

City of Tonganoxie, Kansas
Board of Zoning Appeals
Variance Instructions and Application

The Board of Zoning Appeals is appointed by the governing body. The Board shall administer the details of appeal forms, or other matters referred to it. The Board of Zoning Appeals shall hear appeals; determine requests for variances, exceptions and requests for setback modifications all as set forth in the Tonganoxie Zoning and Subdivision Regulations. (Section 26, Tonganoxie Zoning Regulations)

Scheduled meetings of the Tonganoxie Board of Zoning Appeals are held the first Tuesday of each month. All meetings begin at 7:00 p.m. in the City Council Chambers, 321 S. Delaware.

Citizens may address the Board on items under discussion when recognized by the Chairman at the Public Hearing. Persons requiring any accommodation (i.e. qualified interpreter, hearing assistance, etc.) in order to attend a Board meeting should notify City Hall at (913) 845-2620 no later than 48 hours prior to the start time of the Public hearing.

The following information and application is intended to assist in preparation and submission of the necessary papers for a Board of Zoning Appeals action.

Applications may be obtained at City Hall, 321 S Delaware or from the City website; www.tonganoxie.org. After completing the application, submit it with any supporting documents to City Hall along with the appropriate application fee.

The application will be reviewed by City Staff and the City Planner. The applicant will be advised if any other information is required. The application, surrounding property owner's radius search and other material must be submitted to City Hall according to the timeline in the Planning and Zoning Application and Review Schedule.

Applicants must provide a certified list of property owners, names and addresses, and CAMA numbers for all of the property which lies within 200 feet of the boundaries of the property within the City Limits and 1000 feet of the boundaries within the county area. Any error in this list of property owners will result in reapplication accompanied by a second application fee to be paid by the applicant and a new public hearing. (A certified radius list may be obtained from the Leavenworth County GIS Department, 300 Walnut St., Leavenworth KS 66048)

The applicant or applicant's representative must be present at the BZA meeting to present the request. Please attach additional names, addresses and signatures if more than one property owner is involved with this application. Applicants may bring maps, photos, or other materials that might assist in explaining the request. Adjacent property owners and other interested parties will be allowed to speak at the public hearing when called upon by the chairperson.

The Board will decide to approve the request, deny the request, or defer the request for further study. Applicants will receive written notification of the BZA's decision.

If the request is denied, an applicant may appeal the decision to the Leavenworth County District Court. Such an appeal shall be filed within 30 days of the final decision of the Board.

Tonganoxie Zoning Regulations Section 26

Section 26-011 POWERS & DUTIES OF THE BOARD

d. Variance: The Board may authorize in specific cases a variance from the specific terms of this ordinance which will not be contrary to public interest and where, owing to special conditions, a literal enforcement of the provisions of this ordinance, in an individual case, result in unnecessary hardship, and provided that the spirit of this ordinance shall be observed, public safety and welfare secured; and substantial justice done. Such variance shall not permit any use not permitted in the zoning ordinance in such district. A request for a variance may be granted in such case, upon finding of the board that all of the following conditions have been met (KSA 12-759):

- 1) That the variance request arises from such conditions 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) That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
- 3) That the strict application of the provisions of this ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- 4) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare, and
- 5) That granting the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.

OFFICE USE ONLY

APPLICATION REVIEWED AND:

Filing Fee: _____ Date: _____

BZA Hearing Date _____

APPROVED _____ **DENIED** _____



www.tonganoxie.org

City of Tonganoxie
Board of Zoning Appeals
Variance Application
913-845-2640
913-845-9760 Fax

Applicant Information

Applicant: _____ Phone: _____

Address: _____ Fax: _____

_____ Email _____

Owner: _____ Phone: _____

Address: _____ Fax: _____

_____ Email: _____

Property Information

Zoning _____

Address/Location of Property: _____

Legal Description: _____

ADJACENT PROPERTY AND LAND USE:

North: _____

South: _____

East: _____

West: _____

ZONING:

Present Use of Property: _____

Proposed Use of Property: _____

Specific Section of the Zoning & Subdivision Regulations from which a Variance is being requested: _____

Reason for Request: _____

Certified List of Property Owners is attached. _____

Pursuant to the requirements of KSA 12-759, the BZA may grant a Variance from the Planning and Zoning Regulations provided that the BZA finds that all of the following conditions have been met. Please respond to the conditions listed below to help the BZA determine whether the conditions can be met [attach additional pages if necessary]:

1. Does the variance requested arise from a condition which is unique to the property in question and which is not ordinarily found in the same zone or district, and which is not created by an action of the property owner or applicant? _____

Explain: _____

2. Will granting the variance adversely affect the rights of adjacent property owners or residents? _____

Explain: _____

3. Will the strict application of the provision of the Zoning and Subdivision Regulations from which the variance is requested constitute unnecessary hardship upon the property owner represented in the application? _____

Explain: _____

4. Will granting the variance adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare? _____

Explain: _____

5. Will granting the variance be opposed to the general intent and spirit of the Zoning and Subdivision Regulations? _____

Explain: _____

Applicant's Signature

Date

Owner's Signature

Date