

MARION COUNTY COURTHOUSE

MARION COUNTY, KANSAS
PLANNING & ZONING/ENVIRONMENTAL HEALTH
203 SOUTH THIRD
MARION, KANSAS 66861
PHONE: 620-382-2945

May 15, 2018

Mitchell L. and Janet L. Garner
5360 N. Saint Clair
Wichita, KS 67204

RE: Accessory Construction Permit

Dear Mr. and Mrs. Garner,

It was recently brought to my attention that an addition to the primary structure is being constructed at, 53 Lakeshore Drive, Marion, Kansas, prior to receiving zoning approval. I do not have a record of your application to obtain the appropriate permit. This structure is in violation of the Marion County Zoning Regulations Article 22-102 as stated below.

22-102 Zoning Certificate: No building, structure, or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these Regulations shall be occupied or used for any purpose; and no land vacant on the effective date of these Regulations shall be used for any other purpose; and no use of any land or structure shall be changed to any other use, unless a zoning certificate shall first be obtained from the Zoning Administrator certifying that the proposed use or occupancy complies with all the provisions of these Regulations. No agricultural use or farm dwelling proposed to be established shall be required to pay any fee for said certificate.

In addition, property line setbacks applicable to the Lake Lot "LL" Zoning District shall apply. Please complete the enclosed application and return it to my office at your nearest convenience. The permit fee is \$50 for an accessory structure greater than 120 square feet and \$10 for an accessory structure less than 120 square feet. Fees double if construction has started without a permit. If you have any questions, please contact me at 620-382-2945.

Sincerely,

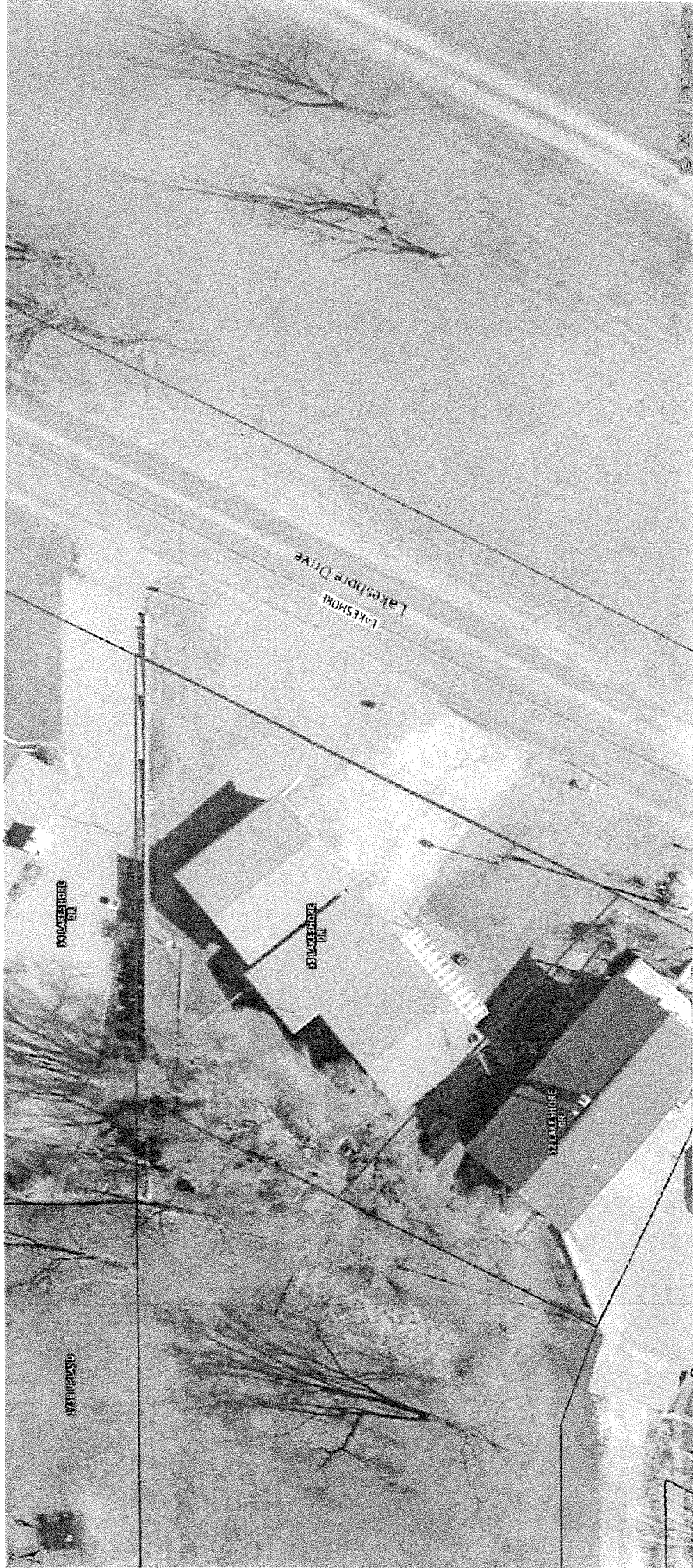
Emma Tajchman
Director, Marion County Planning and Zoning/Environmental Health

enclosure

Photos taken 5/24/18 (before overhang was trimmed back)



53 Lakeshore



01/24/2017

BOARD OF ZONING APPEALS

Case No. BZA-18-01

Date Filed 6/05/18

APPLICATION FOR VARIANCE

* 1.

Agent
 Name of Appellant Wiche siding
 Mailing Address 1140 190th Hillside Rd Phone 620-381-1719
App Name of Agent Mitch Gomer 67204
 Mailing Address 5360 N. St. Clair Wichita Phone 316-259-3866
 Relationship of applicant to property is that of _____

(owner, tenant, lessee, other).

2. The variance requested is: zero foot setback on south side yard

for property located 53 Lakeshore Marion, Kansas
and legally described as _____

in Marion County, which is presently zoned "LL" lake lot.
(Attach metes & bounds description on separate sheet.)

* 3.

The applicant herein acknowledges:

- A. That he has received an instruction sheet concerning the filing and hearing of this matter.
- B. That he has been advised of the fee requirements established; and that the appropriate fee is herewith tendered.
- C. That he has been advised of his right to appeal of the decision of the Board to the District Court.

L. J. Winters
(Name)

OFFICE USE ONLY: Received by the Zoning Administrator, at 2:45 (A.M.) (P.M.)
on June 5th, 2018, together with appropriate fee of \$ 400.⁰⁰.

Emma Dejchman Director
Name and Title

June 19, 2018

Marion County Board of Zoning and Appeals
203 South Third Street
Marion, Kansas 66861

RE: Case No. BZA-18-01
Property: 53 Lakeshore Marion, Kansas

To Whom It May Concern:

Wiebe Siding Inc. hereby requests a variance with regard to the roof overhang on a porch that was added to the above referenced property. The current code for a primary structure side yard setback is 8'. The overhang as constructed is approximately 6" from the property line therefore I am requesting a 0' variance be granted.

The unique shape of the lot coupled with the position of the existing structure on the lot puts additional constraints to this situation. Prior to the project the primary structure was not in compliance to the code and was no less set back than is currently and again assuming due to the shape of the lot and wanting to access the most square footage available for the primary structure. Due to this constraint if the variance is not granted, the only cure for the tolerance is to cut back the roof further which would destroy the entire project eliminating the western slope, concrete and footings.

The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents nor place a hardship upon the property owner represented in the application. The overhang remains on the property of the homeowner not encroaching over the property line. The property did not have gutters at all on the west side. The west side of the roof now has full gutters and a only a small 14' x 12' rise therefore it can't adversely affect the adjacent property owner any differently than the old structure and in theory less as water will now be flowing down the downspouts instead of off the side of the roof.

The granting of this variance allows the homeowner to retain the improvement and the appearance of his property thus improving the ability to attract new property owners to the Marion County Lake. It does so with no adverse effects to the public health, safety, morals, order, convenience, prosperity or general welfare of the public interest.

Thank you in advance for your consideration of this variance request.

Respectfully Submitted,

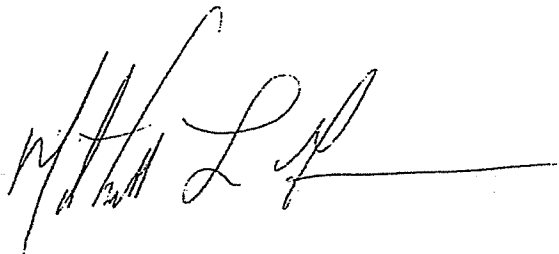
L. Jake Wiebe
Wiebe Siding and Construction Inc.
1140 190th
Hillsboro, Kansas 67063

060518

TO WHOM IT MAY CONCERN,

I, MITCHELL L. GARNER, GIVE

WIERBE SIDING AND CONSTRUCTION
PERMISSION TO APPLY AND PAY FOR
ANY PERMITS, VARIANCES, ETC FOR
MY PROPERTY AT 53 LAKESHORE, MARION, KS,



MJGARNER@gmail.com

316-259-3866

Photos taken 6/5/18 (Overhang trimmed back)



