CITY OF BONNER SPRINGS

BOARD OF ZONING APPEALS APPLICATION

City Staff to complete this section

Case Number: BZA-_____

Date: _____

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

Variance	____	Interpretation of Zoning Map	____
Appeals	____	Interpretation of Zoning Text	____
		Interpretation of Building Codes	____

WHO SHOULD APPLY: The owner, applicant or developer shall submit a Board of Zoning Appeals application for a variance or an appeal.

PRE SUBMITTAL CONFERENCE: A pre submittal conference with the Planning Department is required prior to submittal.

APPLICATION COST: The filing fee is $100.00 + postage ($2.00 per property owner in the 200' radius requirement) + $25.00 for the first Public Hearing Pending sign and $10.00 for each additional sign. The Planning Department will bill the applicant for all publishing costs associated with this request. (See Fact Sheet on back for radius requirement)

REVIEW AND APPROVAL: All applications shall be reviewed by the Board of Zoning Appeals during the Public Hearing. Their decision is final and may only be challenged in District Court.

SUBMITTAL REQUIREMENTS: All Board of Zoning Appeals applications shall address the five conditions listed on the Fact Sheet. If a specific site or development is involved with the request, a site plan, drawn to scale, showing location of buildings, parking and other pertinent data concerning the proposed variance or appeal shall be submitted. Seven (7) full size copies, 24" x 36" maximum, and one (1) 8 ½" x 11" reduced copy must be submitted. An electronic PDF copy of the drawing is required at time of submission. The electronic PDF copy may be emailed to the Planning Director.

Name of Applicant (Print): _____ Phone: _____

Address:_____

FAX: _____ E-mail (optional): _____

Record Property Owner (Print): _____ Phone: _____

Property Address: _____ Zip Code: _____

County: _____ Quarter Section: _____ Section/Township/Range:_____

Variance/Appeal Requested: _____

Legal Description of the Tract (May be attached): _____

_____

Tract Acreage: _____ General Location: _____

Present Use: _____ Existing Zoning: _____

Name of the title/abstract company furnishing 200' radius report of property owners: _____

I HEREBY CERTIFY THAT THE INFORMATION HEREIN SUBMITTED IS COMPLETE, TRUE AND ACCURATE AND THAT I/WE HAVE BEEN NOTIFIED OF THE PROCEDURES AND GUIDELINES FOR A VARIANCE OR AN APPEAL.

SIGNATURE OF APPLICANT: _____ Date: _____

(Please type or print name of applicant): _____

SIGNATURE OF PROPERTY OWNER: _____ Date: _____

(If owner is different than applicant, owner must sign)

(Please type or print name of owner): _____

(By signing this application, you are hereby granting the City authority to post a public notice sign on your property)

DO NOT WRITE BELOW THIS LINE

Date Received: _____ Received By: _____

Total Fee: _____ Receipt #: _____

Board of Zoning Appeals Action (Check One): ☐ Continued ☐ Approved ☐ Denied ☐ Modified

BZA Date: _____

FACT SHEET
BOARD OF ZONING APPEALS APPLICATION

APPLICATION PROCESS

1. The applicant shall provide through a registered bonded abstract company or a licensed title insurance company, a list of property owners and their mailing addresses within a 200' radius of the exterior of the tract. The original, certified copy of this list must accompany the application at the time of filing. The Planning Department will notify the property owners by mail.
2. Each application will require publication of a public hearing notice in a newspaper in the Chieftain newspaper not less than 20 days prior to the public hearing established by the Planning Department. Publication arrangements will be made by the Planning Department and the applicants will be billed for all publication required for the requested action.
3. 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.

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 Planning Department in the enforcement of these regulations.

- 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 as provided in this article, only upon a finding by the Board of Zoning Appeals.

The applicant shall submit written comments on the following five conditions with the application and be prepared to discuss the merits of the application at the public hearing. The Board of Zoning Appeals will only grant a variance if all five 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 found in the same zone or district and has not been created by an action or actions of the property owner;

2. **No Adverse Affects** - The granting of the variance will not adversely affect the rights of adjacent property owners;

3. **Unnecessary Hardship** - The strict application of the provisions of the regulations of which the variance is requested would constitute an unnecessary hardship upon the property owner;

4. **Public Health, Safety and Welfare** - The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare of the public; and

5. **Ordinance Intent** - The granting of the variance desired would not be opposed to the general spirit and intent of the regulations of which a variance is being requested.

No variance may be granted to allow a use of property which is otherwise prohibited by this 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.