

Board of Zoning Appeals Staff Report

Applicant

James and Peggy Unruh
1569 East 60th
Peabody, KS 66866

Application

Application number ZP02.049. Applicant has requested a back yard variance from fifty (50) feet to twelve (12) feet in an "RR" Rural Residential Zone District. Applicant intends to construct an addition to a large metal out building.

Project Description

Mr. and Mrs. Unruh own approximately one and three tenths (1.3) acres in the northeast quarter of Section 9, Township 22 South, Range 3 East. This property is located adjacent to the southern boundary of the City of Peabody.

The proposed project will consist of an addition to two sides of an existing secondary structure. When construction is completed the secondary structure will measure 64' by 80'. A construction application has 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 5/10/02.

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 back yard variance of no more than thirty-eight (38) feet.