

Board of Zoning Appeals Staff Report

Applicant

Tom Reid
62 Lakeshore
Marion, KS 66861

Application

Application number ZP04.047. Applicant has requested a back yard setback variance from twenty (20) feet to one (1) feet and a front yard setback variance from thirty (30) feet to one (1) feet in a "V-1" Village Zone District.

Project Description

Mr. Reid owns Lot 26 of Lakeside Subdivision of the Marion County Lake.

The proposed project is for the construction of a garage. This would become a secondary structure two one of two existing residences. One residence would be removed. A construction application has not been received. The site is located within the Marion County Lake Improvement District.

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.

One written public comment has been received as of July 8, 2004.

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.

Lot is tri-angular in shape and adjacent to Lakeshore Drive as well as Jerome Street.

Staff Recommendation

Approve a front yard variance of ten (10) feet. Approve a back yard variance of ten (10) feet. Recommend garage be attached to primary structure. (REASONS: Consistent with BZA approvals of similar setback variance requests. Requested variances may create a public safety hazard.)

*Sewer easement
on Jerome St?*

*Private - subject to
approval from road
and bridge -*