

**RULES AND REGULATIONS
GOVERNING THE PROCEDURE
OF
THE BOARD OF ZONING ADJUSTMENT
KANSAS CITY, MISSOURI
AS ADOPTED**

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CITY DEVELOPMENT DEPARTMENT
KANSAS CITY, MISSOURI

November 9, 2010

ARTICLE I
Officers

- A. The Board shall elect a Chair and a Vice-Chair annually at the first meeting in the month of May.
- B. The Chair or, in absence or disqualification, the Vice-Chair shall preside at all meetings and hearings of the Board. The Chair or Vice-Chair shall have the power to administer oaths, take evidence and compel the attendance of witnesses. When both the Chair and Vice-Chair are absent, the senior regular member in terms of service on the Board shall preside.
- C. The Chair shall decide on all points of order and procedure, subject to these rules, unless otherwise provided by a vote of a majority of the Board in session at the time.
- D. The Chair shall appoint, upon approval of the Board, any committees found necessary to investigate any matters before the Board.
- E. The Secretary, or a designated representative, shall report at each meeting on any official transactions taking place which need to come to the attention of the Board.
- F. The Director of the City Development Department shall act as Director of the office staff of the Board. The Director shall have the following powers and duties:
 - 1. The Director shall transact such official business of the Board as may be delegated and shall appoint and remove all employees, subject, however, to the approval of the Board, except as otherwise provided in these rules.
 - 2. The Director shall have full charge and control of the work of the staff, supervise its activities and be responsible for the proper administration of its affairs.
 - 3. The Director shall prepare the annual departmental budget and certify all expenditures.

4. The Director shall serve or supervise the activities of the members of the staff designated to serve as technical advisors to the Board, investigate all cases coming before the Board and make reports as to the principles involved and recommendations as to appropriate action in accordance with the purpose and intent of the Zoning and Development Code, when so required by the Zoning and Development Code.
- G. The Secretary of the City Plan Commission shall be Secretary of the Board. The Secretary of the Board shall conduct the official correspondence, subject to these rules, and shall send out all notices, attend all meetings or hearings, keep the minutes, compile records, and maintain the files and indices. A member of the staff shall be appointed Assistant Secretary.
- H. In addition to the five (5) members of the Board, who are appointed for overlapping five (5) year terms, there are three (3) alternate members appointed for a one-year term. The alternate members shall serve in the absence or disqualification of regular members in the sequence of first, second and third alternate. If the alternate members are not designated as first, second or third alternate by the City Council, the sequence shall be determined based upon the seniority of the alternate members. The attendance of the alternate members shall be recorded for each case, but the vote shall be recorded only if serving in the absence of a regular member. No alternate member may serve as a Chair or Vice-Chair.

ARTICLE II
Undue Influence

No person, agent, or representative, shall contact, or attempt to contact, any member of the Board of Zoning Adjustment for the purpose of discussing, either directly, or indirectly, any matter pending before the Board of Zoning Adjustment and prior to the final decision of the Board, or within thirty (30) days after the Board's decision (while the Board retains jurisdiction of the case).

A matter shall only be discussed at the time said matter is set for a public hearing, and said discussion shall only take place during the hearing, before all members of said Board who are present at said hearing.

ARTICLE III
Meetings

- A. Regular meetings of the Board shall be held at 12:30 PM, on the 2nd and 4th Tuesdays of each month, except as otherwise designated by the Board.
- B. Special meetings may be called by the Chair, or at the request of three (3) members, provided at least twenty-four (24) hours notice is given to each and every member of the Board of such meeting.
- C. The Board consists of five (5) regular members, and three (3) alternative members. An alternative member may serve in the absence of a regular member. A maximum of five (5) members will vote on any case. A quorum of the Board shall consist of four (4) members and for it shall take four (4) members voting in agreement to reverse any order, requirement, decision, or determination of the Director of City Development, or to decide in favor of any applicant on any matter upon which the Board is authorized to act by any ordinance, or to modify, vary, or interpret any regulation or requirement of the Zoning and Development Code. Failure to receive the required four (4) votes shall be deemed a denial of the application or affirmance of the decision of the Director of City Development. Provided, however, that when the Board is acting pursuant to authority delegated by the City Council on issues not related to zoning, a simple majority will be required to approve any Special Exception or any other action the Board is authorized to take.
- D. In the absence of a quorum, the meeting shall be continued to a definite time, as designated by the Secretary and upon approval of the Chair, or to the next regular meeting date.

ARTICLE IV
Cases Before The Board

- A. The Board may consider the following types of cases:
1. Appeals from any order, decision, or determination of the Director of City Development.
 2. Applications for Special Exceptions and/or Special Use Permits.
 3. Other actions authorized by the City Council.
- B. Information to accompany applications.
1. Appeals from the Director of City Development and variance requests shall be made on forms provided by the City Development Department as approved by the Board of Zoning Adjustment and must include the following:
 - a. Copy of the Zoning Determination, or a copy of the Notice of Violation of the Zoning and Development Code, or a copy of any other order or determination issued by the Director of City Development which is being appealed.
 - b. Twelve (12) copies of site plans of the property in question, accurately drawn to scale with all pertinent dimensions, property lines, north arrow, locations of buildings, setback dimensions, parking, screening or landscaping of parking lots, signage (including elevations), ingress/egress, and all points relevant to the issue before the Board. Such plans shall be sealed and certified by a registered professional engineer, a registered architect, or a registered surveyor. However, sealed and certified plans shall not be necessary, absent specific order of the Board, for the following matters:
 - (i) appeals from the decision of the Director of City Development

constituting an interpretation of the Zoning and Development Code without application to a specific property, or

- (ii) appeals request for a variance for a single-family or two-family use if a plan is provided which is drawn to scale and reflects the property boundaries as existing, or
- (iii) appeals from the decision of the Director of City Development to issue/not issue a Certificate of Legal Nonconformance, or
- (iv) appeals from the decision of the Director of City Development that a property is/is not in violation of the use regulations of the Zoning and Development Code.

c. Appeals must be made to the Board of Zoning Adjustment, within fifteen (15) days from the date of mailing of the order or ruling of the Director of City Development.

2. Application for Special Exceptions and/or Special Use Permits shall include the following:

- a. Copy of the Zoning Determination or a copy of the Notice of Violation of the Zoning and Development Code.
- b. Twelve (12) copies of plans of the property in question, accurately drawn to scale with all pertinent dimensions, property lines, north arrow, locations of buildings, setback dimensions, parking, screening or landscaping of parking lots, signage (including elevations), ingress/egress, and all points relevant to the issue on appeal. Such plans shall be sealed and certified by a registered professional engineer, a registered architect or

a registered surveyor, unless the property in question has a single-family or two-family use. The property owners can submit a site plan that is drawn to scale and reflects the property boundaries as existing.

3. A filing fee as required by ordinance to defray expenses incurred in the public hearing.
4. Prior to placing any case on the docket, the applicant or appellant shall provide the Secretary with such information as required by these rules and such additional information and data as may be required to advise the Board fully with reference to the application or appeal, even if such information or data is in addition to the above.
5. Any incomplete applications shall be regarded as mere notices of intention to seek relief from the Board until the complete data is provided as indicated above.
6. A complete application shall constitute the consent of the property owner in authorizing the staff to go on the premises for the purposes of photographing or otherwise documenting the property which is the subject of the appeal.
7. In any case which requires a recommendation from a City Department, the Secretary of the Board shall refer the application, including plans, to the appropriate department for review and comment. In those instances in which the Public Works Department and the Fire Department are required to review applications for a landfill, the Public Works Department shall address itself to the issue of existing easements and the facilities in such easements, as well as, any recommendation concerning storm water drainage, and the Fire Department shall specifically address the issue of combustibility of materials in the landfill.

ARTICLE V
Hearing of Cases

- A. Upon acceptance of an application or appeal, it shall be advertised as required by the Zoning and Development Code, a written letter advising of the time and place of the hearing shall be mailed to abutting and adjoining property owners within 300 feet of the subject property 13 days prior to the hearing; said property owners shall be determined as those set forth in the City's mapping records. The applicant is responsible for posting a courtesy notice on the subject site. The sign must be posted by the applicant at least 15 days before the public hearing. The sign will be provided to the applicant by staff.
- B. The application or appeal shall then be placed upon the docket of the next regular meeting of the Board of Zoning Adjustment after compliance with the rules herein and after termination of the 15-day advertising period, when applicable. However, when the applicant or appellant desires to seek a rezoning of the subject property and files the application for the rezoning with the City Plan Commission simultaneously with the application or appeal to the Board, the matter shall not be set before the Board until the expiration of ninety (90) days or recommendation by the City Plan Commission, whichever first occurs.
- C. The application or appeal shall be numbered serially in the order in which it is received. It may be advanced or postponed by the Board and may be withdrawn by the applicant or appellant at any time before any testimony has been heard in the case.
- D. Prior to final determination, the Board may continue such case or take it under advisement at its discretion.
- E. The owner of record of the real property, which is the subject matter of the appeal before the Board of Zoning Adjustment, must appear at the hearing either in person, through an

attorney licensed to practice law in the state of Missouri, or through an agent if the application is accompanied by a valid power of attorney or by an affidavit in a form approved by the Board. If for any reason the applicant or appellant or his agent does not appear, the case may be dismissed or continued until the next regular meeting, and if there is no appearance at the second hearing, the application or appeal may be dismissed. Said order may be set aside within 30 days at the discretion of the Board upon good and sufficient reason being shown.

- F. An application for continuance of a hearing, either legally advertised or set for a special day by the Board, should be made by the Friday immediately preceding the hearing date or, in the case of special meetings, four (4) calendar days prior to the date set for the hearing. The notification and intent to request a continuance shall be made in writing. Receipt of said notification in the Office of the Board shall not be deemed to grant a continuance until such time as acted upon by the Board.
- G. In special cases, the Chair of the Board or, in absence or disqualification, the Vice-Chair, may designate a case for an informal pre-submission hearing. Such designation shall occur at the time the case is first called before the Board. At that time, a member of the Board, or of the staff, will be designated to preside at the pre-submission hearing. Such Board or staff member shall have the authority to schedule the time and place of the pre-submission hearing. Such hearing shall be a meeting of all interested parties to identify interested groups and speakers, issues, and proposed exhibits. Additionally, the Board or staff member may accept any stipulation of facts and identify the issues in the case. After the pre-submission hearing, the Board or staff members shall advise the Secretary of a recommended return date for hearing before the Board and the estimated time for the

hearing to provide all parties an opportunity for full presentation of the case.

- H. Prior to the hearing before the Board, all interested parties shall identify and file all exhibits intended to be introduced for consideration by the Board and opposing parties shall have the opportunity to review such exhibits.
- G. The Secretary of the Board shall prepare a staff report setting forth in particular the location of the property, the zoning district in which the property is located, the applicable ordinance references, and the basic issues in the case. Furthermore, the Secretary shall set forth any specific statements from the application which are relevant to the Board's consideration.

ARTICLE VI
Conduct of Hearing

In order to provide a guideline for the submission of evidence to hearings before the Board, the following conduct is established; provided, that the Board at all times reserves the right to rule on the admissibility of any evidence:

- A. Oral testimony shall be taken only on oath or affirmation as administered by the Chair.
- B. The technical rules of evidence shall not apply.
- C. Hearsay evidence may be used to supplement or explain direct evidence but shall not be sufficient in itself to support a decision.
- D. Any relevant evidence may be admitted if it is the type of evidence relied on in the conduct of serious affairs.
- E. Irrelevant and unduly repetitious evidence may be excluded.
- F. Applicants/appellants shall appear and may be represented by another party.
- G. Opponents to applications/appeals are urged to select a single spokesman, if possible, to object to the introduction of evidence and to cross-examine witnesses.
- H. The applicant/appellant and the opposition shall have the right to:
 - 1. Call and examine witnesses;
 - 2. Introduce documentary and physical evidence;
 - 3. Cross-examine witnesses;
 - 4. Impeach witnesses;
 - 5. Rebut evidence.
- I. The Board may take official notice of all matters of which the courts take judicial notice, as well as notice of all City ordinances.
- J. If objection is sustained to the introduction of any evidence, the Board shall cause it to be

made part of the record for appeal purposes unless such evidence is irrelevant, repetitious, privileged or unduly long.

- K. Petitions may be accepted by the Board; in matters other than appeals from denials to issue Certificates of Legal Nonconformance, provided that:
 - 1. The petitions are notarized; or
 - 2. The individual(s) who secured the signatures on the petition is present and testifies under oath.
- L. Attendance lists will be compiled by a staff member of the Board for the sole purpose of determining individuals present at the hearing.
- M. Files of the Investigations Division shall be accepted into evidence upon identification by an Investigations staff member, or certified copies of the same. Objections will be as to the relevance and materiality of the file but not as to its admissibility.
- N. No on-site inspection shall be made of any property by Board members absent a direct order from the Board and notice to all interested parties.
- O. Applicants/appellants and opponents shall each be allotted 15 minutes for presentation of their case to the Board. Applicants/appellants may reserve a portion of their allotted time for rebuttal. The time may be extended by the Board if the Board determines in the course of the hearing that additional time is necessary for full presentation of the case. The time shall commence to run at the conclusion of the Secretary's report.

ARTICLE VII
Rehearings

- A. The decision of the Board shall be final except when the applicant or appellant petitions the Circuit Court within 30 days from the date of the official disposition of the Board, or makes a written request for a rehearing within the time provided by Section 88-565-09.
- B. A rehearing may be granted by the concurring vote of four (4) members of the Board who originally heard the case. If a quorum of those who heard the case is not available, a new quorum may be established upon transcripts of the hearing being provided to available members. Said request shall be filed with the Secretary of the Board within 30 days from the date of the official disposition of the Board. The Secretary shall set a date and time for the request for rehearing upon receipt of the application for same.
- C. The date of the disposition letter constitutes the date of the official disposition of the Board of Zoning Adjustment's action. The disposition letter shall be filed with the Secretary of the Board on the date the letter was sent to the applicant and/or listed agent.
- D. The person making the application for the rehearing shall serve a copy of the application, together with a copy of a written notice, stating the date, time and place of the hearing on the request for rehearing to all interested persons, or their attorney of record, at least ten (10) days prior to the date when said application is to be heard by the Board. Said notice and proof of service shall immediately be filed with the Secretary of the Board.
- E. Said application shall be called up and presented to the Board for its action within 30 days after it is filed. It shall be deemed to be abandoned and be dismissed for want of prosecution, if not called up and presented within 30 days after its filing. Provided, however, that this provision shall not apply if the request for rehearing cannot be heard because of failure to gain the required quorum to hear the request for rehearing.

- F. If a request for rehearing is granted, the Board shall either hear the case at that time or set a date for rehearing.
- G. The board may grant a rehearing upon any application which includes new evidence to be presented which was not available at the time of the original hearing, or for good cause being shown. In addition to consideration of new testimony or other additional evidence, the Board may grant a rehearing solely for the purpose of clarifying its order on the request of any party.

ARTICLE VIII
Certificates of Legal Nonconformance

The following procedures shall be used for application, review, and issuance of a Certificate of Legal Nonconformance (hereinafter referred to as CLN) as set forth in Section 88-610 of the Zoning Ordinance.

A. Application for a CLN:

1. An applicant for a CLN shall be supplied with an appropriate form by the Director of City Development. The applicant is responsible to provide all available information to prove that their property is legally nonconforming.
2. Upon receipt of the application for CLN, the Director of City Development shall open a file by address and thereafter said file shall contain all relevant information thereto.
3. If the application for CLN is returned incomplete, the Director of City Development shall notify the applicant of any and all deficiencies.
4. If the application for CLN is returned complete, the Director of City Development shall send a courtesy notice to all adjoining property owners and property owners fronting across the street from the subject property, that an application for a CLN has been filed. Such notice shall state the address or legal description of the subject property and the use for which the certificate is sought. The notice shall also provide that any counter information be supplied on an affidavit provided by the Director of City Development, and that such affidavit must be submitted within 30 days from the date of mailing of the courtesy notice. Official notice shall be published in the paper doing the City's printing business and shall contain the same information set forth in the courtesy notice.

5. Communications shall be sent to the City Development Department and the City Law Department, requesting notification of any decision of this Board or any Court of Law affecting the legal nonconformance of the subject property.
6. The Director of City Development shall inspect the subject property and notify the applicant of the inspection date. After inspection, the Director of City Development shall note, in the appropriate file, the date of inspection and the findings.
7. On the expiration of 30 days from the date of official notice, the Director of City Development shall ascertain whether any surrounding property owner has filed an affidavit containing information countering the application for CLN. If an affidavit has been filed, the Director of City Development shall review the content of said affidavit. However, in no event, shall the mere filing of affidavit result in denial of a CLN. If an affidavit contains information challenging the legal nonconformance of the subject property, the Director of City Development shall consider such information in making a decision. Valid information relevant to the application for CLN shall include, but not be limited to, first-hand information stating that the nonconforming use of the subject property was, or was not, legally established; was, or was not, previously used in a conforming manner under the current zoning district classification; and/or was, or was not, used in a manner contrary to the use specified in the application for CLN.
8. On the expiration of 30 days from the date of official notice, the Director of City Development shall issue a decision in writing stating his/her intention to either grant or deny the CLN. Copies of this decision shall be mailed to all inquiring

parties and notice of the decision shall be published in the paper doing the City's printing business.

9. If no appeal of the decision of the Director of City Development to either grant or deny a CLN is taken within 15 days, said decision shall become final and shall be sent forthwith to the applicant.

B. City Development Administration.

1. The file thereon shall contain all information and all dates relevant thereto.
2. A separate file shall be maintained consisting only of copies of CLN.
3. Every CLN shall display the signature of the Director of City Development.
4. If an appeal is filed, the Secretary of this Board shall notify the Director of City Development. Thereupon, the file, or copy thereof, relating to the appeal shall be submitted to the Secretary.
5. The Secretary of this Board shall notify the Director of City Development of any decision of this Board or of any decision from a court of law affecting the subject property.
6. The Director of City Development shall thereafter take any and all appropriate actions to carry out the order of this Board or any court of law.

C. In the case of discontinuance of a legal nonconformance for which a Certificate has been issued, the Director of City Development shall conduct an investigation to determine if the nonconformance has been discontinued pursuant to Section

88-610-04-D. The Director of City Development shall take the following actions:

1. After receipt of evidence that the CLN has been discontinued, the Director of City Development shall promptly notify the last known owner of record that the CLN

will be revoked absent proof that the nonconforming use has not been discontinued.

2. The owner or his/her representative shall have 30 days to submit evidence that the CLN has not been discontinued.
3. At the expiration of 30 days, or as soon thereafter as possible, the Director of City development must issue an order revoking or refusing to revoke the certificate of legal nonconformance. The Director's decision is final unless appealed to the Board within 15 days of the order.
3. Appeals are as provided in Section 88-575.

ARTICLE IX
Amendments

These rules may be amended by affirmative the vote of any five (5) members. All regular and alternate members present at the meeting are allowed to vote.

APPROVED: November 9, 2010

EFFECTIVE: November 9, 2010

FORM #1
APPROVAL

Owners Name
Address
City/State

RE:

CASE NO.

APPROVED FOR CERTIFICATE OF LEGAL NONCONFORMANCE

Dear Owner:

Pursuant to Section 88-610, Code of General Ordinances, and to the Rules and Regulations of the Board of Zoning Adjustment, it has been determined that a Certificate of Legal Nonconformance should be issued for the above property for _____.

This property is in District _____.
Such use is first permitted as in district _____.

This decision will become final if not appealed to the Board of Zoning Adjustment within fifteen (15) days from that date first written above. Please call (816) 513-2846 for more information.

Director of City Development

cc: Interested Parties

FORM #2

DENIAL

Owners Name
Address
City/State

RE:

CASE NO.

DENIAL OF REQUEST FOR CERTIFICATE OF LEGAL NONCONFORMANCE

Dear Owner:

Pursuant to Section 80-610, Code of General Ordinances, and to the Rules and Regulations of the Board of Zoning Adjustment it is my decision that a Certificate of Legal Nonconformance should not be issued for the above property for the use as indicated below.

The reason for denial is indicated below.

This decision will become final if not appealed to the Board of Zoning Adjustment within fifteen (15) days from that date first written above. Please call (816) 513-2846 for more information.

Director of City Development

cc: Interested Parties



Application to Board of Zoning Adjustment

Date Stamp

City Planning & Development Department
City Hall, 414 E. 12th Street, 15th floor; Kansas City, MO 64106-2795
Phone (816) 513-2846 | Facsimile (816) 513-2838 | www.kcmo.org/planning

Refer to *Development Guide* for additional information

For Office Use:	Case Number: _____	BZA Date _____
KIVA Number: _____	Receipt Number: _____	Filing Fee \$ _____

1. Request

- Variance (88.565) (Chapter 27)
- Appeal of Determination (88.575) (88.610)
- Request for Rehearing (88.565, 570, 575)
- Special Exception to Fencing Requirements
- Appeal of Certificate of Legal Nonconformance
- Other (Please describe) _____

2. Applicant/Owner/Agent Contact Information

Applicant _____ Company _____
 Address _____ City & State _____ Zip _____
 Telephone (____) _____ Fax (____) _____ Email _____

Property Owner(s) (if different from applicant) _____
 Address _____ City & State _____ Zip _____
 Telephone (____) _____ Fax (____) _____ Email _____

Agent/Contact _____ Company _____
 Address _____ City & State _____ Zip _____
 Telephone (____) _____ Fax (____) _____ Email _____

3. Property Description

- a. Location _____
- b. Land Area (in square feet or acres) _____
- c. Current use of property _____
- d. Length of time property owner has owned the property _____

4. Reason for the Request/Why the Application is being Filed (attach additional sheet if needed)

5. For variance request, also state

- a. Type of variance (setback, height, parking, bulk, etc.) _____
- b. Amount of variance _____
- c. Describe the practical difficulty requiring you to appear before the Board; i.e. why you cannot comply with code requirement (attach additional sheet if needed) _____

6. Filing Fee

- Variance**
 - For one and two family dwelling and accessory uses **\$250**
 - For all other uses **\$500**
- Appeal of Determination or Certificate of Legal Nonconformance** **\$500**
(must be filed within 15 days of the decision)
- Request for Rehearing** **\$200**
- Special Exception to Fencing Requirements** **\$168**
- Other (Please describe)** _____ **\$375**

7. Notice to Applicant

A. A preapplication consultation prior to filing an application to the Board of Zoning Adjustment is encouraged, but not required. Please indicate whether you have met with a planner in the Development Management Division of the City Planning and Development Department **Yes** **No**

If so, **Planner** _____ **Date** _____

B. Prior to any public hearing, an applicant must make a reasonable effort to contact and meet with, if requested, the applicable neighborhood and/or civic organizations registered with the city. Failure to do so may be cause for continuance. Please provide information on this contact, as follows:

Neighborhood or Civic Organization(s) _____

Date _____ **Time** _____ **Location** _____

Describe (optional) _____

C. Notice to Property Owners: Applicants are responsible for providing additional courtesy notice to interested parties by posting a sign on the subject property visible from each abutting public right-of-way. Signs must be posted by the applicant 15 days before the public hearing. The sign is provided by the City at the time of application. Additional notification is provided to all residents within 300' of the subject property by the city via mail and through notice in the newspaper.

D. This application constitutes the consent of the property owner to authorize staff to enter the premises for the purpose of making a video of or otherwise documenting the property which is the subject of the appeal.

E. The owner of record of the real property which is the subject matter of the application before the CPC and/or BZA MUST appear at the hearing either in person, through an attorney licensed to practice law in the State of Missouri, or by a designated person as indicated by a signed, notarized affidavit. On the day of the hearing, please make every effort to keep your presentation to fifteen (15) minutes or less.

F. No request for continuance of a hearing, either legally advertised or set for a special day by the CPC and/or BZA, shall be granted by the CPC and/or BZA unless written notification of such a request is filed in the office of the CPC and BZA the Friday immediately preceding the hearing date or, in the case of special meetings, four (4) calendar days prior to the date set for the hearing. The notification and intent to request a continuance shall set forth the facts upon which the application and continuance is based. Receipt of said notification in the office of the CPC and BZA shall not be deemed to grant a continuance until such time as acted upon by the CPC and/or BZA.

G. For any request for continuance by the applicant, a fee of **\$125** will be assessed. The continuance fee must be paid in full (with a copy of the "paid" receipt forwarded to the staff planner assigned to the case) by 4:00 PM of the Tuesday preceding the next hearing of the case.

H. Any person with a disability desiring reasonable accommodation to participate at this hearing may contact (816) 513-2533 or (800) 735-2966 (Missouri Relay for persons who are hard of hearing) at least 24 hours prior to the hearing.

- I. If you have any questions regarding this application, please contact the City Planning and Development Department staff at (816) 513-2846 for assistance.

8. The Applicant Shall Submit the following:

All applications to the Board of Zoning Adjustment **must** include the following on the date of submission. The case will not be placed on a docket until all information is received and complete.

- Completed **application** form with legal description, property owner, and signature. (Submit original application, plus two copies.)
- Appropriate **fee** payable to **City Treasurer**.
- Zoning Determination**. Submit a copy of the site plan to the 5th floor, Permits Division, to request a zoning determination. As your case cannot be docketed without a zoning determination, allow up to 5 days for completion.
- In cases of **appeal**, submit the Notice of Violation or written determination (including denial of Certificate of Legal Nonconformance). A zoning determination is not required for appeals, unless a variance is also requested.
- Affidavit** (owner's consent form) signed by the property owner. (This form is attached to this application) An affidavit is not required if the property owner, or an attorney representing the property owner, will be in attendance at the hearing.
- Twelve (12) copies of a **site plan, drawn to scale with property lines, north arrow, locations of buildings, setback dimensions, parking, screening and landscaping of parking lots, signage (including elevations), ingress/egress, etc.**
 - All site plans must be sealed or certified by an architect, engineer or surveyor (except for one and two-family residential properties) and include plan information as applicable to the development and to the request.
 - Requests for height variances and special exceptions to fences and walls must include an elevation drawing.
 - Provide an 8.5 x 11 inch copy of the site plan and, if applicable, an elevation drawing.
 - Site plan must be FOLDED to a size no larger than 8.5 x 14 inches.
 - Multiple pages must be collated and stapled.
 - Site plans are not required for appeals where no variances are requested.
- The information presented with this application is true and correct to the best of the undersigned's knowledge.

9. Applicant declares that this application consists of the following items as listed above, necessary for a complete application.

Signature _____

Printed Name _____ **Date** _____

LOCATION OR BZA CASE NO. _____

STATE OF _____)

COUNTY OF _____)

The undersigned, having been duly sworn and under oath, hereby states that the undersigned is the owner of the land which is the subject of the case referenced above, that the undersigned has authorized * _____ as agent for the purposes of this case and that any representations made by agent to the Board of Zoning Adjustment may be relied upon and that agent has full authority to bind the undersigned to any conditions of approval including but not limited to time limits for performance, dedication of right-of-way, submission of a plat pursuant to Chapter 66, Code of General Ordinances, submission of a drainage plan, construction of public improvements or modification of site plan.

(Corporate Seal**)

Signature of Property Owner

Typed or Printed Name

ATTEST:

Title

Corporate Secretary
(If no seal)

Name of Company or Organization
(If Applicable)

Subscribed and sworn to before me a notary public on this _____ day of _____, 20 _____.

Notary Public

My Commission expires: _____

* Note: Designated agent must be an individual, not a company or firm.
** If Corporate Seal not available, must have signature of both the Corporate President and the Corporate Secretary.

Please complete this form in detail. If additional space is necessary, attach a sheet of paper to this form and indicate the continued response. Return completed and signed form to:

Board of Zoning Adjustment
15th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106-2795

Filing Fee: \$150.00

Receipt No. _____

**APPLICATION FOR RE-HEARING BEFORE THE
BOARD OF ZONING ADJUSTMENT**

1. Name _____
Address _____

Phone (Business) _____ (Home) _____

2. Location of property in question _____
Legal description _____

3. Case number at first hearing _____
Date case was heard _____
Date determination issued _____

(THIS REQUEST MUST BE FILED WITHIN 30 DAYS)

4. Do you have new and different evidence to present to the Board?

Generally, what is this new evidence? _____

Do you intend to call new witnesses? _____

State the names and summarize the testimony to be presented by new witnesses:

5. Have you sent written notification of this request to the opposing parties or their attorney of record? _____

When? _____

Attach a copy of such written notice.

(This must be done 10 days prior to the hearing requesting the rehearing.)

ATTACH PROOF OF SERVICE

6. Do you have anyone representing you in this matter? _____

Is this the same individual who represented you at the original hearing?

If not give the name, address, and phone number of your new agent.

Name _____

Address _____

Phone No. _____

Signed _____

Dated _____