



STATE OF KANSAS

*Office of the Attorney General*

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**Curt T. Schneider**  
*Attorney General*

June 15, 1978

ATTORNEY GENERAL OPINION NO. 78- 193

Mr. Paul A. Sasse  
City Manager  
City Hall  
120 North Sixth Street  
Independence, Kansas 67301

Re: Cities--Zoning--Amendments

Synopsis: In addition to the city governing body or planning commission, only the owner of property proposed to be rezoned may initiate a zoning amendment respecting such property under K.S.A. 12-708.

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Dear Mr. Sasse:

You advise that the City of Independence has recently received a request for rezoning pursuant to K.S.A. 12-708. The parties submitting the request are not the actual owners of the property, but are the owners of property which lies directly adjacent to the property proposed to be rezoned. As you point out, K.S.A. 12-708 provides in pertinent part thus:

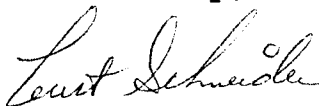
"A proposal for such amendment may be initiated by the governing body, the planning commission or upon application of the owner of property affected." [Emphasis supplied.]

You request my opinion whether the underscored language request that only the actual owner of property proposed to be rezoned

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may submit an application for the rezoning thereof, in addition to the city governing body and planning commission, or whether property owners of property adjacent to property proposed to be rezoned which they do not own may initiate a rezoning application for such property. In my judgment, the italicized language does not permit proposal for a zoning amendment respecting certain property by property owners other than by the owners of the property itself which is proposed to be rezoned. The property "affected" by a zoning amendment is the property proposed to be rezoned. It may be argued, of course, that adjacent property is "affected" by a proposed rezoning. An owner of a residential property might reasonably deem his property to be "affected" by a rezoning of adjacent property from a residential classification to another classification which would permit the construction of a bowling alley, for example. The phrase "owner of property affected," is drawn in the singular, however, and refers in my judgment only to the owner of the property proposed to be rezoned, rather than any number of owners of property which might be adjacent to or which might lie in the vicinity of property proposed to be rezoned.

Yours truly,

  
CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj