

DR 85-19 - FILING FEES FOR BOARD  
OF ZONING APPEALS CASES.

COMMITTEE 11 1985  
M.A.P.C. 11  
R.C.C. 15-00-0 Approved 8/24/85

ACTION

BZA  
COMMITTEE Approved DATE 7/22/85

M.A.P.C. \_\_\_\_\_ ~~\_\_\_\_\_~~

R.C.C./B.O.C. Approved 8/29/85

DR 85-19 - FILING FEES FOR BOARD  
OF ZONING APPEALS CASES.

LYTLE  
SHILBY  
RUBY ?

1036(Published in The Daily Record, August 30, 1985)11  
ORDINANCE NO. 33-235

AN ORDINANCE AMENDING SECTION 2.12.580  
OF THE CODE OF THE CITY OF WICHITA, KANSAS;  
PERTAINING TO THE BOARD OF ZONING APPEALS  
PROCEDURES, INCLUDING AMENDING OF THE  
FILING FEES; AND REPEALING SAID ORIGINAL  
SECTION 2.12.580 OF THE CODE OF THE CITY OF  
WICHITA, KANSAS.

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

SECTION 2.12.580 of the Code of the City of Wichita,  
Kansas, is hereby amended to read as follows:

"2.12.580 Board of Zoning Appeals - procedure. (a)  
The board of zoning appeals shall adopt rules of  
procedure as may be necessary and proper to govern its  
own proceedings; such rules to be not in conflict with law  
or ordinance.

(b) All applications to the board of zoning appeals for  
any type of proceeding, shall be in writing and shall be  
filed at the office of the secretary of the board of zoning  
appeals. Applications shall be filed upon forms provided  
for that purpose by the secretary of the board and shall  
be accompanied by:

1. A fee as set forth herein payable to the City of  
Wichita.

Appeals.....	\$175.00
Variances for residential uses (individual zoning lot).....	200.00
Additional variance on individual zoning lot ..	75.00
Variances for residential uses (multiple zoning lots).....	200.00
Plus 20.00 for each lot in the application	
All other variances.....	300.00
Additional variance on individual zoning lot.....	150.00
Exceptions for residential uses.....	200.00
Exceptions for other uses permitted in residential districts.....	300.00
Exceptions for uses in all other districts.....	400.00
For uses on a zoning lot exceeding 3 acres.....	500.00

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. A current certified list, prepared by a local abstract  
firm, of the names and mailing addresses of all property  
owners within two hundred feet of the exterior bound-  
aries of the property to be considered in the ap-  
plication.

Any proceeding authorized hereunder may be  
initiated by the board itself (or any other governmental  
agency) in cases where the property is residential and  
occupied and the payment of the application fee and the  
cost of furnishing an ownership list would create a  
financial hardship on the property owner. In any such  
case the property owner may be relieved of such costs of  
the proceeding before the board, but shall not be relieved  
of the responsibility of complying with all of the approval  
conditions imposed by the board, including the expenses  
or costs thereof.

(c) The secretary of the board of zoning appeals shall  
cause to be published in the official paper of the city, a  
notice as to the time, place, date and subject of hearing,  
of a public hearing for each application; such notice to  
appear once in the official city paper no less than twenty  
days prior to the date of hearing. The secretary shall also  
cause notice to be given by mail no less than twenty days  
prior to the date of the hearing, to each of the property  
owners within two hundred feet of the exterior  
boundaries of the property to be considered in the  
application; as such owners are listed on the current  
certified list accompanying the application, to each party  
to the appeal or other proceeding and to each member of  
the metropolitan planning commission.

(d) Every decision of determination by the board shall  
be filed in the office of the city clerk, not more than five  
working days following the date of hearing and shall  
become a public record."

Said original Section 2.12.580 of the Code of the City  
of Wichita, Kansas is hereby repealed.

This ordinance shall be included in the Code of the  
City of Wichita, Kansas, and shall be effective upon its  
passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, the 27th day of  
August, 1985.

R.C. BROWN, Mayor  
ATTEST:(SEAL) DONALD C. GISICK, City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 2.12.580 OF THE CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO THE BOARD OF ZONING APPEALS PROCEDURES, INCLUDING AMENDING OF THE FILING FEES; AND REPEALING SAID ORIGINAL SECTION 2.12.580 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 2.12.580 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"2.12.580 Board of Zoning Appeals - Procedure. (a) The board of zoning appeals shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules to be not in conflict with law or ordinance.

(b) All applications to the board of zoning appeals for any type of proceeding, shall be in writing and shall be filed at the office of the secretary of the board of zoning appeals. Applications shall be filed upon forms provided for that purpose by the secretary of the board and shall be accompanied by:

1. A fee as set forth herein payable to the City of Wichita.  
Appeals . . . . . \$ 175.00

Variations for residential uses  
(Individual zoning lot). . . . . 200.00  
Additional variance on individual zoning lot . . . 75.00

Variations for residential uses  
(multiple zoning lots) . . . . . 200.00  
Plus 20.00 for each lot in the application

All other variations . . . . . 300.00  
Additional variance on individual zoning lot . . . 150.00

Exceptions for residential uses . . . . .	200.00
Exceptions for other uses permitted in residential districts	300.00
Exceptions for uses in all other districts. . . . .	400.00
For uses on a zoning lot exceeding 3 acres . . . . .	500.00

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
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2. A current certified list, prepared by a local abstract firm, of the names and mailing addresses of all property owners within two hundred feet of the exterior boundaries of the property to be considered in the application.

Any proceeding authorized hereunder may be initiated by the board itself (or any other governmental agency) in cases where the property is residential and occupied and the payment of the application fee and the cost of furnishing an ownership list would create a financial hardship on the property owner. In any such case the property owner may be relieved of such costs of the proceeding before the board, but shall not be relieved of the responsibility of complying with all of the approval conditions imposed by the board, including the expenses or costs thereof.

(c) The secretary of the board of zoning appeals shall cause to be published in the official paper of the city, a notice as to the time, place, date and subject of hearing, of a public hearing for each application; such notice to appear once in the official city paper no less than twenty days prior to the date of hearing. The secretary shall also cause notice to be given by mail no less than twenty days prior to the date of the hearing, to each of the property owners within two hundred feet of the exterior boundaries of the property to be considered in the application; as such owners are listed on the current certified list accompanying the application, to each party to the appeal or other proceeding and to each member of the metropolitan planning commission.

(d) Every decision or determination by the board shall be filed in the office of the city clerk not more than five working days following the date of hearing and shall become a public record."

Said original Section 2.12.580 of the Code of the City of Wichita, Kansas is hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

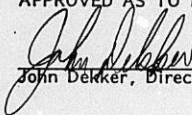
ADOPTED at Wichita, Kansas, the \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Robert C. Brown, Mayor

ATTEST:

\_\_\_\_\_  
Donald C. Gisick, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
John Dekker, Director of Law

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: August 9, 1985

TO: Robert G. Finch, City Manager (Interim)

FROM: Glen E. Lytle, Assistant Secretary, Board of Zoning Appeals

SUBJECT: DR-85-19 - Filing fees for Board of Zoning Appeals cases.

Attached is a delineated copy of an ordinance amending the filing fees for cases filed with the Board of Zoning Appeals. Please place this item on the agenda for consideration by the Board of City Commissioners at the regular meeting of August 20, 1985.

#### BACKGROUND

At the instruction of the Board of Zoning Appeals, the filing fees are being proposed to cover the cost of processing the case. As is shown by the attached 1984 Annual Report of the Board of Zoning Appeals, the filing fees for 1984 covered just under 50 percent of the actual expense.

Filing fees for BZA cases have never covered the total costs of processing the cases which include a legal advertisement, mailing of notices to all property owners within 200 feet, preparation and presentation of staff reports at the meetings and the keeping of minutes and records of all proceedings as required by law. From 1962 to 1980, the filing fees for all applications were \$50. The last change made a distinction between residential and those of other uses, establishing a more equitable method of charges for the cost of processing the cases.

Over the past several years, there have been cases filed for blanket variances that included multiple lots in a residential subdivision. It is proposed that a procedure be established to provide for this on an equitable basis per lot cost.

It was the unanimous recommendation of the Board that the filing fees should be adequate to cover the cost of processing the cases, and that the public should not be accessed the cost through taxes that go to the general operating fund of the city.

#### SUMMARY

The fees as recommended by the Board of Zoning Appeals should provide revenue needed to cover the cost of processing the case. Based on the number and type of cases filed in 1984, the fees as proposed would total \$26,400, as compared to \$12,250, or an increase of 110 percent above the present fees.

Robert G. Finch,  
City Manager (Interim)

2

August 9, 1985

Although the increase is substantial, it is a process that is required for only a small percentage of permits that are issued in a year. The number of variances that are filed by any individual owner would very seldom ever exceed one case. The number of exception cases filed by an individual developer depends on the number of times a new business is established or expanded, such as for new and used car lots. In these cases, however, this is an alternative to filing a zone change for a heavier use district which allows the use as a use by right. Such filing fees for zoning are as high or higher than these proposed fees.

The most significant increase in the proposed filing fees is the fee for an appeal. Although this procedure is seldom filed, it generally involves more staff time in the preparation and presentation of the material and in the amount of discussion at a public hearing.

RECOMMENDATION

Concur in the recommendation of the Board of Zoning Appeals and place the ordinance on first reading.



Glen E. Lytle  
Assistant Secretary  
Board of Zoning Appeals

GEL/lw

cc: Members of the Board of Zoning Appeals  
Wichita Builders Association, 730 North Main, Wichita, Kansas 67214  
Board of Realtors, 717 North Emporia, Wichita, Kansas 67214  
Michael E. Lindebak, Acting Director of Planning

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: February 26, 1985

TO: E. H. Denton, City Manager

FROM: Board of Zoning Appeals

SUBJECT: 1984 Annual Report of the Board of Zoning Appeals

1. SUMMARY OF ACTIVITIES

The Board of Zoning Appeals met thirteen times during 1984. Besides the regularly scheduled monthly meetings on the fourth Tuesday of each month, the regularly scheduled meeting for December 1983 was held on the first Tuesday in January 1984.

There were 89 new cases filed during 1984 which was a record number for any year. In the thirteen meetings held in 1984, there were 97 cases considered by the Board. Of these cases, 42 cases were for exceptions, including 15 for the establishment or expansion of automobile sales lots in the "LC" Light Commercial District. The cases filed in 1984 represented a 35% increase over the average number filed in the five previous years.

Of the 97 cases acted on by the Board in 1984, all but three were by a unanimous vote. Only three requests were denied, one exception for an automobile sales lot, and two variances for adjustments of building setbacks. There were seven recommendations made by the CPO councils that were contrary to the actions taken by the Board. Four were recommended for denial, but approved by the Board and all three cases denied by the Board had received a favorable recommendation by the CPO. No decisions made by the Board in 1984 were appealed to the District Court.

2. MEMBERSHIP ATTENDANCE/COMPOSITION

The Board consists of five members, four of whom are serving their second term on the Board. One member, John Slaymaker, resigned from the Board in August due to his moving out of the City. Three members, Earl Henderson, Mary Kopietz and Karon Perrill had perfect attendance during the year; however, Ms. Perrill was appointed to the Board in October. William Goebel only missed one meeting and Tom Jacob missed three meetings. All members, now serving on the Board, are Caucasian consisting of three males and two females.

3. FINANCE

EXPENSE ITEM	1984 Actual Expense	1985 Estimated Expense	1986 Projected Expense
Staff Time (Salaries & Benefits)	\$23,660	\$25,500	\$26,500
Office Supplies & Equipment	1,807	2,600	2,700
Legal Advertising	356	350	350
	<hr/>	<hr/>	<hr/>
Sub Total	\$25,823	\$28,450	\$29,400
Less: Income from Filing Fees	\$12,250	\$10,000	\$10,000
	<hr/>	<hr/>	<hr/>
Net Operating Expense:	\$13,573	\$18,450	\$19,550

4. EVALUATION

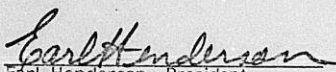
Any city which has enacted a zoning ordinance is required by the Kansas Statutes to have a Board of Zoning Appeals. As a five member board, it is required to have three affirmative votes to approve or deny any application. All of the actions on the applications before the Board during 1984, which were approved, were by a unanimous vote by those present, except for three cases. Of the three requests which were denied, all were by a unanimous vote.

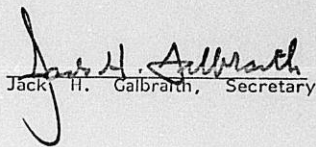
The Board of Zoning Appeals has the responsibility of hearing all appeals from any person aggrieved by the application of the zoning ordinance or the interpretation or administering of any provisions therein. This includes appeals on the interpretation by the Superintendent of Central Inspection; any requests for variances from the provisions of the zoning ordinance which by literal enforcement create an undue hardship in an individual case; and to grant exceptions to the use limitations of the zoning districts for uses as set forth in the ordinance and to establish any reasonable limitations to protect the adjacent properties from the input of the use.

There were no appeals filed relative to any interpretation of the zoning ordinance made by the Superintendent of Central Inspection during 1984. One appeal to the District Court of a decision made by the Board in 1982, was dropped by the appellant.

The estimated net operating expense for 1984 was \$17,165, however, with the increase in the number of cases filed bringing in \$2,250 more in fees than estimated, the net operating expense was 17% below this estimate. Although the number of cases were up, the amount of staff time spent on the BZA cases was down 10.5% from 1983.

When you consider that the number of permits issued in a period of a year, and only 56 variances are filed for relief from the strict provisions of the zoning ordinance, it does not seem to be a significant number of requests. The staff does, however, deal with many more inquiries, on an almost daily basis, concerning variance requests. In many instances, modification of the projects, or other methods are taken to comply with the zoning regulations.

  
Earl Henderson, President

  
Jack H. Galbrath, Secretary

Additions underlined  
Deletions marked thru

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE SECTION 2.12.580 OF THE CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO THE BOARD OF ZONING APPEALS PROCEDURES, INCLUDING AMENDING OF THE FILING FEES; AND REPEALING SAID ORIGINAL SECTION 2.12.580 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

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

SECTION 2.12.580 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"2.12.580 Board of Zoning Appeals - Procedure. (a) The board of zoning appeals shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules to be not in conflict with law or ordinance.

(b) All applications to the board of zoning appeals for any type of proceeding, shall be in writing and shall be filed at the office of the secretary of the board of zoning appeals. Applications shall be filed upon forms provided for that purpose by the secretary of the board and shall be accompanied by:

1. A fee as set forth herein payable to the City of Wichita.

Appeals . . . . . \$ ~~50.00~~ 175.00

Variations for residential uses

(individual zoning lot) . . . . . ~~75.00~~ 200.00

Additional variance on individual zoning lot . . . . . 75.00

Variations for residential uses

(multiple zoning lots) . . . . . 200.00

Plus 20.00 for each lot in the application

All other variations . . . . . ~~150.00~~ 300.00

Additional variance on individual zoning lot . . . . . 150.00

Exceptions for residential uses . . . . . 75.00 200.00

~~All other exceptions . . . . . 200.00~~

Exceptions for other uses permitted in residential districts . . . . . 300.00

Exceptions for uses in all other districts. . . . . 400.00

For uses on a zoning lot exceeding 3 acres . . . . . 500.00

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. A current certified list, prepared by a local abstract firm, of the names and mailing addresses of all property owners within two hundred feet of the exterior boundaries of the property to be considered in the application.

Any proceeding authorized hereunder may be initiated by the board itself (or any other governmental agency) in cases where the property is residential and occupied and the payment of the application fee and the cost of furnishing an ownership list would create a financial hardship on the property owner. In any such case the property owner may be relieved of such costs of the proceeding before the board, but shall not be relieved of the responsibility of complying with all of the approval conditions imposed by the board, including the expenses or costs thereof.

(c) The secretary of the board of zoning appeals shall cause to be published in the official paper of the city, a notice as to the time, place, date and subject of hearing, of a public hearing for each application; such notice to appear once in the official city paper no less than twenty days prior to the date of hearing. The secretary shall also cause notice to be given by mail no less than twenty days prior to the date of the hearing, to each of the property owners within two hundred feet of the exterior boundaries of the property to be considered in the application; as such owners are listed on the current certified list accompanying the application, to each party to the appeal or other proceeding and to each member of the metropolitan planning commission.

(d) Every decision or determination by the board shall be filed in the office of the city clerk not more than five working days following the date of hearing and shall become a public record."

Said original Section 2.12.580 of the Code of the City of Wichita, Kansas is hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, the \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Robert C. Brown, Mayor

ATTEST:

\_\_\_\_\_  
Donald C. Gisick, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
John Dekker, Director of Law

The official action of the Board is reflected in the adoption of Resolution No. BZA 33-85 which includes the following conditions of approval:

1. The screening shall not be required along the west property line as long as the adjacent property remains vacant.
2. At any time a permit is issued for a residential use on the adjacent property, then the applicant shall provide screening within 60 days in conformance with the ordinance.

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9. Consideration of amendment to the Ordinance related to the Board of Zoning Appeals filing fees.

LYTLE reviewed the memo and the delineated ordinance with the Board, stating how the fees were proposed to be increased. He also indicated that as written, the fees would still leave an annual deficit in covering actual expenses of nearly \$8,000 and based on the number of cases filed in 1984, for each \$25 increase would reduce this deficit \$2,000.

There was some discussion on the possibility of including a penalty for filing a case after the fact, or for failing to comply with any conditions of approval.

LYTLE stated that, although there is always an enforcement problem, it is basically up to the courts to impose penalties for noncompliance.

GOEBEL stated that he felt that the general taxpayer should not be responsible for assuming part of the cost of the Board of Zoning Appeals and that the fees should be adequate to cover the cost of processing the cases. Since the fees would need to be raised approximately \$100 above the proposed schedule, this should be done.

MOTION: JACOB moved, HENDERSON seconded, that the fees be raised \$100 more than those included in the draft amendment to the ordinance. Motion passed 5-0.

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10. Election of Officers.

MOTION: HENDERSON moved, GOEBEL as President, JACOB as Vice President, Secretary, Jack H. Galbraith and Assistant Secretary Glen E. Lytle. KOPIETZ seconded. Motion passed 5-0.

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11. Other Matters - there being no further matters, the meeting was adjourned at 3:45 p.m.

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Glen E. Lytle  
Assistant Secretary

WICHITA - SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

To: Board of Zoning Appeals Date: May 21, 1985  
From: Glen E. Lytle, Assistant Secretary  
Subject: Possible amendment to code pertaining to filing fees for  
Board of Zoning Appeals cases.

At the February 26, 1985 meeting, when the annual report for 1984 was discussed, it was the consensus of the Board that the filing fees for cases considered should more closely cover the expenses for processing same. The filing fees for cases filed in 1984 totaled \$12,250, covering just under 50% of the actual expenses for the year, which included staff time, equipment, supplies and legal advertising costs.

BACKGROUND:

The BZA filing fees in the late 1950's and up until 1962, were \$30 for all cases including variances, exceptions and appeals. In 1962 these fees were increased to \$50 for all fees, and in 1980, the present fees were established making some distinction between residential filing fees and those for other uses. This change was made in 1980 to establish more equitable charges to the commercial requests for variances and exceptions to cover the costs of processing the cases before the Board.

Over the past 4-1/2 years, there have been several cases filed for blanket variances that include multiple lots in a subdivision. These requests have been processed for a single residential filing fee, the same as an individual requesting a variance of a setback for a home. It would appear that this proposal, based on a residential fee plus a \$10 per lot charge, is a more reasonable approach to the resolution of variances on multiple lots than to process and charge for a variance on each individual lot.

The filing fees established in 1980 were not raised in an amount to reflect the amount of inflation during the same period. It did, however, take into consideration that there should be some differentiation between residential variances and those for commercial or institutional properties.

SUMMARY:

The proposed ordinance amending the BZA filing fees will increase the average residential case 33%. For the larger commercial and institutional cases, the increase will range from 25% to 100% depending upon the type and size of case. The larger projects, such as the automobile sales agencies that exceed three (3) acres, are the only cases where the filing fee would exceed a 50% increase.

Board of Zoning Appeals  
May 21, 1985  
Page 2

The filing fees as proposed will still leave a projected deficit of nearly \$8,000 in the expenses for the year. For each \$25 increase in each filing fee, this amount would be reduced \$2,000. In order to cover the entire cost of handling approximately 80 BZA cases, each fee would have to be increased \$100 in addition to the proposal as submitted.

RECOMMENDATION:

Make whatever changes in the amendment deemed to be in the best interests, and instruct the staff to prepare an ordinance amendment be forwarded to the City Commission with a recommendation for adoption.



Glen E. Lytle  
Assistant Secretary

GEL:mlh

Additions underlined  
Deletions ~~marked thru~~

Possible amendment to the Code of City of Wichita  
Pertaining to the filing fees for Board of Zoning Appeals cases.

Section 2.12.580 of the Code shall be amended to read as follows:

2.12.580 Board of Zoning Appeals - Procedure. (a) The board of zoning appeals shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules to be not in conflict with law or ordinance.

(b) All applications to the board of zoning appeals for any type of proceeding, shall be in writing and shall be filed at the office of the secretary of the board of zoning appeals. Applications shall be filed upon forms provided for that purpose by the secretary of the board and shall be accompanied by:

1. A fee as set forth herein payable to the City of Wichita.

Appeals . . . . . \$ ~~50.00~~ 75.00

Variances for residential uses

(individual zoning lot) . . . . . ~~75.00~~ 100.00

Additional variance on individual zoning lot. . . . . . 50.00

Variances for residential uses

(multiple zoning lots) . . . . . 100.00

Plus 10.00 for each lot in the application

All other variances . . . . . 450.00 200.00

Additional variance on individual zoning lot . . . . . 100.00

Exceptions for residential uses . . . . . 75.00 100.00

~~All other exceptions~~ . . . . . 200.00

Exceptions for other uses permitted in

residential districts . . . . . 250.00

Exceptions for uses in all other districts. . . . . . 300.00

For uses on a zoning lot exceeding 3 acres . . . . . 400.00

A separate fee shall be required for each proceeding.

A deferral at request of applicant requiring the

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be relieved of the responsibility of complying with all of the approval conditions imposed by the board, including the expenses or costs thereof.

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(d) Every decision or determination by the board shall be filed in the office of the city clerk not more than five working days following the date of hearing and shall become a public record.

WICHITA - SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

To: Board of Zoning Appeals Date: May 21, 1985  
From: Glen E. Lytle, Assistant Secretary  
Subject: Possible amendment to code pertaining to filing fees for  
Board of Zoning Appeals cases.

At the February 26, 1985 meeting, when the annual report for 1984 was discussed, it was the consensus of the Board that the filing fees for cases considered should more closely cover the expenses for processing same. The filing fees for cases filed in 1984 totaled \$12,250, covering just under 50% of the actual expenses for the year, which included staff time, equipment, supplies and legal advertising costs.

BACKGROUND:

The BZA filing fees in the late 1950's and up until 1962, were \$30 for all cases including variances, exceptions and appeals. In 1962 these fees were increased to \$50 for all fees, and in 1980, the present fees were established making some distinction between residential filing fees and those for other uses. This change was made in 1980 to establish more equitable charges to the commercial requests for variances and exceptions to cover the costs of processing the cases before the Board.

Over the past 4-1/2 years, there have been several cases filed for blanket variances that include multiple lots in a subdivision. These requests have been processed for a single residential filing fee, the same as an individual requesting a variance of a setback for a home. It would appear that this proposal, based on a residential fee plus a \$10 per lot charge, is a more reasonable approach to the resolution of variances on multiple lots than to process and charge for a variance on each individual lot.

The filing fees established in 1980 were not raised in an amount to reflect the amount of inflation during the same period. It did, however, take into consideration that there should be some differentiation between residential variances and those for commercial or institutional properties.

SUMMARY:

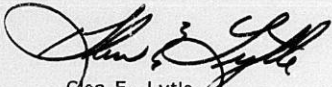
The proposed ordinance amending the BZA filing fees will increase the average residential case 33%. For the larger commercial and institutional cases, the increase will range from 25% to 100% depending upon the type and size of case. The larger projects, such as the automobile sales agencies that exceed three (3) acres, are the only cases where the filing fee would exceed a 50% increase.

Board of Zoning Appeals  
May 21, 1985  
Page 2

The filing fees as proposed will still leave a projected deficit of nearly \$8,000 in the expenses for the year. For each \$25 increase in each filing fee, this amount would be reduced \$2,000. In order to cover the entire cost of handling approximately 80 BZA cases, each fee would have to be increased \$100 in addition to the proposal as submitted.

RECOMMENDATION:

Make whatever changes in the amendment deemed to be in the best interests, and instruct the staff to prepare an ordinance amendment be forwarded to the City Commission with a recommendation for adoption.



Glen E. Lytle  
Assistant Secretary

GEL:mlh

Additions underlined  
Deletions ~~marked thru~~

Possible amendment to the Code of City of Wichita  
Pertaining to the filing fees for Board of Zoning Appeals cases.

Section 2.12.580 of the Code shall be amended to read as follows:

2.12.580 Board of Zoning Appeals - Procedure. (a) The board of zoning appeals shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules to be not in conflict with law or ordinance.

(b) All applications to the board of zoning appeals for any type of proceeding, shall be in writing and shall be filed at the office of the secretary of the board of zoning appeals. Applications shall be filed upon forms provided for that purpose by the secretary of the board and shall be accompanied by:

1. A fee as set forth herein payable to the City of Wichita.

Appeals . . . . . \$ ~~50.00~~ 75.00

Variances for residential uses

(individual zoning lot) . . . . . ~~75.00~~ 100.00

Additional variance on individual zoning lot. . . . . . 50.00

Variances for residential uses

(multiple zoning lots) . . . . . 100.00

Plus 10.00 for each lot in the application

All other variances . . . . . ~~150.00~~ 200.00

Additional variance on individual zoning lot . . . . . 100.00

Exceptions for residential uses . . . . . ~~75.00~~ 100.00

~~All other exceptions~~ . . . . . ~~200.00~~

Exceptions for other uses permitted in residential districts . . . . . 250.00

Exceptions for uses in all other districts. . . . . . 300.00

For uses on a zoning lot exceeding 3 acres . . . . . 400.00

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. A current certified list, prepared by a local abstract firm, of the names and mailing addresses of all property owners within two hundred feet of the exterior boundaries of the property to be considered in the application.

Any proceeding authorized hereunder may be initiated by the board itself (or any other governmental agency) in cases where the property is residential and occupied and the payment of the application fee and the cost of furnishing an ownership list would create a financial hardship on the property owner. In any such case the property owner may be relieved of such costs of the proceeding before the board, but shall not

be relieved of the responsibility of complying with all of the approval conditions imposed by the board, including the expenses or costs thereof.

(c) The secretary of the board of zoning appeals shall cause to be published in the official paper of the city, a notice as to the time, place, date and subject of hearing, of a public hearing for each application; such notice to appear once in the official city paper no less than twenty days prior to the date of hearing. The secretary shall also cause notice to be given by mail no less than twenty days prior to the date of the hearing, to each of the property owners within two hundred feet of the exterior boundaries of the property to be considered in the application; as such owners are listed on the current certified list accompanying the application, to each party to the appeal or other proceeding and to each member of the metropolitan planning commission.

(d) Every decision or determination by the board shall be filed in the office of the city clerk not more than five working days following the date of hearing and shall become a public record.

884 · 1985

ju mura

56/84	200	300	100
57/84	200	300	100
58/84	75	200	125
59/84	75	100	25
60/84	150	200	50
61/84	75	100	25
62/84	200	300	100
63/84	75	100	25
64/84	200	400	200
65/84	200	300	100
66/84	75	100	25
67/84	75	100	25
68/84	150	200	50
69/84	75	100	25
70/84	150	200	50
71/84	75	100	25
72/84	75/75	100/50	—
73/84	150/150/150	200/100/100	-50
74/84	75	100	+25
75/84	150		50
76/84	75		25
77/84	150		50
78/84	150		50
79/84	150		50
80/84	150		50
81/84	75		25
82/84	75		25
83/84	150		50
			3850
<hr/>			
T 13250			
			5250
<hr/>			
T 17000			
			+1400
<hr/>			
			T 4800

$$\frac{4800}{12200} = \frac{x}{100}$$

$$1225 \overline{) 4800}$$

$$\underline{366}$$

$$140$$

$$26$$

$$500$$

$$\underline{13000}$$

1984 1985

for income

56/84	200	300	100
57/84	200	300	100
58/84	75	200	125
59/84	75	100	25
60/84	150	200	50
61/84	75	100	25
62/84	200	300	100
63/84	75	100	25
64/84	200	400	200
65/84	200	300	100
66/84	75	100	25
67/84	75	100	25
68/84	150	200	50
69/84	75	100	25
70/84	150	200	50
71/84	75	100	25
72/84	75/75	100/50	—
73/84	150/150/150	200/100/100	-50
74/84	75	100	+25
75/84	150	200	50
76/84	75	100	25
77/84	150	200	50
78/84	150	200	50
79/84	150	200	50
80/84	150	200	50
83/84	75	100	25
84/84	75	100	25
84/85	150	200	50
	<hr/> 3850	<hr/> 5250	<hr/> +1400
	T 12,250	T 17,000	T +4800

	1984	Board on new fees. 1985	Fee increase
1/84	200	200	—
2/84	150	200	50
3/84	200	300	100
4/84	75	100	25
5/84	75	100	25
6/84	75	100	25
7/84	150	200	50
8/84	200	300	100
9/84	200	300	100
10/84	200	300	100
11/84	150	200	50
12/84	150	200	50
13/84	200	300	100
14/84	200	300	100
15/84	200	300	100
16/84	200	300	100
17/84	200	300	100
18/84	150	200	50
19/84	150	200	50
20/84	150	200	50
21/84	75	100	25
22/84	200	300	100
23/84	75	100	25
24/84	75	100	25
25/84	75	100	25
26/84	75	100	25
27/84	200	300	100
	<hr/> 4050	<hr/> 5700	<hr/> +1650

	1984	1985	Fee increase
28/84	200	300	100
29/84	75	100	25
30/84	75/75	150	—
31/84	200	300	100
32/84	150	200	50
33/84	200	300	100
34/84	200	300	100
35/84	200	300	100
37/84	200	300	100
38/84	200	300	100
39/84	200	300	100
40/84	150	200	50
41/84	150	200	50
42/84	75	100	25
43/84	75	100	25
44/84	150	200	50
36/84	75	100	25
46/84	75	100	25
47/84	75	100	25
48/84	150	200	50
49/84	200	300	100
45/84	150	200	50
50/84	150	200	50
51/84	150	200	50
52/84	150	200	50
53/84	300	300	100
54/84	150	200	50
55/84	200	300	100
	<hr/> 4300	<hr/> 6050	<hr/> 1750

	1984	1985	Fe. increase
85/84	150	200	50
81/84	300	300	—
84/84	200	300	100
87/84	75	100	25
88/84	200	300	100
89/84	75	100	25
			<hr/> 300

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<u>residential districts</u> . . . . .		<del>200.00</del> 250.00
<u>Exceptions for uses in all other districts.</u> . . . . .		<u>300.00</u>
<u>For uses on a zoning lot exceeding 3 acres</u>		<u>400.00</u>

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