



611 Mulberry Road, Suite 300  
 Derby, KS 67037  
 Phone 316-788-6632  
[www.derbyks.com](http://www.derbyks.com)

**APPLICATION FOR:  
 ADMINISTRATIVE ADJUSTMENT**

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: \$250\*<sup>1</sup>**

*\* Potentially qualifies for fee waiver,  
 contact Derby Planning & Engineering Department  
<sup>1</sup> Additional recording fees may apply*

**CONTACT INFORMATION**

**Owner(s) of the property requesting the Administrative Adjustment:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Primary Contact? Yes \_\_\_ No \_\_\_ (Please Check)

**Agent representing the applicant (if applicable):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Primary Contact? Yes \_\_\_ No \_\_\_ (Please Check)

**Contract Purchaser (if applicable):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Primary Contact? Yes \_\_\_ No \_\_\_ (Please Check)

**REQUEST INFORMATION:**

**1. Requested Adjustment(s):** \_\_\_\_\_

\_\_\_\_\_

**2. Zoning District of Property:** \_\_\_\_\_

**3. Location:**

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

**4. Written Statement:** A written statement in compliance with Article 1004.D of the Zoning Regulations is required to accompany this application.

**5. Site Layout Plan:** A site layout plan indicating the location of the requested adjustment.

**CERTIFICATION**

The undersigned acknowledges and certifies the following:

- 1. They have been advised of the fee requirements established and that the appropriate fee is herewith tendered.
- 2. That the information given herein is correct.
- 3. That all documents are attached hereto as noted in the instruction.
- 4. That this application cannot be processed unless it is complete and accompanied by all required documents.

\_\_\_\_\_  
Property Owner(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agent (if applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contract Purchaser (if applicable)

\_\_\_\_\_  
Date

<p><b>OFFICIAL USE ONLY</b></p> <p><input type="checkbox"/> Fee <u>OR</u> <input type="checkbox"/> Fee Waived</p> <p><input type="checkbox"/> Written Statement</p> <p><input type="checkbox"/> Site Plan</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 style="text-align: center;">&lt;stamp date received&gt;</p>
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## ADMINISTRATIVE ADJUSTMENT APPLICATION INSTRUCTIONS

1. **Purpose:** An Administrative Adjustment allows the Zoning Administrator, with concurrence of the Assistant City Manager for Development, to make minor modifications or adjustments to certain provisions of the Zoning Regulations. Administrative adjustments are limited to the following:
  - a. Reducing the minimum lot area, width, or depth by up to 10%
  - b. Increase the maximum structure height by up to 20%
  - c. Reducing the minimum front, rear, or side yard by up to 20%
  - d. Increasing the maximum lot coverage by up to 10%
  - e. Reducing off-street parking and loading requirements, the required depth of parking stalls and the required width of circulation aisles by up to 25%
  - f. Permitting off-street parking in residential districts to be located within the required front yard.
2. **Application:** An application form for an administrative adjustment must be completed and signed by all the property owners their authorized agent(s) (if applicable), and/or contract purchasers/lessees (if applicable) and filed with the Zoning Administrator or their Authorized Agent. If spaces on the application ask for information that is not applicable to the request, then such spaces shall be marked N/A. Applicants are advised that the Zoning Administrative is authorized only to grant adjustments specifically provided for by Article 1005.B of the Zoning Regulations (also listed above).

All administrative adjustment applicants are encouraged to meet with applicable City staff prior to filing an application. The purpose of the pre-application conference is to provide staff and the applicant an opportunity to discuss all forthcoming steps and any other applications or steps that may be necessary prior to commencement of a specific building project.

3. **Legal Description:** The legal description provided on the application must be accurate. Should it be discovered that the legal description is inaccurate during the review process, it may delay the Zoning Administrator's decision and will require the applicant to provide a complete, accurate legal description prior to the Zoning Administrator rendering their decision.
4. **Fee:** The application must be accompanied by a filing fee of \$250.00. A project may qualify for a fee waiver, contact Derby Planning & Engineering department for more information.
5. **Public Notice Sign:** A sign advertising the proposed administrative adjust shall be posted on the subject property for a minimum of 10 days prior to the Zoning Administrator's decision. The purpose of the sign is to notify neighbors and members of the general public of the proposed administrative adjustment and provide an opportunity for public input and comment. The sign shall remain onsite and continually displayed for the general public's viewing until after the Zoning Administrator's decision is rendered.
6. **Written Statements, Diagrams, Exhibits Required:** In accordance with Section 1004.A of the zoning regulations, the applicant shall submit written statements, diagrams, and/or exhibits explaining:
  - a. A statement or diagram showing how strict compliance with limitations and/or special conditions or requirements imposed by the regulations prevent the proposed use or construction.
  - b. A statement as to why the proposed adjustment will not cause substantial injury to the value of other property in the neighborhood.

- c. A statement as to how the proposed adjustment is to be designed, arranged, and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations.
  - d. Present other data which supports the standards specified in Section 1004.D (attached).
7. **Site Plan Required:** In order to demonstrate how the subject property will be developed if the requested administrative adjustment is approved, a site plan depicting the particulars of the adjustment shall be submitted with the application. The site plan shall be drawn to scale and shall indicate how the proposed adjustment will meet the requirements of the zoning regulations and the development standards referenced in Section 1004.D (attached).
8. **Additional Materials:** Information such as photographs, renderings, landscaping/screening plans or other reports may be submitted and/or required by the City Planner or Authorized Agent along with the site plan. Such materials will be made a part of the case file and become public record.
9. **Period of Validity & Extension:** An administrative adjustment issued pursuant to Article 1005 of the Zoning Regulations shall lapse and become ineffective if the administrative adjustment is not commenced upon the property within 180 days and/or continuously maintained on the property thereafter; provided that the Zoning Administrator may grant additional extensions not exceeding 180 days each, upon written application.

## **Section 1005 Administrative Adjustments (Excerpt from Article 10 of the Zoning Regulations)**

The intent and purpose of this section is to allow for administrative action on requests for minor modifications or adjustments to certain provisions of these regulations.

- A. Authority.** The Zoning Administrator, with the concurrence of the Assistant City Manager for Development, shall have the authority to approve applications for administrative adjustments.
- B. Authorized Administrative Adjustments.** Administrative adjustments shall be limited to the following:
1. Reducing the minimum lot area, width, or depth by up to 10 percent.
  2. Increasing the maximum structure height by up to 20 percent.
  3. Reducing the minimum front, rear, or side yard by up to 20 percent.
  4. Increasing the maximum lot coverage by up to 10 percent.
  5. Reducing off-street parking and loading requirements, the required depth of parking stalls and the required width of circulation aisles by up to 25 percent.
  6. Permitting off-street parking in residential districts to be located within the required front yard.
- C. Standards.** The Zoning Administrator may grant an administrative adjustment based upon specific written findings of fact made after consideration of the request and any comments and/or evidence presented in light of relevant factors, including but not limited to the standards in Section 1004.D. of these regulations. These standards include:
1. The proposed adjustment will not cause substantial injury to the value of other property in the neighborhood.
  2. The location and size of the use, 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 adjustment will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.
  3. Adequate utility, drainage, sidewalks and other such necessary facilities have been installed or will be provided by platting, dedications, and/or guarantees.
  4. Adequate access roads, entrance and exit drives and/or access control is available or will be provided by platting, dedications and/or guarantees and shall be designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
  5. The adjustment will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
  6. Orderly land use planning will be achieved in keeping with the goals and proposals of the Comprehensive Plan.
  7. An alternative approach accomplishes the general spirit and intent of the provision in a manner that is equal to or better than strict compliance with the provision.

8. Strict compliance with the provision is not feasible due to topography, existing development, or natural area or feature or constitutes an unnecessary hardship upon the property owner.
9. The proposed adjustment arises from such a condition that is unique to the property and that is not ordinarily found in the same zone or district.
10. The proposed adjustment would be compatible with existing or permitted uses in the surrounding areas.

**D. Conditions.** In granting an administrative adjustment, the Zoning Administrator may attach such conditions upon the property and/or the applicant benefited by the administrative adjustment deemed necessary to address issues raised during the application process. The administrative adjustment is subject to ongoing compliance with these conditions and shall lapse and become ineffective if such conditions are not continually complied with. Such conditions may include, but not be limited to, length and time of operation and ownership limitations; screening, landscaping and fencing; provision of utilities, drainage, sidewalks and other public improvements; additional access or access control; off-street parking and loading requirements; and platting, dedications and/or guarantees. In addition to the guarantees referred to below for parking and/or screening, covenants which run with the land or the property to guarantee that conditions will be carried out at a future date may be required to be filed with the Sedgwick County Register of Deeds.

**E. Decisions and Records.** The Zoning Administrator shall render and issue a written decision to the applicant in the form of an administrative adjustment to be filed with the Sedgwick County Register of Deeds Office or a written denial of the requested administrative adjustment containing specific findings of fact to be filed with the application.

**F. Period of Validity.** An administrative adjustment issued pursuant to these regulations shall lapse and become ineffective if the administrative adjustment is not commenced upon the property within 180 days and/or continuously maintained on the property thereafter; provided, that the Zoning Administrator may grant additional extensions not exceeding 180 days each, upon written application.