

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

### **Applicant**

Jeff Foster / Floyd Beck  
2709 N. Clarence  
Wichita, KS 67204

### **Application**

Application number ZP04.013. Applicant has requested a back yard setback variance from twenty (20) feet to ten (10) feet in a "V-1" Village Zone District.

### **Project Description**

Mr. Beck owns part of the southeast quarter of section 9, township 20, range 4, also known as Lot 1 of Schlotthauer Subdivision #2-A of the Marion County Lake. Parcel is approximately one quarter (.25) acre.

The proposed project is for a 1100 square feet primary residential structure. The structure would be thirty-one feet (31) by thirty-six (36) feet. A construction application has been received. A permit to construct has not been issued. 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.

No public comments have been received as of March 12, 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.

Lot may be partially inundated by lake water level.

Lot is not located in a Special Flood Hazard Zone.

Lot may contain unknown easements.

**Staff Recommendation**

Continue application to April 22, 2004 BZA meeting. Request that applicant obtain any and all existing easements related to parcel. Request that applicant provide a drainage control development plan.