VARIANCE FROM UNNECESSARY HARDSHIP

BY THE BOARD OF ZONING APPEALS

Application Requirements

Please note, the application and application materials must be submitted in print and electronic format, on disc. If you are unable to provide the application materials in electronic format, please contact the Planning Office at 785-832-3150.

This checklist has been provided to assist you as you prepare your application. Submission of less information than necessary to adequately review and process your application may delay the review process. Planning Staff will determine the completeness, accuracy, and sufficiency of the application within five (5) business days of submission. Incomplete applications will be returned to the applicant.

Pre-Application Meeting

1. Pre-Application Meeting. The applicant shall meet with Planning Staff at least seven (7) business days prior to submittal of the application.

General Submittal Requirements

1. A complete application form.
2. Payment of review fee. ($30, residential; $60, other) (Make check payable to the City of Lawrence.)
3. Owner Authorization form if Applicant is not the legal owner of the property.

Requirements for Public Notification of the Public Hearing

1. Legal description of the property in print and electronic (Microsoft Word) formats.
2. A list certified by the County Clerk of all property owners within the notification area (200 feet) of the subject property.
3. Ownership List Certification form.

Other Requirements

1. Plot plan illustrating the requested variances and proposed development.
   a. Submit 2 paper copies and 1 copy in electronic format (TIF or PDF).
   b. If larger than 8.5 “ x 11”, fold all plans with the image side out.
   c. Additional plans and an 11” x 17” reduction (if larger than 8.5 “ x 11”) may be requested prior to completion.
**APPLICATION FOR**

**VARIANCE FROM UNNECESSARY HARDSHIP**

### OWNER INFORMATION

<table>
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<tr>
<th>Name(s)</th>
<th>Contact</th>
<th>Address</th>
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### APPLICANT/AGENT INFORMATION

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<tr>
<th>Contact</th>
<th>Company</th>
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Pre-Application Meeting Date ________________ Planner ________________

### PROPERTY INFORMATION

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<thead>
<tr>
<th>Present Zoning District</th>
<th>Present Land Use</th>
<th>Proposed Land Use</th>
<th>Legal Description <em>(may be attached)</em></th>
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Address of Property ________________

Total Site Area ____________________

Number and Description of Existing Improvements or Structures _____________________

______________________________________________________________________________

______________________________________________________________________________
Description of variance requested:

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
UNNECESSARY HARDSHIP CRITERIA

The Board of Zoning Appeals may approve a zoning variance if it finds that all of the following criteria have been met. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to each criterion to the best of your knowledge. (Attach additional sheets if needed.)

1. That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property owner or applicant:

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

2. That granting the variance would not adversely affect the rights of adjacent property owners or residents:

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
3. That strict application of the provisions of this chapter for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

4. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
5. That granting the variance desired would not be opposed to the general spirit and intent of the Development Code:

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

SIGNATURE

I/We, the undersigned am/are the (owner), (duly authorized agent), (Circle One) of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for variances as indicated above.

Signature(s): ___________________________________________ Date ________________

___________________________________________ Date ________________

___________________________________________ Date ________________

___________________________________________ Date ________________

STAFF USE ONLY

Application No. __________________________________________

Date Received __________________________________________

BZA Date __________________________________________

Fee $________________________________________

Date Fee Paid _________________________________________
OWNER AUTHORIZATION

I/WE___________________________________________________________________, hereby referred to as the “Undersigned”, being of lawful age, do hereby on this ________ day of _________, 20 __, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

   See “Exhibit A, Legal Description” attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize ____________________________ (Herein referred to as “Applicant”), to act on my/our behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding ______________________________________ (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

___________________________________   ___________________________________
Owner                                                       Owner

STATE OF KANSAS
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this ______ day of ________, 20 __,

by __________________________________________________________.

My Commission Expires:                                   ______________________________
Notary Public
PROPERTY OWNERSHIP LIST CERTIFICATION

As required by Article 13, Section 20-1301(q) of the Development Code, the applicant is responsible for providing certified Ownership information (including names and mailing addresses) of all real property owners within a defined radius from the subject property. The Planning Department is required by the Development Code to use the submitted Ownership list to mail notice of the public hearing to surrounding property owners regarding this Application.

Ownership Information
The applicant is responsible for providing certified Ownership information. Current Ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if it is no more than 30 days old at the time an application is submitted to the Planning Department.

Radius of Notification
The Ownership list shall include the record Owner of the subject property and all Owners of property located within 200 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

A map of the “Radius of Notification” can be obtained at the Applicant’s request at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied at the Applicant’s expense. Allow 10 business days to receive the map.

THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read and understood the above information and that the submitted Ownership list:

1. was a) obtained from and b) certified by the Douglas County Clerk,
2. is current (no more than 30 days old), and
3. includes all property owners within the required notification radius of the subject property.

_________________________________________       __________________________
Signature                                      Date

_________________________________________
Printed Name
Note to Applicant:

Replace this page with “Exhibit A, Legal Description”.
VARIANCE
Unnecessary Hardship or Flood Protection Regulations

DETERMINATION OF COMPLETENESS, ACCURACY, AND SUFFICIENCY
(Completed by Staff)

The following items apply to variance applications. Submission of less information than necessary to adequately review and process your application may delay the review process. The following submittal requirements will be deemed: (P)provided or (NP)not provided. (Circled items have not been reviewed due to time constraints.)

Pre-Application Meeting

P NP
☐ ☐ 1. Pre-Application Meeting. The applicant shall meet with Planning Staff at least seven (7) business days prior to submittal of the application.

General Submittal Requirements

☐ ☐ 2. A complete application form.
☐ ☐ 3. Payment of review fee.
☐ ☐ 4. Owner Authorization form if applicant is not the legal owner of the property.

Requirements for Public Notification of the Public Hearing

☐ ☐ 5. Legal description of the property in print and electronic (Microsoft Word) formats.
☐ ☐ 6. A list certified by the City Clerk of all property owners within the notification area of the subject property.
☐ ☐ 7. Ownership List Certification form.

Other Requirements

☐ ☐ 8. Plot plan illustrating the requested variances and proposed development.
   a. Submit 2 copies (in print form) and an electronic copy of the entire application.
   b. If larger than 8.5” x 11”, fold all plans with the image side out.
   c. Additional plans and an 11” x 17” reduction (if larger than 8.5” x 11”) may be requested prior to completion.
Determination of Completeness, Accuracy, and Sufficiency

I have reviewed the variance application submitted by:

Name: ________________________________  Date: __________

Application No. ________________________

Based upon the submitted information, I find the application to be:

☐ Complete (based upon the items reviewed)

☐ Incomplete, inaccurate, or insufficient (circle) for the following reasons:

☐ The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards.

☐ The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards.

☐ Other

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

Planner ____________________________  Date __________

(1) Resubmit by __________________________ to be placed on the agenda for the Board of Zoning Appeals meeting on __________________________. (All resubmitted materials must be deemed to be complete, accurate, and sufficient.)
RESOURCES AVAILABLE TO THE APPLICANT

1. Planning Staff
2. Calendars:
   - Board of Zoning Appeals Submittal Deadlines and Meeting Dates
   - Planning Commission Submittal Deadlines and Meeting Dates
   - Historic Resources Commission Submittal Deadlines and Meeting Dates
3. Fee Schedule
4. City of Lawrence Development Code
   The following articles of the Development Code are applicable to variance applications:
   - Article 6: Density and Dimensional Standards
   - Article 13, Section 20-1308: Zoning Variances

PLANNING DEPARTMENT PROCEDURES

Public Hearing: Planning Staff will schedule a hearing before the Board of Zoning Appeals, which is responsible for hearing the request.

Newspaper Publication: Planning Staff will publish the notice of the public hearing twenty (20) days prior to the date of the public hearing.

Mailed Notice: Planning Staff will mail notices of the public hearing to all property owners within the required notification area at least twenty (20) days prior to the public hearing. Planning Staff will also mail notice to any Registered Neighborhood Associations whose boundaries include or are contiguous to the subject property.
APPROVAL AND EXTENSION TIME PERIOD
LAND DEVELOPMENT CODE
ARTICLE 13

No action by the City shall be necessary to cause the approval to expire. Its expiration shall be considered a condition of the original approval.

SITE PLANS:
[Section 20-1305(o)(1)]
Approval time period -- Building permit must be obtained within 24 months of final approval of the site plan or the approval shall expire.

Extension -- Extension of up to 24 months may be approved by City Commission for good cause shown if written request is made by letter to the Planning Director before the expiration date. Additional extensions may be requested, if necessary.

SPECIAL USE PERMITS:
[Section 20-1306(k)]
Approval time period -- Building permit must be obtained within 24 months of the effective date of the decision on the Special Use or the approval shall expire.

Extension -- Extension of up to 24 months may be approved by City Commission for good cause shown if written request is made by letter to the Planning Director before the expiration date. Additional extensions may be requested, if necessary.

PRELIMINARY DEVELOPMENT PLAN:
[Section 20-1304(d)(12)]
Approval time period -- Application for a final development plan must be submitted within 24 months after final approval of the preliminary development plan or within 6 months after the date shown on an approved development schedule or the approval shall expire.

Extension -- Extension of up to 24 months or the proposed phasing schedule may be modified to extend all dates by a period up to one-half the original period allowed for development of that phase may be approved by City Commission for good cause shown if written request is made by letter to the Planning Director before the expiration date. Additional extensions may be requested, if necessary.

FINAL DEVELOPMENT PLAN
[Section 20-1304(e)(2)(vii)]
Approval time period -- A building permit must be obtained within 24 months after the final approval of the Final Development Plan or the approval shall expire.

Extension -- Extension of up to 24 months or the proposed phasing schedule may be modified to extend all dates by a period up to one-half the original period allowed for development of that phase may be approved by City Commission for good cause shown if written request is made by letter to the Planning Director before the expiration date. Additional extensions may be requested, if necessary.
INSTITUTIONAL DEVELOPMENT PLAN
[Section 20-1308(g)]
Approval time period -- A building permit must be obtained within **24 months** after the final approval of the Institutional Development Plan or the approval shall expire.

Extension -- Extension of **up to 24 months** may be approved by the City Commission for good cause shown if written request is made by letter to the Planning Director before the expiration date. Additional extensions may be requested, if necessary.

ZONING VARIANCES
[Section 20-1309(k)]
Approval time period -- A building permit must be obtained within **24 months** after the variance has been granted or the variance will expire. The variance will also expire upon expiration of a building permit.

Extension -- Extension of up to **24 months** may be approved by the Board of Zoning Appeals for good cause shown if written request is made by letter to the Planning Director before the expiration date. Additional extensions may be requested, if necessary.

APPROVAL AND EXTENSION TIME PERIOD
SUBDIVISION REGULATIONS

PRELIMINARY PLAT*
[Section 20-809(j)]
Approval time period -- A final plat must be submitted within **18 months** of the date approval of the preliminary plat was granted or by any application due date as shown on an approved phasing schedule or the approval of the preliminary plat shall expire.

Extension -- An extension of **up to one additional year** may be granted by the Planning Commission if the cause of failure to submit a final plat is beyond the subdivider’s control.

* Per Section 20-1304(10) of the Development Code, approval of a Preliminary Development Plan constitutes approval of a preliminary plat. In the case of properties that were platted with a Preliminary Development Plan, the approval and extension dates of the Preliminary Development Plan shall apply. In other words, a final plat must be submitted within **24 months** after the approval of a Preliminary Development Plan, for properties that were platted with a Preliminary Development Plan. The City Commission may approve an extension for **up to 24 months**, for good cause shown if a written request is provided to the Planning Director prior to the expiration date. Additional extensions may be requested, if necessary.

FINAL PLAT
[Section 20-809(n)(5)]
Approval of a Final Plat shall be effective for no more than 18 months from the date of approval unless all conditions of approval have been completed.