

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

### **Applicant**

Don Fruechting  
1426 Pawnee  
Marion, Ks 66861

### **Application**

Application number ZP02.105 Applicant has requested a side yard variance from ten (10) feet to four (4) feet in a "V-1" Suburban Residential Zone District. Applicant intends to construct an addition to the residential structure.

### **Project Description**

Don Fruechting owns approximately one tenth (.1) of an acre in the southeast quarter of Section 9, Township 20 South, Range 4 East, lot 3 of Schlotthauer Subdivision. This property is located at the Marion County Lake.

The proposed project will consist of the construction of a primary structure addition. A construction application has been received. The proposed primary structure would be twenty-four (24) feet by (16) feet. The proposed structure will connect the existing primary structure to an existing secondary structure

### **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 January 10, 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.

Proposed structure will not be closer to property line than the existing structures.

Adjacent property has received a variance approval to construct a primary structure within the required ten (10) feet setback.

**Staff Recommendation**

Approve a side yard variance of no more than six (6) feet.