



## JUNCTION CITY/MILFORD/GEARY COUNTY

### Instructions for a Variance

1. All applicants requesting a **variance** should **consult the Zoning Administrator** prior to submitting a formal application. The purpose of the consultation is to advise the applicant of his rights and responsibilities in the filing of a variance application.
2. The applicant must complete the attached application form. Applications **must be received by the calendar deadline date** to be on the next agenda for the **Board of Zoning Appeals**. An incomplete application cannot be accepted.
3. A list of the names and mailing addresses will be requested by the Planning Department from the Assessor's Office of all property owners within a distance of:
  - A. two hundred (200) feet of the boundaries of the property included within the application for land within the City of Junction City.
  - B. one thousand (1,000) feet of the boundaries of the property included in the application for land in the unincorporated portion of Geary County.

As required by Kansas Statute, these property **owners will be mailed a Property Owner Notification** letter advising them of the request and the Board's meeting date. The list of names will be obtained by staff.

4. The applicant must submit a statement, in writing, justifying the variance requested; outlining in detail the manner in which it is believed 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.

5. The applicant must submit a **sketch**, showing the lot or lots included in the application; the structures existing thereon; and the structures proposed, 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.
6. The applicant shall provide a copy of a paid **receipt or statement** from the Geary County Treasurer showing **property taxes paid in full for the property in question.**
7. The property owner or his duly authorized agent must sign the application.
8. The above-listed documents together with the required **fee of \$40.00** for a variance application shall be submitted to the office of the Zoning Administrator.
9. The **Board of Zoning Appeals decision is final.** Applicant has the right to appeal the decision to the District Court within 30 days of the Board's final decision as set out by KSA 12-759(f).
10. If the application is for a variance for Flood Plain Management issues, the consideration standards and approval criteria are as shown on the attached Flood Plain Management Variance handout.