

**City of Claremore Board of Adjustment Case Number:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**A person knowledgeable of the application and the property must attend the meeting to represent the application.** Site Plans and development proposals should be submitted at the time of application. Photos or renderings may be presented at the hearing.

***PLATTING REQUIREMENTS:***

For any land which has been rezoned upon application of a private party, no building permit or zoning clearance permit may be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to and approved by the Planning Commission, and filed of record in the office of the County Clerk where the property is situated. Provided that the Planning Commission, pursuant to their exclusive jurisdiction over subdivision plats, may waive the platting requirement upon a determination that the above stated purposes have been achieved by previous platting or could not be achieved by a plat or replat.

**If your application is approved, you will need additional permits.**

**CONTACT:**

City of Claremore Building Inspector's office at 341-0457

CASE # \_\_\_\_\_

**BOARD OF ADJUSTMENT  
APPLICATION**

STR \_\_\_\_\_

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

\_\_\_\_\_  
APPLICANT'S SIGNATURE

PHONE # \_\_\_\_\_

**APPLICANT-DO NOT WRITE BELOW THIS LINE**

=====

P.H. DATE \_\_\_\_\_ DATE RECEIVED \_\_\_\_\_ REC'D BY \_\_\_\_\_

ZONING DISTRICT \_\_\_\_\_ RECEIPT# \_\_\_\_\_

FEES: \_\_\_\_\_ AC./LOTS \_\_\_\_\_

\_\_\_\_\_  
BOA ACTION \_\_\_\_\_ DATE/VOTE \_\_\_\_\_

## PLATTING REQUIREMENT

For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established as follows:

For any land which has been rezoned to a zoning classification other than AG, upon application of a private party or for any land which has been granted a Special Exception by the Board of Adjustment as enumerated within Use Units 2, 4, 5, 8 and 20, no building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to and approved by the Planning Commission, pursuant to their exclusive jurisdiction of subdivision plats, may remove the platting requirement upon a determination that the above stated purposes have been achieved by previous platting or could not be achieved by a plat or replat.

I hereby certify that I have read and understand the above requirements and that I will plat, replat or have the platting requirements waived for the subject property in Case Number \_\_\_\_\_.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

## 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 thirty (30) 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 complete application is filed.

**ITEM #3 FILING FEE:** \$75.00 payable upon presentation of the application to the Planning Department.

**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. Notice shall also be given by the 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 by 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 buildings 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.

In the event the Board of Adjustment denies the application for a Variance Permit the applicant may, according to Title 19 O.S., Section 866.24, appeal the denial by filing an appeal to the District Court as provided by law.

**NOTE:** If a transcript of the meeting is required by the applicant, that transcript is the responsibility of the applicant.

**MEETING TIME AND LOCATION:**

*The City of Claremore Board of Adjustment meet the second (2<sup>nd</sup>) Tuesday of each month at 6:30 P.M., City Council Chambers, 104 South Muskogee, Claremore, Oklahoma.*

**THE FOLLOWING DOCUMENTS  
ARE TO BE FILLED OUT BY  
ABSTRACT COMPANY**

**APPLICATION FOR VARIANCE OR SPECIAL EXCEPTION**

HEARING DATE: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

NOW COME THE APPLICANT'S \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

and hereby make application to the City of Claremore Board of Adjustment for a Variance or Special Exception permit with respect to the following described real estate situated in the City of Claremore, Rogers County, State of Oklahoma, to wit:

*(Insert full legal description)*

That said real estate is presently zoned \_\_\_\_\_ and the applicant desires a Variance or Special Exception permit to allow the following: \_\_\_\_\_

due to \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_, (Attach additional pages if necessary)

Applicant further states that a fully completed "AFFIDAVIT OF MAILING" along with a list of the names and address of all the owners of record of property within 300 feet of the property for which this Variance or Special Exception permit is requested, will be filed with the Board of Adjustment within a period of ten (10) days of the date of this application.

WHEREFORE, the applicant respectfully requests that this application be set for public hearing in accordance with the law and that due notice therefore will be given, and that upon public hearing having been duly held that said Variance or Special Exception permit as above requested be granted.

\_\_\_\_\_  
Applicant – Agent

\_\_\_\_\_  
Applicant – Agent

**CITY OF CLAREMORE BOARD OF ADJUSTMENT**

**SUGGESTED LEGAL NOTICE:**

Published in the \_\_\_\_\_, \_\_\_\_\_,  
(Name of Newspaper) (Name of City)  
\_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_\_.  
(State) (Date Published in Newspaper)

Pursuant to Title 19 Oklahoma Statutes 19, 866.1 to 866.36 a public hearing will be held by the City of Claremore Board of Adjustment on \_\_\_\_\_, 20\_\_\_\_ at 6:30 P.M. in the CITY COUNCIL CHAMBERS, located at Claremore City Hall Complex, 104 South Muskogee, Claremore, Oklahoma to hear the application of \_\_\_\_\_ for a Variance or Special Exception permit to allow \_\_\_\_\_ on the following described property, to wit:

*(Insert complete legal description in this space)*

The said real estate is presently included in a zoning classification of \_\_\_\_\_. Those who may have an interest in the above described matter may appear and be heard.

Signed \_\_\_\_\_  
(Applicant)

Signed \_\_\_\_\_  
(Applicant)

**Note to Applicant:** State Law requires this legal notice include a map containing enough detail that the public will be able to determine the subject property location.

**CITY OF CLAREMORE BOARD OF ADJUSTMENT**

Specifications for Posting Official Notice

The size of the sign imparting notice of public hearing will be four (4) feet by three (3) feet and will have a yellow background with black letters, capital block style stating the following information:

	<u>Lettering Size</u>
<b>NOTICE TO THE PUBLIC</b>	2 ½ Inches
IT IS PROPOSED TO CHANGE	2 inches
THE USE OF THIS PROPERTY	2 inches
TO A 1/ _____	2 inches
FOR 2/ _____	2 inches
PURPOSE	2 inches
A PUBLIC HEARING WILL BE HELD	2 inches
AT THE <u>CLAREMORE CITY HALL COMPLEX</u>	2 inches
ON 3/ _____, 20 _____ AT 6:30 P.M.	1 ½ inches
BY CITY OF CLAREMORE	1 ½ inches
BOARD OF ADJUSTMENT	2 inches
PHONE: (918) 341-5576	

Signs will be posted in a clear opening on a building or a post not less than twelve (12) inches nor more than forty-eight (48) inches from the ground on or within thirty (30) feet of the property line. The sign shall be in full view from the public street or streets toward which it faces.

- 
- 1/ VARIANCE OR SPECIAL EXCEPTION PERMIT
  - 2/ PROPOSED USE OF PROPERTY
  - 3/ DATE OF PUBLIC HEARING

TO: THE CITY OF CLAREMORE BOARD OF ADJUSTMENT

In the matter of the application )  
of )

CASE # \_\_\_\_\_

\_\_\_\_\_) )  
(Applicant)

**AFFIDAVIT OF MAILING**

I, \_\_\_\_\_ of lawful age and being first duly sworn upon oath state;  
that I did on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at the request of the  
City of Claremore Board of Adjustment, mail and deposit in the United States Post  
Office at Claremore, Oklahoma, with postage thereon prepaid, correct and true  
copies of "Notice to Property Owners", to all owners of record of property within  
three hundred (300) feet of The Property that is the subject of this application, at  
their last known mailing address as follows, to wit:

**NAME**

**ADDRESS**

- 1.
- 2.
- 3.
- 4.
- 5.

*(Use reverse side for additional names)*

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(ABSTACTOR – AGENT)

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(NOTARY PUBLIC)

**(SEAL)**

My commission expires: \_\_\_\_\_

**NOTICE TO PROPERTY OWNERS**

The Rogers County Land Records indicate you are the owner of property located within three hundred (300) feet of the following described property, to wit:  
*(Insert complete legal description)*

The owner of the above described property is \_\_\_\_\_  
and has applied for a Variance or Special Excpetion permit so they may use the  
property to: \_\_\_\_\_

A public hearing on this application will be held by the City of Claremore Board of  
Adjustment whose mailing address is 724 Ramm Road, Claremore, OK 74017,  
and the telephone number is (918) 341-5576. This hearing will be held Tuesday,  
\_\_\_\_\_, 20\_\_\_\_, at 6:30 P.M. in the CLAREMORE CITY HALL COMPLEX,  
104 SOUTH MUSKOGEE, CLAREMORE, OKLAHOMA.

You may appear, if you so desire, either in person or by Agent or Attorney and be  
heard. The hearing of this appeal is not limited to those receiving copies of this  
notice and if you know of any neighbor or effected property owner, who, for any  
reason failed to receive a copy, it would be appreciated if you would inform them  
of this hearing.

\_\_\_\_\_  
*(Applicant)*

\_\_\_\_\_  
*(Applicant)*

DATE NOTICE MAILED: \_\_\_\_\_

