

DR 65-29 - County Board of Zoning Appeals; and Administrative Procedure Amendment to County Zoning Resolution

ACTION

Co B2A
~~SCHEFFER~~ Quinn DATE 10-12-65

M.A.F.C. Advertising public 10-21-65
M.A.F.C. hearing approve 11-18-65
~~B.B.~~ B.B. CO. C. approved 12-8-65

Closed 12-8-65

RESOLUTION

A RESOLUTION CHANGING THE SEDGWICK COUNTY ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO APRIL 27, 1963, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 14 C THEREOF.

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

SECTION 1. That upon the recommendation of the Metropolitan Area Planning Commission on November 18, 1965, after notice and public hearing as provided by law, under authority granted by Section 14 C of the Sedgwick County Zoning Resolution as adopted March 3, 1958, the following section of the Sedgwick County Zoning Resolution is hereby amended to read as follows:

SECTION 13 - BOARD OF ZONING APPEALS - SEDGWICK COUNTY

The Board of Zoning Appeals of Sedgwick County, hereinafter called the Board, shall consist of members appointed by the Board of County Commissioners. The Board shall organize, adopt rules, hold meetings and keep records all as provided by law.

1. Authority of the Board. The Board of Zoning Appeals shall have jurisdiction to consider and decide the following:
 - a. Appeals - To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the enforcing officer in the enforcement of the County Zoning Resolution.
 - b. Variances - To authorize, in specific cases, a variance from the strict application of the enforcement provisions of the County Zoning Resolution; provided that all five of the following conditions have been met:
 - That the variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning district; and is created by the zoning order and not 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 order of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

- X
- 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 order.

- c. Exceptions - To grant exceptions to the provisions of the County Zoning Resolution in those instances where the Board is specifically authorized to grant such exceptions as set out under the terms of the County Zoning Resolution. In no event shall exceptions to the provisions of the County Zoning Resolution be granted where the use or exception contemplated is not specifically listed as an exception in the County Zoning Resolution. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of the exception, as established in the County Zoning Resolution by the legislative body, are not found to be present.
2. In exercising the foregoing powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may attach appropriate conditions, and may issue or direct the issuance of a permit.
3. Procedure:
- a. 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 of thirty-five dollars (\$35.00) shall be paid to the County Treasurer, or his agent, 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.
- b. The Board shall hold a public hearing on each application for an appeal, variance or exception. Applications must be accompanied with 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.

- X
- c. The enforcing officer of the County Zoning Resolution 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 enforcing officer 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 three miles of that city.
 - d. 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.
 - e. 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 2. Section 13 of the Sedgwick County Zoning Resolution, as adopted March 3, 1958, is hereby repealed.

SECTION 3. This resolution shall take effect and be enforced from and after its adoption and publication in the official County paper.

19 65 PASSED AND ADOPTED this 9th day of December.

Philip Schubert Chairman
Tom Scott Commissioner
Clarence Peters Commissioner

ATTEST:

W. O. Williams
W. O. Williams, County Clerk

(SEAL)



1-T

December 3, 1965

Board of County Commissioners
330 Sedgwick County Courthouse
Wichita, Kansas

Gentlemen:

Re: DR 65-29 - Amendment to the
County Zoning Resolution Rela-
tive to the County Board of
Zoning Appeals

At its regular meeting of November 18, 1965, the Metropolitan Area Planning Commission considered and approved an amendment to the County Zoning Resolution relative to the County Board of Zoning Appeals.

Attached for your consideration is the Resolution which would effectuate the proposed amendment to Section 13 of the County Zoning Resolution relating to the County Board of Zoning Appeals. The amendment basically sets out the powers of the Board, including procedures to follow in filing and administering applications, application fees, and so on. The amendment was discussed with the County Board of Zoning Appeals at a night meeting on Tuesday, October 12, 1965. The County Board of Zoning Appeals recommended that the fee for filing an application be changed from \$7.50 to \$35.00, and they also recommended that the maximum period of time in which the Board has to make a determination on each application be changed from 40 days to 60 days, and further provided that this period of time may be extended to 90 days, provided the applicant consents to such extension. The recommendation of the County Board of Zoning Appeals that these changes be made has been incorporated within the proposed amendment.

The other major changes relate to the conditions which must be found to exist before the Board can grant a variance to the enforcement provisions of the County Zoning Resolution.

**Board of County Commissioners
December 3, 1945**

The proposed amendment will bring the powers and duties of the County Board of Zoning Appeals in line with the existing State Statutes making authorization for the County Board of Zoning Appeals.

If the County Commission agrees with the proposed change, it is recommended that the Resolution be adopted.

Respectfully submitted,

**C. Bickley Foster
Secretary**

CBF:JMS:ber

Attachment

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT
City Building Annex, 104 South Main
Wichita, Kansas 67202

October 25, 1965

TO: Members of County Board of Zoning Appeals

FROM: C. Bickley Foster, Director of Planning

SUBJECT: DR 65-29 - Proposed Amendment to the County Zoning Resolution relative to the County Board of Zoning Appeals

At its regular meeting of October 21, 1965, the Metropolitan Area Planning Commission directed the Planning Department to advertise for a Public Hearing on November 18, 1965, an amendment to the County Zoning Resolution relative to the County Board of Zoning Appeals.

Enclosed for your information and files is a copy of a proposed amendment to Section 13 of the County Zoning Resolution relating to the County Board of Zoning Appeals. The proposed amendment basically sets out the powers of the Board, including procedures to follow in filing and administering applications, application fees, and so on. The proposed amendment was discussed with the County Board of Zoning Appeals at a night meeting on Tuesday, October 12, 1965. The County Board of Zoning Appeals recommended that the fee for filing an application be changed from \$7.50 to \$35.00, and they also recommended that the maximum period of time in which the Board has to make a determination on each application be changed from 40 days to 60 days, and further provided that this period of time may be extended to 90 days, provided the applicant consents to such extension. The recommendation of the County Board of Zoning Appeals that these changes be made has been incorporated within the proposed amendment.

The other major changes relate to the conditions which must be found to exist before the Board can grant a variance to the enforcement provisions of the County Zoning Resolution.

The proposed amendment will bring the powers and duties of the County Board of Zoning Appeals in line with the existing State Statutes making authorization for the County Board of Zoning Appeals.

Should you have any comments concerning this proposed amendment, we will be happy to discuss them with you.

CBF:JEG:ber

cc: Board of County Commissioners
Scottie Cronin, County Zoning Administrator

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that at 2:00 p.m. on _____, 1965, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, will consider the following proposed change in the text of the Zoning Resolution, Sedgwick County, Kansas:

SECTION 13 - BOARD OF ZONING APPEALS - SEDGWICK COUNTY

Amend to read as follows:

The Board of Zoning Appeals of Sedgwick County, hereinafter called the Board, shall consist of members appointed by the Board of County Commissioners. The Board shall organize, adopt rules, hold meetings, and keep records all as provided by law.

1. Authority of the Board - The Board of Zoning Appeals shall have jurisdiction to consider and decide the following:

a. Appeals - To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the enforcing officer in the enforcement of the County Zoning Resolution.

b. Variances - To authorize, in specific cases, a variance from the strict application of the enforcement provisions of the County Zoning Resolution; provided that all five of the following conditions have been met:

- That the variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning district; and is created by the zoning order and not 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 order 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 order.

c. Exceptions - To grant exceptions to the provisions of the County Zoning Resolution in those instances where the Board is specifically authorized to grant such exceptions as set out under the terms of the County Zoning Resolution. In no event shall exceptions to the provisions of the County Zoning Resolution be granted where the use or exception contemplated is not specifically listed as an exception in the County Zoning Resolution. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of the exception, as established in the County Zoning Resolution by the legislative body, are not found to be present.

2. In exercising the foregoing powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may attach appropriate conditions, and may issue or direct the issuance of a permit.

3. Procedure:

a. 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 of thirty-five dollars (\$35.00) shall be paid to the County Treasurer, or his agent, 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.

b. The Board shall hold a public hearing on each application for an appeal, variance or exception. Applications must be accompanied with 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.

c. The enforcing officer of the County Zoning Resolution 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 enforcing officer 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 three miles of that city.

d. 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.

e. 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.

The proposed amendment will then 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 that time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the revised Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my hand and seal on this _____ day of _____
1965.

C. Bickley Foster, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT
City Building Annex, 104 South Main, Wichita, Kansas 67202
AM 2-8211

October 15, 1965

TO: Metropolitan Area Planning Commission

FROM: C. Bickley Foster, Director of Planning *CBF*

SUBJECT: DR 65-29 - Proposed Amendment to the County Zoning
Resolution Relative to the County Board of Zoning
Appeals

Enclosed herewith is a copy of a proposed amendment to Section 13 of the County Zoning Resolution relating to the County Board of Zoning Appeals. The proposed amendment basically sets out the powers of the Board including procedures to follow in filing and administering applications, application fees, and so on. The proposed amendment was discussed with the County Board of Zoning Appeals at a night meeting on Tuesday, October 12, 1965. The County Board of Zoning Appeals recommended that the fee for filing an application be changed from \$7.50 to \$35.00, and they also recommended that the maximum period of time in which the Board has to make a determination on each application be changed from 40 days to 60 days, and further provided that this period of time may be extended to 90 days, provided the applicant consents to such extension. The recommendation of the County Board of Zoning Appeals that these changes be made have been incorporated within the proposed amendment.

The other major change relates to the conditions which must be found to exist before the Board can grant a variance to the enforcement provisions of the County Zoning Resolution.

The proposed amendment will bring the powers and duties of the County Board of Zoning Appeals in line with the existing State Statutes making authorization for the County Board of Zoning Appeals.

CBF:JWH:jmm

Attachment

() (Published in The Wichita Beacon on _____, 19__)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that at 2:00 p.m. on _____ 1965, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, will consider the following proposed change in the text of the Zoning Resolution, Sedgwick County, Kansas:

SECTION 13 - BOARD OF ZONING APPEALS - SEDGWICK COUNTY

Amend to read as follows:

The Board of Zoning Appeals of Sedgwick County, hereinafter called the Board, shall consist of members appointed by the Board of County Commissioners. The Board shall organize, adopt rules, hold meetings, and keep records all as provided by law.

1. Authority of the Board - The Board of Zoning Appeals shall have jurisdiction to consider and decide the following:

a. Appeals - To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the enforcing officer in the enforcement of the County Zoning Resolution.

b. Variances - To authorize, in specific cases, a variance from the strict application of the enforcement provisions of the County Zoning Resolution; provided that all five of the following conditions have been met:

- That the variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning district; and is created by the zoning order and not 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 order 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 order.

c. Exceptions - To grant exceptions to the provisions of the County Zoning Resolution in those instances where the Board is specifically authorized to grant such exceptions as set out under the terms of the County Zoning Resolution. In no event shall exceptions to the provisions of the County Zoning Resolution be granted where the use or exception contemplated is not specifically listed as an exception in the County Zoning Resolution. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of the exception, as established in the County Zoning Resolution by the legislative body, are not found to be present.

2. In exercising the foregoing powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may attach appropriate conditions, and may issue or direct the issuance of a permit.

3. Procedure:

a. 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 of thirty-five dollars (\$35.00) shall be paid to the County Treasurer, or his agent, 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.

b. The Board shall hold a public hearing on each application for an appeal, variance or exception. Applications must be accompanied with 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.

c. The enforcing officer of the County Zoning Resolution 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 enforcing officer 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 or 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 three miles of that city.

d. 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.

e. 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.

The proposed amendment will then 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 that time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the revised Zoning Resolution will be considered by the Commission as by law provided.

1965. WITNESS my hand and seal on this _____ day of _____,

C. Bickley Foster, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

October 14, 1965

Mr. Scottie Cronin
County Zoning Administrator
344 County Courthouse
Wichita, Kansas

Dear Mr. Cronin:

Enclosed herewith are several copies of the proposed amendment to Section 13 of the County Zoning Resolution relating to the County Board of Zoning Appeals. The proposed amendment basically sets out the powers of the Board, procedures to follow in filing and administering applications, application fees, etc.

This is the same amendment which was discussed with the County Board of Zoning Appeals at their night meeting on Tuesday, October 12, 1965. The proposed amendment includes the fee change from \$7.50 to \$35.00 and the maximum period of time in which the Board has to make a determination on each application. As you will recall, both of these changes were recommended by the Board.

This amendment will be placed on the Planning Commission agenda for their meeting on October 21, 1965, at which time we will ask for authorization to advertise for a public hearing.

I would suggest that you forward one copy of the proposed amendment to each member of the County Board of Zoning Appeals so that they will have sufficient time to review the changes and make any comments they might have.

At this time, it would appear that this matter will be set up for public hearing by the Planning Commission at their regular meeting on November 18, 1965.

Mr. Scottie Cronin

October 14, 1965

If you have any questions concerning this matter, please feel free to call.

Sincerely yours,

James W. Howe
Planner II

JWH:jmm

Enclosures

() (Published in The Wichita Beacon on _____, 19__)

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Amend to read as follows:

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- That the strict application of the provisions of the zoning order of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

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2. In exercising the foregoing powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may attach appropriate conditions, and may issue or direct the issuance of a permit.

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c. The enforcing officer of the County Zoning Resolution 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 enforcing officer 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 on 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 three miles of that city.

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e. 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.

The proposed amendment will then 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 that time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the revised Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my hand and seal on this _____ day of _____,
1965.

C. Bickley Foster, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

(444) (Published in The Wichita Beacon on October 28, 1965)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that at 2:00 p.m. on Nov 18 1965, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, will consider the following proposed change in the text of the Zoning Resolution, Sedgwick County, Kansas:

SECTION 13 - BOARD OF ZONING APPEALS

Amend to read as follows:

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by the zoning order and not by an action or actions

- o 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 order of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
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- That granting the variance desired will not be opposed to the general spirit and intent of the zoning order.

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3. Procedure:

a. 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 of twenty-five dollars (\$25.00) shall be paid to the County Treasurer, or his agent, 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.

b. The Board shall hold a public hearing on each application for an appeal, variance or exception. Applications must be accompanied with 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.

c. The enforcing officer of the County Zoning Resolution 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 enforcing officer shall also cause notice to be given by mail no less than fourteen (14) 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 Board of Zoning Appeals and the Board of County Commissioners.

d. The Board shall make its findings and determination in writing within forty (40) days from the date of filing the application and shall forthwith transmit a copy thereof to the applicant.

e. 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.

The proposed amendment will then 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 that time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the revised Zoning Resolution will be considered by the Commission as by law provided.

1965. WITNESS my hand and seal on this ____ day of _____.

C. Bickley Foster, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

Section 13.

Board of Zoning Appeals

The Board of Zoning Appeals, hereinafter called the Board, shall consist of members appointed by the Board of County Commissioners. The Board shall organize, adopt rules, hold meetings and keep records all as provided by law.

1. Authority of the Board - The Board shall administer the details of the application of this Resolution in accordance with the general rules set forth therein. The Board shall have jurisdiction to hear and determine appeals from those persons who do not agree with the interpretation of the ^{County Zoning Resolution} ~~County Zoning Ordinance~~ as made by the County Zoning Administrator; ^{variances} ~~variances~~ to the strict interpretation of the ^{County Zoning Resolution} ~~County Zoning Ordinance~~ and exceptions.

The Board of Zoning Appeals shall have jurisdiction to consider ^{and decide the} ~~and decide the~~ the following:

2. Appeals - ^{To hear and decide appeals} where it is alleged there is an error in any order, requirement, decision, or determination made by the ^{enforcing officer} ~~County Zoning Administrator~~ in the enforcement of the County Zoning Resolution.
- b. Variances - ^{to authorize in specific cases a variance} from the strict application of the enforcement provisions of the County Zoning Resolution provided that all five of the following conditions have been met:
 - That the variance ~~desired~~ requested arises from such condition which is unique and which is not ordinarily found in the same zoning district; and is created by the zoning order and not by an action or action 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 order of which variance is requested will constitute unnecessary hardships upon the property owner requested 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 of the variance desired will not be opposed to the general spirit and intent of the zoning order;

C. Exceptions. To grant exceptions to the provisions of the ^{County Zoning Resolution} zoning order ~~but only~~ in those instances where the board is specifically authorized to grant such exceptions ^{as set out under the} terms of the ^{County Zoning Resolution} zoning order. In no event shall exceptions to the provisions of the zoning ^{County Zoning Resolution} order be granted where the use or exception contemplated is not specifically ~~is not specifically~~ ^{County Zoning Resolution} listed as ~~an~~ an exception in the ^{County Zoning Resolution} zoning order. Further, under no ~~circumstances~~ conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of ~~the~~ exception, as established in ^{County Zoning Resolution} the ~~zoning order~~ by the legislative body, are not found to be present.

2. In exercising the foregoing powers, the board, 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 Officer from whom the appeal is taken and may attach appropriate conditions, and may issue or direct the issuance of a permit.

3. Procedure:

a) Written applications for the approval of ~~an~~ an appeal, variance or exception referred to in this section shall be filed in a manner prescribed by the ~~Board~~ Board. A fee of ~~the~~ twenty five (25.00) shall be paid to the County Treasurer, or his agent, upon the filing of each application for an appeal, variance or exception, for the purpose of defraying costs of the proceeding described ~~therein~~ herein. A written ~~and~~ 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~~ enforcing officer, shall be made within twenty (20) days of the date of such decision.

b) The board shall hold a public hearing on each application for an appeal, variance or exception. Applications must be accompanied with a certified list of property owners of record, and their addresses, if available and of

C. ~~The~~ The enforcing Officer of the County Zoning Resolution 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 enforcing Officer shall also cause ^{notice} to be given by mail no less than ~~fourteen~~ fifteen (14) days prior to the date of hearing, to each of the property owners ~~whose names appear on the certified abstract.~~ ~~certificates required to be filed with each application~~ 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 Board of Zoning Appeals and the Board of County Commissioners.

not available, then the address of the occupant of the premises, if consented, 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.

c) The Board shall make its findings and determination in writing within ~~thirty~~ forty (40) days from the date of filing the application and shall forthwith transmit a copy thereof to the applicant.

d) 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.