



MUST BE SUBMITTED IN FULL TO  
DOUGLAS COUNTY ZONING AND CODES  
BY 5:00 P.M. ON \_\_\_\_\_  
HEARING DATE: \_\_\_\_\_

## **Variance** *Application Packet*

A variance allows a property owner to legally deviate from specific terms of the Zoning Regulations which will not be contrary to the public interest, and where, due to special conditions, a literal enforcement of the provisions of these regulations, in an individual case, results in unnecessary hardship, provided that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not allowed by the Zoning Regulations in a district. The Board of Zoning Appeals (“BZA”) considers a request for a variance at a public hearing, and approves or denies the request after applying factual evidence to specific standards.

The Application Packet must be submitted with **all required materials listed on the Application Check List on page 2** to be deemed complete. County Administration cannot submit an application to the BZA for consideration until **all** requirements have been met. All materials will be presented as evidence at the public hearing and must be kept as part of the public record and will not be returned to the applicant. County Administration require applicants request a pre-application meeting prior to submitting their variance request.

### **Notification Requirements**

The County must notify all property owners within a ½ mile radius (2,640 feet) of the property where a variance request has been proposed. This notification allows individuals the opportunity to learn about the request and present any comments to the BZA at the public hearing.

**IF YOU HAVE QUESTIONS ABOUT COMPLETING THIS APPLICATION, PLEASE  
CONTACT ZONING AND CODES AT 785-331-1344 or [zoning@douglascountyks.org](mailto:zoning@douglascountyks.org)**

Douglas County Zoning and Codes  
3755 E. 25<sup>th</sup> Street  
Lawrence, KS 66046  
Phone 785-331-1344 - Fax 785-842-1201  
[zoning@douglascountyks.org](mailto:zoning@douglascountyks.org)

# Application Check List

A complete Application Packet for a variance consists of the following  
(Check that each item is submitted):

☐ **Basic Information:**

☐ Information Form;

☐ Adjoining Property Owner Support Statement (This form is optional, see the form for more guidance).

**All property owners must be listed in Section II. Property Information and all property owners must sign the application.**

☐ **Legal Description or copy of Deed:** Provide a complete and correct legal description of the property for which the Variance is requested. The legal description must be **typewritten**, readable and reproducible.

☐ **Fees:**

☐ The application fee is \$100. The check should be payable to the Douglas County.

☐ **Site Plan and Professional Drawings:** The applicant shall submit a Site Plan and Architectural Elevations (*where applicable*). These plans shall be accurately drawn to scale that shows the Variance being sought. The final Site Plan shall be one set of 8½ by 11 inch (or larger), readable and reproducible, reductions of all drawings. A Site Plan checklist can be found on page 7 to assist in creating the required Site Plans.

☐ **Photos and Exhibits (where applicable):** Photographs and other exhibits may be submitted at the time of the application to further support the request.

**A copy of any visual materials (power point presentations, photos, etc.) or handouts presented at the public hearing that are not submitted with the application materials shall be given to County Administration at the public hearing to be a part of the meeting record.**

☐ **Building permit or sign permit application (where applicable):** If the requested Variance(s) would require a building or sign permit upon approval by the Board of Zoning Appeals, a completed permit application must be submitted with the BZA application (see attached).



# Information Form

**This information form must be completed in its entirety before the application will be accepted.**

## I. APPLICANT INFORMATION

Applicant \_\_\_\_\_

Primary Contact (if applicant is an entity) \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Relationship to property owner(s) (*check most applicable*)

☐ Property Owner ☐ Buyer ☐ Consultant ☐ Other (describe) \_\_\_\_\_

## II. PROPERTY INFORMATION

List all Property Owners of record \_\_\_\_\_

-If the Property Owner is an entity, list the individual(s) with authority to execute this application for the entity.

Property Address and Plate number: \_\_\_\_\_

Existing Use of Property: \_\_\_\_\_

Total Property (Lot) Area: \_\_\_\_\_ (Square feet or acres)

Current Zoning District: \_\_\_\_\_

### III. NATURE OF REQUEST FOR VARIANCE

**If more space is needed, please attach additional pages.**

1. Describe the proposed project and explain why a Variance is requested. The explanation should be in sufficient detail for the BZA to completely and clearly understand the project.

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2. Explain why the granting of the Variance will not adversely affect the rights of adjacent property owners or residents.

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3. Explain why the Variance requested arises from a condition, or conditions which are unique to the property in question and which are not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant.

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4. Explain why the strict application of the provisions from which a Variance is requested will constitute unnecessary hardship upon the property owner represented in the application.  
(*The BZA cannot consider economic hardship*).

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5. Explain how the Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

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6. Explain why granting the Variance will not be contrary to the general spirit and intent of the Zoning Regulations.

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**EACH PERSON SIGNING THIS APPLICATION PACKET ATTESTS TO THE FOLLOWING:**

- That the facts and information in this Application Packet and its attachments are true, complete and accurate, to the best of the person's knowledge;
- That the signatory understands that any omission, or incorrect information, may invalidate any required notice or action taken by the Board of Zoning Appeals.
- That each Property Owner grants to the Applicant, and the Applicant accepts, the authority to represent the property owner in all aspects of the processing of this Application Packet, including but not limited to, communication with County Administration, representation at all meetings and public hearings, and modification of this Application Packet.

**PROPERTY OWNER(S)**

\*All property owners must sign. If the property owner is an entity, the signatory must have the authority to sign this application for the entity.

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Date

**APPLICANT**

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Date

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

County: Fee Paid: \_\_\_\_\_ Receipt # \_\_\_\_\_  
Check \_\_\_ Check # \_\_\_\_\_ Cash \_\_\_

## **Variance**

### *Site Plan Checklist*

A Site Plan and Professional Drawings (*where applicable*) shall be submitted at the time of the application. These plans shall be accurately drawn to scale that shows the Variance being sought. The final Site Plan shall be one set of 8½ by 11 inch (or larger), readable and reproducible, reductions of all drawings.

#### Check that each item is included on the site plan

- ☐ North arrow;
- ☐ Septic Tank and Lateral Field;
- ☐ Property lines;
- ☐ Adjacent streets (names), alleys and sidewalks;
- ☐ Public or private easements on the property;
- ☐ Existing building setbacks;
- ☐ Proposed building setbacks;
- ☐ Dimensions of existing and proposed improvements;
- ☐ Location of Flood Plain and other sensitive lands, if necessary;
- ☐ Location of existing and proposed drives and parking; to include entrance ingress and egress
- ☐ Location of existing and proposed structures, additions or other improvements;
- ☐ Existing and proposed landscaping;
- ☐ Name and address of owner of the property;
- ☐ Name and address of consultant (engineer, architect, land surveyor, etc.); and,
- ☐ Date the Site Plan was prepared.
- ☐ Site plan title (i.e. Lot Area Variance for 3755 E 25<sup>th</sup> Street)

#### Professional Drawings

- ☐ Elevation and dimensioned drawings of proposed building, signs or other improvements shall be submitted on a separate sheet where applicable.
- ☐ Floodplain, if applicable

# Adjacent Property Owner or Resident Statement

(Completion of this form by the applicant is optional.)

To Whom It May Concern:

We, the undersigned, own property or are residents adjoining \_\_\_\_\_ in Douglas County, Kansas.

It is our understanding that \_\_\_\_\_ has filed a variance with the Zoning Board of Appeals to allow \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

As adjoining property owners or residents, we have no objections to the approval of this variance.

Signature	Name	Address	Date



# STANDARDS FOR VARIANCES

**The Board of Zoning Appeals shall not grant a variance unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it that all of the following standards have been met:**

- (1) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant;
- (2) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- (3) The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- (4) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
- (5) Granting the variance desired will not be opposed to the general spirit and intent of these regulations.