

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**April 10, 2013**

1. CALL TO ORDER.

The regular monthly meeting of the Marion Zoning Board of Adjustment was called to order at 7:03PM.

2. ROLL CALL.

Members Present: Kingery, Kent, Sunderman

3. MINUTES.

Zoning Board of Adjustment – January 15, 2013

Motion by Kingery, seconded by Sunderman to approve the January 15, 2013 meeting minutes as submitted.

All "ayes" motion approved.

5. CONSENT CALENDAR.

Motion to receive and file all correspondence from applicants and staff reports regarding variance requests on the April 10, 2013 Marion Zoning Board of Adjustment agenda.

Motion by Kingery, seconded by Sunderman to receive and file all correspondence from applications and staff regarding the April 10, 2013 meeting.

All "ayes" motion approved

1. APPEALS -

- a. Heidi Winterowd, builder - 2910 Bullis Drive, Marion, Iowa - Requesting a variance from Section 176.10-3D of the Marion Code of Ordinances to allow the principal structure to be less than the required 7-foot side yard setback in the R-2, Single Family Residential Zoning District.

ZBA Resolution No. 13-1 approving the variance request.

ZBA Resolution No. 13-1 denying the variance request.

Kent noted that a positive vote of 3 members of the Board is required to approve a variance. He then asked the applicant if she would like to continue with the request with two members absent from the Board. Mrs. Winterowd indicated that she would like to proceed with the request.

Billings provided a brief history of the property and a description of the request.

Heidi Winterowd, the applicant, addressed the Board and described the extent of the variance she was requesting. She noted that it was only after her brother's death did she learn of the needed variance.

Kingery noted that he had represented Mike Nicholls when he bought the property, but did not have anything to do with the construction on the property. He did not feel that his decision as a Board member would be affected by that previous working relationship.

Motion by Kingery, seconded by Sunderman, to approve a **variance of 5 inches** from Section 176.10-3D of the Marion Code of Ordinances to allow the principal structure to be less than the required 7-foot side yard setback in the R-2, Single Family Residential Zoning District based on the death of the contractor during the construction of the house.

Roll Call:

Sunderman – Yes

Kingery – Yes

Kent – Yes

The request was approved.

- b. Ellen and Patrick Rink, owners – 1620 11<sup>th</sup> Street, Marion, Iowa - Requesting a variance from Section 176.11-3D of the Marion Code of Ordinances to allow the principal structure to be less than the required 7-foot side yard setback in the R-3, Two-Family Residential Zoning District.

ZBA Resolution No. 13-2 approving the variance request.

ZBA Resolution No. 13-2 denying the variance request.

Kent noted that since there were only three members of the Board present, and that the applicant would need 3 positive votes to be granted the variance. He asked the applicant if he would like to proceed with the request at the meeting. Mr. Jordan confirmed that he would like to proceed with the request.

Billings presented the staff report and familiarized the Board with the request.

The applicant, R.J. Jordan addressed the Board and further detailed his construction plans for the property.

Motion by Sunderman, seconded by Kingery, to approve a **variance of 4 feet** from Section 176.11-3D of the Marion Code of Ordinances to allow the principal structure to be less than the required 7-foot side yard setback in the R-3, Two-Family Residential Zoning District based on the difficulty to maintain the aesthetic and construction integrity of the addition without the variance.

Roll Call:

Sunderman – Yes

Kingery – Yes

Kent – Yes

The request was approved.

- c. Richard and Mary Hurlbut, owners – 3255 27<sup>th</sup> Avenue, Marion, Iowa – Requesting a variance from Section 176.10-3D of the Marion Code of Ordinances to allow the principal structure to be less than the required 7-foot side yard setback in the R-2, Single Family Residential Zoning District.

ZBA Resolution No. 13-3 approving the variance request.  
ZBA Resolution No. 13-3 denying the variance request.

Kent noted that since there were only three members of the Board present, and that the applicants would need 3 positive votes to be granted the variance. He asked the applicants if they would like to proceed with the request at the meeting. Richard and Mary Hurlbut confirmed that they would like to proceed with the request.

Billings presented the staff report and familiarized the Board with existing setbacks of the house.

Richard Hurlbut, the applicant, addressed the Commission and noted that he had letters from the adjacent neighbors indicating they had no problem with the request.

Kingery asked if they guessed at where the property pins are or if they measured off the pins. Mr. Hurlbut replied that they measured off the actual pins.

Motion by Kingery, seconded by Sunderman to approve a **variance of 6 inches** from Section 176.10-3D of the Marion Code of Ordinances to allow the principal structure to be less than the required 7-foot side yard setback in the R-2, Single Family Residential Zoning District based on the difficulty to maintain the aesthetic and construction integrity of the addition without the variance.

Roll Call:  
Sunderman – Yes  
Kingery – Yes  
Kent – Yes

The request was approved.

4. ADJOURNMENT.

There being no further business before the Board the meeting was adjourned at 7:34PM

Respectfully Submitted,

Gordon Gibson, Secretary