

# APPEAL OF ADMINISTRATIVE INTERPRETATION

## INSTRUCTIONS FOR FILING AN APPLICATION

Appeals typically arise from situations where a particular Code provision is ambiguous or undefined as it pertains to a specific situation. In such situations, staff will interpret the Code provision and issue an order, requirement, decision, or determination. In making the interpretation, staff will evaluate the specific situation in light of the context or intent of the Code, the Official Zoning Map, the Comprehensive Plan, and any other relevant documents. If an applicant believes the interpretation of staff is in error, an Appeal of Administrative Interpretation application can be filed. Only a written interpretation can be appealed, and the Appeal must be filed no later than 30 days after the date the written interpretation was issued.

1. All applicants desiring to submit an Appeal should consult with the Metropolitan Area Planning Department (MAPD) prior to submitting a formal application. The purpose of the consultation is to advise the applicant of the rights and responsibilities in submitting such an application.
2. An Appeal application is referred to the Board of Zoning Appeals (BZA) for a public hearing. The BZA typically meets on every other Thursday of each month in the 2<sup>nd</sup> Floor Conference Room at The Ronald Reagan Building, 271 W. 3rd Street. Refer to the MAPC/BZA calendar for the exact schedule of hearing dates.
3. When deciding an Appeal, the BZA presumes that the administrative interpretation is correct and places the burden of persuasion of error on the applicant. In exercising its powers, the BZA may reverse or affirm wholly or partly or may modify the interpretation, and to that end has the powers of the staff member from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit. After the public hearing, but no later than 40 days from the hearing date (unless the applicant consents to a longer time period), the BZA will make a decision on the Appeal. The BZA may also determine that it is necessary to obtain additional evidence in order to resolve the Appeal and may remand the Appeal to obtain such evidence.
4. The BZA decision is the final local action on the Appeal. Any person, official, or governmental agency dissatisfied with the BZA decision may bring an action within 30 days in the District Court of Sedgwick County to determine the reasonableness of the BZA decision.
5. Appeals may be granted upon an affirmative vote of the majority of the members of the Board of Zoning Appeals. Applicants are advised that failure to receive majority vote will result in the denial of the Appeal.
6. Applicants are advised not to engage in *ex parte* communication with the Members of the BZA. All materials and communication prior to the public hearing shall be directed to the MAPD, who shall cause such to be entered into the official record on the Appeal.
7. The applicant shall submit a completed application form for an Appeal. The application form must be signed by the appellant(s) or by the authorized agent(s) of such appellant and filed within 30 days after the administrative official has made a ruling. An Appeal may be filed by any person aggrieved or by any officer of the city or county or any governmental agency or body affected by the decision of the administrative official.
8. The applicant shall submit a copy of the written interpretation and any other documentation provided by the administrative official from whom the appeal is taken.
9. The applicant shall submit a written statement outlining in detail the manner in which it is believed that the administrative interpretation is in error.

10. The applicant shall submit an accurate site plan. The site plan shall be drawn to scale and show the location of property lines and buildings, parking areas, driveways and other improvements or facilities associated with the Appeal. One (1) 8.5" x 11" or 11" x 17" copy of the site plan shall be submitted. If the applicant desires to submit a larger site plan, twelve (12) 24" x 36" folded copies and one (1) 11" x 17" copy of the site plan shall be submitted. Other plans, drawings or information which the MAPD deems necessary to enable proper consideration of the Appeal may be required.
11. A certified ownership list from a title company shall be provided as directed by MAPD staff. If required, the certified ownership list shall include the names and mailing addresses (including zip codes) of all owners of the application area, as well as all property within 200 feet of the application area for an Appeal within the City of Wichita or all property within 1,000 feet of the application area for an Appeal within the unincorporated area of Sedgwick County.
12. The applicant shall submit the required \$125 filing fee for an Appeal. All checks shall be payable to the "City of Wichita", which acts as agent for the MAPD.
13. Request for a deferral of the hearing of any Appeal shall be submitted to the MAPD at least 7 days prior to the scheduled hearing date. To cover the cost of preparing and mailing new notices, persons requesting a deferral will be charged a \$150 deferral fee for an Appeal.
14. All application materials and the filing fee are submitted at the MAPD, which is located on the 2<sup>nd</sup> floor of The Ronald Reagan Building, 271 W. 3<sup>rd</sup> Street and is open from 8 a.m. to 5 p.m. Monday thru Friday, excluding holidays. Applications should be submitted no later than 4 p.m. to allow time for application review and processing prior to the close of business. Incomplete applications will not be accepted. Questions regarding the application process may be directed to the MAPD at (316) 268-4421.

**WICHITA BOARD OF ZONING APPEALS**  
**APPEAL OF ADMINISTRATIVE INTERPRETATION**  
**CHECKLIST OF REQUIRED APPLICATION MATERIALS**

- Application form
- Copy of written interpretation
- Statement regarding error in administrative interpretation
- Site plan
- Certified ownership list (original document and electronic copy)
- Filing fee

Note: When applying, please have yourself or your representative present during the processing of the application in case planners have questions or to correct possible errors on the application.



BOARD OF ZONING APPEALS

Wichita – Sedgwick County, Kansas

CASE NO. \_\_\_\_\_

FILED \_\_\_\_\_

APPEAL OF ADMINISTRATIVE INTERPRETATION

I. APPELLANT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_  
EMAIL ADDRESS \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_  
EMAIL ADDRESS \_\_\_\_\_

APPELLANT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_  
EMAIL ADDRESS \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_  
EMAIL ADDRESS \_\_\_\_\_

Relationship of appellant to property is that of \_\_\_\_\_  
(Owner, Tenant, Lessee, Other Party with Standing to Appeal)

II. The appellant herein appeals from the Administrative Interpretation, as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

for property generally located at: \_\_\_\_\_

and legally described as: \_\_\_\_\_

\_\_\_\_\_

and which is presently zoned \_\_\_\_\_

The decision was rendered on \_\_\_\_\_ and refers to Section  
\_\_\_\_\_ of the \_\_\_\_\_ Code.

III. By his/her signature, the appellant, or his/her authorized agent, hereby acknowledges:

- a. That the appellant has received an instruction sheet concerning the filing and hearing of this matter;
- b. That the appellant has been advised of the fee requirements established by Governing Body and that the appropriate fee is herewith tendered;
- c. That the appellant has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board; and,
- d. That all documents are attached hereto as noted in the instructions.

Appellant: \_\_\_\_\_

Authorized Agent: \_\_\_\_\_

Appellant: \_\_\_\_\_

Authorized Agent: \_\_\_\_\_

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For Office Use Only

Map \_\_\_\_\_ Zoning (N) \_\_\_\_\_ (S) \_\_\_\_\_ (E) \_\_\_\_\_ (W) \_\_\_\_\_

BZA Date \_\_\_\_\_ Council District \_\_\_\_\_

Date \_\_\_\_\_ Fee \_\_\_\_\_ Received by \_\_\_\_\_

Required Documents:

Decision being appealed     Legal Description     Site Plan

Written Statement     Ownership List

**WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION  
and BOARD OF ZONING APPEALS  
2019 CALENDAR**

**The Ronald Reagan Building, 271 West 3<sup>rd</sup> Street, Second Floor, Ste. 203, Wichita, Kansas**

<b>CLOSING DATE (Submit by 4:00 p.m.)</b>	<b>NOTICE TO OFFICAL NEWSPAPER (Due by 9:00 a.m.)</b>	<b>ADVERTISING DATE (No Later Than)</b>	<b>MAPC/BZA HEARING DATE (Thursday 1:30 p.m.)</b>
December 3, 2018	December 17, 2018	December 20, 2018	January 10, 2019
December 17, 2018	December 31, 2018	January 3, 2019	January 24, 2019
December 28, 2018 (Friday)	January 14, 2019	January 17, 2019	February 7, 2019
January 14, 2019	January 28, 2019	January 31, 2019	February 21, 2019
January 28, 2019	February 11, 2019	February 14, 2019	March 7, 2019
February 11, 2019	February 25, 2019	February 28, 2019	March 21, 2019
February 25, 2019	March 11, 2019	March 14, 2019	April 4, 2019
March 11, 2019	March 25, 2019	March 28, 2019	April 18, 2019
April 1, 2019	April 15, 2019	April 18, 2019	May 9, 2019
April 15, 2019	April 29, 2019	May 2, 2019	May 23, 2019
April 29, 2019	May 13, 2019	May 16, 2019	June 6, 2019
May 13, 2019	May 24, 2019 (Friday)	May 30, 2018	June 20, 2019
June 3, 2019	June 17, 2019	June 20, 2019	July 11, 2019
June 17, 2019	June 28, 2019 (Friday)	July 4, 2019	July 25, 2019
July 1, 2019	July 15, 2019	July 18, 2019	August 8, 2019
July 15, 2019	July 29, 2019	August 1, 2019	August 22, 2019
July 29, 2019	August 12, 2019	August 15, 2019	September 5, 2019
August 12, 2019	August 26, 2019	August 29, 2019	September 19, 2019
August 30, 2019 (Friday)	September 16, 2019	September 19, 2019	October 10, 2019
September 16, 2019	September 30, 2019	October 3, 2019	October 24, 2019
September 30, 2019	October 14, 2019	October 17, 2019	November 7, 2019
October 14, 2019	October 28, 2019	October 31, 2019	November 21, 2019
October 28, 2019	November 8, 2019 (Friday)	November 14, 2019	December 5, 2019
November 8, 2019 (Friday)	November 22, 2019 (Friday)	November 28, 2019	December 19, 2019
December 2, 2019	December 16, 2019	December 19, 2019	January 9, 2020
December 16, 2019	December 30, 2019	January 2, 2020	January 23, 2020

**The MAPC and the BZA meet at 1:30 p.m. on the dates indicated above. If you have questions contact the Metropolitan Area Planning Department at (316) 268-4421.**