

**STAFF REPORT**

City of Arkansas City Neighborhood Services Division

Josh White, Principal Planner

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BZA-2021-209APPLICANT/PROPERTY OWNER
Brandon JellingsPUBLIC HEARING DATE
November 9, 2021PROPERTY ADDRESS/LOCATION
306/308 S 2nd Street**BRIEF SUMMARY OF REQUEST**

Brandon Jellings has requested a variance to the minimum lot size regulations. The subject property is located at 306/308 S 2nd Street. The property is currently developed with two homes. The area surrounding the property is residential and commercial. Residential surrounds the property with the exception of a hair salon at the northeast corner. There is a church to the southeast and the college campus is off to the northwest. The applicants are planning a lot split that splits 308 S 2nd from 306. This will result in a lot that does not meet the minimum size requirements for the district. Regulations allow for a minimum lot size of 5,600 square feet. The proposal is for a lot that is only 4,712 square feet. The proposed side yard will also be 4.3 feet which is less than the required 10 feet. The property is approximately 0.44 acres. Staff recommends approval of both variances



Map data ©2021 Esri World Topographic map

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| EXISTING ZONING R-3 High Density Residential District | EXISTING LAND USE Single Family Residential | SURROUNDING ZONING North-R-3 South-R-3 West-R-3/P East-R-3/P | SITE IMPROVEMENTS Single Family Dwellings and accessory structures | SIZE OF PROPERTY Existing: 162.5'X132' Proposed: 35.7'X132' and 126.8'X132' |
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STAFF RECOMMENDATION☒ **APPROVE**☐ **APPROVE WITH CONDITIONS**☐ **DENY****DOES STRICT ADHERANCE TO THE REGULATIONS REPRESENT AN UNNECESSARY HARSHIP ON THE APPLICANT?**

The strict application of the zoning regulations would cause the applicant to not be able sell the second house separately.

PROPERTY HISTORY

The property has been developed with a single family home built in 1920. A second home was also built in 1920 according to county records. An addition was added in 2019 to the main home along with a pool shortly after. The detached garage was built about 1930. No other land use cases were found to be on file for this property.

RELIEF SOUGHT:

- A variance for a lot split that would result in a lot size of 4,712 square feet.
- A variance to allow a side yard setback of 4.3 feet

Findings

In order to consider a request for a variance, the Board of Zoning Appeals must make written findings of facts that the following conditions apply to the property in question.

1. Does the variance requested arise from a 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 action of the property owner or applicant?

Not technically. However, the second home was built prior to any regulations on setbacks or minimum lot sizes.

2. Will the granting of the variance adversely affect the rights of adjacent property owners?

No, there are already similar sized lots created prior to the regulations in this neighborhood.

3. Will the strict application of the provisions of the zoning regulations of which the variance is requested constitute unnecessary hardship upon the property owner represented in the application?

The strict application of the zoning regulations would cause the applicant to not be able sell the second house separately.

4. Will the variance desired adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare?

The variance desired will not affect the public health, safety morals, order, convenience, prosperity or general welfare.

5. Will the granting of the variance be opposed to the general spirit and intent of the zoning regulations and Comprehensive Plan objectives?

The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations or Comprehensive Plan objectives. Granting of variances to setbacks is a common occurrence when specific provisions create a hardship on the applicant. Also, there are already similarly sized lots in the neighborhood.

6. The recommendations of professional staff;

It is the recommendation of staff that a variance for a lot split that would result in a lot size of only 4,712 square feet be approved based on the following conclusions:

- The strict application of the zoning regulations would cause the applicant to not be able sell the second house separately.
- The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations or Comprehensive Plan objectives.

It is the recommendation of staff that a variance to allow a side yard of 4.3 feet be approved based on the following conclusions:

- The structure is pre-existing and will still be 9.2 feet from the existing garage and more than 10 feet from the other home.
 - The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations or Comprehensive Plan objectives.
 - The structures were all built previous to the current regulations regarding setbacks.
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