



Zoning Variances



What is a Zoning Variance?

A variance is a waiver from compliance with a specific provision of the zoning regulations. It may be granted to a property owner by the Russell County Board of Zoning Appeals when practical difficulties or unnecessary hardship would occur from strict application of the Russell County Zoning Regulations. Most often, variances are requested for relief from dimensional requirements such as setbacks, height or size of buildings, fences, accessory buildings, or other improvements. Variances cannot be granted to allow a use that is not permitted by the Russell County Zoning Regulations.

Applying for a Zoning Variance

Variances can only be granted by the Board of Zoning Appeals under very unique circumstances, and approval is subject to compliance with five very strict criteria. These are briefly listed below:

- ◆ Uniqueness -The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or the applicant.
- ◆ Adjacent Property - The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
- ◆ Hardship - The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- ◆ Public Interest - The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
- ◆ Spirit and Intent - Granting the variance desired will not be opposed to the general spirit and intent of the Russell County Zoning Regulations.

***These criteria should be addressed very carefully.
While financial hardship may be an applicant's primary concern,
It cannot be the basis on which a variance request is judged and granted!***

Application forms and fee schedules are available in the Zoning Office, located on the first floor of the Russell County Courthouse. The application must be completed by the landowner or his authorized agent. The completed application and supporting documents must be submitted to the Zoning Office. A non-refundable application fee is due at the time the application for a zoning variance is submitted.

After the Zoning Administrator has received the completed application, he will notify the Russell County Board of Zoning Appeals, who will set a date for public hearing.

The Approval Process

Russell County Zoning will publish the Public Hearing Notice in the official newspaper of Russell County. At least 20 days before the public hearing date, the Zoning Office will also send written notice to each party to the request, and also to the Russell County Planning Commission.

At the hearing, the applicant will make a presentation to the Board of Appeals, and any interested parties will be given the opportunity to speak for or against the proposal. After the hearing is complete, the Board of Appeals will review all the information provided and make their decision. A written notification of the decision will be mailed to the applicant and also to the Zoning Administrator.

If the application is not approved, the applicant will have 30 days to appeal the decision to the Russell County District Court, if he or she desires.

The Zoning Office can be of assistance to anyone considering a zoning variance request. The office is located at 401 N. Main, P.O. Box 113 Russell, KS 67665 Telephone (785) 483-6650.