

BOARD OF ZONING APPEALS PROCEDURE

Miami County Planning Department
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This sheet summarizes the steps involved in applying to the Board of Zoning Appeals in unincorporated Miami County, Kansas. Please refer to Article 23 of the Miami County, Kansas Zoning Regulations for specific requirements. If you have any questions regarding this procedure, contact the Planning Office during the hours of 8:00 a.m. through 4:30 p.m., weekdays.

1. Review the variance, appeal or exception with County staff
The applicant is encouraged to first meet with Planning Department staff. During this initial meeting, staff can provide you with important information about how to proceed with your application.
2. Application for Variance or Exception
Requests for a Variance or Exception shall be made by the owner/s of the land, or their authorized agent or representative, on an application form provided by the County Planning Department. The application shall include ALL of the following:
 - A. Narrative describing your request including discussions under the following headings:
 1. General Description of Proposed or Existing Use: including nature of use and description of how the structure will be used, discussion of the need for the variance, discussion of the facts that create a hardship for not meeting the specified zoning standard, etc.
 2. Utilities and Infrastructure: including information as to the availability of all existing and proposed utilities to the property, access to the property, etc.
 3. Impacts to Surrounding Properties: including any proposed ways to mitigate those impacts.
 4. Other: any other information that will help give the Board of Zoning Appeals an understanding of the proposal.
 - B. Site Plan - twenty (20) 24" x 36" copies and one (1) 8.5" x 11" copy. Refer to Article 19 *Site Plans* of the zoning regulations (checklist attached).
 - C. Building Plans (if applicable).
 - D. Deed to property.
 - E. Fees (see attached fee schedule).

3. Application for Appeal

Requests for an Appeal shall be made by the owner/s of the land, or their authorized agent or representative, on an application form provided by the County Planning Department. The application shall include ALL of the following:

- A. Narrative outlining your reasons for appealing a decision of the officer administering the provisions of the Zoning Regulations.
- B. The denial letter or other documentation on which the appeal is based.
- C. Site Plan (if applicable) - twenty (20) 24" x 36" copies and one (1) 8.5" x 11" copy. Refer to Article 19 *Site Plans* of the zoning regulations (checklist attached).
- D. Building Plans (if applicable).
- E. Deed to property.
- F. Fees (see attached fee schedule).

4. Public Hearing

Once the Planning Department certifies the application as complete, the request will be placed on the Board of Zoning Appeals agenda for hearing. Please refer to the attached schedule for application deadlines and corresponding hearing dates (this schedule is a guide and your application may not be processed in line with this schedule). At the public hearing, an opportunity shall be provided to interested parties to be heard.

5. Final Action

The Board of Zoning Appeals shall render a written decision on an application for a variance, appeal or exception without unreasonable delay after the close of a hearing, but in all cases, within sixty (60) days from the close of the hearing. Any person dissatisfied with any order or determination of the Board of Zoning Appeals, may bring an action in the District Court of Miami County, Kansas, to determine the reasonableness of any such order or determination. Such appeal shall be filed within thirty (30) days of the final decision of the Board, as provided by State law.

SITE PLAN CHECKLIST

This checklist summarizes the required elements of a site plan. Please refer to Article 19 of the Miami County, Kansas Zoning Regulations (Site Plans) for additional requirements.

All site plans shall be prepared by an architect, engineer, landscape architect, or other qualified individual at a scale of one inch (1") equals fifty feet (50') or larger. A site plan shall be arranged so that the top or right of the plan represents north.

Items required on a site plan for submission:

1. Name of the project, address (if assigned), current zoning, date, north arrow and scale of the plan.
2. Name and address of the owner of record, developer, and name, address and phone numbers of the plan author.
3. Show property boundaries and dimensions graphically, and provide a written legal description of the property.
4. Show all established and proposed easements on the property.
5. Indicate the current uses and the names of all owner(s) of record of abutting parcels.
6. Show the present and proposed topography of the area by contour lines at an interval of not more than five feet (5').
7. Show the locations and uses of all existing and proposed buildings and structures. Indicate the number of stories, gross floor area, and entrances to all existing and proposed buildings and structures.
8. Describe the proposed use(s) of the site and list the number of required and proposed off-street parking spaces. If the exact use is not known at the time a site plan is submitted for review, off-street parking requirements shall be calculated by the zoning of the site.
9. Show the locations and dimensions of existing and proposed curb cuts, access aisles, off-street parking spaces, loading zones and walkway areas.
10. Indicate traffic flow patterns on the site and show curb cuts within 100 feet of the site.

11. The Planning Commission may also require a detailed traffic study for large uses, mixed uses and multi-tenant developments, or for developments in heavy traffic areas. The study will include:
 - A. The projected number of motor vehicle trips to enter or leave the site estimated for daily and peak hour traffic levels;
 - B. The projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
 - C. The impact of this traffic on the existing public roads in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall be given.
12. Show the location and size, and provide a landscape schedule of all landscaping, including grass, ground cover, trees and shrubs.
13. Show the proposed location, height, indicate direction, and list amount of illumination and type (e.g., fluorescent, metal halide, mercury vapor, sodium incandescent) of all proposed external lighting fixtures. Provide information on screening proposed for the lighting and steps to be taken to prevent off-site glare.
14. Show location of each outdoor storage area, and list the type and height of screening to be provided, if required.
15. Show the location, height, size, materials, and design of all proposed signage.
16. Show the location of all present and proposed utility systems, including sewer or septic system, water supply system, proposed and existing fire hydrants, telephone service, cable service, electrical and gas systems.
17. Indicate by use of directional arrow(s), the proposed flow of storm drainage from the site. Show the storm drainage system, including existing and proposed drainage lines, culverts, catch basins, and drainage swells. Indicate if the property is within the Floodplain Overlay District and show the area within the designated floodplain.
18. Provide a note on the face of the site plan indicating that all public buildings and facilities have been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for buildings and facilities.