



BOARD OF ADJUSTMENTS APPLICATION PROCESS

Applications

Please refer to the Notification Process and complete the Board of Adjustment Application. Applications are accepted by current property owners only. The application fee is \$100.00, plus the mailing charge of \$2.50 per certified property owner (see Mailed Notice, below) and \$55.00 Publication Notice charge (see Published Notice below.)

Notification Process

The requirements for Rezoning, Preliminary & Final Plats, Special Use Permits and Board of Adjustments require all of the following notice methods.

Mailed Notice

Upon confirmation of the posting of public notice signs the Planning Department will mail notice to all owners of property within a 300-foot radius of the exterior boundary of the subject property at least 20 days before the first scheduled public hearing.

Applicants are required to provide a certified list of property owners within a 300-foot radius of the exterior boundary subject property. The list shall be certified by an abstractor, attorney or title company. The date of the certified list shall be no more than 90 days prior to the first scheduled public hearing.

Typed mailing labels with each property owners address will be provided by the applicant.

Published Notice

The City will publish notice of a public hearing in an official publication of the City. The notice is published no less than 20 days in advance of the public hearing.

Board of Adjustment Review Process

Following staff review and notice requirements, the Board of Adjustment holds a public hearing on the variance request, and, at the close of the public hearing will act to approve, approve with conditions, or deny the application based on the criteria below. A concurring vote of at least three members of the Board of Adjustment shall be required to approve any variance request.

Criteria

A variance shall be granted upon an affirmative finding by the Board of Adjustment that all of the following exist:

The application of the ordinance to the particular piece of property would create an unnecessary physical (not economic) hardship because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards,
Such conditions are peculiar to the particular piece of property involved and are not a result of the owner's intentional action,
Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the Code of Ordinances,
The variance desired shall not adversely affect the public health, safety, or welfare or impair the purposes or intent of the Code of Ordinances,
The granting of the permit for the variance shall not adversely affect the rights of adjacent property owners or residents,
The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

Finding of Fact

The Board of Adjustment shall, in making its finding on any specific case, determine the effect of the proposed change upon the:

Supply of light and air to adjacent property,
Congestion in the public rights-of-way,
Public safety from fire and other hazards,
Established property values within the surrounding area,
Other factors relating to the public health, safety, and general welfare of the City.

Every ruling made upon any variance 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 variance.

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