

ARTICLE 8

APPEAL OF ADMINISTRATIVE DECISION

APPEAL PROCEDURE

Where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance, or of any ordinance adopted pursuant thereto, that interpretation may be appealed to the Board of Zoning Appeals. In its deliberations, the Board of Zoning Appeals must only consider whether or not the interpretation in question conformed to what was actually written in the regulations. The Board may not declare the zoning regulations unfair or attempt to act contrary to their purpose. The Board can clarify ambiguities or resolve conflict between opposing sections. Since the Board's decisions will affect future applications of the regulation in question, the specific hardships of the applicant should not be considered when reaching a determination.

- The applicant shall first meet with the Planning department staff to receive a full explanation of the zoning requirement in question as currently interpreted. If an appeal is to be made, an application shall be obtained. (See application on page 29)
- The applicant shall file a completed application with the Planning Department and pay the appropriate fee. The application shall include an explanation of the decision being appealed and a statement of the reasons for the appeal. Drawings of the property in question and a list of all surrounding property owners may be required. An application shall not be processed unless it has been fully completed, the fee paid, and all required information submitted.
- When an application has been fully completed, the fee paid and all required information submitted, planning staff shall schedule a regular meeting of the Board of Zoning Appeals and send copies of the application to members of the Board. Twenty (20) days prior to the Board meeting, planning staff shall publish an official notice to the public in a newspaper of general circulation in the City explaining the appeal and the time and place of the scheduled hearing. A copy of the notice shall be mailed to each party of interest and to the Planning Commission.
- At its scheduled meeting, the Board shall hear all facts and testimony from all parties wishing to be heard concerning the appeal. The appeal must be heard by the Board

Article 8 – Appeal of Administrative Decision

within a reasonable period of time from the completed application and fee submittal

and a written decision must be rendered without unreasonable delay.

- The Board of Zoning Appeals may either affirm, reverse or modify the order, requirement or interpretation at issue. The determination, in written form, shall be sent to all affected parties including the Planning Commission. A recorder shall keep minutes of the public meeting including evidence presented during the proceedings and the findings of the Board.

ZONING APPEAL OF ADMINISTRATIVE DECISION

Return Form to:

City of De Soto Planning Department
P.O. Box C, 32905 W. 84th Street
De Soto, KS 66018
(913) 583-1182, ext. 115
Fax: (913) 583-3123

For Office Use Only

Case No.: _____
Filing Fee: _____
Date Advertised: _____

APPLICANT: _____	PHONE: _____
E-MAIL: _____	FAX: _____
ADDRESS: _____	ZIP: _____
OWNER: _____	PHONE: _____
E-MAIL: _____	FAX: _____
ADDRESS: _____	ZIP: _____

LOCATION OF PROPERTY: _____
LEGAL DESCRIPTION: _____

Section of Zoning Ordinance Being Appealed: _____

Explanation of Decision Being Appealed: _____

Present Use of Property: _____

Proposed Use of Property: _____

SIGNATURE: _____ DATE: _____

BY: _____ TITLE: _____

APPEAL OF ADMINISTRATIVE DECISION
DETERMINATION OF THE BOARD OF ZONING APPEALS

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Fax: (913) 583-3123

For Office Use Only

Case No.: _____
Date of Action: _____
Action: _____

On _____, 20____, the City of De Soto Board of Zoning Appeals, at its regular meeting, _____ (Affirmed, Reversed, Modified) the decision or determination by _____ (Approving/Denying) the appeal brought before them by the Applicant, _____ (Name).

REASONS FOR DETERMINATION:

In making this decision, the Board found:

City Clerk