



611 Mulberry Road, Suite 300
 Derby, KS 67037
 Phone 316-788-6632
www.derbyks.com

**APPLICATION REQUESTING APPEAL
 OF ZONING ADMINISTRATOR
 /FLOODPLAIN MANAGER DECISION**

This form must be completed in accordance with directions on the accompanying instructions and filed with the City Planner or Authorized Agent at Derby City Hall, 611 Mulberry, Derby, Kansas 67037.

AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED

Date: _____

Fee: \$150

CONTACT INFORMATION

Owner(s) of the property requesting the Appeal:

Name: _____

Address: _____

Phone: _____

Email: _____

Primary Contact? (Please Check): Yes No

Agent representing the applicant (if applicable):

Name: _____

Address: _____

Phone: _____

Email: _____

Primary Contact? (Please Check): Yes No

Contract Purchaser (if applicable):

Name: _____

Address: _____

Phone: _____

Email: _____

Primary Contact? (Please Check): Yes No

REQUEST INFORMATION:

1. The appellant herein appeals under Section 10-107 of the Zoning Regulations from a decision, order or determination of the Zoning Administrator and/or Floodplain Manager, as follows:

COMPLETE APPLICATION ON NEXT PAGE

2. Location:

- a) Address: _____
- b) Legal Description: Lot _____, Block _____, _____ Addition
- c) If Property is not platted, a metes and bounds description and location map shall be provided with this application.

3. Zoning: The Property is zoned _____ District.

4. The decision was rendered on _____, 20__ and refers to Section(s) _____ of the Zoning Regulations.

CERTIFICATION

The undersigned acknowledges and certifies the following:

- 1. They certify that the information given herein is correct.
- 2. They have received the instruction material concerning the filing and hearing of this matter.
- 3. They have been advised of the fee requirements established and that the appropriate fee is herewith tendered.
- 4. They have been advised of their rights to bring action in the District Court of the County to appeal the decision of the Derby Board of Zoning Appeals.
- 5. That all documents are attached hereto as noted in the instructions.
- 6. This application cannot be process unless it is complete and accompanied by the appropriate fee.

Property Owner(s)

Date

Agent (if applicable)

Date

Contract Purchaser (if applicable)

Date

<p><u>OFFICIAL USE ONLY</u></p> <p><input type="checkbox"/> Fee</p> <p><input type="checkbox"/> Certified Ownership List</p> <p><input type="checkbox"/> Copy of Decision <input type="checkbox"/> Written Statement</p> <p>This application has been checked and found to be complete and accompanied by the required documents and the appropriate fee.</p> <p style="text-align: center;">_____ City Planner or Authorized Agent</p>	<p><stamp date received></p>
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**Instructions for
Appealing the Decision of the Zoning Administrator / Floodplain Manager**

1. **Application:** Appeals must be made within 30 days after a decision is rendered by the Zoning Administrator or Floodplain Manager by filing an application form. The appellant must complete the application form and all blanks must be filled in or noted as N/A.

The appellant must submit a copy of the decision, order of determination of the Zoning Administrator and/or Floodplain Manager with a statement, in writing, justifying the appeal of the decision.

2. **Ownership List:** Applicants must submit a current ownership list certified by a licensed land abstractor. The ownership list shall include names, mailing addresses and zip codes of all landowners within 200 feet of the boundary of the area described in the application if within the city limits. If such area is located adjacent to the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall also provide the names, mailing addresses and zip codes of all landowners extending 1,000 feet into the unincorporated area (see section 1003.B “Notice and Hearing”).
3. **Fee:** The application must be accompanied by a filing fee of \$150.00.
4. **Public Hearing Notice:** Notice of public hearing by the Board of Zoning Appeals will be published in the official city newspaper so that at least 20 days elapse between the date of publication and hearing date. Notices of the hearing will also be mailed to all property owners on the ownership list, the appellant and the Secretary of the Planning Commission so that at least 20 days shall elapse between the mailing date and the hearing date.
5. **Public Hearing Sign:** A sign advertising the date, time, location, and purpose of the public hearing shall be posted on the property subject to rezoning a minimum of 20 days prior to the public hearing date. The sign shall remain onsite and continually displayed for the general public’s viewing until after the public hearing.
6. **Additional Materials:** Information such as photographs, renderings, plot plans, drawings, or other documents may be submitted and/or required by the City Planner or Authorized Agent along with the application materials. Such materials will be made a part of the case file and become public record.
7. **Public Hearing:** The Board of Zoning Appeals shall hold the public hearing advertised in the official notices. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator and/or Floodplain Administrator. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.