



****PUBLIC HEARING REQUIRED****

**ACCESSORY DWELLING UNIT PERMIT APPLICATION
PROCEDURES**

For

**The UNINCORPORATED AREA OF
JOHNSON COUNTY, KANSAS**

**DEADLINE: All application materials shall be submitted at least 45 days before a
scheduled public hearing.**

[See Zoning Board Public Hearing Schedule](#)

**A PRE-APPLICATION CONFERENCE WITH THE DEVELOPMENT REVIEW COMMITTEE IS
REQUIRED PRIOR TO SUBMITTAL OF ANY APPLICATION**

[Development Review Process Guidebook and Application Questionnaire](#)

****PUBLIC HEARING REQUIRED****
ACCESSORY DWELLING UNIT PERMIT PROCEDURES

APPLICANT RESPONSIBILITIES: Omission of any of the following items may delay the review and processing of the application.

- A. A complete application form. (Attachment A)
- B. Legal Description and common street address of the property.
- C. Payment of filing fee. Make check payable to Johnson County Planning Department. (Attachment B)
- D. Owner Authorization if not the legal owner of the property. (Attachment C)
- E. A list of the owners of all properties within 1,000 feet of the subject property certified by a licensed abstractor, title company, or similarly qualified person.
- F. Ownership list and Legal Description Certification form. (Attachment D)
- G. Development Plan (12 copies), including a site plan, elevations, and a table of building areas, in accordance with the requirements of Article 15, Sections 3 and 6 of the Zoning Regulations. (Attachment E)
- H. Post a sign (supplied by the Planning Department) twenty (20) days before the scheduled Public Hearing. Complete Certification of Notification of Sign Posting form. (Attachment F)
- I. A written narrative description. (Attachment G)
- J. A complete Zoning Permit Application. (Attachment H)
- K. Applicant or applicant's representative **MUST** attend the Zoning Board Hearing.

FOR ADDITIONAL INFORMATION PLEASE REFER TO THE *JOHNSON COUNTY ZONING AND SUBDIVISION REGULATIONS*, WHICH INCLUDES THE FOLLOWING ARTICLES APPLICABLE TO ACCESSORY DWELLING UNIT PERMITS:

1. Article 4 – Application Procedures
2. Article 15 – Development Plan Procedures
3. Article 17 – Supplementary Height, Area, and Bulk Regulations
4. Article 18, Section 7(D) – Accessory Dwelling Units

PLANNING DEPARTMENT PROCEDURES

- Public Hearing: The Planning Department will schedule a hearing before the appropriate Zoning Board, which is responsible for hearing the Accessory Dwelling Unit Permit request.
- Posting of Sign: The Planning Department will supply the applicant with a sign to be posted on the property within 20 days prior to the date of public hearing.
- Newspaper Publication: The Planning Department will publish the Legal notice of the public hearing 20 days prior to the date of public hearing. **(The applicant shall pay the publication cost.)**
- Letter of Notification: The Planning Department will mail notices of the public hearing, by certified mail, to all property owners within 1,000 feet (list provided by applicant) of the subject property at least 10 days prior to the Public Hearing. **(The applicant shall pay the certified mailing cost.)**
- Protest Period: After the Zoning Board has made a recommendation to the Board of County Commissioners (BOCC), a 14-day protest period begins which allows owners of nearby properties the opportunity to file with the County Clerk a petition protesting the application.
- Board of County Commissioners (BOCC): After the protest period has concluded, the application will be brought before the BOCC for final action. If the BOCC disagrees with the recommendation of the Zoning Board, the application must be returned at least once to the Zoning Board for reconsideration before the BOCC takes final action.
- Zoning Permit: If the application is approved by the BOCC, then the applicant may apply for a building permit to construct the proposed Accessory Dwelling Unit. Prior to or concurrent with the Final building permit inspection, the subject real property will be reviewed to determine whether the actual site development conforms with the requirements of the approved development plan and other stipulations of approval. If the site is in conformance with the approved development plan and stipulations, then the Zoning Permit will be issued. The Zoning Permit must be approved before use of the accessory dwelling unit is allowed.



****PUBLIC HEARING REQUIRED****
ACCESSORY DWELING UNIT PERMIT APPLICATION

Office Use Only

Application No. _____
Township _____ Zoning Board _____
Zoning Board Hearing Date _____
Date Received _____ Date Paid _____

APPLICANT/AGENT INFORMATION

OWNER INFORMATION

NAME _____
ADDRESS _____
CITY/ST/ZIP _____
PHONE _____
EMAIL _____
CONTACT PERSON _____

NAME _____
ADDRESS _____
CITY/ST/ZIP _____
PHONE _____
EMAIL _____
CONTACT PERSON _____

PROPOSED USE INFORMATION

Present Zoning District _____
The property owner will occupy the *(circle one)* *Principal Dwelling Unit/Accessory Dwelling Unit* as their domicile.
Reason for Requesting Accessory Dwelling Unit Permit _____

Livable Area of Principal Dwelling Unit (sq. ft.) _____
Livable Area of Accessory Dwelling Unit (sq. ft.) _____

PROPERTY INFORMATION

Legal Description *(may be attached to this application)* _____

Address of Property _____
Site Size _____ Property Real Estate Number _____
Present Improvements or structures (include all dwelling units having a kitchen and bathroom) _____

I, the undersigned am the *(circle one)* *owner, duly authorized agent*, of the aforementioned property situated in the unincorporated portion of Johnson County, Kansas. By execution of my signature, I do hereby Officially apply for an Accessory Dwelling Unit Certificate as indicated above.

Signature _____ Date _____

ATTACHMENT A



ZONING FEE SCHEDULE

Rezoning		
Rural or Residential Districts	\$300	0-5 acres
\$350		5.1-10 acres
\$400		10.1-20 acres
\$450		>20 acres
Planned Retail Business Districts	\$300	0-5 acres
\$350		5.1-10 acres
\$400		10.1-20 acres
\$450		>20 acres
Planned Employment Center Districts	\$600	0-5 acres
\$750		5.1-15 acres
\$900		15.1-25 acres
\$1,050		25.1-50 acres
\$1,200		>50 acres
Conditional Use Permit		\$375 or \$75*
<p>*The seventy-five-dollar (\$75.00) fee applies to:</p> <ul style="list-style-type: none"> ✓ Keeping animals on less than 10 acres in accordance with the Zoning and Subdivision Regulations ✓ Preschools and Day-Care Centers in a residence or accessory building to a residence ✓ Accessory buildings or structures larger than or in greater quantities than permitted by Article 18 of the Zoning and Subdivision Regulations ✓ Kennels 		
Accessory Dwelling Unit Permit (Public Hearing Required)		\$375
Special Permit (Public Facilities/Utilities)		\$375
Development Plan (Site Plans)		
Preliminary	\$300 + \$7.50 per lot	
Final		\$300
Plat		
Preliminary	\$300 + \$7.50 per lot	
Final		\$300
Board of Zoning Appeals		
Variance		\$150
Appeal		\$100
Airport Plan Review		\$50
Sign Permit		\$75
Tract/Lot Split or Lot Line Adjustment		\$150
Grading Plan		\$225
Flood Plain Development Permit		\$75
Administrative Plan Review (Includes Accessory Dwelling Unit Certificate)		\$150
Nonconforming Use, Lot, or Structure Review		\$100



OWNER AUTHORIZATION

I/WE _____, hereby referred to as the "Undersigned", being of lawful age, do hereby on this ____day of _____, 20____, make the following statements, to wit:

- 1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property
See Exhibit A attached hereto and incorporated herein by reference.
- 2. I/We the undersigned, have previously authorized and hereby authorize _____ (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Johnson County, Kansas, _____ (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
- 3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Johnson County, Kansas, its officers employees and agents (hereinafter collectively referred to as the 'County'), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- 4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand below.

OWNER

OWNER

STATE OF KANSAS
COUNTY OF JOHNSON

The foregoing instrument was acknowledged before me on this __day of _____, 20__, by _____.

My Commission Expires:

Notary Public _____

ATTACHMENT C



List of Owners of Record within 1,000 feet And Legal Description Certification

As described in the Applicant Responsibilities section of this Application Procedures packet, applicants are responsible for submitting the names and mailing addresses of all the owners of real property within 1,000 ft. of the property on which the application is being made. The list shall be prepared by a licensed abstractor, title company, or similarly qualified person including the Johnson County Department of Records and Tax Administration (RTA). Properties with multiple ownerships (e.g., et al) shall include all owner names and addresses. The list will not be accepted if prepared from real estate, county clerk or other sources.

IF THE LIST IS PREPARED BY A LICENSED ABTRACTOR, TITLE COMPANY OR SIMILARLY QUALIFIED PERSON, OTHER THAN THE RTA, attached to the list shall be a cover letter that certifies that the list is consistent with the RTA records. The cover letter shall also certify that the legal description of the property owned (or under authorization) by the applicant/agent/owner is the property for which the 1,000 ft. list is prepared, per RTA records, and FURTHER that the legal description has been checked and is accurate with respect to the property for which the application is proposed.

IF THE LIST IS PREPARED BY THE RTA, the applicant will be required to submit 1) a Land Records Request Form and Certification (see attached), and 2) sign an Acknowledgment of Receipt of 1,000 Ft. List form, before receiving the list from RTA and before the list will be accepted or used by the Johnson County Planning, Development, and Codes Department.

The applicant is responsible for any costs associated with preparation of the 1,000 ft. ownership list.

Any questions about these procedures should be directed to the Johnson County Planning, Development and Codes Department, telephone 913-715-2201 or fax 715-2222.

THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read, understand and have provided the above information to the licensed abstractor, Title Company, or other similarly qualified person preparing my 1,000-foot radius ownership list.

Signature

Date

Printed Name

ATTACHMENT D



LAND RECORDS REQUEST FORM AND CERTIFICATION

I, the undersigned, hereby request the following land records:

- A list of all the owners of any real property, except public streets and ways, located within 200 feet of the boundaries of the subject property described below.
- A list of all the owners of any real property, except public streets and ways, located within 1000 feet of the boundaries of the subject property described below.

Description of Subject Property: _____

By signing below I hereby certify I shall not (i) use; or (ii) sell, give or otherwise make available to another person; any list of names or addresses contained in or derived from this request, for the purpose of (a) selling or offering for sale; or (b) allowing another person to sell or offer for sale; any property or service to any person listed, or to any person who resides at any address listed. Further, I have read and understand this Land Records Request Form And Certification, which is voluntarily entered into, and which is and shall be binding upon me.

ACKNOWLEDGMENT AND RELEASE

I, the undersigned, of lawful age, do hereby acknowledge that the information provided in response to the above designated request is obtained from the public records. The Johnson County Department of Records and Tax Administration therefore does not warrant or guarantee the accuracy of the public records researched, nor the information collected and provided therefrom. Furthermore, in consideration of receiving the above designated information/records, the undersigned does hereby release, waive, discharge and hold harmless the Board of County Commissioners of Johnson County, Kansas, and its departments, officers, employees and agents, from any and all actions, suits, liabilities, claims or demands whatsoever, arising out of or in connection with the use of the above designated records. I have read and understand this acknowledgment and release, which is voluntarily entered into, and which is and shall be binding upon me, my spouse (if any), and my heirs, successors, assigns and legal representatives.

Printed Name

Signature

Address

Phone Number

Date

ATTACHMENT D

DEVELOPMENT PLAN REQUIREMENTS for Accessory Dwelling Unit Permits

Twelve (12) copies of a Development Plan shall be submitted to the Johnson County Planning Office as part of the Accessory Dwelling Unit Permit application. The Development Plan shall consist of a site plan, elevations, and a table of building areas containing at least the following information. (Additional information may be requested by Planning Department staff per Article 15, Section 6 of the *Zoning Regulations*.)

Site Plan, identifying the following:

- Location by common street address and legal description.
- Names, addresses and telephone numbers of the applicant, owner, and designer of the plan.
- Date and North Arrow.
- The boundary lines of the parcel or lot containing the accessory dwelling unit and the principal dwelling unit (also known as the “property lines”).
- The location and names of all abutting streets.
- The location and dimensions of all existing and proposed buildings and dwellings including the proposed Accessory Dwelling Unit and the Principal Dwelling Unit.
- The distance of all buildings and dwellings from the property line (also known as the “setbacks”).
- The distance of the Accessory Dwelling Unit (if detached) from the Principal Dwelling Unit.
- The location of natural features such as streams and ponds.
- The location of any land area subject to 100-year flooding.
- The location of existing sewers and on-site sanitary waste disposal systems.
- The location of all existing and proposed driveways.
- Location, height and general materials to be used for walls, fences and landscaping.
- An easily measurable scale shall be used such as 1” = 60’ or 1” = 100’.

Building Elevations

The Building Elevations shall depict the general style, size and exterior construction materials of the Accessory Dwelling Unit, the Principal Dwelling Unit and other existing or proposed buildings in sufficient detail to exhibit the relative compatibility of the proposed Accessory Dwelling Unit with the Principal Dwelling Unit and the character of the neighborhood.

(Note: Pictures of existing buildings and houses may be provided in lieu of Building Elevations.)

ATTACHMENT E-1



Table of Building Areas

Complete the table (attached below) for either an attached or detached ADU, whichever is applicable. The areas supplied will be used to determine if the proposed ADU meets the adopted performance standards.

The tables collect information regarding “Livable Area,” which is defined as follows:

Livable Area: A space within a dwelling unit that is heated, has a ceiling height of at least seven feet, and has finished walls, floors, and ceilings. Walls and ceilings shall be deemed finished if they are covered with plaster, wallboard, wood paneling, or similar material. Floors shall be deemed finished only if they are covered with carpeting, tile, linoleum, finished wood, decorative concrete, or similar material. This definition includes hallways, closets, dormers, laundry room facilities, stairs, and storage rooms if they are a functional part of the living area and not part of an unfinished area such as an unfinished attic or unfinished basement. In rooms with sloped ceilings (e.g., finished attics) livable area is considered that portion of the room with a ceiling height of at least five feet.

Note: The Johnson County Appraiser refers to “Livable Area” as “Finished Floor Area”. The Appraiser’s Office documents the “Finished Floor Area” of existing dwelling units in Johnson County and provides this information to the public. The Appraiser’s Office can be contacted at 913-715-9000.

BUILDING AREA -- ATTACHED ADUS (Development Plan Requirement)

If the proposed Accessory Dwelling Unit is ATTACHED to the Principal Dwelling Unit, then complete the following table to be included as part of your Development Plan:

Building Area: Attached Accessory Dwelling Unit		
	Livable Area (sq. ft.)	
	Submitted by Applicant	Planning Staff Comments
Livable Area of ADU		
Livable Area of Principal Dwelling Unit		
Ratio (ADU / PDU)		

ATTACHMENT E-2



**BUILDING AREAS -- DETACHED ADUS
(Development Plan Requirement)**

If the proposed Accessory Dwelling Unit is NOT ATTACHED to the Principal Dwelling Unit, then complete the following table to be included as part of your Development Plan:

Building Area: Detached Accessory Dwelling Unit		
	Livable Area (sq. ft.)	
	Submitted by Applicant	Planning Staff Comments
Livable Area of ADU		
Livable Area of Principal Dwelling Unit		

Area of Accessory Buildings (including tool sheds, garages, and barns)			
Structure as labeled on Site Plan	Approximate Dimensions of First Floor (Building Footprint)	First Floor Area (sq. ft.)	Planning Staff Comments.
Example: tool shed	10' x 12'	120	
Example: metal barn w/ ADU	60' x 60'	3,600	
Example: detached garage w/ ADU on second floor	24' x 30'	720	
		Total Area:	

Does the ADU cover only a portion of a larger accessory building (i.e., the ADU is on the second floor of a detached garage)? yes or no

ATTACHMENT E-3



SIGN POSTING PROCEDURES AND CERTIFICATION

Each applicant is required to post one or more notification sign(s) on the property. The applicant is responsible for obtaining the sign(s) from the Johnson County Planning Department and for posting and maintaining the sign(s) as prescribed below:

1. The sign(s) shall be placed on the property at least twenty (20) days before the scheduled public hearing date;
2. If the Township Zoning Board or Board of Zoning Appeals public hearing is continued, delayed, or postponed, the sign(s) shall be replaced or amended to accurately describe the new date, place, and time for the public hearing;
3. If the property has more than one (1) abutting street, a sign shall be placed facing all streets;
4. If the property under consideration does not have any abutting street, consult with the Planning Department staff regarding the appropriate location for the sign(s);
5. The sign(s) shall be firmly affixed on the property in a place visible from the adjoining streets;
 - a. The bottom of the sign(s) shall be a minimum of two (2) feet above the ground;
 - b. The sign(s) shall be placed within five (5) feet of the public right-of-way; and
 - c. The sign(s) shall be positioned to have no visual obstructions and to be readily seen by passersby;
6. The status of the sign(s) should be checked frequently and fallen or destroyed sign(s) shall be immediately replaced; new sign(s) are available from the Planning Department if needed; and
7. The sign(s) shall be posted and maintained throughout the approval process and then removed by the applicant within ten (10) days after final action on the application by the Board of County Commissioners.

Prior to the public hearing, the applicant is required to certify that the sign(s) have been posted and maintained as required. Applicants are encouraged, but not required, to submit photographs showing the posted sign(s) as viewed from the abutting street(s). Failure to comply with these requirements may cause the public hearing to be continued to a later date.

THE FOLLOWING CERTIFICATION IS TO BE COMPLETED AND SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO THE OPENING OF THE PUBLIC HEARING.

I, _____ (printed name) hereby state that I have received a copy of the Sign Posting Procedures and that the required sign(s) have been posted and maintained as prescribed in the Sign Posting Procedures.

Signature

Date

Application No. _____

ATTACHMENT F

WRITTEN NARRATIVE REQUIREMENTS

Written Narrative Description:

A written narrative description of the proposed ADU must be submitted by the applicant. If the nature of compliance is not explicitly clear from the information indicated on the development plan, the narrative description shall address how the proposed ADU would satisfy the performance and development standards, purposes and intents, and zoning regulations as applies to the particular ADU. The narrative description shall also address how the proposed ADU shall meet and comply with the Issuance of ADU Permits in Article 18, Section 7(D)(3)(e) of the Zoning Regulations. The narrative description shall also describe the reasons which appear to make the site in question appropriate for the proposed ADU, the steps to be taken to cause the use to be compatible with other parcels of real property near the site in question, and other such reasonable information about the proposed use that would be necessary or helpful for the impacts of the proposed use to be fully evaluated and considered.

Zoning Board Requirements for Issuance of Accessory Dwelling Unit Permits

Article 18, Section 7(D)(3)(e) of the Zoning Regulations requires the following:

- 1) The proposed ADU Permit shall be reviewed using established land use criteria such as, but not limited to, that suggested by the Kansas Supreme Court in the case of Golden v. Overland Park, Kansas.
- 2) The Zoning Board shall not recommend that an ADU Permit be granted unless, based upon the evidence presented to it in each specific case, it has considered the following:
 - a) That the granting of any ADU Permit is in harmony with the general purpose and intent of these regulations, and will not be injurious or detrimental to the public health, safety, and general welfare.
 - b) That the granting of the PERMIT will not:
 - i) Impair an adequate supply of light and air to adjacent property;
 - ii) Unduly increase hazards from fire or other dangers;
 - iii) Unduly increase traffic on streets or highways beyond their capacity;
 - iv) Unduly increase the potential for flood damages to adjacent property or lead to additional public expense for flood protection, rescue or relief;
 - v) Otherwise unduly impair the public health, safety, comfort, morals or general welfare of the inhabitants of the County, or otherwise create a nuisance or nuisance-like situation; or
 - vi) Pollute the air, land or water.
- 3) That the ADU:
 - i) Will be designed, constructed, operated, buffered, screened, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not be incompatible with the character of the area.

- ii) Will be compatible with and not be hazardous or unduly disturbing to existing or planned future neighboring uses and zoning.
- iii) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and wastewater disposal; or that the persons or agencies responsible for the establishment of the proposed use shall agree to adequately provide any such essential facilities and services. With respect to this standard, the minimum infrastructure requirements in Article 31 of these regulations shall be guidelines for interpretation of the minimum infrastructure needed for each ADU.

Each ADU shall be considered with respect to the infrastructure available and whether additional or

improved infrastructure would be needed for the proposed ADU. If additional or improved infrastructure would be needed, an ADU Permit may be approved if the applicant shall comply with Article 31, Section 2, (C) (1) and (2).

- iv) Will not create excessive additional requirements at public cost for public facilities and services.
- v) Will have vehicular approaches to the property which are so designed and would be provided to prevent an interference with traffic on surrounding public arterial streets.
- vi) Will not result in the destruction, loss, or damage of a natural, scenic, aesthetic or historic feature of major importance.
- vii) Will comply with the lot, yard, and open space; sign; and off-street parking and loading space requirements of these regulations unless otherwise specifically granted.

Review Using Established Land Use Criteria:

A review using established land use criteria such as that suggested by the Kansas Supreme Court in the case of *Golden v. Overland Park, Kansas* would generally give consideration to the following:

- 1) *Whether the use would be consistent with the zoning and uses of nearby properties.*
- 2) *Whether the use is compatible with the character of the neighborhood.*
- 3) *Suitability of the property for uses to which it has been restricted.*
- 4) *Extent of detrimental effects to nearby parcels should the Conditional Use Permit be approved.*
- 5) *Length of time the property has remained vacant as zoned.*
- 6) *Relative gain to the public health, safety, and welfare as opposed to the hardship imposed upon the landowner by denying the request.*
- 7) *Whether the use is in keeping with the Comprehensive Plan.*

ATTACHMENT G



ZONING PERMIT APPLICATION

Office Use Only

Date Sent: _____ CUP Application No: _____

Final Dev. Plan No: _____ BOCC Resolution No: _____

Building Permit No: _____ Applicant/Project Name: _____ Map # _____

PROPERTY INFORMATION

Site Address: _____

Use: _____ Administrative Accessory Dwelling Unit Certificate

Disposition: _____ Date: _____

Signature: _____ Title: _____

Comments: _____

APPLICANT INFORMATION

Applicant Name: _____

Company Name: _____

Address: _____ City/St/Zip: _____

Contact Person: _____

Telephone _____ Email _____

I, the undersigned, am the (*Circle One*) owner/duly-authorized-agent of the aforementioned property situated in the unincorporated portion of Johnson County, Kansas. By execution of my signature, I do hereby officially apply for Zoning Permit Approval.

Signature: _____ Date: _____

ATTACHMENT H