

**CITY OF PRAIRIE VILLAGE, KANSAS
BOARD OF ZONING APPEALS
APPLICATION FOR APPEAL / VARIANCE / EXCEPTION
PROCEDURE FOR FILING APPLICATION**

1. Applications shall be made on forms prescribed by the Board of Zoning Appeals and filed with the Secretary of the Board.
2. A deposit of seventy-five dollars (\$75.00) shall accompany each application. If this sum is inadequate to cover incurred expenses; additional money will be required.
3. The applicant shall furnish, at the time of filing the application, a certified list of all the owners of property (not just occupants) located within two hundred (200) feet, excepting public streets and ways, of the area for which the Appeal / Variance has been requested, obtained from the County Clerk's Offices at the Johnson County Courthouses in Olathe or from a title company. The applicant shall also furnish a sketch, plan or information showing details of the variance requested. The applicant shall submit a written statement in response to the five criteria necessary for granting a variance. For an appeal, the applicant shall submit a written statement providing information justifying the appeal requested.
4. All applications shall be set for a public hearing before the Board of Zoning Appeals.
5. Notice of such hearing shall be published in one issue of the official newspaper of the City of Prairie Village; such notice to be published not less than twenty (20) days or more than forty (40) days, exclusive of the days of publications and hearing, prior to the date of said hearing of the Board.
6. The applicant shall mail, by certified mail, return receipt requested, a copy of the notice of hearing to all owners of property as set out in #3 at least twenty (20) days prior to the hearing, thus providing an opportunity to all interested persons to be heard.

OFFICE OF THE CITY CLERK
CITY OF PRAIRIE VILLAGE
7700 MISSION ROAD
PRAIRIE VILLAGE, KS 66208
913-381-6464

The Board may grant a variance only upon finding that the requirements of PVMC 19.44.070 have been met. The following is intended as a simplified discussion of the criteria considered in the request for a variance and is provided for your convenience and assistance in making your request. While this discussion is intended to be helpful, the Board is governed by its interpretation of PVMC 19.44.070 as applied to the facts and circumstances of your case and the following simplified discussion is not intended to be an exhaustive analysis of all applicable principles.

Criteria #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 owner or applicant.

The variance must arise from a condition of the property. That condition must be unique to the property. That does not mean that the condition is “unique” but rather that it is “unique to the property;” that is, the condition relates solely to the property and not to external factors, structures, etc. The condition must not be ordinarily found in the zone or district; i.e., the condition must not exist with respect to a number of properties. Its occurrence must be infrequent. The owner/applicant cannot have done anything to the property which caused the condition. This does not refer to what the owner proposes with the variance, but some act done with the property; for example, subdividing a lot, that causes the condition from which relief is sought.

Criteria #2 – That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

The variance may not adversely affect the rights of adjacent property owners. The crucial terms here are “adversely” and “rights”. While objections of adjacent property holders will be heard and considered, the variance proceeding is not a plebiscite. The Board will consider whether or not any impact on adjacent property holders constitutes an adverse affect on their rights.

Criteria #3 – That the strict application of the provisions of this title of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

A variance may be granted where strict application will result in unnecessary hardship. Unnecessary hardship shall be considered to mean that the property owner cannot do with his property that which others can ordinarily do and/or that which is a reasonable expectation for a similar property owner and /or where special circumstances of the particular property exist.

Criteria #4 – That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

The variance may not adversely affect the public interest. The Board shall consider the impact of the requested variance upon the concerns of the public; such as fire protection, environmental impact, police protection, vision, safety and morals.

Criteria #5 – That granting the variance desired will not be opposed to the general spirit and intent of this title.

The variance must not conflict with the intent and spirit of the zoning regulation. The Board shall consider that the zoning regulation was adopted for a purpose; such as, green space, traffic safety, light and air, neighborhood conformity, etc. Therefore, the Board will evaluate whether or not the variance requested will conflict with that purpose.

VARIANCE APPLICATION
BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No: _____

Filing Fee: _____

Deposit: _____

Date Advertised: _____

Public Hearing Date: _____

APPLICANT: _____ PHONE: _____

ADDRESS: _____ ZIP: _____

OWNER: _____ PHONE: _____

ADDRESS _____ ZIP: _____

LOCATION OF PROPERTY: _____

LEGAL DESCRIPTION: _____

Variance Requested _____

ADJACENT ZONING AND LAND USE:

	<u>Land Use</u>	<u>Zoning</u>
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

Present use of Property: _____

Proposed Use of Property: _____

Utility lines or easements that would restrict proposed development:

Please complete both pages of the form and return to:

City Clerk
City of Prairie Village
7700 Mission Road
Prairie Village, Kansas 66208

Please indicate below the extent to which the following standards are met, in the applicant's opinion. *Provide an explanation on a separate sheet for each standard which is found to be met.*

1. *UNIQUENESS* Yes No

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 actions of the property owners or applicant. Such conditions include the peculiar 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* Yes No

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

3. *HARDSHIP* Yes No

The strict application of the provision of the zoning regulations from which a variance is requested will constitute an 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 sufficient reason by itself to justify the variance.

4. *PUBLIC INTEREST* Yes No

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* Yes No

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

6. *MINIMUM VARIANCE* Yes No

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

SIGNATURE: _____ DATE _____

BY: _____

TITLE: _____

Minimum Required Information (to be shown on the site plan)

The site plan shall be legibly and accurately drawn on paper suitable for reproduction. The plan shall be drawn to a scale of 1 inch to 50 feet or less. Architect's drawings will also be acceptable. The plan shall contain the following information:

1. The name and address of the person filing the application
2. The date, scale, and north arrow
3. Property lines, building lines and easements
4. Streets, sidewalks and alleys
5. Existing and/or proposed structures or improvements
(i.e. trees, patios, driveways, etc.)
6. Existing structures within 20 feet of the property
7. Accurate dimensions of the property and all structures involved

Elevations

Elevations shall be submitted for all sign applications, new additions, alterations to existing structures, new accessory structures, and fences. They shall contain the following information:

1. Dimensions including height, width, length and area
2. In the case of sign, the elevation should also indicate the exact appearance of the sign, whether or not it is illuminated, and the type of illumination.

Other

Any other information deemed necessary by the code official or building official should be stipulated below:

Checked by: _____

Date: _____