

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:
 - i. 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.
 - ii. Utilities and Infrastructure: including information as to the availability of all existing and proposed utilities to the property, access to the property, etc.
 - iii. Impacts to Surrounding Properties: including any proposed ways to mitigate those impacts.
 - iv. Other: any other information that will help give the Board of Zoning Appeals an understanding of the proposal.
- b. Site Plan - one (1) 24" x 36" copy 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: \$500.00 for Variance/Exception, \$200.00 for Appeal

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.