

Klenda

(1)

Board of Zoning Appeals Staff Report

Applicant

Richard Klenda
3040 Old Mill Rd.
Lincolnville, Ks 66858

Application

Application number ZP01.095. Applicant has requested a side yard variance from fifty (50) feet to thirty (30) feet in a "A" Agricultural Zone District. Applicant intends to construct an accessory structure.

Project Description

Richard Klenda owns approximately one hundred and sixty (160) acres in the southwest quarter of Section 3, Township 18 South, Range 3 East. This property is located seven miles west and one mile north of the City of Lincolnville.

The proposed project will consist of the construction of a secondary structure. A construction application has been received for an eighty (80) feet by sixty (60) feet pole shed workshop.

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.

One public comment was received from the adjacent landowner, Scully Partners L.P., in favor of the application.

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.

Applicant began construction without a permit to construct.

Staff Recommendation

Approve side yard variance of no more than twenty (20) feet