

# The City of Roeland Park, Kansas



## APPLICATION FOR VARIANCE

### Ordinance and Application Form



City of Roeland Park  
4600 West 51<sup>st</sup> Street  
Roeland Park, KS 66205  
Ph: 913-722-2600 Fax: 913-722-3713

To be filled in by City:  
Date filed: \_\_\_\_\_  
Case no.: \_\_\_\_\_

**Application for Variance, Section 16-1507.**

Fee: \$100. *Proof of residency required.*

Applicant \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

Property owner (if different than applicant): \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email: \_\_\_\_\_

Location of Property : Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Section of the zoning regulations for which variance is sought: \_\_\_\_\_

Present use of property: \_\_\_\_\_

Description of requested variance(s) \_\_\_\_\_

*(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) \_\_\_\_\_

Utility lines or easements that would restrict proposed development \_\_\_\_\_

Adjacent zoning and land use:

	Land Use	Zoning
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

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

Applicant signature: \_\_\_\_\_ Date: \_\_\_\_\_

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 _____	

## **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.