

1. CALL TO ORDER.

The meeting of the Zoning Board of Adjustment was called to order by Chairperson Kent at 7:00 p.m.

2. ROLL CALL.

Members Present: Golden, Jordan, Kent, Sunderman and Potter
Members Absent: N/A

Staff Present: Behrens, Hockett, Treharne, and Barkalow

3. CONSENT CALENDAR.

- a. Motion to receive and file all correspondence from applicants and staff.

Motion by Golden, seconded by Sunderman to receive and file all correspondence.

All “ayes” motion carried.

4. MINUTES.

- a. Motion to approve the minutes as submitted from the April 16, 2019 meeting.

Motion by Potter, seconded by Jordan to approve the minutes as submitted from the April 16, 2019 meeting.

All “ayes”, motion carried.

5. CONDITIONAL USE – LINN-MAR COMMUNITY SCHOOL DISTRICT.

- a. Public hearing regarding a conditional use requested by Linn-Mar Community School District pursuant to Section 176.08-3A of the Marion Code of Ordinances to allow for construction of an intermediate school in the A-1, Rural Restricted zoning district located directly east of Echo Hill Elementary School. (Continued)

ZBA Resolution No. 19-01 approving the conditional use request.

ZBA Resolution No. 19-01 denying the conditional use request.

Behrens presented the five criteria of a conditional use for a school in the A-1 zoning district. Traffic impacts were mentioned, as well as, the traffic analyzes from Hall & Hall Engineers and their recommendations. She mentioned the additional information staff received between the Planning and Zoning Commission meeting and the Zoning Board meeting and the modification to P&Z's recommendation based on the new information.

Matt Johnson, Hall & Hall Engineers – applicant representative, spoke in favor of the request. He added that an addition of a right-turn lane is included within the recommendation and that a roundabout is still being recommended prior to 2040.

Jan Heeren, 3100 Elshire Street, spoke in opposition of the request due to the traffic impacts to the intersection. She also mentioned that she doesn't believe that a 4-way stop is going to help and that a roundabout should happen sooner than later. She would like to see traffic solutions go in prior to the school.

Brent Jackman, Hall & Hall Engineers – applicant representative, commented that staff plans to have a roundabout operational by a specific year.

Barkalow stated that the plan is to apply for state funding, which does take time.

Kent asked how much time it would take.

Barkalow responded that the plan is to apply for TSIP funds in August, if directed by Council, and staff wouldn't find out until December/January if we were awarded funding. If awarded, those funds wouldn't be available until July 2020. Treharne stated that we do recognize that it is not the ideal scenario but do to timing of the proposed school opening date and applying for funding, this is the best route. He also stated that the intersection will most likely become a higher priority project in the future.

Jackman also stated that the storm water for the entire site is being taken into consideration and should reduce the amount of water the adjacent neighborhood currently sees.

Public hearing was closed at 7:22p.m.

The Board discussed the request and concluded that the school meets the requirements of a conditional use and that traffic congestion is being taken into consideration.

Motion by Potter, seconded by Golden to approve ZBA Resolution No. 19-01 approving the conditional use request District pursuant to Section 176.08-3A of the Marion Code of Ordinances to allow for construction of an intermediate school in the A-1, Rural Restricted zoning district located directly east of Echo Hill Elementary School with the conditions of the Interim Improvements for Echo Hill Road and Alburnett Road recommendations by Hall & Hall, including staff's additional recommendations.

Roll Call:

Jordan Aye
Sunderman Aye

Golden	Aye
Potter	Aye
Kent	Aye

All “ayes”, motion carried (5-0)

6. CONDITIONAL USE – JOHN & KELLY ARMON

- a. Public hearing regarding a conditional use requested by John and Kelly Armon pursuant to Section 176.32-2B the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located at 3122 Tama Street SE, Cedar Rapids, Iowa.

ZBA Resolution No. 19-06 approving the conditional use request.

ZBA Resolution No. 19-06 denying the conditional use request.

Hockett presented the conditional use request criteria for a detached accessory structure exceeding 900 square feet in a R-1 zoning district. He went over the proposed location of the garage on the lot and orientation of the garage in relation to the existing driveway and street.

John Armon, 3122 Tama Street SE, spoke in favor of the request and informed the Board that he planned on making the structure look nice.

Public hearing closed at 7:29p.m.

The Board discussed the request and the requirements that it meets.

Kent asked if there had been something on the setback previously for this property. Hockett responded that the applicant about a year ago was approved a variance for a front yard setback related to this project. Kent asked if that had expired. Hockett explained what the Board had previously approved and the work that has been done related to the project. Sunderman asked if the block has been approved. Hockett responded that he would hope they are engineered blocks. Armon stated that they are castle blocks and are to code.

Motion by Sunderman, seconded by Jordan to approve Resolution No. 19-06 approving a conditional use pursuant to Section 176.32-2B the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet with condition of the approval of ZBA Resolution 19-07 and that the accessory structure color palette compliments the primary structure.

Roll Call:

Potter	Aye
Sunderman	Aye
Jordan	Aye
Golden	Aye
Kent	Aye

All “ayes”, motion carried (5-0)

7. VARIANCE – JOHN AND KELLY ARMON

- a. Public hearing regarding a variance requested by John and Kelly Armon pursuant to Section 176.09-3C of the Marion Code of Ordinances to reduce the required front yard setback at 3122 Tama Street, SE, Cedar Rapids, Iowa.

ZBA Resolution No. 19-07 approving the variance request.

ZBA Resolution No. 19-07 denying the variance request.

Hockett presented on the history of the pervious variance and what is being asked this time for a front yard setback reduction. He explained that it is a low volume road and if it was in another location, there would be more concerns with the request. He also mentioned the topography of the site.

Kent asked what the reason is for the front yard setback. Hockett explained that generally it is to allow a vehicle to park on the driveway and not overhang a sidewalk. He mentioned that there is no sidewalk in this area and the garage door will face the existing driveway and not the street.

Public hearing closed at 7:35p.m.

The Board discussed the hardships of the keeping the building as far away from the wall as possible.

Motion by Potter, seconded by Golden to approve Resolution No. 19-07 approving a variance from Section 176.09-3C of the Marion Code of Ordinances to reduce the required front yard setback.

Roll Call:

Sunderman	Aye
Potter	Aye
Jordan	Aye
Golden	Aye
Kent	Aye

All “ayes”, motion carried (5-0)

8. CONDITIONAL USE – DAVID SIEFER

- a. Public hearing regarding a conditional use requested by David Siefer pursuant to Section 176.32-2B the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located at 3155 Elshire Street, Marion, Iowa.

ZBA Resolution No. 19-08 approving the conditional use request.

ZBA Resolution No. 19-08 denying the conditional use request

Hockett presented on the conditional use request criteria for a detached accessory structure exceeding 900 square feet in a R-1 zoning district. He went over the proposed location of the garage on the lot. He also mentioned a letter

received from a neighbor in opposition concerned about storm water drainage related to the construction of the accessory structure. Hockett stated that the accessory structure is proposed to have a similar look to the primary structure.

Kent asked if storm water is being handled or if they could add that as a condition. Hockett stated that the Board could add that condition if they wanted.

David Siefer, 3155 Elshire Street, spoke in favor of the request and mentioned that he is working with the builders to address the storm water concerns.

Jan Heeren, 3100 Elshire Street, spoke regarding how water runoff currently crosses the road to a storm drain that has bars on it and tends to overflow. She asked if the city was going to address the storm drain.

Kent mentioned that the Board does not address city services, but that she needs to take that up with the city. Barkalow provided her with his business card.

Public hearing closed at 7:47p.m.

The Board discussed conditions to include with the approval. Kent asked if there were garages that exceed 900sqft that were built while the area was in the County. Hockett responded that there are detached garages that are over 900sqft in the neighborhood. Hockett also mentioned that this lot is 1 acre in size.

Motion by Sunderman, seconded by Golden to approve Resolution No. 19-08 approving a conditional use pursuant to Section 176.32-2B the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet with the conditions that the final color compliments the primary structure and that storm water drainage is kept on the property.

Roll Call:

Potter	Aye
Sunderman	Aye
Jordan	Aye
Golden	Aye
Kent	Aye

All "ayes", motion carried (5-0)

9. ADJOURNMENT.

There being no further business the meeting was adjourned at 7:50p.m.

Respectfully Submitted,

Angela Jordan, Secretary