

Appeals, Waivers and Variances Application Subdivision Regulations

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(+PH AMT.)

Under Section 405.455 Appeals, Waivers and Variances of the City of Oak Grove Unified Development Code, commonly referred to as the UDC, the following information is required upon submission of a request for a variance to the City of Oak Grove Missouri Planning and Zoning Commission and/or the Board of Aldermen. Notice of Public Hearing is required and the expense of that is to be incurred by the applicant which will be invoiced accordingly.

Date of Application: _____

Type of Application: _____ Appeal _____ Waiver _____ Variance

Name of Applicant: _____

Address of Applicant: _____

Telephone: _____ Email: _____

Name of Property Owner: _____

Address: _____

Telephone: _____ Email: _____

Current Zoning of Property: _____

Existing Land Use: _____

Attach documentation in support of the below criteria with your application for review by the Planning and Zoning Commission and/or Board of Aldermen.

- A. Appeals — Generally.* The subdivider of a proposed subdivision may appeal decisions made in the enforcement of these subdivision regulations by the Zoning Officer to the Planning and Zoning Commission and by the Planning and Zoning Commission to the Board of Aldermen. Any such appeal shall provide a hearing de novo. In the event the Board of Aldermen sustains the Planning and Zoning Commission, the action of the Planning and Zoning Commission shall be final, except as otherwise provided by law. If the Board of Aldermen overrules the Planning and Zoning Commission, the Board of Aldermen shall make its decision, in writing, stating the reason therefore and, except as provided in Section 405.455 (B), return such decision and plat to the Planning and Zoning Commission for reconsideration and approval as required by law.

- B. Appeals On Improvement Standards.* Any appeal as to the approval of standards or plans and engineering drawings in connection with required improvements shall be directed to the Board of Aldermen, and that action shall be final.
- C. Waiver Of Required Improvements.* Any waiver of the required improvements may be made only by the Board of Aldermen on a showing that such improvement is technically not feasible.
- D. Variances.* In cases in which there is unwarranted hardship in carrying out the literal provisions of these subdivision regulations as to design criteria, e.g., lot width, lot depth, block length, etc., the Planning and Zoning Commission may recommend a variance from such provision.
1. An application for a variance shall be made to the Zoning Officer who shall transmit the application to the Planning and Zoning Commission. The Planning and Zoning Commission shall give the applicant and any other interested person an opportunity to be heard with respect to the proposed application for a variance.
 2. The Planning and Zoning Commission shall not recommend a variance unless it shall find that the strict application of these subdivision regulations will create an unwarranted hardship and unless the proposed variance is in harmony with the intended purpose of these subdivision regulations and that the public safety and welfare will be protected.
 3. Variances permitted under the provisions of this Article shall not include variances from the requirements of making improvements required in this Article, unless approved as provided for in Section 405.455 (C), the standards or specifications thereof, nor from the provisions of the Unified Development Code of the City, except as to variances for minimum lot width and/or area requirements. Consideration of an application for a variance pursuant to this Article does not relieve the applicant from the necessity of proceeding under the applicable provisions of any other regulations (including Unified Development Code regulations) of the City relating to variances.
- E. Variances — Planned Unit Development.* When a plat or subdivision is prepared in connection with a planned unit development authorized by any legally adopted zoning regulation regulating the same area, the Planning and Zoning Commission may vary the design standards contained in this Article to such extent as may be necessary to permit the preparation of a planned development plan in accordance with the standards, conditions and restrictions of such Unified Development Code regulations.

Staff Use Only

Date of P&Z Meeting: _____ Date of BOA Meeting: _____

Location of Meeting: City Hall, 2110 S. Broadway, Oak Grove, MO 64075
Lower Level Board Chambers

Date Received by City of Oak Grove: _____

Fee Amount: \$250.00

Date Paid: _____ Cash/Check/Card Receipt No.: _____