

PLANNING DEPARTMENT  
222 N. BROADWAY  
SHAWNEE, OK 74801



PHONE: (405) 878-1616  
FAX: (405) 878-1587

**ZONING BOARD OF ADJUSTMENT**

**PROJECT NO. \_\_\_\_\_ CASE NO. \_\_\_\_\_**

NAME OF PROPERTY OWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

TELEPHONE: (\_\_\_\_) \_\_\_\_\_ EMAIL: \_\_\_\_\_

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**APPLICANT'S NAME:** \_\_\_\_\_

APPLICANT'S RELATIONSHIP TO OWNER (S): [CHECK ONE] **SAME**  **AGENT**

APPLICANT'S ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

TELEPHONE: (\_\_\_\_) \_\_\_\_\_ EMAIL: \_\_\_\_\_

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*(PLEASE COMPLETE FOR THE PROPERTY THAT THE VARIANCE IS REQUESTED FOR.)*

**PROPERTY LOCATION (ADDRESS):** \_\_\_\_\_

**LEGAL DESCRIPTION:** \_\_\_\_\_

**(DIMENSIONS OF PROPERTY)** AREA: \_\_\_\_\_ WIDTH: \_\_\_\_\_

LENGTH: \_\_\_\_\_ FRONTAGE: \_\_\_\_\_

CURRENT ZONING: \_\_\_\_\_ CURRENT USE: \_\_\_\_\_

**VARIANCE REQUESTED:** \_\_\_\_\_

**COMPLETED APPLICATION AND ALL CORRESPONDING DOCUMENTS  
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING TO MAKE THE  
AGENDA.**

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

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*(OFFICE USE ONLY)*

Filed in the office of the Planning Department, 222 N. Broadway, this \_\_\_\_ day of, \_\_\_\_\_20\_\_\_\_.

**FILING FEE: \$90 + SIGN FEE: \$50**

RECEIPT NO: \_\_\_\_\_

\_\_\_\_\_  
ZONING BOARD OF ADJUSTMENT SECRETARY

ZBOA DECISION: \_\_\_\_\_

# VARIANCE Application Submittal Guidelines – Shawnee Zoning Board of Adjustment (ZBOA)

Planning Department – 222 N. Broadway Ave. –405-878-1616

Applicants are strongly encouraged to speak with a member of the Planning Department staff **prior** to submitting an application. Please contact the Planning Department to schedule a time to discuss your application with a staff member. Initial meetings can be over the phone, virtual, or in-person. Follow-up phone calls and emails are welcomed.

Application packages shall be submitted to the Planning Department **at least 30 days** prior to the Zoning Board of Adjustment meeting. Attached to these guidelines are a current Zoning Board of Adjustment meetings calendar and the corresponding due dates for application submittal.

The submittal package shall include **Application – Deed or Affidavit – Mailing List – Fees**

## Application

The completed and signed application. Include the full legal description of the subject property – attached by separate sheet if necessary. Incomplete or unsigned applications will not be accepted or will be returned.

## Deed or Affidavit

A copy of the deed of ownership or a signed affidavit from the property owner explicitly giving permission for the public hearing for a Variance is allowed on the subject property.

## Mailing List

A mailing address list of all property owners located within a 300’ radius of the perimeter of the subject property lines.

The certified list **must be obtained** from a registered, bonded abstract company or a licensed title insurance company. The cost of obtaining the list is the applicant’s responsibility.

## Written Description

A written description of the variance request and the response to the four (4) hardship qualifiers. At minimum, the statement should provide the address of the subject property, an explanation of the variance (to the Zoning Code) that is being requested, and what existing hardship(s) make the variance request necessary. This statement may be typed or handwritten. Sections of the Zoning Code that cover hardships and the burden of proof are on the next page.

## Fees

The fees are due at the time of application submittal. Calls or emails to confirm amount are welcomed.

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In compliance with Oklahoma State Statute the notifications of a public hearing must be mailed and published not less than 20 days prior to the public hearing meeting date

- A notification of a public hearing shall be mailed to all property owners located within a 300’ radius of the perimeter of the subject property lines. City staff will generate and mail the notification letters.
- A legal notice of a public hearing shall be published in a newspaper of general circulation in Shawnee. City staff will arrange for the publication.

- The Zoning Board of Adjustment (ZBOA) will hold a public hearing at a regular scheduled meeting to review the Variance request.
- The applicant or a knowledgeable representative should plan to attend and be prepared to speak at the public hearing. Legal representation is not required.

Within the Zoning Code of the City of Shawnee, Oklahoma, the following Sections (22-571 and 572) explain the four factors that staff must address in the staff report. The review of these factors aid in determining hardship. Financial hardship is not a consideration. The applicant should include the four (4) factors in the written description and be prepared to discuss the factors during the public hearing.

- **Sec. 22-571. - Variances.**

A variance from the terms of the code may be granted, as provided in this section, only upon finding by the Board of Adjustment that:

- 1) The application of the code to the particular piece of property would create an unnecessary hardship;
- 2) Such conditions are peculiar to the particular piece of property involved;
- 3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the code or the comprehensive plan; and
- 4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

(Code 2002, § 22-200.7; Ord. No. 2545NS, § 1(Exh. 1), 6-2-2014)

- **Sec. 22-572. - Burden of proof.**

Applicant for variance has the burden of showing that granting of a variance will not be contrary to public interest, that literal enforcement of the zoning code will result in unnecessary hardship, that by granting the variance the spirit of the code will be observed, and that by granting the variance, substantial justice will be done. The Board of Adjustment shall have the right to establish conditions on any granted variance.

### **VARIANCE Application Submittal Checklist**

- \_\_\_\_\_ Meeting with Planning Department staff member
- \_\_\_\_\_ Application – completed and signed
- \_\_\_\_\_ Deed or Affidavit – proof of ownership or signed permission for land use change application
- \_\_\_\_\_ Certified list of property owners’ addresses obtained from a licensed abstract or title company
- \_\_\_\_\_ Written description of request and responses to four (4) hardship qualifiers
- \_\_\_\_\_ Fees – The cost of the application and applicable fees are due at the time of submittal

## 2022 CALENDAR YEAR

### Schedule of Regular Meetings

### ZONING BOARD OF ADJUSTMENT, SHAWNEE, OK

<u>DATE</u>	<u>TIME</u>	<u>PLACE OF MEETING</u>
January 20, 2022	2:30 PM	Commission Chambers City Hall, 16 W. 9 <sup>th</sup> St.
February 17, 2022	2:30 PM	Commission Chambers City Hall, 16 W. 9 <sup>th</sup> St.
March 17, 2022	2:30 PM	Commission Chambers City Hall, 16 W. 9 <sup>th</sup> St.
April 21, 2022	2:30 PM	Commission Chambers City Hall, 16 W. 9 <sup>th</sup> St.
May 19, 2022	2:30 PM	Commission Chambers City Hall, 16 W. 9 <sup>th</sup> St.
June 16, 2022	2:30 PM	Commission Chambers City Hall, 16 W. 9 <sup>th</sup> St.
July 21, 2022	2:30 PM	Commission Chambers City Hall, 16 W. 9 <sup>th</sup> St.
August 18, 2022	2:30 PM	Commission Chambers City Hall, 16 W. 9 <sup>th</sup> St.
September 15, 2022	2:30 PM	Commission Chambers City Hall, 16 W. 9 <sup>th</sup> St.
October 20, 2022	2:30 PM	Commission Chambers City Hall, 16 W. 9 <sup>th</sup> St.
November 17, 2022	2:30 PM	Commission Chambers City Hall, 16 W. 9 <sup>th</sup> St.
December 15, 2022	2:30 PM	Commission Chambers City Hall, 16 W. 9 <sup>th</sup> St.

Rachel Clyne, City Planner  
222 N Broadway Ave. Shawnee, OK 74801  
405-878-1616

Filed in the office of the municipal clerk at 10:55 am/pm on 11-19, 2021.

Signed Kelley Metcalf  
Clerk/Deputy Clerk

2022 CALENDAR YEAR

Schedule of Regular Meetings

ZONING BOARD OF ADJUSTMENT, SHAWNEE, OK

<u>MEETING DATE</u>		<u>APPLICATION DUE DATE</u>
January 20, 2022	-----	December 19, 2021
February 17, 2022	-----	January 17, 2022
March 17, 2022	-----	February 14, 2022
April 21, 2022	-----	March 17, 2022
May 19, 2022	-----	April 21, 2022
June 16, 2022	-----	May 19, 2022
July 21, 2022	-----	June 16, 2022
August 18, 2022	-----	July 21, 2022
September 15, 2022	-----	August 18, 2022
October 20, 2022	-----	September 15, 2022
November 17, 2022	-----	October 20, 2022
December 15, 2022	-----	November 17, 2022