

CHAPTER 8

ADMINISTRATIVE PROCEDURES AND REQUIRED PERMITS AND FEES

SECTION 8-1 BOARD OF ADJUSTMENT

1. **Appointment.** There is hereby created a City Board of Adjustment consisting of five members, each to be appointed by the City Council for a term of three years. It is specifically provided, however, that on the effective date of these Regulations such Board of Adjustment as was legally in existence immediately prior to such date shall be constituted as the Board of Adjustment hereby created, and the terms of the then members of the Board shall expire on the same dates as were established at the times of the most recent appointment of each of such members, or until their successors are duly appointed and qualified. Therefore, all appointments shall be made for a term of three years. Vacancies shall be filled by appointment by the City Council to serve out the un-expired term. Appointments of members of the Board of Adjustment may include two members of the Planning Commission, each of which shall serve as voting members.
2. **Removal.** A member of such City Board of Adjustment, once qualified, can thereafter be removed during his term of office only for cause and after public hearing. In the event of the death, resignation or removal of any such member before the expiration of this term, a successor shall be appointed by the City Council to serve his un-expired term.
3. **Organization.**
 - A. **Officers.** A Chairman and Vice-Chairman shall be elected annually by the Board from among its membership.
 - B. **Duties of Officers.** The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings, shall decide all points of order or procedure, and, as necessary shall administer oath and compel the attendance of witnesses.
 - C. **Rules and Meetings.** The Board may adopt rules to govern its proceedings, provided, however, that such rules are not inconsistent with these Regulations. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its own proceedings, showing the vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.

4. **Powers and Duties.** The Board of Adjustment shall have all the powers and duties prescribed by law and by these Regulations, which are more particularly specified as follows:

- A. **Interpretation.** Upon appeal from a decision by the Building Inspector or other administrative official, to decide any question involving the interpretation of any provision of these Regulation, including determination of the exact location of any district boundary, if there is uncertainty with respect thereto.
- B. **Exception.** To hear and decide special exceptions to the terms of these Regulations upon which such Board is required to pass under these Regulations by granting special zoning permits at evidence thereof.

No such special zoning permit shall be granted by the Board of Adjustment unless it meets both of the following findings:

- (1) that the use as described by the applicant will comply with all conditions established therefore by these Regulations, and
- (2) that the use will not, in the circumstances of the particular case, be injurious to the neighborhood or otherwise detrimental to the public welfare.

- C. **Variance.** To vary or adapt the strict application of any of the requirements hereunder in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, where 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.

No variance shall be granted to permit in any district a use that is not a permitted use in such district. In granting any variance, the Board of Adjustment shall prescribe any conditions that it deems necessary or desirable.

- D. **Appeals.** To hear and decide appeals where it is alleged that there is an error of law in any order, requirements, decision, or determination made by an administrative official in the enforcement of these regulations.

5. **Procedure.**

- A. **General.** The Board shall act in strict accordance with the procedure specified by law and by these regulations.
- B. **Appeals.** Appeals to the Board can be taken by any person aggrieved or by any office, department, or Board of the City affected by any decision of the Building Inspector or other administrative officer. All appeals and applications made to the Board shall be made in writing, on forms prescribed by the Board, within 10 days after the decision has been rendered by the Building Inspector or other administrative officer. The

appeal or application shall be accompanied by an abstractor certified mailing list and/or a list of county recorded property owners within three hundred (300) feet of the subject property. Every appeal or application shall refer to the specific provision of these Regulations involved and shall exactly set forth:

- (1) The interpretation that is claimed,
- (2) The use for which the permit is sought, or
- (3) The details of the variance that is applied for and the ground on which it is claimed the variance should be granted, as the case may be.

The appeal or applications shall be filed with the officer from whom appeal is taken and with the Board. The officer from whom appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

C. Hearing and Notice. The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof fifteen days (15) before the date of the hearing, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person, by agent or by attorney.

D. Decisions and Records.

- (1) In exercising its powers the Board may, in conformity with the provisions set forth in the Statutes of the State of Oklahoma governing said Board, revise or reform, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirements decision, or determination as ought to be made and shall have all the powers of the officer from whom appeal is taken.
- (2) Three members of the City Board of Adjustment shall constitute a quorum. The concurring vote of three members shall be necessary to revise any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under these Regulations or to effect any variance in said Regulations.
- (3) Every decision of the Board of an appeal or application shall be by resolution, 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 Board's office, by case number, under one or another of the following Headings:
 - (a) Interpretations,
 - (b) Exceptions, or
 - (c) Variances,

Together will all documents pertaining thereto.

- E. Fee. The fee of any appeal or application to the Board shall be one hundred dollars (\$100), no part of which shall be refundable.
6. Effect of appeal. An appeal shall stay all proceedings of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.
7. Appeals to Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer or any officer, department, or Board of the City of Grove may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the Board and not thereafter.

SECTION 8-2 BUILDING PERMIT

1. Building Permit Required. It shall be unlawful to commence the construction or the excavation for the construction of any building or structure, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work. Except upon written authorization of the Board of Adjustment as provided in Section 8-1, no such building permit shall be issued for any building where said construction, moving, alteration or use thereof would be in violation of any provisions of these Regulations.
2. Application. There shall be submitted with each application for a building permit two copies of a layout or plot plan drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of any existing buildings or structures, if any, and the size and location of the building or structure to be constructed, altered or moved. The applicant shall also state the existing or intended use of each such building or part of building and supply such other information with regard to the lot and neighboring lots that may be necessary to determine compliance with and provide for the enforcement of these Regulations. One copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans similarly marked, shall be retained by the Building Inspector. The application for a building permit shall be made by the owner of the property concerned or a certified agent thereof.

3. Fee. The application fee for a building permit in the City of Grove shall be prescribed in the Building Code for the City of Grove.
4. Expiration of Building Permit. If the work described in a building permit has not begun within one year from the date of issuance thereof, said permit shall expire and be cancelled by the Building Inspector, and written notice thereof shall be given to the persons affected.

SECTION 8-3. CERTIFICATE OF OCCUPANCY

1. Except for any property of any railway company or terminal company, no land shall be occupied or used, and no building hereafter erected, altered, or extended shall be used, and no use of land or building shall be changed until a certificate of occupancy shall have been issued by the Building Inspector, stating that the building or proposed use complies with the provisions of these Regulations.
2. The application fee for a certificate of occupancy shall be fifty-dollars (\$50.00). (*Amended per Resolution 11-036, 11/20/2011*).