

DR 86-8 - Possible Amendment to the Sedgwick County Zoning Resolution amending Board of Zoning Appeals Filing Fees.

ACTION

DATE

COMMITTEE	_____	_____
M.A.P.C.	<i>Approved 8-0</i>	<i>7/24/86</i>
B.C.C./B. C.C. C.	<i>Approved for</i>	<i>8-22-86</i>
	<i>Recorded</i>	

R# 192-1986

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985; BY AMENDING SECTION 16-(B) OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS"; ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION 1. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 24, 1986, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 16- "BOARD OF ZONING APPEALS"; SUBSECTION B. "PROCEDURE" shall be amended to read as follows:

B. PROCEDURE

1. Written applications for the approval of an appeal, variance or exception referred to in this section shall be filed in a manner prescribed by the Board.

A fee, as set forth herein, shall be paid in accordance with the signed agreement between the City of Wichita and Sedgwick County concerning MAPD, upon the filing of each application for an appeal, variance or exception, for the purpose of defraying costs of the proceeding described herein. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such manner as prescribed by law. Applications for appeals from the decisions of the enforcing officer shall be made within twenty (20) days of the date of such decision.

Board of Zoning Appeals
Application Fees

Appeals	\$175.00
Variances for Residential Uses	
For Individual zoning lot	\$200.00
Additional variance on same property	\$75.00
Multiple lot application	\$200.00
	(plus \$20 per lot in application)
Variance for All Other Uses	\$300.00
For additional variance on lot	\$150.00
Exceptions for Residential Uses	\$200.00
Exceptions for All Other Uses	\$300.00

A separate fee shall be required for each proceeding.

A deferral at request of applicant requiring the mailing of new notices or readvertisement. . . \$50.00

2. The Board shall hold a public hearing on each application for an appeal, variance or exception. Applications must be accompanied by a certified list of property owners of record, and their addresses, if available, and if not available, then the addresses of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of twice the frontage of the property included in the application, provided no distance need be more than 1,000 feet, and cannot be less than 200 feet.
3. The Secretary of the Board shall cause to be published in the official County paper, a notice as to the time, place, date, and subject of hearing; such notice to appear once in the official County paper no less than fifteen (15) days prior to the date of hearing. The Secretary of the Board shall also cause notice to be given by mail no less than fifteen (15) days prior to the date of hearing, to each of the property owners within twice the frontage of the property included in the application, provided no distance need be more than 1,000 feet, and cannot be less than 200 feet; as such owners are listed on the current certified list accompanying the application; to each party to the appeal, variance or exception, and to each member of the County Board of Zoning Appeals, each member of the Metropolitan Area Planning Commission, and the Board of County Commissioners. Mailed notices shall also be sent to members of any Planning Commission of any city if the application lies within that City's zoning area of influence.
4. The Board shall make its findings and determination in writing within sixty (60) days from the date of filing the application; provided, however, that with the consent of the applicant, the Board may defer making its findings for a period not to exceed an additional thirty (30) days. The Board shall forthwith transmit a copy thereof to the applicant.
5. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examination and other official actions, which shall be a public record.

SECTION II. That Section 16-(B) of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 14, 1984, is hereby repealed.

SECTION III. This resolution shall take effect and be enforced from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED THE 22d day of August, 1986.



Bernard A. Henrich
Bernard A. Henrich, Chairman

Donald E. Gragg
Donald E. Gragg, Commissioner

Tom Scott
Tom Scott, Commissioner

Donnell L. Wright
Donnell L. Wright, County Clerk
(SEAL)

Approved As To Form By:
William D. Rustin
William D. Rustin, County Counselor

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: August 11, 1986

TO: Board of County Commissioners

FROM: Michael E. Lindebak, Director of Planning (Interim)

SUBJECT: DR 86-8 - Amendment to County Zoning Regulations
RE: Filing fees for Board of Zoning Appeals applications

Attached is a delineated copy of a resolution amending the Sedgwick County "Zoning Regulations" pertaining to the Board of Zoning Appeals filing fees. This item should be considered at the meeting of the County Commission on Wednesday, August 20, 1986.

BACKGROUND:

This amendment to the Sedgwick County Zoning Regulations has been prepared at the suggestion of the Sedgwick County Board of Zoning Appeals. It was suggested by the Board that the fees be more in line with the costs of processing the cases and the expense should be born by the applicants.

It is estimated that the average cost of processing each Board of Zoning Appeals case is slightly over \$300. Filing fees were not adjusted between 1966 and 1980. The residential fees were raised from \$50 to \$75 in 1980 and the nonresidential fees were raised to \$150 and \$200 that same year. The fees proposed in the resolution should provide revenue to approximate the actual cost of processing the cases. Based on the \$50 fee of 1966, the proposed fees should be fairly comparable to today's dollar value.

SUMMARY:

This amendment will increase the fees for all types of cases and will provide for application fees for multiple lot developments heretofore requiring only a minimum fee of \$75. This has been the same fee as an individual would pay for a setback variance on a residential property.

In addition, there is also a fee for deferral of a case when the mailing of new notices or re-advertisement is required. This is a comparable fee that is required for the deferral of a zoning case. A schedule of all the changes in the fees is reflected in the attached delineated resolution.

RECOMMENDATION:

It was the unanimous recommendation of the Planning Commission on July 24, 1986 that this amendment be forwarded to the County Commission for adoption.

Michael E. Lindebak
Michael E. Lindebak
Director of Planning (Interim)

Attachment

cc: Wichita Board of Realtors, 717 N. Emporia, Wichita, KS 67214
Wichita Area Builders Assn., 730 N. Main, Wichita, KS 67203
David Spears, Director, Bureau of Public Services
Ron Worley, Director, Dept. of Planning & Code Enforcement

Additions underlined
Deletions marked thru

RESOLUTION

A RESOLUTION AMENDING THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS" AS PUBLISHED IN BOOK FORM BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, EDITION OF OCTOBER 5, 1983 AND ADOPTED BY THE BOARD OF SEDGWICK COUNTY COMMISSIONERS ON DECEMBER 12, 1984 AND BECAME EFFECTIVE JANUARY 1, 1985; BY AMENDING SECTION 16-(B) OF THE "ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS"; ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 17.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 24, 1986, after notice and public hearing as provided by law under authority granted by Section 17.C of the Zoning Regulations for the unincorporated area of Sedgwick County, Kansas as adopted on December 14, 1984, Section 16- "BOARD OF ZONING APPEALS"; SUBSECTION B. "PROCEDURE" shall be amended to read as follows:

B. PROCEDURE

1. Written applications for the approval of an appeal, variance or exception referred to in this section shall be filed in a manner prescribed by the Board.

A fee, as set forth herein, shall be paid in accordance with the signed agreement between the City of Wichita and Sedgwick County concerning MAPD, upon the filing of each application for an appeal, variance or exception, for the purpose of defraying costs of the proceeding described herein. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such manner as prescribed by law. Applications for appeals from the decisions of the enforcing officer shall be made within twenty (20) days of the date of such decision.

Board of Zoning Appeals Application Fees

Appeals	\$-50-00
Variances for residential uses	75-00
All other variances	150-00
Exceptions for residential uses	75-00
All other exceptions	200-00

Appeals	\$175.00
<u>Variances for Residential Uses</u>	
For Individual zoning lot	\$200.00
Additional variance on same property	\$75.00
Multiple lot application	\$200.00
	(plus \$20 per lot in application)
<u>Variance for All Other Uses</u>	\$300.00
For additional variance on lot	\$150.00
<u>Exceptions for Residential Uses</u>	\$200.00
<u>Exceptions for All Other Uses</u>	\$300.00

A separate fee shall be required for each proceeding.

A deferral at request of applicant requiring the mailing of new notices or readvertisement. . . \$50.00

2. The Board shall hold a public hearing on each application for an appeal, variance or exception. Applications must be accompanied by a certified list of property owners of record, and their addresses, if available, and if not available, then the addresses of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of twice the frontage of the property included in the application, provided no distance need be more than 1,000 feet, and cannot be less than 200 feet.

3. The Secretary of the Board shall cause to be published in the official County paper, a notice as to the time, place, date, and subject of hearing; such notice to appear once in the official County paper no less than fifteen (15) days prior to the date of hearing. The Secretary of the Board shall also cause notice to be given by mail no less than fifteen (15) days prior to the date of hearing, to each of the property owners within twice the frontage of the property included in the application, provided no distance need be more than 1,000 feet, and cannot be less than 200 feet; as such owners are listed on the current certified list accompanying the application; to each party to the appeal, variance or exception, and to each member of the County Board of Zoning Appeals, each member of the Metropolitan Area Planning Commission, and the Board of County Commissioners. Mailed notices shall also be sent to members of any Planning Commission of any city if the application lies within that City's zoning area of influence.

4. The Board shall make its findings and determination in writing within sixty (60) days from the date of filing the application; provided, however, that with the consent of the applicant, the Board may defer making its findings for a period not to exceed an additional thirty (30) days. The Board shall forthwith transmit a copy thereof to the applicant.

5. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examination and other official actions, which shall be a public record.

SECTION II. That Section 16-(B) of the "Sedgwick County Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas" as adopted on December 14, 1984, is hereby repealed.

SECTION III. This resolution shall take effect and be enforced from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED THE _____ day of _____, 1986.

Bernard A. Hentzen, Chairman

Donald E. Gragg, Commissioner

Tom Scott, Commissioner

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: July 16, 1986

TO: Wichita-Sedgwick County Metropolitan Area Planning Commission
FROM: Michael E. Lindebak, Director of Planning (Interim)
SUBJECT: DR 86-8 - Amendment to County Zoning Regulations
RE: Filing fees for Board of Zoning Appeals applications.

BACKGROUND:

This amendment to the County zoning regulations has been prepared to bring the fees more in line with the cost of advertising and processing the cases. Although the filing fees for BZA cases have never been adequate to support the cost, the fees have not recently been adjusted to compensate for inflation.

The fees for a residential variance and exception were raised from \$50 to \$75 in 1980 and for uses other than residential were raised to \$150 and \$200, respectively. These fees do not cover the costs associated with the cases and it has been the feeling of the Board Zoning Appeals that the persons requesting the variances or exceptions should bear the expense. Based on the \$50 fee of 1966, the proposed fees should not be out of line with today's dollar value.

It is estimated that the average cost of processing each Board of Zoning Appeals case averages slightly over \$300. The majority of cases filed in 1985 were for residential type applications with a filing fee of \$75. The fees for City cases were amended one year ago to these same general rates.

SUMMARY:

This amendment will increase the fees for all types of cases to bring them more in line with the costs of providing the service. In addition, it will provide for applications where blanket requests for variances on multiple lot developments apply to each lot. There is also a fee for deferral of a case when the mailing of new notices or re-advertisement is required. This is similar to the fee required for deferrals on zoning cases.

RECOMMENDATION:

It is recommended that the Planning Commission approve the amendment and instruct the staff to prepare a resolution to be forwarded to the County Commissioners for adoption.

Michael E. Lindebak
Director of Planning (Interim)

Attachment:

cc: Wichita Board of Realtors, 717 N. Emporia, Wichita, KS 67214
Wichita Area Builders Assn., 730 N. Main, Wichita, KS 67203
David Spears, Director, Bureau of Public Services
Ron Worley, Director, Dept. of Planning & Code Enforcement

Possible Amendments to the
"Zoning Regulations for the Unincorporated
Area of Sedgwick County, Kansas, and Dated
October 5, 1983," and Scheduled for
Public Hearing before the MAPC - Thursday, July 24, 1986

Recommended that Section 16-(B-1) be amended to read as follows:

1. Written applications for the approval of an appeal, variance or exception referred to in this section shall be filed in a manner prescribed by the Board.

A fee, as set forth herein, shall be paid in accordance with the signed agreement between the City of Wichita and Sedgwick County concerning MAPD, upon the filing of each application for an appeal, variance or exception, for the purpose of defraying costs of the proceeding described herein. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such manner as prescribed by law. Applications for appeals from the decisions of the enforcing officer shall be made within twenty (20) days of the date of such decision.

Board of Zoning Appeals
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<u>Exceptions for All Other Uses</u>	<u>\$300.00</u>

A separate fee shall be required for each proceeding.

A deferral at request of applicant requiring the mailing of new notices or readvertisement. . . \$50.00

(Published in The Daily Reporter on June 30, 1986)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, July 24, 1986, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, City Hall, First Floor, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes to the Zoning Regulations for the unincorporated areas of Sedgwick County, Kansas.

The Section 16 (Board of Zoning Appeals) be amended to establish new filing fees for Board of Zoning Appeals applications.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department, Tenth Floor, 455 North Main, Wichita, Kansas.

The proposed amendment will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed changes to the Sedgwick County Zoning Regulations will be considered by the Commission as by law provided.

WITNESS MY HAND AND SEAL this 28th day of June, 1986.

Michael E. Lindebak, Secretary
Wichita-Sedgwick County Metropolitan Area Planning Commission
(SEAL)
(June 30)