

FRANKLIN COUNTY

To:	Franklin County	Reviewed:	
	Board Of County Commissioners		
From:	Larry D. Walrod <i>LW</i>	Extension:	3571
	Planning & Building Dept.		
Date:	March 11 th , 2009	No.	

ITEM:

Hardship Mobile Homes

BACKGROUND:

Pursuant to the direction of the Board of County Commissioners, the Franklin County Planning Commission considered the intent and purpose of the provisions for hardship mobile homes, as provided in Article 24 of the County Zoning Regulations, at their regular meeting of February 19th, 2009.

DISCUSSION:

The Planning Commission discussed the requirements of Section 24-2.01.7 of the Zoning Regulations permitting Temporary Hardship Mobile Homes. Chairman McClure stated that the hardship mobile homes were added to the Zoning Regulations in May 2000. Prior to that time, such uses were only permitted after approval of a Variance by the Board of Zoning Appeals. The criteria used for granting hardship mobile homes currently is the typical requirements established by the Board of Zoning Appeals when they approved a "Hardship" Variance.

Other discussion followed noting that Franklin County did not have Multiple Family Zoning wherein more than one dwelling was permitted per lot or tract.

The Planning Commission realized that there are situations throughout the County where there are or have been more than one dwelling per lot or tract but also noted that these were being corrected either by rezoning and dividing the property or by removing the second dwelling unit.

Most of the current situations where two or more dwelling units exist on the same parcel or tract were there prior to zoning and are considered non-conforming uses. As these units are destroyed or moved away they will lose those "grandfathered rights" and will not be able to be replaced. The Planning Commission agreed that the County Zoning Regulations regarding nonconforming uses was necessary and totally appropriate whether it involved second dwelling units or other nonconforming uses and structures.

RECOMMENDATION:

After reviewing the current provisions and requirements involving non-conforming uses, second dwelling units and temporary hardship mobile homes the Planning Commission, by a unanimous vote of those present, moved to forward a recommendation to the Board of County Commissioners that the current Franklin County Zoning Regulations were adequate to serve the citizens of Franklin County, where in compliance with the Goals and Objectives of the County Comprehensive Plan and were consistent with the Kansas Statutes.

STAFF COMMENTS:

If the Board of County Commissioners finds that it would be in the County's interest to change the current policies to modify the Temporary Use Permit provisions or other portions of the County Zoning Regulations, please be advised that such changes must be done in accordance with K.S.A. 12-757.

ATTACHMENTS:

Memorandum

MEMORANDUM

TO: Franklin County
Board of County Commissioners

DATE: February 23, 2009

FROM: Larry D. Walrod *LDW*
Planning Director

DEPT: Franklin County
Planning Department

RE: Hardship Mobile Homes

CC:

BACKGROUND:

Pursuant to the direction of the Board of County Commissioners, the Franklin County Planning Commission considered the intent and purpose of the provisions for hardship mobile homes, as provided in Article 24 of the County Zoning Regulations, at their regular meeting of February 19th, 2009.

DISCUSSION:

The Planning Commission discussed the requirements of Section 24-2.01.7 of the Zoning Regulations permitting Temporary Hardship Mobile Homes. Chairman McClure stated that the hardship mobile homes were added to the Zoning Regulations in May 2000. Prior to that time, such uses were only permitted after approval of a Variance by the Board of Zoning Appeals. The criteria used for granting hardship mobile homes currently is the typical requirements established by the Board of Zoning Appeals when they approved a "Hardship" Variance.

Other discussion followed noting that Franklin County did not have Multiple Family Zoning wherein more than one dwelling was permitted per lot or tract.

The Planning Commission realized that there are situations throughout the County where there are or have been more than one dwelling per lot or tract but also noted that these were being corrected either by rezoning and dividing the property or by removing the second dwelling unit.

Most of the current situations where two or more dwelling units exist on the same parcel or tract were there prior to zoning and are considered non-conforming uses. As these units are destroyed or moved away they will lose those "grandfathered rights" and will not be able to be replaced. The Planning Commission agreed that the County Zoning Regulations regarding nonconforming uses was necessary and totally appropriate whether it involved second dwelling units or other nonconforming uses and structures.

RECOMMENDATION:

After reviewing the current provisions and requirements involving non-conforming uses, second dwelling units and temporary hardship mobile homes the Planning Commission, by a unanimous vote of those present, moved to forward a recommendation to the Board of County Commissioners that the current Franklin County Zoning Regulations were adequate to serve the citizens of Franklin County, where in compliance with the Goals and Objectives of the County Comprehensive Plan and were consistent with the Kansas Statutes.

STAFF COMMENTS:

After reviewing the recommendation of the Planning Commission, if the Board of County Commissioners determine that it is in the interest of Franklin County to modify the current policies regarding Temporary Hardship Mobile Homes or permitting second dwelling units on the same tract or parcel, it will be necessary to refer this matter back to the Planning Commission to set a hearing to consider the necessary changes.

K.S.A. 12-757 provides that amendments to the Zoning Regulations may be initiated by the Governing Body or Planning Commission. Such amendments shall first be submitted to the Planning Commission for recommendation. The Planning Commission shall hold a public hearing pursuant to K.S.A. 12-756 and report their recommendation to the Board of County Commissioners for final action.

If there are modifications which would reduce the 3 acre minimum lot size for each on-site sanitation system to anything else then an amendment to the County Sanitation Code will also be required.