

VARIANCE

WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS INSTRUCTIONS FOR FILING AN APPLICATION

A Variance is a deviation from specific regulations that would not be contrary to the public interest when, due to special conditions or circumstances, the literal enforcement of specific regulations results in an unnecessary hardship. A Variance may be granted only when each of the following five conditions has been met:

- a. The variance requested arises from condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action of the property owner or the applicant.
- b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
- c. The strict application of the provisions of the applicable Code from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.
- d. The variance desired will not adversely affect the public health, safety morals, order, convenience, prosperity, general welfare, or the harmonious development of the community.
- e. Granting the variance desired will not be opposed to the general spirit and intent of the applicable Code.

A Variance cannot be granted if even one of the above conditions is not met. Variances are not for correcting mistakes that cause a property to come into non-compliance with a particular Code requirement. Variances are not for situations where complying with a particular Code requirement is inconvenient or more expensive.

1. All applicants desiring to submit a Variance application 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. A Variance application is referred to the Wichita-Sedgwick County Board of Zoning Appeals (BZA) for a public hearing. The BZA may approve, approve with conditions or modifications, or deny a Variance request. The BZA typically meets every other Thursday of each month in the 2nd Floor Conference Room at The Ronald Reagan Building, 271 W. 3rd Street. Refer to the BZA calendar for the exact schedule of hearing dates and to determine the application deadline by which a Variance application must be submitted to be heard on a specific date.
3. As soon as possible following the close of the public hearing, but in no event 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 Variance request. The BZA decision is the final local action on the Variance request. 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.
4. Variances may only be granted upon an affirmative vote of at least eight of the fourteen Members of the BZA, even if fewer than fourteen attend the public hearing. Applicants are advised that failure to receive eight affirmative votes will result in the denial of the Variance request.
5. 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 Variance request.
6. The applicant shall submit a completed application form for a Variance request. The application form must be signed by all property owners and by the authorized agent(s) of such owner(s).

7. The applicant shall submit a written statement outlining in detail the manner in which the application meets the five conditions listed above, which are required for granting a variance. Applications will not be accepted without written justification of these five conditions.
8. The applicant shall submit a site plan that meets criteria established in the attached "Site Plan Guidelines." Failure of the site plan to meet these criteria may result in the application being declared incomplete and not accepted, or it may result in a delay of processing the application and the applicant being charged a deferral fee. Other plans, drawings or information which the MAPD deems necessary to enable proper consideration of the request may be required.
9. The applicant shall submit a current ownership list certified by a title company containing a legal description of the area in the application as well as the name of the owner, and shall include the names and current mailing addresses (with zip codes) of all property owners within the following prescribed distance measured from the perimeter of the application area:

For applications with unincorporated Sedgwick County: 1,000 feet
For applications within the city of Wichita: 200 feet

10. All application materials and the filing fee are submitted at the MAPD, which is located on the 2nd floor of The Ronald Reagan Building, 271 W. 3rd 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. Refer to the BZA calendar of public hearing dates to determine the application deadline by which a Variance application must be submitted to be heard on a specific date. Questions regarding the application process may be directed to the MAPD at (316) 268-4421.
11. In accordance with the Sign Policy adopted by the Board of Zoning Appeals, the applicant shall be responsible for posting zoning adjustment signs on the application site for at least 13 days immediately prior to the scheduled public hearing of the application request. Signs shall be purchased from the MAPD when the application is filed. The fee for each sign is \$5, and one sign is required for each street frontage.
12. The applicant shall submit the required filing fee as follows:

Residential Use	\$525 + \$35/Zoning Lot + sign fee
Additional variance on same lot	\$150
Non-Residential Use	\$750 + \$35/Zoning Lot + sign fee
Additional variance on same lot	\$225
Modified Site Plan Review	\$125 + sign fee
Time Extension for BZA Conditions	\$75 + sign fee

All checks should be payable to the "City of Wichita", which acts as agent for the MAPD.

13. Request for a deferral of the hearing of any Variance 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 fee as follows:

Deferral \$150

SITE PLAN GUIDELINES FOR VARIANCE APPLICATION

WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS

A site plan is required as part of every Variance application submitted to the Metropolitan Area Planning Department (MAPD). This document will be used in public hearings regarding your request and should be neat, legible, well- labeled, and drawn to scale. The site plan must contain the following elements:

1. Sheet Size: The site plan should be no longer than 11” by 17” and no smaller than 8½ by 11”. Site plans for larger projects (greater than 6 acres), may be larger, with the approval of the MAPD.
2. Title: A brief description of the Variance.
3. Applicant Name: Name of the applicant and the agent who prepared the drawing, if applicable.
4. North Arrow: Indicate the north direction with respect to the project, Lot, or structure.
5. Scale: The scale should be adequate to portray the project, Lot, or structure on the sheet size required. For example, a lot that is 70 feet by 100 feet can adequately be portrayed at a scale of 1” = 20’ (1 inch equals 20 feet) on an 11” by 17” sheet of paper. The scale should not be smaller than 1” = 60’ for larger properties.
6. Dimensions: In addition to adequate scale representation, all key features (lots, buildings, driveways, etc.) on the site plan shall have dimensions in feet noted for all sides.
7. Legal Description: Legal description of Lot(s) or parcels requiring a Variance. This description can be in the form of Lots and Blocks or Metes and Bounds.

Existing Conditions: Indicate **all** structures and features as they exist on the property. These should be drawn to scale, as described above, and shall include, but not be limited to:

- All structures and buildings
- Parking spaces
- Fences
- Significant trees or stands of trees
- Other landscaping

Floodplains
Water areas or features
Significant topographical features
Utilities, above or below ground
Drainage patterns

8. All required zoning setbacks and easements: Using a dashed line, indicate all required zoning setbacks and utility, drainage, or other easements relative to the project, Lot(s), or structure.
9. All roads/streets adjacent to the property and access points off of those roads: Indicate all roads/streets, including the rights-of-way that surround or intersect the property, including alleys. Indicate all points of access (driveways) from the streets to the project, Lot(s), or structure. Indicate how each road/street is developed, e.g. paved, dirt, undeveloped.
10. Surrounding structures and uses if appropriate: Indicate surrounding uses and zoning as they apply to the Variance request.
11. Modifications by the Variance: Indicate any modifications to the existing structures or features that will result if the Variance request is approved. If these modifications or additions are extensive, a second site drawing might be necessary so as not to be confused with the existing conditions. These modifications or new features may include, but are not limited to:

Buildings Structures
Parking areas
Vehicular drives
Pedestrian walks
Location and height of light fixtures
Location of trash receptacles and loading areas
Landscaped areas

VARIANCE

CHECKLIST OF REQUIRED APPLICATION MATERIALS

- Application form
- Statement regarding five conditions required for granting a variance
- 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.

APPLICATION

This form MUST be completed and filed at the Planning Department located on the 2nd floor of The Ronald Reagan Building, 271 W. 3rd Street, Wichita, KS, 67202 in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box for type of application being submitted. A separate application form and filing fee is required for each application. A pre-application conference with the planning staff is recommended before filing this application.

SECTION I

This property is located within: Wichita Sedgwick County (unincorporated)

Metropolitan Area Planning Commission:

- Zone Change: From zoning district: _____ to _____
- Planned Unit Development: Approval Amendment to PUD _____ Adjustment to PUD _____
- Community Unit Plan: Approval Amendment to CUP _____ Adjustment to CUP _____
- Protective Overlay: Approval Amendment to PO _____ Adjustment to PO _____
- Conditional Use: To allow: _____ zone district: _____
 Adjustment to CU/CON#: _____
- Vacation of: _____ zone district: _____
(Use a separate sheet for legal description, if necessary)
- Administrative Permit: To allow: _____-foot high wireless communication facility. zone district: _____
- Off-Site Billboard Sign within _____ feet of a residential lot/structure. zone district: _____

Board of Zoning Appeals:

- Variance: To allow: _____ zone district: _____
- Appeal of: _____ zone district: _____
- Zoning Adjustment: To allow: _____ zone district: _____
- Sign Code Adjustment: To allow: _____ zone district: _____

SECTION II

1. The application area is legally described as Lot(s) _____; Block(s) _____, _____ Addition, (Wichita) Sedgwick County, KS. If appropriate, a metes and bounds description may be attached.
2. The application area contains _____ acres.
3. This property is located at (address) _____ which is generally located at (relation to nearest streets) _____
4. We are filing this request for the following reasons: _____
5. County control number: _____

6. The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or others directly associated with the property may also be listed if they desire to be advised of the proceedings. (Use a separate sheet for additional applicants if needed.)

A. Applicant _____ Phone _____
 Address _____ Zip Code _____
 Email Address _____

Agent _____ Phone _____
 Address _____ Zip Code _____
 Email Address _____

B. Applicant _____ Phone _____
 Address _____ Zip Code _____
 Email Address _____

Agent _____ Phone _____
 Address _____ Zip Code _____
 Email Address _____

C. Applicant _____ Phone _____
 Address _____ Zip Code _____
 Email Address _____

Agent _____ Phone _____
 Address _____ Zip Code _____
 Email Address _____

7. We acknowledge receipt of the instruction sheet explaining the method of submitting this application. We realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. We further certify that the foregoing information is true and correct to the best of our knowledge. We authorize unannounced inspections of the subject property by City and/or County staff for the purpose of collecting information to review and analyze this request. We acknowledge that the MAPC, Governing Body, or Board of Zoning Appeals shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

_____ By _____
 Applicant's signature Authorized Agent (if any)

_____ By _____
 Applicant's signature Authorized Agent (if any)

_____ By _____
 Applicant's signature Authorized Agent (if any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

FOR OFFICE USE ONLY

Map _____ Zoning (N) _____ (S) _____ (E) _____ (W) _____ MAPC/BZA _____ Township _____
 Council/Commission District _____ DAB _____ Sm. City PC _____
 NA/HOA _____
 Date _____ Fee _____ Received By _____

Required Documents:

- Ownership List BZA Justification Legal Description Vacation Petition Site Plan Signs

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

The Ronald Reagan Building, 271 West 3rd Street, Second Floor, Ste. 203, Wichita, Kansas

CLOSING DATE (Submit by 4:00 p.m.)	NOTICE TO OFFICAL NEWSPAPER (Due by 9:00 a.m.)	ADVERTISING DATE (No Later Than)	MAPC/BZA HEARING DATE (Thursday 1:30 p.m.)
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.