

Board of Zoning Appeals Staff Report

Applicant

Dean Armstrong
Box 5
Florence, KS 66851

Application

Application number ZP02.101. Applicant has requested a front yard variance from thirty (30) feet to twenty (20) feet, a side yard variance from ten (10) feet to eight (8) and a side yard variance from ten (10) feet to five (5) feet in a "V-1" Village Zone District.

Project Description

Mr. Armstrong owns lot 13 of the Schlotthauer Subdivision at the Marion County Lake. The address of this property is #30 Lakeshore Dr.

The proposed project will consist of the reconstruction of the primary structure and an addition of a garage to the primary structure. An incomplete construction application has been received. Applicant has begun construction without a permit to construct.

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 October 11, 2002.

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 front yard variance of no more than ten (10) feet. Approve a side yard variance of no more than five (5) feet on both the East and West Property Lines.