

Planning Commission Staff Report

Applicant

Keri Richmond
1709 150th
Marion, KS 66861

Landowner: Roger & Betty Richmond
1528 Remington
Marion, KS 66861

Application

Application number PC-09-10. Applicant is requesting a conditional use permit for a 1998 doublewide manufactured home that currently has an unlivable home that will be demolished on the property on approximately eighty (80) acres in an "A" Agricultural Zone District.

Project Description

Roger Richmond owns eight (80) acres in the northwest quarter of Section 26, Township 20 South, Range 3 East. This site is located 1 mile north of Ulne, KS at the intersection of 150th and Pawnee. The farmstead sits on the Northeast corner of the intersection.

The uninhabitable residence has a water well, and current septic system that will need to be replaced. Modifications have been done to the 1998 manufactured home such as: 2X6's, additional insulation, new plumbing, new siding & roof, and has been continually maintenance.

The Richmond's have looked at a compliant 2001 doublewide manufactured home and has found the quality standards are much lower than this 1998 manufactured home.

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 on May 2, 2001. Two public comment letters have been received as of May 11, 2001.

In approving a conditional use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met unless otherwise reduced by specific reference in the recommendation of the planning commission or the approval of the governing body. The requirements may be made more stringent if there is potentially injurious effect, which may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public.

Factors to be considered in a conditional use permit recommendation:

- 1) Whether approval of the conditional use would be consistent with the intent and purpose of the Marion County Zoning Regulations.
- 2) Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood.
- 3) Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided.
- 4) Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected.
- 5) The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped.
- 6) Whether the applicant's property is suitable for the proposed use.
- 7) The recommendations of permanent or professional staff.
- 8) Whether the proposed conditional use would be in conformance to and further enhance the implementation of the comprehensive plan.
- 9) Whether the relative gain to the public health, safety and general welfare outweighs the hardship impose on the applicant by not upgrading the value of the property by approving the conditional use.
- 10) Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected.
- 11) Such other factors as may be relevant from the facts and evidence presented in the application.

The uninhabitable homestead will be demolished due to the foundation and basement walls caving in. The roof is rotted and leaking, which has leaked into the walls of the home causing mold issues. The cost to fix the home exceeds the value. The farmstead has been vacant over 1 year and it is dilapidating rapidly.

There is no apparent detriment to the public health, safety or overall welfare if this application is approved, but not approving this application may impose hardship on the families affected.

Staff Recommendation

In light of the current regulation standards, I recommend denying this conditional use application for a manufactured home on an existing homestead.

I do believe we need to take a look at our current regulations and how flexible they are and possibly adjust the regulations so there is opportunity for this case. Higher construction standards changed in 1994, not 2001.