e. To reduce the minimum off-street parking requirements.
f. To increase the maximum building height not more than 25%.
g. To increase the maximum height of a non-commercial wind energy conversion system (as defined herein) by not more than 33%.
h. To permit reconstruction or repair of and the continued non-conforming use of a structure that has been damaged by up to 75% of its structural value; provided that the use is not changed or its size increased.
i. To permit the reconstruction of a damaged or destroyed non-conforming structure in a Floodplain District provided that such structure is located in a developed area; and provided that the land area included in the granting of such variance does not exceed ½ acre; and provided that the use of the structure is not changed nor its floor area increased; and further provided that the degree or intensity of non-conformity is not increased.
j. To modify requirements relating to signs.
k. To permit construction of accessory structures in a Special Flood Hazard Area (SFHA).

RILEY COUNTY

For More Information Contact:


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*Riley County*

# Guide to Variances

## Purpose of a Variance

The Riley County Zoning Regulations provide for different types of zoning. These zones regulate permitted uses as well as physical restrictions, lot size, building setback requirements, building height restrictions, and floodplain development. Sometimes these physical standards are difficult or impossible to meet due to circumstances beyond the property owner's control.

In such circumstances, a variance may be granted by the Riley County Board of Zoning Appeals to modify the Zoning Regulations because of undue hardship caused by unique characteristics of the site. A variance will not allow for uses that are not permitted or conditional in a zone. Variances are only granted in situations where uniform zoning regulations would unduly burden one property more than other properties in the area.

## Approximate Costs

- Surveying fees to obtain a legal description (varies)
- Planning & Development application—$200.00

## Steps Involved in a Variance Request

### Filing a Petition for Public Hearing

t. Contact the Riley County Planning & Development Department.

2. Contact a firm to have the property surveyed and a legal description written (if applicable).

3. Submit the following to the Planning & Development Department:

   - Petition for Public Hearing application;
   - application fee; and
   - a legal description.

The petitioner should submit all pertinent information such as:

- a sketch drawn to scale of the proposed area;
- a description of the type of structures, if any, on the property; and
- descriptions of any new construction, remodeling, removal, relocation, etc.

3. Kansas State Statutes require that a Notice of Public Hearing be published in the Manhattan Mercury at least 20 days prior to the date of the hearing. This notifies the general public of the request. All persons owning property within a t,000' radius will be notified of the request 20 days prior to the public hearing. They may attend the public hearing and/or submit written comments about the request.

### Preparing for the Public Hearing

1. Unless otherwise specified, the Board of Zoning Appeals meets on the third Monday of each month at t:30 p.m. in the Second Floor Meeting Room, Riley County Office Building.

   Approximately one (t) week before the hearing, the petitioner will be notified of the date, time and place of the Board of Zoning Appeals meeting. The notice is accompanied by the staff evaluation of the request. The petitioner or his representative must be present at the public hearing. The Township Trustee for the township involved in the request is also notified of the hearing.

### At the Public Hearing

t. At the Board of Zoning Appeals meeting, the Chairman opens the public hearing. A staff member of the Planning and Development presents the staff report to the Board. The petitioner is then called forward to explain the request. The public is then given a chance to speak regarding the request. If no one wants to speak for or against the request, the public hearing is closed and the Board usually takes a vote. The vote is based on the analysis of the following statutorily required conditions:

   a. The variance request arises from conditions which are unique to the property in question and which are not ordinarily found in the same zone or district and that such conditions are not created by an action of the owner/applicant.
   b. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.
   c. The strict application of the provisions of the Zoning Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner/applicant.
   d. The requested variance will not adversely affect public health, safety and welfare.
   e. The granting of the variance will not be opposed to the general spirit and intent of the Zoning Regulations.

The Board will approve the request, with or without changes or conditions, deny the request, or table the decision to a later date.
The decision of the Board becomes effective 15 days after the date of approval. This allows anyone who is discontent with the decision to bring action in the District Court of the County to determine the reasonability of such decision.

A variance may only be requested or granted for the following:

a. To reduce the specified minimum lot depth and/or lot width not more than 20%.
b. To reduce the minimum lot area for a single family or two family-dwelling not more than 20%; except in no case shall any lot area be less than required by County Sanitary Code.
c. To reduce the minimum lot area per dwelling unit for multiple family dwellings not more than an amount which will permit the addition of one more dwelling unit to the number permitted by a strict application of the minimum lot area requirement; except in no case shall any lot area be less than required by County Sanitary Code.
d. To reduce the minimum yard requirements.