I. Call the meeting to order

II. Approve Minutes from 1/18/17 Meeting

III. BZA 2017-01 – 5149 Buena Vista, Side Yard Setback
   A. Open Hearing – Staff Report, Applicant Presentation, Open Public Comments
   B. Close Public Hearing
   C. Board Deliberation
   D. Vote of the Board

IV. BZA 2017-02 – 5149 Buena Vista, Front Yard Setback
   A. Open Hearing – Staff Report, Applicant Presentation, Open Public Comments
   B. Close Public Hearing
   C. Board Deliberation
   D. Vote of the Board

V. Discuss BZA Board By-Laws

VI. Adjourn
I. Call the meeting to order
   • Board members Madigan, Craig and Christianson were present. Board members Gleason and Mike Baugher were absent.
   • Chairman Madigan recognized the new BZA member Courtney Craig. The City Attorney, Building Official and Assistant City Administrator introduced themselves to the new board member.

II. Ethics Policy and Signature Forms
   • Ms. Jones-Lacy explained the ethics policy was something we typically ask for board members signatures annually. It was noted that the BZA was overlooked in the past but we would like to correct this moving forward.

III. Consideration of By-Laws
   • Mr. Jacobson explained that many communities have by-laws as general guidelines for proceedings. He suggested not getting too detailed in the bylaws so that the Board is not cornered by its rules.
   • Mr. Christianson said he would like to hear more about the BZA’s duties. Mr. Jacobson pointed to the information in the packet that included procedures for the BZA and the duties as prescribed by the city code.
   • Mr. Christianson said having a builder on the Board was really helpful. Mr. Jacobson said he would suggest the next time there is an opening to let the Mayor know that.
   • Mr. Madigan suggested during the next fee resolution that the City remove the “free” months of applications for the BZA. The other two Board members agreed.
   • Mr. Christianson said there is a lot of ambiguity in the variance criteria and he stressed the importance of pictures and diagrams. Mr. Jacobson said he would ensure that those would be included with every application.
   • Mr. Madigan requested that we post meeting minutes online. Ms. Jones-Lacy stated that we are working with our contractor to retroactively create minutes from the recordings posted in 2016. Once those are finished we will get them approved by the Board and posted to the City website. We can also post minutes as “draft”.
   • Mr. Jacobson stated that he included some sample bylaws for other communities that had BZA guidelines. Mr. Jacobson suggested that the
Board members draft some ideas of what they would like to include in by-laws and email them to him.

- Mr. Madigan asked if Mr. Jacobson would follow up on variance requests and if that were appropriate. Mr. Jacobson said he would do so as time permitted to ensure compliance.

IV. Adjourn Meeting

- Mr. Madigan motioned to adjourn, seconded by Ms. Craig. All ayes, the motion carried.
Kiley Darden, the architect hired by homeowners Toby and JoAnna Rush submitted two applications for variances on behalf of the owners. The Rush family is planning to demolish two smaller homes on the east side of Buena Vista and build one larger single-family residence. They are seeking a variance for the side yard and front yard setbacks as they are building over two lots.

2017-01 – Side-Yard Setback

The applicant is seeking relief from Section 16-407(b) of the City Code regarding the required side yard setback of 20% of the lot width by four feet.
Codified Requirements:

Sec. 16-407. - Single-Family Residence District; Dimensions

- (b) Side yard setbacks: No residence (including attached or semi-attached garages and porches, enclosed or unenclosed) shall be located within five feet of either side of the lot, tract or parcel of land upon which it is erected; nor shall any residence, including the above enumerated appurtenances, occupy more than 80 percent of the width of the lot, tract, or parcel of land upon which it is erected, measured along the front set-back line. In addition, if the side yard abuts on a street or highway, no residence (including attached or semi attached garages and porches, enclosed or unenclosed) shall be located within 20 feet of the street or highway right-of-way line. A minimum distance of ten feet shall be provided and maintained between the residence and any building located upon adjacent premises.

The applicant application is attached. Staff have no issue with this request. Considering there are two lots, we do not believe approving this request would cause an undue burden for neighboring property owners.

2017-02 – Front Yard Setback

The applicant is also seeking relief from Section 16-407(a) and 16-425(a) as the basement will extend 7 feet beyond the front of the proposed residence to accommodate a sport court in the basement. Because this addition will project into the front-yard setback, per 16-425, it requires approval of the BZA.

Sec. 16-407. - Single-Family Residence District; Dimensions.

The minimum dimensions of yards and setbacks, and the minimum lot frontage, area and distance between adjacent buildings and appurtenances thereto for each building, and the maximum height of structures, shall be as follows:

(a) Front yard setback: There shall be a setback line of not less than 35 feet from the front line of each lot, tract or parcel where the street or streets or highways upon which the same fronts is 50 feet or less in width, and upon streets or highways exceeding 50 feet in width there shall be a setback line of not less than 30 feet from the front line of the lot.

Sec. 16-425. - Yard Exceptions—Required Yards.

(a) Every part of a required yard shall be open from its lowest point to the sky unobstructed except for the ordinary projection of sills, belt courses, cornices, chimneys buttresses, ornamental features and eaves; provided however, that none of the above projections shall extend into a court more than six inches nor into a minimum yard more than 30 inches.

Staff also recommends approval of this request.
The City of Roeland Park, Kansas

APPLICATION FOR VARIANCE

Ordinance and Application Form
Application for Variance, Section 16-335.

Fee: $100. (Free for residents/home owners in April and August) Proof of residency required.

Applicant NSPJ Architects, Kiley Darden Phone (913) 831-1415

Address 3515 West 75th Street, Suite 201  
Prairie Village, KS 66208

If different from above:  
Property Owner: Toby and JoAnna Rush Phone (913) 579-2486

Address: 5149 Buena Vista  
Roeland Park, KS 66205

Location of Property: Subdivision Clarkhurst Lot 13 & 14 Block 5 & 6  
Section of the zoning regulations for which variance is sought: Section 16-407(b) Side yard Setbacks

Present use of property: Single family residential

Description of requested variance(s): A 4-foot reduction in the required 20% sideyard setback due to the fact that the property is a wider than average lot which would require a much larger setback than neighboring properties if the zoning ordinance is strictly adhered to.

(The application shall be accompanied by a sketch map showing proposed and existing structures and uses of the property and of immediately adjacent properties.)

Reasons for requested variance(s): Maintain more uniform sideyards with neighboring properties.

Utility lines or easements that would restrict proposed development: n/a

Adjacent zoning and land use:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>South</td>
<td>Single Family Residential</td>
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<tr>
<td>East</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>West</td>
<td>Single Family Residential</td>
</tr>
</tbody>
</table>

I acknowledge receipt of the variance criteria and that the above information is true and accurate.

Applicant signature: [Signature] Date: 3/29/17

Fee Paid $ Date Received by: 

Date of Publication: Date of Public Hearing: 

Date Proof of Ownership and/or Authorization of Agent affidavit(s) submitted: 

Written comments from City Engineer submitted: 

Surrounding Property Owners Notified: Planning Commission/BZA Notified: 

Revision date: 9/15/00
Mr. and Mrs. Rush
5149 Buena Vista
Roeland Park, Kansas 66205

To the Roeland Park Board of Zoning Appeals:

Mr. and Mrs. Rush are requesting to appear at the next regularly scheduled meeting of the City of Roeland Park Board of Zoning Appeals to request a variance regarding the side setback for a new residence at 5149 Buena Vista Street. The request is for a 4’ reduction in the required total setback due to the fact that this is a wider than average lot. Since the required side setbacks are based on a percentage of the width of the lot, the side yards would be disproportionately larger than the side yards for the neighboring properties. The section of the Zoning Regulations from which our variance is requested is 16-407(b).

The responses to each of the five (5) conditions required by Section 16-335 are as follows:

1. **Uniqueness**: That the variance requested arises from such condition which is unique to the property in question and 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;
   
   **Response**: The property in question is a wider lot than is ordinarily found in the same zone. The width of the property is 112 feet. There are no other lots of this width within 200 feet of the subject lot. Zoning Regulation 16-407b would require a combined setback of 22 feet 5 inches total, which is over 72% greater than the average setback of neighboring properties of 13 feet (based on a 65 foot lot width).

2. **Adjacent Property**: That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;
   
   **Response**: The proposed side setbacks will not adversely affect the rights of the adjacent property owners because the existing setbacks will remain substantially the same or be greater than the existing setbacks. The side setback adjacent to 5139 Buena Vista is currently 5 foot 6 inches. The proposed setback adjacent to 5139 Buena Vista is 13 foot 5 inches. The side setback adjacent to 5151 Buena Vista is currently 10 foot 6 inches. The proposed setback adjacent to 5151 Buena Vista is 5 feet. However, 18 feet of 5149 Buena Vista was transferred to 5151 Buena Vista increasing the overall distance between structures by 18 feet.
3. **Hardship**: That the strict application of the provisions of the Zoning Regulations which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

Response: **The strict application of Zoning Regulation 16-407(b) will cause unnecessary hardship upon the property owner by requiring a disproportionately large side setback as compared to neighboring properties.**

4. **Public Interest**: That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;

Response: **The granting of the variance will not cause adverse effects to the public in any way. On the contrary, the variance and the planned property improvements in general, will likely bring the benefit of notable property value increase to the surrounding property owners and community at large.**

5. **Spirit and Intent**: That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Regulations.

Response: **It is believed that the proposed variance would not be in opposition to the general spirit and intent of the Zoning Regulations. Side setbacks would be the same or greater than existing side setbacks of residences in the same zone, maintaining the open space between structures as established in this zone.**

**We appreciate your consideration of this variance proposal and look forward to discussing this matter in person at the next meeting of the Roeland Park Board of Zoning Appeals.**
Application for Variance, Section 16-335.

Fee: $100. (Free for residents/home owners in April and August) Proof of residency required.

Applicant: NSPJ Architects, Kiley Darden
Phone: (913) 831-1415

Address: 3515 West 75th Street, Suite 201
Prairie Village, KS 66208

If different from above:
Property Owner: Toby and JoAnna Rush
Address: 5149 Buena Vista
Roeland Park, KS 66205
Phone: (913) 579-2486

Location of Property: Subdivision: Clarkhurst Lot 13 & 14 Block 5 & 6
Section of the zoning regulations for which variance is sought: Section 16-407(a) & 16-425(a)

Present use of property: Single family residential

Description of requested variance(s): It is requested for a portion of the basement to extend 7 feet 0 inches beyond the front of the proposed residence. The extension would be entirely underground and would not be able to be seen. See attached site plan which indicates the size and location of the underground extension.

(The application shall be accompanied by a sketch map showing proposed and existing structures and uses of the property and of immediately adjacent properties.)

Reasons for requested variance(s): To better accommodate a sport court in the basement.

Utility lines or easements that would restrict proposed development: n/a

Adjacent zoning and land use:

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<td>Single Family Residential</td>
</tr>
</tbody>
</table>

I acknowledge receipt of the variance criteria and that the above information is true and accurate.

Applicant signature: [Signature]
Date: 3-31-17

Fee Paid $ ______ Date ______ Received by: ________
Date of Publication: ______ Date of Public Hearing: ______
Date Proof of Ownership and/or Authorization of Agent affidavit(s) submitted: ______
Written comments from City Engineer submitted: ______
Surrounding Property Owners Notified ______ Planning Commission/BZA Notified ______
ARTICLE 15. BOARD OF ZONING APPEALS

Sec. 16-1501. Board of Zoning Appeals Created.

There is hereby created a Board of Zoning Appeals for the City of Roeland Park in accordance with the provisions of the Kansas Statutes Annotated. The word "board" when used in this article shall be construed to mean the Board of Zoning Appeals.

Sec. 16-1502. Composition of Board.

The board shall consist of five residents of the City to be appointed by the Mayor by and with the consent of the City Council. The term of office of the members of the board shall be for three years excepting that the five members first appointed shall serve respectively for terms of one for one year; two for two years; and two for three years. The presence of three members of the board shall constitute a quorum for the transaction of business, provided, however, that the concurring vote of three members of the board shall be necessary to effect a ruling in favor of an appellant or applicant.

Sec. 16-1503. Chairperson; Removal or Members.

The board shall elect the chairperson who shall serve or until a successor is elected. The board may adopt reasonable regulations for the conduct of its affairs. Board members may be removed for cause by a majority vote of the Governing Body.

Sec. 16-1504. Powers and Duties.

The board shall operate and have those powers and duties as set forth herein or in applicable provisions of the Kansas Statutes Annotated.

Sec. 16-1505. Fees.

When an application is filed with the board pursuant to its rules there shall accompany each application a fee in an amount established by resolution of the Governing Body.

Sec. 16-1506. Appeals to The Board of Zoning Appeals.

(a) Appeals may be taken by any person aggrieved, or by any officer of the City or any government body or agency affected by any order, requirement, decision, or determination made by any administrative official of the City in the enforcement of Chapter XVI, or of any ordinance adopted pursuant thereto.

(b) No appeal, pursuant to this section, shall be heard by the board until the individual appealing the order, requirement, decision or determination has met with the administrative official who made the determination to receive a full explanation of the zoning requirements in question as currently interpreted. No notice of appeal shall be processed until it has been deemed complete by the Building Inspector, the fee paid, and all required additional information submitted.
(c) The appeal shall be taken within a reasonable time as provided by the rules of the board. An appeal shall be initiated by filing with the person whose decision is being appealed and with the board a notice of appeal specifying the decision being appealed from and a statement as to the reason of the appeal. The notice must be accompanied by the fee set by the Governing Body, pursuant to section 16-1505. The Building Inspector or the board may require that drawings or photos of the property in question and a list of all surrounding property owners be submitted to the board prior to consideration of the appeal by the board.

(d) When all requirements established in subsections (b) and (c) have been complied with, the Building Inspector shall notify the chairman and the chairman shall schedule a meeting of the board and shall send copies of the notice to the board members. At least twenty days prior to the board meeting, an official notice to the public shall be published in the official City newspaper explaining the appeal and the time and place of the scheduled hearing. A copy of the notice shall be mailed to each party to the appeal and to the Planning Commission. At the hearing, any party may appear in person or by an agent or by an attorney.

(e) An appeal stays all proceedings and furtherance of action appealed from unless the Building Inspector certifies to the board, after the notice of appeal has been filed, that, by reason of facts stated in the notice, a stay would cause imminent peril to life or property.

(f) At its next meeting, the board shall hear all facts and testimony from all parties wishing to be heard concerning the appeal. The appeal shall be heard by the board at the next meeting following compliance with the requirements established in subsections (b), (c) and (d).

(g) In its deliberations, the board must only consider whether or not the interpretation in question conformed to the specific language of the ordinance being enforced. The board may not declare the zoning regulations unfair or attempt to act contrary to their purpose. The board may clarify ambiguities or resolve conflicts between opposing sections. Since the board's decisions will affect future application of the regulation in question, the specific hardship of the applicant should not be considered when reaching a determination on an appeal filed pursuant to this section.

(h) The board may either affirm, reverse, or modify the order, requirement or interpretation at issue. If the decision of the board is not made at the meeting where the hearing was held, a written decision, shall be mailed to affected parties.

Sec. 16-1507. Variances.

(a) When an applicant feels that the strict application of the requirements of the zoning regulations have created an undue hardship, the applicant may request a variance from the board.

(b) A variance should be issued only to the specific restrictions on physical construction; not to permissible land uses within a given district, and only if it reasonably constitutes the minimum variance necessary and the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.
(c) To initiate a request for a variance the applicant or his authorized agent shall submit a completed application on the form provided by the City to the building inspector and pay the appropriate fee as set forth in section 16-1505. The application shall be accompanied by a sketch map showing proposed and existing structures and uses of the property for which the variance is being requested and of immediately adjacent properties. The Building Inspector may require applicant to submit photos of the subject property. No application shall be processed until it has been deemed completed by the Building Inspector, the fee paid and all additional information submitted.

(d) When all requirements established in subsections (b) and (c) have been complied with, the Building Inspector shall notify the chairman, and the chairman shall schedule a regular meeting of the board and send to the board members copies of the application and all additional information submitted. At least 20 days prior to the board meeting, an official notice to the public shall be published in the official City newspaper explaining the variance request and the time and place of the scheduled hearing, and a copy of the notice shall be mailed to the applicant, the Planning Commission, and to all owners of record of lands located within 100 feet of the property which is the subject of the application for variance. The form of the notice and the procedure for providing the notice shall be in accordance with subsection (a).

(e) At the scheduled meeting of the board, it shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the board shall not grant a variance unless by a vote of three members of the board finds, based upon the evidence presented, facts which conclusively support all the following findings.

1. **Uniqueness.** The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by the action of the property owners or applicant. These conditions include the particular physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

2. **Adjacent property.** The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents

3. **Hardship.** The strict application of the provisions of the zoning regulations from which a variance is requested will constitute unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.

4. **Public interest.** The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.
(5) *Spirit and intent.* Granting the request for variance should not be opposed to the general spirit and intent of the zoning regulations.

(f) The board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the board, decisions of the board and the vote upon each question. Records of all official actions of the board shall be filed in City hall and shall be public record.

(g) The board may either grant, grant conditionally, or deny the application for a variance. If the decision of the board is not made at the meeting at which the hearing was held, a written decision shall be sent to affected parties and the Planning Commission.

Sec. 16-1508. Appeals From Board of Zoning Appeals.

Any person or an official of a government agency dissatisfied with any order or determination of the board may bring an action to determine the reasonableness of any order or determination within thirty days after the making of the order or determination, in the District Court of Johnson County, Kansas.

ARTICLE 16. ADMINISTRATION AND ENFORCEMENT

DIVISION I. 47th AND MISSION ROAD AREA DEVELOPMENT AND MANAGEMENT COMMITTEE

Sec. 16-1601. 47th and Mission Road Area Development and Management Committee Established.

The 47th and Mission Road Area Development and Management Committee ("committee") is hereby established, effective upon the passage of a similar ordinance by the City of Westwood, Kansas, and the Unified Government of Wyandotte County/Kansas City, Kansas. The committee is established for the following purposes:

(1) Implement the objectives of 47th and Mission Road Area Concept Plan (Concept Plan), as adopted and amended by the City;

(2) Review the development applications within the 47th and Mission Road area, as authorized by the City through ordinances;

(3) Make recommendations as to whether development applications are in compliance with the concept plan and all ordinances adopted by the City to implement the concept plan;

(4) Coordinate efforts for cooperation among the City of Roeland Park, Kansas, the City of Westwood, Kansas, and the Unified Government of Wyandotte County/Kansas City, Kansas, in planning and construction of public improvements within the 47th and Mission Road area to ensure that public improvements are in compliance with the
**BZA Procedures Overview**

1. "Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine." - *(Kansas Statutes, Chapter 12: Cities And Municipalities, Article 7: Planning And Zoning)*

2. "The board shall appoint a secretary who may be an officer or an employee of the city." - *(Kansas Statutes, Chapter 12: Cities And Municipalities, Article 7: Planning And Zoning)*

3. "The Board shall elect the chairperson who shall serve or until a successor is elected. The Board may adopt reasonable regulations for the conduct of its affairs. Board members may be removed for cause by a majority vote of the Governing Body." - *(Chapter XVI, Article 15. – Sec. 16-1503)*

4. "No appeal, pursuant to this section, shall be heard by the board until the individual appealing the order, requirement, decision or determination has met with the administrative official who made the determination to receive a full explanation of the zoning requirements in question as currently interpreted. No notice of appeal shall be processed until it has been deemed complete by the Building Inspector, the fee paid, and all required additional information submitted." - *(Chapter XVI, Article 15. – Sec. 16-1506(b))*

5. "To initiate a request for a variance the applicant or his authorized agent shall submit a completed application on the form provided by the City to the building inspector and pay the appropriate fee as set forth in section 16-1505. The application shall be accompanied by a sketch map showing proposed and existing structures and uses of the property for which the variance is being requested and of immediately adjacent properties. The Building Inspector may require applicant to submit photos of the subject property. No application shall be processed until it has been deemed completed by the Building Inspector, the fee paid and all additional information submitted." - *(Chapter XVI, Article 15. – Sec. 16-1507(c))*

6. "When all requirements established in subsections (b) and (c) have been complied with, the Building Inspector shall notify the chairman, and the chairman shall schedule a regular meeting of the Board and send to the Board..."
members copies of the application and all additional information submitted.” – (Chapter XVI, Article 15. – Sec. 16-1507(d))

This will be accomplished in a timely manner. Extensive information may take a bit longer to get out BUT we will make every effort to get it out quickly.

7. “At least 20 days prior to the Board meeting, an official notice to the public shall be published in the official City newspaper explaining the variance request and the time and place of the scheduled hearing, and a copy of the notice shall be mailed to the applicant, the Planning Commission, and to all owners of record of lands located within 100 feet of the property which is the subject of the application for variance.” - (Chapter XVI, Article 15. – Sec. 16-1507(d))

8. “The Board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board and the vote upon each question. Records of all official actions of the Board shall be filed in City Hall and shall be public record.” - (Chapter XVI, Article 15. – Sec. 16-1507(f))

Are decisions forwarded to the Planning Commission as well?
The board may either grant, grant conditionally, or deny the application for a variance. If the decision of the board is not made at the meeting at which the hearing was held, a written decision shall be sent to affected parties and the Planning Commission. (16-1507(g))

PRIMARY BZA AUTHORITY IS TAKEN FROM KSA 12-759

When deemed necessary by the board of zoning appeals, the board may grant variances and exceptions from the zoning regulations on the basis and in the manner hereinafter provided.

(c) The board of zoning appeals shall administer the details of appeals from or other matters referred to it regarding the application of the zoning ordinance or resolution as hereinafter provided. The board shall fix a reasonable time for the hearing of an appeal or any other matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official city newspaper in the case of a city and in the official county newspaper in the case of a county at least 20 days prior to the date fixed for hearing. A copy of the notice shall be mailed to each party to the appeal and to the appropriate planning commission.

(d) Appeals to the board of zoning appeals may be taken by any person aggrieved, or by any officer of the city, county or any governmental agency or body affected by any decision of the officer administering the provisions of the zoning ordinance or resolution. Such appeal shall be taken within a reasonable time as provided by the rules of the board, by filing a notice of appeal specifying the grounds thereof and the payment of the fee required therefor. The officer from whom the appeal is taken, when notified by the board or its agent, shall transmit to the board all the papers constituting the record upon which the action appealed from was
taken. The board shall have power to hear and decide appeals where it is alleged there is
error in any order, requirement, decision or determination made by an administrative official
in the enforcement of the zoning ordinance or resolution. In exercising the foregoing powers,
the board, in conformity with the provisions of this act, may reverse or affirm, wholly or
partly, or may modify the order, requirement, decision, or determination, and to that end
shall have all the powers of the officer from whom the appeal is taken, may attach
appropriate conditions, and may issue or direct the issuance of a permit.

**Taken from sub section (e) Such variance shall not permit any use not permitted by the
zoning regulations in such district.
**Possible By-laws for Roeland Park BZA by Tom Madigan**

**Officers**

A Board member when he/she knows he/she will be absent from a meeting shall notify the Secretary at least twenty four (24) hours prior to the meeting.

In the absence of the Chair the assembled members shall elect one member to be acting Chair for that meeting.

**Meetings**

The Chair of the Board of Zoning Appeals may establish, from time to time, reasonable limitations on the length of testimony, and shall have the power to rule on objections and other points of order raised by a board member, an applicant, or member of the public hearing. The Chair shall have the authority to Rule Out Of Order testimony that is not factual, based upon supposition or hearsay.

The BZA will hold an organizational meeting annually in January to review By-laws, other related zoning issues and all members sign a copy of Charter Ordinance 29. During the organizational meeting no business will be conducted.

The conduct of business at all regular meetings of the Board shall follow Robert’s Rules of Order; Simplified Procedures.

The board may adjourn a regular meeting of all applications or appeals that cannot be disposed of on the day set.

Members shall be responsible to determine whether they have a conflict of interest and otherwise act in accordance with Roeland Park, Kansas Charter Ordinance Number 29.

There shall be a timely notice of the regular BZA meetings and all pertinent information posted on the City Web site, and any other appropriate site, to notify all residents of Roeland Park.

**Procedure for hearing cases**

During the Open meeting portion of the hearing; The Building Inspector or his/her designee shall make a staff report followed by the applicant or agent’s statement. The Chair shall then hear from any citizen in favor of the application, followed by any citizen opposed to the application. The Chair shall also accept written statements and other documentation pertinent to the matter. The applicant shall be given an opportunity for final rebuttal.

All votes shall be "yes" or "no" by voice, with a taped record and written minutes kept of each session. Abstentions shall not be allowed, but members may disqualify themselves for cause, in accordance with Roeland Park, Kansas Charter Ordinance 29.
All hearings before the Board of Zoning Appeals shall be open to the public. The Board may, however, adjourn a hearing from time to time, and may meet in closed session to debate the record created at the public hearing.

No cross-examination of speakers testifying shall be permitted, except by members of the BZA, without permission of the chair.

Due to the infrequency of the Board meetings Draft Minutes will be prepared and forwarded to each attending member to review within ___ (___) days of the last meeting.

Requirements for Applicants

1. Obtain an Accurate Legal Description of the Property.

2. Make a scale drawing of your property; usually you may use the recorded subdivision plat or your survey for this purpose.

3. A Variance Fee shall be submitted with each variance application.

4. Complete the necessary applications on forms provided by the Building Inspector.

5. The applicant shall mail a copy of said publication notice by U.S. Mail, certified, return receipt requested and prepaid or a copy of the signature and date of signature of all land owners that were personally notified, to each owner of record of land within a distance of two hundred (200) feet of the perimeter of such proposed change, at least ___ (___) days prior to said hearing; sufficient copies of said notice for such purpose to be provided by the City Clerk. Proof of receipt of said notices shall be included in the member's packet on the day of the hearing.

6. Make an appointment with the Building Inspector to review your scale drawing. If possible, bring photos that clarify the need for your variance or exception.

7. Write a Statement of Purpose that explains the need for your variance or exception. Explain or clarify any extenuating circumstances that would help the Board of Zoning Appeals to understand the request.

Amendments

These by-laws may be amended from time to time as deemed necessary by an affirmative vote of a majority of those present at any meeting at which a quorum is present.