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to Lehigh*

**MARION COUNTY PLANNING COMMISSION
BOARD OF ZONING APPEALS**

STAFF REPORT

April 14, 2016

TO: Marion Planning Commission / Board of Zoning Appeals
FM: David L. Yearout, AICP, CFM, Planning Consultant
SUBJECT: Z-HLS-16-02 – Request seeking a Homestead Agricultural Lot Split to create a lot of 8.192 acres accessible by a travel easement on property located at 330 Highway 56, Peabody, Marion County, Kansas.

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This is the request of Kenny R. and Elaine S. Schmidt, owners, seeking a Homestead Agricultural Lot Split to create a lot of 8.192 acres in Section 28, Township 19 South, Range 1 East; on property located at 330 Highway 56, Peabody, Marion County, Kansas.

Staff was first contacted by the applicants in April, 2016, regarding the desire to split the exiting home from the balance of the property. Following discussions with the surveyor for this project, and application was made and a public hearing set to consider this request.

The Planning Commission will recall the Subdivision Regulations were amended within the last couple of years to provide a mechanism to accommodate this type of land division and utilize access easements to existing homesteads when the owners desired to sever the homestead from the balance of the property. To qualify as a regular Agricultural Lot split, the property created must have actual frontage on an existing public road. The division does not rise to that standard; hence, the Homestead Agricultural Lot Split.

As shown on the attached Homestead Lot Split Survey document, the created lot is accessible by an easement, which also serves as a utility easement for the homestead. The approval of this request, and subsequent recording of this document, the easements are established and usable by the public and all utilities.

Staff Recommendation: Staff recommends the Homestead Agricultural Lot Split application of Kenny R. and Elaine S. Schmidt, owners, seeking a Homestead Agricultural Lot Split to create a lot of 8.192 acres in Section 28, Township 19 South, Range 1 East; on property located at 330 Highway 56, Peabody, Marion County, Kansas, be approved subject to the preparation of the Homestead Lot Split mylar be completed as required by the Marion County Subdivision Regulations, properly executed and submitted to the staff; along with the execution of the Homestead Lot Split Agreement between Kenny R. and Elaine S. Schmidt and Marion County, Kansas, before the matter goes to the Board of County Commissioners.