

MINUTES
BOARD OF ADJUSTMENT
SPECIAL MEETING
CITY OF PRYOR CREEK, OKLAHOMA
THURSDAY, FEBRUARY 22ND, 2024 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: SCOTT CRAFT, STACY BARKER, KENNY LITTLEFIELD, BRIANA BRAKEFIELD, HALEY DARNELL

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

Craft called the meeting to order and declared a quorum. Members present were: Stacy Barker, Kenny Littlefield, Scott Craft and Haley Darnell. Absent: Briana Brakefield.

Others present: Mayor Zac Doyle, Building Inspector Kenneth Young, Colton Davis, Pilar Carrillo, Able Carrillo Burajas, Juan Carrillo, Anual Wisdon, John Frailey, Taylor Winda, Jerry Taylor, Greg Barker, Luke Swift.

2. DISCUSSION AND POSSIBLE ACTION TO APPROVE MINUTES OF NOVEMBER 30TH , 2023 SPECIAL MEETING.

Motion was made by Barker, second by Littlefield to approve minutes of November 30th, 2023 Special Meeting. All voted yes.

3. PUBLIC HEARINGS.

a. Enter Public Hearing

APPLICANT: COLTON DAVIS FOR OWNERS OF PROPERTY – PILAR CARRILLO & ABLE CARRILLO-BURAJAS FOR TWO VARIANCES:

- (1) VARIANCE FOR FRONT OF PROPERTY FROM 25' TO 11'**
- (2) VARIANCE FOR BACK OF PROPERTY FROM 20% SETBACK DUE TO THE ANGLE OF THE REAR PROPERTY LINE.**

LEGAL: THAT PART OF LOT 5 IN BLOCK NUMBERED 16 IN THE INCORPORATED TOWN OF PRYOR CREEK, MAYES COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATE GOVERNMENT SURVEY AND PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID LOT 5, BLOCK 16, A DISTANCE OF 4.25 FEET NORTHEASTERLY OF THE SOUTHWEST CORNER THEREOF; THENCE EASTERLY, A DISTANCE OF 48.45 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID LOT 5, BLOCK 16, 18.82 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE NORTH ALONG SAID EAST LINE A DISTANCE OF 44.37 FEET TO A POINT; THENCE WEST, ON A STRAIGHT LINE, A DISTANCE OF 35.2 FEET, TO A POINT ON THE WESTERLY LINE OF SAID LOT, WHICH POINT IS 50.45 FEET NORTHEASTERLY FROM THE SOUTHWEST CORNER OF SAID LOT; THENCE SOUTHWESTERLY, ALONG SAID WESTERLY LINE, A DISTANCE OF 46.20 FEET TO THE POINT OF PLACE OF BEGINNING. (114 N ELLIOTT).

Motion was made by Littlefield, second by Barker to enter into Public Hearing. All voted yes.

b. Exit Public Hearing.

Motion was made by Barker, second by Littlefield to exit Public Hearing. All voted yes.

4. DISCUSSION AND POSSIBLE ACTION ON PUBLIC HEARING FOR COLTON DAVIS FOR OWNERS OF PROPERTY – PILAR CARRILLO & ABLE CARRILLO-BURAJAS WHO ARE REQUESTING TWO VARIANCES:

(1) VARIANCE FOR FRONT OF PROPERTY FROM 25' TO 11'

(2) VARIANCE FOR BACK OF PROPERTY FROM 20% SETBACK DUE TO THE ANGLE OF THE REAR PROPERTY LINE.

Variance #1: Motion was made by Barker, second by Littlefield to deny variance of front property from 25' to 11'. All voted yes.

Variance #2: Motion was made by Littlefield, second by Barker to deny variance of back of property from 20% setback due to the angle of the rear property line. All voted yes.

5. PUBLIC HEARINGS.

a. Enter Public Hearing.

APPLICANT: LUKE SWIFT FOR TWO VARIANCES:

(1) REAR SETBACK FOR LOT 4 FROM 20' TO 14.17'.

(2) REAR SETBACK FOR LOT 5 FROM 20' TO 14.17'.

LEGAL: NORTH TRACT: THE NORTH HALF OF LOTS 4 AND 5, IN BLOCK 33B OF THE WHITAKER ADDITION TO THE INCORPORATED TOWN OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE OFFICIAL, RECORDED PLAT AND SURVEY THEREOF, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY AND STATE. CONTAINS 0.1581 ACRES, MORE OR LESS.

SOUTH TRACT: THE SOUTH HALF OF LOTS 4 AND 5, IN BLOCK 33B OF THE WHITAKER ADDITION TO THE INCORPORATED TOWN OF PRYOR CREEK, MAYES COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE OFFICIAL, RECORDED PLAT AND SURVEY THEREOF, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY AND STATE. CONTAINS 0.1581 ACRES, MORE OR LESS. (15 S ORA AND 17 S ORA)

Motion was made by Littlefield, second by Barker to enter into Public Hearing. All voted yes.

b. Exit Public Hearing.

Motion was made by Littlefield, second by Barker to exit Public Hearing. All voted yes.

6. DISCUSSION AND POSSIBLE ACTION ON PUBLIC HEARING FOR LUKE SWIFT FOR TWO VARIANCES FOR THE REAR SETBACKS FOR LOT 4 FROM 20' TO 14.17' AND LOT 5 FROM 20' TO 14.17'.

Variance #1: Motion was made by Barker, second by Littlefield to approve the variance from 20' to 14.17' for the rear setback. All voted yes.

Variance #2: Motion was made by Barker, second by Littlefield to approve the variance from 20' to 14.17' for the rear setback. All voted yes.

7. ADJOURN.

Motion was made by Littlefield, second by Barker to adjourn. All voted yes.

MINUTES WRITTEN BY DEPUTY CLERK SHERYL LAUE

CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

[] VARIANCE [X] 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: 2/2/24 HEARING DATE: _____ CASE NUMBER: _____
 [X] RESIDENTIAL [] NON-RESIDENTIAL [] MIXED USE BUILDING PERMIT APPLICATION NUMBER: _____
 NEIGHBORHOOD ASSOCIATIONS: _____

SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: 901 Colonial Dr Pryor, Ok 74361
 LEGAL DESCRIPTION: The home is a residential home that has been used for decades as a residential care facility.

PRESENT USE: Residential Care Facility- no current tentats PRESENT ZONING: Residential R5 COMPREHENSIVE PLAN DESIGNATION: _____
 SURROUNDING ZONING: Mixed FLOODPLAIN DESIGNATION: _____

INFORMATION ABOUT YOUR REQUEST

A SITE PLAN IS REQUIRED TO ILLUSTRATE YOUR REQUEST.

ACTION(S) REQUESTED: Would like acceptance to utilize the space as a residential assisted living. Residential Assisted Living provides a safe space for populations aged 55 and up who are unable to care for themselves and rely on caregivers, making them a protected and vulnerable population under the Fair Housing Act.

VARIANCE SECTIONS: _____ SPECIAL EXCEPTION SECTIONS: _____

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

* Home.easerealestate@gmail.com

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
NAME <u>Sarah Sherwood</u>	NAME <u>Brett Fleak</u>
ADDRESS <u>3904 Morrison Cir</u>	ADDRESS _____
CITY, ST, ZIP <u>Norman OK 73072</u>	CITY, ST, ZIP _____
DAYTIME PHONE <u>209-863-1792</u>	DAYTIME PHONE <u>1-918-530-9212</u>
EMAIL <u>info@heartlandsuites.com</u>	EMAIL <u>Brettfleak@gmail.com</u>

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

SIGNATURE & DATE: Sarah Sherwood, 1/31/24

DOES OWNER CONSENT TO THIS APPLICATION [X] Y [] N. WHAT IS APPLICANT'S RELATIONSHIP TO OWNER? Lease-Option Tentant

APPLICATION FEES

BASE REQUEST	\$10.00		10'
ADDITIONAL REQUESTS	\$	APPLICATION SUBTOTAL	\$ 0
NEWSPAPER PUBLICATION	\$		\$ 168
SIGN POSTING	\$18.50		18.50
300' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT)		FILING FEE	\$ 300.00
1320' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT)			
300' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	\$2.18 x 37 = \$ 97.68		97.68
1320' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	\$2.18 x = \$	NOTICE SUBTOTAL	\$ 0
		TOTAL AMOUNT DUE	\$ 594.18

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:

All hardships apply. Home is too large for single family. This was shown by being on market for over a year. An abandoned home does not benefit community. Home was built as a residential care home, designed for a vulnerable population. A population that has built the community in which we love and deserves a place to safely reside

Applicant Signature: _____

Sarah Sheppard

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

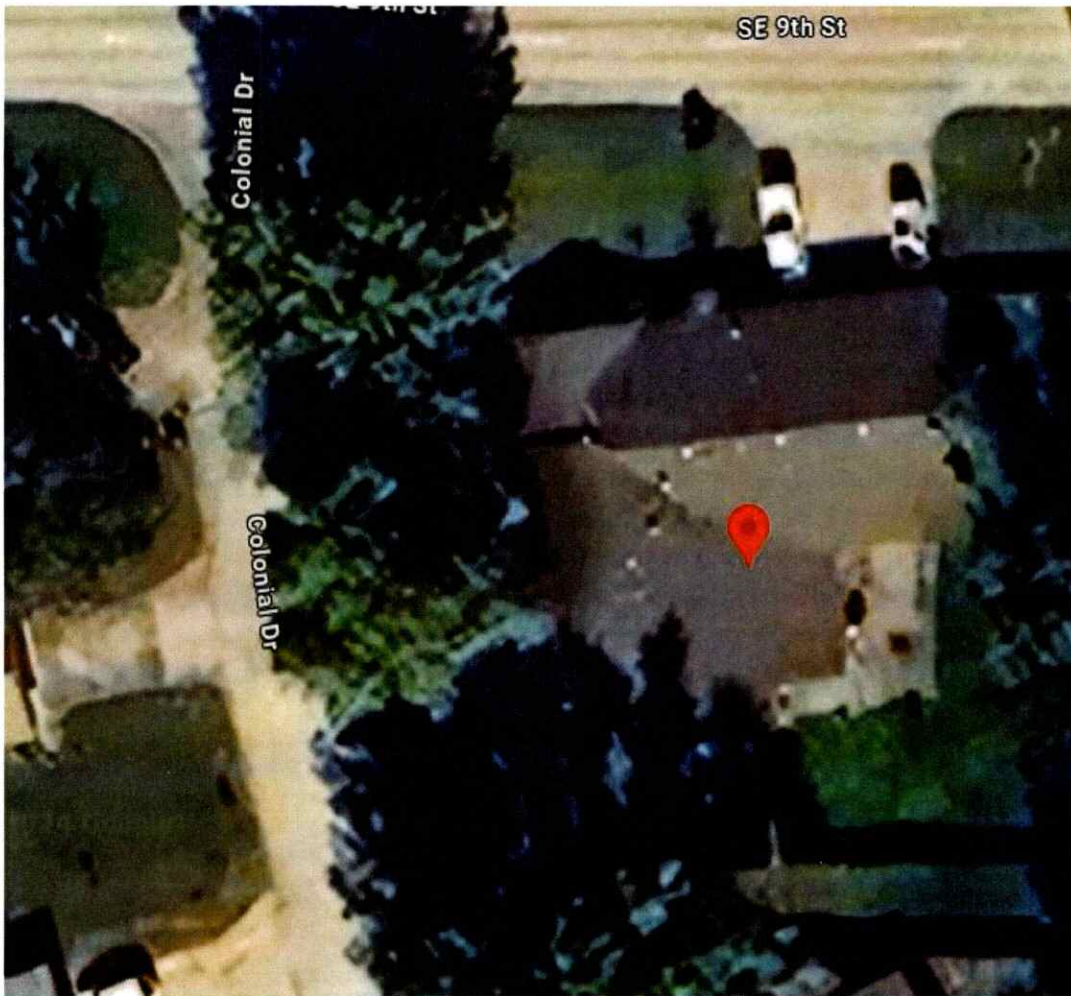
NOTICE OF PUBLIC HEARING

BEFORE THE CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

Notice is hereby given that on March 18th, 2024 at 5:30 P.M. in the City Hall Council Chamber, located at 12 North Rowe Street, 2nd floor, Pryor Creek, Mayes County, Oklahoma, the City of Pryor Creek Board of Adjustment will consider a special exception at the location of 901 Colonial Dr. for a residential care facility. This property is zoned RS (Residential Single)

LEGAL DESCRIPTION

Lots One (1) and Two (2), in Block Two (2) of the Colonial Estates Addition, to the Town of Pryor Creek, Mayes County, Oklahoma according to the recorded plat thereof.



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

Subject: Authorization for Sarah Sherwood of Heartland Suites to Represent Property Owner Brett Fleak

To whom it may concern,

I hope this letter finds you well. I am writing to formally authorize Ms. Sarah Sherwood, representing Heartland Suites, to act on my behalf as the property owner of 901 Colonial Dr Pryor, Oklahoma during the upcoming special use hearing or any concerns associated with said property.

Ms. Sarah Sherwood is currently leasing the aforementioned property with the option to purchase. I have full confidence in her abilities and judgment to make decisions regarding the property that are in the best interests of both the community and the property itself. Sarah has demonstrated her dedication to enhancing the property and ensuring its compliance with local regulations.

As the property owner, I grant Ms. Sarah Sherwood the authority to represent my interests at the special use hearing or further hearing/meeting and to make decisions regarding the property as she deems necessary to further her objectives with Heartland Suites.

I kindly request the Committee/Board's support and cooperation in recognizing Ms. Sarah Sherwood as the authorized representative for the property owner, Brett Fleak, during any meetings. Your acknowledgment of this authorization will greatly assist in streamlining the proceedings and facilitating a constructive dialogue regarding the property's future.

Should you require any additional information or documentation to formalize this arrangement, please do not hesitate to contact Ms. Sarah Sherwood, whose contact details are provided below.

Thank you for your attention to this matter, and I appreciate your consideration of this request.

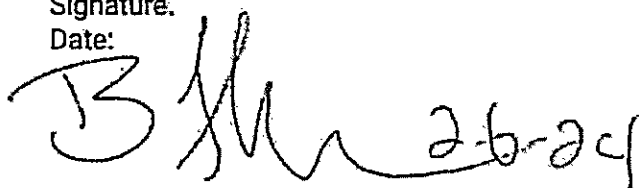
Sincerely,

Brett Fleak

Property Owner

Signature.

Date:

 2-6-24

cc: Mrs. Sarah Sherwood
Heartland Suites

208-863-1792