



INSTRUCTIONS

VARIANCE APPLICATION

- Step 1. Submit the completed application along with the \$250 application fee. A check may be made payable to the Reno County Planning & Zoning.

The complete application shall be filled out before it is accepted and placed on the next available agenda. Planning staff will provide clarification but the application shall be completed by the applicant, not staff. Be as thorough and complete as possible. Missing information may cause a delay in the process or a denial of the application. All fees are non-refundable regardless of the decision. A general time frame from the submission of the application to the final decision is 30 to 45 days depending on when the application is submitted and if additional information is required

Section A - Background Information

- Question 1: Print the address of the property requesting the variance. If no address exists, use the parcel identification number. The legal description may include the 1/4 section, section, township, and range or the lot, block, and subdivision name of platted land.

Submit a copy of the deed to the property requesting the variance. It is against state statutes for a person to write a legal description who is not licensed in Kansas.

- Question 2: Print the current owner's name, complete address, and phone number where correspondence can be mailed and phone contact made.

- Question 3: If the owner wishes to have a person represent him/her at the public meeting list that person's name, complete address, and phone number. If no other person is to represent the owner, leave the spaces blank.

- Question 4: Describe in detail the variance you are requesting. The description should include what the land development regulations currently require and what you are proposing. It should also include what section or sections of the land development regulations are requiring a variance. For example: The regulations require a 5' side yard setback. I am requesting a 2' side yard setback.



Question 5: Indicate the current zoning district on the property. Note: The current zoning district may be more than one. For example: AG and R-2.

Question 6: Signatures. An owner of the property as listed on the deed shall sign and date the application. The agent shall also sign and date the application. If the property is listed in a trust, written proof shall be submitted to the office that a particular owner within the trust is authorized to act on behalf of the other trustees.

Section B - The owner/agent is encouraged to answer all statements as completely as possible. If necessary, the Planning and Zoning Division can assist the owner/agent in explaining the statements.

Section C - Documents. The owner is required to submit these documents prior to acceptance of the application.

Step 2. The Planning and Zoning Division will set the date of the public hearing before the Reno County Board of Zoning Appeals. Kansas State Statutes require notice of the public hearing be published in the newspaper at least 20 days in advance of a public hearing and sent to the property owners at least seven days in advance of a public hearing. The Board of Zoning Appeals meets once a month. The meetings are held the third Thursday of each month at 5:00 P.M. at the Public Works Facility unless otherwise noticed. All property owners within 1,000 feet of the property requesting a variance are required to be notified of the public hearing. If the notification area falls within a city limit boundary then properties within 200' are required to be notified. They, as well as the general public, are invited and encouraged to attend the meeting. Anyone may provide testimony to the Board of Zoning Appeals during the public hearing. The owner/agent and planning staff will be allowed a rebuttal of any testimony provided to the Board of Zoning Appeals.

Step 3. On most cases, the Board of Zoning Appeals will make a decision immediately after the public hearing. The board reserves the right to table a request for further information.



VARIANCE APPLICATION

Section A – BACKGROUND INFORMATION

1. This request applies to property located at and described as follows

Property Address _____

Legal Description _____

2. Property owner(s) information

Name _____

Mailing Address _____

Email _____ Phone _____

3. Agent Information

Name _____

Mailing Address _____

Email _____ Phone _____



4. Describe the proposed project in detail that the Zoning Regulations prohibit

5. Indicate the current zoning of the property

Current zoning _____

6. Signatures. We the undersigned do hereby authorize the submittal of this application and associated documents and do hereby certify that all the information contained therein is true and correct.

Owner _____ Date _____

Agent _____ Date _____

Section B – VARIANCE STATEMENTS

Kansas State Statutes require the five (5) statements listed below be reviewed by planning staff and the Board of Zoning Appeals when making a decision on a variance petition. All five (5) statements shall be in the applicant's favor to approve a variance request. No other factors shall be considered. If one (1) or more of the five (5) statements listed below are not in favor of the applicant, the variance request shall be denied. The Board of Zoning Appeals may also modify a variance request from what was originally petitioned.



The five (5) statements listed below are required to be answered by the owner or agent. This is an opportunity to justify to staff and the Board of Zoning Appeals approval of the variance petition. Any statement left unanswered may cause the variance request to be denied. If additional space is needed, attach a separate sheet of paper.

The owner or agent is also encouraged but not required to submit additional information to support the variance application. Such information may include pictures, maps, statistics, and letters of support.

All decisions by the Reno County Board of Zoning Appeals shall be final and binding on all parties. Rulings by the Board of Zoning appeals are not recommendations, they are **decisions**. The decision does **not** go before the County Commissioners for final action. Any decision by the Board of Zoning Appeals may be appealed to the district court within 30 days of a final decision.

1. The proposed development would not be contrary to the public health, safety, interests, order, convenience, prosperity, or general welfare.

2. The literal enforcement of the Zoning Regulations will result in the following unnecessary hardship.



3. There exists some condition which is unique to the parcel and is not commonly found on other parcels in the same district and was not created by the actions of the owner or agent.

4. The proposed development will not adversely affect the rights of adjacent owners.

5. The proposed development will not be contrary to the general spirit and intent of these regulations.



Section C – DOCUMENTS

The variance application will not be processed until the following information is submitted:

- \$250.00 application fee. A check may be made payable to Reno County Planning and Zoning.
- A copy of the deed to the property.
- A list of all property owners and mailing addresses within 1,000 feet of the property requesting a variance. This list may be obtained from the Reno County Appraiser's Department or a title company. Property owner lists printed off the internet, hand-written, or from a source not identified above will not be accepted.
- A scaled site plan. A drawing done by Google Earth or other aerial photography will not be accepted. The site plan shall show the location and exterior dimensions of the parcel boundaries, all existing and proposed structures with dimensions, and all existing roads, easements, and driveways with dimensions. The site plan shall also show what the regulations are prohibiting and what is being proposed. For example, if the regulations require a 20 foot setback and a two foot setback is proposed, the site plan shall show the 20 foot setback requirement and also the structure encroaching 18 feet into the required setback.

OFFICE USE ONLY:

Received by the Zoning Administrator, at _____(A.M.)(P.M.) on this ____ day of _____,
20____, together with the appropriate fee of \$250.

Name and Title