

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

### **Applicant**

Richard B. Forney  
74 Lakeshore Dr.  
Marion, KS 66861

### **Application**

Application number ZP04.001. Applicant has requested a front yard setback variance from fifty (50) feet to forty-five (45) feet in a "SR" Suburban Residential Zone District.

### **Project Description**

Mr. Forney owns part of the northwest quarter of section 10, township 20, range 4 adjacent to lot 48 of Lakeshore Addition at the Marion County Lake. Parcel is approximately one and eight tenths (1.8) acres

The proposed project is for a 400 square feet addition to the primary residential structure. A construction application has been received. A permit to construct has not been issued.

### **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 February 13, 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.

Addition has been constructed.

**Staff Recommendation**

Approve a front yard setback variance of no more than five (5) feet. (REASON: Structure is setback an equal distance from property lines as the adjacent property structures. Disapproval of variance will cause undo hardship upon applicant. Granting of variance will not adversely affect public safety.)