



VARIANCE APPLICATION AND CHECKLIST

 If you need assistance, contact the Department of Community Development at 913-477-7500

Office Use Only
Date Filed:
Publication Date:

Application Fee \$150.00

Office Use Only
Case No.:
Meeting Date:

Location: _____

Subdivision: _____

Size of Property (SF or acres): _____

Property Tax ID Number: _____

Is this property subject to rezoning? _____ Yes _____ No

Present Use of Property: _____

Existing Zoning: _____

 **Note:** If property is not in a recorded subdivision, an electronic copy of the legal description must be submitted with this application.

Variance to Code section(s): _____

Detailed description of variance (include precise amount of setback, area, or height variance, etc. desired):

APPLICANT INFORMATION

Note: If applicant is anyone other than the fee simple owner, signature of the fee simple owner designating the applicant as the authorized agent for all matters concerning this request, must be submitted in writing with this application.

OWNER OF RECORD:

Name _____
Address _____
City _____ Zip _____
Phone _____
Email _____
Date _____
Signature _____

AGENT/CONTACT PERSON:

Name _____
Address _____
City _____ Zip _____
Phone _____
Email _____
Date _____
Signature _____

When you have been denied a building permit because your plans do not meet the requirements of the Unified Development Code, you may apply for a variance with the Department of Community Development. You are encouraged to discuss the variance with a planner before applying. A complete application must include the following:

- Completed application form;
- Proof of ownership (tax bill or deed);
- An electronic copy of an accurate survey of the property which shows the proposed improvements necessitating the variance, the amount of variance required, and other site conditions which will impact the variance;
- An electronic copy of a letter describing the variance request and addressing the six (6) criteria (listed below);
- An electronic copy of any other documentation (such as scaled building elevations and photos) which will clarify the variance request and help support your position;
- Processing & Review fee (non-refundable): \$150.00

Upon receipt of complete application information, the variance request will be placed on the agenda for the next available meeting.

The City will place a public notice about the variance and public hearing in the newspaper. The Staff will review all information and write a report with a recommendation which will be sent to both you and the Board about a week prior to the meeting. **As the applicant, you must do the following:**

- The applicant shall mail Notice of Public Hearing (supplied by the City) to all surrounding property owners within 200' (1000' if property is adjacent to or outside of City limits) of all property boundaries. This information can be obtained by contacting the Johnson County Clerks Office, at 111 North Cherry Street in Olathe, KS, 913-715-0775. **Mailings must be made at least 14 days prior to the hearing date (not including the mailing date or the hearing date) by certified mail and return receipt requested.**
- City of Lenexa requires that the Applicant submit to the Community Development Department a copy of the notification letter sent to the property owners along with a list of property owners, a buffer map, and certified mail receipts along with the Affidavit of Legal Notification to the Community Development Department immediately following the mailing. Failure to provide all of this information at the time requested will necessitate a one month continuation of the application.
- **AT LEAST 14 DAYS BEFORE THE MEETING**, post a sign on the property to notify the neighborhood of the meeting.
 - Pick up the sign at the Community Development Department the week before posting.
 - Place it on the property where it can be seen from the public street (at least 12 feet from the street pavement or curb).
 - Maintain the sign until a decision is made by the Board, at which time it may be removed.
- **ATTEND THE MEETING** to present your case, address the six (6) conditions, and answer questions.
 - At the meeting, both the Community Development Staff and you or your representative will make presentations to the Board. The meeting will then be opened to a public hearing to allow comments and questions from the public. The Board will discuss all of the information presented and determine whether to grant the variance. If you are dissatisfied with the Board's decision, you may appeal to district court within 30 days of its decision. If granted, a variance stays with the property and automatically transfers to a new owner.

VARIANCE CONDITIONS

In a specific case, the Board may grant a variance from the requirements of the Unified Development Code (UDC), if the variance will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of this Chapter results in unnecessary hardship, and, provided that the spirit of the regulations shall be observed, the public health and welfare secured and substantial justice done. A variance may be granted if it does not permit a use in the applicable zoning district that is not permitted by the UDC and if the Board finds that all of the following conditions have been met:

1. That the variance requested arises from 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 of the property owner or the 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 this Chapter from which a 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 health, safety, morals, order, convenience, prosperity, the general welfare or the harmonious development of the City;
5. That granting the variance desired will not be opposed to the general spirit and intent of this Chapter; and
6. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of this Chapter which are in question.