

## EXCEPTION

### IN ORDER TO FILE AN APPLICATION FOR AN EXCEPTION, THE APPLICANT SHALL:

1. Submit a complete and signed General Application for an Exception.
2. **Provide a complete and correct ownership list (form(s) attached) of all the owners of record for the property for which the Exception is requested, and for all property located within 200 feet of the property boundaries on which the Exception is proposed. If the property is adjacent to the City limits or outside the City limits, the notification boundary shall be extended to 1,000 feet in the unincorporated area. Ownership information must be typewritten.**

An owner of record shall mean any person or entity who is reflected as the most recent owner or owners of property as documented in (1) the Riley County Register of Deeds or (2) the Riley County District Court, or (3) the Pottawatomie County Register of Deeds, or (4) the Pottawatomie County District Court, or any combination thereof. The applicant should contact these offices, as appropriate by County, in order to complete the attached boundary ownership list.

**The ownership list shall be typed either on the attached form(s) or shall follow the format as shown on the attached form. Lists from a professional service, or any other source, must be submitted either on the attached form(s) or put in the equivalent format.**

Submit the ownership map which is prepared by the City and provided to the applicant. The City of Manhattan will rely on the list provided by the applicant and will not check to verify its correctness. It may be prudent for the applicant to obtain the owner of record information from professional services which are available locally. The fee for those services are to be paid by the applicant.

3. Provide a complete and correct legal description of the property for which the Exception is requested. The legal description shall be typewritten, readable and reproducible.
4. Pay the Exception fee of \$120.
5. An acceptable Site Plan shall be legible, accurate, and shall show the following information:
  - (a) North arrow;
  - (b) Engineer or architect scaled drawing (for example, 1/4" = 1');
  - (c) Property lines;
  - (d) Adjacent streets (names), alleys and sidewalks;
  - (e) Public or private easements on the property;
  - (f) Existing building setbacks;

- (g) Proposed building setbacks;
  - (h) Dimensions of existing and proposed improvements;
  - (i) Location of Flood Plain, if necessary;
  - (j) Location of existing and proposed drives and parking;
  - (k) Location of existing and proposed structures, additions or other improvements;
  - (l) Elevation and dimensioned drawings of proposed building, signs or other improvements;
  - (m) Existing and proposed landscaping;
  - (n) Name and address of owner of the property;
  - (o) Name and address of consultant (engineer, architect, land surveyor, etc.); and,
  - (p) Date the Site Plan was prepared.
6. Provide one set of 8½ by 11 inch reproducible reductions of all drawings once corrections or changes, if necessary, are made to the Site Plans and/or drawings.
7. A written explanation of what the proposed project consists of and why an Exception is requested. The explanation should be in sufficient detail for the Board of Zoning Appeals to completely and clearly understand the project.
8. The applicant shall also provide the following written information:
- (a) That the property complies with all applicable requirements of the zoning regulations, other than the one for which an Exception is being requested;
  - (b) That the proposed Exception will not cause a substantial adverse affect on nearby properties;
  - (c) That the Exception desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and,
  - (d) That the strict application of the zoning regulations is unreasonable, or unnecessary when all facts and circumstances are considered. The applicant shall provide all facts and circumstances and place whatever emphasis and relevance is appropriate on each. Examples of such facts and circumstances to be considered are as follows:
    - (1) Whether or not conditions of the property requiring the Exception were created by the applicant with prior knowledge and disregard of applicable regulations;
    - (2) Whether or not the applicant acquired the property with knowledge of the conditions which require the exception and whether or not the consideration for the acquisition took into account such conditions;
    - (3) Whether or not there are reasonable alternatives which would allow the property to meet the strict application of the zoning regulations; and
    - (4) Whether or not a granting of the Exception will result in a relative gain to the health, safety and general welfare of the community.
9. Obtain a Notice of Public Hearing Yard Sign and Instructions from the Community Development Department and post the sign on the property at least 20 days prior to the public hearing.

10. On the day of the public hearing, come to the Community Development Department, prior to 5 PM, and sign the Yard Sign Affidavit.

Requests will not be scheduled for a public hearing if applications and attachments are incomplete or unsigned. If you have any questions about the application or the information required please contact Staff before submitting the application.

**THE SITE PLAN IS NOT CONCEPTUAL. BUILDINGS, STRUCTURES, PARKING AREAS AND ALL OTHER IMPROVEMENTS, INCLUDING LANDSCAPING, SHALL BE PROVIDED AS APPROVED BY THE BOARD OF ZONING APPEALS.**

**Prior to making any improvements, it is the applicant's responsibility to contact Code Services Department (587-4506) to determine applicable building and fire codes apply, if a building permit is needed.**

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