

MINUTES
BOARD OF ADJUSTMENT
SPECIAL MEETING
CITY OF PRYOR CREEK, OKLAHOMA
THURSDAY, DECEMBER 13TH, 2021 5:45PM

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: Mayor Larry Lees, Steve Powell, Chris Krohn with A-Max Signs, Building Inspector Kenny Young.

2. DISCUSSION AND POSSIBLE ACTION TO APPROVE MINUTES OF NOVEMBER 18th, 2021 SPECIAL MEETING.

Motion was made by Rogers, second by Foster to approve minutes of November 18th, 2021 Special Meeting. Voting yes: Clack, Foster, Considine and Rogers. Voting no: none.

3. PUBLIC HEARINGS.

a. Enter Public Hearing

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

Applicant: A-Max Sign Co, Inc. to consider two variances to allow a ground sign with 60 sq ft (59.2 scrivener's error) of actual signage. The code allows 32 sq ft at each location:

1. Legal: Pryor Original Blk 23 Lot 13, 14, 15, E16' of Lot 16 (125 E Graham)
2. Legal: S 200' of N 390' of W268' SWNWSW in Section 20, Township 21 North, Range 19 East (1913 S Elliott)

Chris Krohn explained how the issue came up with the signs being installed before they were reviewed. A-Max Signs was a second-party company to install the signs, and they had the understanding that the first company submitted for the sign permit. They were also under the guidelines of the bank for installing the signs.

b. Exit Public Hearing.

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

4. DISCUSSION AND POSSIBLE ACTION ON PUBLIC HEARING FOR APPLICANT: A-MAX SIGN CO, INC. TO CONSIDER TWO VARIANCES TO ALLOW A GROUND SIGN WITH 60 SQ FT (59.2 SCRIVENER'S ERROR) OF ACTUAL SIGNAGE. THE CODE ALLOWS 32 SQ FT AT EACH LOCATION:

1. **LEGAL: PRYOR ORIGINAL BLK 23 LOT 13, 14, 15, E16' OF LOT 16 (125 E GRAHAM)**
2. **LEGAL: S 200' OF N 390' OF W268' SWNWSW IN SECTION 20, TOWNSHIP 21 NORTH, RANGE 19 EAST (1913 S ELLIOTT)**

Motion was made by Considine, second by Foster to approve the variance of both locations with the contingency that a letter in the form of a signed email is sent to the secretary of this Board stating that the bank will not put any advertising in the lower half of the sign (temporary or permanent) as long they are banking in those locations. Voting yes: Clack, Foster, Considine and Rogers. Voting no: none.

7. ADJOURN.

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



December 13, 2021

City of Pryor Creek
12 N. Rowe, Suite B
Pryor, OK 74361

ATTN: Mayor Larry Lees

RE: Staff Report – Variance Request for Encroachment of Auxiliary Building on Lot 3 Block 2 of
W.L. Smith Addition to the City of Pryor, Oklahoma

Dear Mayor:

The subject property has a current zoning of RS-70. The existing concrete pad was constructed many years ago and the wood frame structure located on the concrete slab has been removed. The slab itself has been surveyed and shows that it encroaches on the adjoining property to the east by 2.71 feet. This area was originally an alley from the original plat, was later vacated for use by the adjoining property owners. In addition, the concrete slab extends onto the utility easement that is located along the southern line of the subject lot. There does exist a sanitary sewer line of unknown size with a clean out (lamp hole) at the eastern end of the line. This line is in service and is part of the public sewer system.

The proposed replacement of the building on the existing concrete slab represents a substantial improvement to the immediate site since more than 50% of the value of the auxiliary building was removed and now is requested to be replaced. The allowance of the structure to be located over the existing utility easement and encroach on adjoining private property would be in violation of our current Unified Development Code.

It is the recommendation of this staff that such allowance not be granted and that the hardship that exists is one which could be rectified by removing the subject slab that so encroaches and replacing the slab and large building further on the applicant's property beyond the easement and off of adjoining property and meeting all the setback requirements. This action would require the relocation of another existing shed known to be on skids for easy relocation.

Respectfully submitted
Infrastructure Solutions Group, LLC

Steve A. Powell, PE
Manager, Tulsa Office
Contract City Engineer, City of Pryor

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		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>2.15 x 27</u> <u>\$2.01 x 27</u>		58.86
		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 STOPPED BEFORE I COULD CONNECT THE EXISTING BUILDING THAT IS 7x13' WAS GOING TO HAVE A BREEZEWAY BETWEEN THE TWO BUILDINGS.

Applicant Signature: *[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.

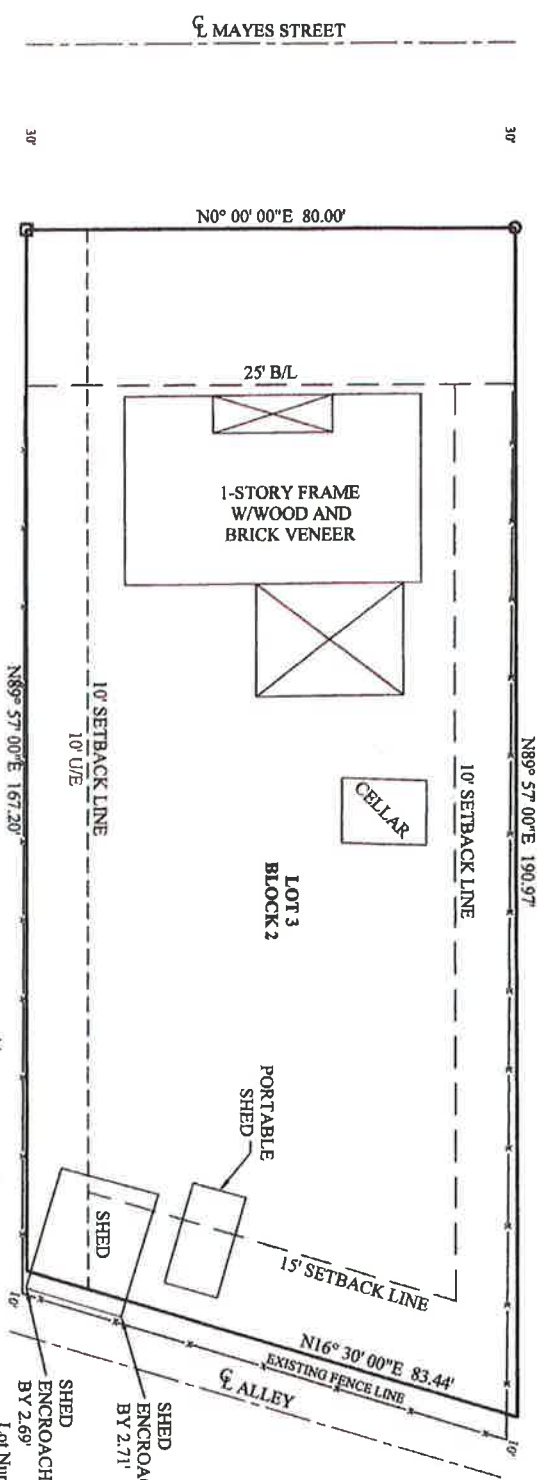
Further, if the special exception is for "special residential facilities" the following factors shall be considered. Please be ready to address each of these items at the hearing:

- | | |
|---|--|
| 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



CERTIFICATION

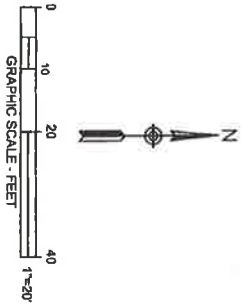
I, G. Michael Finnell, the undersigned, a duly Registered Professional Land Surveyor, R.P.L.S.#1107, in the State of Oklahoma do hereby certify that a careful and accurate survey of the described property was made under my supervision to the best of my knowledge and the accompanying plat is a true and 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 herein 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 30th day of November, 2021.

G. Michael Finnell

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 40D NAIL
- - SET 1" PIPE

NO EASEMENTS WERE SUPPLIED, RESEARCHED, OR ADDRESSED AS PART OF THIS SURVEY AND PLAT.

BEARINGS AND DISTANCES ARE BASED ON THE FILED W.L. SMITH ADDITION SUBDIVISION PLAT.

NOTE:
The subject property lies in Flood Zone "X" as per Flood Insurance Rate Map #40097C0237E dated 9/16/2011.
The subject property lies in Zone District RM.

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.

<p>GREEN COUNTRY SURVEYING</p> <p>301 EAST GRAHAM AVENUE P.O. BOX 445 PRYOR, OKLAHOMA 74362 918-825-6575 OFFICE 918-825-3606 FAX</p>		<p>BURCHFIELD PROPERTY</p> <p>SURVEY PLAT</p>	
<p>DRAWN: KRC</p> <p>CHECKED: GMF</p> <p>DATE OF FIELD WORK: 11/15/2021</p>	<p>SCALE: 1"=20'</p> <p>CRD. FILE - BRCHP</p> <p>DWG FILE - BRCHP</p>		

CERTIFICATE OF COUNTY TREASURER
 I, County Treasurer of Ada County, Oklahoma, do hereby certify that the above described plat and find that all of the above described lots have been duly recorded in the office of the county clerk of Ada County, Oklahoma, on this 11th day of April, 1927.

Witness my hand and seal of office at the City of Oklahoma, Oklahoma Territory, this 11th day of April, 1927.

215741

NO. 229 Sub. 513

W.L. SMITH ADDITION
 TO
 PRYOR CREEK, OKLAHOMA

A PART OF THE EAST 2750 FEET OF THE SOUTH 1/2 OF THE SW 1/4 - NE 1/4 - SW 1/4 OF SEC. 7, T.21N., R.19E.

OWNERS CERTIFICATE OF DEDICATION AND BILL OF ASSURANCE

STATE OF OKLAHOMA }
 COUNTY OF WATTS } SS
 KNOW ALL MEN BY THESE PRESENTS,

That W. L. SMITH, ELLA E. SMITH, husband and wife of Elmer W. Watts, Watts County, Oklahoma, being the owners of the above described plat of land, more particularly shown and described as the enclosed plat and map do hereby guarantee a clear title to said land, except as shown in the bonded distribution certificate.

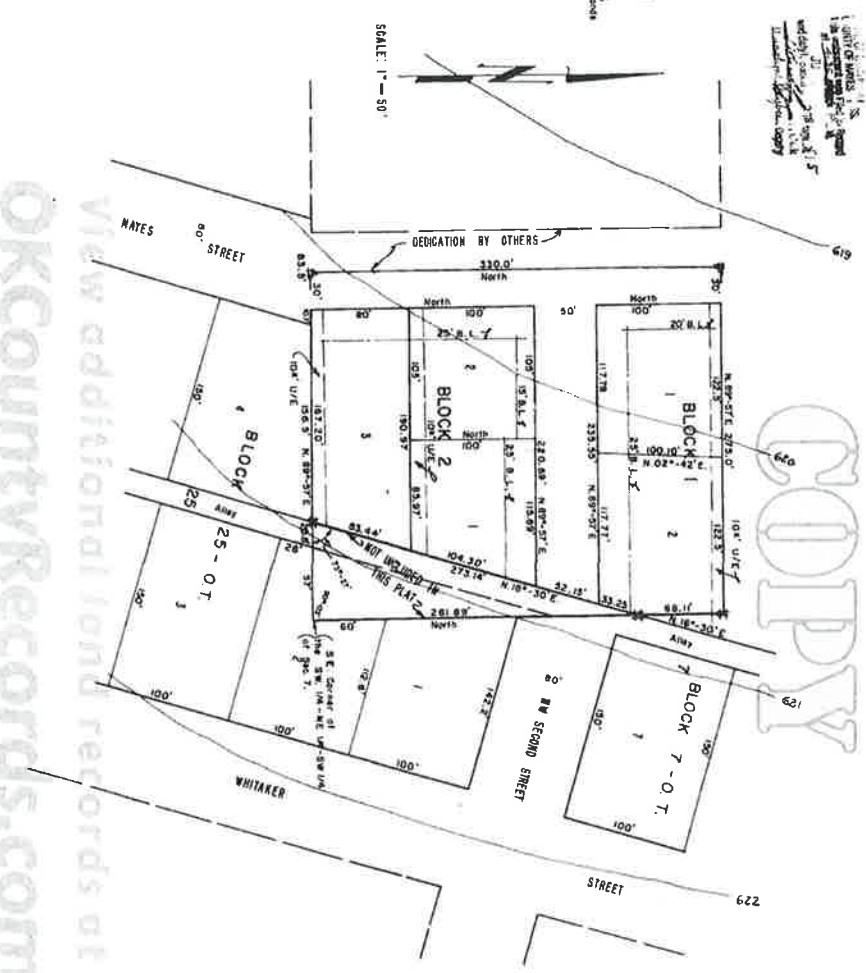
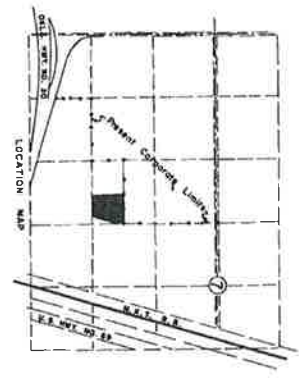
BE HEREBY CERTIFIED THAT WE HAVE CAUSED THE PLAT TO BE SURVEYED AND SPLIT, STREETS, AND EASEMENTS, IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF OKLAHOMA, AND DO HEREBY GUARANTEE THE STREETS AND EASEMENTS SHOWN UPON SAID PLAT FOR PUBLIC USE.

CITY CLERK
 I, City Clerk, do hereby certify that the above described plat and find that all of the above described lots have been duly recorded in the office of the county clerk of Ada County, Oklahoma, on this 11th day of April, 1927.

Witness my hand and seal of office at the City of Oklahoma, Oklahoma Territory, this 11th day of April, 1927.

DECLARATION OF RESOLUTION BY CITY CLERK
 I, City Clerk, do hereby certify that the above described plat and find that all of the above described lots have been duly recorded in the office of the county clerk of Ada County, Oklahoma, on this 11th day of April, 1927.

Witness my hand and seal of office at the City of Oklahoma, Oklahoma Territory, this 11th day of April, 1927.



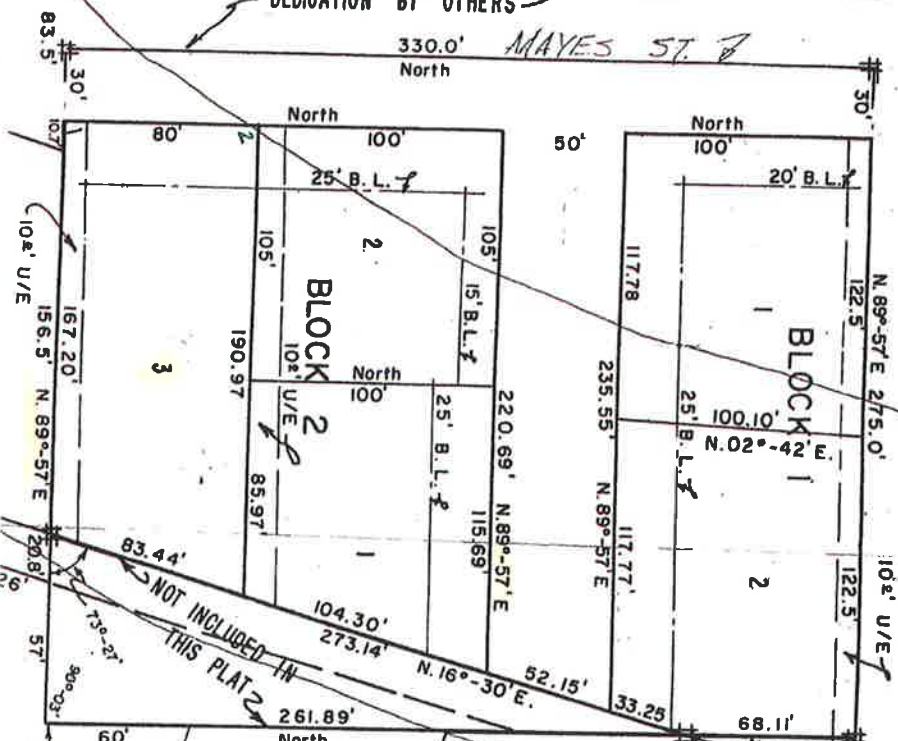
- SCALE: 1" = 50'
1. That the plat is a true and correct copy of the original as shown on the plat.
 2. If the plat is a true and correct copy of the original as shown on the plat, the owners of the plat are hereby certified that the plat is a true and correct copy of the original as shown on the plat.
 3. That the plat is a true and correct copy of the original as shown on the plat, and the owners of the plat are hereby certified that the plat is a true and correct copy of the original as shown on the plat.
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- STATE OF OKLAHOMA }
 COUNTY OF WATTS } SS
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- Witness my hand and seal of office at the City of Oklahoma, Oklahoma Territory, this 11th day of April, 1927.
- W. L. SMITH, ELLA E. SMITH, husband and wife of Elmer W. Watts, Watts County, Oklahoma, being the owners of the above described plat of land, more particularly shown and described as the enclosed plat and map do hereby guarantee a clear title to said land, except as shown in the bonded distribution certificate.
- W. L. SMITH, ELLA E. SMITH, husband and wife of Elmer W. Watts, Watts County, Oklahoma, being the owners of the above described plat of land, more particularly shown and described as the enclosed plat and map do hereby guarantee a clear title to said land, except as shown in the bonded distribution certificate.

W.L. SMITH ADDITION

1/4 = 50'

DEDICATION BY OTHERS

330.0' North MAYES ST



NOT INCLUDED IN THIS PLAT

SE. Corner of the SW 1/4 - NE 1/4 - SW 1/4 of Sec. 7.

80' NW SECOND STREET

7 BLOCK 7 - O.T.

STREET

622

629

620