

**Planning Commission/Board of Zoning Appeals
Staff Report**

Applicant

Warren Dalke
609 E. E Street
Hillsboro, KS 67063

Application

Application number ZP06.023. Applicant is requesting to rezone four and three tenths (4.3) acres from "A" Agriculture Zone District to "SR" Suburban Residential Zone District. Applicant is also requesting a side yard setback variance of either 35' in an "A" District or 15' in an "SR" District. Applicant requests that setback for residential construction to be 15'.

Project Description

Mr. Dalke owns four and three tenths (4.3) acres in the northeast quarter of the northeast quarter of Section 3, Township 20 South, Range 2 East. The site is located adjacent to the City of Hillsboro.

This site contains one 54' X 96' steel building.

Owner will construct a primary residence with private water and wastewater systems.

Planning Issues

The Public Hearing Notice and Adjacent Property Owner Notification was completed in accordance with the Marion County Zoning Regulations and Kansas State Statutes. No public comments have been received as of April 14, 2006

The purpose of this district is to provide for the platted development of the low-density residential neighborhoods that retain the character of the basically rural area and yet allow an influx of residential development.

This district should be limited to the designated growth areas of Marion County.

Areas within designated growth areas where public water and public sewer are not present may only be zoned "SR" when the governing body of the adjacent city consents to such proposed zoning.

Factors to be considered in a change of zoning classification:

- 1) Whether the change in classification would be consistent with the intent and purpose of the Marion County Zoning Regulations.
- 2) The character and condition of the surrounding neighborhood and its effect on the proposed change.
- 3) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.
- 4) The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification.
- 5) Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity.
- 6) The suitability of the applicant's property for the uses to which it has been restricted.
- 7) The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped.
- 8) Whether adequate sewer and water facilities, and all other needed public services including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.
- 9) The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development.
- 10) The recommendations of permanent or professional staff.
- 11) Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan.
- 12) Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such a reclassification.
- 13) Such other factors as may be relevant from the facts and evidence presented in the application.

Property is served by all season gravel road.

Section 3 of Liberty Township contains six (6) "SR" Suburban Residential Zone Districts at present time.

Site is located within the City of Hillsboro's Area of Urban Influence. The Hillsboro Planning Commission may review and submit recommendations for approval or denial.

Lot is existing at four and three tenths (4.3) acres.

A compliant CUP exists for this property which includes approval for a shop and residential use.

Staff has not received comment from the City of Hillsboro as of 4/14/06. Staff expect to be able to provide recommendation from the City of Hillsboro at Public Hearing.

Staff Recommendation

Approve a recommendation to rezone four and three tenths (4.3) acres from an "A" Agricultural Zone District to a "SR" Suburban Residential Zone District. Recommend approval is only granted with consent from governing body of the City of Hillsboro as related to Public Water and Wastewater Systems. Recommend limit of one residential structure within existing lot

Approve a recommendation to allow for a fifteen (15) foot setback.

(REASON: existing and future uses are more appropriately served by "SR" designation. Owner presently has right to construct a residential structure under current CUP)