

Board of Zoning Appeals Staff Report

Applicant

Roma Becker
1885 Jade
Hillsboro, KS 67063

Application

Application number ZP02.006. Applicant has requested a side yard variance from thirty (30) feet to twelve (12) feet in an "SR" Suburban Residential Zone District. Applicant intends to subdivide property and sell existing outbuilding with created tract.

Project Description

Roma Becker owns three and thirty-two tenths acres in the northeast quarter of Section 3, Township 20 South, Range 2 East. This property is located on the southeastern edge of the City of Hillsboro.

The proposed project would consist the subdivision and resale of two and thirty-two tenths acres with an existing outbuilding. The variance requested would apply to the created property line and the existing outbuilding.

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.

Similar application submitted by Roma Becker for May 25, 2000 B.Z.A. meeting.
Application number ZP00.040. Request not granted.

A right-of-way easement has been granted to the owner on the west side of property.

The City of Hillsboro Planning and Zoning Director has indicated that the granting of proposed variance would not be in future conflict with the zoning regulations of the City of Hillsboro.

Staff Recommendation

Approve side yard variance of no more than eighteen (18) feet. Advise individuals holding and individual whom granted easements for right-of way within northeast quarter of section 3 that right-of-way should be widened fifteen (15) feet for future compliancy with sub-division regulations. Failure to do so could result in unnecessary costs for supporting infrastructure of area.