

Dear Board of Zoning Appeals Applicant:

As part of your application process, you are required to notify surrounding property owners of the Board of Zoning Appeals public hearing to consider your application request. This notice must be sent by certified mail, a minimum of twenty two days prior to your scheduled public hearing date before the Board of Zoning Appeals. You are required to submit to the city the white/green certified mailing receipt cards as proof of mailing. See the attached instructions for sending certified mail. Do not use any electronic options for the delivery of certified mail as it does not provide adequate proof for the city to verify you have met your notice requirements. The required notice must be sent to:

- Property owners within 200 feet of the property subject to your request and
- If the subject property is located adjacent to unincorporated land outside of the city's limits, the notices must also be mailed to all property owners of unincorporated property within 1,000 feet of the property subject to your request.

A certified mailing affidavit is required for the processing of your application (form included). A form letter is included in this packet. Use the information on your receipt to fill in the blanks on the form. You are also encouraged to make personal contact with surrounding property owners and your homes association or neighborhood group to discuss your application. The Planning Staff can assist you with contact information for your homes association and neighborhood group.

For your convenience, a notification and affidavit checklist is included to assist you through this portion of the process. The affidavit should be returned to the Planning and Development Services Department the Tuesday two weeks prior to your scheduled hearing date. Improper notification of surrounding property owners will result in your application being delayed.

If you have any questions about the notification process or the required affidavits, please contact the Planning Department at (913) 895-6217.

**LESLIE KARR**  
**MANAGER, CURRENT PLANNING**

Attachment

# BZA Notification and Affidavit Checklist

**OVERLAND PARK**

K A N S A S

ABOVE AND BEYOND. BY DESIGN.

**Current Planning Division**

8500 Santa Fe Drive

Overland Park, KS 66212

(913)895-6217 Fax (913)895-5013

E-mail: pod@opkansas.org

Planning and Development Services Department

www.opkansas.org

## GENERAL NOTIFICATION INFORMATION

- The Planner of the Day, 913/895-6217, is available to answer questions about the notification requirements for your application.
- Failure to properly notify surrounding property owners will result in a continuance of your application.
- A notary public is available in the Planning and Development Services Department for your convenience.
- DO NOT use electronic options for providing your notice requirements.

## OBTAIN A LIST OF SURROUNDING PROPERTY OWNERS

- The Johnson County Records and Tax Administration office, 913/715-0775, can provide a list or you may contact a private title company. (See back for directions to the Johnson County Administration Building)
- List must include owners within a 200 foot radius of your application area.
- When adjacent to any unincorporated properties, the list must include owners within a 1,000 foot radius.

## PREPARE NOTIFICATION LETTER

- See attached sample, fill in the following information:
  - Case number,
  - A description of your request,
  - Date of the public hearing,
  - General location of the property or the address,
  - Legal description of the application area (*may also be attached*).
- Attach a copy of your plan when applicable.
- Provide a copy of your letter to the Planner assigned to your case.

## NOTIFICATION PROCESS

- Send notices by certified mail to surrounding property owners.
- Notices must be mailed 22 days in advance of the Public Hearing. See application receipt or deadline schedule for the last date to mail.
- Keep the white portion of the receipts. Be sure to clearly label with property owner(s) name and address exactly as shown on the property owner list.

## AFFIDAVIT AND DOCUMENTATION

- Return the following notarized affidavit and documentation to the Planning and Development Services Department by 5:00 p.m. the Tuesday two weeks prior to the Public Hearing.
  - Certified mailing affidavit.
  - Mailing list.
  - Copy of notification letter.
  - White receipts from certified mailing with property owner(s) name and address clearly labeled.

Dear Property Owner:

This letter is to notify you that a public hearing will be held by the Overland Park Board of Zoning Appeals at Overland Park City Hall, 8500 Santa Fe Drive, to consider a Variance from Overland Park Municipal Code \_\_\_\_\_ on the following tract of land:

**LEGAL DESCRIPTION AND ADDRESS**  
**(Please type the legal description, and street address or vicinity here or attach to the letter)**

The purpose of Variance No. \_\_\_\_\_ is to \_\_\_\_\_.  
A public hearing schedule for the purpose of considering said Variance request will be held on \_\_\_\_\_. The hearing will begin at 7:00 p.m. Any interested property owners are invited to attend. Additional information regarding the proposed Variance is available at the Planning and Development Services Department located at City Hall, or you may contact the undersigned.

Respectfully,

(include your name and contact information)

VARIANCE NUMBER \_\_\_\_\_

**CERTIFIED MAILING AFFIDAVIT**

STATE OF \_\_\_\_\_ )  
  ) **SS:**  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states:

- 1. That he/she is a representative of the property described in the attached notice upon which an application for a variance has been filed before the Board of Zoning Appeals of the City of Overland Park, Kansas.
- 2. That on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, did mail at least twenty two (22) days prior to the scheduled Public Hearing, postage prepaid, by certified mail, a letter explaining the proposed change, time, date, and place of hearing and attached hereto, to all of the owners of property within a radius in compliance with Chapter 18.140.080 of the Overland Park Municipal Code, from the described real estate, as follows:

**(Please attach legal description and a list of all property owners who have received notification.)**

3. Further affiant saith naught.

\_\_\_\_\_  
SIGNATURE

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

For Office Use Only		
_____ Date Received	_____ Received By	
_____ Number of Owners	_____ Number of Cards	_____ Approved for Hearing/Date

## Directions from Overland Park City Hall to the Johnson County Administration Building

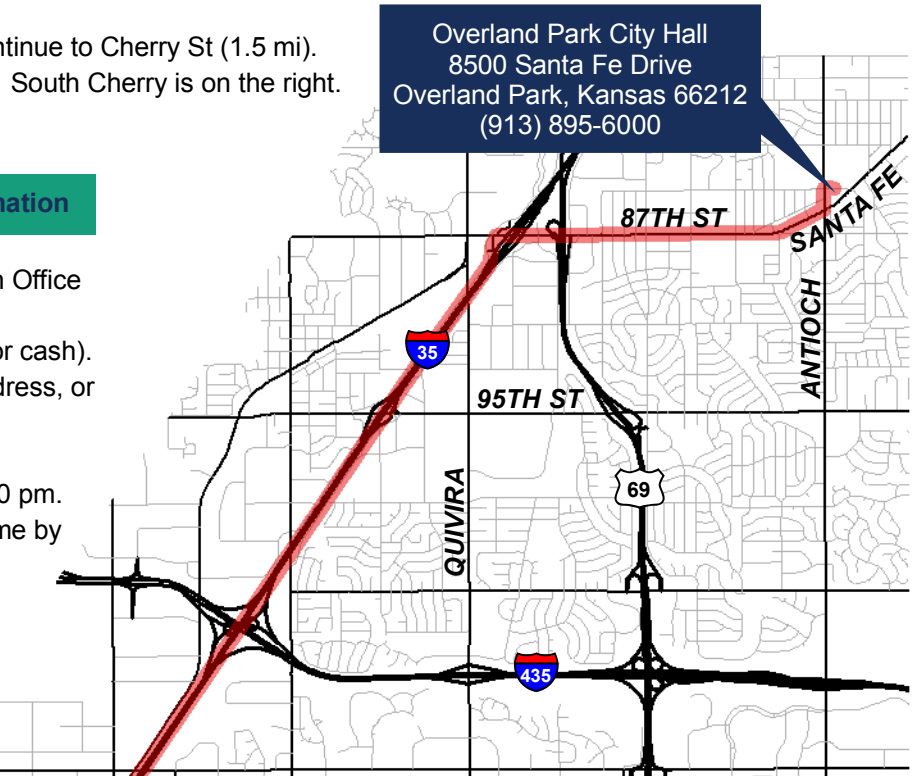
### Turn-by-Turn Directions (total distance: 10.5 mi)

- 1) Leaving City Hall, turn left (west) onto 85th Street.
- 2) Turn left (south) on Antioch.
- 3) Turn right (west) on Santa Fe Drive (which becomes 87th Street) and continue to I-35 (1.8 mi).
- 4) Turn left (south) onto I-35 South and continue to the Santa Fe exit (7 mi).
- 5) Turn right (west) on Santa Fe and continue to Cherry St (1.5 mi).
- 6) Turn left (south) on Cherry Street. 111 South Cherry is on the right.

### Johnson County Mailing List Information

- Go to Records and Tax Administration Office (suite 1200).
- The mailing list fee is \$20.00 (check or cash).
- You will need a parcel ID number, address, or legal description for the property.
- It will take 5 to 30 minutes to process.
- Requests must be started prior to 4:30 pm.
- You can start the process ahead of time by calling (913) 715-0775.

Overland Park City Hall  
8500 Santa Fe Drive  
Overland Park, Kansas 66212  
(913) 895-6000



Inset Map



Johnson County  
Administration Building  
111 South Cherry Street  
Olathe, Kansas 66061  
(913) 715-5000



## CERTIFIED MAILING INSTRUCTIONS

### Notice of your request must be sent by Certified Mail:

- Certified mail provides proof of mailing. A return receipt is not required.
- Your mailing labels and the green and white certified mail receipt, USPS Form 3800, should be addressed exactly as shown on the property owner list. See example of Johnson County ownership list below.
- A date stamp on the Certified Mail receipt is required to show when your notification was accepted by the post office. The City uses this receipt as your proof of mailing. We recommend that you do not use electronic methods for your mailing.
- See the common questions below for additional guidance.

### SAMPLE - OWNERSHIP LIST FROM JOHNSON COUNTY

<p>Parcel 1 of 6:  NF241225-2028 (8500 Santa Fe Drive)  (OWNER[S] NAME/ADDRESS)  SMITH, JIM A.  SMITH, SUZANNE P.  12345 METCALF  OVERLAND PARK, KS 66212</p>	<p>Parcel 2 of 6  NF241225-2029 (8516 Santa Fe Drive)  (OWNER[S] NAME/ADDRESS)  SMITH, JIM A.  SMITH, SUZANNE P.  12345 METCALF  OVERLAND PARK, KS 66212</p>
<p>Parcel 3 of 6  NF241225-2030 (8540 Mackey Street)  (OWNER[S] NAME/ADDRESS)  RANDOM OWNER, LLC  PO BOX 123  KANSAS CITY, MO 64158</p>	<p>Parcel 4 of 6  NF241225-2032 (8549 Mackey Street)  (OWNER[S] NAME/ADDRESS)  McDONALDS  2534 W. 115TH STREET  OVERLAND PARK, KS 66223  (BILLING NAME/ADDRESS)  RONALD MCDONALD  2534 W. 115TH STREET  OVERLAND PARK, KS 66223</p>
<p>Parcel 5 of 6  NF241235-2005 (8422 ANTIOCH)  (OWNER[S] NAME/ADDRESS)  VILLA OZ  YELLOW BRICK ROAD LTD  25004 W. 169 STREET  TOPEKA, KS 68221  (BILLING NAME/ADDRESS)  THE TOTO COMPANIES  1245 MAIN STREET  TOPEKA, KS 68227</p>	<p>Parcel 6 of 6  NF241235-2012 (8474 ANTIOCH)  (OWNER[S] NAME/ADDRESS)  STRANG, WILLIAM B.  STRANG, MARY T.  8474 ANTIOCH ROAD  OVERLAND PARK, KS 66212  (BILLING NAME/ADDRESS)  STRANG, WILLIAM B.  STRANG, MARY T.  12345 MAIN STREET  OLATHE, KS 66258</p>

## CERTIFIED MAILING INSTRUCTIONS

### Common questions/issues:

The same owner(s) own more than one property (Parcels 1 & 2) **One notice may be sent, provided that the owner name(s) and mailing addresses are exactly the same.**

The owner is an LLC, does the notice need to be sent to someone's attention? (Parcel 3) **You are only responsible to provide notification to the owner as listed on the County parcel records.**

The owner and the billing names are different but have the same mailing address. (Parcel 4) **Send one notice to the common address and list both the owner and billing names.**

The owner and the billing names are different and have different addresses. (Parcel 5) **You are required to send the notice to the property owner of record. We also recommend that you send a notice to the billing name address.**

The owner and the billing names are the same but have different mailing addresses. (Parcel 6) **You are required to send the notice to the property owner of record. We also recommend that you send a notice to the billing address.**

If I have two applications for the same property, can just one notice be sent? **You can send notices for two applications for the same property in the same mailing. However separate letters should be sent to make it clear that more than one application is being considered.**

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**Sending Certified Mail.** (The instructions below are intended as a guideline. Contact the USPS for specific instructions.)

1. Address your envelope as normal.

2. Fill in recipient's name and address at the bottom of the Certified mail form.

3. The receipt and the corresponding envelope/ mailing label must be addressed exactly as shown on the property ownership list.

4. Peel the backing from the bar-coded label and place at the top of the envelope

immediately to the right of the return address so the dotted line is even with the top of the envelope. Fold the upper green part of the label over the top of the envelope. **DO NOT place the sticker to the far right or on the side of the envelope**; sufficient space must be left for attaching postage.

5. Obtain an official date stamp on the receipt as your proof of mailing.

6. Detach the certified mail receipt and turn in to the City along with the completed mailing affidavit.

7. Keep your receipts in the same order as order of the property owner list.