

**BOARD OF ADJUSTMENT
APPLICATION**

STR _____

CASE # _____

APPLICANT _____

GENERAL LOCATION _____

_____ VARIANCE

_____ SPECIAL EXCEPTION

LEGAL DESCRIPTION:

VARIANCE / SPECIAL EXCEPTION REQUESTED:

PRESENT USE _____

Does record owner consent to the filing of this application? __yes __no

If applicant is other than owner, indicate interest _____

Is subject tract located in 100-year floodplain? ____yes ____no

APPLICANT'S MAILING ADDRESS

E-MAIL ADDRESS

APPLICANT'S SIGNATURE

PHONE #

APPLICANT-DO NOT WRITE BELOW THIS LINE

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P.H. DATE _____ DATE RECEIVED _____ REC'D BY _____

ZONING DISTRICT _____ RECEIPT# _____

AC./LOTS _____

CITY OF CLAREMORE APPLICATION FEE: \$75.00

PUBLIC NOTICE VARIANCE OR SPECIAL EXCEPTION FEE: \$750.00

**ROGERS COUNTY LAND RECORDS FILING FEE: \$13.00 for a one page, \$15.00
for a two-page document**

TOTAL FEES DUE: \$838.00 (1-page document) or \$840.00 (2-page document)

NOTE: MAKE ALL PAYMENTS TO: THE CITY OF CLAREMORE

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BOA ACTION _____

DATE/VOTE _____

STAFF REC. _____

APPEALS TO THE BOARD OF ADJUSTMENT

ITEM #1 Variance Permit (Section 6.5.3)

ITEM #2 Time for Filing: Each application shall be filed at the City of Claremore Planning Department, 724 Ramm Road, Claremore, Oklahoma, at least twenty (20) days prior to the date of the public hearing at which the application is to be considered. Public hearing dates will be assigned by the City Planning Department the date the properly completed application is filed.

ITEM #3 Filing Fees:

Application Fee is \$75.00 payable to the City of Claremore upon presenting the application to the Planning Department.

- Variance and/or Special Exception Permit Application Fees: \$838.00 or \$840.00, payable to the City of Claremore upon presenting the application to the Planning Department. (Rogers County Abstract will be paid by the City of Claremore, the breakdown of fees as follows: Ownership \$450.00, Sign \$165.00, Publication \$85.00 and Map \$50.00). See attached pricing sheet from RC Abstract.
- Rogers County Land Records Filing Fee for Approved Permits: One page document will be \$13.00 and a two page document is \$15.00.

ITEM #4 Notice: Notice of such hearing shall be published in a newspaper of general circulation in the locality one (1) time, ten (10) days prior to the public hearing date. Notice shall also be given by posting on the property a sign whose dimension, design, content and location shall conform to specifications established by the Board of Adjustment. Said sign specifications are attached and form a part of the information. Sign must be posted on the property 8:00 a.m. ten (10) days in advance of the public hearing. Sign must be legible from a public thoroughfare. If property is inaccessible or remote from a public thoroughfare, two (2) signs must be posted, one (1) on the subject property and one (1) at the public thoroughfare and the access to the subject property.

ITEM #5 Affidavit of Mailing: A completed 'Affidavit of Mailing', prepared by a licensed Abstractor, shall be filed with the Planning Department within ten (10) days of the date the application is filed. "Notice to Property Owners" will be mailed to all owners of record at their last known mailing address, of property within three hundred (300) feet of the subject property.

ITEM #6 Site Plan: The applicant shall submit a site plan drawn to scale (Scale to be no less than 1" = 100') showing the subject property, all buildings, the proposed development and all required off-street parking spaces.

ITEM #7 Height Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in the AIRPORT ZONING REGULATIONS CLAREMORE MUNICIPAL AIRPORT, may apply to the Board of Adjustment for a Variance from such regulations. The application for Variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such applications will adhere to such other specifications and requirements as defined in the Airport Zoning Regulations-Claremore Municipal Airport, and permits may be granted as allowed for said Regulations.

NOTE: Failure on the part of the applicant to fulfill any part of the above instructions will constitute grounds for denial of the application.

Following are the relevant factors to be considered by the Board of Adjustment when considering applications for Variance Permits:

Whereby reason of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional condition of a specific piece of property for which the strict application of the zoning regulations would result in exceptional difficulties to, or undue hardship upon the owner of such property, the Board of Adjustment shall have the power to authorize, upon an appeal relating to such property, Variance from such strict application so as to relieve such demonstrable difficulties or hardships, provided such relief can be granted without substantially impairing the intent, purpose and integrity of the zoning regulations and/or the Comprehensive Plan.

A Variance Permit from the terms of these regulations shall not be granted by the Board of Adjustment unless and until:

1. A written application for a Variance Permit is submitted demonstrating:

- (a). That there exist special conditions or circumstances of a type specified above, which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
- (b). That said special conditions or circumstances do not result from actions of the applicant.
- (c). That literal interpretation of the provisions of the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations.
- (d). That granting the Variance Permit requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures or building in the same district.

The applicant is advised to prepare presentations for (a) through (d) above. These presentations should be in writing, based on factual, provable information. The applicant shall provide a site plan, drawn to scale (1" = 100' or larger) showing the subject property and demonstrating the condition or situation for which a Variance Permit is required. The site plan should be submitted five (5) working days prior to the public hearing.

The Board of Adjustment shall hold a public hearing on the application as provided by Section 6.4 of the City of Claremore-Rogers County Metropolitan Area Planning Commission Zoning Regulations.

At the public hearing, the Board of Adjustment shall consider the application, the site plan and all other information, both pro and con, and shall grant or deny the application in a timely manner. In granting the application for a Variance Permit, the Board of Adjustment may prescribe appropriate conditions and safeguards, to be made a part of the terms under which the Variance Permit is issued.