

Planning Commission Staff Report

Applicant

Leland W. Seifert Trust
2331 Pawnee
Marion, KS 66861
% Charles Seifert

Application

Application number ZP08-0039. Applicant is requesting to rezone ten (10) acres from "RR" Rural Residential Zone District to "A" Agriculture Zone District.

Project Description

A rezone application was approved on this property in 1998 for the purpose of splitting 10 acres for sale of the property. At the time of the sale, a minimum of 10 acres and a rezone to RR was required in order to not remove 40 acres from agricultural production.

Planning Issues

The Public Hearing Notice and Adjacent Property Owner Notification has been completed in accordance with the Marion County Zoning Regulations and Kansas State Statutes. No public comments have been received as of August 20, 2008.

Since the initial rezone was approved, Agricultural regulations have been amended to permit a lot size of 3 acres for an existing farmstead and 5 acres for a new farmstead. Rural Residential regulations remain as written with a minimum lot size requirement of 10 acres. The intent of the Seifert Trust is to shift the lot line to a smaller acreage and sell the unused acreage back to the original owner as farm land. In order to shift the lot line, a zoning district that allows smaller acreage needs to be approved. There will not be a new lot created during this process, but the owners on both sides of the property line intend to shift the boundary.

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.