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1. CALL TO ORDER

The regular meeting, held via Zoom, of the Zoning Board of Adjustment was called to order by Sunderman at 7:10 p.m.

2. ROLL CALL

Members Present: Golden, Jordan, Sunderman and Potter

Members Absent: Kent

Staff Present: Hockett, Behrens, Treharne and Bartlett

3. ELECTION OF OFFICERS

Motion by Sunderman, seconded by Potter to retain current officers; Kent-Chairperson, Sunderman-Vice Chairperson and Jordan-Secretary.

All ayes, motion carried.

4. MINUTES

- a. Motion to approve the minutes as submitted from the December 15, 2020 meeting.

Motion by Jordan, seconded by Golden to approve the December 15, 2020 Zoning Board Minutes.

All ayes, motion carried.

5. CONDITIONAL USE – HY-VEE, INC.

- a. Public hearing regarding a conditional use requested by Hy-Vee, Inc. pursuant to Section 176.50-12 to permit a gas station located within the UC-1, Urban Commercial 1 zoning district located at 2790 7th Avenue, Marion, Iowa.

Hockett presented the staff report, explaining that gas pumps in the central corridor require the conditional use to make sure they meet design standards. He covered items considered by the Planning & Zoning Commission concerning cut-thru traffic and stated that the Commission did approve the conditional use at their February 9<sup>th</sup> meeting. Staff recommended approval of the conditional use.

The public hearing was opened by vice-chairperson Sunderman.

John Brehm, Director of Site Planning for Hy-Vee, summarized the design process that brought them to the current design. There were no questions from the board.

With no further comments, the public hearing was closed.

Motion by Potter, seconded by Jordan to approve ZBA Resolution No. 21-01 approving the conditional use requested by Hy-Vee, Inc. pursuant to Section 176.50-12 to permit a gas station located within the UC-1, Urban Commercial 1 zoning district located at 2790 7th Avenue, Marion, Iowa.

Roll Call:

Jordan	Aye
Potter	Aye
Golden	Aye
Sunderman	Aye

The motion to approve was carried (4-0).

6. VARIANCE – CEDAR RAPIDS BANK & TRUST

- a. Public hearing regarding a variance requested by Cedar Rapids Bank & Trust pursuant to Section 176.50-8, building placement side street / corner lot setback located at 700 25<sup>th</sup> Street, Marion, Iowa.

Behrens presented the staff report. She reviewed the current setback requirements for the property and showed the challenges the applicant faced to meet those requirements. She also described issues with the drives and parking lot setbacks. No questions from the board. Staff recommended approval of the variance.

The public hearing was opened by vice-chairperson Sunderman.

Drew Digman, Engineer for the project, mentioned the importance of the exit-only on 7<sup>th</sup> Ave and the layout of the drive-up that allowed for a longer queue. There were no questions for the applicant.

With no further comments, the public hearing was closed.

Motion by Jordan, seconded by Golden to approve ZBA Resolution No. 21-02 approving the variance requested by Cedar Rapids Bank & Trust pursuant to Section 176.50-8, building placement side street / corner lot setback located at 700 25th Street, Marion, Iowa.

Roll Call:

Potter	Aye
Jordan	Aye
Golden	Aye
Sunderman	Aye

The motion to approve was carried (4-0).

7. APPEAL – CEDAR RAPIDS BANK & TRUST

- a. Public hearing regarding an appeal requested by OPN Architects, on behalf of Cedar Rapids Bank & Trust, pursuant to an alleged error in the Zoning Official's determination regarding Section 176.50-8, any building over 75' wide must be broken down to read as a series of buildings no wider than 75' each for the property located at 700 25<sup>th</sup> Street, Marion, Iowa.

Behrens presented the staff report. She shared that this project was the first to be affected by this requirement in the UTC-1 zoning district since adopting the new code. Behrens stated that staff will present a request to the Planning & Zoning Commission at their next meeting to remove this requirement, but since it is current code, the applicant needs to appeal at this time. No questions from the board.

The public hearing was opened by vice-chairperson Sunderman.

Drew Digman, Engineer for the project was available for questions, but there were no questions.

With no further comments, the public hearing was closed.

Motion by Golden, seconded by Potter to approve ZBA Resolution No. 21-03 approving the appeal requested by OPN Architects, on behalf of Cedar Rapids Bank & Trust, pursuant to an alleged error in the Zoning Official's determination regarding Section 176.50-8, any building over 75' wide must be broken down to read as a series of buildings no wider than 75' each for the property located at 700 25<sup>th</sup> Street, Marion, Iowa.

Roll Call:

Potter	Aye
Jordan	Aye
Golden	Aye
Sunderman	Aye

The motion to approve was carried (4-0).

## 8. OTHER BUSINESS

- a. Request to re-establish a non-conforming use and structure per section 176. 33 of the Marion Zoning Code within the UTC-1, Urban Transitional Commercial 1 zoning district for property located at 1360 7<sup>th</sup> Avenue, Marion, Iowa.

Hockett presented the staff report, giving some history of the property including zoning and the permitted use at the time the current business started there. He stated that zoning no longer permits the current use, and anything rebuilt on the property has to meet current code. Hockett explained some of the options the applicant has since the building sustained substantial damage in the derecho. Staff answered questions from the board.

Gary Hagen, applicant, expanded on his appeal. The board did not have any questions for the applicant.

Board discussed whether they could see a compelling necessity to permit the reconstruction of the nonconforming building and the continuance of the nonconforming use.

Motion by Potter, seconded by Jordan to approve ZBA Resolution No. 21-04 denying the appeal to re-establish the use.

Roll Call:

Potter	Aye
Jordan	Aye
Golden	Aye
Sunderman	Nay

The motion to approve the denial was carried (3-1).

Motion by Sunderman, seconded by Potter to approve ZBA Resolution No. 21-05 denying the appeal to re-establish the structure.

Roll Call:

Potter	Aye
Jordan	Aye
Golden	Aye
Sunderman	Aye

The motion to approve the denial was carried (4-0).

- b. Discussion regarding Section 176.33, Nonconforming Uses, Buildings and Structures.

Treharne requested to continue this portion to the next meeting.

9. ADJOURN

There being no further business the meeting was adjourned at 8:34 p.m.

Respectfully submitted,

Angela Jordan  
Secretary