

BOARD OF ZONING APPEALS PROCEDURES AND APPLICATION

For

**THE UNINCORPORATED AREA OF
LEAVENWORTH COUNTY, KANSAS**

**A PRE-APPLICATION CONFERENCE IS REQUIRED PRIOR TO
SUBMITTAL OF ANY APPLICATION**

**DEADLINE: All application materials shall be submitted by
application deadline as indicated on the current Planning Commission
Schedule and Deadlines form.**

ALL APPLICATION FEES ARE NON-REFUNDABLE

For more information contact:
Leavenworth County Department of Planning and Zoning
300 Walnut, Suite 212
Leavenworth, Kansas 66048
pz@leavenworthcounty.gov
913-684-0465

BOARD OF ZONING APPEALS (BZA) PROCEDURES

APPLICANT RESPONSIBILITIES: Omission of any of the following items may delay the review and processing of the application.

- A. A complete application form. (Attachment A + Narrative)
- B. A copy of the current recorded deed of the property.
- C. Payment of filing fee. Make checks payable to Leavenworth County Planning and Zoning Department.
- D. Letter of Owner Authorization (if applicable). (Attachment B)
- E. A narrative statement of the applicant's reasons for requesting the variance, or appeal; including the necessary hardship that will be imposed upon the applicant if the regulations are strictly enforced. (Attachment C – create narrative form)
- F. Applicant or applicant's representative **MUST** attend the Board of Zoning Appeals Hearing.

FOR ADDITIONAL REQUIREMENTS, PLEASE REFER TO THE *LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS* WHICH INCLUDES THE FOLLOWING ARTICLES APPLICABLE TO BZA APPLICATIONS:

- 1. Article 28 - Board of Zoning Appeals (BZA)
- 2. Any other applicable Regulations.

DEADLINE: See BZA Schedule and Deadline form.

PLANNING DEPARTMENT PROCEDURES

Public Hearing: The Planning and Zoning Department will schedule a hearing before the Board of Zoning Appeals (BZA), which is responsible for hearing an appeal or variance request.

Posting of Sign: The Planning and Zoning Department will post the sign on the property prior to the date of the Public Hearing.

Newspaper Publication: The Planning and Zoning Department will publish the Legal Notice of the Public Hearing 20 days prior to the date of Public Hearing.

BOARD OF ZONING APPEALS APPLICATION

Leavenworth County Planning and Zoning
300 Walnut, Suite 212
Leavenworth, Kansas 66048
913-684-0465

Office Use Only

Case No. _____
PID: _____
Township _____
BZA Hearing Date _____
ACTION _____ Date Received _____ Date Paid _____
Zoning District _____
Comprehensive Plan land use designation _____

APPLICANT/AGENT INFORMATION

OWNER INFORMATION (If different)

NAME _____
ADDRESS _____
CITY/ST/ZIP _____

PHONE _____
EMAIL _____

NAME _____
ADDRESS _____
CITY/ST/ZIP _____

PHONE _____
EMAIL _____

GENERAL INFORMATION

Description of Appeal or Variance – Attach narrative addressing the Factor to be Considered (last page of application packet) to this application.

PROPERTY INFORMATION

Address of Property _____
Parcel size _____
Present improvements or structures _____
Current use of the property? _____

I, the undersigned, am the *(circle one) owner/authorized agent*, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for an appeal/variance as indicated above.

Signature _____ Date _____

ATTACHMENT A

OWNER AUTHORIZATION

I/WE _____, hereinafter referred to as the "Undersigned", being of lawful age, do hereby on this ____ day of _____, 20 ____, make the following statements, to wit:

- 1. I/We the Undersigned, on the date first above written, am the lawful owner(s) in fee simple absolute of the following described real property (insert or attach):
- 2. I/We, the Undersigned, have previously authorized and hereby authorize _____ (hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning and Zoning Department of Leavenworth County, Kansas, for:

application number and proposed use/purpose [*not available until submittal*]

at:

common address (situs)

upon the subject real property, or portions thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the pertinent application process.

- 3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I/We the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- 4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I/WE the Undersigned, have set my hand below.

Owner

Owner

STATE OF KANSAS (
 (\$
COUNTY OF LEAVENWORTH (
)

The foregoing instrument was acknowledged before me on _____, 20____, by

My Commission Expires:

Notary Public

ATTACHMENT B

Written Narrative Requirements

Written Narrative Description: A written narrative description of the proposed variance must be submitted that addresses:

FACTORS TO BE CONSIDERED

A request for a variance may be granted in such individual cases, upon finding that all the following conditions have been met (KS Statutes 12-759).

- (A) That 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 the applicant;
- (B) That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- (C) That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- (D) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;
- (E) That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

ATTACHMENT C