

AGENDA

RILEY COUNTY BOARD OF ZONING APPEALS

**Monday, October 19, 2009
1:30 p.m.**

**Riley County Office Building
2nd Floor Meeting Room**

1. Consider the minutes of the May 18, 2009 meeting.
2. Consider the request of Ronald A. Cheney, owner, for a variance authorization to reduce the front yard (north property line) building setback requirement from 25 feet to 20 feet (Lot 43B Sam N. Rogers Subdivision).



PLANNING & DEVELOPMENT

STAFF REPORT

Variance

PETITION: # 09-13 Variance

APPLICANT: Ron Cheney
2408 Rogers Blvd
Manhattan, KS 66502

PROPERTY OWNER: Ronald A. Cheney
2408 Rogers Blvd
Manhattan, KS 66502

TYPE OF REQUEST: A variance to reduce the front yard (north property line) building setback requirement from 25 feet to 20 feet (Lot 43B Sam N. Rogers Subdivision).

SIZE OF TRACT: The subject site is approximately .9 acres.

LOCATION: Generally located approximately 330 feet west of College Avenue, on the south side of Marion Avenue; Section 36, Township 9 South, Range 7 East; Manhattan Township.



BACKGROUND: The subject property consists of two contiguous lots Lots 43A and 43B of the Sam N. Rogers Subdivision, originally platted in February 1957. Each lot is approximately one half acre in size. Lot 43A is developed with a single family dwelling, while Lot 43B is developed with an accessory structure (garage) that serves the house on Lot 43A. The garage is situated lengthwise from north to south. Although Lots 43A and 43B together form a single ownership parcel, each lot is still subject to building setback requirements of the "A-1" (Single Family Residential) zoning district. The Applicant wishes to expand on the existing accessory structure to allow for storage of a boat. However, due to the site being served by on-site sewer and water systems on an undersized parcel (sanitary code), there is a limited number of options to allow for the expansion of the aforementioned structure. Thus, the Applicant is requesting a variance to reduce the front yard (north property line) building setback requirement from 25 feet to 20 feet (Lot 43B Sam N. Rogers Subdivision) in order to build onto the north side of the existing garage.

DESCRIPTION:

Physical site characteristics: (see background)

General character of the area: The area consists primarily of suburban residential dwellings at an urban/suburban density, with paved streets (no curb/gutter) and served by on-site sewer and water systems (pre-sanitary code).

ZONING:

Zoning History: The subject property was zoned "A-1" (Single Family Residential) as part of the Zoning Conversion Process of 1974 (Pet #21). No conditional uses or variances are associated with the subject property.

STAFF EVALUATION OF VARIANCE CRITERIA:

- a. **The variance request arises from conditions which are unique to the property in question and which are not ordinarily found in the same zone or district and that such conditions are not created by an action of the owner or applicant.**

Typically, the "A-1" (Single Family Residential) zoning district, which has a 10,000 sq. ft. minimum lot size, is permitted only if a site is proposing to be served by central/municipal sewer and water. The site was platted and rezoned years before the Riley County Sanitary Code was adopted, allowing the site to continue ("grandfathered") to use on-site systems (water well and septic system). Thus, the need to maintain open space for existing systems or for the eventual relocation of a replacement system, on a property that is already undersized, severely limits the amount of buildable area on a lot. Therefore, this may be considered a condition that is unique to the property and not ordinarily found in the same zoning district.

- b. **The granting of the variance will not adversely affect the rights of adjacent property owners or residents.**

Adjacent property owners should not be adversely affected by the request.

- c. The strict application of the provisions of the zoning regulations from which the variance is requested will constitute unnecessary hardship upon the property owner or applicant.**

As mentioned previously, the need to maintain open space for existing systems or for the eventual relocation of a replacement system, on a property that is already undersized, severely limits the amount of buildable area on a lot. Thus, the Applicant is left with little choice but to seek a variance to build onto the north end of the existing garage. To accommodate the limitations of the lot and expand the structure to a practical size, a variance is needed to reduce the required front yard setback. Denying the request for a variance could constitute an unnecessary hardship upon the property owner.

- d. The variance requested will not adversely affect the public health, safety and welfare.**

The granting of the variance should not adversely affect the public health, safety and welfare.

- e. The granting of the variance will not be opposed to the general spirit and intent of the regulations.**

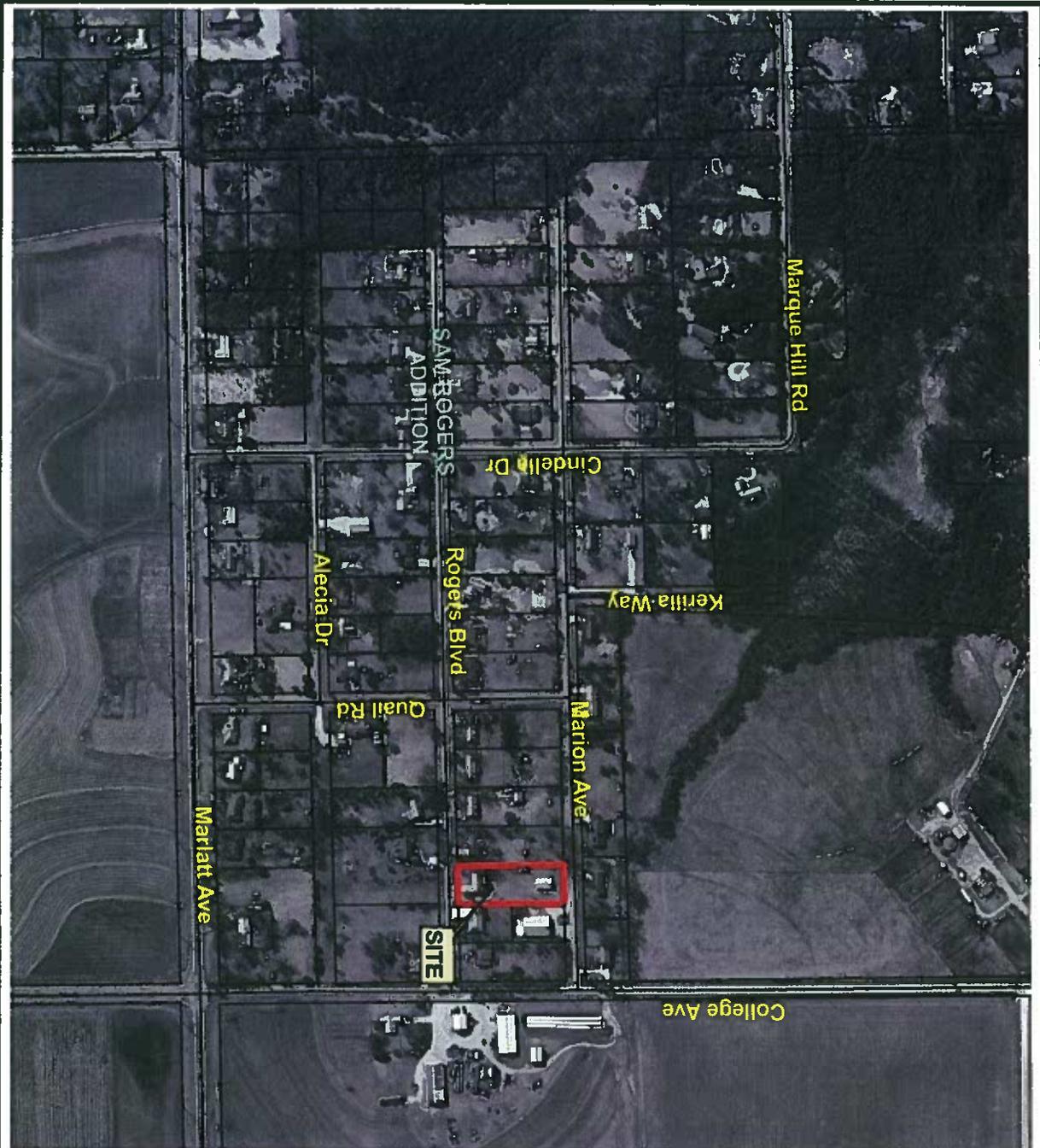
According to the criteria for variance approval set forth in the Riley County Zoning Regulations, Section 20 (4), the granting of the request will not violate the general spirit and intent of the regulations.

STAFF RECOMMENDATIONS: Staff recommends that the requested variance, to reduce the front yard (north property line) building setback requirement from 25 feet to 20 feet (Lot 43B Sam N. Rogers Subdivision), be approved.

ATTACHMENTS:

- Vicinity/site map
- Surrounding zoning map

Prepared by: Bob Isaac, Planner
October 5, 2009



VICINITY & SITE

Cheney

Petition #09-13

Variance

Reduce front yard setback

36-9-7

