



To: Franklin County Board of County Commissioners
From: Pat Toth
Department: Planning & Building
Date: Wednesday, November 8, 2023

AGENDA ITEM NARRATIVE

Consider approval of Special Use Permit Application #2308-2082 (Voth) to allow for a small seasonal hunting cabin in an A-1, Agricultural Zoning District.

BACKGROUND

The applicant is requesting a Special Use Permit for the placement of a small seasonal hunting cabin in an A-1, Agriculture Zoning District.

The proposed site is currently known as 1431 Jackson Road and is located on the North side of Jackson Road and on the West side of Idaho Road, in the Southeast Quarter (SE ¼) of Section 26, Township 17 South, Range 18 East.

On June 6, 2023, the County Building Department received a building permit application from Ben Voth to move a pre-built 264 square foot cabin, constructed by USD #289, to the 60.00-acre property that is currently zoned A-1, Agriculture District.

The applicant states this would be a weekend cabin that sits back in a very timbered area. Since it will be a weekend cabin, there won't be much water usage to justify a full septic system. The applicant would like to install a large holding tank that would be pumped on an as needed basis. There is a letter on file from Rural Water District #4 that the applicant does own a water meter at this location.

According to Article 7: Regulations for Holding Tanks, Section 2.A.1, Permit Qualifications, A, Land Use, states: "Holding tanks may be permitted or operated for such uses as seasonal cabins, camping facilities, auctions, public or private schools, golf courses and other recreational activities when such uses are approved by a Special Use Permit as provided in the Franklin County Zoning Regulations." In addition to the listed uses, Section 4-3.01.15 also permits the Planning Commission to approve other similar uses.

Notice of the hearing letters were sent to nineteen (19) surrounding property owners. No comments for or against the special use permit were received by the Planning Department and no one appeared at the public hearing.

The Planning Commission has recommended approval of the Special Use Permit to allow for a small seasonal hunting cabin in an A-1, Agricultural Zoning District based on the findings and subject to the conditions listed in the Resolution with a 7-1 vote.

STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners approve Special Use Permit Application #2308-2082 (Voth) to allow for a small seasonal hunting cabin in an A-1, Agricultural Zoning District based on the findings and subject to the five (5) conditions recommended by the Planning Commission.

SPECIFIC ACTION REQUESTED

An Affirmative motion in support of this item would read as follows: "I make a motion to approve Special Use Permit Application #2308-2082 (Voth) to allow for a small seasonal hunting cabin in an A-1, Agricultural Zoning District based on the findings and subject to the five (5) conditions cited in the attached Resolution".

ATTACHMENTS

Applicant Submittals

Countywide Map

Zoning Map

Floodplain and Road Classification Map (2)

Aerial Photo (2)



Franklin
COUNTY KANSAS

EST. 1855

**Board of County Commissioners
Franklin County, Kansas**

Resolution 23-

**A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #2308-2082
(VOth) TO ALLOW FOR A SMALL SEASONAL HUNTING CABIN IN AN A-1,
AGRICULTURAL ZONING DISTRICT**

WHEREAS, Franklin County, Kansas is a county municipal government, organized pursuant to K.S.A. 19-101; and

WHEREAS, The Franklin County Board of County Commissioners did adopt Resolution # 23-91 creating the Franklin County Planning Commission as provided in K.S.A. 12-744; and

WHEREAS, the Franklin County Planning Commission did publish notice on September 20, 2023 that public hearing would be held to consider Special Use Permit application #2308-2082 (Voth) as required by K.S.A. 12-757 and Article 23, Section 23-5.02 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on October 19, 2023 hold a public hearing for the consideration of Special Use Permit application #2308-2082 (Voth) to allow for a small seasonal hunting cabin in an A-1, Agricultural Zoning District; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14th, 2002 which included Article 23, Section 23-1 through 23-5 setting out the procedures and basis for review in considering a Special Use Permit including the following criteria:

- a. Whether the use is in compliance with, and would further enhance the implementation of, the adopted Comprehensive Plan;
- b. Whether the use complies with the purpose and intent of the adopted Zoning Regulations;
- c. Whether the use complies with other adopted standards of the County;
- d. Whether the use fits the character of the neighborhood
- e. Whether the use would be unduly detrimental to surrounding properties and uses;
- f. The suitability of the subject property for the proposed use;
- g. Approval of mitigation measures to minimize impacts to surrounding properties or services; and

WHEREAS, the Planning Commission, after due consideration of the criteria set forth in Article 23, Section 23-5.04 of the County Zoning Regulations, the relative factors of the Supreme Court case of Golden vs. City of Overland Park, together with all written reports and public testimony, the Planning Commission, by majority of its membership did find the following:

1. That the Special Use Permit is consistent with the County Zoning Regulations
2. That the Special Use Permit is in conformance with, and would further enhance, the County Comprehensive Plan
3. That, as conditioned, the Special Use Permit will not overburden the County roads and other public services.
4. That, as conditioned, the Special Use Permit will not unduly affect the character of the surrounding community.
5. That, as conditioned, the Special Use Permit will not impact property values of the surrounding properties.
6. That, as conditioned, the Special Use Permit will comply with all other County Codes and Regulations
7. That the subject property is suitable for the proposed use.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners does hereby approve Special Use Permit Application #2308-2082 (Voth) as follows:

Section 1: Special Use Permit #2308-2082 (Voth) is granted for the following described property:

Beginning at the Southeast Corner of the Southeast Quarter of Section 26, Township 17 South, Range 18 East of the 6th P.M., Thence South 88°11'00" West 1442.34 feet along the South line of said Quarter Section to the true point of beginning; Thence North 01°49'00" West 623.13 feet; Thence North 88°10'59" East 717.81 feet; Thence South 37°36'21" East 327.88 feet to a point on the North line of a tract of land condemned for highway purposes as described in district Court Case No. 24-956; Thence North 20°27'00" East 296.12 feet along said line; Thence North 51°41'00" East 406.10 feet along said line; Thence North 04°16'00" East 150.80 feet; Thence North 21°02' East 143.9 feet (Deed) North 20°57'40" East 143.60 feet (Measured) to a point on the South line of the Old Mt. Pleasant Cemetery; Thence North 88°33'13" East 30 feet to the East line of the Southeast Quarter; Thence North 01°26'47" West 308.88 feet along said East line of said Quarter to the new Southeast Corner of the Mt. Pleasant Cemetery; Thence North 89°22'15" West 222.57 feet along the existing fence of the Mt. Pleasant Cemetery to the new Southwest Corner of said Cemetery; Thence North 01°26'47" West 277.06 feet to the original Northwest corner of said Cemetery; Thence South 88°33'13" West 1843.39 feet; Thence South 01°31'10" East 1762.34 feet to a point on the South line of said Quarter Section; Thence North 88°11'00" East 621.27 feet to the true point of beginning, Franklin County, Kansas.

Section 2: The Special Use Permit for the real property described above shall be authorized for a small seasonal hunting cabin pursuant to the Franklin County Zoning Regulations and subject to the following conditions:

1. That the Special Use Permit is granted to permit the construction and use of one (1) 264 square foot seasonal hunting cabin for the property owner.
2. That the applicant shall obtain appropriate building permits for any new construction or re-construction of the cabin subject to the Franklin County Building Codes and shall maintain the minimum front yard setbacks.
3. That the applicant shall obtain appropriate sanitation permit for the proposed holding tank and for any new sanitation facilities subject to the Franklin County Sanitation Code.

4. The applicant shall have a licensed pumper provide a yearly log of the dates the system was pumped and the location of where the sewage was disposed to the Franklin County Planning Department
5. That the Special Use Permit shall be null and void by operation of law if said permit has not been initiated and utilized by commencing the activity or use at the site specified in said permit within one (1) year of the date of approval.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 8th day of November, 2023. This action shall become effective upon publication in the official county newspaper.

Ianne Dickinson
Chair

Received and recorded this 8th day of November, 2023.

Janet Paddock
County Clerk