City of Choctaw  
Special Board of Adjustments Meeting  
July 27, 2020 @ 7:00pm  
Choctaw City Hall, 2500 N Choctaw Road  
Choctaw, Oklahoma 73020

In accordance with Senate bill 661, which temporarily modified the Open Meeting Act as approved by Governor Stitt on March 18, 2020, the Choctaw Board of Adjustment will host a virtual meeting option until the State of Emergency is lifted. Please join us using either option.

Teleconference dial in number: +1 301 715 8592  
Conference ID: 870 2470 3613  
Meeting Password: 956478  
https://us02web.zoom.us/j/87024703613?pwd=TjVMdkdNV1JndEZnc0pFTjBvemVkdz09

1. Call to Order.  
2. Invocation and Pledge of Allegiance.  
3. Roll Call.  
   Ray Sikes, Lloyd DeShazo, Mike Potts, Brandon Clabes and Dave Murdock will be joining the meeting via teleconference.  

4. Business Agenda: The following items are hereby designated for discussion and consideration which requires individual action.

   4.1 Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Area and Height Requirements, Section 12-258.  
   Applicant: Brandon Leisinger  
   Location: 2191 W Circle Drive  
   Current Zoning: Rural Residential District (R-R)  
   Variance: 12-263, Area and Height Requirements  
   Legal Description: UNPLTD PT SEC 11 11N 1W 000 000 PT NE4 SEC 11 11N 1W BEING TR 25 OF NE4 CONT 5ACRS MORE OR LESS ALSO DESC BEG 1980FT W & 2009.7FT S OF NE/C NE4 TH W659.78FT S334.95FT E659.45FT N334.95FT TO BEG EX E30FT FOR RD
Open public hearing.
Receive Comments.
Close public hearing.

4.1.1 Consideration and possible action on the “variance” request of Brandon Leisinger, 2191 W Circle Dr.

4.2 Special meeting minutes for July 6, 2020.

5. Commissioner/Staff Remarks: This item is listed to provide an opportunity for the commissioners and/or staff to make comments and/or request specific agenda items. No action will be taken.

6. Adjournment:

This agenda was posted in prominent public view at Choctaw City Hall on or prior to 5:00pm on July 24, 2020 in accordance with the Oklahoma Open Meeting Act.

Amanda Valent, City Clerk

THE CITY OF CHOCTAW ENCOURAGES PARTICIPATION FROM ALL ITS CITIZENS. IF PARTICIPATION AT ANY PUBLIC MEETING IS NOT POSSIBLE DUE TO A DISABILITY, PLEASE NOTIFY THE CITY CLERK AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING SO THAT NECESSARY ACCOMMODATIONS CAN BE MADE. ACCESS TO RESTROOMS DURING THE MEETING WILL BE AVAILABLE UPON REQUEST TO CITY STAFF.
CITY OF CHOCTAW

STAFF REPORT

AGENDA TITLE: A Variance Request Application for 2191 West Circle Drive, submitted by Brandon Leisinger.

**Public hearing required if this box is checked**

Report:

Brandon Leisinger is the variance request applicant for this 5 acre R-R "Rural Residential District" tract of land.

The applicant is requesting a variance to §12-263 Area and Height Regulations, specifically the minimum lot frontage width requirement of a minimum of 110 feet in order to subdivide the subject site.

The current lot width is 334.95 feet and requested lot widths are 65 feet proposed Tract A and 269.95 feet for proposed Track B.

Comprehensive Plan: The existing zoning matches the City’s Future Land Use Map designation as “Low Density Residential” for the property.

City Water & Sewer: The subject property will have to be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary.

Transportation: The property has frontage on West Circle Drive, which is considered a local/minor street with an existing 60 foot right-of-way. The principle objective of local or minor streets is to provide access to adjacent properties, such as residential areas. At this time, there are no changes proposed to West Circle Drive nor will there be any additional right of way or easement dedication associated with the lot split.

Staff did receive a letters of support for Mr. Leisinger's Lot Split request from his neighbors at 2144 Clearwater Drive (west neighbor) and 2101 West Circle Drive (north neighbor). A copy of these e-mail are attached to this packet.
Brandon Leisinger is the owner of this 5 acre tract of land located at 2191 West Circle Drive. The property carries an R-R “Rural Residential District” zoning classification. The applicant is requesting a variance to the minimum lot frontage in order to subdivide the property to build another home.

**APPLICANT PROPOSAL**

The applicant is requesting a variance to §12-263 Area and Height Regulations, specifically the minimum lot frontage width to allow for an application for a short form subdivision (lot split). The current lot width is 334.95 feet and requested lot widths are 65 feet for proposed Tract A and 269.95 feet for proposed Tract B. Below is the specific language as listed in the City Code regarding the lot width requirement; as well as the image depicted the proposed lot split.

§12-263: Area and Height Regulations

A. The following designates area and height:

(2) Minimum lot frontage 110 feet
EXISTING ZONING AND BUILDING USE REGULATIONS
The current zoning for the property is R-R “Rural Residential District” which requires a minimum of one acre lot area and a minimum lot frontage of 110 feet. The current parcel is 5 acres in size and has 334.95 feet frontage along West Circle Drive.

The property is bound to the North, South and east by properties zoned R-R “Rural Residential District”; to the west is Unincorporated Oklahoma County. The surrounding land uses are all single family homes.

There is an existing 2,892 square foot single family residential structure that was constructed around 1980 on the property. There are also several accessory buildings on the site, such as a shop, storage building and horse stable. The applicant has indicated to staff that he intends to subdivide this property for a future single family residential structure.

The development will have to comply with subdivision and zoning regulations, as well as all state requirements. All appropriate permits will have to be issued by the appropriate parties.

COMPREHENSIVE PLAN
• Future Development Density Plan: The subject property is within the “Rural Protection Boundary”. The development density of this area is 0.5 to 1 dwelling unit per acre.
• Land Use – Historically, the existing parcel has been used for a single-family residence.
  o Future Land Use – Low Density Residential – (Single family homes with lots that are typically one are or larger excluding rights of way.) The applicant’s proposal of two (2) lots resulting in lots at (1) acre or greater, meets the recommendations of the Comprehensive Future Land Use Plans.
• Transportation – Please refer to the “Transportation” paragraph.
• Infrastructure – The property is outside of the City’s water and sewer serviceable area.
• Livable City – The development of these properties will have to ensure that the livability standards within the comprehensive plan are being met and follow all required regulations within the City’s adopted ordinances and resolutions.

WATER AND SEWER
The subject property will have to be served by a private well and sanitary septic system as it is outside of the City’s current serviceable boundary.

Additionally, City Council recently passed an ordinance that would not require Mr. Leisinger to extend water or sewer to his property as he is an unplatted single lot building a single-family home.

Installation of the well and septic system will require all appropriate permits and installation as required by the City of Choctaw, Oklahoma Water Resource Board (OWRB), and Oklahoma Department of Environmental Quality (ODEQ).

TRANSPORTATION
The property has frontage on West Circle Drive, which is considered a local/minor street with an existing 60 foot right-of-way. The principle objective of local or minor streets is to provide access to adjacent properties, such as residential areas. At this time, there are no changes proposed to West Circle Drive nor will there be any additional right of way or easement dedication associated with the lot split.
POWERS TO GRANT VARIANCES

The Board of Adjustment shall have the following powers as outlined in Article B, Sections 12-125 of the City of Choctaw Zoning Ordinance:

The Board of Adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of the zoning regulations in Section 12-201 et seq. of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations, will in any individual case, result in unnecessary hardship, so that the spirit of the zoning regulations shall be observed, public safety and welfare secured, and substantial Justice done. Such variances may be granted in such individual case of unnecessary hardship upon a finding by the board of adjustment that:

(1) At the time of the original adoption of the regulations there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, or other extraordinary or exceptional situations or condition of a specific piece of property.

(2) The strict application of the zoning regulations to this particular and exceptional piece of property would create an unnecessary hardship, not self-imposed by the owner of developer.

(3) Such conditions are peculiar only to the particular piece of property involved and not generally prevalent in the area.

(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations, provided however, that no variance may be granted for a use of land or building or structure that is prohibited by the zoning regulations set forth in §§ 12-201, “Title known as the Zoning Ordinance of the City of Choctaw, Oklahoma”, of this code.

The Board may grant an appeal, subject to such terms and conditions, provided the applicant has demonstrate to the satisfaction of the Board that the conditions governing the granting of a variance as set forth in the Zoning Regulations are satisfied and that the decisions of the Board would be in the interest of the community and would carry out the spirit and intent of the Zoning Regulations.

CITY OF CHOCTAW STAFF

The City of Choctaw’s staff has reviewed the variance request by Brandon Leisinger. Staff has completed its review of the variance request of §12-263.
To Whom It May Concern,

Our house sits West of the property line at 2191 West Circle Dr. We are writing in support of the property split and understand the desired outcome of the 2.87 acres that would touch our property line. Both the current resident and the prospective residents are great assets to the City of Choctaw and plan on residing for decades to come.

Thank you for your time,

Chrystal and Jon Reis

Sent from my iPhone
From: Jacob McCoy <JRmccoy87@outlook.com>
Sent: Tuesday, July 21, 2020 9:38 AM
To: Purvi Patel
Subject: Leisinger Split

Hello,

I am Brandon’s neighbor to the north at 2101 W. Circle Drive. He’s spoken to me about splitting his lot and how the city will need to issue a variance and I am 100% on board with the lot split. I hope this process is smooth for all involved and that our neighborhood will keep the Leisengers.

Thank you!

Jacob McCoy

Sent from my iPhone
APPLICATION
Variance

Subject Address: 2191 W Circle Dr

Applicant: Brandon Leisinger Phone: (405) 388-1228
Address City State Zip
2191 W Circle Dr Choctaw OK 73020

E-mail address: bleisinger88@yahoo.com

Property Owner: Brandon Leisinger Phone: (405) 388-1228
Address City State Zip
2191 W Circle Dr Choctaw OK 73020

Property Zoning: Residential Rural Code Section No.: 12-263

Reason for Variance?: Create flag lot

The undersigned declares that the above statements and those contained in any exhibits transmitted to
the Board of Adjustment are true and correct to the best of my knowledge and that I received the Poli-
cies and Procedures regulating the Variance application.

PROPERTY OWNER’S SIGNATURE: [Signature]
[Not necessary if there is an authorized representative. Authorized representative must sign below]

AUTHORIZED REPRESENTATIVE: I hereby certify that I am authorized to represent all of the property
owners of the above described tract in the application. A power of attorney is attached.

Name: ______________________ Address: ______________________
Signature: ______________________ Telephone: ______________________

County Parcel Number: ______________________

Jun 2020
To whom it may concern:

I would like to split 2 acres off the current 5.07 acres I own. My reasoning for doing so would be to build a new home for my family and I. If we were able to do so this would give us enough room for our new home and our animals. This split still leaves the current home on 2.89 acres. With the original private driveway.

Thank you,
Brandon Leisinger
PLAT OF SURVEY
PART OF THE NE/4, SEC. 11, T11N,
R1W, I.M., OKLAHOMA COUNTY, OKLAHOMA
2191 W. CIRCLE DR., CHOCTAW, OK., 73020

LEGAL DESCRIPTION

1. Allen E. Henry, a Registered Land Surveyor of the State of Oklahoma, do hereby certify that the herein shown Survey was made on the ground under my supervision of a tract of land being part of the Northeast
Quarter (NE/4) of Section 11, Township 11 North (T11N), Range 1 West (R1W) of the Indian Meridian, Oklahoma
County, Oklahoma being more particularly described as follows:

A tract of land being a part of the Northeast Quarter (NE/4) of Section 11, Township 11 North (T11N), Range
1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being described as follows: Beginning at a point
1800.00 feet West and 2009.70 feet South of the southwest corner of the Northeast Quarter (NE/4) thence North 89°36'00" East a distance of 699.76 feet to a point, thence South 89°36'00" East and parallel to the North line of said Northeast Quarter (NE/4) a distance of 699.45 feet to a point, thence North and parallel to the East line of said Northeast Quarter (NE/4) a distance of 354.95 feet to the Point of Beginning, except the East 30.00 feet for road purposes.

TRACT A

A tract of land being a part of the Northeast Quarter (NE/4) of Section 11, Township 11 North (T11N), Range
1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being described as follows: Beginning at a point
1800.00 feet West and 2009.70 feet South of the southwest corner of the Northeast Quarter (NE/4) thence North 89°36'00" West a distance of 699.76 feet to a point, thence South 89°36'00" West a distance of 307.22 feet to a point, thence North 00°12'57" West a distance of 289.95 feet to a point, thence South 89°36'00" East a distance of 353.25 feet to a point, thence North 00°09'04" West a distance of 65.00 feet to the Point of Beginning, containing 2.89 acres more or less and subject to all Easements and Right-of-Way records.

TRACT B

A tract of land being a part of the Northeast Quarter (NE/4) of Section 11, Township 11 North (T11N), Range
1 West (R1W) of the Indian Meridian, Oklahoma County, Oklahoma being described as follows: Beginning at a point
1800.00 feet West and 2074.70 feet South of the southwest corner of the Northeast Quarter (NE/4) thence North 89°36'00" West a distance of 353.25 feet to a point, thence South 89°36'00" East a distance of 352.23 feet to a point, thence North 00°09'04" West a distance of 289.95 feet to the Point of Beginning, containing 2.89 acres more or less and subject to all Easements and Right-of-Way records.

ALLEN E.
HENRY
1335
OKLAHOMA CITY - EXP 01/29/2024

LEISINGER
GRD-NORTH
06/30/2020
Special Warranty Deed
(CORPORATION FORM)

This Indenture, Made this 13th day of May, 2019
between Weichert Workforce Mobility Inc., a corporation, organized
under the laws of the State of New Jersey, Grantor,
Brandon E. Leisinger, Grantee

WITNESSETH: That in consideration of the sum of TEN DOLLARS AND NO/100 -- ($10.00)---
the receipt of which is hereby acknowledged, said Grantor does, by these presents grant, bargain, sell and
convey unto said Grantee, his/her/their heirs, executors or administrators, all of the following described
real estate, situated in the County of Oklahoma, State of Oklahoma, to-wit:

See Exhibit A

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements,
hereditaments and appurtenances thereto belonging or in any wise appertaining forever.

And said Weichert Workforce Mobility Inc., its successors or assigns, does hereby covenant, promise and
agree to and with said Grantee at the delivery of these presents it is lawfully seized in its own right of an
absolute and indefeasible estate of inheritance in fee simple, of and in all singular the above granted and
described premises, with the appurtenances; that the same are free, clear, and discharged and
uncumbered of and from all former and other grants, titles, charges, estates, judgments, taxes,
assessments and encumbrances, of whatsoever nature and kind, EXCEPT:

And the Grantor, for itself, its heirs, executors and administrators does covenant, grant, bargain and agree
to and with the Grantee, his/her/their heirs and assigns, the above bargained premises in the quiet and
peaceable possession of said Grantee, his/her/their heirs and assigns, against all and every person or
persons lawfully claiming the whole or any part thereof, by, through or under the Grantor, but not
otherwise,

IN WITNESS WHEREOF, The said Grantor hereto has caused these presents to be signed in its
name by its Vice President, the year and day first above written.

Weichert Workforce Mobility Inc.
By  Marie Graham
Printed Name  Marie Graham

0
Larry Stein
Oklahoma County Assessor’s Office

Ownership Radius Report

This Report is for Account Number R194701220 and is a 300-foot radius from the outside of the polygon. If the minimum number of different owners was not reached it was extended by 100-foot increments until the required number of different owners was reached, or the maximum distance was reached. This report does not constitute a legal survey or document, for definitive description of real property and ownership; consult the deeds recorded in the Oklahoma County Clerks Office.
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City of Choctaw
Special Board of Adjustments Meeting
July 6, 2020 @ 7:00pm
Choctaw City Hall, 2500 N Choctaw Road
Choctaw, Oklahoma 73020

MINUTES

In accordance with Senate bill 661, which temporarily modified the Open Meeting Act as approved by Governor Stitt on March 18, 2020, the Choctaw Board of Adjustments hosted a virtual meeting option for the Special Board of Adjustments meeting on July 6, 2020 at 7:00pm using the following options:

Teleconference dial in number: +1 301 715 8592
Conference ID: 881 4588 8731
Meeting Password: 452090
Join Meeting:
https://us02web.zoom.us/j/88145888731?pwd=bkdDMIywNFJuQXV2UWd0TEgydk1UZz09

1. Call to Order by David Murdock @ 7:00 p.m.
2. Invocation and Pledge of Allegiance given by Ray Sikes
3. Roll Call:
   4  Present: Ray Sikes; Mike Potts; Brandon Clabes; Lloyd DeShazo @7:06pm
  1  Absent: Dave Murdock

Staff: Guy Henson, Development Services Director (teleconference)
      Purvi Patel, Planner

4. Business Agenda: The following items are hereby designated for discussion and consideration which requires individual action.
   4.1 Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Area and Height Requirements, Section 12-258.
      Applicant: Gladys Beakley
      Location: 14958 Gilbert Street
      Current Zoning: Central Business District (CBD)
Variance: 12-332, Permitted Uses
Legal Description: CHOCTAW OLD TOWN ADD 035 000
LOTS 21 THRU 24

Staff informed the Board that Ms. Beakley required to be withdrawn from this agenda. She wants her application presented when we are no longer offering the Zoom option for meetings and when the Board attends in person.

4.2 Conduct public hearing to solicit general public input regarding an application requesting a “variance” of the Area and Height Requirements, Section 12-258.
Applicant: Dan Ross
Location: 12549 SE 15th Street
Current Zoning: Rural Residential District (R-R)
Variance: 12-263, Area and Height Requirements
Legal Description: A TRACT OF LAND BEING PART OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FOUR (4), TOWNSHIP 11 NORTH (T11N), RANGE 1 WEST (R1W) OF THE INDIAN MERIDIAN, OKLAHOMA COUNTY, OKLAHOMA BEING MORE DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FOUR (4); THENCE EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE/4), NORTH 89°58’08” EAST A DISTANCE OF 166.78 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING EAST ALONG THE SOUTH LINE OF SECTION FOUR (4), NORTH 89°58’08” EAST A DISTANCE OF 166.78 FEET TO A POINT; THENCE NORTH 00°27’33” WEST A DISTANCE OF 659.91 FEET TO A POINT; THENCE SOUTH 89°58’08” WEST A DISTANCE OF 165.00 FEET TO A POINT; THENCE SOUTH 00°18’16” EAST A DISTANCE OF 659.89 FEET TO THE POINT OF BEGINNING

Open public hearing – 7:04pm
Receive Comments - None
Close public hearing 7:05 pm

4.2.1 Consideration and possible action on the “variance” request of Dan Ross, 12549 SE 15th Street.

MOTION BY Mike Potts and SECOND BY Brandon Clabes to approve the variance as requested.

MOTION CARRIED:
4 Ayes: Sikes, Potts, Clabes, DeShazo
0 Nays: None
1 Absent: Murdock

4.3 Regular meeting minutes for April 27, 2020.

MOTION BY Mike Potts and SECOND BY Brandon Clabes to approve minutes as presented.

MOTION CARRIED:
4 Ayes: Sikes, Potts, Clabes, DeShazo
0 Nays: None
1 Absent: Murdock

5. Commissioner/Staff Remarks: This item is listed to provide an opportunity for the commissioners and/or staff to make comments and/or request specific agenda items. No action will be taken.

None.

6. Adjournment:
Called @ 7:11 p.m.
BOARD OF ADJUSTMENTS

ATTEST:

Ray Sikes, Chairman

Purvi Patel, City Planner