



- Public Works Department: (785) 726-1741 | Police Department Non-Emergency: (785) 625-1011 | Clerk's Office: (785) 726-4812
815 Jefferson, Ellis, KS 67637



NOTICE

I fully understand that if the variance is granted, the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

I further understand that this form and any other forms furnished are done as a courtesy of the City of Ellis. My representative or I is responsible for the presentation of any information I deem appropriate to the Board of Zoning Appeals.

Applicant's Signature

-----**FOR OFFICIAL USE ONLY**-----

Case No: _____
Date Received: _____
Fee: _____
Paid: _____
Receipt #: _____
Received by: _____

Date advertised for hearing: _____

Public hearing date: _____

Action by Board of Zoning Appeals: _____

Appealed to District Court: _____ Date: _____

Decision of District Court: _____ **Date:** _____



**List of Documents for
Re-Zoning/Variances/Conditional Use Permits**
(To be given to applicant with application package)

- ___1. Proof of Ownership (deed/title insurance/real estate contract may be used for seller/buyer transactions, but current owner or designated representative must apply.)
- ___2. Written description of proposed use of the land to include size and footprint of buildings, the setbacks requested or existing, any roads to be constructed and proposed access to the property.
- ___3. Approval from the appropriate entity for ingress/egress on city, county, or state roads and highways.
- ___4. Site plan to include all footprint measurements of the lot, all buildings and requested or existing setbacks.

The above documents must be turned in to the city no later than 30 days before a scheduled public hearing. No major deviation from the original plan shall be permitted once submitted. Minor deviations (insignificant adjustments) may be approved by the zoning officer if submitted at least 10 days before the hearing.

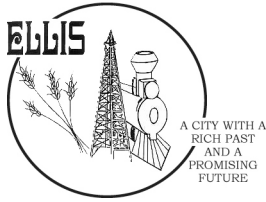
Zoning Administrator shall do a synopsis of the project and how it does or does not meet all requirements.

Variations of the code shall not be reviewed at the same meetings/application as zoning changes. Zoning is approved or remanded back to PCBZA Board for reconsideration by council, and variations are approved by the Board of Appeals. Once Council has approved the zoning change, then applicant/new owner may apply for any variations required.

**PCBZA
Public Hearing Meeting Procedure**

Case # of 1st submission

- Chairman opens public hearing, stating type of permit requested and noting the time the hearing is opened.
 - Motion to Open Public Hearing for _____.
 - Staff Report on _____ Permit/Plan.
 - Questions from Committee to Staff.
 - Presentation by Applicant.
 - Opportunity for Public to speak.
 - Applicant Rebuttal.
 - Questions from Committee to Applicant, Public, or Staff.
 - Motion to Close Public Hearing.
- Chairman closes public hearing, noting the time the hearing is closed. All comments from the public cease.
- Committee now completes the Findings of Fact in accordance with action taken.
- Committee takes action upon request.
- Motion for Committee Representative to approve request as present or if required to present to City of Ellis Council after the Protest Period has expired.

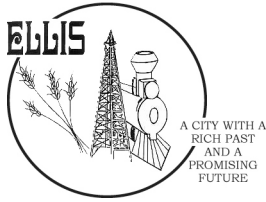


FLOODPLAIN VARIANCE CHECKLIST

The Board of Zoning Appeals, as established by the city, shall hear and decide appeals and requests for variances from the requirements of the flood damage prevention ordinance. The Board of Zoning Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the zoning administrator in the enforcement or administration of the flood damage prevention ordinance. The applicant or his legal representative must be present at the hearing, or the matter will be tabled.

Any person aggrieved by the decision of the Board of Zoning Appeals or any taxpayer may appeal such decision to the District Court of Ellis County, Kansas. In passing upon such application, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, and standards specified in other sections of the ordinance, and:

- ___ 1) The danger that materials may be swept onto other lands to the injury of others;
- ___ 2) The danger to life and property due to flooding or erosion damage;
- ___ 3) The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
- ___ 4) The importance of the services provided by the proposed facility to the community;
- ___ 5) The necessity for the facility of a waterfront location, where applicable;
- ___ 6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- ___ 7) The compatibility of the proposed use with existing and anticipated development;
- ___ 8) The relationship of the proposed use to the comprehensive plan and flood management program for that area;
- ___ 9) The safety of access to the property in times of flood for the ordinance ambulance and emergency vehicles
 - ___ a. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - ___ b. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.



Conditions for Variances:

- ___ 1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (2-6 below) have been fully considered. As the lot size increases beyond one acre, the technical justification required for issuing the variance also increases.
- ___ 2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- ___ 3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- ___ 4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- ___ 5) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- ___ 6) Any applicant to whom a variance is granted shall be given a written notice (certified mail) that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.