

Board of Zoning Appeals Staff Report

Applicant

Morning Star Church
2925 Goldenrod
Durham, KS 67438

Application

Application number ZP06.031. Applicant has requested a front yard setback variance from seventy-five (75) feet to forty-five (45) feet in an "A" Agricultural Zone District. A thirty (30) feet variance.

Project Description

The Trustees of the Morning Star Church own three and eight tenths (3.8) acres in the southeast quarter of Section 7, Township 18 South, Range 2 East. This property is located one mile northwest of the City of Durham. Applicant intends to construct a small carport. Structure will be attached to existing residence. A construction application has not been received.

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 May 5, 2006.

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 front yard setback variance of no more than thirty (30) feet. (REASON: Variance desired will not adversely affect safety.)