

## **Board of Zoning Appeals Staff Report**

### **Applicant**

Willis Peterson and Karyn Smith  
3089 DD Ave.  
Lost Springs, KS 66859

### **Application**

Application number ZP03.026. Applicant has requested a front yard setback variance from thirty (30) feet to twenty (20) feet, a rear yard setback variance from twenty (20) feet to five (5) feet and two side yard setback variances from ten (10) feet to three (3) feet in a "V-1" Village Zone District.

### **Project Description**

Mr. Peterson and Mrs. Smith own lot 10 of the Lakeview Addition at the Marion County Lake. The address of this property is 119 Lakeshore Dr, Marion.

The applicants would like to construct a two-door garage and an addition to the residence.

### **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 July 11, 2003.

Yard variances are provided for in the Marion County Zoning Regulations to relieve hardships caused by exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of regulations or restrictions, or by reason of exceptional hardship upon owner of such property.

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 front yard setback variance of ten (10) feet. Approve two side yard setback variances of seven (7) feet. Approve a rear yard setback variance of ten (10) feet.

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