



MUST BE SUBMITTED IN FULL TO THE  
COMMUNITY DEVELOPMENT DEPARTMENT  
BY 5:00 P.M. ON \_\_\_\_\_  
HEARING DATE: \_\_\_\_\_

## Exception *Application Packet*

An Exception allows a property owner to legally deviate from specific terms of the Zoning Regulations which will not be contrary to the public interest, and where, due to special conditions, a literal enforcement of the provisions of these regulations, in an individual case, results in unnecessary or unreasonable, public safety and welfare secured, and substantial justice done. The Board of Zoning Appeals (“BZA”) considers a request for an Exception at a public hearing, and approves or denies the request after applying factual evidence to specific standards.

The Application Packet must be submitted with **all required materials listed on the Application Check List on page 2** to be deemed complete. City Administration cannot submit an application to the BZA for consideration until all requirements have been met. All materials will be presented as evidence at the public hearing and must be kept as part of the public record and will not be returned to the applicant.

The following items must be completed after the request has been scheduled for a public hearing. City Administration will provide assistance in completing these tasks. If these tasks are not completed, the Exception request will be delayed until the tasks are completed.

- **Public Hearing Yard Sign:** A public hearing yard sign is required to further provide notice that a request for an Exception has been submitted. The applicant shall obtain a Notice of Public Hearing Yard Sign and Instructions from the Community Development Department and post the sign on the property at least 20 days prior to the public hearing.
- **Public Hearing Yard Sign Affidavit:** On the day of the public hearing, the applicant must sign a Public Hearing Yard Sign Affidavit to verify that the sign has been in place at least 20 days prior to the public hearing. This form **must** be signed before 5 p.m. at the Community Development Department.

### **Notification Requirements**

The City must notify all property owners within 200 feet of the property where an Exception request has been proposed. This notification allows individuals the opportunity to learn about the request and present any comments to the BZA at the public hearing.

The \$20 property owner notification fee paid to the Riley County Clerk’s Office is to compensate the County for ownership research as well as to create an accurate and up-to-date list of names and mailing addresses of the property owners within the notification area, as described above.

**IF YOU HAVE QUESTIONS ABOUT COMPLETING THIS APPLICATION, PLEASE  
CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 785-587-2412.**

# Application Check List

A complete Application Packet for an Exception consists of the following  
(Check that each item is submitted):

**Basic Information:**

- Information Form;
- Adjoining Property Owner Support Statement (This form is optional, see the form for more guidance).

**All property owners must be listed in Section II. Property Information and all property owners must sign the application.**

- Legal Description:** Provide a complete and correct legal description of the property for which the Exception is requested. The legal description must be **typewritten**, readable and reproducible.

**Fees:**

- The application fee is \$120. The check should be payable to the City of Manhattan.
- The property owner notification fee is \$20. The check should be payable to the Riley County Clerks' Office.

- Site Plan and Architectural Elevations:** The applicant shall submit a Site Plan and Architectural Elevations (*where applicable*). These plans shall be accurately drawn to scale that shows the Exception being sought. The final Site Plan shall be one set of 8½ by 11 inch, readable and reproducible, reductions of all drawings. A Site Plan checklist can be found on page 7 to assist in creating the required Site Plans.

- Photos and Exhibits (where applicable):** Photographs and other exhibits may be submitted at the time of the application to further support the request.

**A copy of any visual materials (power point presentations, photos, etc.) or handouts presented at the public hearing that are not submitted with the application materials shall be given to City Administration at the public hearing to be a part of the meeting record.**

- Building permit or sign permit where applicable**

## Community Development Department

City Hall \* 1101 Poyntz Avenue \* Manhattan Kansas \* 66502-5497  
Phone 785-587-2412 \* fax 785-587-2439  
Home Page Address: [www.cityofmhk.com](http://www.cityofmhk.com)



# Information Form

**This information form must be completed in its entirety before the application will be accepted.**

## I. APPLICANT INFORMATION

Applicant \_\_\_\_\_

Primary Contact (if applicant is an entity) \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Relationship to property owner(s) (*check most applicable*)

Property Owner    Buyer    Consultant    Other (describe) \_\_\_\_\_

## II. PROPERTY INFORMATION

List all Property Owners of record \_\_\_\_\_

-If the Property Owner is an entity, list the individual(s) with authority to execute this application for the entity.

Property Address: \_\_\_\_\_

Legal Description: Lot: \_\_\_\_\_ Subdivision: \_\_\_\_\_ (Or attach description)

Existing Use of Property: \_\_\_\_\_

Total Property (Lot) Area: \_\_\_\_\_ (Square feet or acres)

Current Zoning District: \_\_\_\_\_

III. NATURE OF REQUEST FOR EXCEPTION

If more space is needed, please attach additional pages.

- 1. Describe the proposed project and explain why an Exception is requested. The explanation should be in sufficient detail for the BZA to completely and clearly understand the project.

Horizontal lines for writing response to question 1.

- 2. Explain why the property complies with all applicable requirements of the zoning regulations, other than the one for which an Exception is being requested. If the property does not comply with all applicable Zoning Regulations, list the nonconforming condition and explain the reason for it being nonconforming.

Horizontal lines for writing response to question 2.

- 3. Explain why the granting of the Exception will not cause a substantial adverse affect on nearby properties.

Horizontal lines for writing response to question 3.

4. Explain how the Exception will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare

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5. Explain how the strict application of the zoning regulations is unreasonable, or unnecessary when all facts and circumstances are considered. The applicant shall provide all facts and circumstances and place whatever emphasis and relevance is appropriate on each. Examples of such facts and circumstances to be considered are as follows:

- (1) Whether or not conditions of the property requiring the Exception were created by the applicant with prior knowledge and disregard of applicable regulations;
- (2) Whether or not the applicant acquired the property with knowledge of the conditions which require the Exception and whether or not the consideration for the acquisition took into account such conditions;
- (3) Whether or not there are reasonable alternatives which would allow the property to meet the strict application of the zoning regulations; and
- (4) Whether or not a granting of the Exception will result in a relative gain to the health, safety and general welfare of the community.

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**EACH PERSON SIGNING THIS APPLICATION PACKET ATTESTS TO THE FOLLOWING:**

- That the facts and information in this Application Packet and its attachments are true, complete and accurate, to the best of the person's knowledge;
- That the signatory understands that any omission, or incorrect information, may invalidate any required notice or action taken by the Board of Zoning Appeals.
- That each Property Owner grants to the Applicant, and the Applicant accepts, the authority to represent the property owner in all aspects of the processing of this Application Packet, including but not limited to, communication with City Administration, representation at all meetings and public hearings, and modification of this Application Packet.

**PROPERTY OWNER(S)**

\*All property owners must sign. If the property owner is an entity, the signatory must have the authority to sign this application for the entity.

\_\_\_\_\_  
Print Name: \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_ Date \_\_\_\_\_

**APPLICANT**

\_\_\_\_\_  
Print Name: \_\_\_\_\_ Date \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>	
Date Received: _____	Received By: _____
Public Hearing Date: _____	
<b>City:</b>	Fee Paid: _____ Receipt # _____ Check ___ Check # _____ Cash ___
<b>County:</b>	Fee Paid: _____ Receipt # _____ Check ___ Check # _____ Cash ___

## **Exception** *Site Plan Checklist*

A Site Plan and Architectural Elevations (*where applicable*) shall be submitted at the time of the application. These plans shall be accurately drawn to scale that shows the Exception being sought. The final Site Plan shall be one set of 8½ by 11 inch, readable and reproducible, reductions of all drawings.

### Check that each item is included on the site plan

- North arrow;
- Engineer or architect scaled drawing (for example, 1/4" = 1');
- Property lines;
- Adjacent streets (names), alleys and sidewalks;
- Public or private easements on the property;
- Existing building setbacks;
- Proposed building setbacks;
- Dimensions of existing and proposed improvements;
- Location of Flood Plain, if necessary;
- Location of existing and proposed drives and parking;
- Location of existing and proposed structures, additions or other improvements;
- Existing and proposed landscaping;
- Name and address of owner of the property;
- Name and address of consultant (engineer, architect, land surveyor, etc.); and,
- Date the Site Plan was prepared.
- Site plan title (i.e. Front Yard Setback Exception for 1101 Poyntz Avenue)

### Architectural elevations

- Elevation and dimensioned drawings of proposed building, signs or other improvements shall be submitted on a separate sheet where applicable.



## STANDARDS FOR EXCEPTION

The Board of Zoning Appeals shall not grant an Exception as authorized in Section 14-604 hereof unless it shall, in each case, make specific written findings of fact, based upon the particular evidence presented to it, that all of the following standards have been met:

- (A) The property complies with all applicable requirements of these regulations, other than the one for which an Exception is being requested;
- (B) The proposed Exception will not cause a substantial adverse affect on nearby properties;
- (C) The Exception desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
- (D) The strict application of these regulations is unreasonable, or unnecessary when all facts and circumstances are considered. In determining this standard, the Board shall weigh all facts and circumstances and place whatever emphasis and relevance it deems to be appropriate on each. Examples of such facts and circumstances to be considered are as follows:
  - (1) Whether or not conditions of the property requiring the Exception were created by the applicant with prior knowledge and disregard of applicable regulations;
  - (2) Whether or not the applicant acquired the property with knowledge of the conditions which require the Exception and whether or not the consideration for the acquisition took into account such conditions;
  - (3) Whether or not there are reasonable alternatives which would allow the property to meet the strict application of these regulations; and
  - (4) Whether or not a granting of the Exception will result in a relative gain to the health, safety, and general welfare of the Community.