



Community Development Department

.....PRESERVING THE PAST; PLANNING THE FUTURE



VARIANCE PROCEDURE AND APPLICATION

The following information is provided with this “Application for Variance” to assist you in completing and submitting your application for consideration by the Board of Adjustment (BOA). Your Community Development Department contact is Natasha Riley, Assistant Planner and Secretary to the City. Her phone number is 918-338-4241 and email: nmriley@cityofbartlesville.org.

The *City BOA* meets the fourth Thursday of each month at 5:00 p.m. in the City Council Room, City Center Building, 401 South Johnstone Avenue, Bartlesville, Oklahoma. Your application completed in its entirety must be submitted *30 days prior to the next scheduled meeting*.

- City BOA meeting is scheduled for _____.

THE REQUIREMENTS OF A COMPLETED APPLICATION:

- A non-refundable application fee of \$50.00 must accompany the completed application
- The Application Form
- Supplemental information (example attached). In order for the BOA to approve a request for a variance, they are required to find:
 1. The application of the ordinance provisions to the property would create an unnecessary hardship (other than financial).
 2. Conditions exist (topography, shallowness of the lot, shape of the lot, etc.) which are peculiar to the lot.
 3. Approving the variance would not cause substantial detriment to the public good or impair achieving the purposes of the ordinance, and
 4. Granting the variance would be the minimum necessary to alleviate the unnecessary hardship.
- Plot Plan

Vicinity Sketch showing boundary lines and dimensions, adjoining streets, rights-of-ways, existing utilities and location of existing and proposed structures. (example attached).

- Property Owner Information
 1. A complete list of property owners and their mailing addresses who are located within 300 feet of the perimeter boundary of the property, as reflected by the tax rolls in the office of the County Treasurer for Washington County, Oklahoma, and the last recorded conveyance in the office of the County Clerk for Washington County, Oklahoma. *The preferred method for obtaining this information is for you, the applicant, to contract with a title company of your choice, such as Musselman Abstract, Southern Abstract or another title company, to research the records at the Washington County Courthouse.*
 2. If you wish to provide this information yourself, attached is a copy of a certificate that must be completed and signed by you certifying that the list of property owners and addresses are correct.
 3. **This information is to be typed or legibly printed on self-stick mailing labels.** Failure to provide such addresses on mailing labels shall render the application incomplete for processing, and the application shall be returned to you.

APPLICANT REQUIREMENTS ONCE THE APPLICATION HAS BEEN ACCEPTED:

- The applicant and/or his or her agent must be present at the meeting in order for the matter to be considered.
- The applicant and/or agent should be prepared to make a presentation and/or answer questions at the BOA Hearing.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.



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Case No.:	_____
Date Received:	_____
Hearing Date:	_____
Schedule Public Hearing for:	_____
City BOA	
Zoning District:	_____

APPLICATION FOR VARIANCE

NAME OF APPLICANT: _____ **Daytime Phone:** _____

Address of Applicant: _____ **Email:** _____

Location of property for which variance is requested (address and legal description or legal description and general location):

Type of Variance Requested: _____

Reason Variance is Sought: _____

The following items are attached:

Attached

- | | |
|--|--------------------------|
| 1. Application fee of \$50.00 | <input type="checkbox"/> |
| 2. Supplemental information – Points and Criteria for Request | <input type="checkbox"/> |
| 3. Plot Plan – Vicinity sketch | <input type="checkbox"/> |
| 4. List of names and address of all property owners within 300-feet of the perimeter boundary of the property | <input type="checkbox"/> |
| 5. Self-stick mailing labels, either typed or legibly printed, of names and addresses of all property owners within 300-feet of the perimeter boundary of the property | <input type="checkbox"/> |
| 6. Surrounding Property Owner Certification (if applicable) | <input type="checkbox"/> |

SIGNED (Applicant): _____

SIGNATURE (Property Owner if different than Applicant) _____



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SUPPLEMENTAL INFORMATION FOR VARIANCE REQUEST

The Board of Adjustment (BOA) is an appointed administrative body clothed with quasi-judicial powers to determine if an ordinance in a particular case should be “adjusted”. Because their powers are derived from State enabling legislation, the BOA is limited in its authority.

A variance is a modification of the literal provisions of a zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

There are three crucial points of the variance:

1. Evidence of unnecessary hardship must exist.
2. Unique circumstances must be involved.
3. Its application must be to property rather than an individual.

In reviewing a variance, the BOA looks to see if the four following criteria are met:

1. That the granting of the permit will not be contrary to the public interest;
2. That the literal enforcement of the ordinance will result in unnecessary hardship;
3. That by granting the permit contrary to the provision of the ordinance, the spirit of the ordinance will be observed; that is, the intent of the law is not violated; and
4. That by granting the permit, substantial justice will be done; that is, the variance will not work a hardship on property around the applicant.

As the applicant, you are required to complete the following section and include with your application. Failure to do so will render your application incomplete for processing and the application will be returned to you.

THREE CRUCIAL POINTS OF THE VARIANCE:

1. *Evidence of unnecessary hardship must exist:*

Example: By granting us a variance request, we will have use of an expansion site that is practical and functional to the floor-plan of the house, plus, does not create a distortion to the personality of the home. We might also add that relocating the expansion site to the rear of the house would physically divide the back yard into two segments rendering it of little value for recreational activities.

2. *Unique circumstances must be involved:*

Example: The lot 10, Block 21, Madison Heights, 730 S.E. Concord Dr. property has a unique wedge shape. As such, the forward most points of the building lines come in closer contact to the adjacent fence lines than the rear dimensions of the house. In the case of the proposed expansion site only three (3) linear feet of the northwest tip of the slab would project itself beyond ordinance regulations by no more than one foot. On the southwest tip of the slab for instance, 10-feet of space exists between the slab and the fence line which maintains a sense of openness between our home and the property directly adjacent. 733 S. E. Concord Dr. has no building structure closer than 15-feet from the fence line that divides both properties.

3. *Its application must be to property rather than an individual:*

Example: The proposed addition is directly related to the property in that it serves as an additional space designed to enhance the property value by increasing the functional space and benefits of the house. The previous use of the proposed addition site has been of restricted value due to the severe weather extremes of N.E. Oklahoma. By enclosing this space in a permanent fashion, the new room addition will provide year-round use in protected comfort.

MEETING THE CRITERIA:

1. *That the granting of the permit will not be contrary to the public interest:*

Example: We have been very sensitive that this proposed addition does not compromise, lessen the value of the property or create a problem; that by extending the building lines 10-feet west of the existing structure, in no way creates cause for protest or alarm. In the contacting of our neighbors north, south, east and west of us, we have received support. Because it is our desire to maintain a proper sense of space, match the building materials down to the finest of details and build on an existing slab, we feel very confident that the BOA will not suffer any hardship or public outcry by granting us this variance request.

2. *That the literal enforcement of the ordinance will result in unnecessary hardship:*

Example: If the BOA were to enforce the ordinance that exists for Madison Heights, we would be forced to make extensive additional investments in the design and fabrication of a new slab; to place the proposed addition in another part of the house, where such an addition would appear unnatural and contrived, as an individual application and not as a value added addition to the benefit of the property. If the BOA were to enforce ordinance regulations, the only option for us would be to seek a solution toward the back yard which would imply dividing it into two segments rendering it useless for our children's recreation and possibly impacting the value of the property by creating a structure in a less than optimum site.

3. *That by granting the permit contrary to the provision of the ordinance, the spirit of the ordinance will be observed; that is, the intent of the law is not violated:*

Example: We understand that ordinances help maintain a sense of balance, space and order in our city. If in any way our proposed project were to create a visible conflict, we would not be pursuing this request for variance to the ordinance. We believe that the unique set of circumstances that are tied to the layout and shape of our lot and the minimal exposure of the project to the ordinance provision maintains the spirit of the ordinance. We are also blessed with another unique circumstance in that our home and that of our neighbors immediately adjacent to the proposed variance request are amply distanced from each other to also help observe the spirit of the ordinance. And lastly, the fact that the physical shape and looks of the proposed addition will exactly match the personality and character of the existing property lines of our house additionally reinforces the intent of maintaining the provisions of the ordinance by not creating a structure that is an obvious “add-on” and of possibly inferior materials.

4. *That by granting the permit, substantial justice will be done; that is, the variance will not work a hardship on property around the applicant:*

Example: By granting us the variance request, this project does not compromise, lessen the value or create a problem for our neighbors property and well being. A benefit to my neighbor of 737 S.E. Concord Dr. is that we want to improve our utility access by, at the same time, having PSO bury our electric power lines and re-position phone and cable lines to allow children to play safely in both our back yards. The improvement we are planning is in line with our neighbors who care for and maintain their property.



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SURROUNDING PROPERTY OWNER CERTIFICATION

STATE OF OKLAHOMA

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WASHINGTON COUNTY

The undersigned, _____, in and for said County and State, does hereby certify:

That the attached is a complete and correct list of property owners within 300-feet of the property described below as reflected by the tax rolls in the office of the County Treasurer for Washington County, Oklahoma and the last recorded conveyance in the office of the County Clerk for Washington County, Oklahoma

Dated at Bartlesville, Oklahoma this ____ day of _____, ____.

Signature

Typed or Printed Name

Legal description of property:

