



Community Development  
32905 W. 84<sup>th</sup> St  
De Soto, KS 66018  
(913) 583-1182 ext. 115  
fax (913) 583-3123  
[www.desotoks.us](http://www.desotoks.us)

## APPEAL OF ADMINISTRATIVE DECISION

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### GENERAL PROCEDURE

- Appeal applications are subject to Article 12 of the Zoning Regulations and Article 8 of the Procedures Manual available on the City website.
- Application and fee for appeal must be filed within 60 days of the date of the ruling being appealed.
- Staff schedules meeting with the Board of Zoning Appeals and City Attorney, places public notice and sends a copy to surrounding property owners, Planning Commission and other interested parties.
- Staff sends a copy of the application and comments to the BZA and applicant five days prior to the meeting.
- The determination of the BZA is final and can only be appealed to the District Court.

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### REQUIRED SUBMITTALS

- If needed, submit copies of a sketch map or site drawing with pertinent information as required by staff.
- Application shall include a complete explanation of the decision being appealed and a statement of the reasons for the appeal.
- A buffer list & map of surrounding owners within 200-feet (or 1,000 feet if property owners are outside of city limits). This can be obtained from the Johnson County Dept. of Records and Tax Administration, 111 S. Cherry St, Suite 1200, Olathe, KS.
- Completed application and \$100 fee.

\*\*Failure to submit all of the required documentation may result in delay of the Board meeting.

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**IMPORTANT:** Review Zoning Regulations, Article 12 and Procedures Manual, Article 8 available at [www.desotoks.us](http://www.desotoks.us), Online Documents and Regulations

## CITY CONTACTS

**32905 W 84<sup>th</sup> Street**  
**(913) 583-1182**

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Patrick Reavey  
City Attorney, ext. 125  
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Steve Chick, Sr.  
Building Official, ext. 130  
schick@desotoks.us

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## APPLICATION REVIEW SCHEDULE

The Board of Zoning Appeals meets on an 'as needed' basis. When an application is received staff will schedule a meeting. Generally, it will be held on a Tuesday evening approximately 4-5 weeks following the submittal of an application. Meetings are held in the Council Room at City Hall, 32905 W. 84<sup>th</sup> Street in De Soto.

<b>Application Submittal Deadline</b>	<b>Notification Date (Newspaper/Neighbors)</b>	<b>Board of Zoning Appeals Meeting</b>
Within 60 days of ruling being appealed	Minimum 20 days prior to meeting date	3 <sup>rd</sup> Tues or as Available

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## ARTICLE 9 – 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.
- 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. 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 at least twenty (20) days prior to the Board meeting,. 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 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  
BOARD OF ZONING APPEALS

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: \_\_\_\_\_  
Public Hearing Date: \_\_\_\_\_  
Date Advertised: \_\_\_\_\_  
Date Notices Sent \_\_\_\_\_

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APPLICANT: \_\_\_\_\_ PHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ZIP: \_\_\_\_\_

OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ZIP: \_\_\_\_\_

LOCATION OF PROPERTY: \_\_\_\_\_  
\_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

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Section of Zoning Ordinance Being Appealed: \_\_\_\_\_  
\_\_\_\_\_

Explanation of Appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Present Use of Property: \_\_\_\_\_

Proposed Use of Property: \_\_\_\_\_

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SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

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**IMPORTANT:** Review Zoning Regulations, Article 12 and Procedures Manual,  
Article 8 available at [www.desotoks.us](http://www.desotoks.us), Online Documents and Regulations

APPEAL OF ADMINISTRATIVE DECISION  
DETERMINATION OF THE BOARD OF ZONING APPEALS

Return Form to:  
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De Soto, KS 66018  
(913) 583-1182 ext. 115  
Fax: (913) 583-3123

For Office Use Only  
Case No.: \_\_\_\_\_  
Date of Action: \_\_\_\_\_  
Action: \_\_\_\_\_

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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: \_\_\_\_\_

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Chairman, Board of Zoning Appeals

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