

## STAFF REPORT

DATE: 08/27/2025

TO: Bel Aire City Council  
FROM: Paula Downs  
RE: Ordinance Approval

### STAFF COMMUNICATION

FOR MEETING OF	9/2/2025
CITY COUNCIL	
INFORMATION ONLY	

**SUMMARY:** An Ordinance Authorizing the Planning Commission to be Designated as the Board of Zoning Appeals for the City of Bel Aire, KS.

#### Background:

The City of Bel Aire currently does not have an appointed Board of Zoning Appeals (BZA). The City approved Ordinance 548 appointing the BZA as a three-member board in 2014. City zoning regulations set out the BZA and their responsibilities in Chapter 18, Article 3. There currently are no appointed members to the BZA and no records indicating when the BZA was last appointed. Cases that would fall under the purview of the BZA, have been handled in alternative processes.

The BZA is granted authority under K.S.A. 12-713 and is designated to hear appeals of the building official or any other administrative official's interpretation of the zoning regulations. In addition, the BZA hears variance cases, which are specifically set out in the Bel Aire zoning regulations. In the absence of a BZA, there is no mechanism for appeals and variance cases to be heard which has required other approval processes to be followed.

#### BZA Ordinance History:

- Bel Aire Ordinance 275 designated the Bel Aire Planning Commission as the BZA in 1996.
- Bel Aire Ordinance 357 updated language related to appointments and removal of the Planning Commission and BZA in 2001.
- In 2014, Bel Aire Ordinance 548, Page 31, changed the BZA from being the Planning Commission to a three-member board with one member being the Planning Commission chair and two at-large members which shall not hold any other office of the City.

### **Bel Aire City Code- BZA Information:**

- The BZA membership, appointment, removal and responsibilities are provided in the Bel Aire City Code, Chapter 18, Article 3 of the Zoning Regulations.
- Information on Appeals of the Building Official and Variance cases is provided in the Bel Aire City Code, Chapter 18, Article 5 of the Zoning Regulations.

### **Recommendations of permanent staff**

Surrounding communities including Derby, Park City, Kechi, Valley Center, Maize and others, utilize the Planning Commission as the BZA. Agenda items for the BZA will be included in the Planning Commission Agenda. Planning and Zoning cases are becoming more detailed and complex. The Planning Commission has extensive experience with hearing planning and zoning cases and with the zoning regulations in the City.

Staff recommend approval of the Ordinance authorizing the Planning Commission to be designated as the Board of Zoning Appeals for the City of Bel Aire, KS.