

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 23, 2025

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. Consideration and Approval of Minutes of the September 26, 2024, Meeting
- b. Discussion, Consideration, and Possible Action on the 2025 Board of Adjustment Regular Meeting Calendar

2. Consider Items Removed from Consent

3. Information Items

4. Administration

5. Public Hearings

- a. Consideration and Possible Approval of a Variance from the Durant Municipal Code: § 156.137 BUILDINGS. For all zoning districts, any building hereafter erected or structurally altered shall be located completely within the boundary of the parcel being developed. For residential development within all single-family detached housing and single-family attached housing containing four units or fewer (duplexes, triplexes, quadplexes, and/or townhomes) there shall be no more than one principal building per lot.

The property is located at 1321 N. 5th Ave and is more particularly described as: Lots 17 and 18 in block two in Normal Heights First Addition to the City of Durant, Bryan County, Oklahoma, according to the recorded plat thereof.

6. New Business

ADJOURNMENT

CERTIFICATE

The agenda was posted at 300 W. Evergreen Street at 4:00 p.m. on the 21st day of January, 2025.

Brandy Stachowski

Brandy Stachowski, City of Durant



The City of Durant

Memorandum

Date: 1/23/2025
To: Mayor and City Council
From: Brandy Stachowski, Permit Tech
Re: Consideration and Approval of Minutes of the September 26, 2024, Meeting

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:

1. Durant Board of Adjustment Minutes 09262024

The agenda was posted at 4:00 pm on September 24, 2024, at 300 West Evergreen Durant, OK .

Melody Mealor

Melody Mealor, City of Durant

**MINUTES OF THE MEETING OF DURANT BOARD OF ADJUSTMENT
September 26, 2024 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

INVOCATION/FLAG SALUTE

Board Member Alford provided the invocation. Board Member 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. Consideration and Approval for January 26, 2023, Meeting Minutes
A motion was made by Board Member Davis and seconded by Board Member Alford to approve the January 26, 2023, meeting minutes.

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen, Alford

Nays: None

Abstain: None

- b. Consideration and Approval for September 18, 2024, Special Called Meeting Minutes

A motion was made by Board Member Davis and seconded by Board Member Alford to approve the September 18th special called meeting minutes.

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen, Alford

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Information Items

4. Administration

5. Public Hearings

- a. Consideration and Possible Approval for a variance from the Durant Municipal Code §158.08 Monument sign larger than Maximum area and height. The sign shall have a maximum area of 32 square feet. The property is located at/or near 810 Waldron Road and is legally described as follows:

A PART OF THE S/2 S/2 OF LOT 2 AND A PART OF THE N/2 OF LOT 3 IN SECTION 18, TOWNSHIP 7 SOUTH, RANGE 9 EAST, BEGINNING AT THE NORTHWEST CORNER OF SW/4 OF SAID SECTION 18; THENCE SOUTH 660.00 FEET; THENCE SOUTH 89°58'15" EAST A DISTANCE OF 1300.65 FEET; THENCE NORTH 00°06'46" WEST A DISTANCE OF 990.00 FEET; THENCE NORTH 89°59'10" WEST A DISTANCE OF 1298.55 FEET; THENCE SOUTH 330.00 FEET TO THE POINT OF BEGINNING IN SECTION 18, TOWNSHIP 7 SOUTH, RANGE 9 EAST OF THE INDIAN BASE AND MERIDIAN, IN BRYAN COUNTY, OKLAHOMA, ACCORDING TO THE GOVERNMENT SURVEY THEREOF.

The motion was made by Board Member Davis and seconded by Board Member Allen to approve a 134 sq ft variance above the 100 ft total in the ordinance and 13 vertical

feet above the allowed 6 ft in the ordinance.

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen

Nays: Alford

Abstain: None

- b. Consideration and Possible Approval for requesting a variance from the Durant Municipal Code §156.035 District Regulations R-2 Two Family Residential District lot area minimum of 80' for a duplex. The property is legally described as follows:

The West 70 feet of Lot 3 and all Lots 9, 10, and 11 in Block 286 in the City of Durant, Bryan County, Oklahoma, according to the official plat and survey thereof.

The motion was made by Board Member Davis and seconded by Board Member Alford to the approval or non-approval of a variance of 10 feet. Variance Approved

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen, Alford

Nays: None

Abstain: None

ADJOURNMENT

A motion was made by Board Member Davis and seconded by Board Member Alford to adjourn the meeting at 6:15 pm.

Motion Passed with the following vote:

Ayes: Rhynes, Davis, Allen, Alford

Nays: None

Abstain: None



The City of Durant

Memorandum

Date: 1/23/2025
To: Mayor and City Council
From: Brandy Stachowski, Permit Tech
Re: Discussion, Consideration, and Possible Action on the 2025 Board of Adjustment Regular Meeting Calendar

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:

1. Board of Adjustment Regular Meetings for 2025

Schedule of Regular Meetings for Durant Board of Adjustment Calendar Year 2025

<u>Date</u>			<u>Time</u>	<u>Location</u>
January	23	2025	5:30	Roscoe J. Hatfield Council Chambers
February	27	2025	5:30	Roscoe J. Hatfield Council Chambers
March	27	2025	5:30	Roscoe J. Hatfield Council Chambers
April	24	2025	5:30	Roscoe J. Hatfield Council Chambers
May	22	2025	5:30	Roscoe J. Hatfield Council Chambers
June	26	2025	5:30	Roscoe J. Hatfield Council Chambers
July	24	2025	5:30	Roscoe J. Hatfield Council Chambers
August	28	2025	5:30	Roscoe J. Hatfield Council Chambers
September	25	2025	5:30	Roscoe J. Hatfield Council Chambers
October	23	2025	5:30	Roscoe J. Hatfield Council Chambers
November	27	2025	5:30	Roscoe J. Hatfield Council Chambers
December	25	2025	5:30	Roscoe J. Hatfield Council Chambers

Filed By:

Brandy Stachowski, Administrative Assistant Community Development
Durant City Hall
PO Box 578
Durant, OK 74702-0578

Filed in the office of the Durant City Clerk
on January 21, 2025.

Cynthia Price, City Clerk



THE CITY OF DURANT

Office of Community Development

Date: 01/3/2025
 To: Board of Adjustments
 Case: BOA-2025-01
 From:
 Re: Variance for Multiple Habitable Structures on One Lot.

Request: Consider a request to for a variance to use secondary existing structures for rental at the property located at 1321 N 5th Ave.

Current Zoning: R-3 General Residential.

Surrounding Properties:

Direction	Zoning	Use
North	C-0	SOSU
West	R-3	Single Family Home
South	R-3	Single Family Homes
East	R-3	Single Family Homes

Applicant: Natalia Barrientos (Magnolia Custom Homes).

Background: Applicant approached staff to remodel a non-conforming secondary structure located directly behind the primary structure for the purpose of rent/lease. Applicant stated this would consist of 4 studio style apartments.

Notifications have been made to the surrounding property owners and at the time of this report staff has not received any phone calls or letters of support or protest regarding this rezone request.

Analysis: The subject property is approximately 7,522.6 SQFT, with two habitable structures. The main structure is roughly 1,413 SQFT used as single family residential and the secondary structure is roughly 1,200 SQFT in total. The main structure faces N 5th Ave with a driveway abutting the street. The secondary structure sits approximately 33 inches from the rear of the main structure and faces south with main access from the alley running north and south.

The current Future Land Use map shows this area as mixed residential.

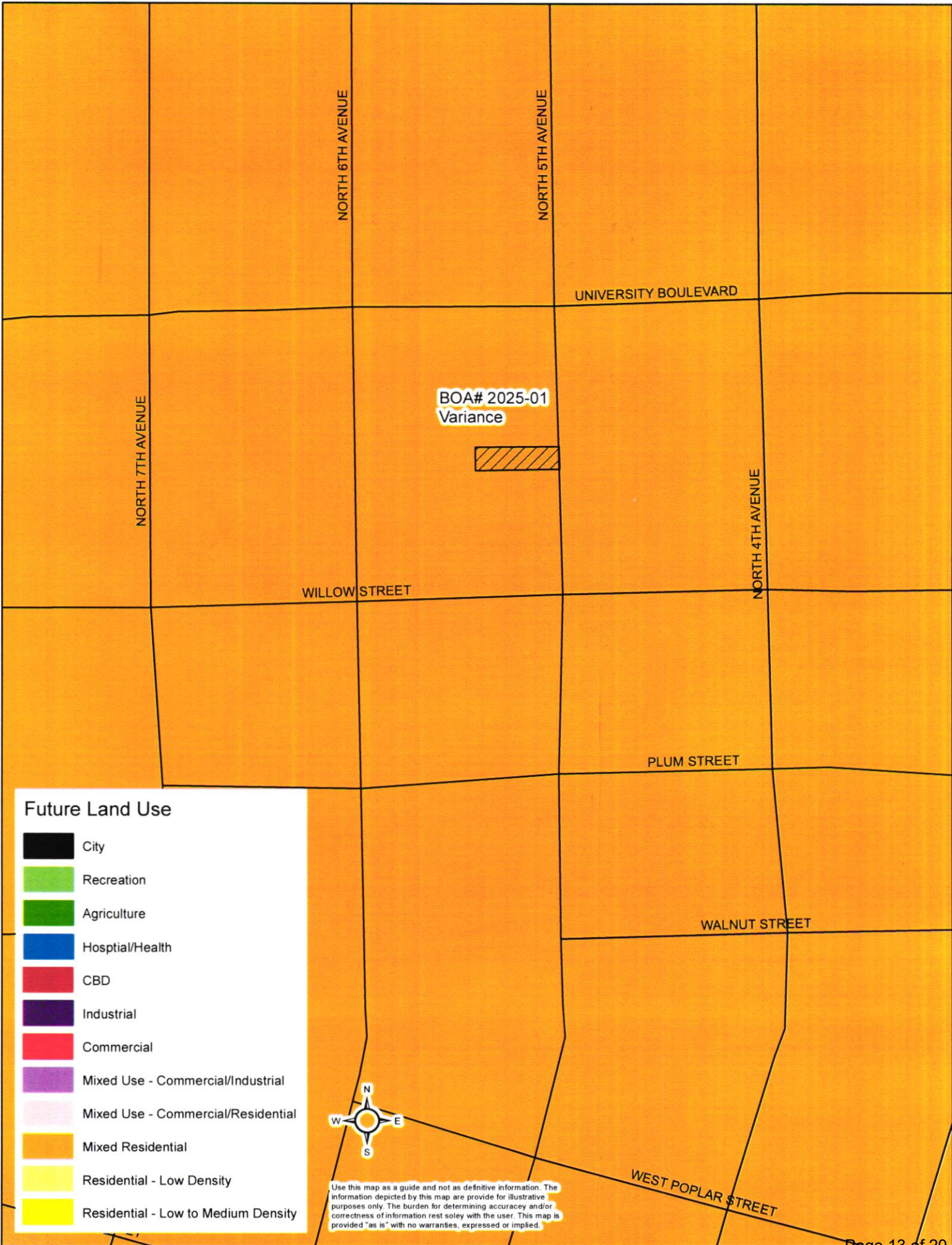
§ 156.137 BUILDINGS.

For all zoning districts, any building hereafter erected or structurally altered shall be located completely within the boundary of the parcel being developed. For residential development within all single-family detached housing and single-family attached housing containing four units or fewer (duplexes, triplexes, quadplexes, and/or townhomes) there shall be no more than one principal building per lot. All other zoning requirements within each of the appropriate zoning districts shall be met. Customary accessory buildings are permitted on the 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. Commercial, industrial and multi-family developments of more than four units may utilize multiple principal buildings, provided that all zoning district requirements are met. The exterior wall and opening protection of the new and existing building(s) must be erected and/or remain in compliance with the provisions of the International Building Code as adopted by the city.

(Prior Code, § 157.118) (Ord. 1040, passed 4-12-1983; Ord. O-2023-04, passed 7-11-2023)

Staff Recommendation: Staff recommends denying. After speaking with the multiple Fire and Life Safety personal the concern is how closely the structures sit to another and the 4 units having no means of egress without accessing the alley.

Required Action: Hold a public hearing and recommend approval or denial of the variance request for property located at 1321 N 5th Ave. Any specific conditions imposed by the Commission should be read into any approval motion.



BOA# 2025-01
Variance

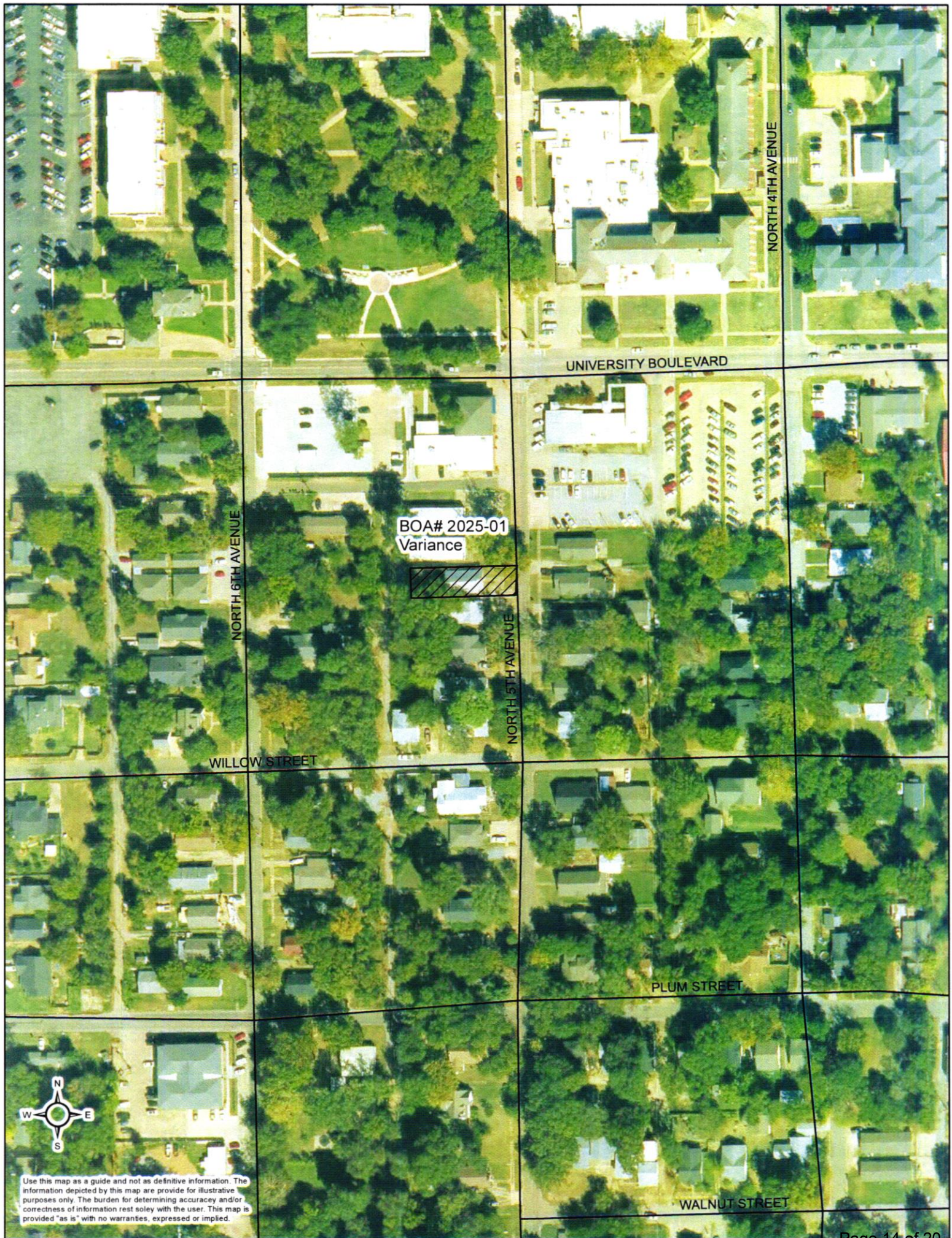


Future Land Use

-  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



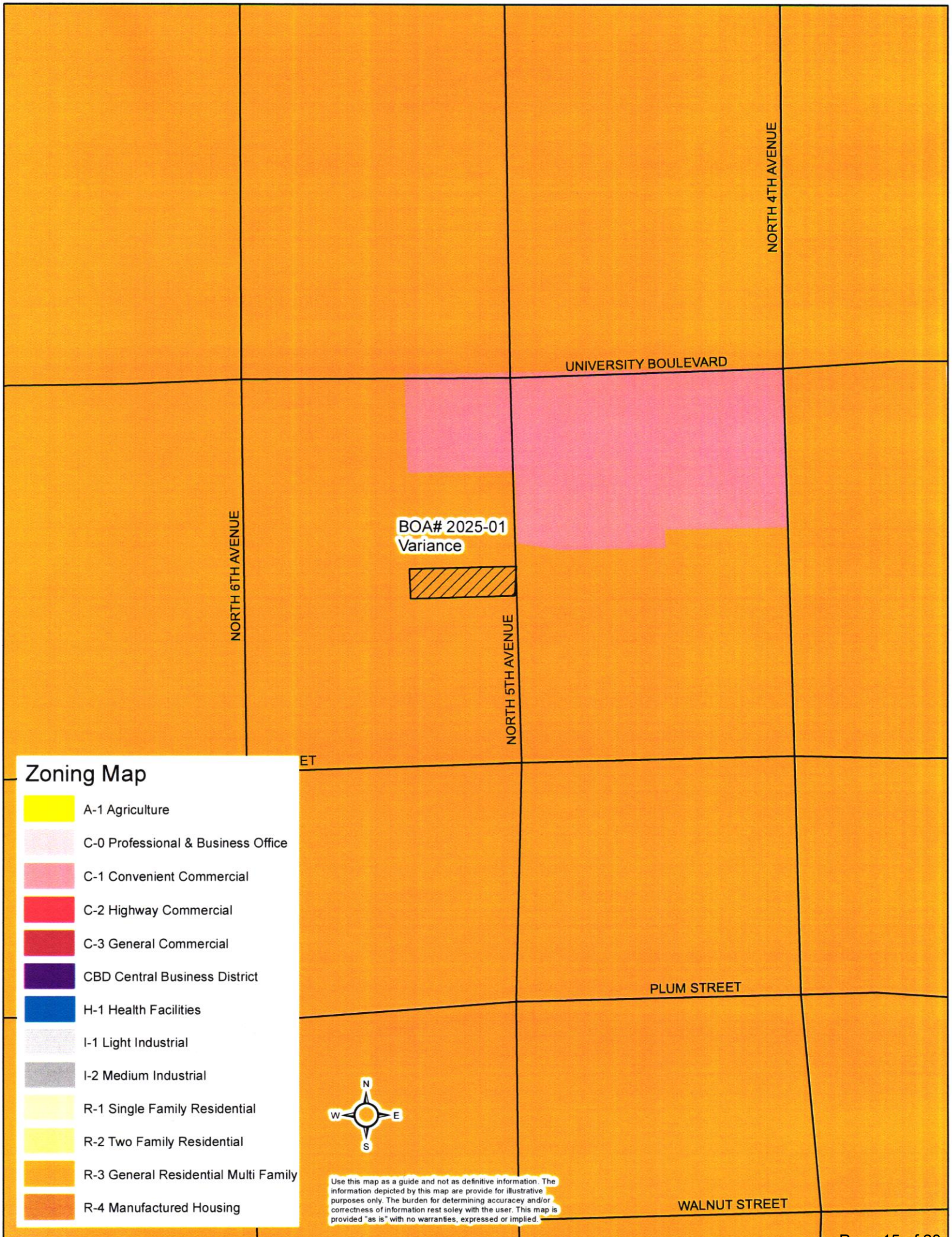
Use this map as a guide and not as definitive information. The information depicted by this map are provide for illustrative purposes only. The burden for determining accuracy and/or correctness of information rest solely with the user. This map is provided "as is" with no warranties, expressed or implied.



BOA# 2025-01
Variance



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BOA# 2025-01
Variance

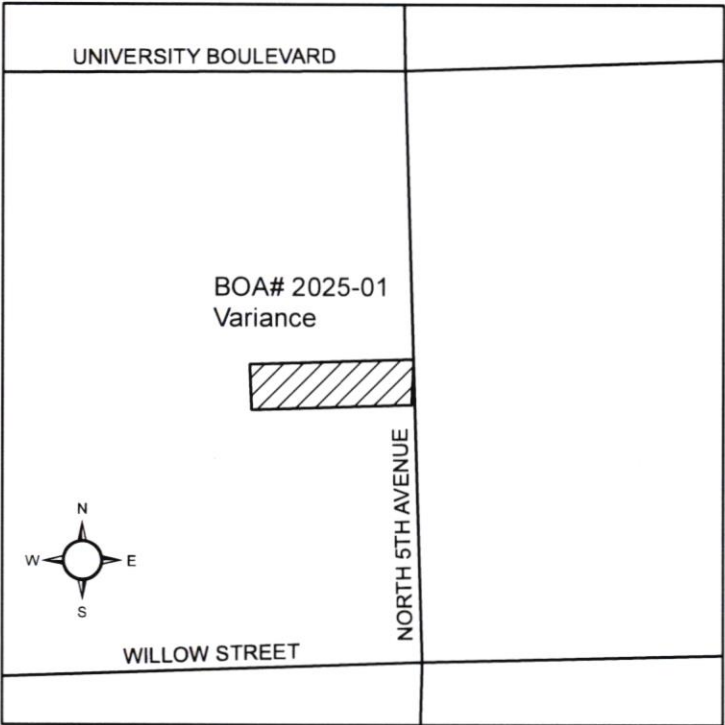


Zoning Map

- 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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THE CITY OF DURANT

Office of Community Development

The governing board of the city, known as the Board of Adjustment, has the authority to make decisions on administrative matters and hold quasi-judicial hearings. Their primary role is to carefully examine the facts and evidence presented by the individual or organization seeking a variance, which is an exception to the established zoning regulations. The board has the power to grant a variance if they determine that strictly enforcing the zoning ordinance would create an unnecessary hardship for the property owner or prevent them from using their land in a way that is constitutionally permissible. The board will thoroughly investigate the details of the case, asking probing questions to ascertain whether the criteria for granting a variance have been met. Their goal is to make a fair and impartial assessment based on the specific circumstances. Be prepared to answer the questions below.

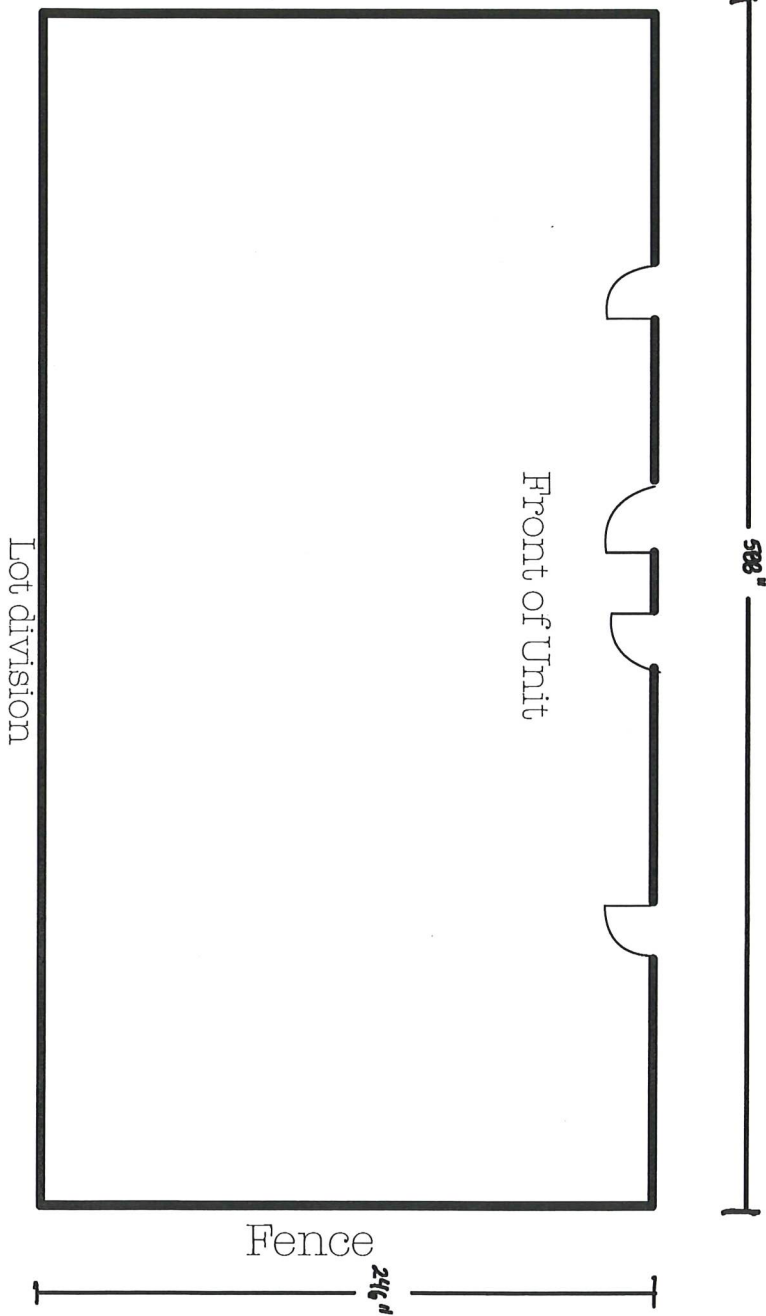
Board of Adjustments Questions

- 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.

Parking lot



Fence



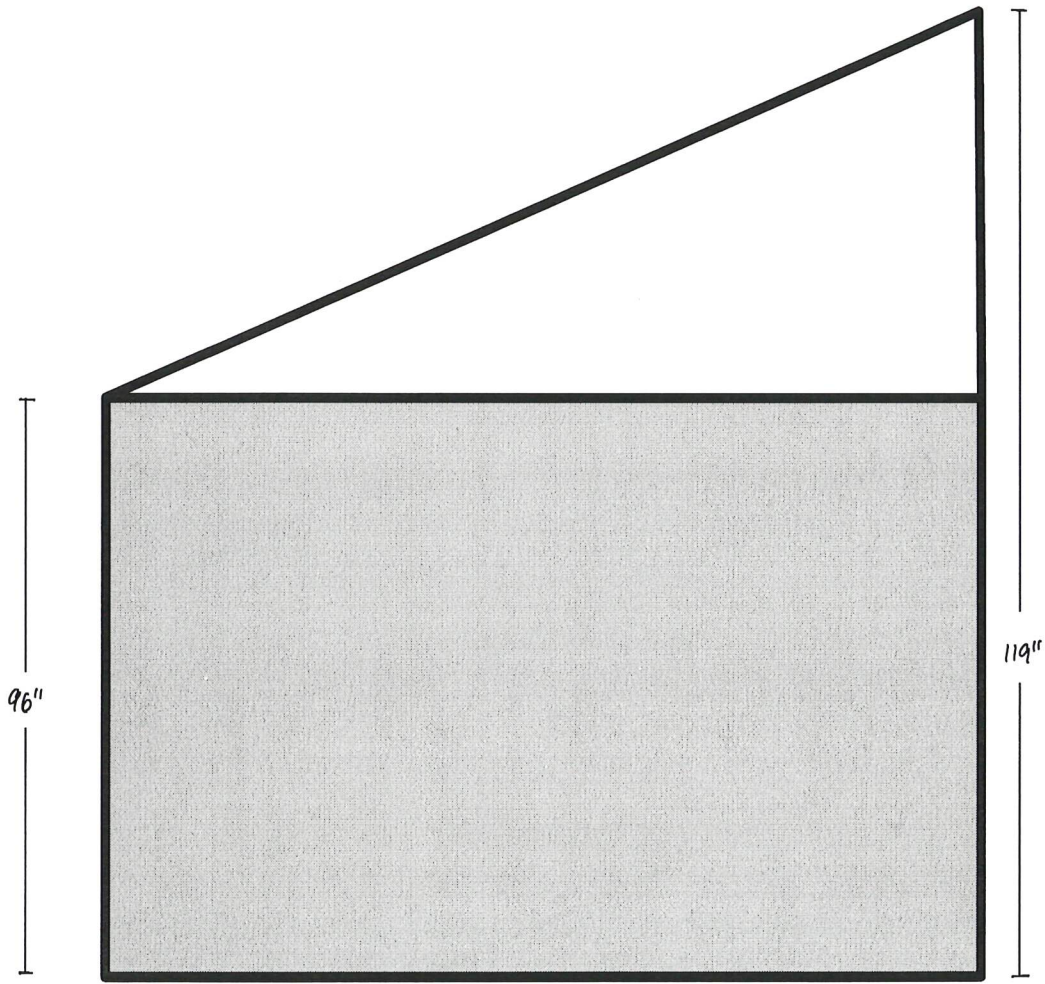
Lot division

Front of Unit

Fence

246'

588'



SIDE VIEW