

Board of Zoning Appeals Staff Report

Applicant

Sue E. Talbot
417 N. School St.
Ness City, KS 67560

Application

Application number ZP02.005. Applicant has requested two side yard variances from ten (10) feet to six (6) feet in a "V-1" Suburban Residential Zone District. Applicant intends to construct an addition to the existing house.

Project Description

Sue Talbot owns less than one acre in lot 15 of Schlotthauer Subdivision number three A in the southeast quarter of Section 9, Township 20 South, Range 4 East. This property is located at the Marion County Lake.

The proposed project will consist of the construction of three additional rooms to the existing residence. A construction application has not been received.

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.

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.

Staff Recommendation

Approve two side yard variances of no more than four (4) feet.