

MINUTES
BOARD OF ADJUSTMENT
SPECIAL MEETING
CITY OF PRYOR CREEK, OKLAHOMA
THURSDAY, AUGUST 4TH, 2022 5:00pm

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, Kris Foster and Andy Rogers.

Others present: Terry L Davis, Sharon Davis, Jeff L Davis, Harriet Dunham, Briana Brakefield, Mayor Larry Lees, Steve Powell, Terry Aylward and Building Inspector Kenneth Young.

2. ADMINISTERED OATH OF OFFICE TO BRIANA BRAKEFIELD, SEAT #1, TERM ENDING 8/31/24.

Mayor Larry Lees administered the Oath of Office to Briana Brakefield, Seat #1, Term Ending 8/31/24.

3. DISCUSSION AND POSSIBLE ACTION TO APPROVE MINUTES OF MAY 5TH, 2022 SPECIAL MEETING.

Motion was made by Rogers, second by Foster to approve minutes of May 5th, 2022 Special Meeting. Voting yes: Clack, Foster and Rogers. Abstaining, counting as a no vote: Brakefield. Voting no: none.

4. PUBLIC HEARINGS.

a. Enter Public Hearing.

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

Applicant: Applicant Terry L Davis is requesting a special exception to build 69 units of assisted living and 16 units of independent living for seniors in a residential zone (RM).

b. Exit Public Hearing.

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

5. DISCUSSION AND POSSIBLE ACTION ON PUBLIC HEARING FOR APPLICANT TERRY L DAVIS WHO IS REQUESTING A SPECIAL EXCEPTION TO BUILD 69 UNITS OF ASSISTED LIVING AND 16 UNITS OF INDEPENDENT LIVING FOR SENIORS IN A RESIDENTIAL ZONE (RM)

Motion was made by Rogers, second by Brakefield to approve the special exception to build 69 units of assisted living and 16 units of independent living for seniors in a residential zone (RM)

Voting yes: Clack, Foster, Brakefield and Rogers. Voting no: none.

6. ADJOURN.

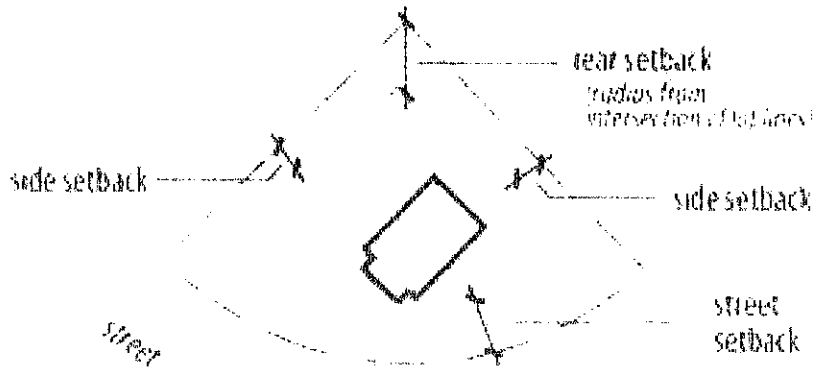
Motion was made by Brakefield, second by Foster to adjourn. Voting yes: Clack, Foster, Brakefield and Rogers. Voting no: none.



115 N Rowe

4. When there is no rear lot line, the rear setback must be measured as a radial distance from the intersection of side lot lines at the rear of the lot.

FIGURE 19-7
REAR SETBACK MEASUREMENT WHEN
THERE IS NO REAR LOT LINE



C. Permitted Setback Obstructions In R Zoning Districts: Setbacks in R Zoning Districts must be unobstructed and unoccupied from the ground to the sky except as indicated in table 19-1 of this section:

TABLE 19-1
PERMITTED SETBACK OBSTRUCTIONS IN R ZONING DISTRICTS

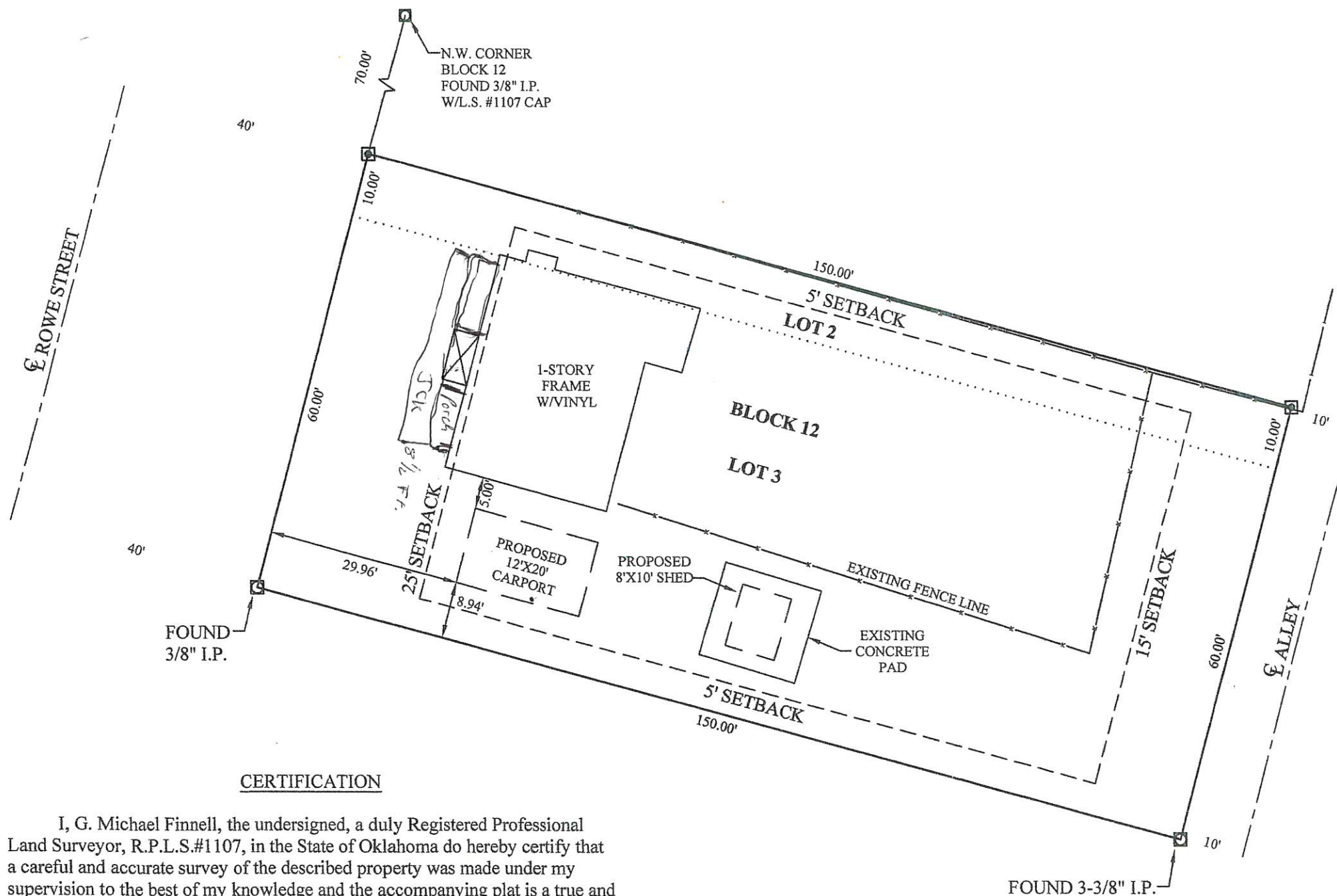
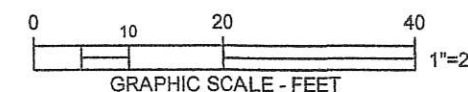
Obstruction	Setback		
	Street	Side	Rear
Accessory buildings (see also subsection 10-8-1F of this title)	No	No	Yes
Air conditioning units	No	Yes	Yes
Arbors and trellises	Yes	Yes	Yes
Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 2 feet into the setback	Yes	Yes	Yes
Barbeque pits and outdoor fireplaces	No	No	Yes

Example of Builders Work



LEGAL DESCRIPTION
 The Southerly Ten (10) feet of Lot Numbered Two (2) and the Northerly Sixty (60) feet of Lot Numbered Three (3) in Block Numbered Twelve (12) in the Incorporated Town of Pryor Creek, Mayes County, State of Oklahoma, according to the United States Government Survey thereof.

NOTES:
 The subject property lies in Zone RM.
 The 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 or guarantee, expressed or implied.

Witness my hand and seal this 6th day of September, 2021.

G. Michael Finnell

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

- ⊠- SET 3/8" I.P. W/ L.S. #1107 CAP
- ⊡- FOUND MONUMENTATION AS NOTED
- SET 3/8" I.P. W/ POINT ON LINE CAP

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

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

GREEN COUNTRY SURVEYING 301 EAST GRAHAM AVENUE P.O. BOX 445 PRYOR, OKLAHOMA 74362 918-825-6575 OFFICE 918-825-3606 FAX		KALFSBECK PROPERTY		
		PLOT PLAN		
DRAWN KRC	CHECKED GMF	DATE OF FIELD WORK 9/1/2021	SCALE 1"=20'	CRD. FILE - KALFSBK-1 DWG FILE - KALFSBK-1

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: 9/12/22 DATE FILED: _____ HEARING DATE: 9/29/2022 CASE NUMBER _____

RESIDENTIAL NON-RESIDENTIAL MIXED USE BUILDING PERMIT APPLICATION NUMBER _____

NEIGHBORHOOD ASSOCIATIONS: _____

SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: 105 N. MALES ST. PRYOR OK

LEGAL DESCRIPTION: LOT 3 Block 2 74361
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 Boudette</u>	NAME <u>Same</u>
ADDRESS <u>105 N. MALES ST.</u>	ADDRESS _____
CITY, ST, ZIP <u>PRYOR OK</u>	CITY, ST, ZIP _____
DAYTIME PHONE <u>918 530 0024</u>	DAYTIME PHONE _____
EMAIL <u>tboudette@atako.com</u>	EMAIL _____

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

SIGNATURE & DATE: [Signature] 8-24-22

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

APPLICATION FEES			
BASE REQUEST	\$10.00		<u>10.00</u>
ADDITIONAL REQUESTS	\$	APPLICATION SUBTOTAL	\$
NEWSPAPER PUBLICATION	\$		
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	\$1.83 x = \$		
1320' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	\$1.83 x = \$	NOTICE SUBTOTAL	\$
		TOTAL AMOUNT DUE	<u>\$28.50</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

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:

my shed THE BACK IS 9'2"
THE FRONT IS 14'7"

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:

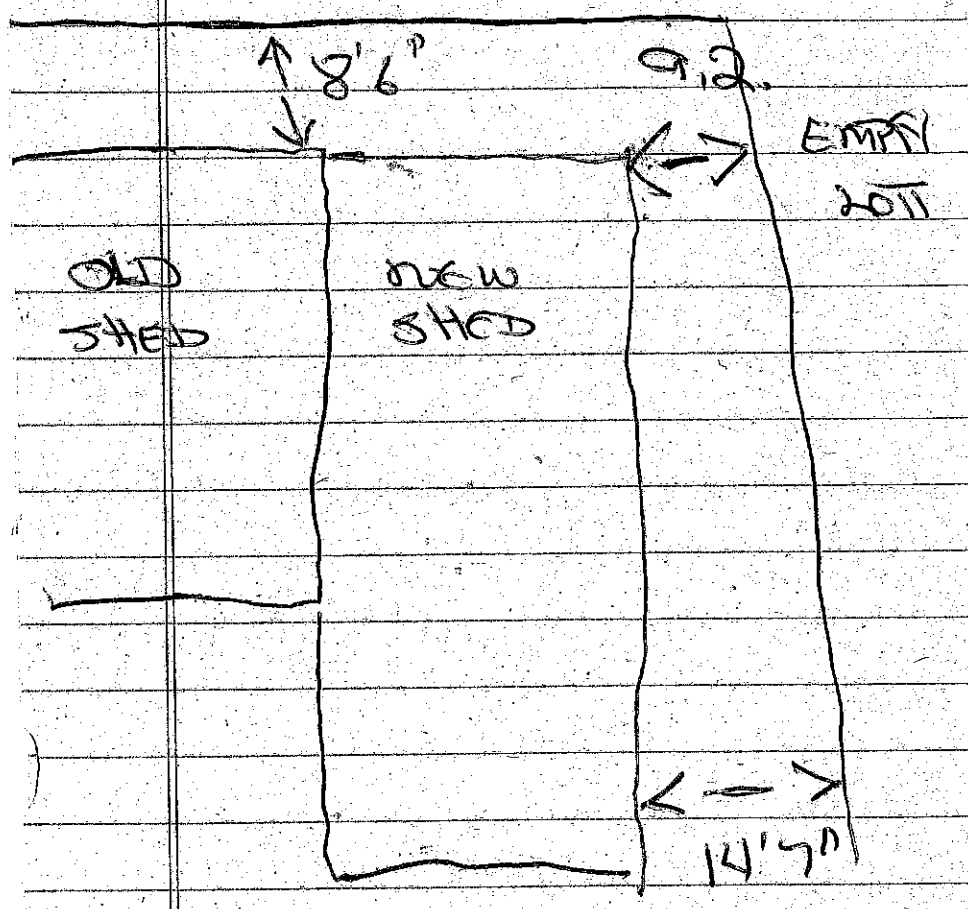
- | | |
|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| A. Size of the facility; | F. Compliance with state licensure and certification requirements; |
| B. Number of staff and staff-to-client 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

FENCE





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

August 31, 2022

Mr. Tom Burchfield
105 N Mayes
Pryor OK 74361

RE: Building


Mr. Burchfield,

I understand that you are wanting to put the building that was discussed at the Board of Adjustments on May 5, 2022 on skids now.

In response to your phone call today, I have given my opinion regarding the placement of the building that you intend to put on skids and move. You may move the building forward to be in line with the existing building on your back lot. However, the south side of the building must be 13' from your south property line. There is a 10' easement that exists therefore you must be 3' off that easement making the measurement 13' from your property line (which I assume is the fence on the south side.)

If you find that you do not agree with either of those placement measurements, you will need to ask for another variance to move it within that area (on skids). Please let the city office know your decision.

Thank you,


Steve Powell, PE

GREEN COUNTRY SURVEYING

P.O. Box 445 21 North Vann Pryor Creek, Oklahoma 74302 (918) 825-6875

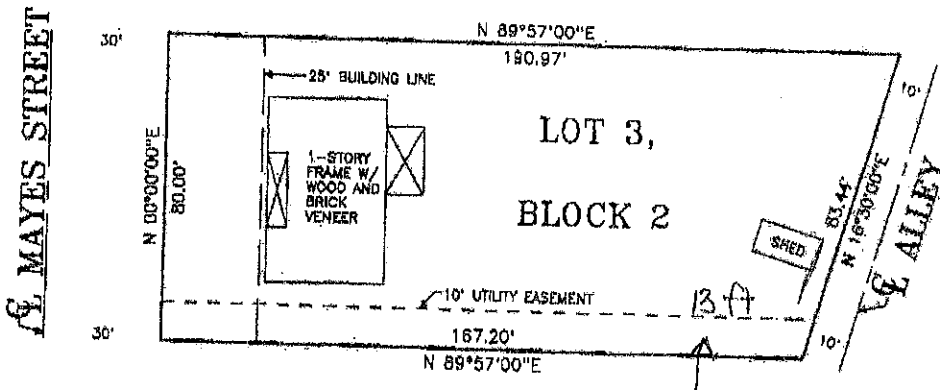
REGISTERED LAND SURVEYOR'S INSPECTION PLAT AND CERTIFICATE FOR MORTGAGE LOAN PURPOSES

CUSTOMER:

PNC Mortgage Corp.
of America

BORROWER:

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



CERTIFICATE

This plat is made for and at the request of Jo & 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 plot 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 mortgagor and is not a land or property line survey; that the plat corners were
set, and it is not to be used or relied upon for the establishment of fences, 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, 1988.

G. Michael Finnall
G. Michael Finnall, R.P.L.S. #110
C.A.#2425

GEORGE MICHAEL FINNALL
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 110
OKLAHOMA

THOMAS D. BURCHFIELD
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 110
OKLAHOMA