



STAFF REPORT

ON AN APPLICATION FOR: A VARIANCE under the terms of the Douglas County Zoning and Land Use Regulations of Douglas County, Kansas, an application from Tracie Alexander and Roy Ingelse of 519 N 750 Rd, to allow for the extension of the use of a Temporary Housing Unit (RV) during construction of a Primary Residence, not to exceed two calendar years. Pursuant to quasi-judicial precedent established by the Douglas County Board of Zoning Appeals, which established the Temporary Secondary Dwelling Affidavit/Application as an administrative function of the Zoning Director.

APPLICANT/OWNER: Tracie Alexander and Roy Ingelse

LOCATION: 519 N 750 Rd.

AREA: 10 Acre

DATE OF PUBLIC HEARING: February 15, 2021

DATE PUBLIC NOTICE PUBLISHED: January 29, 2021

PRESENT LAND USE: AG-2, Transitional Agricultural

SECTION AND REQUIREMENT OF ORDINANCE PERMITTING VARIANCE:

- Pursuant to quasi-judicial precedent established by the Douglas County Board of Zoning Appeals, which established the Temporary Secondary Dwelling Affidavit/Application as an administrative function of the Zoning Director.
 - Post February 2020, RV/Campers are permitted by administrative approval for temporary use not to exceed two calendar years during the construction of a primary residence.
 - Prior to February 2020, RV/Campers were considered multi-family dwellings, subject to approval by the Board of Zoning Appeals.

DESCRIPTION OF VARIANCE REQUESTED: The subject property is a 10 acre “buildable” interior parcel gaining frontage from N 750 Road. The applicant began construction prior to July 2016 without a valid building permit and was issued a building permit in July of 2016. In 2017, Zoning and Codes received multiple neighbor complaints regarding an RV being stored on a parcel without a residence, construction materials/debris scattered on the property and blowing onto neighboring properties. In July, 2017, the owner was subsequently sent a violation letter detailing the violations that needed to be remedied. I will note that the mailing address that County records had on file were incorrect which may have slowed down the remediation process. That same month, the prior Zoning and Codes director, Sean Reid, corresponded with Ingelse via email requiring him to cease work due to significant errors in the construction process. Between 2018 and 2019, Building Codes offered multiple extensions by request of the applicant. Typically, building permits are valid for 180 days. Upon completion of a “passed”

inspection, the life of the permit is administratively extended to a full 180 days. Ultimately, the building permit expired August 2020 without sufficient progress made. Unfortunately, construction on the site continued without a valid permit and the camper remained on site. November 2020, Ingelse was issued a stop work order and instructed that no building permit would be issued until the RV was removed from the site or he gained approval from the Board of Zoning Appeals, back taxes were paid on the lot, and demonstrate that the applicant had the financial ability to finish construction.

STANDARDS FOR VARIANCES

- A. **That the variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning district; and is created by this Resolution and not by an action or actions of the property owner or the applicant**

It is common practice for construction sites to have office and storage spaces on site. These allow the homeowner to find relief from the elements as well as review plans. Storage allows the homeowner to maintain their tools on site in a safe manner. Staff do not find any circumstances that would be categorized as unique to this specific situation as this project is owner-builder and has no construction crew.

- B. **Granting the variance would not adversely affect the rights of adjacent property owners or residents**

Adjacent property owners have dealt with a parcel that has been poorly maintained and that has created multiple nuisances over time. By allowing the camper remain on the property, the owner has stated that the construction of the residence can continue and will be completed. Completion of the construction and cleanup of the parcel is the goal of Zoning and Codes

- C. **The strict application of the regulations for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application**

The strict application of these regulations would require the applicant to transport supplies off and onto the site on a regular basis or find another means to secure items during construction. This could make the construction process more difficult for the applicant. Alternatively, there is an RV/Camper storage facility nearby, or the applicant can place storage materials in structures of less than 200 sq. ft. on the property without a building permit. The applicant could also utilize a portable pull trailer to carry materials off and onto the site as needed.

- D. **The variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare**

Approving the extension of the RV itself would not adversely affect the public health, safety, morals, or order of the neighborhood as many residents own RV's and Campers. The primary difference is that other owners are storing their campers/RV's on land with a residence and/or within an existing structure.

- E. **Granting the variance desired would not be opposed to the general spirit and intent of these Regulations**

Campers and RV's have historically been a nuisance in Douglas County and the current regulations exist to ensure that they do not continue to expend large amounts of staff time and county resources. The intent behind the regulations is to prohibit RV's on vacant parcels, with

the caveat that they can be located on a vacant parcel during construction for a maximum of 2-years with a valid building permit. Current Zoning Regulations allow Campers/RV's to be pulled on and off a site, not to exceed 14 calendar days.

F. Agency Comments

N/A

STAFF RECOMMENDATION

County Staff recommend denial for an application from Tracie Alexander and Roy Ingelse of 519 N 750 Rd, to allow for the extension of the use of a Temporary Housing Unit (RV) during construction of a Primary Residence, not to exceed two calendar years. County Staff recommend the RV remain off site and stored at an RV park.

Prepared by: Dre'Veil Taylor, Zoning Specialist

Date: 2/2/2021