

Special Exception / Variance / Appeal of Administrative Decision

Read This Before You Apply

Thank you for your interest in submitting a Board of Adjustment application. The following will provide general information to get started on your project and guide you through the application process from start to finish.

We highly encourage you to work with our planning team prior to submitting an application.

For questions regarding any of the information listed in this application, or to set up a pre-submittal meeting, please contact us at planning@cityoftulsa.org or give us a call at 918.596.7526.

We also strongly encourage that you communicate your plans with surrounding neighbors before applying. This provides an opportunity to identify and work through potential issues before initiation of formal notification and public hearings. *See page 4 for more information.*

Types of Requests

Variations

A Variance is a grant of relief from strict compliance with the regulations of the Tulsa Zoning Code. The intent of a variance is to alleviate unnecessary hardships or practical difficulties caused by strict enforcement of the code due to physical characteristics of a piece of land, like topography, lot shape, or water features. Variations are not intended to provide relief for inconveniences or financial burdens, or for self-imposed conditions. *See page 3 for more information.*

Special Exceptions

A Special Exception is a grant of permission for a particular use or development feature authorized by regulations of the Tulsa Zoning Code. The Board of Adjustment must find that the requested Special Exception would be in harmony with the spirit and intent of the zoning code, and that it will not be injurious to the neighborhood or otherwise detrimental to the public welfare. *See page 3 for more information.*

Appeals of decisions of administrative officials or the Tulsa Preservation Commission

Appeals to the Board of Adjustment of administrative decisions may be filed by any person who alleges errors in determinations made by staff in the administration, interpretation, or enforcement of the zoning code. Appeals from decisions of the Tulsa Preservation Commission may also be made to the Board of Adjustment.

Process Overview

Once you've talked to your neighbors about your plans and worked to resolve any concerns, set up a pre-submittal meeting with a planner, and then submit your complete application (including required fees). The planner will review the application and assign a case number and a hearing date. Our office will complete all required public notification about the project and hearing, including mailed notices to property owners within 300 feet, a newspaper notice, and posted signs on the property, depending on the type of request.

At the hearing, your case will be read, and you or your representative may be called to the podium to speak about your request. Board members may ask you questions, and then hear from any interested parties who are in favor of or opposed to your request. After receiving public comments, the Board will deliberate and either make a decision or continue the case to a future meeting. The official process typically takes 30-45 days.

If your application is approved, no further hearings are required. If your application is denied and you wish to appeal the decision, you must take the matter to District Court.

Fees

An application is not considered complete until all fees are paid. Visit tulsaplanning.org/resources/forms-applications/ for a full list of current fees.

City of Tulsa Board of Adjustment

175 East 2nd St, Suite 480 - Tulsa, OK 74103 - (918) 596-7526 - tulsaplanning.org



Submit applications to planning@cityoftulsa.org

Application Type

Variance Special Exception Appeal of Administrative Decision Residential Nonresidential

Staff Use

Received By: _____ Date Filed: _____ Hearing Date: _____ Case Number: BOA- _____

Neighborhood Associations: _____ Council District: _____

Subject Property Information

Address or Descriptive Location: _____ Tract Size: ± _____

Legal Description (also email to: planning@cityoftulsa.org)

Present Use: _____ Present Zoning: _____

Applicant Information

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Phone: _____

Email: _____

Property Owner Information

Name: _____

Address: _____

City, State, ZIP: _____

Daytime Phone: _____

Email: _____

Does the property owner consent to this application? Y N

What is the applicant's relationship to the property owner? _____

I, the undersigned applicant, certify that the information on this application and in the required submittals is true and correct.

Signature: _____ Date: _____

Action(s) Requested

List the specific actions you're requesting, along with sections of the zoning code that apply to each action. A site plan is required to illustrate your request, and an elevation may be required.

Required Submittals

- For Variations – Written Proof of Zoning Hardship Conditions (see p.3)
- For Special Exceptions – Written statement of compliance with conditions (see p.3)
- Letter of Deficiency, Compliance Review, Mailing Release, and Neighbor Communications (see p.4)
- Site Plan and Elevation (see pp.5-6)
- Application Fees – An application is not considered complete until all fees are paid.

Application Fees (Make checks payable to City of Tulsa) (staff use only)

Application fees in whole or part will not be refunded after notification has been given.

Base Request	\$		
Additional Requests	\$	Application Subtotal	\$
Newspaper Publication	\$		
Signs (Special Exception Uses only)	\$130 ×	= \$	
Mailing	\$45 + \$	= \$	Notice Subtotal \$
Receipt Number:		Total Amount Due	\$

Disposition (staff use only)

Board Action: _____

Final Date: _____ Vote: _____ Subdivision Compliance Review? Y N

Variances

To be granted a variance, an applicant must prove a valid hardship to the Board.

What is a hardship in the context of zoning law?

A valid hardship is based on a quality or condition that is inherent in the physical elements of the parcel of land, like topography, lot shape, or water features, and is imposed only by conditions that are outside the property owner's control.

A valid hardship is unique to the subject property and not generally present in other parcels in the same zoning district.

A valid hardship is not based on financial considerations of the property owner.

Personal circumstances may not be the basis for granting a variance. Valid hardships are based on the nature of the property, not the nature of the applicant and their circumstances. Bringing an elderly parent to live with the family, for example, is a change in personal circumstance, not a condition peculiar to the property.

Conditions

In granting a variance, the Board may make appropriate conditions or safeguards and may require a bond or other guarantee necessary to enforce compliance with the conditions.

Proof of Hardship

The Board of Adjustment is allowed to approve variances only after determining that the following conditions exist.

On a separate page, describe how your request satisfies each of these conditions, listing each answer separately.

1. That the physical surroundings, shape, or topographic conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
2. That the literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
3. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
4. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
5. That the variance to be granted is the *minimum* variance that will afford relief;
6. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
7. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the zoning code or the comprehensive plan.

Special Exceptions

The Board of Adjustment is allowed to approve special exceptions only after determining that the following conditions exist. **On a separate page**, explain how your requests satisfy these conditions:

1. The special exception will be in harmony with the spirit and intent of the Zoning Code; and
2. The special exception will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Conditions

In granting any special exception, the Board may make appropriate conditions or safeguards, may limit the approval to a specified period of time and may require a bond or other guarantee necessary to enforce compliance with the conditions.

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

Call 918.596.9456 to speak with the Permit Center or Development Services Plans Review.

Letter of Deficiency Requirement

An official Letter of Deficiency (LOD) issued to the Applicant from the City of Tulsa Permit Center must accompany every application. I understand, and take responsibility for, the following:

1. All requirements set forth in the LOD must be met, or the relief detailed in the LOD must be sought in an application to the Board of Adjustment (BOA) for any of the requirements which cannot be met. If the applicant does not request the relief detailed in the LOD, additional BOA action may be required, which may result in significant delays during the building permit process.
2. If the plans reviewed by the City for the issuance of the LOD are changed, the plans must be re-submitted to the City, and an additional LOD may be issued based upon the new plans which may result in additional requirements or an additional application to the Board being necessary.

I hereby certify that I have read and understand the above LOD requirements for the subject property.

Applicant Signature

Date

Mailing Authorization and Release

I authorize City of Tulsa staff to obtain property owners' names and addresses as required for this application. I understand that City of Tulsa staff will use County Assessor data to ascertain the names and addresses of the property owners. That database may not reflect recent ownership changes.

I hereby release and forever discharge the City of Tulsa, its agents and successors, from any actual or potential cause of action, suit or proceeding brought by me, my agents or assigns, based on the names and addresses obtained by the City of Tulsa as required in this application.

Applicant Signature

Date

Platting/Subdivision Compliance Review Requirement

A platting requirement or subdivision conformance review is in place 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, as follows:

For any land which has been rezoned to a zoning classification upon application of a private party or for any land which has been granted a special exception by the Board of Adjustment to permit those uses expressly stated in Section 70.080-B.2.b of the City of Tulsa Zoning Code, 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, or a subdivision conformance review 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.

I hereby certify that I have read and understand the above requirements and that I will plat, replat or comply with standards set by the subdivision conformance review for the subject property.

Applicant Signature

Date

Neighbor Communications

Advance communication with surrounding neighbors is encouraged by the Board of Adjustment, Planning Commission, and City Council to help educate applicants and neighbors about one another's interests; resolve issues in a manner that respects those interests; and identify unresolved issues before initiation of formal public hearings.

Applicants are encouraged to submit a summary of their communication and engagement with neighbors at or before the first required public hearing. The recommended content of such summaries is as follows:

- a. Efforts to notify neighbors about the proposal (how and when notification occurred, and who was notified);
- b. How information about the proposal was shared with neighbors (mailings, workshops, meetings, open houses, fliers, door-to-door handouts, etc.);
- c. Who was involved in the discussions;
- d. Suggestions and concerns raised by neighbors; and
- e. What specific changes (if any) were considered and/or made as a result of the neighbor communications.

Applicant Signature

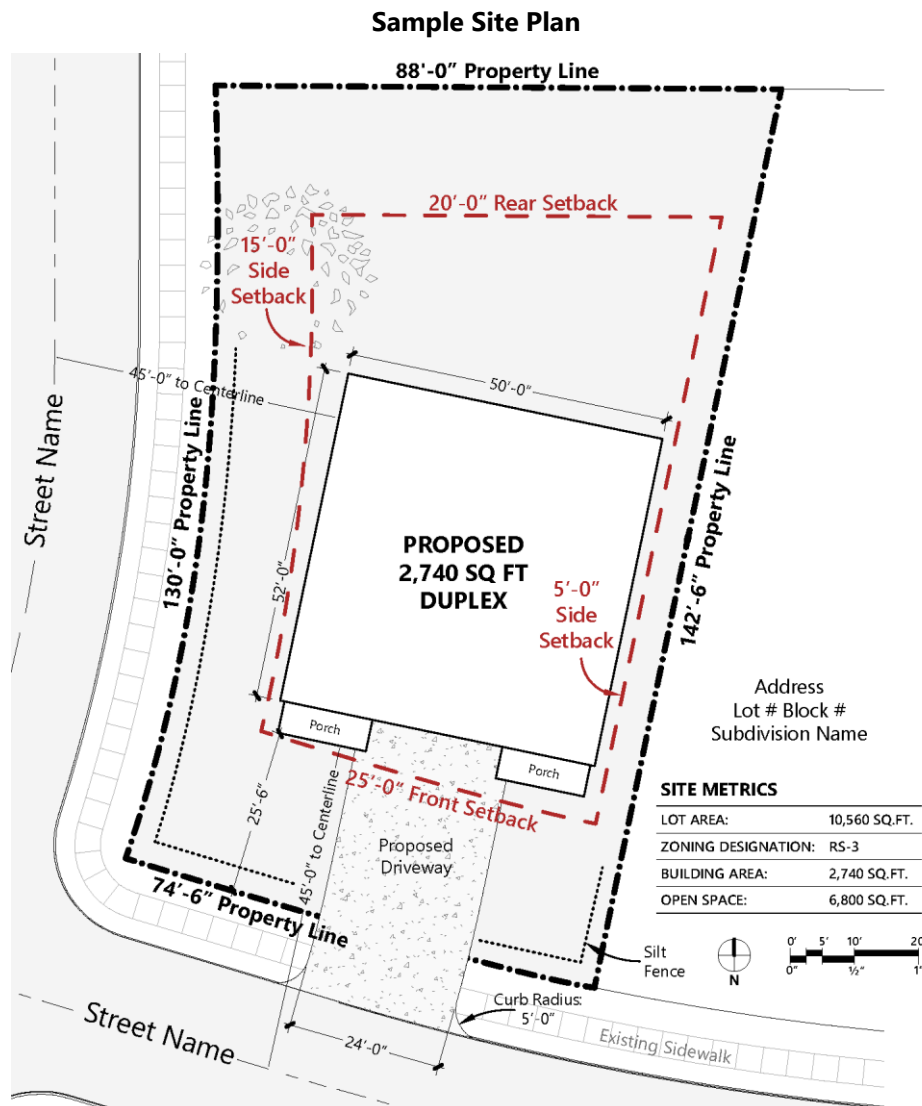
Date

Site Plan Requirements

All applications for Variances and Special Exceptions require a detailed site plan. Please email a digital copy (PDF preferred) to planning@cityoftulsa.org. Site plans should be a minimum of 8.5"×11" and a maximum of 11"×17", and should be scaled to show accurate dimensions. Site plans attached to *Variance* applications should clearly illustrate all *required* dimensions along with the *proposed* dimensions. Elevations may be required. See next page for details.

Required Site Plan Elements

- All lot dimensions
- Building (or improvement) footprint, number of floors, and gross floor area of all floors of existing and any proposed building (measured to outside of exterior walls)
 - Include any gas pump islands, drive-through lanes, and canopies
- Distance of any building (or improvement) from relevant property lines
- Minimum building setback line(s)
- Abutting public/private streets to centerline
- Location and dimensions of all parking areas
- Dimensions of parking aisles and parking stalls
- Curb cuts and driveways (existing and proposed), including access from abutting properties
- All sidewalks (required along all abutting public streets)
- All existing accessory buildings and structures and their floor area
- Location and size of proposed ground signs
- All trash enclosures
- North arrow
- Location and height of any existing or proposed fences
- All easements (existing or proposed) by type and dimension



Elevation Requirements

Elevations may be required to illustrate the nature of the request. Elevations must show views of all building walls and include dimensions of all walls, roofline, and any architectural feature(s) that extend above the roofline. Please email a digital copy (PDF preferred) to planning@cityoftulsa.org. Elevations should be a minimum of 8.5" x 11" and a maximum of 11" x 17", and should be scaled to show accurate dimensions.

Sample Elevation

