

Board of Zoning Appeals Staff Report

Applicant

Paul R. Morse
2033 Ridgeview Rd
Salina, KS 67401

Variance requested for Lot 7 Pioneer Court at the Marion County Lake.

Application

Applicant is requesting a rear yard variance in the "V" Village Zoning District to extend an existing garage that will be 5 feet from the rear property line.

Project Description

The proposed project would utilize the existing 18 x 20 garage and add an additional 10' on the side adjacent to the rear property line, to make the garage 28 x 20. This project would be consistent with the variance granted on the neighboring property, also owned by the applicant.

Planning Issues

The Public Hearing Notice and adjacent property owner notification was completed in accordance with the Marion County Zoning Regulations. No comments have been received as of September 20, 2007.

Yard variances are provided for in the Zoning Regulations to relieve hardships caused by exceptional narrowness, shallowness or shape of a specific piece of property. Typically lots are large enough to provide ample building space. Mr. Morse has received a variance to 5' on the adjacent lot (Lot 6) in the past. He would like these two properties to have the same setbacks.

The 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 an action or actions of the property owner (s) or of the applicant. There was no zoning in the county at the time the garage was constructed.

2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. The rear yard variance will not adversely affect adjacent property owners.
3. The strict application of the provisions of the 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. The variance will not adversely affect the public.
5. That granting the variance will not be opposed to the general spirit and intent of these Regulations. The purpose of the variance is to provide relief where normal adherence to the Regulations is not possible.

Staff Recommendation

Approve a rear yard variance of no more than 5 feet.

