

CITY OF FAIRWAY, KANSAS
5240 Belinder, Fairway, KS 66205
(913) 262-0350

FEE: \$150.00
non-refundable
Date Paid / /
Receipt#

BOARD OF ZONING APPEALS APPLICATION
___ VARIANCE ___ APPEAL OF AN ADMINISTRATIVE DECISION
(Additional sheets may be attached as needed)

ADDRESS OF SITE: _____

APPLICANT: _____ PHONE: _____

EMAIL ADDRESS: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

OWNER OF PROPERTY: _____ PHONE: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

LEGAL DESCRIPTION: _____

TYPE OF VARIANCE REQUESTED:

ORDINANCE REQUIREMENT: _____

YOUR REQUEST: _____

APPEAL OF AN ADMINISTRATIVE DECISION:

CODE SECTION: _____

NATURE OF APPEAL: _____

SIGNATURE: _____ DATE: _____

PRINT: _____

PROPERTY OWNER OR AUTHORIZED REPRESENTATIVE

The applicant expressly acknowledges that all development must occur in compliance with the approved site plan and all pertinent City of Fairway Municipal Codes.

The City of Fairway has adopted Zoning Regulations which regulate the use of land within the City of Fairway. All property in the City has been classified within one of the zoning districts for which requirements have been established in the Zoning Regulations. The Zoning Regulations specify what uses of land are allowed within each zoning district, and establish standards for the placement of structures, accessory use, lot sizes, yards, fences, sign, off-street parking and other requirements. The Board of Zoning Appeals hears requests for variances to deviate from the Zoning Regulations, exceptions provided for by the Zoning Regulations, and appeals of administrative decisions.

1. SCHEDULE:

Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine.

2. PUBLICATION OF NOTICE:

The applicant must provide to the City Clerk’s Office a legal description and address of the property at least **thirty (30) days** before the Board of Zoning Appeals meeting. The City Ordinance requires that a legal notice be published one time in the official City newspaper at least **twenty (20) days** prior to the date the Board of Zoning Appeals will hold a public hearing on the application. The City will prepare, place, and pay for the first Notice of Public Hearing in the newspaper. If a second Notice of Public Hearing is required, the applicant must assume all cost.

3. NOTIFICATION OF SURROUNDING PROPERTY OWNERS:

The City Ordinance requires that the owners of all property within **two hundred (200) feet** of the property line of the property for which approval is sought be notified no less than **twenty (20) days** prior to the date of the hearing.

- a. The applicant must obtain a list of all of the owners of all property located within **two hundred (200) feet** of the property line. This list must be acquired from the County Clerk’s Office, Administration Building, 111 South Cherry Street, Olathe, Kansas, (913) 715-0775. The County Clerk’s Office charges a nominal fee for this service.
- b. The applicant must send a **CERTIFIED MAIL RETURN-RECEIPT REQUESTED** letter to surrounding property owners advising them of the date, time, place, legal description, street address, and purpose of the public hearing. This letter must be mailed no later than **twenty (20) days** prior to the date of the public hearing.
- c. A copy of the notification letter must be furnished to the City Clerk’s Office, along with the proof of mailing provided by the post office (green cards), **no later than three (3) working days preceding** the date of the public hearing.
- d. Ten copies of the site plan (**stamped/sealed by a licensed architect, engineer or land surveyor**) must be submitted to the City Clerk’s Office at least **thirty (30) days** prior to the date of the public hearing. (**Site plan should be on paper no larger than 11” x 17”.**)

DEADLINES:

- _____ Board of Zoning Appeals Meeting _____ P.M.
- _____ Legal description and address of property to City Clerk’s Office at least **thirty (30) days** before the Board of Zoning Appeals meeting.
- _____ **Non-refundable** Application Fee of \$150.00
- _____ Three copies of the site plan (plot plan) and elevation of each side to the City Clerk’s Office **thirty (30) days** prior to the Board of Zoning Appeals meeting.
- _____ Mail (postmarked) letter notifying property owners no later than **twenty (20) days** prior to the Board of Zoning Appeals meeting.
- _____ Copy of the notification letter and proof of mailing from the Post Office (green cards) to the City Clerk’s Office at least **three (3) working days** before the Board of Zoning Appeals meeting.

Criteria for Granting a Variance or Appeal of an Administrative Decision

A. Variance:

In specific cases the Board may authorize a variance from the specific terms of the ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship, and provided that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by zoning ordinance. A request for a variance may be granted in such case upon a finding of the Board that all the following conditions have been met. Applicant must provide a statement for each condition for granting a variance as follows:

1. 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 owners or applicant; _____

_____.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents; _____

_____.
3. That the strict application of the provisions of the zoning ordinance for which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application; _____

_____.
4. That the variance desired will not adversely affect the public welfare;
and _____
_____.
5. That granting the variance desired will not be opposed to the general spirit and intent of the zoning ordinance; _____

_____.

B. Appeals of an Administrative Decision:

Appeals may be made to the Board of Zoning Appeals by anyone having direct interest in the property affected concerning the interpretation or administration of the Zoning Code by the Building Inspector/Codes Administrator or any other City Official. The appeal must be filed within thirty (30) days after the action/decision appealed and shall specify the grounds in writing. The Board shall hear oral and written testimony from the applicant and the Building Inspector/Codes Administrator at a public hearing. At the conclusion of the public hearing, the Board shall render its decision.

EXAMPLE OF NOTICE TO SEND TO PROPERTY OWNERS

DATE

NAME (name of property owner within 200 feet of property requesting a variance)
ADDRESS
CITY, STATE ZIP

RE: Application for Variance/Exception
Address
Fairway Kansas, 66205

Dear **(Name of property owner)**:

This letter is to notify you that a public hearing will be held by the City of Fairway Board of Zoning Appeals to consider a request for **(TYPE OF VARIANCE)** for the property described as **(Lot 0, block 0, Name of Subdivision)**, a Subdivision in the City of Fairway, Johnson County, Kansas).

The Fairway City Code requires that all owners of property within 200 feet of the property requesting a variance be notified of the hearing. The City Code requires that **(STATE THE CODE REQUIREMENT)** and the variance that is requested is for **(STATE CONDITION OF THE REQUEST)**.

The public hearing will be held at **(TIME) on (MONTH DAY YEAR)**, in the Fairway City Hall, 5240 Belinder, Fairway Kansas. Any interested property owners are invited to attend. Copies of the proposed legal description and site plan are available on request, you may contact the undersigned for additional information regarding the request.

If you have any questions please call me at (000) 000-0000.

Sincerely,

Applicant, **(NAME and ADDRESS)**
Owner **(NAME and ADDRESS)**