

**CITY OF BONNER SPRINGS, KS**  
Community and Economic Development Department

Staff Use Only
<b>BZA - 147-21</b>
Mtg Date: <u>April 20, 2021</u>
Date Rec'd: <u>Feb. 12, 2021</u>
Rec'd by: <u>MJL</u>

**BOARD OF ZONING APPEALS (BZA) APPLICATION**

Date: 02/11/2021

Application is hereby made to the Bonner Springs Board of Zoning Appeals to consider one of the following:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Variance | _____ Interpretation of Zoning Map     |
| _____ Appeals                                | _____ Interpretation of Zoning Text    |
|  | _____ Interpretation of Building Codes |

**Subject Property Address:** 241 Allcutt Avenue, Bonner Springs, KS 66012

Project Name (if applicable): Garage setback variance request

Applicant Name: Jesse Blacklaw Phone: 913-216-1667

Address: 241 Allcutt Avenue, Bonner Springs KS 66012

E-mail (required): jesseb@reecenichols.com

Record Property Owner: Philip and Jessica Blacklaw Phone: 913-216-1667

Parcel No.: 188502 Quarter Section: 5 Section/Township/Range: 699

Legal Description of the Tract: BONNER SPRINGS & 1885 & 1886, S29, T11, R29, ACRES 0.17, B5 L24 & S 10FT OF W 110FT L25

Tract Acreage: .170 General Location/Cross-streets: Spring and Allcutt

Zoning: Residential Present Use: Residential Future Land Use Designation: Residential

**I hereby certify that the information herein submitted is complete, true, and accurate; that I have been notified on the processes and guidelines for submittal, and I hereby grant the City authority to post a public notice sign on the subject property.**

Applicant Signature: Jesse Blacklaw dotloop verified 02/11/21 9:29 PM CST HXNY-W646-MAHQ-TSDC Date: 02/11/2021

Applicant Name (Print): Jesse Blacklaw

Owner Signature (required): Philip Blacklaw dotloop verified 02/11/21 9:29 PM CST BXC7-TNZB-XARS-PUKY Date: 02/11/2021

Owner Name (Print): Philip Blacklaw

Does Applicant have Permission from the Owner(s) to Apply for Rezoning and Authorize Permission to Post?

Yes  No \_\_\_\_\_

If Requested, Can the Applicant Provide a Letter of Consent from the Owner(s)?

Yes  No \_\_\_\_\_

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## **Board of Zoning Appeals (BZA) Application Process**

A pre-application meeting with the City Planner is required prior to application submittal. Call or email to set an appointment -- 913-667-1708

The Board of Appeals (BZA) shall fix a reasonable time for the hearing of an application

- *BZA meetings are typically scheduled for 6:00 PM on the 3<sup>rd</sup> Tuesday of a month.*

City staff will prepare and post a Notice of Public Hearing sign.

- *Applicants will be billed \$25 for the first sign and \$10 for each additional sign, if applicable.*

City staff submits the required notification to the City newspaper for publication not less than 20 days prior to the public hearing.

- *Applicants will be billed for the publishing costs.*

If the application is denied, the applicant or his or her representative may appeal to the District Court.

- *For appeal procedures, see Article XXVI, Section 5 of the Zoning Ordinance.*

## **Submittal Requirements**

Completed and signed application – Signatures of applicant and current property owner are required.

Eight (8) 11" x 17" copies of site plan or survey depicting the requested variance or appeals claim.

The drawings must be:

- drawn to scale,
- contain the legal description, and
- indicate buildings, parking, dimensions, etc., which are relevant to the application.

Check for \$200.00 – made payable to the City of Bonner Springs for application fee.

(VARIANCES) Written statement explaining request and responding to the five (5) conditions below.

(APPEALS) Written statement providing a clear description of the proposed use, work or action in which the appeal is involved and a statement justifying the appellant's position.

(Appeals only) A copy of the order, requirement, or determination of the Planning Department, which the applicant believes to be in error shall be submitted with the application for appeal.

PDF copy of any drawings must be emailed to the City Planner.

Microsoft Word document of legal description(s) must be emailed to the City Planner.

## **The Board of Zoning Appeals has the power to rule on the following:**

- Administrative Review: To hear and decide appeals where there has been an alleged possible error made by the City Planner in the enforcement of the Zoning Ordinance;
- Administrative Review: To hear and decide appeals where there has been an alleged possible error made by the Building Official in the enforcement of the adopted Building Codes; and
- To authorize a variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by the Zoning Ordinance, which may be granted, in whole, in part, or upon reasonable conditions. The Board of Zoning Appeals will only grant a variance if all five (5) conditions have been met.

1. **Condition Unique to the Property** – The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant;
2. **No Adverse Effects** – The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
3. **Unnecessary Hardship** – The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
4. **Public Health, Safety and Welfare** – The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. **Ordinance Intent** – The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

- No variance may be granted to allow a use of property which is otherwise prohibited by the Bonner Springs Zoning Ordinance.
- An "unnecessary hardship" may be found when a condition, neither self-imposed nor solely financial in nature, substantially deprives the owner of an ordinary legal property right, as long as it does not conflict with the spirit of the Zoning Ordinance.

Reference

Article XXVI, Section 5 of the Bonner Springs Zoning Ordinance discusses the Variance and Appeals process [https://www.bonnersprings.org/DocumentCenter/View/92/zoning\\_ordinance?bidId=](https://www.bonnersprings.org/DocumentCenter/View/92/zoning_ordinance?bidId=)

Kansas Office of Revisor of Statutes § KSA 12-759 [https://www.ksrevisor.org/statutes/chapters/ch12/012\\_007\\_0059.html](https://www.ksrevisor.org/statutes/chapters/ch12/012_007_0059.html)

Questions? -- Contact the City Planner at 913-667-1708

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<b>FEES</b>	
Application Fee: \$200	\$ 200.00 PD
Publication:	\$ 25.74
Sign (first): \$25	\$ 25.00
Add'l Signs _____ x \$10 =	\$ _____
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<b>Total Due:</b>	<b>\$ 50.74</b>

Invoice Date: _____
Payment Rec'd Date: _____
Check #: _____
Receipt #: _____
_____
_____

Application fee paid 2/16/21 Receipt #6532