

Planning Commission Staff Report

Applicant

Charles and Lynn Unruh
1473 240th
Marion, KS 66861

Application

Application number ZP04.011. Applicant is requesting a Conditional Use Permit for a guest house for nightly rental (Bed and Breakfast Facility) on an existing farmstead in an "RR" Rural Residential District.

Project Description

Mr. and Mrs. Unruh own approximately two (2) acres in the northeast quarter of Section 8, Township 19 South, Range 3 East. This property is located three miles north and two miles west of the Eastshore Subdivision. Mr. and Mrs. Unruh also own other "A" Agricultural District acreage adjacent to the requested CUP parcel.

This property contains one residence of approximately 1200 sq. ft. and a small two car garage. The private wastewater system that serves this property is compliant with the Marion County Sanitary Code.

The Conditional Use Permit requested would apply to residential structure and the garage as well as the surrounding area of less than two acres.

Refer to Development Plan and attachments for parking and access.

Planning Issues

The Public Hearing Notice and Adjacent Property Owner Notification has been completed in accordance with the Marion County Zoning Regulations and Kansas State Statutes.

No public comments have been received as of March 12, 2003.

In approving a conditional use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met unless otherwise reduced by specific reference in the recommendation of the planning commission or the approval of the governing body. The requirements may be made more stringent if there is potentially injurious effect, which may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public.

Factors to be considered in a conditional use permit recommendation:

- 1) Whether approval of the conditional use would be consistent with the intent and purpose of the Marion County Zoning Regulations.
- 2) Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood.
- 3) Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided.
- 4) Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected.
- 5) The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped.
- 6) Whether the applicant's property is suitable for the proposed use.
- 7) The recommendations of permanent or professional staff.
- 8) Whether the proposed conditional use would be in conformance to and further enhance the implementation of the comprehensive plan.
- 9) Whether the relative gain to the public health, safety and general welfare outweighs the hardship impose on the applicant by not upgrading the value of the property by approving the conditional use.
- 10) Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected.
- 11) Such other factors as may be relevant from the facts and evidence presented in the application.

Property is located adjacent to a gravel road.

Public access road dead ends into reservoir.

Staff Recommendation

Approve a recommendation for a Conditional Use Permit on two acres for a Bed and Breakfast Facility as presented in the development plan. Include recommendation to limit maximum occupancy to no more than twelve (12) total persons and no more than two (2) Recreational Vehicles on-site at any one time. Include recommendation that all RV wastewater be disposed of off-site. Include recommendation that all signage comply with Kansas Department of Transportation Signage Regulations. Include recommendation that all parking be provided for off street. Include recommendation that the cooking and drinking water supply be tested for sanitary conditions at least once a year.