

**RULES AND REGULATIONS
GOVERNING THE PROCEDURE
OF
THE BOARD OF ZONING ADJUSTMENT
KANSAS CITY, MISSOURI
AS ADOPTED**

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CITY DEVELOPMENT DEPARTMENT
KANSAS CITY, MISSOURI

8-24-04

ARTICLE I

Officers

- A. The Board shall elect a Chair and a Vice-Chair annually at the first meeting in the month of May.
- B. The Chair or, in absence or disability, the Vice-Chair shall preside at all meetings and hearings of the Board. The Chair or Vice-Chair shall have the power to administer oaths, take evidence and compel the attendance of witnesses. When both the Chair and Vice-Chair are absent, the senior regular member in terms of service on the Board shall preside.
- C. The Chair shall decide on all points of order and procedure, subject to these rules, unless otherwise provided by a vote of a majority of the Board in session at the time.
- D. The Chair shall appoint, upon approval of the Board, any committees found necessary to investigate any matters before the Board.
- E. The Secretary, or a designated representative, shall report at each meeting on any official transactions taking place which need to come to the attention of the Board.
- F. The Director of the City Development Department shall act as Director of the office staff of the Board. The Director shall have the following powers and duties:
 - 1. The Director shall transact such official business of the Board as may be delegated and shall appoint and remove all employees, subject, however, to the provisions of Article V of the City Charter, and the approval of the Board, except as otherwise provided in these rules.
 - 2. The Director shall have full charge and control of the work of the staff, supervise its activities and be responsible for the proper administration of its affairs.

3. The Director shall prepare the annual departmental budget and certify all expenditures.
 4. The Director shall serve or supervise the activities of the members of the staff designated to serve as technical advisors to the Board, investigate all cases coming before the Board and make reports as to the principles involved and recommendations as to appropriate action in accordance with the purpose and intent of the Zoning Ordinance, when so required by the Zoning Ordinance.
- G. The Secretary of the City Plan Commission shall be Secretary of the Board. The Secretary of the Board shall conduct the official correspondence, subject to these rules, and shall send out all notices, attend all meetings or hearings, keep the minutes, compile records and maintain the files and indices. A member of the staff shall be appointed Assistant Secretary to serve in the absence or disability of the Secretary.
- H. In addition to the five (5) members of the Board, who are appointed for overlapping five (5) year terms, there are three (3) alternate members appointed for a one-year term. The alternate members shall serve in the absence or disqualification of regular members in the sequence of first, second and third alternate. If the alternate members are not designated as first, second or third alternate by the City Council, the sequence shall be determined based upon the seniority of the alternate members. The attendance of the alternate members shall be recorded for each case, but the vote shall be recorded only if serving in the absence of a regular member. No alternate member may serve as a Chair or Vice-Chair.

ARTICLE II

Meetings

- A. Regular meetings of the Board shall be held at 12:30 PM, on the 2nd and 4th Tuesdays of each month, except as otherwise designated by the Board.
- B. Special meetings may be called by the Chair, or at the request of three (3) members, provided at least twenty-four (24) hours notice is given to each and every member of the Board of such meeting.
- C. A quorum of the Board shall consist of four (4) members and it shall take a concurring vote of four (4) members to reverse any order, requirement or decision or determination of the Codes Administrator or to decide in favor of any applicant on any matter upon which the Board is authorized to act by any ordinance or to modify, vary or interpret any regulation or requirement of the Zoning Ordinance. Failure to receive the required four (4) votes shall be deemed a denial of the application or affirmance of the decision of the Codes Administrator. Provided, however, that when the Board is acting pursuant to authority delegated by the City Council on issues not related to zoning, a simple majority will be required to approve any special exception or any action the Board is authorized to take.
- D. In the absence of a quorum, the meeting shall be continued to a definite time, as designated by the Secretary and upon approval of the Chair, or to the next regular meeting date.

ARTICLE III

Cases Before The Board

- A. The Board may consider the following types of cases:
1. Appeals from any order, decision or determination of the Codes Administrator.
 2. Applications for Special Exceptions or Conditional Uses.
 3. Actions authorized by the City Council.
- B. Information to accompany applications.
1. Appeals from the Codes Administrator shall be made on forms provided by the City Development Department as approved by the Board of Zoning Adjustment and must include the following:
 - a. Copy of the Zoning Determination or a copy of the Notice of Violation of the Zoning Ordinance or a copy of any other order or determination issued by the Codes Administrator which is being appealed.
 - b. Twelve (12) copies of plans of the property in question, accurately drawn to scale with all pertinent dimensions, property lines, north arrow, locations of buildings, setback dimensions, parking, screening or landscaping of parking lots, signage (including elevations), ingress/egress, and all points relevant to the issue on appeal. Such plans shall be sealed and certified by a registered professional engineer, a registered architect or a registered surveyor.

However, sealed and certified plans shall not be necessary, absent specific order of the Board, for the following matters:
 - (i) appeals from the decision of the Codes Administrator constituting an interpretation of the Zoning Ordinance without application to a

specific property, or

- (ii) appeals requesting a variance for affecting single-family or two-family uses if a plan is provided which is drawn to scale and reflects the property boundaries as existing, or
- (iii) appeals from the decision of the Codes Administrator to issue/not issue a certificate of legal nonconformance, or
- (iv) appeals from the decision of the Codes Administrator that a property is/is not in violation of the use regulations of the Zoning Ordinance.

c. Appeals must be made to the Board of Zoning Adjustment, within fifteen (15) days from the date of mailing of the order or ruling of the Codes Administrator.

- 2. Application for special exceptions or conditional uses shall be made to the Board by application setting forth the information on forms provided by the City Development Department and as approved by the Board.
- 3. A filing fee as required by ordinance to defray expenses incurred in the public hearing.
- 4. Prior to placing any case on the docket, the applicant or appellant shall provide the Secretary with such information as required by these rules and such additional information and data as may be required to advise the Board fully with reference to the application or appeal, even if such information or data is in addition to the above.
- 5. Any communication intended to be applications or appeals shall be regarded as

mere notices of intention to seek relief or to request special exceptions until the complete data is provided as indicated above.

6. A complete application shall constitute the consent of the property owner in authorizing the staff to go on the premises for the purposes of photographing or otherwise documenting the property which is the subject of the appeal.
7. Any case which requires a recommendation from a City department, the Secretary of the Board shall refer the application, including plans, to the appropriate department for review and comment. In those instances in which the Public Works Department and the Fire Department are required to review applications for a landfill, the Public Works Department shall address itself to the issue of existing easements and the facilities in such easements, as well as, any recommendation concerning storm water drainage and the Fire Department shall specifically address the issue of combustibility of materials in the landfill.

ARTICLE IV

Hearing of Cases

- A. Upon acceptance of an application or appeal, it shall be advertised as required by the Zoning Ordinance and a written letter advising of the time and place of the hearing shall be mailed to abutting and adjoining property owners within 185 feet of the subject property thirteen (13) days prior to the hearing; said property owners shall be determined as those set forth in the records of the City Assessor's Office.
- B. The application or appeal shall then be placed upon the docket of the next regular meeting of the Board of Zoning Adjustment after compliance with the rules herein and

after termination of the 15-day advertising period, when applicable. However, when the applicant or appellant desires to seek a rezoning of the subject property and files the application for the rezoning with the City Plan Commission simultaneously with the application or appeal to the Board, the matter shall not be set before the Board until the expiration of ninety (90) days or recommendation by the City Plan Commission, whichever first occurs. The application or appeal shall be numbered serially in the order in which it is received. It may be advanced or postponed by the Board and may be withdrawn by the applicant or appellant at any time before any testimony has been heard in the case. The fee may not be refunded after the case has been advertised.

- C. Prior to final determination, the Board may continue such case or take it under advisement at its discretion.
- D. The owner of record of the real property, which is the subject matter of the appeal before the Board of Zoning Adjustment, must appear at the hearing either in person, through an attorney licensed to practice law in the state of Missouri, or through an agent if the application is accompanied by a valid power of attorney or by an affidavit in a form approved by the Board. If for any reason the applicant or appellant or his agent does not appear, the case may be dismissed or continued until the next regular meeting, and if there is no appearance at the second hearing, the application or appeal may be dismissed. Said order may be set aside within thirty (30) days at the discretion of the Board upon good and sufficient reason being shown.
- E. No request for continuance of a hearing, either legally advertised or set for a special day by the Board, shall be granted by the Board unless written notification of such request is filed in the Office of the Board the Friday immediately preceding the hearing date or, in

the case of special meetings, four (4) calendar days prior to the date set for hearing. The notification and intent to request a continuance shall be accompanied by a written application accompanied by an affidavit setting forth the facts upon which the application is based. Receipt of said notification in the Office of the Board shall not be deemed to grant a continuance until such time as acted upon by the Board.

- F. In special cases, the Chair of the Board or, in absence or disability, the Vice-Chair, may designate a case for an informal pre-submission hearing. Such designation shall occur at the time the case is first called before the Board. At that time, a member of the Board or of the staff will be designated to preside at the pre-submission hearing. Such Board or staff member shall have the authority to schedule the time and place of the pre-submission hearing. Such hearing shall be a meeting of all interested parties to identify interest groups and speakers, issues, and proposed exhibits. Additionally, the Board or staff member may accept any stipulation of facts and identify the issues in the case. After the pre-submission hearing, the Board or staff members shall advise the Secretary of a recommended return date for hearing before the Board and the estimated time for the hearing to provide all parties an opportunity for full presentation of the case. Prior to the hearing before the Board, all interested parties shall identify and file all exhibits intended to be introduced for consideration by the Board and opposing parties shall have the opportunity to review such exhibits. Applicant's exhibits should be filed at least eight days prior to the Board hearing and opposition's exhibits should be filed at least six days prior to the Board hearing. Only rebuttal exhibits may be added at the time of the Board hearing.
- G. The Secretary of the Board shall prepare a staff report setting forth in particular the

location of the property, the zoning district in which the property is located, the applicable ordinance references, and the basic issues in the case. Furthermore, the Secretary shall set forth any specific statements from the application which are relevant to the Board's consideration.

ARTICLE V

Rehearings

- A. The decision of the Board shall be final except when the applicant or appellant petitions the Circuit Court within thirty (30) days from the date of the official disposition of the Board, or makes a written request for a rehearing within the time provided by Section 80-316.
- B. A rehearing may be granted by the concurring vote of four (4) members of the Board who originally heard the case. Said request shall be filed with the Secretary of the Board within thirty (30) days from the date of the official disposition of the Board. The Secretary shall set a date and time for the request for rehearing upon receipt of the application for same.
- C. The date of the disposition letter constitutes the date of the official disposition of the Board of Zoning Adjustment's action. The disposition letter shall be filed with the Secretary of the Board on the date the letter was sent to the applicant and/or listed agent.
- D. The person making the application for the rehearing shall serve a copy of the application, together with a copy of a written notice, stating the date, time and place of the hearing on the request for rehearing to all interested persons, or their attorney of record, at least ten (10) days prior to the date when said application is to be heard by the Board. Said notice

and proof of service shall immediately be filed with the Secretary of the Board.

- E. Said application shall be called up and presented to the Board for its action within thirty (30) days after it is filed. It shall be deemed to be abandoned and be dismissed for want of prosecution, if not called up and presented within thirty (30) days after its filing. Provided, however, that this provision shall not apply if the request for rehearing cannot be heard because of failure to gain the required quorum to hear the request for rehearing.
- F. If a request for rehearing is granted, the Board shall either hear the case at that time or set a date for rehearing.
- G. In addition to consideration of new testimony or other additional evidence, the Board may grant a rehearing solely for the purpose of clarifying its order on the request of any party.

ARTICLE VI

Conduct of Hearing

In order to provide a guideline for the submission of evidence to hearings before the Board, the following conduct is established; provided, that the Board at all times reserves the right to rule on the admissibility of any evidence:

- A. Oral testimony shall be taken only on oath or affirmation as administered by the Chair.
- B. The technical rules of evidence shall not apply.
- C. Hearsay evidence may be used to supplement or explain direct evidence but shall not be sufficient in itself to support a decision.
- D. Any relevant evidence may be admitted if it is the type of evidence relied on in the conduct of serious affairs.

- E. Irrelevant and unduly repetitious evidence may be excluded.
- F. Applicants/appellants shall appear and may be represented by another party.
- G. Opponents to applications/appeals are urged to select a single spokesman, if possible, to object to the introduction of evidence and to cross-examine witnesses.
- H. The applicant/appellant and the opposition shall have the right to:
 - 1. Call and examine witnesses;
 - 2. Introduce documentary and physical evidence;
 - 3. Cross-examine witnesses;
 - 4. Impeach witnesses;
 - 5. Rebut evidence.
- I. The Board may take official notice of all matters of which the courts take judicial notice, as well as, notice of all City ordinances.
- J. If objection is sustained to the introduction of any evidence, the Board shall cause it to be made part of the record for appeal purposes unless such evidence is irrelevant, repetitious, privileged or unduly long.
- K. Petitions may be accepted by the Board; in matters other than appeals from denials to issue Certificates of Legal Nonconformance, provided that:
 - 1. The petitions are notarized, or
 - 2. The individual(s) who secured the signatures on the petition is present and testifies under oath.
- L. Attendance lists will be compiled by a staff member of the Board for the sole purpose of determining individuals present at the hearing.
- M. Files of the Codes Administration shall be accepted into evidence, or certified copies of

the same. Objections will be as to the relevance and materiality of the file but not as to its admissibility.

- N. No on-site inspection shall be made of any property absent a direct order from the Board and notice to all interested parties.
- O. Applicants/appellants and opponents shall each be allotted fifteen (15) minutes for presentation of their case to the Board. Applicants/appellants may reserve a portion of their allotted time for rebuttal. The time may be extended by the Board if a request for an extension of time is filed prior to the hearing or if the Board determines in the course of the hearing that additional time is necessary for full presentation of the case. The time shall commence to run at the conclusion of the Secretary's report.

ARTICLE VII

Certificates of Legal Nonconformance

The following procedures shall be used for application, review and issuance of a Certificate of Legal Nonconformance (hereinafter referred to as CLN) as set forth in Section 80-230 of the Zoning Ordinance.

- A. In the case of amendments to the Zoning Ordinance:
 - 1. The Director of the City Development Department shall send a list to the Codes Administrator stating the names of all individuals notified by certified mail that their property may be affected by the amendment to the Zoning Ordinance.
 - 2. When a party requests information concerning establishment of a Legal Nonconformance, the Codes Administrator shall deliver to the requesting party an application for CLN.

3. When said application is completed and returned to the Codes Administrator, a file shall be marked by address and thereafter contain all relevant information relating thereto.
 4. The Codes Administrator shall review the application submitted. If the application provides such information by which the Codes Administrator can determine that immediately preceding the zoning amendment the subject property was used in a lawful manner, the CLN shall be issued. If necessary information is not provided, the Codes Administrator shall notify the applicant of any deficiencies.
 5. Under this procedure, courtesy notice shall be given surrounding property owners and an inspection of the property is required. The Codes Administrator shall issue his decision and such decision shall be published in the paper doing the City's printing business.
 6. This procedure is applicable only for one (1) year from the effective date of the zoning amendment.
 7. This procedure is not available for a CLN if the nonconformance was not lawful immediately prior to the zoning amendment.
- B. In all cases, including but not limited to requests for CLN for nonconformance established prior to the creation of the Zoning Ordinance or for the nonconformance affected by an amendment to the Zoning Ordinance prior to March 31, 1975, or for the nonconformance affected by annexation:
1. An applicant for a CLN shall be supplied with an appropriate form by the Codes Administrator.

2. Upon receipt of the application for CLN, the Codes Administrator shall open a file by address and thereafter said file shall contain all relevant information thereto.
3. If the application for CLN is returned incomplete, the Codes Administrator may notify the applicant of any and all deficiencies.
4. If the application for CLN is returned complete, the Codes Administrator shall send a courtesy notice to all adjoining property owners and property owners fronting across the street from the subject property, that an application for a CLN has been filed. Such notice shall state the address or legal description of the subject property and the use for which the certificate is sought. The notice shall also provide that any counter information be supplied on an affidavit provided by the Codes Administrator, and that such affidavit must be submitted within thirty (30) days from the date of mailing of the courtesy notice. Official notice shall be published in the paper doing the City's printing business and shall contain the same information set forth in the courtesy notice.
5. Communications shall be sent to the City Development Department and the City Law Department, requesting notification of any decision of this Board or any Court of Law affecting the Legal Nonconformance of the subject property.
6. The Codes Administrator shall review the application for CLN and determine from such form the existence of a Legal Nonconformance but shall issue no decision until the expiration of thirty (30) days from the date of official notice.
7. The Codes Administrator shall inspect the subject property and notify the applicant of the inspection date. After inspection, the Codes Administrator shall

note in the appropriate file the date of inspection and the findings.

8. On the expiration of thirty (30) days from the date of official notice, the Codes Administrator shall ascertain whether any surrounding property owner has filed an affidavit containing information countering the application for CLN. If an affidavit has been filed, the Codes Administrator shall review the content of said affidavit. However, in no event, shall the mere filing of affidavit result in denial of a CLN. If an affidavit contains information challenging the legal nonconformance of the subject property, the Codes Administrator shall consider such information in making a decision. Valid information relevant to the application for CLN shall include, but not be limited to, first-hand information stating that the nonconforming use of the subject property was or was not legally established, was or was not previously used in a conforming manner under the current zoning district classification and/or was or was not used in a manner contrary to the use specified in the application for CLN.
9. On the expiration of thirty (30) days from the date of official notice, the Codes Administrator shall issue a decision in writing stating his/her intention to either grant or deny the CLN. Copies of this decision shall be mailed to all inquiring parties and notice of the decision shall be published in the paper doing the City's printing business.
10. If no appeal of the decision of the Codes Administrator to either grant or deny a CLN is taken within fifteen (15) days, said decision shall become final and shall be sent forthwith to the applicant.

- C. In all cases of a CLN:
1. The file thereon shall contain all information and all dates relevant thereto.
 2. A separate file shall be maintained consisting only of copies of CLN.
 3. Any reference herein to Codes Administrator shall mean the appropriate official as identified by the Administrative Code of Kansas City, Missouri, and his duly appointed representatives. However, every CLN shall display the signature of the Codes Administrator.
 4. If an appeal is filed, the Secretary of this Board shall notify the Codes Administrator. Thereupon, the file relating to the appeal shall be submitted to the Secretary or a complete copy of all relevant information thereof certified by the Codes Administrator that the copy is true and accurate.
 5. The Secretary of this Board shall notify the Codes Administrator of any decision of this Board or of any decision from a court of law affecting the subject property.
 6. The Codes Administrator shall thereafter take any and all appropriate actions to carry out the order of this Board or any court of law.
- D. In the case of abandonment of a legal nonconformance for which a Certificate has been issued, the Codes Administrator shall conduct a hearing to determine if the nonconformance has been abandoned pursuant to Section 80-230. The Codes Administrator shall take the following actions:
1. After receipt of evidence that the CLN has been abandoned, the Codes Administrator shall determine if, in his/her opinion, such abandonment has occurred.
 2. If the Codes Administrator determines the CLN is abandoned, he/she shall

promptly notify the last-known record owner that the CLN will be revoked absent proof of the lack of abandonment.

3. The owner or his representative shall have thirty (30) days to notify the Codes Administrator of his/her intention to produce evidence that the CLN has not been abandoned.
4. Upon request of the owner, the Codes Administrator shall immediately set a date for a hearing to receive evidence.
5. The hearing shall be open to the public, but not an advertised hearing.
6. The Codes Administrator may receive any evidence presented whether in the form of oral or written testimony.
7. If the owner fails to request a hearing within thirty (30) days or if the Codes Administrator determines abandonment after the hearing, he/she shall revoke the CLN. If the Administrator finds no abandonment, he/she shall issue an order so stating.
8. Appeals are as provided in Section 80-230 and are de novo in nature.

FORM #1
APPROVAL

Owners Name
Address
City/State

RE:

CASE NO.

APPROVED FOR CERTIFICATE OF LEGAL NONCONFORMANCE

Dear Owner:

Pursuant to Section 80-230, Code of General Ordinances, and to the Rules and Regulations of the Board of Zoning Adjustment. It has been determined that a Certificate of Legal Nonconformance should be issued for the above property for _____.

This property is in District _____.
Such use is first permitted as in district _____.

This decision will become final if not appealed to the Board of Zoning Adjustment, (816) 513-2846, within fifteen (15) days from that date first written above.

Director of Codes Administration

cc: Interested Parties

FORM #2

DENIAL

Owners Name
Address
City/State

RE:

CASE NO.

DENIAL OF REQUEST FOR CERTIFICATE OF LEGAL NONCONFORMANCE

Dear Owner:

Pursuant to Section 80-230, Code of General Ordinances, and to the Rules and Regulations of the Board of Zoning Adjustment. It is my decision that a Certificate of Legal Nonconformance should not be issued for the above property for the use as indicated below.

The reason for denial is indicated below.

This decision will become final if not appealed to the Board of Zoning Adjustment, (816) 513-2846, within fifteen (15) days from that date first written above.

Director of Codes Administration

cc: Interested Parties

ARTICLE VIII

Undue Influence

No person, agent or representative, shall contact, or attempt to contact, any member of the Board of Zoning Adjustment for the purpose of discussing, either directly or indirectly, any matter pending before the Board of Zoning Adjustment and prior to the final decision of the Board.

A matter shall only be discussed at the time said matter is set for a public hearing, and said discussion shall only take place before all members of said Board who are present at said hearing.

ARTICLE IX

Amendments

These rules may be amended by the vote of any five (5) members (regular and/or alternate) at any regular meeting or a special meeting called for this particular purpose and action taken thereon at a subsequent regular meeting.

APPROVED: August 24, 2004

EFFECTIVE: August 24, 2004



APPLICATION TO THE BOARD OF ZONING ADJUSTMENT

Date Stamp

15th Floor, City Hall; Kansas City, Missouri 64106-2795

Phone: (816) 513-2846 | Facsimile: (816) 513-2838 | www.kcmo.org

For Office Use Only: Case Number: _____	BZA Date: _____
Receipt Number: _____	KIVA Number: _____
Staff Planner: _____	Filing Fee: \$ _____

1. Applicant Information:

Applicant's Name _____ Company _____
 Street Address _____ City/ State _____ Zip _____
 Telephone () _____ Fax () _____ E-mail _____

Agent's Name _____ Company _____
 Street Address _____ City/ State _____ Zip _____
 Telephone () _____ Fax () _____ E-mail _____

→ All correspondence on this application should be sent to (check ONE): Applicant Agent (if any)

Name of property owner (if not applicant): _____

2. Description of Property:

Street address or general location of property: _____

Land Area (in square feet or acres): _____ →Please attach a legal description of the property

Current use of property: _____

How long has property owner owned the property?: _____

3. Request: This is a request for (mark appropriate box or boxes).

- 1) Permitted use requiring Board of Zoning Adjustment approval; →FEE: \$300
 - Church or School (80-41) Auxiliary Parking Lot (80-446) Sign in a Residential Zoning District (80-42)
- 2) Physical variance →FEE: For one and two-family residential properties & all accessory uses: \$200; ALL other uses: \$400
 - a.) type of variance (setback, height, parking, bulk, etc.) _____
 - b.) amount of variance _____

DESCRIBE the "practical difficulty" requiring you to appear before the Board; i.e. why you cannot comply with Zoning Ordinance requirement; attach a separate sheet if necessary _____
- 3) Appeal the decision of the Codes Administrator to issue/not to issue a Certificate of Legal Nonconformance (must be filed within ten (10) days of the decision by the Codes Administrator) (80-230) →FEE: \$300
- 4) Appeal the decision of the Codes Administrator that the property is/is not in violation of the Zoning Ordinance (must be filed within fifteen (15) days of the date of notice of violation) (80-300; 80-310) →FEE: \$300
- 5) Conditional Use Permits (80-212) (80-213) (must meet requirements of Zoning Ordinance; no variances may be requested) to allow _____

→FEES: Residential monument signs: \$150 plus \$50 per each additional sign over one; carnivals, circuses, fiestas & street fairs: \$200; group daycare home (facilities): \$300; check-cashing or title loan establishments, children's group home facilities, gun clubs, miniature cars and trains, demolition debris landfills & riding stables and tracks: \$500; halfway house, open face quarries, penal or detention center facilities, solid waste operation facilities and transfer stations and underground mines and quarries & refuse dumps: \$1000; all other conditional uses not specified above: \$500.
- 6) Group Housing Project (80-260) →FEE: \$300
- 7) Fences and Walls – Special Exception (27-11) →FEE: \$150
- 8) Stay of Enforcement →FEE: \$300
- 9) Other (specify)→FEE: \$300 _____

(Over→)

4. Notice to Applicant:

- A. Please make every effort to keep your presentation to fifteen (15) minutes or less.
- B. It is recommended the applicant meet with adjoining property owners and neighborhood groups prior to the hearing date. Failure to do so may be cause for a continuance.
- C. No request for continuance of a hearing, either legally advertised or set for a special day by the Board, shall be granted by the Board unless written notification of such a request is filed in the office of the Board the Friday immediately preceding the hearing date or, in the case of special meetings, four (4) calendar days prior to the date set for the hearing. The notification and intent to request a continuance shall set forth the facts upon which the application and continuance is based. Receipt of said notification in the office of the Board shall not be deemed to grant a continuance until such time as acted upon by the Board.
- D. For any request for continuance by the applicant, a fee of **\$100** will be assessed. The continuance fee must be paid in full (with a copy of the "paid" receipt forwarded to the staff planner assigned to the case) by 4:00 PM of the Tuesday preceding the next hearing of the case.
- E. The owner of record of the real property which is the subject matter of the application before the Board of Zoning Adjustment **MUST** appear at the hearing either in person, through an attorney licensed to practice law in the State of Missouri, or by a designated person as indicated by a signed, notarized affidavit.
- F. **This application constitutes the consent of the property owner in authorizing the staff to go on the premises for the purposes of photographing or otherwise documenting the property which is the subject of the appeal.**
- G. Any person with a disability desiring reasonable accommodation to participate at this hearing may contact Michele Ohmes, 17th Floor, City Hall, 513-2533 or 1-800-735-2966 (Missouri Relay for persons who are hard of hearing) at least 24 hours prior to the hearing.
- H. Should you have any questions regarding this application, please contact the City Planning and Development Department staff at (816) 513-2846 for assistance.

5. The Application Shall Include The Following:

All applications to the Board of Zoning Adjustment must include the following on the date of submission. The case will not be placed on a docket until all information is received and complete.

- Completed application form with legal description, property owner, and signature. (Submit original application, plus two copies)
- Appropriate fee payable to City Treasurer.
- Zoning Determination: An application will not be scheduled for a meeting without a zoning determination. A zoning determination is not required for conditional use permits. Submit a copy of the site plan to Codes Administration, 18th Floor, City Hall. Please allow up to five (5) days to obtain a zoning determination.
- In cases of appeal, submit Notice of Violation, or written determination (including denial of Certificate of Legal Nonconformance) from the Department of Codes Administration. A zoning determination is not required for appeals, unless a variance is also requested.
- Affidavit signed by the property owner. An affidavit is not required if the property owner, or an attorney representing the property owner, will be in attendance at the hearing.
- Twelve (12) copies of a site plan, drawn to scale with property lines, north arrow, locations of buildings, setback dimensions, parking, screening or landscaping of parking lots, signage (including elevations), ingress/egress, etc.
 - All site plans must be sealed or certified by an architect, engineer or surveyor (one and two-family residential properties excluded) and include plan information as applicable to the development and to the request.
 - Requests for height variances and special exceptions to fences and walls must include an elevation drawing.
 - Provide an 8.5 X 11 inch copy of the site plan and if applicable, an elevation drawing.
 - Site plans must be FOLDED to a size no larger than 8.5 x 14 inches. Multiple pages must be collated.
 - Site plans are not required for appeals where no variances are requested.
- For a conditional use permit to allow a halfway house, include a letter addressing the requirements of the ordinance.

6. Signature of Applicant:

Printed Name _____ **Signature** _____ **Date** _____

LOCATION OR BZA CASE NO. _____

STATE OF _____)

COUNTY OF _____)

The undersigned, having been duly sworn and under oath, hereby states that the undersigned is the owner of the land which is the subject of the case referenced above, that the undersigned has authorized * _____ as agent for the purposes of this case and that any representations made by agent to the Board of Zoning Adjustment may be relied upon and that agent has full authority to bind the undersigned to any conditions of approval including but not limited to time limits for performance, dedication of right-of-way, submission of a plat pursuant to Chapter 66, Code of General Ordinances, submission of a drainage plan, construction of public improvements or modification of site plan.

(Corporate Seal**)

Signature of Property Owner

Typed or Printed Name

ATTEST:

Title

Corporate Secretary
(If no seal)

Name of Company or Organization
(If Applicable)

Subscribed and sworn to before me a notary public on this _____ day of _____, 20 _____.

Notary Public

My Commission expires: _____

* Note: Designated agent must be an individual, not a company or firm.

** If Corporate Seal not available, must have signature of both the Corporate President and the Corporate Secretary.

Please complete this form in detail. If additional space is necessary, attach a sheet of paper to this form and indicate the continued response. Return completed and signed form to:

Board of Zoning Adjustment
15th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106-2795

Filing Fee: \$150.00

Receipt No. _____

**APPLICATION FOR RE-HEARING BEFORE THE
BOARD OF ZONING ADJUSTMENT**

1. Name _____

Address _____

Phone (Business) _____ (Home) _____

2. Location of property in question _____

Legal description _____

3. Case number at first hearing _____

Date case was heard _____

Date determination issued _____

(THIS REQUEST MUST BE FILED WITHIN 30 DAYS)

4. Do you have new and different evidence to present to the Board?

Generally, what is this new evidence? _____

Do you intend to call new witnesses? _____

State the names and summarize the testimony to be presented by new witnesses:

5. Have you sent written notification of this request to the opposing parties or their attorney of record? _____

When? _____

Attach a copy of such written notice.

(This must be done 10 days prior to the hearing requesting the rehearing.)

ATTACH PROOF OF SERVICE

6. Do you have anyone representing you in this matter? _____

Is this the same individual who represented you at the original hearing?

If not give the name, address, and phone number of your new agent.

Name _____

Address _____

Phone No. _____

Signed _____

Dated _____