

CITY OF BONNER SPRINGS, KS

Community and Economic Development Department

Staff Use Only
BZA - _____
Mtg Date: _____
Date Rec'd: _____
Rec'd by: _____

BOARD OF ZONING APPEALS (BZA) APPLICATION

Date: _____

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

_____ Variance
_____ Appeals

_____ Interpretation of Zoning Map
_____ Interpretation of Zoning Text
_____ Interpretation of Building Codes

Subject Property Address: _____

Project Name (if applicable): _____

Applicant Name: _____ Phone: _____

Address: _____

E-mail (required): _____

Record Property Owner: _____ Phone: _____

Parcel No.: _____ Quarter Section: _____ Section/Township/Range: _____

Legal Description of the Tract: _____

Tract Acreage: _____ General Location/Cross-streets: _____

Zoning: _____ Present Use: _____ Future Land Use Designation: _____

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: _____ Date: _____

Applicant Name (Print): _____

Owner Signature (required): _____ Date: _____

Owner Name (Print): _____

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 or rclyne@bonnersprings.org

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 3rd 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=

Kansas Office of Revisor of Statutes § KSA 12-759 https://www.ksrevisor.org/statutes/chapters/ch12/012_007_0059.html

Questions? -- Contact the City Planner at 913-667-1708 or rclayne@cityofbonnersprings.org

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FEES

Application Fee: \$300 \$ _____

Publication: \$ _____

Sign (first): \$25 \$ _____

Add'l Signs _____ x \$10 = \$ _____

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Total Due: \$ _____

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