

City of Ottawa Community Development Department

101 S. Hickory, P. O. Box 60
Ottawa, KS 66067
(785) 229-3620 Fax (785) 229-3625
www.ottawaks.gov

Exception Procedures and Application

The Board of Zoning Appeals shall have the power to grant exceptions to the provisions of these zoning regulations, when expressly authorized to do so by these regulations in a particular zoning district or districts. An application filing fee of **\$100.00** shall accompany the application

- a. In no event shall exceptions to the provisions of the zoning regulations be granted where the exception contemplated is not specifically listed in the zoning regulations. The board shall not grant an exception when the conditions established by this section are not found to be present.
- b. The board shall not grant an exception unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:
 1. The proposed exception complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
 2. The proposed exception at the specified location will contribute to and promote the welfare or convenience of the public.
 3. The proposed exception will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
 4. The location and size of the exception, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the exception will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the exception will so dominate the immediate neighborhood, consideration shall be given to:
 - (a) The location, nature and height of buildings, structures, walls and fences on the site, and
 - (b) The nature and extent of landscaping and screening on the site;
 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect;

6. Adequate utility, drainage and other such necessary facilities have been or will be provided; and
7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

The following exceptions are expressly allowed to be granted by the board when such is consistent with Section 25-401.

- a. Where a use district boundary line crosses a lot, a use of either classification on the whole lot within one hundred (100) feet of said district boundary line.
- b. An off-street parking area in a residential district where such facility would relieve traffic congestion on the streets and where said parking lot conforms to the following specification:
 1. The land devoted to parking to be located adjacent to, and within 200 feet of a business or industrial district.
 2. Walls, fences, or planting shall be provided in a manner to afford protection for and be in harmony with surrounding residential property.
 3. The same front yard depth restrictions shall be required as are required in the zoning district in which the parking area is located.
 4. All driveways and the area used for the parking of vehicles shall be surfaced with a hard, durable, rustproof material, and be properly drained.
 5. The area shall be used exclusively for parking of motor vehicles belonging to invitees of the owner or lessee of said lot.
 6. The approval of all plans and specifications for the improvement, surfacing, drainage, entrances, and exits, or lights for said parking area shall be obtained from the City Engineer.
 7. The area shall conform to such other requirements as the Board, in the exercise of sound discretion, may require for protection of surrounding property, persons, and neighborhood values.
- c. Off-Street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of these regulations where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve

- d. Special Yard and Height Exceptions: The following yard exceptions, limited as to location and especially in locations described below may be approved by the Board.
1. An exception in the yard regulations on a lot where, on the adjacent lot there is a front, side, or rear yard that does not conform with such yard regulations.
 2. A yard exception on a corner lot, or lots opposite or adjoining permanent open spaces, including parks and playgrounds.
 3. An exception in the depth of rear yard on a lot in a block where there are nonconforming rear yard conditions.
 4. An exception where there are irregularities in depths of existing front yards on a street frontage on the side of a street between two intersecting streets, so that any one of the existing depths shall, for a building, hereafter constructed or extended, be the required minimum front yard depth.

The procedure for requesting a hearing before the board shall be as follows:

1. All applications to the board shall be in writing on forms provided by the Zoning Administrator. Applications shall be completed in their entirety and filed in the office of the Zoning Administrator with all supporting data. The Zoning Administrator may require any legal description submitted as part of an application to be certified by a registered surveyor, and shall determine whether the filed application is complete.
2. The Zoning Administrator may either create the required ownership list or may require an application to be accompanied by an ownership list, certified by a registered abstractor, listing the legal description and the names and addresses of the owners of all property located within two hundred (200) feet of the boundaries of the property included in the application. Whenever any portion of the property that is the subject of the application is within two hundred (200) feet of the city limits the applicant shall provide such an ownership list for the property within one thousand (1,000) feet of the boundaries of the property included in the application.
3. The board shall fix a reasonable time for the hearing of an application and notice of the time, place and subject of each hearing shall be published in the official city newspaper at least twenty (20) days prior to the date fixed for the public hearing. A copy of the notice of public hearing shall be sent to each party of interest, and each person on the ownership list fifteen (15) days prior to the hearing.
4. An application shall be accompanied by the filing fee required by the City Commission. A separate filing fee shall be required for each application.

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Exception Application Form

Fee: \$100.00

Date Filed: _____

Give a detail description of the exception requested. _____

1. Name of Applicant _____

Mailing Address _____

Phone # _____ Fax _____

2. Name of Authorized Agent (if applicable) _____

Mailing Address _____

Phone # _____ Fax _____

3. Relationship of Applicant to property is: Owner [] Tenant [] Lessee [] Other []

4. Property Address _____

5. Legal Description _____

6. Reason for request: _____

7. The applicant/agent hereby declares that all information submitted is true to the best of his knowledge and that all information required for this request has been included and that the date of the Public Hearing has be conveyed to the applicant/agent.

PUBLIC HEARING DATE: _____

APPLICANT:

AUTHORIZED AGENT:

Signature

Signature

Attachment(s): Yes No

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OFFICE USE ONLY

Date received: _____

Received by: _____

Fee paid: _____

Board action: _____

Date of action: _____