

2

Dannenfesler

Board of Zoning Appeals Staff Report

Applicant

C.F. Dannenfesler
10 Lakeshore Dr.
Marion, KS 66861

Application

Application number ZP01.096. Applicant has requested a back yard variance from twenty (20) feet to ten (10) feet in a "V-1" Suburban Residential Zone District. Applicant intends to construct an accessory structure.

Project Description

C.F. Dannenfesler owns less than one acre in lots 1 and 2 of Schlotthauer Subdivision in the southeast quarter of Section 10, Township 20 South, Range 4 East. This property is located at the Marion County Lake.

The proposed project will consist of the construction of a secondary structure to be used as a garage. A construction application has not 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.

Two public comment letters of support have been received as of November 2, 2001.

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 a back yard variance of no more than ten (10) feet.