Application to Board of Zoning Adjustment

Date Stamp

City Planning & Development Department
City Hall, 414 E. 12th Street, 15th floor; Kansas City, MO 64106-2795
Phone (816) 513-2846 | Facsimile (816) 513-2838 | www.kcmo.org/planning

Refer to *Development Guide* for additional information

For Office Use: Case Number: _____ BZA Date_____

KIVA Number: _____ Receipt Number: _____ Filing Fee $ _____

1. Request

- ☐ **Variance (88.565)**
- ☐ **Appeal of Determination (88.575)**
- ☐ **Request for Rehearing (88.565, 570, 575)**
- ☐ **Special Exception to Fencing Requirements (Chapter 27)**
- ☐ **Appeal of Certificate of Legal Nonconformance (88.610)**
- ☐ **Other (Please describe)** _____

2. Applicant/Owner/Agent Contact Information

Applicant _____ Company _____

Address _____ City & State _____ Zip _____

Telephone (_____) _____ Fax (_____) _____ Email _____

Property Owner(s) (if different from applicant) _____

Address _____ City & State _____ Zip _____

Telephone (_____) _____ Fax (_____) _____ Email _____

Agent/Contact _____ Company_____

Address _____ City & State _____ Zip _____

Telephone (_____) _____ Fax (_____) _____ Email _____

3. Property Description

a. Location _____

b. Legal description of property _____

c. Land Area (in square feet or acres) _____

d. Current use of property _____

e. Length of time property owner has owned the property _____

4. Reason for the Request/Why the Application is being Filed (attach additional sheet if needed)

_____

_____

5. For variance request, also state

a. Type of variance (setback, height, parking, bulk, etc.) _____

b. Amount of variance _____

c. Describe the practical difficulty requiring you to appear before the Board; i.e. why you cannot comply with code requirement (attach additional sheet if needed) _____

_____

6. Filing Fee

☐ **Variance**

☐ **For one and two family dwelling and accessory uses**	**$250**
☐ **For all other uses**	**$500**
☐ **Appeal of Determination or Certificate of Legal Nonconformance (must be filed within 15 days of the decision)**	**$500**
☐ **Request for Rehearing**	**$200**
☐ **Special Exception to Fencing Requirements**	**$168**
☐ **Other (Please describe) _____**	**$375**

7. Notice to Applicant

A. **A preapplication consultation** prior to filing an application to the Board of Zoning Adjustment is encouraged, but not required. Please indicate whether you have met with a planner in the Development Management Division of the City Planning and Development Department ☐ **Yes** ☐ **No**

If so, Planner _____Date _____

B. **Prior to any public hearing,** an applicant must make a reasonable effort to contact and meet with, if requested, the applicable neighborhood and/or civic organizations registered with the city. Failure to do so may be cause for continuance. Please provide information on this contact, as follows:

Neighborhood or Civic Organization(s) _____
Date _____Time _____Location _____.
Describe (optional) _____
_____

C. **Notice to Property Owners: Applicants are responsible for providing additional courtesy notice to interested parties by posting a sign on the subject property visible from each abutting public right-of-way.** Signs must be posted by the applicant 15 days before the public hearing. The sign is provided by the City at the time of application. Additional notification is provided to all residents within 300' of the subject property by the city via mail and through notice in the newspaper.

D. **This application constitutes the consent of the property owner to authorize staff to enter the premises for the purpose of making a video of or otherwise documenting the property which is the subject of the appeal.**

E. The owner of record of the real property which is the subject matter of the application before the CPC and/or BZA 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. On the day of the hearing, please make every effort to keep your presentation to fifteen (15) minutes or less.

F. No request for continuance of a hearing, either legally advertised or set for a special day by the CPC and/or BZA, shall be granted by the CPC and/or BZA unless written notification of such a request is filed in the office of the CPC and BZA 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 CPC and BZA shall not be deemed to grant a continuance until such time as acted upon by the CPC and/or BZA.

G. For any request for continuance by the applicant, a fee of **$125** 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.

H. Any person with a disability desiring reasonable accommodation to participate at this hearing may contact (816) 513-2533 or (800) 735-2966 (Missouri Relay for persons who are hard of hearing) at least 24 hours prior to the hearing.

I. If you have any questions regarding this application, please contact the City Planning and Development Department staff at (816) 513-2846 for assistance.

8. The Applicant Shall Submit 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 property owner, and signature.
  (Submit original application, plus two copies.)
- ☐ **Legal description** of property.
- ☐ Appropriate **fee** payable to **City Treasurer**.
- ☐ **Zoning Determination.** Submit a copy of the site plan to the 5th floor, Permits Division, to request a zoning determination. As your case cannot be docketed without a zoning determination, allow up to 5 days for completion.
- ☐ In cases of **appeal,** submit the Notice of Violation or written determination (including denial of Certificate of Legal Nonconformance). A zoning determination is not required for appeals, unless a variance is also requested.
- ☐ **Affidavit** (owner's consent form) signed by the property owner. (This form is attached to this application) 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 and landscaping of parking lots, signage (including elevations), ingress/egress, etc**.
  - All site plans must be sealed or certified by an architect, engineer or surveyor (except for one and two-family residential properties) 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.
  - Site plan must be FOLDED to a size no larger than 8.5 x 14 inches.
  - Multiple pages must be collated and stapled.
  - Site plans are not required for appeals where no variances are requested.
- ☐ Provide an 8.5 x 11 inch copy of the site plan; and, if applicable, an elevation drawing.
- ☐ The information presented with this application is true and correct to the best of the undersigned's knowledge.

9. Applicant declares that this application consists of the following items as listed above, necessary for a complete application.

Signature _____

Printed Name _____ **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.

This form is attached for office purposes and to be used at time of application submittal of request for variance.

* * * * * * * * * * * * * * *

CASE NUMBER _____

LOCATION _____

KIVA BBZA _____

APPLICANT NOTIFICATION OF SIGN POSTING

BOARD OF ZONING ADJUSTMENT

88-515-04-C. COURTESY POSTED NOTICE

Applicants are responsible for providing additional courtesy notice to interested parties by posting a sign on the subject property visible from each abutting public right-of-way. Signs must be posted by the applicant at least 15 days before the public hearing.

SIGN RECEIVED BY:

_____

Print

_____

Signature

_____

Date

FOR STAFF USE ONLY:

☐ **SIGN MAILED TO APPLICANT/REPRESENTATIVE STAFF INITIALS** _____

Note: For applications requesting a variance, please complete this form after you have filed the application and after you have received and posted the sign.

KIVA BBZA _____

ADDRESS OR LOCATION _____

AFFIDAVIT OF SIGN POSTING

STATE OF_____)
)
COUNTY OF_____)

I, _____ being duly sworn upon my oath and being of sound mind and legal age state:

That I am the _____ (agent, owner, attorney) of the lot, tract or parcel of land for which the application was filed and did not later than fifteen (15) days prior to the date of hearing scheduled before the Board of Zoning Adjustment, place a sign upon said lot, tract or parcel of land in compliance with Section 88-515-04-C of the Zoning and Development Code.

_____
(Print Name)

Subscribed and sworn to before me this _____ day of _____, 20_____.

_____
Notary Public

My Commission Expires _____

Said sign shall be furnished by the City to the applicant and the applicant shall firmly affix and attach the sign to a wood or metal backing or frame. The sign shall be posted in a fashion visible from a public right-of-way or public place, shall not be further than ten (10) feet from the property line exclusive of the public right-of-way and shall be posted in a manner that the bottom portion of the sign is no further than eighteen (18) inches from the ground. The applicant shall file an affidavit prior to the public hearing stating that said sign has been posted according to these regulations.

Return completed affidavit to:

City Planning and Development
City Hall, 15th Floor
414 E. 12th Street
Kansas City, Mo. 64106
(816) 513-2846