

**MINUTES**  
**BOARD OF ADJUSTMENT**  
**SPECIAL MEETING**  
**CITY OF PRYOR CREEK, OKLAHOMA**  
**TUESDAY, SEPTEMBER 23, 2021 4:00pm**

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, MIKE CONSIDINE, ANDY ROGERS, KRIS FOSTER

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

Gerald Clack called the meeting to order and declared a quorum. Members present were Gerald Clack, Andy Rogers, Kris Foster and Mike Considine. Absent: none.

Others present: Tom Burchfield, Becky Orange, Rick Ogg, Thomas Byrd, Kathy Beals, Billy Cox, Code Enforcement Officer Trent Humphrey and Building Inspector Kenny Young.

**2. DISCUSSION AND POSSIBLE ACTION TO APPROVE MINUTES OF AUGUST 9<sup>TH</sup>, 2021 SPECIAL MEETING.**

Motion was made by Rogers, second by Foster to approve minutes of August 9<sup>th</sup>, 2021 Special Meeting. Voting yes: Clack, Foster, Considine and Rogers. Voting no: none.

**3. PUBLIC HEARINGS.**

**a. Enter Public Hearing.**

Mr. Clack entered Public Hearing without making a motion.

Applicant: Tom Burchfield – Lot Numbered Three (3) in 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).

**b. Exit Public Hearing.**

Motion was made by Foster, second by Considine to exit Public Hearing. Voting yes: Clack, Foster, Considine and Rogers. Voting no: none.

**4. DISCUSSION AND POSSIBLE ACTION ON PUBLIC HEARING FOR APPLICANT TOM BURCHFIELD WHO IS REQUESTING A VARIANCE FOR:**

- (1) SIDE SETBACK FOR AN ACCESSORY BUILDING HE BUILT ON AN EXISTING SLAB.**
- (2) REAR SETBACK FOR AN ACCESSORY BUILDING HE BUILT ON AN EXISTING SLAB.**

Motion was made by Foster, second by Considine to continue this request until such time as all information is received that the Board needs.

**5. PUBLIC HEARINGS.**

**a. Enter Public Hearing.**

Mr. Clack entered Public Hearing without making a motion.

Applicant: Butler Homes – 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).

**c. Exit Public Hearing.**

Motion was made by Considine, second by Rogers to exit Public Hearing. Voting yes: Clack, Foster, Considine and Rogers. Voting no: none.

**b. DISCUSSION AND POSSIBLE ACTION ON PUBLIC HEARING FOR APPLICANT BUTLER HOMES WHO IS REQUESTING A VARIANCE FOR:**

**(1) THE COVERAGE ALLOWANCE FROM 35% TO 36.5%.**

**(2) THE REAR SETBACK AREA REDUCED FROM 20% TO 17.5%**

Motion was made by Rogers, second by Foster to deny the variances requested due to the zoning not being compatible to the request. Voting yes: Clack, Foster, Considine and Rogers. Voting no: none.

**5. ADJOURN.**

Motion was made by Rogers, second by Foster to adjourn. Voting yes: Clack, Foster, Considine and Rogers. 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.pryorcreek.org

## APPLICATION INFORMATION

RECEIVED BY: SL DATE FILED: 10/18/2021 HEARING DATE: 11/4/2021 CASE NUMBER: \_\_\_\_\_

☒ RESIDENTIAL ☐ NON-RESIDENTIAL ☐ MIXED USE BUILDING PERMIT APPLICATION NUMBER: \_\_\_\_\_

NEIGHBORHOOD ASSOCIATIONS: \_\_\_\_\_

## SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: 201 S Edith, PRYOR OK (2 Addresses After Lot Split)

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) Adjust coverage Allowance to fit Duplex  
2) Adjust Rear Set Back Line to Allow Duplex to fit  
(See Plot PLAN)

ONE duplex  
ON Each  
Lot

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 74362</u>
DAYTIME PHONE <u>918-864-0467</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: <u>Becky Orange</u>	<u>10/18/2021</u>

DOES OWNER CONSENT TO THIS APPLICATION? ☒ Y ☐ 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>112.50</u>
SIGN POSTING	\$18.50		<u>18.50</u>
300' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT)		FILING FEE	\$
1320' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT)			
300' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	<u>used same envelope</u> \$2.18 x = \$	<u>n/c</u>	<u>n/c</u>
1320' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	\$2.18 x = \$	NOTICE SUBTOTAL	\$
		TOTAL AMOUNT DUE	\$ <u>141.00</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 10/18/2021

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:

*To allow for a multi-housing unit (the smallest 2 BR/1B units) to fit we are needing the rear set back lines + coverage allowance modified.*

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

**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**

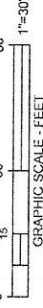
I, G. Michael Finnell, the undersigned, a duly Registered Professional Land Surveyor, R.P.L.S.#1107, in the State of Oklahoma do hereby certify that a careful and accurate survey of the described property was made under my supervision to the best of my knowledge and the accompanying plat is a true and 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 guarantee, expressed or implied.

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

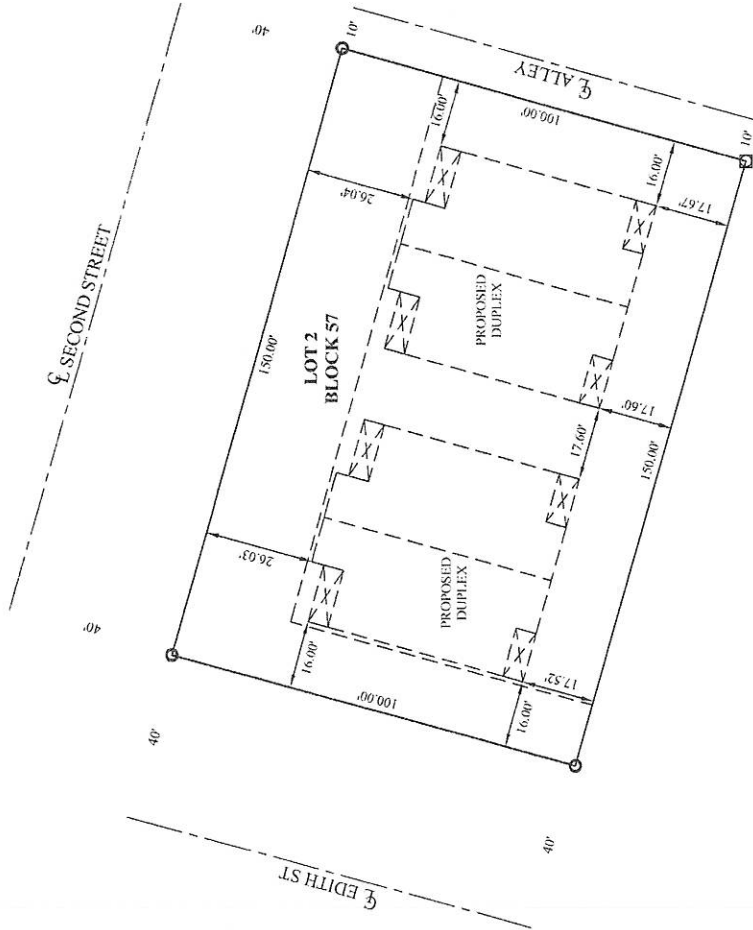


G Michael Finnell, R.P.L.S.#1107  
C.A.#2425 6/30/22 Copyright 2021



- - SET 3/8" I.P. W/L.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.



<b>GREEN COUNTRY SURVEYING</b> 301 EAST GRAHAM AVENUE P.O. BOX 445 PRYOR, OKLAHOMA 74362 918-825-6575 OFFICE 918-825-3606 FAX	<b>BUTLER HOMES PROPERTY</b>	
	<b>PLOT PLAN</b>	
DRAWN KRC	CHECKED CMF	DATE OF FIELD WORK 7/11/2021
SCALE 1"=30'		CRD. FILE - BLK570TP DWG FILE - BTJR-H1



# NOTICE OF PUBLIC HEARING

## BEFORE THE CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

Notice is hereby given that on the 4th day of November 2021, at 6:15 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 Adjustment will consider two variances for the Coverage allowance from 35% to 36.5% on duplexes with tentative address of 302 SW Second A & B and 304 SW Second A & B as well as two Rear setback area reduced from 20% to 17.5% on tentative address of 302 SW Second A & B and 304 SW Second A & B, pending Lot Split approval.

### 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 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: SRL DATE FILED: 9-21-2021 HEARING DATE: \_\_\_\_\_ CASE NUMBER: \_\_\_\_\_

☒ RESIDENTIAL ☐ NON-RESIDENTIAL ☐ MIXED USE BUILDING PERMIT APPLICATION NUMBER: \_\_\_\_\_

NEIGHBORHOOD ASSOCIATIONS: \_\_\_\_\_

## SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: 1509 S. OKLAHOMA ST, PRYOR, OK

LEGAL DESCRIPTION: Lot 3, Block 2 East Plains IV, Pryor, OK, Mayes Co.

PRESENT USE: \_\_\_\_\_ PRESENT ZONING: RS 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 INCREASE To Fit Required  
Restrictions square footage of 1950 SF  
(submitted plans)

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 ☒ YES ☐ NO. WHAT IS APPLICANT'S RELATIONSHIP TO OWNER? SAME

## APPLICATION FEES

BASE REQUEST	\$10.00		<u>10.00</u>
ADDITIONAL REQUESTS	\$	APPLICATION SUBTOTAL	\$ <u>—</u>
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		\$ <u>0</u>
300' PROPERTY OWNERS LIST			<u>175.00</u>
300' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	\$2.01 <u>29 =</u>	\$ <u>58.29</u>	<u>58.29</u>
		NOTICE SUBTOTAL	
		TOTAL AMOUNT DUE	\$ <u>366.79</u>

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

## DISPOSITION

BOARD ACTION: \_\_\_\_\_

FINAL DATE: \_\_\_\_\_ VOTE: \_\_\_\_\_ PLAT INVOKED ☐ YES ☐ NO PLAT NAME: \_\_\_\_\_ WAIVER ☐ YES ☐ NO

**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:

This is a very small, NARROW Lot. Restrictions state Home must be 1950 SF. We had plans drawn to fit the lot and the community. The new lot coverage % does NOT allow for this. Shouldn't restrictions override new requirements?

Applicant Signature: Becky Orange for  
TRAVIS Butler

**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



LEGAL DESCRIPTION

Lot 3 in Block 2 of EAST PLAINS FOURTH, as Addition to the Incorporated Town of Pryor Creek, Mayes County, State of Oklahoma, according to the Official Survey and Plat filed thereof.

FLOOD PLAIN STATEMENT

Subject property lies in flood zone "X" as per flood insurance rate map #40097C0241E dated 9/16/2011.

CERTIFICATION

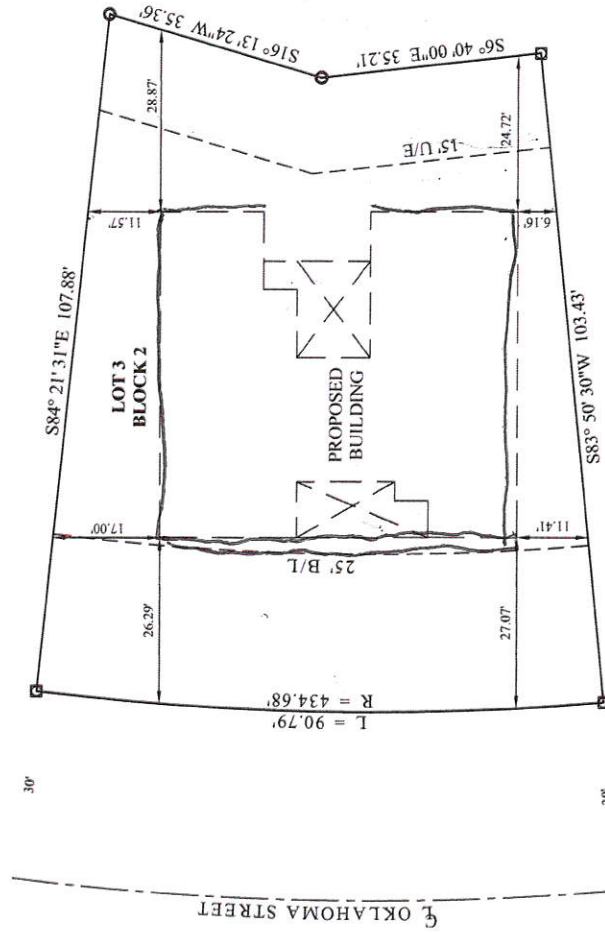
I, G. Michael Finnell, the undersigned, a duly Registered Professional Land Surveyor, R.P.L.S.#1107, in the State of Oklahoma do hereby certify that a careful and accurate survey of the described property was made under my supervision to the best of my knowledge and the accompanying plat is a true and 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 or guarantee, expressed or implied.

Witness my hand and seal this 31st day of August, 2021.

*G. Michael Finnell*

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



- - FOUND 3/8" I.P. W/L.S. #1318 CAP
- - FOUND 3/8" I.P.

BEARINGS AND DISTANCES ARE BASED ON THE FILED EAST PLAINS FOURTH SUBDIVISION PLAT.

GREEN COUNTRY SURVEYING

301 EAST GRAHAM AVENUE  
P.O. BOX 445  
PRYOR, OKLAHOMA 74362  
918-825-6575 OFFICE  
918-825-3606 FAX

BUTLER HOMES PROPERTY

PLOT PLAN

DRAWN KRC	CHECKED GMF	DATE 8/31/2021	SCALE 1"=20'	CRD. FILE - BTLR-EP4 DWG FILE - BTLR-3B2
--------------	----------------	-------------------	-----------------	---

# NOTICE OF PUBLIC HEARING

## BEFORE THE CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

Notice is hereby given that on the 18<sup>th</sup> day of November 2021, at 5:45 P.M. in the City Hall Council Chamber, located at 12 North Rowe Street, 2<sup>nd</sup> floor, Pryor Creek, Mayes County, Oklahoma, the City of Pryor Creek Board of Adjustment will consider Coverage allowance increase to fit required restrictions square footage of 1950 SF home. Code states the maximum building coverage is 30%.

### LEGAL DESCRIPTION

Lot 3 in Block 2 of EAST PLAINS FOURTH, as Addition to the Incorporated Town of Pryor Creek, Mayes County, State of Oklahoma, according to the Official Survey and Plat filed thereof.



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