

Planning Commission Staff Report

Applicant

Applicant: Juanita Furrer
Landowner: Nancy Gibson
559 210th
Hillsboro, KS 67063

Application

Application number ZP-10-07. Applicant is requesting a conditional use permit for a 1965 Single Wide Manufactured Home in the "RR" Rural Residential District.

Project Description

Nancy Gibson owns approximately three (3) acres in part of the N/2 NE/4 of Section 26, Township 19 South, Range 1 East. This site is located 1 mile east of the City of Lehigh.

This property currently has two residential structures onsite. The original 1910 farmhouse and a 1965 single wide manufactured home. The single wide MH has not been permitted. It was brought in without obtaining a permit. The P&Z office became aware of the MH after being contacted to obtain a new 911 address. The single wide MH has a separate septic system from the original farmhouse. It was used by a previous MH that was torn down about 5 years ago. The single wide has water provided by the primary house, which is rural water.

Juanita would like to continue to reside in this MH to assist her grandparents in maintaining their property and land.

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 comment letters have been received as of September 13, 2010.

In approving a conditional use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met unless otherwise reduced by specific reference in the recommendation of the planning commission or the approval of the governing body. The requirements may be made more stringent if there is potentially injurious effect, which may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public.

Factors to be considered in a conditional use permit recommendation:

- 1) Whether approval of the conditional use would be consistent with the intent and purpose of the Marion County Zoning Regulations.
- 2) Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood.
- 3) Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided.
- 4) Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected.
- 5) The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped.
- 6) Whether the applicant's property is suitable for the proposed use.
- 7) The recommendations of permanent or professional staff.
- 8) Whether the proposed conditional use would be in conformance to and further enhance the implementation of the comprehensive plan.
- 9) Whether the relative gain to the public health, safety and general welfare outweighs the hardship impose on the applicant by not upgrading the value of the property by approving the conditional use.
- 10) Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected.
- 11) Such other factors as may be relevant from the facts and evidence presented in the application.

Staff Recommendation

Deny a recommendation for a conditional use permit on three (3) acres. Marion County's current regulations state no manufactured home shall be permitted to be located which does not bear a label certifying that it meets the requirements of the latest version of the National Manufactured Home Construction and Safety Standards or that was constructed prior to July 13, 1994.