

MINUTES
BOARD OF ADJUSTMENT
SPECIAL MEETING
CITY OF PRYOR CREEK, OKLAHOMA
THURSDAY, JANUARY 05TH, 2023 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: KRIS FOSTER, MIKE CONSIDINE, SCOTT CRAFT, BRIANA BRAKEFIELD, LORI BALLEW

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

Foster called the meeting to order and declared a quorum. Members present were: Briana Brakefield, Kris Foster, Scott Craft, Lori Ballew. Mike Considine arrived at 5:35pm.

Others present:, Mayor Larry Lees, City Attorney Kim Ritchie, Building Inspector Kenneth Young, Doug Dixon, John Ballew

2. DISCUSSION AND POSSIBLE ACTION TO APPROVE MINUTES OF SEPTEMBER 29TH, 2022 SPECIAL MEETING.

Motion made by Ballew, second by Brakefield to approve minutes of September 29th, 2022 Special Meeting. All voted yes.

3. PUBLIC HEARINGS.

a. Enter Public Hearing.

APPLICANT: DOUG DIXON IS REQUESTING A VARIANCE FOR THE REAR SETBACK FOR AN ACCESSORY BUILDING. THE APPLICANT WANTS A 20 FT VARIANCE (CODE IS 30 FT) TO BUILD HIS SHOP. LEGAL: LOT NUMBERED TWELVE (12) AND THE SOUTH TWENTY-FIVE (25) FEET OF LOT NUMBERED THIRTEEN (13) IN BLOCK NUMBERED ONE (1) OF THE WOODS SECOND ADDITION TO THE TOWN OF PRYOR CREEK, IN MAYES COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE OFFICIAL SURVEY AND PLAT THEREOF, AS RECORDED IN BOOK 1440 AT PAGE 65. (507 S ADAIR)

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

b. Exit Public Hearing.

Motion was made by Brakefield, second by Considine to exit Public Hearing. Voting yes: Foster, Brakefield, Considine, Craft and Ballew. Voting no: none.

4. DISCUSSION AND POSSIBLE ACTION ON PUBLIC HEARING FOR DOUG DIXON WHO IS REQUESTING A VARIANCE FOR AN ACCESSORY BUILDING. THE APPLICANT WANTS A 20 FT VARIANCE (CODE IS 30 FT) TO BUILD HIS SHOP. (SEE LEGAL DESCRIPTION ABOVE).

Motion was made by Brakefield, second by Considine to approve the variance. Voting yes: Foster, Brakefield, and Considine Voting no: Craft. Abstaining, counting as a no vote: Ballew.

5. ADJOURN.

Motion was made by Ballew, second by Brakefield to adjourn. All voted yes.

MINUTES WRITTEN BY DEPUTY CLERK SHERYL LAUE

Sent 7/10/23

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: _____ DATE FILED: _____ HEARING DATE: _____ CASE NUMBER _____

RESIDENTIAL NON-RESIDENTIAL MIXED USE BUILDING PERMIT APPLICATION NUMBER _____

NEIGHBORHOOD ASSOCIATIONS: _____

SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: 114 N. Taylor Dr.

LEGAL DESCRIPTION: The south 25ft of the North 50ft of Lot 4 and 10' of St. in Block 24 of Original Town of Pryor Creek, OK. Also known as 114 N. Taylor St.

PRESENT USE: Residence PRESENT ZONING: RM COMPREHENSIVE PLAN DESIGNATION: _____

SURROUNDING ZONING: RM FLOODPLAIN DESIGNATION: Not in a floodplain X

INFORMATION ABOUT YOUR REQUEST

A SITE PLAN IS REQUIRED TO ILLUSTRATE YOUR REQUEST.

ACTION(S) REQUESTED: Replace 15ft Wide House with a new one.

To Demo current house and replace with a new modular 15X52 ft house on footings and reinforced stemwall. (IRC Code Compliant)

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>Matthew Duke Cherokee Nation</u>	NAME <u>Margie Eglain</u>
ADDRESS <u>604 E. Zulkey Ave Planning & Development</u>	ADDRESS <u>114 W. Taylor Dr</u>
CITY, ST, ZIP <u>Sallisaw OK 74955</u>	CITY, ST, ZIP <u>Pryor OK 74362</u>
DAYTIME PHONE <u>918 315 6174</u>	DAYTIME PHONE <u>918 864 4204</u>
EMAIL <u>matthew-duke@cherokee.org</u>	EMAIL _____

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

SIGNATURE & DATE: Matthew Duke 7-7-2023

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

APPLICATION FEES			
BASE REQUEST	\$10.00		<u>10⁰⁰</u>
ADDITIONAL REQUESTS	\$	APPLICATION SUBTOTAL	\$ _____
NEWSPAPER PUBLICATION	\$		<u>168⁰⁰</u>
SIGN POSTING	\$18.50		_____
300' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT)		FILING FEE	\$ <u>200⁰⁰</u>
1320' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT)			_____
300' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE <u>14</u> $\$2.45 \times 14 =$	\$ <u>34.72</u>		<u>34.72</u>
1320' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE <u>248</u> $\$2.45 \times 248 =$	\$ _____	NOTICE SUBTOTAL	\$ _____
		TOTAL AMOUNT DUE	\$ <u>412.72</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: _____



REVISÉD 2/2/2023

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. 25ft X 160ft Lot
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 lot is 25ft X 160ft the current house is 34 X 16 it was built in 1940 and is 576 SF. We would like to replace it rather than remodel it. We can install a ADA 15 X 56 modular home that meet all IRC codes 840 SF

Applicant Signature: Matthew Duke

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

Minimum lot width (feet):								RM
Detached house	70	50	35	50	50	50	50	50
Patio house (see also section 10-7-10 of this title)	n/a	n/a	35	35	35	35	35	50
Townhouse (see also section 10-7-12 of this title)	n/a	n/a	n/a	n/a	20	20	20	n/a
Duplex	n/a	n/a	n/a	n/a	70	50	50	n/a
Multi-unit house (see also section 10-7-9 of this title)	n/a	n/a	n/a	n/a	70	50	50	n/a
Apartment/condo	n/a	n/a	n/a	n/a	n/a	100	100	n/a
Other allowed buildings/uses	110	100	100	100	100	100	100	100
Minimum building setbacks:								
Front (feet)	25	25	25	25	25	25	25	25
Street side (feet)	15	15	15	15	15	15	15	15
Interior side (feet)	10/15 ¹	10 ^{1,2}	10 ^{1,2,3}	10 ^{1,2}	10 ^{1,2,3,4}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}
Rear (% of lot depth)	20	20	20	20	20	20	20	20
Maximum building coverage (% of lot)	30	35	35	35	35	35	50	30
Maximum building height (feet)	35	35	35	35	35	35	35	35

Notes:

1. The minimum required interior side setback for principal buildings occupied by nonresidential uses is 15 feet or the height of the building, whichever is greater.
2. Minimum interior side setback is reduced to 5 feet for single-story residential dwellings.
3. See section 10-7-10 of this title for setback regulations applicable to patio houses.
4. No side setback is required for interior units in townhouse developments. Side setback applies to end units (see figure 2-1 of this section).

FIGURE 2-1

10-17-2: NONCONFORMING LOTS:

A. Description: A nonconforming lot is a lot that does not comply with the applicable minimum lot area, minimum lot width or minimum street frontage requirements of the subject zoning district and that meets at least one of the following criteria:

1. The lot was a lot of record on or before January 1, 1988;
2. The lot is located within a subdivision approved by the Planning Commission; or
3. The lot is a lot of record for which a recorded instrument of conveyance bears the endorsement of the Planning Commission.

B. Use Of Nonconforming Lots: Buildings and uses allowed by the subject zoning district regulations may be established on nonconforming lots, subject to compliance with other lot and building regulations of the district and applicable use regulations. (Ord. 2018-16, 12-4-2018)

10-17-3: NONCONFORMING STRUCTURES:

A. Description: A nonconforming structure is a structure, other than a sign, that was lawfully established but that no longer complies with applicable setback, coverage or height regulations because of the adoption or amendment of the UDO after the structure was established.

B. Use: A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located, including a lawfully established nonconforming use.

C. Movement: A nonconforming structure may be moved in whole or in part to another location on the same lot only if the movement or relocation does not create additional or new nonconformities. A nonconforming structure may be moved to another lot only if the structure would comply with the zoning regulations that apply to that (relocation) lot.

D. Alterations, Enlargements And Expansions: Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. Horizontal and vertical extensions of an exterior wall that is nonconforming with regard to applicable setbacks may be approved in accordance with the special exception procedures of section 10-15-12 of this title, provided the extensions are not located closer to the lot line than the existing structure.

E. Restoration Or Re-Establishment Of Damaged Or Destroyed Structures:

1. If a nonconforming structure is damaged or partially destroyed by any means to the extent of fifty percent (50%) or less of its replacement cost at time of damage it may be restored as a nonconforming structure.

2. If a nonconforming structure is damaged or partially destroyed by any means to the extent of more than fifty percent (50%) of its replacement cost at time of damage, it may be restored as a nonconforming structure only if approved in accordance with the special exception procedures of section 10-15-12 of this title. In order to approve a special exception for re-establishment of a nonconforming structure, the Board of Adjustment must find that restoration as a conforming structure cannot reasonably be made in view of the nature and extent of the nonconformity and the nature and extent of the damages.

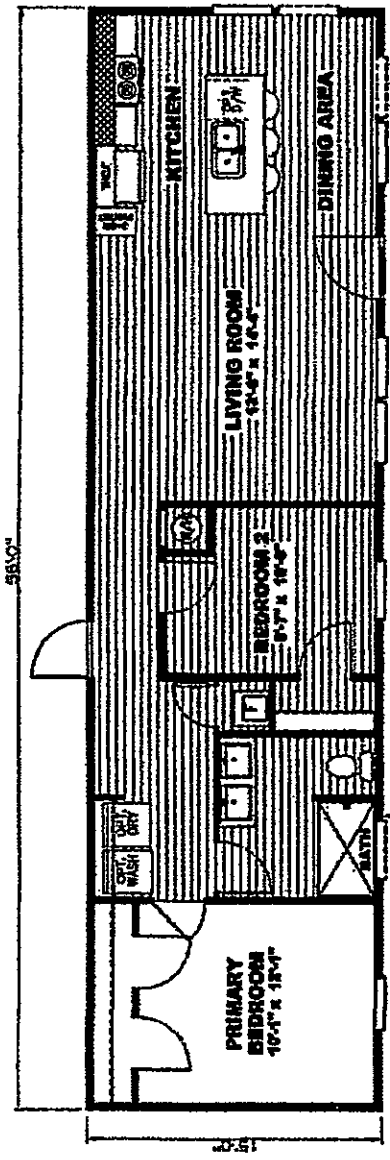
3. Re-establishment as a nonconforming structure may not increase the extent of nonconformity, except that the Board of Adjustment is authorized to approve a special exception for building additions that increase the extent of nonconformity if the Board of Adjustment determines that such additions:

a. Do not increase the habitable or leasable floor area of the building; and

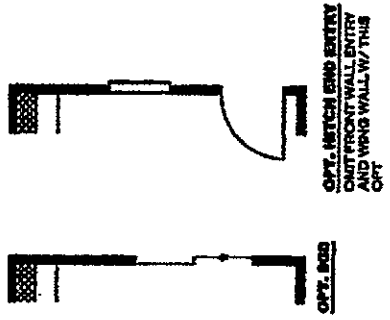
b. Are required to be provided because of Building or Energy Code amendments adopted after construction of the original building.

4. In all cases, any permits required to restore the damaged structure must be obtained within two (2) years of the date of damage. If required permits are not obtained within two (2) years, the structure's nonconforming status is lost. (Ord. 2018-16, 12-4-2018)

15
 x 56' box
 All 36" doors
 interior + exterior



walk in shower

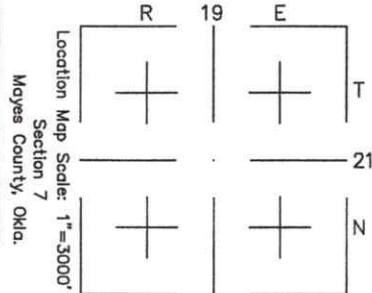


Model #: SAV16602A
 Drawing #: 375122

LEGEND

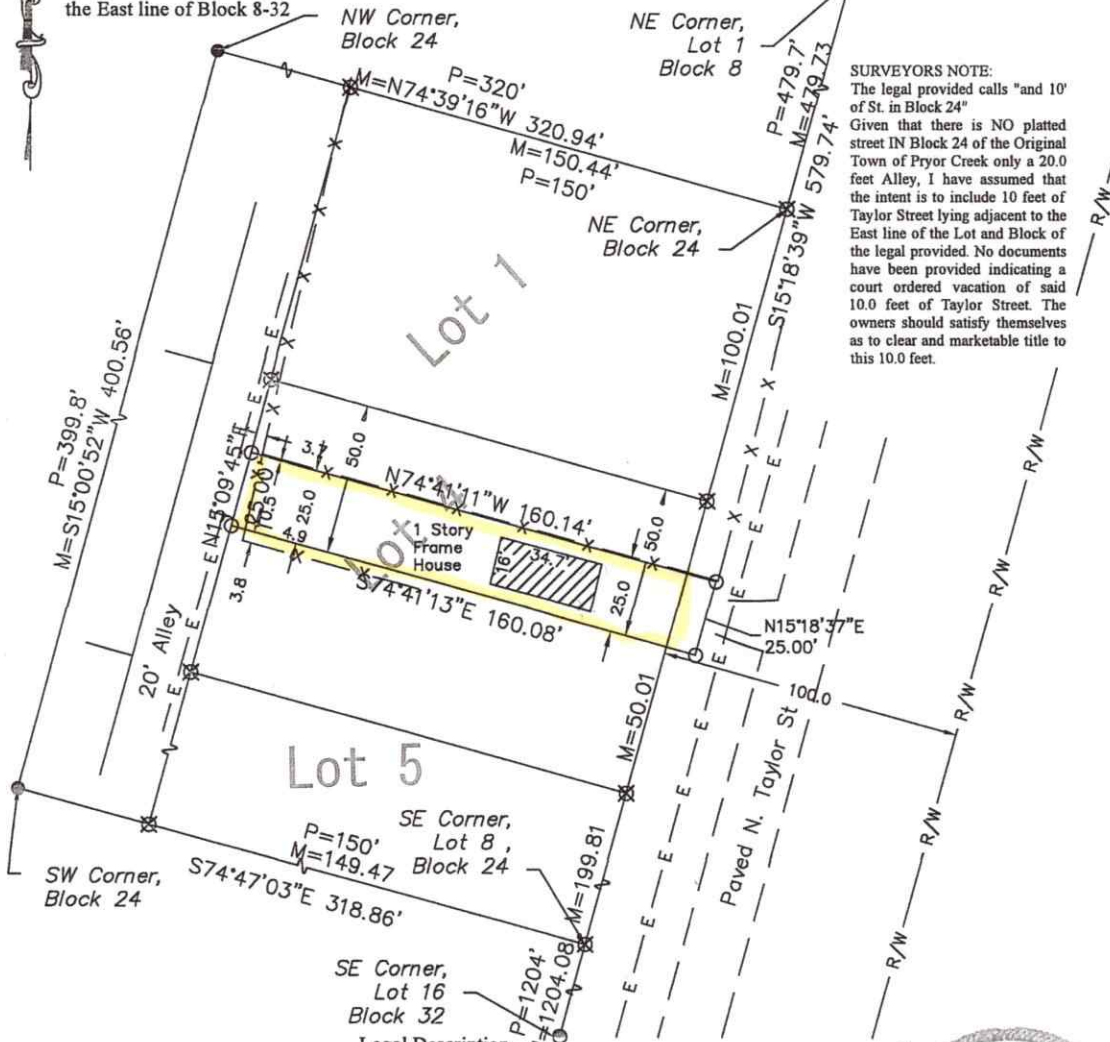
— E — E —	Section Line
-----	Electric Line
-----	Easement Line
-----	10 Acre/40 Acre Line
-----	R/W
-----	Fence Line
-----	Right-of-Way Line

- ⊗ Power Pole
- Stone Monument
- △ Brass Cap
- Set #3 Rebar w/cap
- Existing #8 Rebar
- ⊗ Existing #4 Rebar
- ⊗ Calculated Point



Basis of Bearing
S15°18'39"W between
Found Monuments along
the East line of Block 8-32

PLAT OF SURVEY



SURVEYORS NOTE:
The legal provided calls "and 10' of St. in Block 24"
Given that there is NO platted street IN Block 24 of the Original Town of Pryor Creek only a 20.0 feet Alley, I have assumed that the intent is to include 10 feet of Taylor Street lying adjacent to the East line of the Lot and Block of the legal provided. No documents have been provided indicating a court ordered vacation of said 10.0 feet of Taylor Street. The owners should satisfy themselves as to clear and marketable title to this 10.0 feet.



The South 25 feet of the North 50 feet of Lot 4 and 10' of St. in Block 24 of Original Town of Pryor Creek, Oklahoma. Also known as 114 N. Taylor Street.
Containing 0.09 acres, more or less, less public road right of ways and being subject to any easements of record.

I, Kelly Osburn, Oklahoma Professional Land Surveyor, No. 1628, do hereby certify that the plat hereon correctly represents a survey made on-the-ground under my supervision, and that this survey is based on existing county records and existing survey monuments available at the time of this survey and that the survey and plat hereon was made for the client or clients so named per this plat, pursuant to clients request and for client's specific use and benefits only. No responsibility is assumed herein or hereby to the future landowners or occupants. This survey meets the requirements of the Oklahoma Minimum Standards. Certificate of Authorization, No. 5391, Expires 6/30/25.

- SURVEYORS NOTE:**
- This Survey was done to mark the corners on the ground and to show observed structures if any. Utilities located, if any, are from above ground inspection. The surveyor makes no guarantee that the structures and utilities shown compromise all such structures and utilities on the property. This survey was done from the description furnished by the client or clients agent named on this plat. No title search was done and record ownership, rights-of-way of road and easements to and across this property must be confirmed by others. Any building setbacks, Lot restrictions or covenants not shown are the responsibility of the land owner. The buyer or owner of this property should satisfy themselves as to the correct owner through a title search or review by an attorney.
 - The Surveyor reserves the right to change the opinion of this survey if any relevant evidence is brought forth in the future.
 - Fences located, if any, are located from the fence corners only. Any meandering of fence line has not been located.

WARNING: If the Seal on this document is not Red and embossed, it is an unauthenticated copy which may have been altered or modified, and cannot be used for any purpose without the written permission of Osburn Land Surveying LLC.

Osburn Land Surveyors, LLC.	
P.O. Box 1406	3615 W. Cherokee Sallisaw, OK 74955
918.775.9322—Office	
SCALE: 1"=40'	SURVEY BY: JT
DATE: 1-6-23	JOB NUMBER: 23-9607 Part of Lot 4, Block 24, Town of Pryor Creek, Mays Co, OK
LAST SITE VISIT	FOR: Margie Eglain/Cherokee Nation APPROVED BY: [Signature]
7/3/23	CHECKED BY:
Copyright 2014 by Osburn Land Surveying LLC. All rights reserved. No part of this plot may be reproduced, stored in a retrieval system, or transmitted in any form without the written permission of Osburn Land Surveying LLC.	

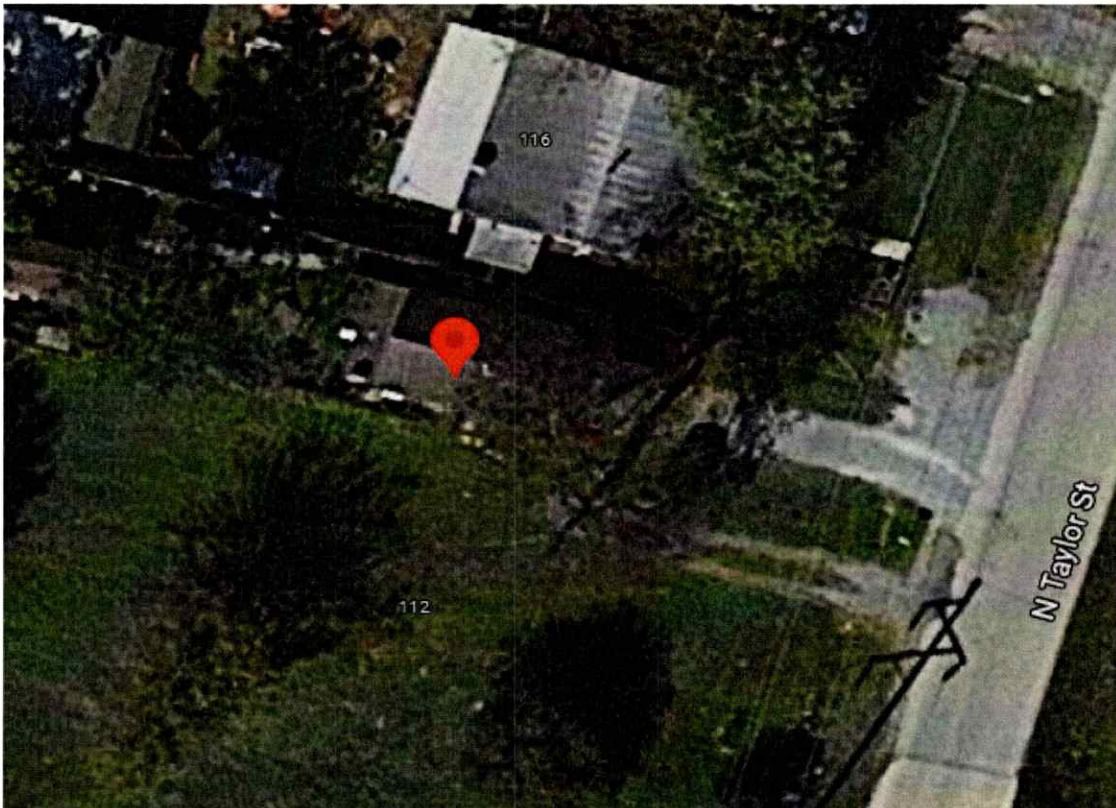
NOTICE OF PUBLIC HEARING

BEFORE THE CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

Notice is hereby given that on November 30th, 2023 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 variance of the setbacks to build a larger home on this small lot (25' x 160').

LEGAL DESCRIPTION

The South 25 feet of the North 50 Feet of Lot 4 and 10' of St. in Block 24 of Original Town of Pryor Creek, Oklahoma. Address: 114 N Taylor 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 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: SRL DATE FILED: sent to SB 10-19-2023 HEARING DATE: _____ CASE NUMBER: _____

RESIDENTIAL NON-RESIDENTIAL MIXED USE BUILDING PERMIT APPLICATION NUMBER: _____

NEIGHBORHOOD ASSOCIATIONS: _____

SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: 1701 WOODHAVEN LANE

LEGAL DESCRIPTION: _____

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:

WANT TO BUILD AN OPEN CARPORT ON NORTH SIDE OF GARAGE WHICH IS BUILT OUTSIDE OF BUILD LINE.

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>Jim GABEL</u>	NAME <u>SAME</u>
ADDRESS <u>1701 WOODHAVEN LANE</u>	ADDRESS
CITY, ST, ZIP <u>PRYOR OKLA 74361</u>	CITY, ST, ZIP
DAYTIME PHONE <u>918 695 0573</u>	DAYTIME PHONE
EMAIL <u>JGABEL@HOTMAIL.COM</u>	EMAIL

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

SIGNATURE & DATE: James F. Gabel

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

APPLICATION FEES			
BASE REQUEST	\$10.00		<u>10.00</u>
ADDITIONAL REQUESTS	\$	APPLICATION SUBTOTAL	\$ _____
NEWSPAPER PUBLICATION	\$		<u>168.00</u>
SIGN POSTING	\$18.50		18.50
300' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT)		FILING FEE	\$ <u>325.00</u>
1320' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT)			_____
300' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE $\$0.60 + \$1.85 \times \# \text{ of mailing}$	$\$2.45 \times 24 =$		<u>59.52</u>
1320' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	$\$2.45 \times =$	NOTICE SUBTOTAL	\$ <u>562.52</u>
		TOTAL AMOUNT DUE	\$ <u>562.52</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 2/2/2023

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:

Purchased Property with Cash & did not get a Survey, We did a Survey after City Requested Plot, When we Applied for Permit to Add Garage OVERHANG TO Garage.

Applicant Signature: _____

James L. Label

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.

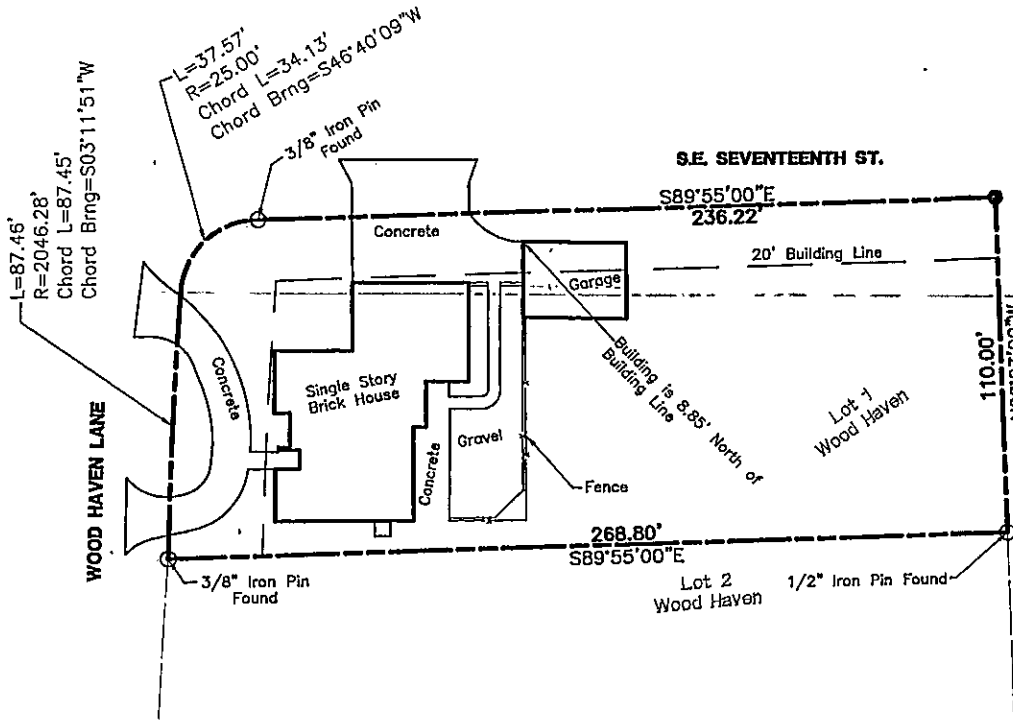
Further, if the special exception is for "special residential facilities" the following factors shall be considered. Please be ready to address each of these items at the hearing:

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



Notes

1. ABSTRACT OF TITLE OR ATTORNEY'S TITLE OPINION NOT AVAILABLE TO SURVEYOR AT DATE OF SURVEY.
2. THIS FIRM WAS NOT CONTRACTED TO RESEARCH EASEMENTS OR ENCUMBRANCES OF RECORD. NO ATTEMPT TO RESEARCH THE COUNTY RECORDS OR OTHER RECORD OFFICES WAS PERFORMED BY THIS FIRM, THEREFORE EASEMENTS MAY AFFECT THE SUBJECT TRACT THAT ARE NOT REFLECTED BY THIS PLAT.
3. ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN: (CALL "OKIE" BEFORE DIGGING!!)
4. THE BASIS OF BEARING FOR THIS SURVEY IS BASED ON THE RECORDED PLAT OF WOOD HAVEN SUBDIVISION

Legal Description

LOT NUMBERED ONE (1) OF WOOD HAVEN, A SUBDIVISION IN MAYES COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE OFFICIAL SURVEY AND PLAT THEREOF.

Surveyor's Statement

I, CLIFF BENNETT HEREBY CERTIFY THAT THE ABOVE REPRESENTS A SURVEY PERFORMED UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS PLAT OF SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS, AS ADOPTED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS FOR THE STATE OF OKLAHOMA.

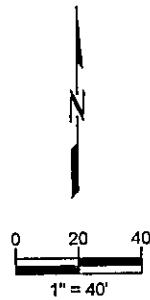
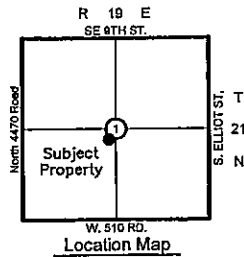
WITNESS MY HAND AND SEAL THIS 2ND DAY OF OCTOBER, 2023.

BY: *Cliff Bennett*
 CLIFF BENNETT, R.P.L.S. No.1815
 OCTOBER 2, 2023
 DATE OF STATEMENT

Legend

- BUILDING LINE
- BOUNDARY
- SUBDIVISION LOT LINE
- - - UTILITY EASEMENT
- x Fence

- FOUND SURVEY MONUMENT (AS NOTED)
- SET 3/8" IRON PIN WITH "WALLACE CA 1460" CAP



wallace design collective, pc
 structural-civil-landscape-survey
 123 north marlin luther king jr. blvd.
 tulsa, oklahoma 74103
 918.584.5858
 oklahoma ca1460
 exp: 6-30-25



**LOT 1, BLOCK 1
 WOODHAVEN,**

**1701 WOOD
 HAVEN LANE
 PRYOR, OK**

DATE 10/02/23
 PROJECT NO. 2340702
 SHEET NAME

Exhibit
 SHEET NO.
1

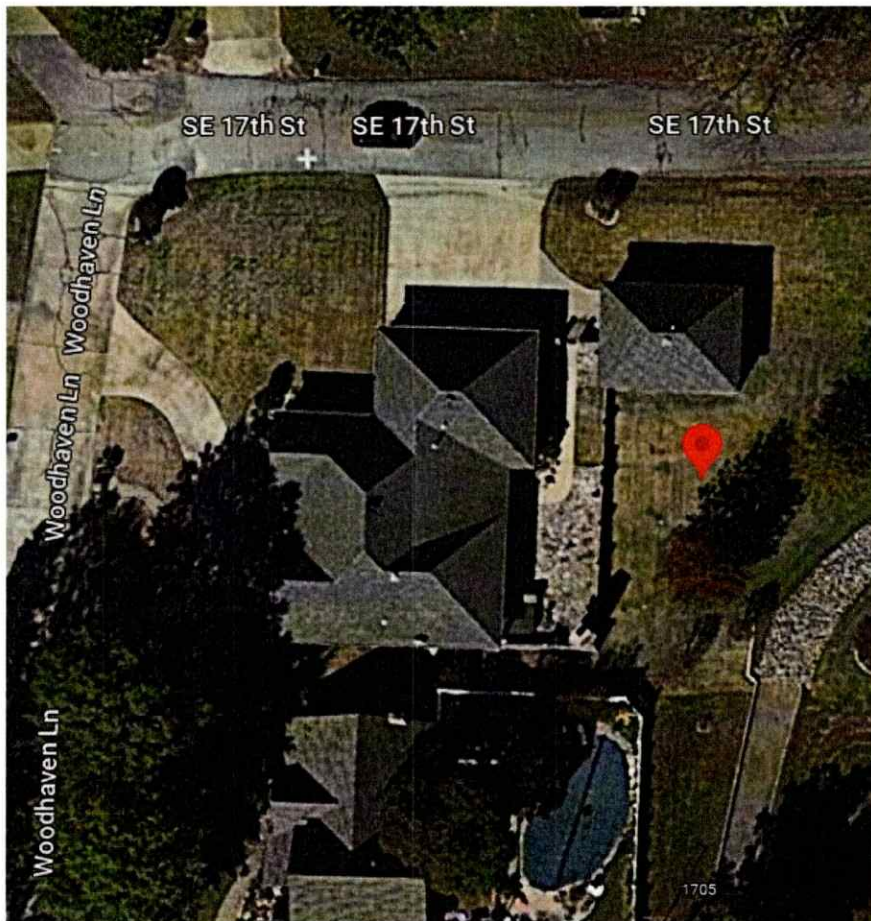
NOTICE OF PUBLIC HEARING

BEFORE THE CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

Notice is hereby given that on November 30th, 2023 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 variance from setback to build a carport outside of the build line.

LEGAL DESCRIPTION

Lot Numbered One (1) in Block Numbered One (1) of WOOD HAVEN, a Subdivision in Mayes County, State of Oklahoma, according to the official Survey and Plat filed thereof. Address: 1701 Woodhaven Lane.



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.pryorcreek.org

APPLICATION INFORMATION

RECEIVED BY: _____ DATE FILED: _____ HEARING DATE: _____ CASE NUMBER: _____

[] RESIDENTIAL [] NON-RESIDENTIAL [] MIXED USE BUILDING PERMIT APPLICATION NUMBER: _____

NEIGHBORHOOD ASSOCIATIONS: _____

SUBJECT PROPERTY INFORMATION

ADDRESS OR DESCRIPTIVE LOCATION: _____

LEGAL DESCRIPTION: _____

PRESENT USE: NA PRESENT ZONING AG COMPREHENSIVE PLAN DESIGNATION: _____

SURROUNDING ZONING: AG FLOODPLAIN DESIGNATION: _____

INFORMATION ABOUT YOUR REQUEST

A SITE PLAN IS REQUIRED TO ILLUSTRATE YOUR REQUEST.

ACTION(S) REQUESTED:

wanted to build personal home on Property of 5 acres in Pryor - Platt; house plans have been purchased along with utilities.

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>Tyler Ragsdale</u>	NAME <u>Tyler Ragsdale</u>
ADDRESS <u>2003 Graham Pl</u>	ADDRESS <u>2003 Graham Pl</u>
CITY, ST, ZIP <u>Pryor Ok 74361</u>	CITY, ST, ZIP <u>Pryor, Ok 74361</u>
DAYTIME PHONE <u>918-260-1740</u>	DAYTIME PHONE <u>918-260-1740</u>
EMAIL <u>Ragsdale2121@yahoo.com</u>	EMAIL <u>Ragsdale2121@yahoo.com</u>
I, THE UNDERSIGNED APPLICANT, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT.	
SIGNATURE & DATE: <u>Tyler Ragsdale 11-3-23</u>	

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

APPLICATION FEES			
BASE REQUEST	\$10.00		<u>10.00</u>
ADDITIONAL REQUESTS	\$	APPLICATION SUBTOTAL	\$
NEWSPAPER PUBLICATION	\$		<u>168.00</u>
SIGN POSTING	\$18.50		18.50
300' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT)		FILING FEE	\$
1320' PROPERTY OWNERS LIST (SUPPLIED BY APPLICANT)			19.84
300' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE \$0.60 + \$1.85 x # of mailing)	$2.45 \times 8 = 19.84$		<u>19.84</u>
1320' PROPERTY OWNERS CERTIFICATE OF MAILING & POSTAGE	$2.45 \times =$	NOTICE SUBTOTAL	\$
		TOTAL AMOUNT DUE	\$ <u>197.84</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:

I bought this property to build my personal home for my family. I wasn't aware of the zoning requirements of Road Frontage of 300 feet since it was 5 acres. I am wanting to build my residential home here and change the road frontage get a variance on the 4,992 acrs 5 road frontage.

Applicant Signature: _____

Tyler Raybald

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

10-5-2: AG, AGRICULTURAL DISTRICT:

A. Purpose: The AG, Agricultural District is primarily intended to:

1. Accommodate agricultural, mining and very-low density residential uses in rural and semi-rural areas;
2. Serve as a holding zone pending an orderly transition to more urban development that can be efficiently served by public facilities and services; and
3. Protect open space and natural resource areas, including flood-prone lands.

B. Use Regulations: Uses are allowed in the AG District in accordance with the use regulations of section 10-6-1 of this title.

C. Lot And Building Regulations: The lot and building regulations of table 5-1 of this section apply to all principal uses and structures in AG Districts, except as otherwise expressly stated in this UDO. General exceptions to lot and building regulations and rules for measuring compliance can be found in chapter 19 of this title. Additional regulations governing accessory uses and structures can be found in chapter 8 of this title.

TABLE 5-1

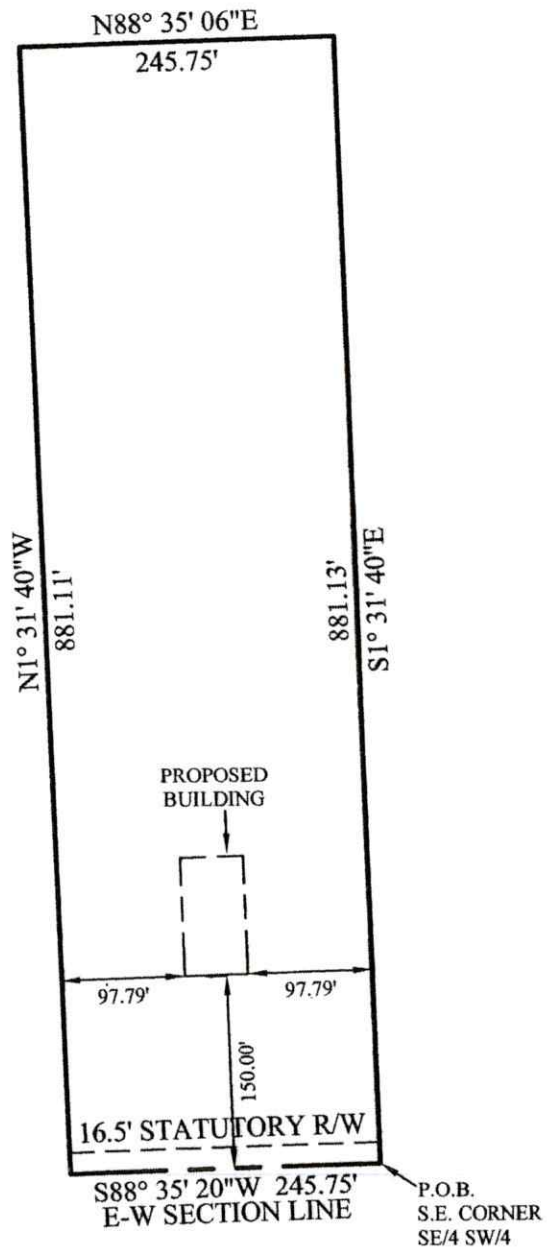
AG DISTRICT LOT AND BUILDING REGULATIONS

Regulations	AG
Regulations	AG
Minimum lot area	5 acres
Minimum lot width/frontage	330'
Minimum lot frontage	330'
Minimum building setbacks:	
Street	50'
Side	30'
Rear	50'
Maximum building coverage	10%
Maximum building height	35' ¹

Note:

1. Greater building heights may be approved in accordance with the special exception procedures.

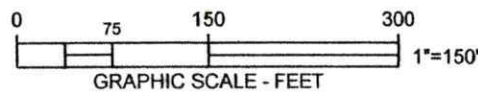
(Ord. 2018-16, 12-4-2018)



NOTE:

The subject property lies in Flood Zone "X" as per Flood Insurance Rate Map #40097C0245E dated 9/16/2011.

The subject property has a Zoning Code of "AG".



NOTE:

NO MONUMENTATION WAS SET PERT THIS PLAT, ONLY A PLOT PLAN WAS DEVELOPED.

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

BASIS OF BEARING IS S88°35'20"W ALONG THE SOUTH LINE OF SAID SW/4.

LEGAL DESCRIPTION

A tract of land being a part of the Southeast Quarter of the Southwest Quarter (SE/4 SW/4) of Section Nine (9), Township Twenty-one (21) North, Range Nineteen (19) East of the Indian Base and Meridian, Mayes County, State of Oklahoma, more particularly described as follows, to-wit:

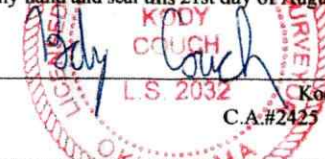
Beginning at the Southeast corner of the SE/4 of the SW/4; THENCE North 01°30'40" West along the East line of the SE/4 of the SW/4 a distance of 881.13 feet to a 1/2 inch iron pin; THENCE South 88°35'06" West a distance of 245.75 feet to a 1/2 inch iron pin; THENCE South 01°31'41" East a distance of 881.11 feet to a MAG nail on the South line of the SE/4 of the SW/4; THENCE North 88°35'20" East a distance of 245.75 feet to the point of beginning.

CERTIFICATION

I, Kody Couch, the undersigned, a duly Registered Professional Land Surveyor, R.P.L.S.#2032, 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 21st day of August, 2023.



Kody Couch, R.P.L.S. #2032
C.A.#2425 6/30/24 Copyright 2023

GREEN COUNTRY SURVEYING			RRR HOMES, LLC PROPERTY	
301 EAST GRAHAM AVENUE P.O. BOX 445 PRYOR, OKLAHOMA 74362 918-825-6575 OFFICE 918-825-3606 FAX			PLOT PLAN	
DRAWN KRC	CHECKED KRC	DATE OF FIELD WORK 8/18/2023	SCALE 1"=150'	CRD. FILE - 9-21-19 DWG FILE - RRR-HMS2

NOTICE OF PUBLIC HEARING

BEFORE THE CITY OF PRYOR CREEK BOARD OF ADJUSTMENT

Notice is hereby given that on November 30th, 2023 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 two variances to build a house which will not meet the zoning requirements for AG (Agriculture).

LEGAL DESCRIPTION

A tract of land being a part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Nine (9), Township Twenty-one (21) North, Range Nineteen (19) East of the Indian Base and Meridian, Mayes County, State of Oklahoma, more particularly described as follows, to-wit:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; THENCE North 01°30'40" West along the East line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ a distance of 881.13 feet to a ½ inch iron pin; THENCE South 88°35'06" West a distance of 245.75 feet to a ½ inch iron pin; THENCE South 01°31'41" East a distance of 881.11 feet to a MAG nail on the South line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; THENCE North 88°35'20" East a distance of 245.75 Feet to the point of beginning. Address: 2309 NE 1st



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