

Bylaws of the Sedgwick County Board of Zoning Appeals

Article I

The purpose of the Board of Zoning Appeals of Sedgwick County shall be as set forth in Section VI-E of the Wichita-Sedgwick County Unified Zoning Code and in K.S.A. 12-759 as otherwise provided by state statute and county resolution.

Article II - Organization and Officers

- The Board shall organize annually at its first meeting after May 1, elect a Chairman, a Vice-Chairman, and a Secretary. The Secretary may, but need not be, a member of the Board.
- The Chairman shall preside at all meetings of the Board. In the absence of the Chairman, the Vice-Chairman shall preside. In the absence of the Chairman and Vice-Chairman, the Secretary will preside to open the meeting for the purpose of selection of a Chairman pro tem.
- Subject to these rules, the presiding officer shall, on the recommendation and advice of the duly appointed legal counsel, decide all points of order and procedure, unless overruled by a majority of the Board.
- The Chairman, or other presiding officer, shall have the right to make motions and to second motions without vacating the Chair.
- The officer presiding at the meeting and the Secretary shall sign the Resolutions and other official documents adopted or approved by the Board.
- Subject to these rules and the direction of the Board, the Secretary shall submit reports on all official matters occurring between meetings; conduct all official correspondence; send all notices required by these rules and orders of the Board; make the necessary inspections of premises; attend all meetings and hearings; keep the minutes of the Board's proceedings; prepare the necessary resolutions; compile the required records; maintain the necessary files and generally supervise all the clerical and technical work of the Board. The Secretary shall be and is hereby authorized to designate an Acting or Assistant Secretary to perform any or all of the above functions in the event of the incapacity or absence of the Secretary.

Article III - Meetings and Voting

- The Board of Zoning Appeals shall adopt a meeting calendar annually, setting one meeting date for each month. Such meetings shall be held at 3:00 pm, in the Planning Department Conference Room, Wichita City Hall – 10th Floor, 455 N. Main Street, Wichita, KS.
- All hearings sessions shall be open to the public.
- Three members of the Board shall constitute a quorum.

- The presiding officer may grant permission to abstain from voting. Unless such permission shall have been granted or unless there shall have been a negative vote cast, an affirmative vote shall be recorded.
- A vote of at least three members shall be required to pass any motion.
- Special meetings may be called by the Chairman or Vice-Chairman for whatever time and purpose he/she deems necessary; provided, however, that no case or proceedings shall be considered unless legal notice by publication and mail shall have been given as by law provided.
- If any member misses three meetings in a row, or four meetings in any twelve month period, without good cause, the Chairman may notify the County Commissioner who appointed the member of the absences.

Article IV - Cases Before the Board

- The jurisdiction of the Board of Zoning Appeals shall be limited to those areas specified by state statute or county resolution.
- The procedure for requesting a hearing before the Board of Zoning Appeals shall be as follows:
 - An application (appeal or variance) shall be filed with the Secretary of the Board on forms furnished by the Secretary (City Building, Metropolitan Area Planning Department, 10th Floor, 455 N. Main, Wichita, Kansas).
 - An application shall be accompanied by a filing fee as specified in Resolution #005-2015 or as it may be amended from time to time.
 - An application for a variance shall be accompanied by a certified listing from an abstract company containing the names, mailing address, zip code and legal description of the owners of the application area and of all property within a radius twice the distance of the frontage of the application area. This distance must be at least 200 feet but not more than 1000 feet.
- In addition to the above requirements, certain applications require additional information, as follows:
 - Appeals
 - The appeal shall be filed within twenty (20) days after a ruling has been made by the Zoning Administrator.
 - The order, requirement, decision or determination by the Zoning Administrator which the appellant believes to be in error; and the principal points supporting the appellants, allegation of errors, including reference to that Section of the Unified Zoning Code under which it is claimed the permit should be issued.
 - A clear and accurate description of the proposed work, use or action, in which the appeal is involved, and a statement as to why or in what manner an error has been made.

- The Zoning Administrator, or his authorized representative, shall be represented at all hearings before the Board; and shall then make available to the Board all records regarding the matter.
- A plot plan drawn to scale showing the proposed plan of improvements, when deemed necessary by the Secretary.
- Variances
 - A statement from the applicant justifying the variance requested; indicating specifically the enforcement provisions of the Unified Zoning Code from which the variance is requested and to what degree such a variance is requested.
 - A specific statement outlining in detail the manner in which it is believed that this application will meet the requirements of Section V-G.6 of the Unified Zoning Code.
 - A sketch, drawn to scale, showing the lot or lots included in the application; the structures existing thereon; and the structure or use contemplated necessitating the variance requested.
- No application shall be considered wherein an application has been previously decided, involving the same premises and Unified Zoning Code requirements, except in cases where new plans or new facts pertaining to said requirements or regulations are presented, showing changed conditions or circumstances which, in the opinion of the Board, materially alter the aspects of the case. Each new reconsideration shall be considered a new case, requiring a filing fee.
- No application shall be advertised for a public hearing for property wherein a change of zoning is first necessary until the zone change amendment is approved and becomes effective.

Article V - Calendar

- The Secretary shall maintain a docket for all applications, numbering said applications consecutively.
- The Secretary shall prepare and submit to the Board for its consideration and adoption a list of closing and hearing dates for the following year. The list shall be submitted to the Board at its last scheduled meeting in each calendar year.
- Applications shall be placed on the calendar of the Board for hearing in accordance with a closing and hearing date schedule duly adopted by the Board.

Article VI - Notice of Hearing

- Notice to the applicant shall be given not less than twenty days prior to the date of hearing and shall be by mail to his last known address.
- For variances, written notices shall be given by mail not less than twenty days prior to the date of hearing to property owners of record at their addresses, and if not

available, to the address 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. Notices shall also be mailed to the Planning Commission of any city when the applicant area lies within the City's zoning area of influence.

- All notices by mail shall be directed to the addresses stated in the certified abstract ownership list accompanying the application.
- The Secretary shall cause to be published, in the official County paper, a notice of public hearing of said meeting at least twenty days prior to the date of hearing, as provided by law.

Article VII - Hearing of Cases

- All hearings of the Board and all official actions taken by the Board shall be public.
- The applicant should be present at the public hearing, either in person or by counsel or agent. The applicant, and persons appearing in his behalf, shall be heard first and thereafter the individuals appearing in opposition to the application shall be heard. In the event of the absence of the applicant, either in person or by his counsel or agent, the Board shall determine that said applicant was duly notified, and the Board may proceed to decide the application on the basis of the facts then available for consideration.

Article VIII - Final Disposition of Applications

- The final disposition of every application shall be in the form of a resolution signed by the Chairman and Secretary. Every application granted or denied by the Board shall be accompanied by written findings of fact and reasons for granting or denying the appeal or variance; and various conditions may be stipulated by the Board to be fulfilled before granting the appeal or variance.
- In exercising its powers, the Board, by its Resolution, 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 on all applications may attach appropriate conditions, and may use or direct the issuance of a permit.
- An affirmative vote of three (3) Board members shall be necessary for any action finally disposing of any application. In case of failure to reach a decision, the matter shall be presented at the next meeting.
- An applicant may withdraw his application at any time prior to the adoption of the resolution, which would cancel and close his case; but the filing fee shall not be remitted to him.
- The Secretary shall notify the applicant, in writing, of the final action of the Board.

Article IX - Hearings

- Requests for rehearing shall be in writing and duly verified and shall be submitted to the Secretary of the Board within sixty (60) days of the date of the original hearing.

The requests shall recite the reasons for the rehearing. No requests for rehearing shall be entertained unless new evidence is submitted which could not reasonably have been presented at the previous hearing. If the request is granted by the Board, the same procedure will be followed as was followed in consideration of the original application, including filing fees, notices, etc.

- The Secretary of the Board shall determine if a rehearing shall be allowed; however, the applicant shall have the right to appeal the Secretary's determination to the Board of Zoning Appeals.

Article X - Amendments

- Amendments to these bylaws may be introduced at any meeting of the Board and voted on at the same or any subsequent meeting; provided that notice of the consideration of any such amendment or passage, either in the form of a letter or official agenda of the Board, is mailed to each member prior to its first introduction at a regular meeting.

Article XI - Records

- The records of all Board cases and hearings shall be kept on file in the Office of the Secretary of the Board, in such manner as to be available for public inspection during the regular office hours of the Secretary.