



## **2018 BOARD OF ZONING APPEALS** **PROCEDURES FOR REQUESTING A VARIANCE**

Any property owner desiring a variance from any provisions of the City of Lake Quivira Zoning and Subdivision Rules and Regulations has the right to request such a variance. There is a \$300.00 application process fee for each Board of Zoning Appeals scheduled appearance. Any scheduled appearances cannot be rescheduled or carried over to another meeting. The applicant must complete another variance request application.

In any case where the specific provisions of the zoning ordinance result in unnecessary hardship, the Board of Zoning Appeals may vary or modify that provision. A variance applies only to provisions such as required setbacks, height regulations, parking regulations, etc. The Board of Zoning Appeals may not grant a variance that would permit a use that is not allowed in that zoning district.

The burden of proof for a variance request rests upon the applicant. Prior to the hearing, the applicant shall initiate, assemble and present to the appropriate administrative staff all required and appropriate written documentation in support of the application. A stamped lot survey with plot plan is the minimum documentation required, a site plan showing proposed and existing structure(s), including the location of adjacent residences, any other associated documentation that would help the board in the decision process is recommended. The applicant and/or his designated representative must be present and present their documentation at the legally published Board of Zoning Appeals meeting.

If, in the opinion of the Board of Zoning Appeals, the complexity of the variance requested exceeds the ability of the applicant to adequately present the extend of the documentation or evidence required for the Board of Zoning Appeals to render an objective judgment, the Board of Zoning Appeals may require additional documentation to be provided at the applicant's expense.

All documentation and fee's shall be filed with appropriate staff four weeks prior to the legally published date of the Board of Zoning Appeals meeting, and the documentation shall be transmitted to the Board of Zoning Appeals members and all neighbors within 200 feet, a minimum of five (5) days prior to the meeting.

A request for a variance must, by Kansas State Statutes KSA 12-759 as amended, meet all of the following conditions and the applicant for a variance must answer these conditions for satisfaction of the Board of Zoning Appeals:

1. That the variance request arises from such conditions which are unique to the property in question and which are not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the application of the provisions of this ordinance of which variance is requested will constitute unnecessary hardship upon property owners represented in the application.
4. That the variance desired will not adversely affect the public health, safety, moral, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not opposed to the general spirit and intent of this ordinance.



## SETBACK REQUIREMENTS

See the City of Lake Quivira Zoning and Subdivision Regulations for full requirements. The setbacks listed below are for R-1 zoning districts only. If you have other than a R-1, R-2, or R-3, please contact the Building Officials office for proper setbacks.

**FRONT YARD SETBACK:** THE DISTANCE BETWEEN ANY FRONT LOT LINE AND FRONT YARD SETBACK LINE. The front yard setback line shall be a line inside the lot and parallel to the front line, running from lot line to lot line (generally side lot line to side lot line). The area between the front lot line and the front yard setback line shall be the required front yard. Lots with more than one front yard lot line, such as corner lots, shall have a front yard setback for each front lot line. **R-1 & R-2 = 40' Minimum / R-3 = 50' minimum**

**SIDE YARD SETBACK:** THE DISTANCE BETWEEN THE SIDE LOT LINE AND THE SIDE YARD SETBACK LINE. The side yard setback line shall be a line inside the lot and parallel to the side lot line, running from setback line to setback line (generally front yard setback line to rear yard setback line). The area between the side lot line and the side yard setback line shall be the required side yard. **R-1 25% of lot width, but not less than seven (7) feet. R-2 = 25% of lot width, but not less than eighteen (18) feet. R-3 = 25% of lot width, but not less than twenty five (25) feet.**

**REAR YARD SETBACK:** THE DISTANCE BETWEEN ANY REAR LOT LINE (if any) AND THE REAR YARD SETBACK LINE. The rear yard setback line shall be a line inside the lot and parallel to the rear lot line, running from lot line to lot line (generally side lot to side lot line). The area between the rear lot line and the rear setback line shall be the required rear yard. Lots with no rear lot line shall have no required rear yard. **30 Feet Minimum.**

**LOT COVERAGE:** That portion of the lot area covered by structures, including but not limited to accessory structures, such as porches, patios, decks, pools, and tennis courts, but not driveways, sidewalks, and parking areas. **R-1 25% Maximum. R-2 and R-3 = 20% Maximum**

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point on the roof, exclusive of chimneys. **35 Feet Maximum.**

## DISTRICTS:

### R-1

Section 5

1. R-1

B. Maximum building height – 35'

E. Maximum Lot Coverage 25%

F. Minimum Front Yard Setback 40'

G. Minimum Side Yard Setback: Total of Both sides yards shall not be less than 25% of the width of the lot, but not less than 7' on each side.

H. Minimum Rear Yard Setback – 30'

### R-2

Section 5

2. R-2

B. Maximum building height – 35'

E. Maximum Lot Coverage 20%

F. Minimum Front Yard Setback 40'

G. Minimum Side Yard Setback: Total of Both sides yards shall not be less than 25% Of the width of the lot, but not less than 18' on each side.

H. Minimum Rear Yard Setback – 30'

### R-3

Section 5

3. R-3

B. Maximum building height – 35'

E. Maximum Lot Coverage 20%

F. Minimum Front Yard Setback 50'

G. Minimum Side Yard Setback: Total of Both sides yards shall not be less than 25% Of the width of the lot, but not less than 25' on each side.

H. Minimum Rear Yard Setback – 30'

Office Phone  
913-631-5300 Ext.1005

E-mail  
[building@lakequivira.ks.gov](mailto:building@lakequivira.ks.gov)

Fax  
913-631-5761



## 2018 Meeting Schedule

City of Lake Quivira Board of Zoning Appeals

Meetings are at 6:00 p.m. on the days listed below at City Hall, 10 Crescent Blvd.

**\*\* PLEASE NOTE: ZONING APPEALS APPLICATION, PLANS, SUPPORTIVE DOCUMENTATION, AND BZA FEE ARE DUE FOUR WEEKS PRIOR TO THE NEXT MEETING.\*\***

### **January BZA Meeting**

Application due by Dec. 12<sup>th</sup>

**Tuesday, January 9<sup>th</sup>**

### **February BZA Meeting**

Application due by Jan. 16<sup>th</sup>

**Tuesday, February 13<sup>th</sup>**

### **March BZA Meeting**

Application due by Feb. 13<sup>th</sup>

**Tuesday, March 13<sup>th</sup>**

### **April BZA Meeting**

Application due by Mar. 13<sup>th</sup>

**Tuesday, April 10<sup>th</sup>**

### **May BZA Meeting**

Application due by Apr. 10<sup>th</sup>

**Tuesday, May 8<sup>th</sup>**

### **June BZA Meeting**

Application due by May 15<sup>th</sup>

**Tuesday, June 12<sup>th</sup>**

### **July BZA Meeting**

Application due by Jun. 12<sup>th</sup>

**Tuesday, July 10<sup>th</sup>**

### **August BZA Meeting**

Application due by Tuesday, Jul 17<sup>th</sup>

**Tuesday, August 14<sup>th</sup>**

### **September BZA Meeting**

Application due by Tuesday, Aug. 14<sup>th</sup>

**Tuesday, September 11<sup>th</sup>**

### **October BZA Meeting**

Application due by Tuesday, Sept. 11<sup>th</sup>

**Tuesday, October 9<sup>th</sup>**

### **November BZA Meeting**

Application due by Tuesday, Oct. 16<sup>th</sup>

**Tuesday, November 13<sup>th</sup>**

### **December BZA Meeting**

Application due by Tuesday, Nov. 13<sup>th</sup>

**Tuesday, December 11<sup>th</sup>**

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**BOARD OF ZONING APPEALS**  
**APPLICATION FOR REQUESTING A VARIANCE**

Please Print

Applicant \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Property Owner \_\_\_\_\_ Phone \_\_\_\_\_

Address of Requested Variance \_\_\_\_\_

Specific section(s) of Zoning and Subdivision Rules and Regulations from which a variance is being requested (bottom of page #2).

\_\_\_\_\_

Reason for request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Lot Measurements:

Front Width: \_\_\_\_\_ Rear Width: \_\_\_\_\_

Side Length Left: \_\_\_\_\_ Side Length Right: \_\_\_\_\_

Setback Requested:

Front Yard \_\_\_\_\_ Rear Yard \_\_\_\_\_ Height \_\_\_\_\_

Side Yard \_\_\_\_\_ Side Yard \_\_\_\_\_ Lot % \_\_\_\_\_

Distance between proposed structure and adjacent residences: \_\_\_\_\_

\_\_\_\_\_

Front yard setback of adjacent residences: \_\_\_\_\_

\_\_\_\_\_

Signature of applicant \_\_\_\_\_ Date: \_\_\_\_\_



Pursuant to the requirements of KSA 12-1715 as amended, the City of Lake Quivira Board of Zoning Appeals may grant a variance from the Zoning and Subdivision Rules and Regulations provided that the Board finds that all of the following conditions are met. Note: The conditions have been recorded in order to assist the applicants to more easily respond in order to facilitate the Board's determination of a finding.

1. Does the variance requested arise from such conditions 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 the applicant?

Yes or No

Explain \_\_\_\_\_

2. Will the granting of the permit of the variance adversely affect the rights of adjacent property owners or residents?

Yes or No

Explain \_\_\_\_\_

3. Will the strict application or the provisions of the Zoning and Subdivisions Rules and Regulations of which variance is requested constitute hardship upon the property owner represented in the application?

Yes or No

Explain \_\_\_\_\_

4. Will the variance desired adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare?

Yes or No

Explain \_\_\_\_\_

5. Will the granting of the variance desired be opposed to the general spirit and intent of the Zoning and Subdivision Rules and Regulations?

Yes or No

Explain \_\_\_\_\_

Property Owner \_\_\_\_\_ Date \_\_\_\_\_

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