



# VARIANCE APPLICATION

204 W 11<sup>th</sup>; PO Box 59  
Goodland, KS 67735  
Phone: 785-890-4500  
Fax: 785-890-4532  
Website: [www.goodlandks.us](http://www.goodlandks.us)

### Applicant Information:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

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

Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

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

### Property Information:

Location of Property: \_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Adjacent Zoning and Land Use:

	Existing Land Use	Zoning
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

Present Use of Property: \_\_\_\_\_

\_\_\_\_\_

Proposed Use of Property: \_\_\_\_\_

\_\_\_\_\_

Utility Lines of Easements that would restrict proposed development: \_\_\_\_\_

\_\_\_\_\_

Please indicate below the extent to which the following standards are met, in the applicant's opinion. Provide an explanation on a separate sheet for each standard, which is found to be met.

Yes \_\_\_ No \_\_\_ UNIQUENESS: The variance requested arises from conditions, which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant as distinguished from a mere inconvenience if the requested variance was not granted.

Yes \_\_\_ No \_\_\_ ADJACENT PROPERTY: The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

Yes \_\_\_ No \_\_\_ HARDSHIP: The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.

Yes \_\_\_ No \_\_\_ PUBLIC INTEREST: The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Yes \_\_\_ No \_\_\_ SPIRIT AND INTENT: Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

Yes \_\_\_ No \_\_\_ MINIMUM VARIANCE: The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

\_\_\_\_\_  
**Applicant's Signature**

\_\_\_\_\_  
**Date**

**Return Form To:**  
Inspections & Code Enforcement Dept.  
City of Goodland  
204 W 11<sup>th</sup>  
Goodland, KS 67735

**For Office Use Only:**  
Case No. \_\_\_\_\_  
Filing Fee: \_\_\_\_\_ Deposit: \_\_\_\_\_  
Date Advertised: \_\_\_\_\_  
Public Hearing Date: \_\_\_\_\_  
Date Deposit Returned: \_\_\_\_\_

When an applicant feels that the strict application of the requirements of the Zoning Regulations would create an undue hardship, he or she may request a variance from the Board of Zoning Appeals. The Board of Zoning Appeals must base its decision to as great a degree as possible on factual evidence and not the personal opinion of the applicant neighbors or others. The request for a variance should be based on a conflict between the restrictions on the development of the property due to the Zoning Regulations and the restrictions on the development of the property due to its physical characteristics. A variance should be issued only to the specific restrictions on physical construction and not to the list of permissible land uses within a given zone.

The Applicant shall:

1. Meet with the Building Official to receive a complete explanation of the zoning requirement in question, the variance procedure and an application form.
2. Complete Application Form.
3. Return Application form with required information to Building Official.
4. Submit Filing Fee of \$60.00 and Deposit of \$100.00.
5. Submit a sketch map showing the lot dimensions proposed and existing structures and uses on the property for which the variance is being requested and on immediately adjacent properties.
6. Submit a list of surrounding property owners within 300 feet of the property if located in the City's municipal boundaries and 1,000 feet if located within the City's extraterritorial zoning district, to the office of the Building Official.
7. An application shall not be scheduled for public hearing until the application form has been fully completed, the filing fee and deposit paid, and all required information submitted. The deposit shall be used to cover expenses incurred by the city in the processing notification and review of the application. If the city's processing notification and review costs exceed the amount of the initial deposit, the applicant shall be required to pay the additional amount.

The Office of the Building Official shall:

1. Place official notice of the public hearing published in a newspaper of general circulation at least twenty days prior to the hearing. Said notice shall fix the time and place of the hearing and describe generally the variance requested.
2. Follow the administrative procedures for a variance amendment as prescribed in the adopted zoning regulations.
3. Send written notice to all property owners located within 300 feet of the property if located in the City's municipal boundaries and 1,000 feet if located within the City's extraterritorial zoning district.

The Board of Zoning Appeals shall:

1. Hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard.
2. The Board of Zoning Appeals shall not grant a variance unless it finds, based on the evidence presents, facts which conclusively support All the following findings:
  - A. *UNIQUENESS*: The variance requested arises from conditions, which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.
  - B. *ADJACENT PROPERTY*: The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.
  - C. *HARDSHIP*: The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.
  - D. *PUBLIC INTEREST*: The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.
  - E. *SPIRIT AND INTENT*: Granting the requested variance will not be opposed to the general spirit and intent of the Zoning Regulations.
  - F. *MINIMUM VARIANCE*: The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.