

Board of Zoning Appeals Staff Report

Applicant

Monty C. Cruse Jr.
3916 E. Skinner
Wichita, KS 67218

Application

Application number ZP02.065. Applicant has requested a side yard variance from ten (10) feet to five (5) feet and a back yard variance from twenty (20) feet to five (5) feet in a "V-1" Suburban Residential Zone District. Applicant intends to construct an accessory structure.

Project Description

Monty Cruse Jr. and Donna G. Morrill own less than one acre in the southwest quarter of Section 10, Township 20 South, Range 4 East, lot 4 and west half of lot 5 Zellers 2nd Subdivision Addition and the west 25 feet of lot 7 and lot 8 Echo Lane Subdivision. This property is located at #12 Rock Rd, Marion.

The proposed project will consist of the construction of a secondary structure. 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. No public comments have been received as of July 10, 2002.

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 a side yard variance of no more than five (5) feet. Approve a back yard variance of no more than fifteen (15) feet. Recommend stating that an approval of variance does not give owner permission to construct in any recorded easement.