

Board of Zoning Appeals Staff Report

Applicant

Vernon Koehn
2508 40th
Burns, KS 66840

Application

Application number ZP04.053 Applicant has requested a variance to construct a sixteen (16) by eighty (80) feet manufactured home as a secondary residence in an "A" Agricultural Zone District.

Project Description

Mr. Koehn owns approximately two hundred and forty (240) acres in the southwest quarter of Section 18, Township 22 South, Range 5 East. This property is located one mile east and two and a half miles north of the City of Burns.

The proposed project will consist of the replacement construction of a secondary residence. Residence will be used to lodge hired personnel.

Applicant has rural water available at this site. Applicant intends to have existing private wastewater lagoon permitted locally to serve the temporary residence and serve the primary residential structure. A private wastewater system construction application has been received.

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 August 13, 2004.

The Marion County Zoning Regulations provide that the following conditions must be met in order to grant a variance:

- 1) The variance requested arises from such 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 and action or actions of the property owner(s) or the applicant.
- 2) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

- 3) The strict application of the provisions of the Marion County Zoning Regulations of which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- 4) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
- 5) That granting the variance will not be opposed to the general spirit and intent of the Marion County Zoning Regulations. The purpose of the variance is to provide relief where normal adherence to the regulations is not possible.

Staff Recommendation

Approve a variance from Section 21-110 of the Marion County Zoning Regulations to allow for the construction of a sixteen (16) by eighty (80) feet manufactured home in an "A" Agricultural Zone District. Recommend only as a secondary residence only for the purpose of housing agricultural operation personnel.