

**MINUTES**  
**BOARD OF ADJUSTMENT**  
**SPECIAL MEETING**  
**CITY OF PRYOR CREEK, OKLAHOMA**  
**THURSDAY, APRIL 15, 2021 6:00pm**

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.**

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

Others present: Mayor Larry Lees, Building Inspector Kenny Young, Allen and Karla Head, Ben Head

**2. DISCUSSION AND POSSIBLE ACTION TO APPROVE MINUTES OF SEPTEMBER 17, 2020 SPECIAL MEETING.**

Motion was made by Rogers, second by Considine to approve minutes of September 17, 2020 Special Meeting. Voting yes: Clack, Considine, Rogers. Abstaining, counting as a no vote: Foster. Voting no: none.

**3. PUBLIC HEARINGS.**

**a. Enter Public Hearing.**

Applicant: Chouteau Lime. Legal: Lot Numbered Five (5), in Block Numbered Fifty-Two (52), in the Incorporated Town of PRYOR CREEK, Mayes County, State of Oklahoma, according to the United States Government Survey and Plat thereof; AND Lot Numbered 6 in Block Numbered 52 in the Incorporated Town of Pryor Creek, Mayes County, State of Oklahoma, according to the United States Government Survey and Plat thereof. (121 S Taylor); AND A 10 foot strip of vacated Taylor Street lying West of and adjacent to Lot 6 in Block Numbered 52 in the Incorporated Town of Pryor Creek, Mayes County, State of Oklahoma, according to the United States Government Survey and Plat thereof, together with all and singular the hereditaments and appurtenances thereunto belonging.

Allen Head spoke for the family on what their intention is for the property. They have been in town in this business for many years and are needing more storage space. They will be building over the existing building then tearing down the building inside to keep their equipment dry. Mr. Head explained that it would be a hardship not being able to build on more than 40% of the lot and to not have their variance on the front street setback. Mayor Lees told the Board that this new building would have the possibility of expanding jobs and sales tax for the City of Pryor.

**b. Exit Public Hearing.**

Mr. Clack explained the public hearing was completed.

**4. DISCUSSION AND POSSIBLE ACTION ON PUBLIC HEARING FOR APPLICANT CHOUTEAU LIME (BEN HEAD) ASKING FOR A VARIANCE TO REBUILD WHERE EXISTING BUILDING IS ON LOT 5 AND EXTEND BUILDING TO LOT 6 IN BLK 52. THE FINAL BUILDING WILL EXCEED THE 40% MINIMUM COVERAGE OF LOT. SEVERAL EXISTING LOTS IN THE IMMEDIATE AREA ALSO EXCEED THIS RULE. IN ADDITION,**

**THE FINAL STRUCTURE WILL REDUCE THE 50 FT. STREET SETBACK AND MATCH THE EXISTING STREET SETBACKS OF SURROUNDING PROPERTIES.**

Motion was made by Rogers, second by Considine to grant the variance to build on more than 40% of the lot and to have the front setback to match the other buildings they own. Voting yes: Clack, Considine, Rogers, Foster. Voting no: none.

**5. ADJOURN.**

Motion was made by Foster, second by Considine to adjourn. Voting yes: Clack, Considine, Rogers, Foster. 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: SPL DATE FILED: 4-16-2021 HEARING DATE: 6-10-21 CASE NUMBER \_\_\_\_\_  
 RESIDENTIAL  NON-RESIDENTIAL  MIXED USE BUILDING PERMIT APPLICATION NUMBER \_\_\_\_\_  
 NEIGHBORHOOD ASSOCIATIONS: \_\_\_\_\_

## SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: 901 E. MILL STREET ROAD, PRYOR OK 74361  
 LEGAL DESCRIPTION: SEE ATTACHED

PRESENT USE: CONVENIENCE STORE PRESENT ZONING CAR COMPREHENSIVE PLAN DESIGNATION: \_\_\_\_\_  
 SURROUNDING ZONING: CAR FLOODPLAIN DESIGNATION: ZONE X

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

ACTION(S) REQUESTED: FREESTANDING SIGNS MAX 20' HEIGHT --> REQUESTING 40' HEIGHT

ON SITE SELF SUPPORTING (POLE) 150 SQFT --> REQUESTING 165 SQFT

WALL MOUNTED NON-PROJECTING 162 SQFT --> REQUESTING 189 SQFT

VARIANCE SECTIONS: 10-12-6 & 7 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 OLSSON / WILL HOEY	NAME DAN GARNEAU
ADDRESS 550 E. ST. LOUIS STREET	ADDRESS 1459 GRAND AVENUE
CITY, ST, ZIP SPRINGFIELD, MO 65807	CITY, ST, ZIP DES MOINES, IA 50309
DAYTIME PHONE 417-890-8802	DAYTIME PHONE 515-226-0128
EMAIL WHOEY@OLSSON.COM	EMAIL DAN.GARNEAU@KUMANDGO.COM

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

SIGNATURE & DATE: Will Hoey 4/15/2021

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

APPLICATION FEES			
BASE REQUEST	\$10.00		10. <sup>00</sup>
ADDITIONAL REQUESTS	\$	APPLICATION SUBTOTAL	\$ 0
NEWSPAPER PUBLICATION	\$		120. <sup>00</sup>
SIGN POSTING	\$18.50		18. <sup>50</sup>
Review letter fee from City Reviewer for BOA Meeting	\$125.00		\$ 125. <sup>00</sup>
300' PROPERTY OWNERS LIST			300. <sup>00</sup>
300' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	\$2.01 x 9 =	\$	18.09
		NOTICE SUBTOTAL	
		<b>TOTAL AMOUNT DUE</b>	\$ <b>591.59</b>

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

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:**

THE EXISTING KUM & GO STORE HAS TWO FREESTANDING SIGNS (34'+/- & 44'+/-). KUM & GO IS PROPOSING TO REPLACE THESE SIGNS WITH ONE 40' POLE SIGN. IN ADDITION TO OMITTING ONE OF THE EXISTING FREESTANDING SIGNS THERE ARE MULTIPLE BUSINESS ALONG HWY 69 THAT HAVE A SIGN EXCEEDING THE 20' HEIGHT REQUIREMENT. AN INCREASE IN SIGN HEIGHT WILL ALSO REQUIRE MORE AREA FOR VISIBILITY AND LEGIBILITY. PROVIDING ADEQUATE SIGNAGE IS CRUCIAL TO THE SUCCESS OF THIS SITE.

Applicant Signature: W. J. [Signature] 4/15/2021

**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

ALL THAT PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) IN SECTION 19, TOWNSHIP 21 NORTH, RANGE 19 EAST, IN MAYES COUNTY, OKLAHOMA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 19; THENCE N88°43'38"E ALONG THE NORTH LINE OF SAID SECTION 19, 1278.30 FEET; THENCE S01°30'00"E, 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SE 9TH STREET AND THE POINT OF BEGINNING; THENCE N88°43'38"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, 16.56 FEET; THENCE S00°59'36"E, 136.94 FEET; THENCE N89°00'08"E, 23.82 FEET; THENCE S00°59'52"E, 62.94 FEET; THENCE S89°00'08"W, 298.39 FEET TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 69; THENCE N15°16'31"E ALONG SAID EAST RIGHT-OF-WAY, 207.14 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SE 9TH STREET; THENCE N88°43'38"E ALONG SAID SOUTH RIGHT-OF-WAY, 199.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.2 ACRES MORE OR LESS.

# NOTICE OF PUBLIC HEARING

## BEFORE THE CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

Notice is hereby given that on the 10th day of June 2021, at 5:30 P.M. in the City Hall Council Chambers, located at 12 North Rowe Street, 2<sup>nd</sup> floor, Pryor Creek, Mayes County, Oklahoma, the City of Pryor Creek Board of Adjustments will consider a variance for the number and size of signs that are to be placed on the Kum and Go property.

### LEGAL DESCRIPTION

Kum and Go – ALL THAT PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) IN SECTION 19, TOWNSHIP 21 NORTH, RANGE 19 EAST, IN MAYES COUNTY, OKLAHOMA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 19; THENCE N88°43'38"E ALONG THE NORTH LINE OF SAID SECTION 19, 1278.30 FEET; THENCE S01°30'00"E, 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SE 9TH STREET AND THE POINT OF BEGINNING; THENCE N88°43'38"E ALONG SAID SOUTH RIGHT-OF-WAY, 16.56 FEET; THENCE S00°59'36"E, 136.94 FEET; THENCE N89°00'08"E, 23.82 FEET; THENCE S00°59'52"E, 62.94 FEET; THENCE S89°00'08"W, 298.39 FEET TO THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 69; THENCE N15°16'31"E ALONG SAID EAST RIGHT-OF-WAY, 207.14 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SE 9TH STREET; THENCE N88°43'38"E ALONG SAID SOUTH RIGHT-OF-WAY, 199.97 FEET TO THE POINT OF BEGINNING. CONTAINING 1.2 ACRES MORE OR LESS. (901 S Mill Street)



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

April 8, 2021

Claude Neon Federal Signs  
1225 N. Lansing  
Tulsa, OK 74106

RE: Kum N Go Sign, dated 03/25/21  
PRY 16-02

Dear Sir:

We have reviewed your request and submitted information for a sign located at 901 South Mill Street, Pryor, OK. Per the supplied detailed plans this site including the proposed covered signage will total 165 sq. ft. of onsite self-supporting (Pole) signs and 189 sq. ft. for wall mounted non projecting signs. The maximum height of self-supporting pole signs is 20 feet. The proposed pole sign has a total height of 40 feet.

The maximum allowable areas for this site are:

On Site Self Supporting (Pole) = 150 sq. ft.	Proposed = 165 sq. ft.
Wall Mounted Non-Projecting = 162 sq. ft.	Proposed = 189 sq. ft.

Since the proposed signs are beyond the limits established by UDO Code Section 10-12-6 & 7 and as such a variance request must be made to the Planning & Zoning Board of Adjustment Committee to allow these signs in the present size and height to be allowed. Application for such variance should be made to Sheryl Laue, City of Pryor, Assistant Code Inspections.

Respectfully submitted,

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

Larry Lees  
Mayor

Contract City Plan Review Officer

Steve A. Powell, PE

**SIGN PERMIT APPLICATION**

City of Pryor Creek  
P.O. Box 1167 - 12 N Rowe  
Pryor Creek, Ok 74362

Building Inspector  
Phone: 825-1679  
Fax: 825-6577

Date 3/25/21

Sign Contractor / Applicant CLAUDE NEON FEDERAL SIGNS / TERRY HOWARD

Mailing Address 1225 N. LANSING

City, State, Zip TULSA, OK 74106

Phone \*918-630-0033 Email terry@cnfsigns.com Fax 918-587-7176

Contact Person TERRY HOWARD

Project Name KUM & GO # 3861

Address for Sign 901 S. MILL ST.

Height of Sign 40' Width of Sign 15' Overall Height 7'-6"

Total Square Feet of Sign 165.73

Front Lot Frontage Length 148.85'

Engineering Attached (IF REQUIRED)  Yes  Not Required

CANOPY SIGNS

Wall Sign	<u>3</u>	<input checked="" type="checkbox"/>	<u>18 sq. ft. EACH</u>	(PLEASE CHECK ONLY ONE)
Ground Sign	<u>1</u>	<input checked="" type="checkbox"/>		
Illuminated Sign		<input checked="" type="checkbox"/>		
Temporary Sign		<input type="checkbox"/>		
		<input checked="" type="checkbox"/>		Erect
		<input type="checkbox"/>		Relocate
		<input type="checkbox"/>		Re-Issue

Building Signs  
2-6'x12' OVAL SIGN  
1-5'x9' MARKET  
OVALS - 72 SQ. FT. EA.  
MARKET - 45 SQ. FT.

Estimated Cost of Sign \$ \$ 65,000

Proposed Work NEW POLE SIGN, CANOPY SIGNS (3), BUILDING SIGNS (3) (2- Kum & Go OVAL SIGNS AND (1) GO FRESH MARKET SIGN.

Terry J. Howard

Signature of Contractor / Applicant \_\_\_\_\_

**PLEASE CALL THE BUILDING INSPECTION OFFICE TO SET UP AN APPOINTMENT FOR INSPECTION**