



MARION COUNTY COURTHOUSE

MARION COUNTY, KANSAS

PLANNING COMMISSION/BOARD OF ZONING APPEALS

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STAFF REPORT

July 18, 2018

TO: Marion County Planning Commission/Board of Zoning Appeals

FROM: Emma Tajchman, Director of Planning and Zoning

SUBJECT: Case No. BZA-18-02- Brandon S. Vogts requesting a Special Exception to construct an accessory structure greater than 900 square feet in the Marion Reservoir Eastshore Residential District, located at 2122 Schlotthauer, Marion, Kansas.

Background: This is the application of Brandon S. Vogts requesting a Special Exception to construct an accessory structure greater than 900 square feet in the Marion Reservoir Eastshore Residential District, located at 2122 Schlotthauer, Marion, Kansas. The applicant owns the property, further described as Lots 8, 9, and the North 6' of Lot 10, Block I, of the Eastshore Plat.

The applicant utilizes the property as a part-time residence. Structures currently consist of a cabin and small garden shed. If the Special Exception is approved, the garden shed will be removed. A zoning certificate has been issued for an addition to the existing cabin, which is situated primarily on Lot 9. Lot 8, or the northern portion of the property, is mostly vacant. In this vacant area, the applicant has requested to construct an accessory building. The proposed structure is a 40 foot by 48 foot steel building. This footprint includes a 10 foot awning for a covered patio or carport. The structure is proposed to be oriented with garage doors on the west and the awning to the south. This orientation would allow the existing entrance and driveway to be utilized. A portion of the interior will be designed as guest quarters. The majority of the enclosed area will serve as a garage. Public water and sewer access are available onsite. Lots 8 and 9 each have sewer access available. Lot 9 sewer access is currently in use by the existing cabin; however, either access points may be utilized to satisfy the requirements of the Marion County Sanitation Code. Both boards, Marion County Eastshore Improvement District and Marion County Rural Water District #2, received notice of this application.

Article 19-109 of the Marion County Zoning Regulations prohibits accessory structures larger than 900 square feet to be constructed in the "ES" Marion Reservoir Eastshore Residential

District; however, these structures may be allowed with the approval of a Special Exception. Article 21-104 of the Marion County Zoning Regulations authorize the Board of Zoning Appeals to approve certain Special Exceptions. The regulations state:

The following buildings and uses are permitted as special exceptions if the Board of Zoning Appeals finds that in its opinion, as a matter of fact, such exceptions will not adversely affect the uses of adjacent and neighboring property permitted by these Regulations:

4. In the "SR" Suburban Residential, "R-1" Single-Family Residential District, "ES" Marion Reservoir Eastshore Subdivision Residential District, "LL" Marion County Lake Lot Residential District or the "V-1" Village District, a private garage(s) and/or storage building(s) as an accessory building(s) for more than four motor vehicles and/or covering more than 900 square feet.

The Marion County Zoning Regulations further provide in Article 21-106, in approving any action including a Special Exception, the Board of Zoning Appeals has certain guidelines for consideration of any conditions deemed appropriate for the specific case. Those guidelines are as follows.

Guidelines for Conditions: *Where, in these Regulations, special exceptions are permitted, provided they are approved by the Board of Zoning Appeals where the Board is authorized to decide appeals or approve certain uses, and where the Board is authorized to approve variances; such approval, decision, or authorization shall be limited by such conditions as the case may require, including, if necessary, any of the following specifications:*

- 1. No outside signs or advertising structures except professional or directional signs.*
- 2. Limitations of signs as to size, type, color, location or illumination.*
- 3. Amount, direction, and location of outdoor lighting.*
- 4. Amount and location of off-street parking and loading space.*
- 5. Maintenance requirements including cleaning and painting of buildings, structures or facilities.*
- 6. Type of roof (i.e., gable, flat, etc.).*
- 7. Construction design and type of construction materials to be used.*
- 8. Whether the buildings, if multiple buildings are proposed, can be connected or not.*
- 9. Exit, entrance, door and window locations.*
- 10. The type and amount of paving, landscaping, fencing, screening and other such features.*

11. *Hours of operation, including limitations on nighttime hours.*
12. *Limitations on structural alterations to existing buildings.*
13. *Plans for the control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.*
14. *Such other conditions and/or limitations that are deemed necessary.*

Given all of the above, staff is not opposed to the construction of an accessory structure as proposed exceeding 900 square feet. Staff believes that the applicant's property is well suited for the use and adequate space exists for all property line setbacks to be met. The adjacent property to the north includes an accessory structure which will be in close proximity if the special exception is approved and construction is completed as proposed. Proper guttering directing drainage away from the neighboring structure may be considered as a condition.

Staff Recommendation: It is staff's opinion, based on the facts in this case outlined above, the requested Special Exception be approved by the Board of Zoning Appeals for the reasons stated above.

Suggested Motion:

I move that Case No. BZA-18-02, a special exception request by Brandon S. Vogts to construct an accessory structure greater than 900 square feet in the "ES" Marion Reservoir Eastshore Residential District, located at 2122 Schlotthauer, Marion, Kansas be approved with the following conditions:

1. Guttering and/or landscaping shall adequately direct drainage from the proposed accessory structure into the existing drainage ditch.
2. An agreement shall be made with the Marion County Eastshore Improvement District for public sewer access prior to issuance of a zoning certificate.

