

City of Del City

Application for Building Code Appeal

Instructions



Overview

Del City Ordinance 1301 provides for an appeals process for orders issued by the Building Official. The Del City Board of Adjustment serves as the appeal board.

Application Process

- Preliminary Meeting Applicant should speak with the City Planner regarding the appeals process.
- Application Completion Applicant completes application forms, obtains all requested documentation, and submits entire packet to permits@cityofdelcity.org. At this time, the applicant remits the application fee.
- Application Fee The application fee is **one hundred fifty (150) dollars**. This fee becomes non-refundable once the application is processed and notice of the hearing is posted or mailed.
- Submission Deadline Notice of appeal must be submitted within five (5) days of receipt or posting of the order. A completed application must be submitted prior to the deadline established by the City Planner, which is based on the hearing date.

Application

The following items are required of all applicants:

1. Cover Sheet Applicant must complete the checklist portion of the cover sheet provided in the application packet.
2. Cover Letter Applicant must submit a cover letter, addressed to the Chairman of the Board of Adjustment, explaining the proposed use and detailing how any potential adverse impacts will be mitigated.
3. Application Form Applicant must complete the application form provided in the application packet. This form must be notarized.
4. Application Fee Applicant must submit an application fee of **one hundred fifty (150) dollars**.
5. Ownership Certification Applicant must complete the ownership certification provided in the application packet. If the applicant is not the owner of the property, permission of the owner must be granted before the application can be processed. If the applicant is a tenant, a copy of the lease agreement for the property must be provided.
6. Site Plan Applicant must furnish a comprehensive site plan. This plan must show the location of the applicant property relative to surrounding properties.

The following items may be required depending on the specific issued raised in the application.

1. Survey Applicant must submit a survey showing the location of property lines, improvements, easements, and any other required features (such as floodplain boundaries). Survey must be sealed by a registered land surveyor.
2. Building Permit Applications Applicant must submit completed applications for any city permits relating to any proposed renovations, including but not limited to building, remodel, and

fence. Permit fees are paid at the time of issuance. Applicant must submit detailed architectural drawings of proposed improvements to the subject property, including system drawings as required. Depending on the circumstances, these drawings may require an architect's and/or engineer's seal.

3. Floodplain Supplement Applicant must submit a Floodplain Supplement if the applicant property is located within the Special Flood Hazard Area (Zones A, AE, A1-30, A99, AO, AH) as designated by the City's adopted Flood Insurance Rate Map. This supplement may require submission of additional documentation, such as an Application for Floodplain Development Permit or an Elevation Certificate.
4. Appraisal If contesting the City's valuation of the property, an appraisal must be submitted.
5. Other Applicant must submit any other documentation required by the City Planner. This documentation must be completed before the application will be considered complete.

Review Process

- City Planner Review Submitted applications are reviewed by the City Planner, in consultation with other City officials. If this review results in additional documentation needed, the applicant will be notified. If the application is determined to be complete, hearing dates are confirmed.
- Posting and Notification Once hearing dates are confirmed, an agenda is prepared for the Board of Adjustment meeting and is posted prior to the meeting, in accordance with the Open Meeting Act.
- Board of Adjustment Hearing Once the date of the confirmed hearing date, the Del City Board of Adjustment will conduct a Public Hearing on the application. The applicant, or a representative, must be present to evidence related to the appeal. Members of the public are given the opportunity to speak in support or opposition to the appeal. The City Planner will usually prepare a staff recommendation regarding the application. After the Public Hearing, the Board of Adjustment will discuss the application and make a final decision. The Board can also continue the item to another meeting, allowing for submission of further documentation or a more in-depth review. In general, the Board of Adjustment meets on the second Monday of each month.

Appeal Approval/Denial

After an appeal is approved by the Board of Adjustment, the order in question will be void. After an appeal is denied, the order will stand. Any and all fines or penalties accrued during the appeal period, whether for the underlying offense or for failure to comply with a lawful order shall be enforced. Each day the underlying offense was allowed to continue, and each day a lawful order was ignored will be considered a separate violation.

Approval or denial of a Building Code of Appeal does not, in any way, impact public nuisance proceedings pending before the City Council regarding the same property.

Appeals

The Board of Adjustment is the final decision-making body for Building Code Appeals. The decision of the Board is not generally subject to District Court review, as would be the case for a Zoning appeal.

City of Del City
Application for Building Code Appeal



Application is hereby made to the City of Del City for an Appeal of an Order of the Building Official, as detailed herein.

Section 1: Applicant Information

Date: _____

Name: First: _____ Last: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ **Email:** _____

Section 2: Property Information

Address: _____

Legal Description: _____

Current Zoning District: _____ **Current Flood Zone:** _____

Record Owner of Property: _____

Owner Phone Number: _____

Relationship of Applicant to Record Owner: _____

Section 3: Appeal Information

Order Being Appealed: _____

Reasons for Appeal: _____

Section 4: Certification

I hereby certify the information contained in this form, and in any attachments thereto, is complete, true, and accurate.

Applicant

Date

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this _____ day of _____, 20____, personally appeared _____ to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that (s)he/they executed the same as his/her/their free and voluntary act and deed for the uses and purposes therein set forth.

Notary Public

(seal)

My commission expires on the _____ day of _____, 20_____.

City of Del City
Application for Building Code Appeal
Ownership Certification



Section 1: Property Owner

Name: First: _____ Last: _____

Phone: _____ **Email:** _____

Section 2: Certification

I, _____, hereby certify and attest that I am the current and legal owner of the aforescribed property located in the City of Del City, Oklahoma County, Oklahoma.

AND

I further certify that this legal description and street address accurately describe the property for which this application is made.

Applicant

Date

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this _____ day of _____, 20____, personally appeared _____ to me known to be the identical person(s) who executed the within and foregoing instrument, and acknowledged to me that (s)he/they executed the same as his/her/their free and voluntary act and deed for the uses and purposes therein set forth.

Notary Public

(seal)

My commission expires on the _____ day of _____, 20____.