

MINUTES
BOARD OF ADJUSTMENT
SPECIAL MEETING
CITY OF PRYOR CREEK, OKLAHOMA
TUESDAY, AUGUST 9, 2021 5:30pm

AS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT THE BOARD OF ADJUSTMENT MET IN SPECIAL SESSION IN THE COUNCIL CHAMBER, 12 NORTH ROWE ON THE ABOVE DATE AND TIME.

BOARD MEMBERS: GERALD CLACK, TREY LARREMORE, MIKE CONSIDINE, ANDY ROGERS, KRIS FOSTER

1. CALL TO ORDER, ROLL CALL AND DECLARE A QUORUM.

Andy Rogers called the meeting to order and declared a quorum. Members present were Andy Rogers, Kris Foster and Mike Considine. Absent: Gerald Clack and Trey Larremore.

Others present: Mayor Larry Lees, Thomas Slape and Building Inspector Kenny Young.

2. DISCUSSION AND POSSIBLE ACTION TO APPROVE MINUTES OF JULY 13, 2021 SPECIAL MEETING.

Motion was made by Foster, second by Considine to approve minutes of July 13, 2021 Special Meeting Voting yes: Rogers, Foster, Considine. Voting no: none.

3. PUBLIC HEARINGS.

a. Enter Public Hearing.

Mr. Rogers entered public hearing.

Applicant: Thomas Slape – Lot Numbered Fourteen (14) in Block Numbered One (1) of the G.G. WOOD ADDITION to the Incorporated Town of PRYOR CREEK, Mayes County, State of Oklahoma, according to the official Survey and recorded Plat thereof. Address: 411 S Adair

b. Exit Public Hearing.

Mr. Rogers explained the public hearing was completed.

4. DISCUSSION AND POSSIBLE ACTION ON PUBLIC HEARING FOR APPLICANT THOMAS SLAPE WHO IS REQUESTING A VARIANCE ON THE SIDE SETBACK OF HIS PROPERTY. THE CARPORT IS BUILT TOO CLOSE TO THE PROPERTY LINE.

Motion was made by Foster, second by Considine to approve the setback variance pursuant to modification of existing roof line of carport to be in line with the property line. Voting yes: Rogers, Foster, Considine. Voting no: none.

5. ADJOURN.

Motion was made by Considine, second by Foster to adjourn. Voting yes: Rogers, Foster, Considine. Voting no: none.

CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

[] VARIANCE [] SPECIAL EXCEPTION

P.O Box 1167, 12 North Rowe Street, Pryor Creek, Oklahoma 74362 - (918) 825-0888 - FAX (918) 825-6577

www.pryorok.org

APPLICATION INFORMATION

RECEIVED BY: DC DATE FILED: 8/16/21 HEARING DATE: _____ CASE NUMBER _____

[] RESIDENTIAL [] NON-RESIDENTIAL [] MIXED USE BUILDING PERMIT APPLICATION NUMBER _____

NEIGHBORHOOD ASSOCIATIONS: _____

SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: _____

LEGAL DESCRIPTION: 105 North Mayes St.

LOT 3 Block 2 subdivision with SMITH addition

PRESENT USE: _____ PRESENT ZONING _____ COMPREHENSIVE PLAN DESIGNATION: _____

SURROUNDING ZONING: _____ FLOODPLAIN DESIGNATION: _____

INFORMATION ABOUT YOUR REQUEST

A SITE PLAN IS REQUIRED TO ILLUSTRATE YOUR REQUEST.

ACTION(S) REQUESTED: _____

VARIANCE SECTIONS: _____ SPECIAL EXCEPTION SECTIONS: _____

LIST THE SPECIFIC SECTIONS OF THE ZONING CODE THAT APPLY TO EACH ACTION YOU'RE REQUESTING.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
NAME <u>Tom Burchfield</u>	NAME <u>Same</u>
ADDRESS <u>105 N. Mayes St.</u>	ADDRESS <u>Same</u>
CITY, ST, ZIP <u>Pryor OK. 74361</u>	CITY, ST, ZIP <u>Same</u>
DAYTIME PHONE <u>918-530-0084</u>	DAYTIME PHONE <u>Same</u>
EMAIL <u>Tdbpryor@yahoo.com</u>	EMAIL <u>Same</u>

I, THE UNDERSIGNED APPLICANT, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT.

X SIGNATURE & DATE: _____

DOES OWNER CONSENT TO THIS APPLICATION [] N. WHAT IS APPLICANT'S RELATIONSHIP TO OWNER? Same

APPLICATION FEES			
BASE REQUEST	\$10.00		<u>10.00</u>
ADDITIONAL REQUESTS	\$	APPLICATION SUBTOTAL	\$ _____
NEWSPAPER PUBLICATION	\$		<u>105.00</u>
SIGN POSTING	\$18.50		<u>18.50</u>
Review letter fee from City Reviewer for BOA Meeting	\$125.00		125.00
300' PROPERTY OWNERS LIST			<u>250.00</u>
300' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	<u>0.15x 27</u> \$2.04x		<u>58.86</u>
		NOTICE SUBTOTAL	
		TOTAL AMOUNT DUE	\$ <u>442.36</u>

APPLICATION FEES IN WHOLE OR PART WILL NOT BE REFUNDED AFTER NOTIFICATION HAS BEEN GIVEN.

DISPOSITION

BOARD ACTION: _____

FINAL DATE: _____ VOTE: _____ PLAT INVOKED [] Y [] N PLAT NAME: _____ WAIVER [] Y [] N

PAID REVISED 3/18/2021

Board of Adjustment Case Number: _____ Date: _____, 7:00 p.m.

City Council Chambers, 12 North Rowe Street

A person knowledgeable of the application and the property must attend the meeting to represent the application.

Site Plans must be submitted at the time of application. Other drawings, photographs or exhibits may be submitted at the hearing.

VARIANCES:

The applicant must prove a hardship to the Board. The Board of Adjustment is allowed to approve variances only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
2. Application of the zoning ordinance requirements to this particular piece of property will create unnecessary hardship to the property, not self-imposed by the owner or developer. This does not include financial hardship to the applicant.
3. There are conditions that are peculiar to this piece of property, which do not apply to other properties in the same zoning district.
4. The variance, if granted, will not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance or the comprehensive plan. However, no variance may be granted for a use of land, buildings or structure that is prohibited by the zoning ordinance.

In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions.

Please state your hardship:

I BUILT A 16x20 SHED ON AN EXISTING 16x23 CONCRETE SLAB. I WAS STOPPED BEFORE I COULD CONNECT THE EXISTING BUILDING THAT IS 7x12' WAS GOING TO HAVE A BREEZEWAY BETWEEN THE TWO BUILDINGS.

Applicant Signature: 

SPECIAL EXCEPTIONS:

The Board of Adjustment is allowed to approve special exceptions only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code.
2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Further, if the special exception is for "special residential facilities" the following factors shall be considered. Please be ready to address each of these items at the hearing:

- | | |
|---|--|
| A. Size of the facility; | F. Compliance with state licensure and certification requirements; |
| B. Number of staff and staff-to-client ratio; | G. Proximity to similar uses; |
| C. Levels of treatment; | H. Distance from sensitive uses (single-family residential districts, schools, parks, child day care centers). |
| D. Location of site in relation to needed services; | |
| E. City infrastructure in the area; | |

In granting any special exception, the Board may make appropriate conditions or safeguards, may limit the approval to a specified period of time and may require a bond or other guarantee necessary to enforce compliance with the conditions.

If your application is approved, you may need additional permits. Contact the City of Pryor Creek Building Inspector's Office at (918) 825-1679.

City of Pryor Creek
P.O. Box 1167
12 North Rowe Street
Pryor Creek, Oklahoma 74362
(918) 825-0888 FAX: (918) 825-6577

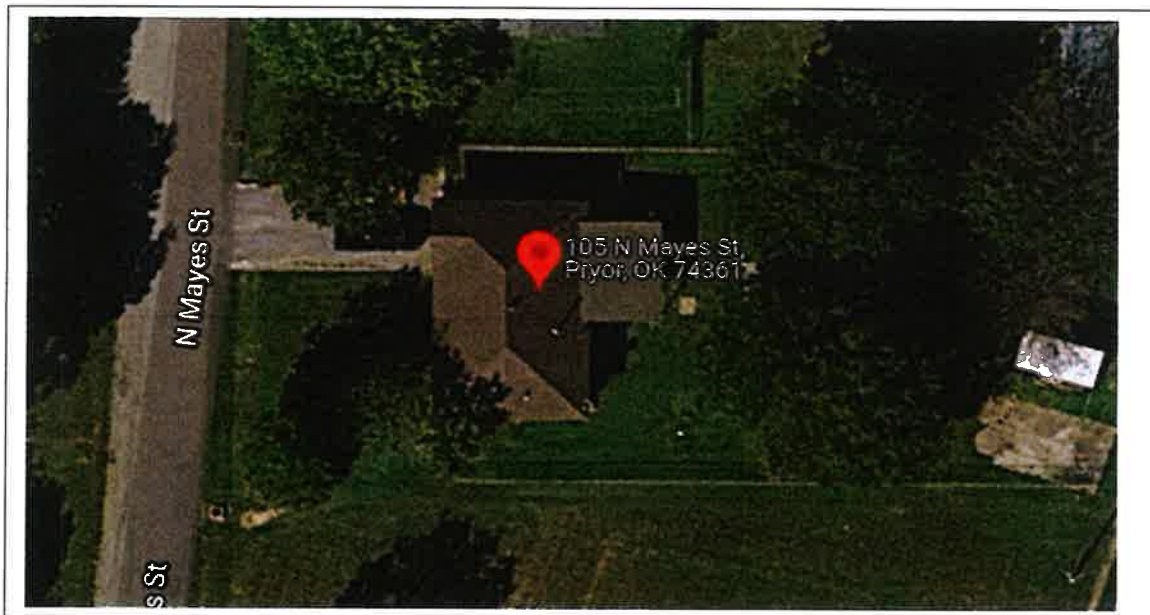
NOTICE OF PUBLIC HEARING

BEFORE THE CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

Notice is hereby given that on the 23rd day of September 2021, at 4:00 P.M. in the City Hall Council Chambers, located at 12 North Rowe Street, 2nd floor, Pryor Creek, Mayes County, Oklahoma, the City of Pryor Creek Board of Adjustment will consider variances for side and rear setback for accessory building.

LEGAL DESCRIPTION

Lot Numbered Three (3) Block Numbered Two (2) of the W. L. SMITH ADDITION to the City of Pryor, Mayes County, Oklahoma. According to the official recorded and filed plat thereof. (105 N Mayes)



Anyone requiring special accommodations pursuant to the Americans with Disabilities Act should notify City of Pryor Creek at 918-825-0888.

GREEN COUNTRY SURVEYING

P.O. Box 445 21 North Vann Pryor Creek, Oklahoma 74362 (918) 825-6575

CUSTOMER:

PNC Mortgage Corp.
of America

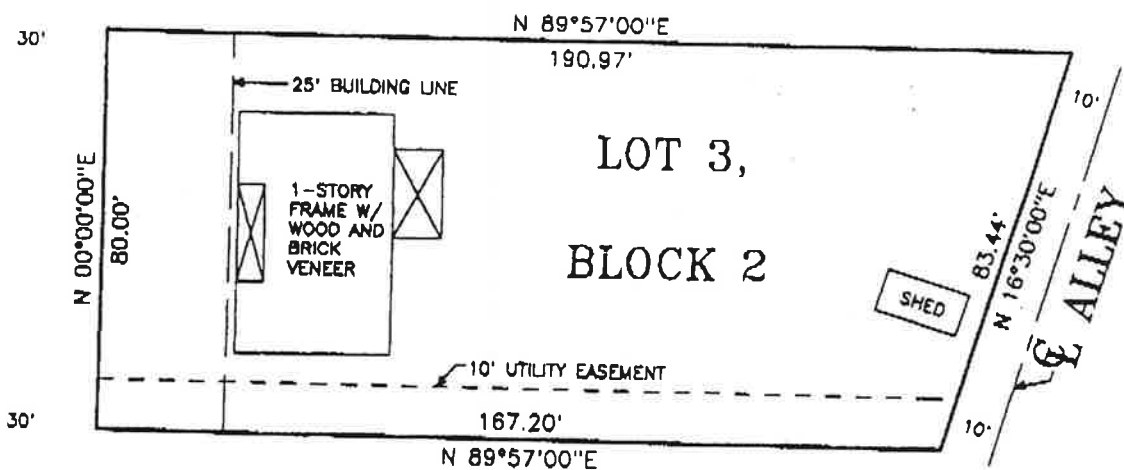
BORROWER:

Thomas D. Burchfield
105 North Mayes Street
Pryor, Oklahoma 74361

REGISTERED LAND SURVEYOR'S INSPECTION PLAT AND CERTIFICATE FOR MORTGAGE LOAN PURPOSES



W. L. MAYES STREET



CERTIFICATE

This plat is made for and at the request of Jo & Bob & Jo Realty
for mortgage loan purposes only covering property described as:

Lot Numbered Three (3), Block Numbered Two (2) of the W. L. SMITH ADDITION to the City of Pryor, Mayes County, Oklahoma. According to the official recorded and filed plat thereof.

Subject Property lies in Flood Zone "X" or outside the 500 Year Flood Plain as per Flood Insurance Rate Map dated 7/16/'87, Community-Panel #400117 0002 B.

I hereby certify that the above inspection plat shows the improvements as located on the premises described, that they are entirely within the described tract boundaries, and that there are no encroachments thereon except as indicated; that the above plat shows all recorded plat easements and other such easements as have been disclosed and furnished us by lender; that this plat was prepared for identification purposes only for the Mortgagee and is not a land or property line survey; that no property corners were set, and it is not to be used or relied upon for the establishment of fence, building or other improvements; and no responsibility is assumed herein or hereby to the present or future land owner or occupant.

WITNESS my hand and seal this 11th day of May, 1998

G. Michael Finnell, R.P.L.S. #1107
C.A.#2425



BURCHFIELD CRD.
BURCHFIELD PL.
COPYRIGHT 1998



04/26/2021 08:18



04/26/2021 08:18

CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

VARIANCE [] SPECIAL EXCEPTION

P.O Box 1167, 12 North Rowe Street, Pryor Creek, Oklahoma 74362 - (918) 825-0888 - FAX (918) 825-6577

www.pryorok.org

APPLICATION INFORMATION

RECEIVED BY: SL DATE FILED: 8/4/2021 HEARING DATE: _____ CASE NUMBER: _____
 [] RESIDENTIAL [] NON-RESIDENTIAL [] MIXED USE BUILDING PERMIT APPLICATION NUMBER: _____
 NEIGHBORHOOD ASSOCIATIONS: _____

Received
Dwight
abstract
comp
9/1/21

SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: 201 S. Edith, Pryor, OK
 LEGAL DESCRIPTION: Lot 2, Block 57 Original Town of Pryor

PRESENT USE: _____ PRESENT ZONING RD COMPREHENSIVE PLAN DESIGNATION: _____
 SURROUNDING ZONING: _____ FLOODPLAIN DESIGNATION: _____

INFORMATION ABOUT YOUR REQUEST A SITE PLAN IS REQUIRED TO ILLUSTRATE YOUR REQUEST.

ACTION(S) REQUESTED: 1) Coverage Allowance From 35% up to 36.5%
2) Rear setback Area Reduced From 20% to 17.5%

VARIANCE SECTIONS: _____ SPECIAL EXCEPTION SECTIONS: _____
LIST THE SPECIFIC SECTIONS OF THE ZONING CODE THAT APPLY TO EACH ACTION YOU'RE REQUESTING.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
NAME <u>Butler Homes LLC</u>	NAME <u>Butler Homes LLC</u>
ADDRESS <u>451 S Wood St</u>	ADDRESS <u>PO Box 882</u>
CITY, ST, ZIP <u>PRYOR, OK 74361</u>	CITY, ST, ZIP <u>PRYOR, OK 74361</u>
DAYTIME PHONE <u>918-824-2700</u>	DAYTIME PHONE <u>918-824-2700</u>
EMAIL <u>CONTACTUS@butlerhomesLLC.com</u>	EMAIL <u>CONTACTUS@butlerhomesLLC.com</u>

I, THE UNDERSIGNED APPLICANT, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT.

SIGNATURE & DATE: Becky Orange 8-3-2021

DOES OWNER CONSENT TO THIS APPLICATION [] Y [] N. WHAT IS APPLICANT'S RELATIONSHIP TO OWNER? same

APPLICATION FEES			
BASE REQUEST	\$10.00		10 ⁰⁰
ADDITIONAL REQUESTS	\$	APPLICATION SUBTOTAL	\$
NEWSPAPER PUBLICATION	\$		105 ⁰⁰
SIGN POSTING	\$18.50		18.50
Review letter fee from City Reviewer for BOA Meeting	\$125.00		\$ 125 ⁰⁰
300' PROPERTY OWNERS LIST			250 ⁰⁰
300' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	<u>2.18</u> \$2.04 x 20	\$ 43.60	43.60
		NOTICE SUBTOTAL	
		TOTAL AMOUNT DUE	\$ 552.10

APPLICATION FEES IN WHOLE OR PART WILL NOT BE REFUNDED AFTER NOTIFICATION HAS BEEN GIVEN.

DISPOSITION

BOARD ACTION: _____
 FINAL DATE: _____ VOTE: _____ PLAT INVOKED [] Y [] N PLAT NAME: _____ WAIVER [] Y [] N

PAID

Board of Adjustment Case Number: _____ Date: _____, 7:00 p.m.

City Council Chambers, 12 North Rowe Street

A person knowledgeable of the application and the property must attend the meeting to represent the application.

Site Plans must be submitted at the time of application. Other drawings, photographs or exhibits may be submitted at the hearing.

VARIANCES:

The applicant must prove a hardship to the Board. The Board of Adjustment is allowed to approve variances only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

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2. Application of the zoning ordinance requirements to this particular piece of property will create unnecessary hardship to the property, not self-imposed by the owner or developer. This does not include financial hardship to the applicant.
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4. The variance, if granted, will not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance or the comprehensive plan. However, no variance may be granted for a use of land, buildings or structure that is prohibited by the zoning ordinance.

In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions.

Please state your hardship:

We are wanting to provide more rentals in Pryor.
To make this feasible for us, we will need to place two Duplexes
on the lot in Reference.

Applicant Signature: Becky Orange

SPECIAL EXCEPTIONS:

The Board of Adjustment is allowed to approve special exceptions only after determining that the following conditions exist. Please be ready to describe how your request satisfies each of these conditions at the hearing:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code.
2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Further, if the special exception is for "special residential facilities" the following factors shall be considered. Please be ready to address each of these items at the hearing:

- | | |
|---|--|
| A. Size of the facility; | F. Compliance with state licensure and certification requirements; |
| B. Number of staff and staff-to-client ratio; | G. Proximity to similar uses; |
| C. Levels of treatment; | H. Distance from sensitive uses (single-family residential districts, schools, parks, child day care centers). |
| D. Location of site in relation to needed services; | |
| E. City infrastructure in the area; | |

In granting any special exception, the Board may make appropriate conditions or safeguards, may limit the approval to a specified period of time and may require a bond or other guarantee necessary to enforce compliance with the conditions.

If your application is approved, you may need additional permits. Contact the City of Pryor Creek Building Inspector's Office at (918) 825-1679.

City of Pryor Creek
P.O. Box 1167
12 North Rowe Street
Pryor Creek, Oklahoma 74362
(918) 825-0888 FAX: (918) 825-6577

NOTICE OF PUBLIC HEARING

BEFORE THE CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

Notice is hereby given that on the 23rd day of September 2021, at 4:00 P.M. in the City Hall Council Chambers, located at 12 North Rowe Street, 2nd floor, Pryor Creek, Mayes County, Oklahoma, the City of Pryor Creek Board of Adjustment will consider two variances for (1) the Coverage allowance from 35% to 36.5% and (2) Rear setback area reduced from 20% to 17.5%.

LEGAL DESCRIPTION

Lot Numbered Two (2) in Block Numbered Fifty-Seven (57) in the Original Town of PRYOR CREEK, according to the United States Government Survey and Plat thereof. (201 S Edith)



Anyone requiring special accommodations pursuant to the Americans with Disabilities Act should notify City of Pryor Creek at 918-825-0888.

LEGAL DESCRIPTION

Lot Numbered Two (2) in Block Numbered Fifty-Seven (57) in the Original Town of PRYOR CREEK, according to the United States Government Survey and Plat thereof.

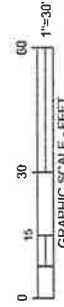
Subject Property lies in Flood Zone "X" as per Flood Insurance Rate Map #40097C0237E dated 9/16/2011.

CERTIFICATION

I, G. Michael Finnell, the undersigned, a duly Registered Professional Land Surveyor, R.P.L.S.# 1107, in the State of Oklahoma do hereby certify that a careful and accurate survey of the described property was made under my supervision to the best of my knowledge and the accompanying plat is a true and accurate representation of the same. This plat survey meets the Oklahoma Minimum Standards for the practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.

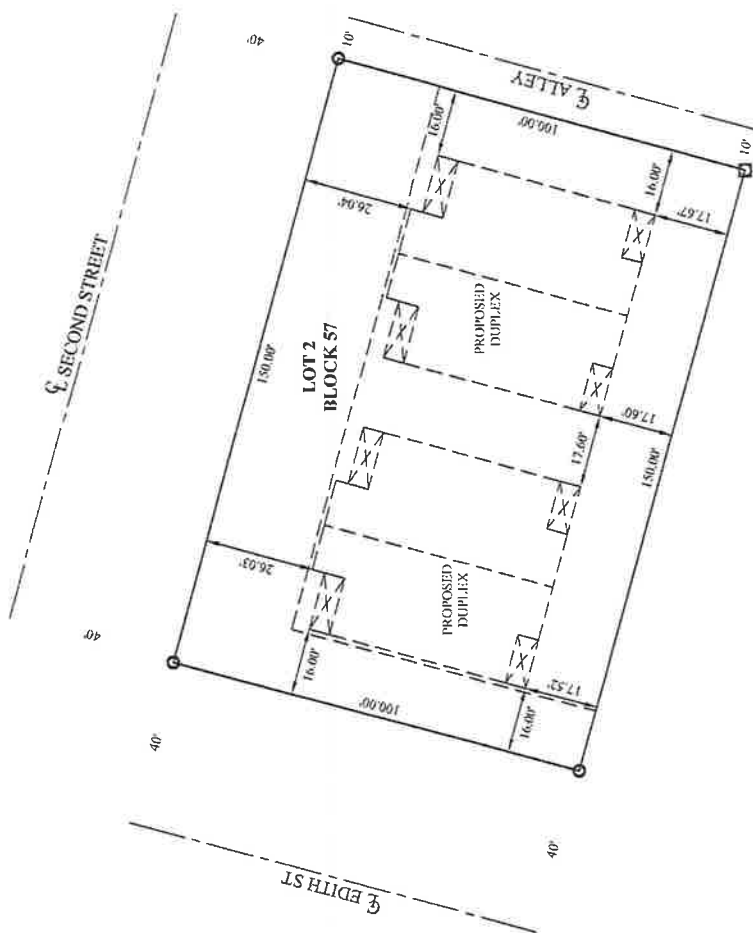
The word certify or certificate as shown and used hereon means an expression of professional opinion regarding facts of the survey and does not constitute a warranty of accuracy, expressed or implied.

Witness my hand and seal this 13th day of July, 2021.



- ▣ - SET 3/8" I.P. W/I .S.#1107 CAP
- - FOUND 1" I.P.
- - FOUND 1/2" I.P.

BEARINGS AND DISTANCES ARE BASED ON THE FILED CITY OF PRYOR SUBDIVISION PLAT.



GREEN COUNTRY SURVEYING		BUTLER HOMES PROPERTY	
301 EAST GRAHAM AVENUE P.O. BOX 445 PRYOR, OKLAHOMA 74362 918-825-6575 OFFICE 918-825-3606 FAX		PLOT PLAN	
DRAWN KRC	CHECKED GMI	DATE OF FIELD WORK 7/11/2021	SCALE 1"=30'
		CRD. FILE - BJK570TP DWG FILE - BUTR-HI	

G Michael Finnell, R.P.L.S.#1107
C.A.#2425 6/30/22 Copyright 2021



NOTICE OF PUBLIC HEARING

BEFORE THE CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

Notice is hereby given that on the 23rd day of September 2021, at 4:00 P.M. in the City Hall Council Chambers, located at 12 North Rowe Street, 2nd floor, Pryor Creek, Mayes County, Oklahoma, the City of Pryor Creek Board of Adjustment will consider two variances for (1) the Coverage allowance from 35% to 36.5% and (2) Rear setback area reduced from 20% to 17.5%.

LEGAL DESCRIPTION

Lot Numbered Two (2) in Block Numbered Fifty-Seven (57) in the Original Town of PRYOR CREEK, according to the United States Government Survey and Plat thereof. (201 S Edith)



Anyone requiring special accommodations pursuant to the Americans with Disabilities Act should notify City of Pryor Creek at 918-825-0888.



City of Pryor Creek

12 North Rowe – PO Box 1167
Pryor Creek, Ok 74362
Tel 918-825-0888 Fax 918-825-6577
www.pryorcreek.org

September 10, 2021

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF
ADJUSTMENT OF THE CITY OF PRYOR CREEK**

Dear Property Owner:

Notice is hereby given that a public hearing has been scheduled and will be held before the Board of Adjustment in the City Council Chamber of the City of Pryor Creek City Hall, 12 North Rowe, 2nd Floor, Pryor, Oklahoma at 4:00 P.M. on September 23rd at which time and place will be heard and considered the request of:

Application: Butler Homes is asking for a variance on the (1) Coverage allowance from 35% to 36.5% and (2) Rear setback area reduce from 20% to 17.5%. The property is at 201 S Edith. The Public Hearing is attached to this letter.

Under Oklahoma state law, all property owners adjacent of the property proposed for the variance are to be notified of the public hearing by mail in writing at least 10 days prior to the public hearing. Notice is provided so that adjacent property owners have an opportunity to provide comment, either verbally (at the hearing) or in writing (prior to the hearing). All written communications must be received at least 24 hours prior to the hearing and may be sent to the City of Pryor Creek, P.O. Box 1167, Pryor, Oklahoma 74362 or by email to leesl@pryorcreek.org.

Anyone requiring special accommodations pursuant to Americans with Disabilities Act should notify the City Clerk at 918-825-0888. Request for accommodations should be received at least 24 hours in advance of the hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Lees".

Mayor Larry Lees
City of Pryor Creek