
State of Kansas, Johnson County, ss:

M. H. CLINGAN being first duly sworn,

Deposes and says: That he is the editor of the Johnson County Herald, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas, with a general paid circulation on a weekly basis in Johnson County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly, published at least weekly 50 times a year; has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Shawnee Mission, in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said

newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the

15th day of January, 1975, with subsequent publications being made on the following dates:

_____, 19_____
_____, 19_____
_____, 19_____
_____, 19_____
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_____, 19_____
_____, 19_____
_____, 19_____

M. H. Clingan
Editor

Subscribed and sworn to before me this 15th

day of January, 1975

Helen M. Caldwell
Notary Public in and for
Johnson County, Kansas
MY COMMISSION EXPIRES AUG. 28, 1975

My commission expires: _____

Notary Fee - - - - - \$ _____

Printer's fee - - - - - \$ 29.21

WESTWOOD HILLS

(First published in Johnson County Herald Wednesday January 15, 1975)

ORDINANCE NO. 94
AN ORDINANCE CREATING A BOARD OF ZONING APPEALS FOR THE CITY OF WESTWOOD HILLS, KANSAS, AND PROVIDING FOR MEMBERSHIP, MEETINGS, RECORDS, POWERS, AND DUTIES THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS:

Section 1. BOARD OF ZONING APPEALS. There is hereby created a Board of Zoning Appeals of the City. Such Board shall consist of three (3) members, all of whom shall be residents of the City, to be appointed by the Mayor by and with the consent of the Council. None of the members shall hold any other public office of the City except that one (1) member may be a member of the City Planning Commission. The members first appointed shall serve respectively for terms of one (1), two (2) and three (3) years, divided equally or as nearly equal as possible between the members. Thereafter members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointments for the unexpired term. The members of such Board shall serve without compensation.

Section 2. MEETINGS. Meetings of the Board shall be held at the call of the Chairman and such other times as the Board may determine. The Board shall annually elect one of its members as Chairman and shall appoint a Secretary who may be an officer or employee of the City. The Board shall fix a reasonable time for hearing of appeals or any other matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official City newspaper at least twenty (20) days prior to the date fixed for the hearing. A copy of said notice shall be mailed to each party to the appeal and to the Chairman of the City Planning Commission.

Section 3. MINUTES. The Board shall keep minutes of such proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board, and the vote upon each question. Records of all official actions of the Board shall be filed in its office and shall be a public record.

Section 4. APPEALS TO THE BOARD. Appeals to the Board may be taken by any person aggrieved, or by any officer of the City or any governmental agency or person affected by any decision of the City Planning Commission. Such appeal shall be taken within ten (10) days of the date of the decision of the City Planning Commission and in accordance with such regulations as may be promulgated by the Board, by filing a notice of appeal specifying the grounds thereof and the payment of a fee of ten dollars (\$10) required therefore. The City Planning Commission when notified by the Board or by its agent, shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the City Planning Commission in the administration of the zoning ordinance. The decision of the Board

Zoning Appeals shall be final. The Board may also, when it shall deem the same necessary, grant variances and exceptions to the zoning ordinance on the basis and in the manner hereinafter provided.

Section 5. VARIANCES. The Board shall have the power and authority to authorize in specific cases a variance from the specific terms of the zoning ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship, and: Provided That the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning ordinance in such district. A request for a variance may be granted in such case, upon a finding by the Board that all of the following conditions have been met:

- That 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;
- That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- That the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
- That granting the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.

Section 6. EXCEPTIONS. The Board shall have the power and authority to grant exceptions to the provisions of the zoning ordinance in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of the zoning ordinance. In no event shall exceptions to the provisions of the zoning ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the zoning ordinance. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of this exception, as established in the zoning ordinance by the governing body, are not found to be present. In exercising the foregoing powers, the Board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the City Planning Commission, may attach appropriate conditions, and may issue or direct the issuance of a permit. Any person, official or governmental agency dissatisfied with any order or determination of said Board may bring an action in the District Court of the county in which such City is located to determine the reasonableness of any such order or determination.

Section 7. EFFECTIVE DATE. This ordinance shall be effective upon publication in the official City newspaper.

Passed by the governing body of the City of Westwood Hills, Kansas, this 6th day of January, 1975.

Jerry D. Foster, Mayor
Ora M. Amberg, City Clerk

ATTEST
SEAL

AFFIDAVIT OF PUBLICATION

M. H. CLINGAN being first duly sworn,

Said newspaper is a weekly, published at least weekly 50 times a year; has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Shawnee Mission, in said County as second class matter.

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Editor

Subscribed and sworn to before me this 15th

day of January, 1975.

Notary Public in and for
 Johnson County, Kansas
 JOHNSON COUNTY, KANSAS
 MY COMMISSION EXPIRES AUG. 28, 1975

My commission expires: _____

My commission expires: _____

Notary Fee - - - - - \$_____

Printer's fee \$ 29.21

Additional copies - - - - \$_____

29.21

Total Charge - - - - - \$

IN THE COURT OF

JOHNSON COUNTY, KANSAS

State of Kansas, Johnson County, ss:

....., 19.....

The within Proof of Publication approved by

**Johnson County Herald—Fully Qualified to
Publish Legal Notices**
Since 1924

(First published in Johnson County Herald/
Wednesday January 15, 1975)

ORDINANCE NO. 96

AN ORDINANCE CREATING A BOARD OF ZONING APPEALS FOR THE CITY OF WESTWOOD HILLS, KANSAS, AND PROVIDING FOR MEMBERSHIP, MEETINGS, RECORDS, POWERS, AND DUTIES THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS:..

Section 1. BOARD OF ZONING APPEALS. There is hereby created a Board of Zoning Appeals of the City. Such Board shall consist of three (3) members, all of whom shall be residents of the City, to be appointed by the Mayor by and with the consent of the Council. None of the members shall hold any other public office of the City except that one (1) member may be a member of the City Planning Commission. The members first appointed shall serve respectively for terms of one (1), two (2) and three (3) years, divided equally or as nearly equal as possible between the members. Thereafter, members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointments for the unexpired term. The members of such Board shall serve without compensation.

MEETINGS. Meetings of the Board shall be held at the call of the Chairman and such other times as the Board may determine. The Board shall annually elect one of its members as Chairman and shall appoint a Secretary who may be an officer or employee of the City. The Board shall fix a reasonable time for hearing of appeals or any other matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official City newspaper at least twenty (20) days prior to the date fixed for the hearing. A copy of said notice shall be mailed to each party to the appeal and to the Chairman of the City Planning Commission.

Section 3. MINUTES. The Board shall keep minutes of such proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board, and the vote upon each question. Records of all official actions of the Board shall be filed in its office and shall be a public record.

Section 4. APPEALS TO THE BOARD.
Appeals to the Board may be taken by any person aggrieved, or by any officer of the City or any governmental agency or person affected by any decision of the City Planning Commission. Such appeal shall be taken within ten (10) days of the date of the decision of the City Planning Commission and in accordance with such regulations as may be promulgated by the Board, by filing a notice of appeal specifying the grounds thereof and the payment of a fee of ten dollars (\$10) required therefore. The City Planning Commission when notified by the Board or by its agent, shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall have the right to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the City Planning Commission in the administration of the zoning ordinance. The decision of the Board

4. Zoning Appeals shall be final. The Board may also, when it shall deem the same necessary, grant variances and exceptions to the zoning ordinance on the basis and in the manner hereinafter provided:

Section 5. **VARIANCES.** The Board shall have the power and authority to authorize in specific cases a variance from the specific terms of the zoning ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship, and: Provided That the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning ordinance in such district. A request for a variance may be granted in such case, upon a finding by the Board that all of the following conditions have been met:

- a. That 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;
- b. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- c. That the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- d. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
- e. That granting the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.

the zoning ordinance.

SECTION 6. ACCEPTANCE. The Board shall have the power and authority to grant exceptions to the provisions of the zoning ordinance in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of the zoning ordinance. In no event shall exceptions to the provisions of the zoning ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the zoning ordinance. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of this exception, as established in the zoning ordinance by the governing body, are not found to be present. In exercising the foregoing powers, the Board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the City Zoning Commission, may attach appropriate conditions and may issue or direct the issuance of a permit. Any person, official or governmental agency dissatisfied with any order or determination of said Board may bring an action in the District Court of the county in which such City is located to determine the reasonableness of any such order or determination.

Section 7. **EFFECTIVE DATE.** This ordinance shall be effective upon publication in the official City newspaper.

Passed by the governing body of the City of Westwood Hills, Kansas, this 6th day of January, 1975.

5. Jerry D. Foster
Jerry D. Foster, Mayor

ATTEST:
-s- Ora M. Amberg
Ora M. Amberg, City Clerk

SEAL) Ora M. Amberg, City Clerk 27

Case No. _____

Plaintiff.

vs.

Defendant.

PROOF OF PUBLICATION

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