

# CITY OF OAKES REQUEST FOR VARIANCE

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

I, (legal owner) \_\_\_\_\_ of the

following described property at Address: \_\_\_\_\_

Lot(s) \_\_\_\_\_, Block \_\_\_\_\_ of \_\_\_\_\_ Addition

to The City of Oakes, do respectfully request the following variance:

*(an accurate plot plan drawn to scale must accompany this application)*

**We, the undersigned property owners within 150 feet of**

<u>Property Description</u>	<u>Printed Name</u>	<u>Signature</u>

**BEFORE REQUEST CAN BE ACCCEPTED LISTED PROPERTY OWNERS MUST BE VERIFIED  
BY CITY AUDITOR AND PLANS/BUILDING PERMIT REVIEWED BY BUILDING INSPECTOR  
VARIANCE MUST BE APPROVED BY CITY COUNCIL PRIOR TO CONSTRUCTION**

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Action Taken: APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_

DATE APPROVED BY CITY COUNCIL \_\_\_\_\_

SIGNATURE OF AUDITOR \_\_\_\_\_

BUILDING INSPECTOR APPROVAL \_\_\_\_\_

If signatures not obtained by neighbors, Protest Hearing must be scheduled and Notice published

See City Ordinances 6.0901

## City Ordinance 6.0901

2. b. **Variances.** Board of Adjustment to vary or adapt the strict application of any of the requirements of this chapter in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any variance, the Board of Adjustment shall prescribe any conditions that it deems to be necessary or desirable. However, no variance in the strict application of any provision of this chapter shall be granted by the Board of Adjustment unless it finds:
  - 1) That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building.
  - 2) That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the board is the minimum variance that will accomplish this purpose.
  - 3) That the granting of this variance will be in harmony with the general purpose and intent of this chapter. In addition to considering the character and use of adjoining buildings and those in the vicinity, the board, in determining its finding, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
3. **Procedure.** The Board of Adjustment shall act in strict accordance with the procedure specified by law and by this chapter. All appeals and applications made to the Board shall be in writing or on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board of Adjustment shall be by resolution and recommendation made to City Council for final approval/denial, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the city auditor.
  1. **Notice and Hearing.** No action of the Board shall be taken on any case until after due notice has been given to the parties and public hearing has been held.
  2. **Exception.** If approval of appeal or variance being requested is filed and signed by owners:
    - a. Of the area of the lots included in such proposed change;
    - b. Of those immediately adjacent in the rear thereof extending 150 feet therefrom;
    - c. Of those directly opposite thereto extending 150 feet from the street frontage of such opposite lots.Notice and public hearing shall be waived for said application. The Board shall review request and approvals of owners and make recommendation to the City Council for final approval of application.

**CONTACT CITY HALL FOR MORE INFORMATION**  
**742-2137**