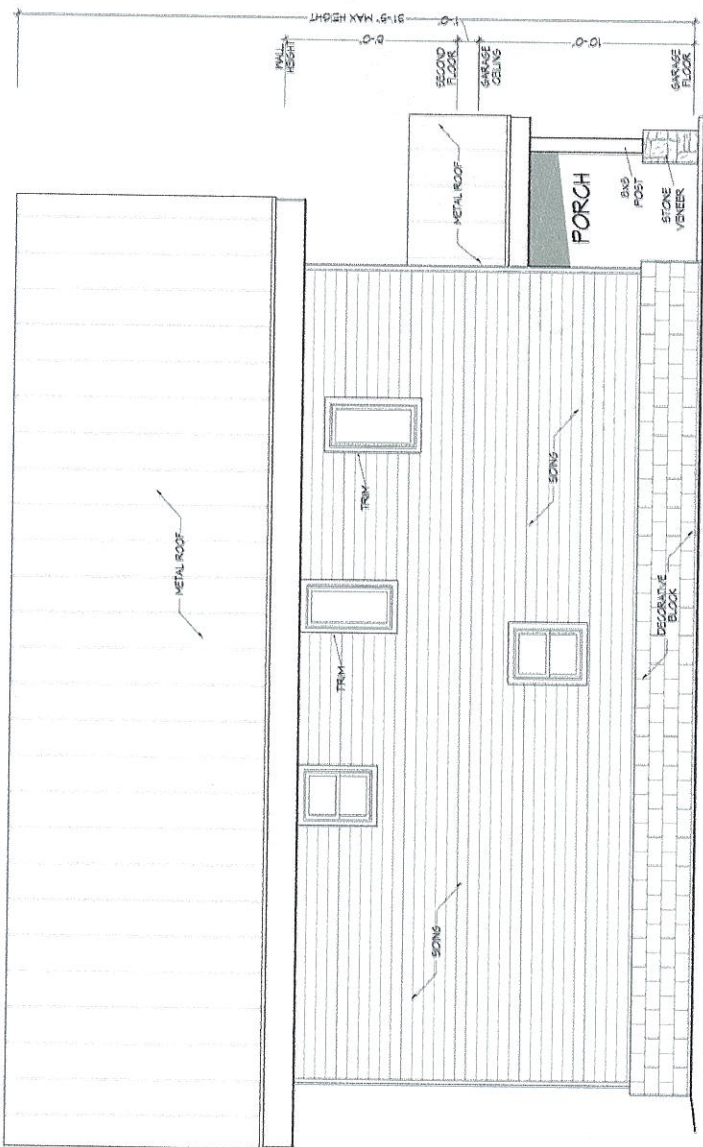


8x8 SQUARE TUBE POST
 CONNECT TO FOOTING WITH
 SIMPSON STRONG-TIE POST BASE
 *8" BURET OR EQUIVALENT
 16x16 FOOTING
 DEPTH PER ENGINEER

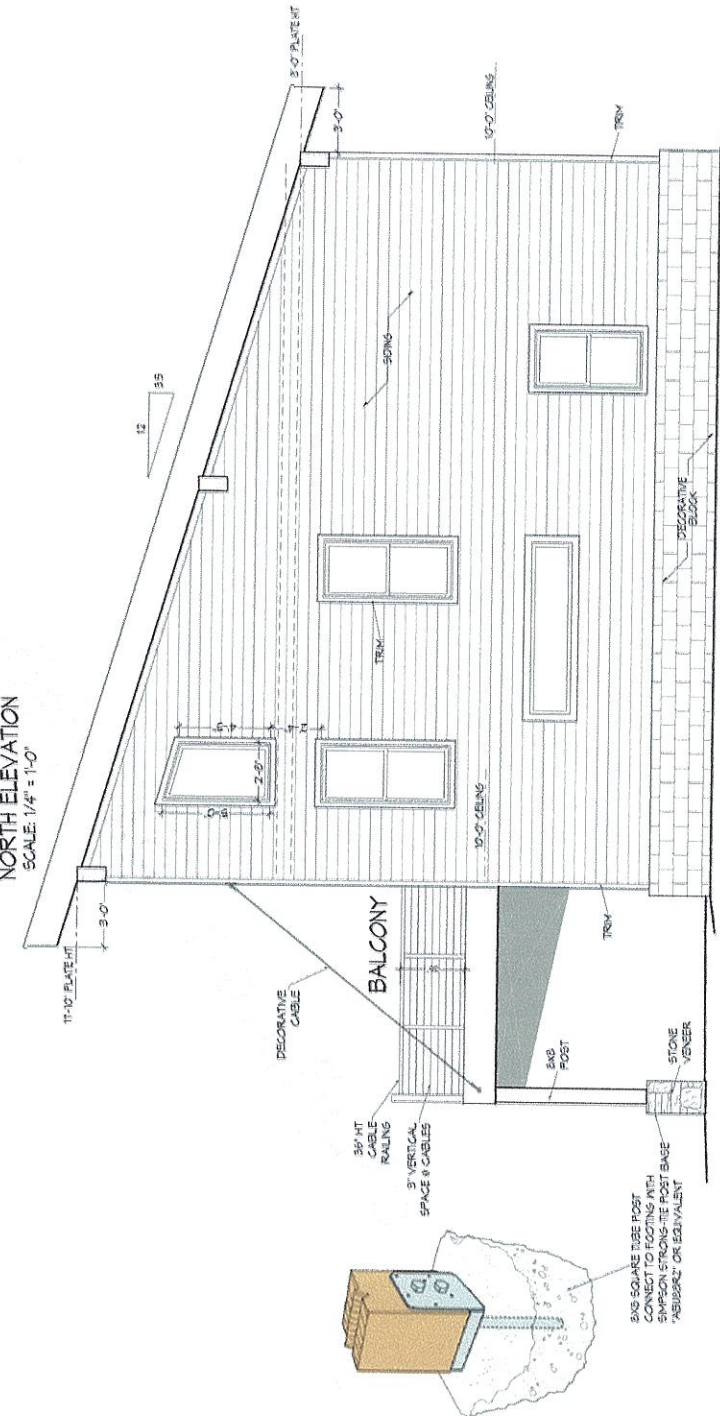
MAIN BODY SECTION AND STAIR DETAIL
SCALE: 3/8" = 1'-0"

DATE	SCALE	DRAWN BY	SHEET #
12-11-20	AS SHOWN	BLD/BNV	6
0435-1292-1250 (2.2) (Reversed)			
Eagle River (2.2)			

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NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



WEST ELEVATION
 SCALE: 1/4" = 1'-0"



DURANT OKLAHOMA

Residential Building Permit Application

Project Address: ^{wrong address} ~~2300 CHUCKWA DR~~ Date: 09.16.2022

Property Owners Information

Name: KEVIN J. GORDON Email: gordon.kevingordon@gmail.com

Home # _____ Cell# (580) 916-8444 Fax# _____

Address: 2300 CHUCKWA DR City: DURANT State: OK Zip: 74701

Contractor Information

Business Name: _____ Office # _____ Fax# _____

Contact Person: RODNEY FRENCH Email: rodneyfrench@att.net Cell# (580) 564-5566

Address: _____ City _____ State _____ Zip _____

Insurance Carrier _____ Phone# _____

Type of Permit

New Remodel Addition Other

Provide plans with dimensions and location (s).

Zoned FARM Square Feet: 2027 Hatched / 3277 Total Estimated Cost: \$400,000

MEP Contractors:

Mechanical: Company _____
Name and Phone Number _____

Electrical: Company _____
Name and Phone Number _____

Plumbing: Company _____
Name and Phone Number _____

Note:
See Ordinance 1914 regarding construction noise requirements and noise permit requirements.

I understand that I am responsible for ensuring that all applicable sales and taxes are paid for all materials purchased. I also understand that I will be required to submit documentation to the Community Development Department showing proof of payment, either to the vendor or directly to the Oklahoma Tax Commission. Certificate of Occupancies will not be issued until such documentation has been received and verified.

The owner and or applicant are responsible for compliance with any and all building codes, City Ordinances, and restrictive covenants. City Staff cannot authorize variances in building codes, City Ordinances, or restrictive covenants. Being Issued a building permit is not a variance from any building code, City Ordinance, or restrictive covenant. The owner and/or applicant must verify all data and plans for compliance with any applicable requirement.

I hereby certify that statements in this application and the attachments hereto are true and correct and that the property owner has given permission for this work to proceed. I further certify that all construction work done under this permit will conform to the attached plans, specifications and drawing and to the Code of Ordinance of the City of Durant and that all electrical, plumbing, mechanical, fence, sign and driveway construction shall be performed by contractors licensed by the state of Oklahoma and City of Durant (if applicable).

Owner or Contractor Signature: Kevin J. Gordon Community Development _____ Page 24 of 43



Danielle O'Neal <doneal@durant.org>

(no subject)

Jeff Shattuck <jshattuck@ftnb.net>
To: "planning@durant.org" <planning@durant.org>
Cc: Kevin Gordon <gordon.kevingordon@gmail.com>

Thu, Dec 1, 2022 at 10:31 AM

My wife Holly and I are for Kevin Gordon's proposal. I have attached my approval questionnaire.

Sincerely

Jeffrey M. Shattuck
2220 Gershwin Dr
Durant, OK 74701

First Texoma National Bank

The neighborhood bank you can count on

Jeffrey M Shattuck, President
Oklahoma Market

220 W. Main Street
Durant, OK 74701

www.ftnb.net

(580) 920-6576



Connect With Us!

 **Kevin Gordon - Petition #BOA2022-10.pdf**
39K

PUBLIC COMMENT FORM

City of Durant
Community Development Department (please return by December 8, 2022)
300 W. Evergreen St.
P.O. Box 578
Durant, OK, 74701

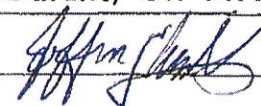
Email Form to: planning@durant.org

I am FOR the requested variance as explained on the attached public notice for Petition # BOA2022-10

I am AGAINST the requested variance as explained on the attached public notice for Petition #BOA2022-10

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

Thursday, December 15, 2022, 5:30 pm
Durant City Hall, Council Chambers, 300 W Evergreen Street, Durant OK 74701

Name: Jeff Shattuck
(please print)
Address: 2220 Gershwin Dr
Durant, OK 74701
Signature: 
Date: 12/02/2022

COMMENTS:

I am for the request Kevin Gordon has made. I believe Kevin's project will in no way take away from the surrounding neighborhood. I believe Kevin will be adding value to not only his property but the properties around his property. I trust Kevin's decision making on this project.

PUBLIC COMMENT FORM

City of Durant
Community Development Department (please return by December 8, 2022)
300 W. Evergreen St.
P.O. Box 578
Durant, OK, 74701

Email Form to: planning@durant.org

I am **FOR** the requested variance as explained on the attached public notice for Petition # BOA2022-10

I am **AGAINST** the requested variance as explained on the attached public notice for Petition #BOA2022-10

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

Thursday, December 15, 2022, 5:30 pm
Durant City Hall, Council Chambers, 300 W Evergreen Street, Durant OK 74701

Name: CHERYL KRIEGER
(please print)
Address: 2223 GERSHWIN DR
DURANT, OK 74701
Signature: Cheryl Krieger
Date: 12-3-22

COMMENTS:

I fully support this request!
C. Krieger



THE CITY OF DURANT

Office of Community Development

Date: 01/26/2023
 To: Board of Adjustment
 Case: BOA 2022-09
 From: Danielle O’Neal, Community Development Director
 Re: Request by Roma’s for a variance to §158.19 Tables (B) Table 2: Setback Requirements pertaining to the maximum sign area requirements for property located at 121 W. Main Street.

Request: Roma’s is asking for a variance to §158.19 (B) Table 2: Setback Requirements pertaining to the maximum sign area requirements for property located at 121 W. Main Street.

Current Zoning: CBD, Central Business District

Surrounding Properties:

Direction	Zoning	Use
North	CBD	Commercial Uses
East	CBD	Commercial Uses
South	C-3 / I-2	Commercial Uses / Brewery
West	CBD	Commercial Uses

Lot Characteristics

Width	~121 ft.
Depth	~139 ft.
Total Area	~0.38 acres (~16,819 sq. ft.)

Applicant: Roma’s

Background: The applicant and a sign company approached staff regarding the desire to place a 72 sq. ft. digital sign that they want to place in their parking lot. The applicant has already talked with the Oklahoma Department of Transportation (ODOT) since there is state highway right-of-way in the area. The sign also had to go before ODOT's Outdoor Advertising group because it was larger than what they allow as well. The Outdoor Advertising group did grant approval as long as there was no "off premise" business advertising that occurred. ODOT has stated the sign will need to stay out of the highway right-of-way.

The applicant states in the application that they are requesting a 6 foot by 12-foot digital sign. The applicant stated that it would be placed on a pole in their parking lot in line with the front of their building.

Notifications have been made to the surrounding property owners. At the time of this report, staff has received one letter of support regarding this request. It is attached to this report.

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. As a reminder, all elements of the following should be present.

“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 Future Land Use Map has this area as Central Business District; therefore, the use is in line with the Future Land Use Map.

The following is the ordinance language regarding the sign size and setback:

(B) Table 2: Setback requirements.

<i>Sign Type</i>	<i>Maximum Number Allowed</i>	<i>Vertical Clearance from Private Drive, Street, Sidewalk or Parking Lot</i>	<i>Vertical Clearance from Public Street or Sidewalk</i>	<i>Lighting Allowed</i>	<i>Location Requirement</i>	<i>Time Limit</i>	<i>Max Sign Area</i>	<i>Maximum Sign Height</i>	<i>Minimum Setback from Property Line</i>
Animated or moving electronic reader board or electronic graphics advertising sign	1 per building	14'	14'	Yes	Attached to a freestanding pole sign or monument sign	N/A	32 sq. ft.	N/A	10'

(B) Table 2: Setback requirements.

<i>Sign Type</i>	<i>Maximum Number Allowed</i>	<i>Vertical Clearance from Private Drive, Street, Sidewalk or Parking Lot</i>	<i>Vertical Clearance from Public Street or Sidewalk</i>	<i>Lighting Allowed</i>
Animated or moving electronic reader board or electronic graphics advertising sign	1 per building	14'	14'	Yes

<i>Location Requirement</i>	<i>Time Limit</i>	<i>Max Sign Area</i>	<i>Maximum Sign Height</i>	<i>Minimum Setback from Property Line</i>
Attached to a freestanding pole sign or monument sign	N/A	32 sq. ft.	N/A	10'

Per ordinance, the bottom of the sign would need to be 14 foot above the sidewalk, street and driveway and set 10 foot off the property line. The Street Supervisor has indicated that the street light where the sign is proposed to be located is 21 feet tall from the bottom of the pole to the street.

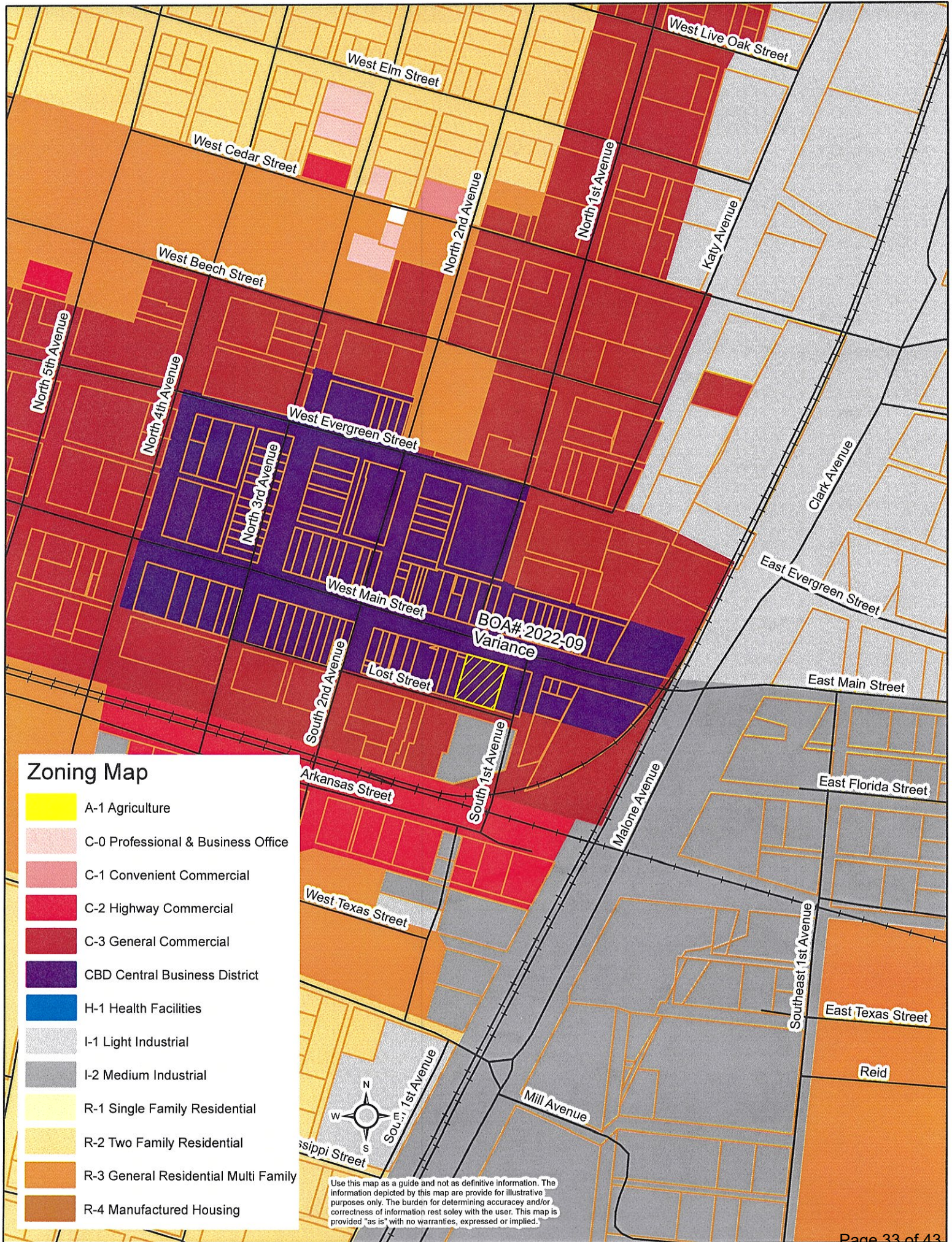
Staff Recommendation: Staff has some concerns about the traffic safety in the area should this sign be approved. There are also questions as to if the request meets all of the requirements in order to grant a variance.

Required Action: Hold a public hearing and approve or deny the variance to allow the 72 sq. ft. digital sign to be located at 121 W. Main. Any specific conditions imposed by the Board should be read into any approval motion.



BOA# 2022-09
Variance

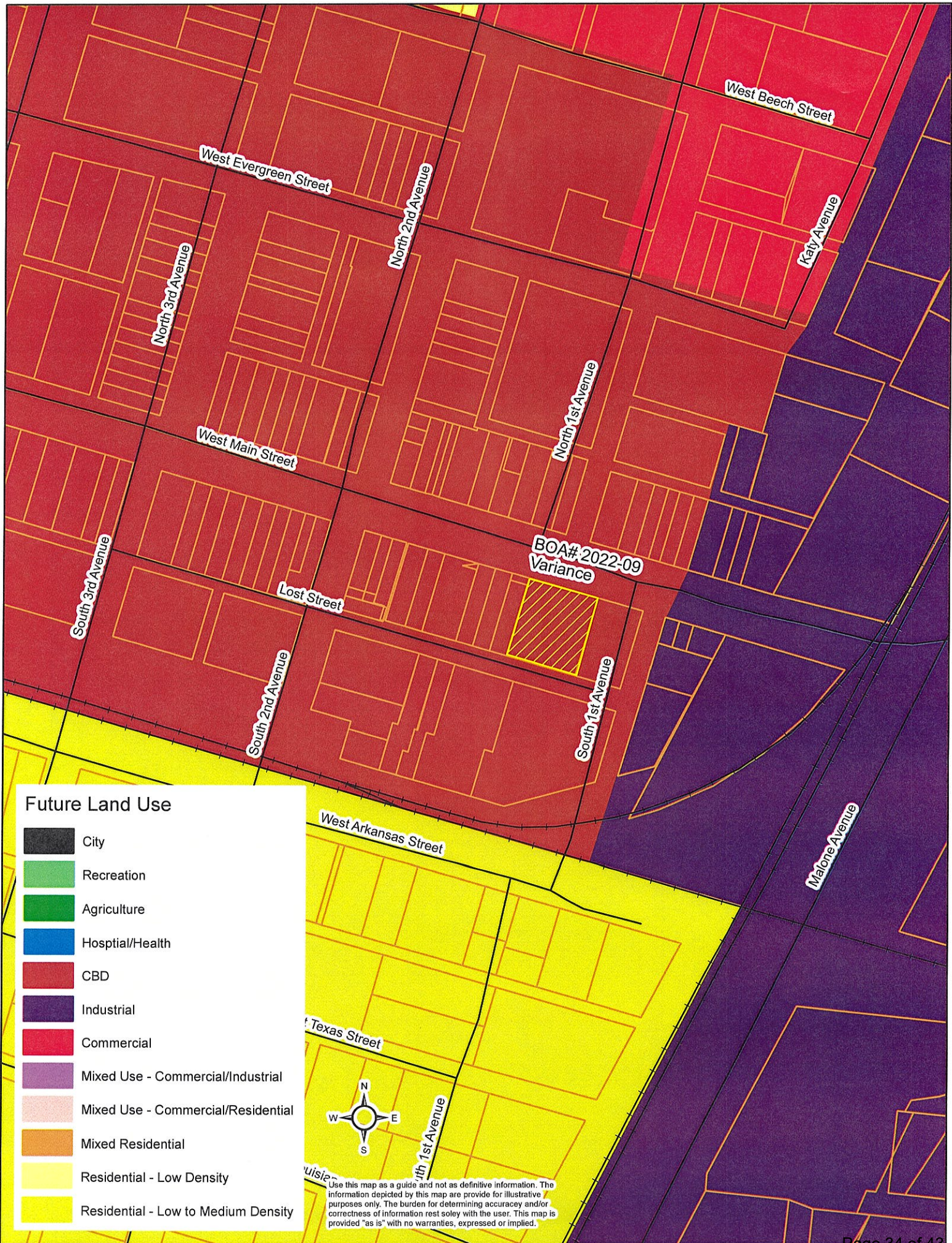
Use this map as a guide and not as definitive information. The information depicted by this map are provide for illustrative purposes only. The burden for determining accuracy and/or correctness of information rest solely with the user. This map is provided "as is" with no warranties, expressed or implied.



Zoning Map

- A-1 Agriculture
- C-0 Professional & Business Office
- C-1 Convenient Commercial
- C-2 Highway Commercial
- C-3 General Commercial
- CBD Central Business District
- H-1 Health Facilities
- I-1 Light Industrial
- I-2 Medium Industrial
- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3 General Residential Multi Family
- R-4 Manufactured Housing

Use this map as a guide and not as definitive information. The information depicted by this map are provide for illustrative purposes only. The burden for determining accuracy and/or correctness of information rest solely with the user. This map is provided "as is" with no warranties, expressed or implied.



Future Land Use

- City
- Recreation
- Agriculture
- Hospital/Health
- CBD
- Industrial
- Commercial
- Mixed Use - Commercial/Industrial
- Mixed Use - Commercial/Residential
- Mixed Residential
- Residential - Low Density
- Residential - Low to Medium Density



Use this map as a guide and not as definitive information. The information depicted by this map are provide for illustrative purposes only. The burden for determining accuracy and/or correctness of information rest solely with the user. This map is provided "as is" with no warranties, expressed or implied.

PUBLIC COMMENT FORM

City of Durant
Community Development Department (please return by January 17, 2023)
300 W. Evergreen St.
P.O. Box 578
Durant, OK, 74701

OR email at: planning@durant.org

I am **FOR** the requested variance as explained on the attached public notice for Petition # BOA2022-09

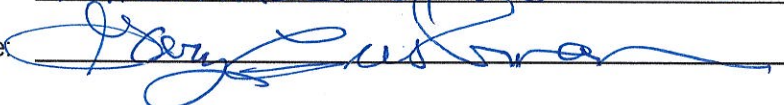
I am **AGAINST** the requested variance as explained on the attached public notice for Petition #BOA2022-09

Date, Location & Time of Board of Adjustment meeting:

Thursday, January 26, 2023, 5:30 pm
Durant City Hall, Council Chambers, 300 W Evergreen Street, Durant OK 74701

Name: GARY CUSHMAN
(please print)

Address: 733 DUMONT DR.
RICHARDSON TX 75080

Signature: 

Date: 1-12-23

COMMENTS:

COMMERCIAL PROPERTY CHANGES ARE
ESSENTIAL AS MAIN STREET CARRIES
MORE TRAFFIC AND BUSINESS' NEED FOR
DIVERSITY BECOMES OBVIOUS, AND
PEDESTRIAN TRAFFIC INCREASES TOO,
WITH SIGNAGE HELPFUL TO ATTRACT
CUSTOMERS.



THE CITY OF DURANT

Office of Community Development

Board of Adjustment Application

Petition # BOA 2022-09 Fee \$ 300.00

Name: <u>Tony Liridon</u>		Email: <u>g2329@romadurant.com</u>	Phone #1: <u>580-931-9961</u>
Mailing Address: <u>121 W. Main St.</u>		Phone #2: _____	
City: <u>Durant</u>	State: <u>Oklahoma</u>	Zip: <u>74701</u>	Fax #: _____
Applicant's Interest in Property: <u>Owner of Roma Italian Restaurant location</u>			

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): Requesting to have an installation of a digital 6'x12' sign of 72 square feet.

3. Reasons for request (may be attached): Sign size outside city ordinance of 32 square feet.

4. Legal description (if applicable, may be 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: 121 W. Main St. Present Zoning: C1

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

Applicant (Signature) Date 11-3-22

Date Filed		Date Payment Received		Notification Mailed		Comments	
Initial		Initial		Date		Initial	
Proof of Publication Received				Property Posting Verified			
Date		Initial		Date		Initial	
Staff Recommendation		PC Recommendation		City Council Action		Ordinance #	
<input type="checkbox"/> Approve <input type="checkbox"/> Deny		<input type="checkbox"/> Approve <input type="checkbox"/> Deny		<input type="checkbox"/> Approve <input type="checkbox"/> Deny			

(ORDER BY NUMBER)

This Space Reserved for Filing Stamp

WARRANTY DEED

Statutory Form--Individual

Knows All Men by These Presents:

That Linda Plyler

Widow

of Bryan County,

State of Oklahoma, part of of the first part, in consideration of the

sum of 250 DOLLARS

in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and

Convey unto Dzimir Krasnigi 121 W. Main Durant

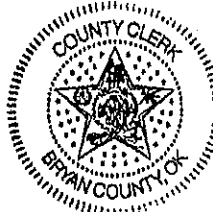
of Bryan County, State of Oklahoma, part of

of the second part, the following described real property and premises situate in Bryan

County, State of Oklahoma to-wit:

Lot 5 Block 196. A
of Durant, Okla.

R.S.
1/18.00



STATE OF OKLAHOMA
Bryan County
Documentary Stamps \$ 18.00

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said part _____ of the second part, _____ heirs and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.

Signed and delivered this 2nd day of May, 2008

Linda Plyler

STATE OF OKLAHOMA

COUNTY OF Bryan

SS:

INDIVIDUAL ACKNOWLEDGMENT
Oklahoma Form

Before me, the undersigned, a Notary Public of said County and State on this 2nd day of

May, 2008, personally appeared Linda Plyler

NOTARY PUBLIC
#05601575

to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and date first above written.

My commission expires February 11, 2009 Debra Watkins Notary Public

2

**WARRANTY DEED
(INDIVIDUAL)**

1-2010-630593 Book 1255 Pg: 704
06/03/2010 2:05 pm Pg 0704-0704
Fee: \$ 13.00 Doc: \$ 97.50
Tammy Reynolds - Bryan County Clerk
State of Oklahoma

KNOW ALL MEN BY THESE PRESENTS:

That, **JOHNE E. JACKSON** and **PHYLLIS L. JACKSON**, husband and wife, parties of the first part, in consideration of the sum of Ten and more (\$10.00) Dollars, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto **GZIM KRASNIQI** 608 McKamy Blvd, Boyse City, TX 75109, party of the second part, the following described real property and premises, situated in Bryan County, State of Oklahoma, to-wit:

Lot 6 in Block 196A in the City of Durant, Bryan County, Oklahoma, according to the official plat thereof.

STATE OF OKLAHOMA
Bryan County
Documentary Stamps \$ 97.50

R. S. §97.50

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

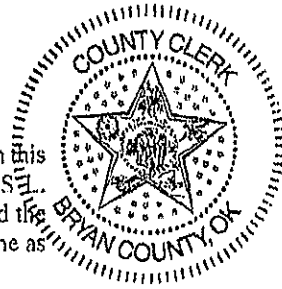
TO HAVE AND TO HOLD said described premises unto party of the second part, its heirs and assigns, forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

SIGNED AND SEALED this the 25th day of MAY, 2010.

John E. Jackson
JOHN E. JACKSON

Phyllis L. Jackson
PHYLLIS L. JACKSON

STATE OF OKLAHOMA)
)ss. ACKNOWLEDGMENT
COUNTY OF BRYAN)

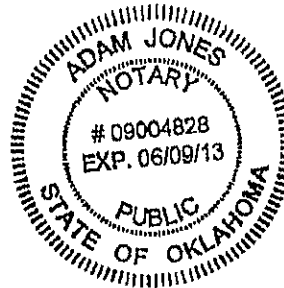


Before me, the undersigned, a Notary Public in and for said County and State, on this 25th day of MAY, 2010, personally appeared JOHN E. JACKSON and PHYLLIS L. JACKSON, husband and wife, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and Seal the day and year last above written.

Adam Jones
NOTARY PUBLIC

My Commission Expires: 06/09/2013



(ORDER BY NUMBER)

WARRANTY DEED

Statutory Form--Individual

Know All Men by These Presents:

That William C Smith and

Catherine K Smith d/a
Catherine K Smith

of Bryan County,

State of Oklahoma, part 118 of the first part, in consideration of the

sum of Ten (10.00) Dollars DOLLARS

in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and

Convey unto Gzim Krasniqi, 608 MCKAMY BLVD ROYSE CITY TX 75189

of ROCKWELL County, State of TX, part 7

of the second part, the following described real property and premises situate in Bryan

County, State of Oklahoma, to-wit:

Lot 7 in Block 1969, City of Durand
Bryan County, Oklahoma, according to the
Government Survey thereof.
He and Except all the oil, gas and other
minerals subsisting of record. Together
with all the improvements thereon and
the appurtenances thereunto belonging and
warrant the title to the same.

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant

the title to the same.

TO HAVE AND TO HOLD said described premises unto the said part of the second part, heirs and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.

STATE OF OKLAHOMA

Bryan County

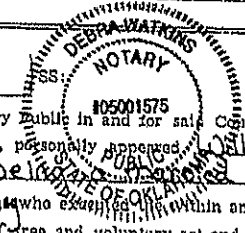
Documentary Stamps \$ 97.50

Signed and delivered this 22nd day of September, 2009

William C Smith
Catherine K Smith

STATE OF OKLAHOMA

COUNTY OF Bryan



INDIVIDUAL ACKNOWLEDGMENT
Oklahoma Form

Before me, the undersigned, a Notary Public in and for said County and State on this 22nd day of September, 2009, personally appeared William C Smith and

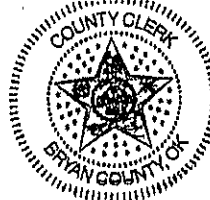
Catherine K Smith being a married couple

to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

My commission expires 2-11-2009 Debra Watkins Notary Public

1-2009-824300 Book 1237 Pg: 974
09/22/2009 2:13 pm Pg 0974-0974
Fee: \$ 13.00 Doc: \$ 97.50
Patricia L. Brady - Bryan County Clerk
State of Oklahoma



Warranty Deed

566 207
 State of Oklahoma
 County of Bryan
 Filed 2-15-05
 Book 078 Page 456 Trm 2:44
 Patricia L. Brady
 County Clerk PLB Deputy.

KNOW ALL MEN BY THESE PRESENTS:

That; ROSS LAY, a single person, party of the first part, in consideration of the sum of Ten and more (\$10.00) Dollars, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto ~~GZIM KRASNOI, KRASNOI~~ 1012 Oak Grove Ln, Rose City, Mo party of the second part, all of the following described real property and premises, situated in Bryan County, State of Oklahoma, to-wit:

~~2475189~~
 Lot 8 in Block 196A in the City of Durant, Bryan County, Oklahoma, according to the Official Plat thereof.

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

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

103.50

SIGNED AND SEALED this the 1 day of FEBRUARY, 2005.

Ross Lay
 ROSS LAY

HAWAII
 STATE OF OKLAHOMA mg)
) ss. ACKNOWLEDGMENT
 COUNTY OF BRYAN)
MAUI

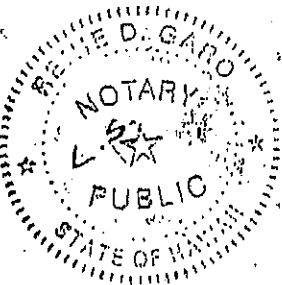
103.50

Before me, the undersigned, a Notary Public in and for said County and State, on this 1 day of FEBRUARY, 2005, personally appeared ROSS LAY, a single person, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and Seal the day and year last above written.

RENIE D. GARO
 NOTARY PUBLIC

My Commission Expires: SEP 05 '08



000456



November 30, 2022

ROMA Italian Restaurant
121 W. Main St.
Durant OK 74701

*****On-Premise Exemption Notification*****
US-70, Bryan County.

Dear Business Owner.

As per your request, this letter is to advise you that we are approving your request to place an "On-Premise" digital sign on US-70 for ROMA Italian Restaurant located at 121 W. Main. in Durant, OK

Be advised not to advertise any "off-premise" businesses. Also, when placing the structure, make sure that the sign does not encroach or overhang the State's right-of way.

If you have any questions or concerns, please give our office a call. Our telephone number is (405)521-3005

Respectfully

Thomas Davis

Thomas Davis
Branch Supervisor
Outdoor Advertising Control



Bliss Boutique
Womens clothing store.

Nature's Own Remedies
Cannabis Dispensary

Pickery Antique Mall
Antique store

W Main St

Security Finance

Main Street Barbecue
Barbecue • \$\$

Olde Tyme
Antiques & Etc
Antique store

Journey Well Spa

GSB Properties

ROMAS

Digital

Blondies Lash Studio

W Lost St

S 7th Ave





Main Street

Roma
Italian Restaurant

12'



78
←



ROMA PASTA

