



CITY OF ST. MARYS, KANSAS

APPLICATION FOR BOARD OF ZONING APPEALS

Please print or type

APPLICATION IS MADE FOR:

- APPEAL** FROM A DECISION OF THE CODE ENFORCEMENT OFFICER, ZONING ADMINISTRATOR, OR OTHER CITY STAFF, IN THE ENFORCEMENT OF THE UNIFIED DEVELOPMENT CODE.
- VARIANCE** FROM SPECIFIC SECTION(S) OF THE UNIFIED DEVELOPMENT CODE.

LEGAL DESCRIPTION: _____

LOCATION OR ADDRESS OF SUBJECT PROPERTY: _____

ZONING ON SUBJECT PROPERTY: _____ CURRENT LAND USE: _____

REQUEST: (CITE SPECIFIC SECTION, BY SECTION AND SUBSECTION, OF THE UNIFIED DEVELOPMENT CODE FROM WHICH VARIANCE IS BEING REQUESTED.)

PROPERTY OWNER'S NAME: _____ PHONE: _____

COMPANY: _____ FAX: _____

MAILING ADDRESS: _____

STREET CITY STATE ZIP

APPLICANT/AGENT'S NAME: _____ PHONE: _____

COMPANY: _____ FAX: _____

MAILING ADDRESS: _____

STREET CITY STATE ZIP

CASE No. BZA- _____ (Staff Use Only)

SIGNATURE OF OWNER OR AGENT: _____

NOTE: If not signed by owner, authorization of agent must accompany this application.

FEE: _____ REC'D BY: _____

DATE PAID: _____

SUBMISSION REQUIREMENTS FOR A VARIANCE
(Attach additional sheets if necessary.)

1. Does the request arise from a condition, which is unique to the property in question, 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?

Explain: _____

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

Explain: _____

3. Will strict application of the provisions of this ordinance constitute unnecessary hardship upon the property owner represented in the application?

Explain: _____

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

Explain: _____

5. Will the variance be opposed to the general spirit and intent of this ordinance?

Explain: _____

Attach a list of names and addresses of all owners of land within the notification area two hundred [200] feet within the city limits; one thousand [1,000] feet in the unincorporated area) of the subject property.

Prepared by: _____ Date: _____

It is the applicant's responsibility to demonstrate that **all** of these conditions have been met at the time of application. Applicants are encouraged to submit any materials that will support their case, including sketch plans, photographs, studies, letters of support, etc.

CITY OF ST. MARYS, KANSAS

BOARD OF ZONING APPEALS INSTRUCTIONS

CERTIFIED LETTERS: The applicant will be responsible for mailing notices (see attached form letter) of the public hearing for the requested appeal or variance by certified mail, return receipt requested to all owners of land within the notification area: two hundred [200] feet within the city limits; one thousand [1,000] feet in the unincorporated area of the subject property. These notices must be sent a minimum of twenty (20) days prior to the public hearing. Information regarding ownership of the land within the notification area can be obtained from the Register of Deeds Office in the County Courthouse, or through a title insurance company (preferred method). A list of property owners within the notification area must be submitted with the application.

AFFIDAVIT OF COMPLIANCE: An affidavit (see attached form) concerning the mailing of property owner notification letters must be returned to the City Clerk Office by the Monday preceding the Board of Zoning Appeals meeting.

BOARD OF ZONING APPEALS REVIEW AND DECISION: The St. Marys Board of Zoning Appeals meets in the City Hall. The agenda and staff reports will be available the Thursday preceding the Board of Zoning meeting. The chairperson will open the public hearing for each case to hear presentations by the city staff, the owner or authorized agent, and the audience, respectively. After everyone has had the opportunity to speak, the Board of Zoning Appeals will close or continue the public hearing to a later date.

In hearing an appeal, the Board is asked to make a judgment regarding a city official's interpretation of the Zoning Ordinance. The Board may reverse or affirm the official's decision in whole or in part.

In hearing a variance, the Board must decide whether the request meets *all* five of the following criteria:

1. That the variance requested arises from a condition which is unique to the property in question, is not ordinarily found in the same zone or district, and is not created by the action or actions of the property owner or the applicant; and
2. That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents; and
3. That the strict application of the provisions of the ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application; and
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 this ordinance.

NOTE: Decisions of the Board may be appealed to the District Court within thirty (30) days of the action.

PROPERTY OWNER NOTIFICATION LETTER

Dear Property Owner:

This is to notify you that a public hearing will be held at the St. Marys City Hall, 200 South Seventh St. Marys, Kansas, to consider an appeal of or variance from the following section(s) of the Unified Development Code:

Section: _____

The appeal/variance relates to the following described tract of land:

General Location: _____

Legal Description: _____

A public hearing will be held to consider an appeal or variance regarding the above described tract at 7:00 PM on _____, 20___. Any interested persons or property owners are invited to attend. Information regarding this request is available from the Zoning Office at City Hall (phone 785-437-2311).

Respectfully,

Zoning Administrator

CITY OF ST. MARYS, KANSAS

BZA Case No. _____

PROPERTY OWNER NOTIFICATION AFFIDAVIT

I, _____ of lawful age being first duly sworn upon oath, state:

That I am the _____ (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Board of Zoning Appeals, mail certified notice to all persons owning property within the notification area two hundred (200) feet in the City of St. Marys; of the subject property, in compliance with the Unified Development Code. These notices were mailed on the _____ day of _____ 20____.

Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this ____ day of _____ 20____

Notary Public

My Commission Expires:
