



BOARD OF ZONING APPEALS
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

Case No.: _____ **BZA**

Application No. _____

Fee (non-refundable) _____ \$350.00

Filing Date _____

Hearing Date _____

Publication Date _____

PETITION

Property Zoning: _____

Location of Subject Property: _____

Legal Description: _____ **(Attach full legal description provided by the REGISTER OF DEEDS OFFICE)**

Petitioner: _____

Petitioner Address: _____

Email: _____ Telephone: _____

Petitioner's Interest in Property: _____

Purpose of Petition: _____

☐ **Appeal** of Administration Decision _____ Date of Decision _____

Section 11.03.A

☐ **Variance:**

Section 11.03.B

☐ **Exception:**

Section 11.03.C

Site Plan or drawing attached (*hard & digital copy*): Yes ☐ No ☐

I, the undersigned, certify that I am the legal owner of the property described above and that if this request is granted, I will proceed with the actual construction in accordance with the plans submitted within four (4) months from the date of filing or request in writing an extension of time for the Board's consideration

Property Owner Name (print): _____

Signature: _____ Date: _____

State of _____)

County of _____)

Signed or attested before me on _____ by _____

Notary Public: _____

My appointment expires: _____ (Seal)

NOTE: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.

Check list below...

<input type="checkbox"/>	Supporting documentation: Site plan, plot plan, a drawing and any other pertinent data
<input type="checkbox"/>	Full legal description of subject property obtained from the Register of Deeds Office (913-684-0424)
<input type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property – County GIS Department 913-684-0448
<input type="checkbox"/>	A filing fee of Three Hundred- fifty dollars (\$350)

CITY OF LEAVENWORTH BOARD OF ZONING APPEALS

APPLICATION AND PROCEDURES (Applicant please read carefully)

1. Applications for hearings may be obtained at the office of the Secretary, Board of Zoning Appeals, Community Development Department, City Hall.
2. The applicant is responsible for completing the application in full.
3. The application must be accompanied by a plot plan, a drawing and any other pertinent data which would assist the Board of Zoning Appeals in understanding what the applicant desires.
4. The application must be accompanied by a current list of names and addresses of the owners and the tax identification number of all properties within 200 ft. of the exterior boundaries of the property considered in the application. If the property is adjacent to the city limits, the area shall be expanded to 1,000 ft. of property owners outside the city limits. The applicant shall obtain a certified ownership list from the **GIS Department of Leavenworth County (913-684-0448)**.
5. An application for an appeal to an administrative decision, interpretation or determination must be filed within ten (10) days after the decision, interpretation or determination has been rendered and furnished to the appellant in writing.
6. A filing fee of three hundred fifty dollars (\$350) shall be paid to the City Clerk at the time the application is filed.
7. Upon receipt of the properly executed petition with accompanying documents, the City Clerk shall forward the same to the Board of Zoning Appeals Secretary, who will schedule the hearing for the next regular meeting of the Board of Zoning Appeals and publish the legal notice for this hearing.
8. The appellant and all property owners within 200' of the property subject to the variance or appeal will be notified in writing of the date of the public hearing by the BZA Secretary.
9. Petitions will take a minimum of 45 days for complete action. The amount of time will depend on when the petition is filed in respect to the Board of Zoning Appeals' regularly scheduled meeting.

In addition to the above requirements, certain applications require additional information as follows:

1. Appeals

	a. An application for an appeal shall be filed within ten (10) days after a ruling has been made by an administrative official and furnished to the appellant in writing.
	b. A copy of the written ruling of the administrative official which the applicant believes to be in error shall be submitted.
	c. A clear and accurate written description of the proposed use, work or action in which the appeal is involved and a statement justifying the appellant's position.
	d. Where necessary, a plot plan, drawn to scale, in duplicate, showing existing and proposed plans for the area in question shall be submitted.

2. Variances

	a. The applicant shall submit a statement, in writing, justifying the variance requested, indicating the enforcement provisions of the specific regulations from which the variance is requested, and outline in detail the manner in which it is believed that this application will meet each of the five conditions as set out in Section 11.03.B.2 (a)-(f) of this article.
	b. The applicant shall submit two (2) hard copies and one (1) digital copy of a sketch drawn to scale and showing the lot or lots included in the application, the structure existing thereon, and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information which would be helpful to the Board in consideration of the application should be included.

3. Exceptions

	a. The applicant shall submit a statement in writing justifying the exception applied for and indicating under which article and section of the Zoning Ordinance the Board of Zoning Appeals is believed to have jurisdiction.
	b. The applicant shall prepare and submit at the time of filing the application: two (2) hard copies and one (1) digital copy of a detailed site plan drawn to scale showing all existing and proposed structures, property lines with dimensions, parking spaces, points of ingress and egress, driveways and any other information which would be helpful to the Board in consideration of the application.

In granting a variance the Board must find as follows: (from the Development Regulations under Section 11.03.B.2)

1. *The applicant must show that his property was acquired in good faith and whereby reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or whereby reason of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the Zoning Ordinance actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.*

2. *A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met.*

- a. *The Board shall make a determination on each condition, and the finding shall be entered in the record.*
- b. *That the variance requested arises from such condition which is unique to the property in question and is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;*
- c. *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;*
- d. *That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application;*
- e. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;*
- f. *That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.*

3. *In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood and to carry out the general purpose and intent of these Development Regulations.*