



City Planning & Development Department
Development Management Division

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How to Appeal the Board of Zoning Adjustment

Any property owner who has been denied a building or occupancy permit or has been cited by the Department of Codes Administration has the right to appeal to the Board of Zoning Adjustment (BZA). In order to proceed with a project, the applicant may appeal to the BZA for one of the following:

Variance - In any specific case where strict enforcement of a zoning regulation would cause practical difficulty or unnecessary hardship, the BZA may vary or modify that regulation.

Ordinance interpretation - The Codes Administrator is responsible for enforcing the provisions of the zoning ordinance. Any decision of the Codes Administrator may be appealed to the BZA by persons aggrieved by the decision.

The BZA is also authorized by the Zoning Ordinance to review certain uses of land including:

Conditional use permit - This allows a land use not normally permitted in districts designated, except after review and approval of the BZA and after meeting specific conditions without exception. (Section 80-212 and 80-213)

Auxiliary Parking Lot - Approval by the BZA is required to provide parking on a lot other than the lot to be served. (Section 80-446)

Group Housing Project - A residential project consisting of four or fewer buildings on a tract or lot containing three or less acres. (Section 80-260)

Temporary Uses - Reviewed by the BZA after recommendation by the City Plan Commission. (Section 80-110)

Special Exceptions - The BZA may grant a special exception when a Floodplain Certificate is denied by the Codes Administrator.

Steps to take:

- A. If an application for a permit is denied by the Codes Administrator, or if approval by the BZA is required, a written notice of refusal is issued by the Codes Administrator. Contact the City Planning and Development Department, 15th floor, City Hall, 414 E. 12th St., Kansas City, Mo., 64106 (telephone 816-513-2846). You will receive pre-application counseling from a development assistance planner and an application form.
- B. The following items are required to file an application to the BZA:
 1. A completed application form.
 2. The notice of refusal, along with any cease-and-desist order or notice of violation issued by the Codes Administrator.
 3. A filing fee as referenced on the application.
 4. An affidavit from the property owner authorizing an agent to act on behalf of the property owner.

5. Twelve copies of a site plan drawn to scale. The site plan must be sealed by an architect, engineer or surveyor except for one and two family residential properties. A site plan is not required when appealing a notice of violation.

C. Upon receipt of the application form, the case will be scheduled for a BZA public hearing. The City Planning and Development Department will send a notice of public hearing to the applicant and to all property owners within 185 feet of the subject property and publish a legal notice.

A staff planner will inspect the property, prepare a written staff report and prepare a video tape of the property. Prior to the hearing date, the applicant should confirm the date and time of the hearing and obtain a copy of the staff report. Any materials presented to the BZA, such as drawings, maps and charts must be marked as an exhibit upon arrival at the public hearing.

The property owner or authorized representative must appear at the public hearing in order for the BZA to hear the case. Any interested parties, such as adjacent property owners, may give testimony to the BZA.

D. At the public hearing, the City Planning and Development Department staff will present the staff report and the video tape to the members of the Board of Zoning Adjustment. Representatives from other city departments also may comment when the case is within their jurisdictions. The Board will then hear from the applicant and any interested parties.

E. If your request is approved, you will be notified in writing. A copy of the Board's decision and a copy of applicable plans will be stamped "approved" and sent to the Permit Section of the Department of Codes Administration, 18th floor, City Hall (telephone 816-513-1451). The applicant may then apply for a permit to use the property in accordance with the Board's approval.

If the request is denied, the applicant may do the following:

A. File an application for a request a rehearing at the City Planning and Development Department within 30 days of the Board's decision.

B. Appeal to the Circuit Court within 30 days of the Board's decision.