



VARIANCE APPLICATION

Pre-App Date _____
App Date _____
Fee _____
File No. _____

OWNER INFORMATION

Name(s) _____

Contact _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

APPLICANT/AGENT INFORMATION

Name(s) _____

Contact _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

SITE INFORMATION

Property Address/Location _____

Legal Description (Attach If Necessary) _____

Total Site Area _____ Present Zoning _____

Present Land Use _____ Proposed Land Use _____

Proposed Building Type(s) _____

Reason for variance request: _____

Section(s) of the Land Development Code from which a variance is being requested:

SIGNATURE

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for a variance as indicated above.

Signature(s): _____ Date _____

_____ Date _____

The Board of Zoning Appeals may grant a variance/exemption from the Land Development Code provided that the Board finds that all of the following conditions have been met. (Note: We have reworded the conditions so that the applicant can respond to them to allow the board to more easily determine if these finding can be made.) Circle YES or NO in response to each statement and provide an explanation.

1. Does the variance/exemption request arise from such conditions which are unique to the property in question and which are not ordinarily found in the same zone or district; and are not created by an action or actions of the property owner or applicant? YES / NO

Explain: _____

2. Will the granting of the permit for the variance/exemption adversely affect the rights of adjacent property owners or residents? YES / NO

Explain: _____

3. Will the strict application of the provisions of the Land Development Code of which the variance/exemption is requested constitute unnecessary hardship upon the property owner represented in the application? YES / NO

Explain: _____

4. Will the variance/exemption desired adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare? YES / NO

Explain: _____

5. Will the granting of the variance/exemption desired be opposed to the general spirit and intent of the Land Development Code? YES / NO

Explain: _____

VARIANCE APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. 6 complete sets of plans printed |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description (Word) |

I hereby submit all information required for variance application review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted.

Signature of Applicant

Date

OWNER AFFIDAVIT

I/WE _____, hereby referred to as the “Undersigned”, being of lawful age, do hereby on this _____ day of _____, 20____, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See “Exhibit A, Legal Description” attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize _____ (Herein referred to as “Applicant”), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding _____ (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Owner

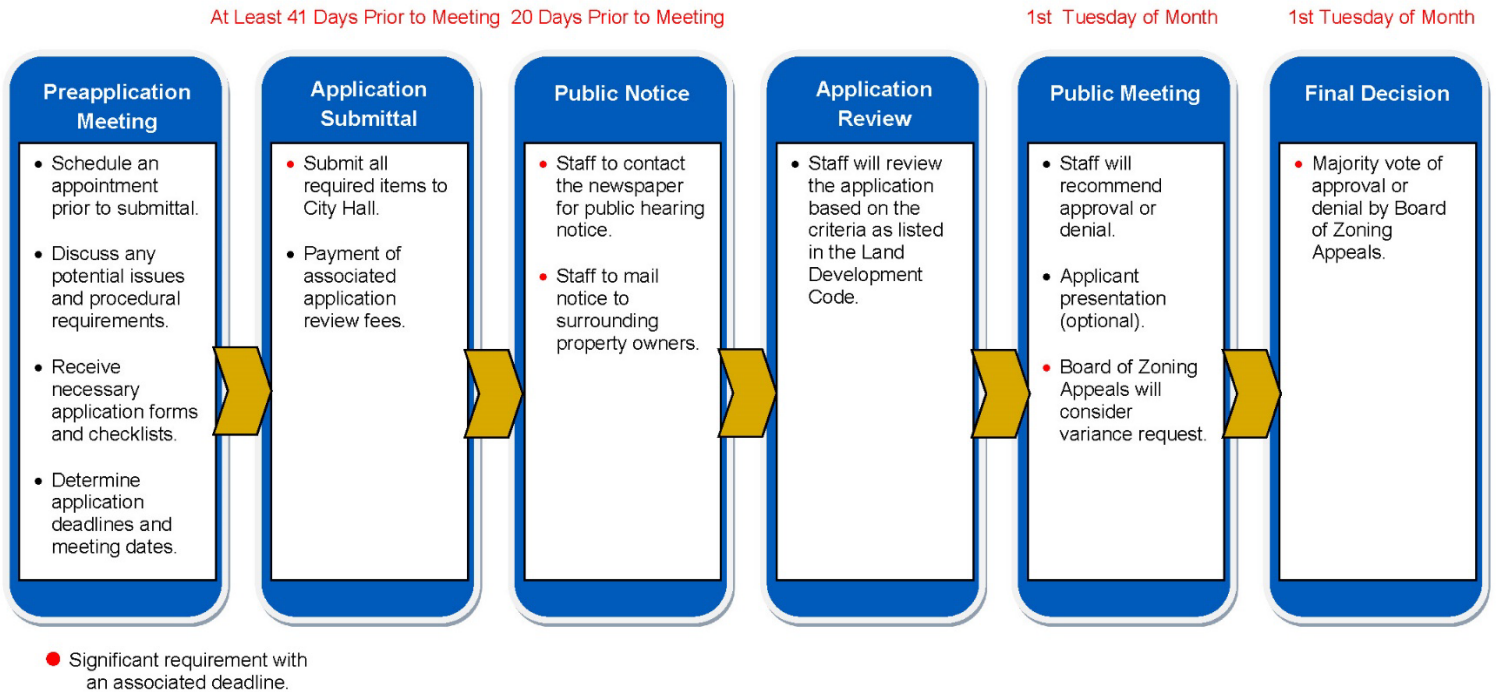
Owner

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by _____.

My Commission Expires: _____
Notary Public

VARIANCE APPLICATION PROCESS



*Please Refer to the BZA “Schedule and Submittal Deadline” calendar for upcoming submission deadlines and meeting dates.

REVIEW CRITERIA

The review of a variance is based on the regulations of the Land Development Code, Title 17 of the Gardner Municipal Code at www.gardnerkansas.gov/documents/city-code.

The variance shall be reviewed according to the following criteria:

1. The requested variance arises from conditions which are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;
2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
3. The strict application of the provisions of the zoning regulations for which the variance is requested will constitute unnecessary hardship or practical difficulties upon the property owner represented in the application;
4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
5. Granting the variance would not be opposed to the general spirit and intent of this Code.