

Instructions for Variances

The Board of Zoning Appeals may authorize in certain cases a Variance from the specific terms of The Zoning Regulations of the City of Haysville, Kansas that will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of The Zoning Regulations of the City of Haysville, Kansas shall be observed, public safety and welfare secured, and substantial justice done. Such Variance shall not permit any use not permitted by The Zoning Regulations of the City of Haysville, Kansas in such zoning district.

Kansas Statutes Annotated 12-759(e)(1) states that a request for a Variance may be granted upon finding by the Board that **all** of the following conditions have been met:

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 of the property owner represented in the application.
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 Regulations of the City of Haysville, Kansas of which 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, or general welfare; and
5. That granting the Variance desired will not be opposed to the general spirit and intent of The Zoning Regulations of the City of Haysville, Kansas.

Each application for a variance shall contain: 1) a completed application form; 2) eight copies of a sketch of the property in question and the condition for which variance is being requested; 3) certified abstractors' list of all property owners within 200 feet of the property for which a variance is requested if within the City Limits or 1000 feet for property abutting property outside the City Limits; and 4) \$150.00 (50.00 publication fee and \$100.00 administration fee).

Once all of the above items are submitted, a notice of Public Hearing will be placed by the staff in the legal publication for the City. The notice will contain all information as required by law.

A notice will be sent by staff to all individuals appearing on the abstractor's list.

A Public Hearing will be held by the Board of Zoning Appeals to consider the application. After testimony and discussion, the Board shall render its decision. The Board may adjourn to a specific time and location in order to obtain additional information.

The decision of the Board may be appealed to District Court.