

BOARD OF ZONING APPEALS

Application Procedure

The Board of Zoning Appeals has statutory authority to consider three types of applications: appeals, variances, and special exceptions. A detailed explanation of each is contained in the Zoning Regulations. The following procedure simply sets out the steps of processing an application. Additional information is contained in the Zoning Regulations and on the application instruction sheet.

1. The applicant shall first meet with the Zoning Administrator and obtain an application along with an explanation thereof, with the applicant advised of any special requirements.
2. The application must indicate what action is being requested and shall be signed by the property owner or his duly authorized agent. If the application is signed by an agent, a written authorization from the property owner must be submitted naming the agent and that the owner is aware and approves of the requested action before the Board of Zoning Appeals.

The applicant shall provide, at the time of filing the application, a list of the names and addresses of owners of all property within a 200-foot radius of and including the property for which the hearing is requested if within the unincorporated portion of the county, or within a 200-foot radius of and including the property for which the hearing is requested if within a city – along with an aerial map of the property (These must be obtained from the Mapping Department, Labette County Courthouse); a legal description of the property (such as a deed); a written and signed certification from the Labette County Treasurer that all property taxes of the owner are current; and a signed certification from the City stating the applicant has no delinquent accounts with the City (utility billing, special assessments, mowing, etc.)

3. The appropriate fee shall be paid at the time of filing an application.
4. Applications along with the required ownership list and fee shall be filed in the office of the Zoning Administrator.
5. Upon receipt of a properly completed application form accompanied by all the required information and filing fee, the Zoning Administrator shall schedule the request for public hearing before the Board of Zoning Appeals. The Zoning Administrator shall cause a notice of public hearing to be published once in the appropriate official city or county newspaper at least twenty (20) days prior to the date fixed for the hearing. The notice shall fix the time and place of the public hearing and shall describe the application requested. A copy of the notice shall be mailed to each party in interest, each person on the ownership list and each member of the Board of Zoning Appeals and must be post marked at least twenty (20) days prior to the date fixed for the hearing.

6. All proponents and opponents shall present their facts at the public hearing and the Board of Zoning Appeals may approve or deny the request, wholly or partly, or may modify the request or may attach any conditions it deems necessary. The Board of Zoning Appeals also may issue or direct issuance of a Zoning Certificate.
7. The Board of Zoning Appeals shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board and the vote upon each question. Records of all official actions shall be kept in the office of the Zoning Administrator and shall be open to public inspection during reasonable business hours.
8. Any person, official or governmental agency dissatisfied with any determination of the Board of Zoning Appeals may bring action in the District Court to determine the reasonableness of any such order or determination.

BOARD OF ZONING APPEALS

INSTRUCTIONS TO APPLICANT

APPEAL FROM ORDER OR DECISION OF THE ZONING ADMINISTRATOR

1. The appellant must complete the attached application form. All blanks must be filled in and blanks not applicable should be noted as N/A (not applicable).
2. Appellant must submit a written and signed certification from the County Treasurer's Office that all property taxes for the parcel are current; a legal description of the property, such as a copy of the deed; an aerial map of the property (May be obtained from the Mapping Department, Labette County Courthouse); a typed list of the names and mailing addresses of owners of all property within a distance of two hundred (200) feet of the boundaries of the property included in the application (This information must be obtained from the Mapping Department, Labette County Courthouse); and a signed certification from the City of Oswego stating the applicant has no delinquent accounts associated with the City of Oswego (Utility Billing, Fines, Special Assessments, Mowing, etc.)
3. The appellant must submit a copy of the decision of the Zoning Administrator from which the appeal is being made, a statement in writing justifying the appeal of the decision, and a scaled drawing, if applicable.
4. The above-listed documents together with the required fee of \$_____ shall be submitted to the office of the Zoning Administrator.

BOARD OF ZONING APPEALS

Case No. _____

Date Filed _____

APPEAL FROM ORDER OR DECISION OF THE ZONING ADMINISTRATOR

1. Name of Appellant _____

Mailing Address _____ Phone _____

Name of Agent _____

Mailing Address _____ Phone _____

Relationship of applicant to property is that of _____
(owner, tenant, lessee, other).

2. The appellant herein appeals from a decision, determination, or an order of the Zoning Administrator as follows: _____

for property located _____

and legally described as _____

in Oswego, which is presently zoned _____.
(Attach metes & bounds description on separate sheet.)

The decision was rendered on _____ (Date) and

refers to Section _____ of the Zoning Regulations.

3. The appellant hereby declares that he has submitted the following required material, together with and as part of the appeal:

A. A clear & accurate description of the proposed work or use.

B. The order, requirement, decision or determination by the Zoning Administrator, which the appellant believes to be in error, and the principal points supporting the appellant's allegation of errors.

C. Specific reference to that Section of the Zoning Regulations under which it is claimed the permit should be issued.

D. Drawings or plans for the proposed work or use in relation to the adjacent buildings and property.

Signature of Property Owner

OFFICE USE ONLY: Received by the Zoning Administrator, at _____(A.M.)
(P.M.) on _____, 20____, together with appropriate fee of \$_____.

Name and Title

BOARD OF ZONING APPEALS

INSTRUCTIONS TO APPLICANT

APPLICATION FOR VARIANCE

1. The appellant must complete the attached application form. All blanks must be filled in and blanks not applicable should be noted as N/A (not applicable).
2. Appellant must submit a list of the names and mailing addresses of owners of all property within a distance of two hundred (200) feet of the boundaries of the property included within the application; along with all other items noted in the Application Procedures.
3. The applicant must submit a statement, in writing, justifying the variance requested; indicating specifically the provisions of the Zoning Regulations from which variance is requested; and outlining in detail the manner in which it is believed that this application will meet each of the five conditions set out by State statute. The applicant's statement shall contain remarks pertaining to each of the five conditions as follows:
 - A. Uniqueness: 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.**
 - B. Adjacent Property: The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents.
 - C. Hardship: The strict application of the provisions of the Zoning Regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
 - D. Public Interest: The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
 - E. Spirit and Intent of the Zoning Regulations: The granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Regulations.
4. The applicant must submit a sketch, drawn to scale and showing the lot or lots included in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information that would be helpful to the Board of Zoning Appeals in consideration of the application.
5. The above-listed documents together with the required fee of \$_____ shall be submitted to the office of the Zoning Administrator.

BOARD OF ZONING APPEALS

Case No. _____

Date Filed _____

APPLICATION FOR VARIANCE

1. Name of Appellant _____

Mailing Address _____ Phone _____

Name of Agent _____

Mailing Address _____ Phone _____

Relationship of applicant to property is that of _____
(owner, tenant, lessee, other).

2. The variance requested is: _____

for property located _____

and legally described as _____

in Oswego, which is presently zoned _____.

(Attach metes & bounds description on separate sheet.)

3. The applicant herein acknowledges:

A. That he has received an instruction sheet concerning the filing and hearing of this matter.

B. That he has been advised of the fee requirements established; and that the appropriate fee is herewith tendered.

C. That he has been advised of his right to appeal of the decision of the Board to the District Court.

(Name)

OFFICE USE ONLY: Received by the Zoning Administrator, at _____(A.M.)

(P.M.) on _____, 20____, together with appropriate fee of \$_____.

Name and Title