

City of Harrah



Board of Adjustments

Application for Variance



City of Harrah

PO BOX 636 * 19625 NE 23RD * HARRAH, OK 73045 * 405-454-2951 * fax 405-454-2130

VARIANCE APPLICATION

Applicant: _____

Address: _____

Phone No.: _____ **Cell:** _____

Property Address: _____

Legal Description of Property: _____

Property Current zoning: _____

Reason for Variance: _____

The undersigned declares that the above statements and those contained in any exhibits transmitted to the Board of Adjustments are true and correct to the best of my knowledge and that I received the Policies and procedures regulating the Variance application.

Signature of Owner or authorized agent

Date: _____

****owner or authorized agent must be present at public meetings****

(For Official use only)

County Parcel Number: _____ **Date filed and fee paid:** _____

Hearing Date set for: _____

Approved

Denied

by Board of Adjustments



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Variance Application Policies and Procedures

- 1.) Incomplete application will not be considered or accepted. Completed applications must be submitted to the City Clerk for the Board of Adjustment. After the application is completed and turned in the city, a meeting date will be set within thirty (30) days.
- 2.) Applicant must provide a certified ownership list prepared by a bond abstractor, registered engineer, surveyor, or the Oklahoma County Assessor’s Office, within 300 feet of the exterior boundaries of your property. Each owner within the 300 feet of your property will be notified by mail ten (10) days prior to the hearing.
- 3.) If your property fronts on a section line road. A seventeen (17) foot road and utility easement is required (additional to the statutory thirty-three foot right-of-way). If your property fronts on a street less than fifty (50) foot wide, a twenty-five (25) or less easement is required from the center line.
- 4.) Prior to the Board of adjustments hearing, the City will send you by mail, a copy of the public hearing notice.
- 5.) Applicant must provide a drawing of the plat showing dimensions, and all existing buildings and setbacks from the property lines on all four (4) sides, and proposed of future buildings showing set backs on all four (4) sides.
- 6.) Applicant must provide a location sketch of the property showing the nearest road intersection.
- 7.) Copy of the Warranty deed (as evidence by OK County). If filed with the County less than five (5) years—evidence to be submitted for legal lot split approval.
- 8.) Submit any other documentation that the applicant feels would support this application.
- 9.) The city will publish a Public notice in the newspaper at least ten (10) days prior to the hearing and bill the applicant for such cost, but must be paid in full prior to the Public Hearing.
- 10.) The Board of Adjustments will set a meeting date within thirty (30) days after the application and fee is received, they will meet at Harrah City Hall, 19625 NE 23rd Harrah, OK 73045.

Fees

- | | |
|---------------------------|--|
| 1.) Application fee | \$150.00 + plus cost of
Postage & Publication |
|---------------------------|--|



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Board of Adjustments

12-123: APPEALS:

A. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the building inspector. Such appeal shall be taken within thirty (30) days after the decision by filing with the officer from whom the appeal is taken and with the city clerk notice of appeal specifying the grounds therefor, and by paying a filing fee at the office of the city clerk at the time the notice is filed. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

B. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on the cause shown.

C. The board of adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it, give public notice thereof as well as due notice to the parties in interest, and decide same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. (1986 Code)

12-124: POWERS, APPEALS AND VOTING REQUIREMENTS:

A. The board of adjustment shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning regulations set forth in section 12-201 et seq. of this part.

B. Exceptions or variances may be allowed by the board of adjustment only after notice and hearing as provided by this chapter. The record of the meeting at which the variance or special exception was granted shall show that each element of a variance or special exception was established at the public hearing on the question, otherwise the variance or special exception shall be voidable on appeal to the district court. In addition, notice of hearings shall be given to the city manager; and, upon request of the city manager, or in his absence the mayor of the city, an opportunity shall be given for the attendance at any board of adjustment meeting by the city attorney or city planner.

C. When exercising the powers provided in this chapter the board of adjustment, in conformity with provisions of the zoning regulations, may reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination from which appealed, and make such order, requirement, decision or determination as ought to be made.

D. The concurring vote of at least three (3) members of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination being appealed from, to decide in favor of the applicant or to decide any matter which may properly come before it pursuant to the zoning regulations. (Ord. 1989-11, 11-16-1989)



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12-125: POWERS TO GRANT VARIANCES AND NOTICE:

A. A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district, as authorized by the zoning regulations, may be granted, in whole, in part, or upon reasonable conditions, as provided in this article, only upon a finding by the board of adjustment that:

- 1.** At the time of the original adoption of the regulation there are extraordinary and exceptional conditions pertaining to the particular size of property in question because of its size, shape, or topography, or other extraordinary or exceptional situation or condition of a specific piece of property;
- 2.** The strict application of the zoning regulations to this particular and exceptional piece of property would create an unnecessary hardship, not self-imposed by the owner or developer;
- 3.** Such conditions are peculiar only to the particular piece of property involved and not generally prevalent in the area;
- 4.** Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the regulations or the comprehensive plan; or
- 5.** Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by the zoning regulations set forth in section 12-201 et seq. of this part.

B. Notice of public hearings before the board of adjustment shall be given by publication in a newspaper of general circulation in the municipality where the property is located and by mailing written notice by the clerk of the board of adjustment to all owners of property within a three hundred foot (300') radius of the exterior boundary of the subject property. A copy of the published notice shall be mailed in lieu of written notice; however, the notice by publication and written notice shall be published and mailed at least ten (10) days prior to the hearing.

C. The notice, whether by publication or mail, of a public hearing before the board of adjustment shall contain:

- 1.** Legal description of the property and the street address or approximate location in the municipality.
- 2.** Present zoning classification of the property and the nature of the appeal, variance or exception requested.
- 3.** Date, time and place of the hearing.

D. On hearings involving minor variances or exception, notice shall be given by the clerk of the board of adjustment by mailing written notice to all owners of property adjacent to the subject property. The notice shall be mailed at least ten (10) days prior to the hearing and shall contain the facts listed in subsection C of this section. (Ord. 1989-11, 11-16-1989)



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12-126: POWERS RELATIVE TO EXCEPTIONS:

A. The board shall have the power to hear and decide special exceptions to the terms of this part upon which the board is required to pass under this part. Upon appeal, the board is empowered to permit the following exceptions:

1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
2. To interpret the provisions of this part where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is on file in the office of the city clerk.
3. To grant exceptions to the off-street parking requirements set forth in section 12-201 et seq. of this part when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets. (1986 Code)

12-127: EXERCISE OF POWERS:

In exercising its powers the board may, in conformance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals from rulings made under this chapter, the board shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion of the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the people of the city. Every ruling made upon any appeal to the board shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the board, and shall specify the reason for granting or denying the appeal. (1986 Code)

12-128: APPEAL TO DISTRICT COURT:

A. An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the city to the district court by filing notice of appeal with the city clerk and with the board of adjustment within ten (10) days from the filing of the decision of the board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the board shall transmit to the court clerk the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the board.

B. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the chair of the board of adjustment from which the appeal is taken certifies to the court clerk, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the district court or superior court upon application or notice to the administrative officer in charge of the enforcement of the terms and provisions of this part, and upon notice to the chair of the board of adjustment from which the appeal is taken, and upon due cause being shown, the court may reverse or affirm, wholly or partly, or modify the decision brought up for review. (1986 Code)