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NEWTON PLANNING COMMISSION VARIANCE APPEAL PROCEDURE

1. Contact the Zoning Administrator for appeal procedure, application form, submittal requirements and filing deadlines.
2. Submit completed application form, certified ownership list of names and addresses of all owners of all properties lying within 200 feet of the outer limits of the land in question and 1,000 feet into the County if any portion of the subject property touches the County. (Must be prepared by a Title Company). \$100.00 application fee.
3. The Zoning Administrator will prepare and publish the public notice, notifying the persons listed on the ownership list of the hearing and schedule a hearing date.
4. The Newton Planning Commission will hold a public hearing allowing input from all in attendance. The applicant or their representative should be present at the hearing to comment and answer questions.
5. The Planning Commission will consider and make findings and decide on the appeal. The decision of the Planning Commission is final.

Variance Application



Intake Staff: _____

Date: _____

Fee: _____

Applications are due on the first Tuesday of the month by 5:00 p.m. in order to be processed for the following month. Once complete, please bring the application and supporting documentation to: **Engineering Department**, located at 201 East 6th Street. For more information, call (316) 284-6020 or visit www.newtonkansas.com

Internal Use Only:

This is a variance from Section _____ of the City of Newton Zoning Ordinance, to allow _____.

Project Information:

Primary Project Address: _____

Primary Parcel ID: _____

Additional Parcel ID(s): _____

Existing Use: _____ Proposed Use: _____

Existing Zoning District: _____

The subject property contains _____ acres. Number of Adjoining Property Owners: _____

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, special use permit, minor plat, etc.)?

- Yes No Unknown

Contact Information:

Owner: *Check if primary contact*

Applicant: *Check if primary contact*

Name: _____

Name: _____

Company: _____

Company: _____

Address: _____

Address: _____

City: _____ State: _____ Zip: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____

Primary Phone: _____

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: _____

Owner Signature (required): _____

Owner Signature(s) *(Signature of owner is **required** for consent to the application.)*

By signing below I acknowledge that I have fully read and understand Zoning Regulation Article 14. I understand that if I have any questions or concerns about this regulation, it is my responsibility to discuss this with the city prior to signing.

Owner: _____ Owner: _____

State of _____, County of _____ ss:

BE IT REMEMBERED, That on this _____ day of _____ 20_____, before me, the undersigned, and Notary Public in and for the County and State aforesaid, came _____ and _____, personally known to me to be the persons who executed the within instrument of writing, and such persons duly acknowledges execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand affixed my seal the day and year last above written.

My Commission expires: _____ Notary Public:

Variance Justification:

In order to justify approval of any variance, the Joint Board of Zoning Appeals considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

A Variance is a deviation from specific regulations that would not be contrary to the public interest when, due to special conditions or circumstances, the literal enforcement of specific regulations results in an unnecessary hardship. A Variance may be granted only when each of the following five conditions has been met:

- A. Explain how the variance request arises from such condition 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;**

Commentary:

- B. Explain how the granting of the variance will not adversely affect the rights of adjacent property owners or residents;**

Commentary:

- C. Explain how strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;**

Commentary:

- D. Explain how the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;**

Commentary:

E. Explain how the variance desired will not be opposed to the general spirit and intent of the zoning regulations;

Commentary:

A Variance cannot be granted if even one of the above conditions is not met. Variances are not for correcting mistakes that cause a property to come into non-compliance with a particular Code requirement. Variances are not for situations where complying with a particular Code requirement is inconvenient or more expensive.

Please submit the completed application along with the following items:

Project application and description

- Legal description on a separate 8.5 x 11" sheet of paper

Site plan, drawings, and photographs

- Copies of the site plan or building rendering (whichever is applicable), including the following elements. *See site plan example on the last page.*
 - Plan drawn to a reasonable scale [engineer's scale (1" = 20') or architect's scale (1/8" = 1')]
 - North arrow
 - Street name(s) abutting the site
 - Property address, parcel ID, and dimensions
 - Building limit lines
 - Existing and proposed structures with dimensions and distance from property lines
 - Highlight (in yellow) the location of the variances
 - Photographs of the subject area from all angles

Mailing Adjoining Property Owners

- One copy of Property ownership list lying within 200' feet of the outer limits of the land in question and 1000' into the County if any portion of the subject property touches the County. (Must be prepared by a Title Company)

Fee (cash, charge or check made payable to City of Newton)

- Application Fee: **\$100**

Sample size plan is for example purposes only and not drawn to scale

