



MINUTES

Zoning Board of Adjustment

7:00 PM - Tuesday, May 18, 2021

City Hall, 1225 6th Avenue

Minutes are in draft format until approved at the next meeting

The Zoning Board of Adjustment of the City of Marion, Linn County, Iowa met on Tuesday, May 18, 2021, at 7:00 PM, at City Hall, 1225 6th Avenue, with the following members present:

PRESENT: Angela Jordan, Carol Golden, Charlie Potter, and Charles Kent

ABSENT: Ryan Sunderman

STAFF PRESENT: Ama Bartlett, Dave Hockett, Nicole Behrens, and Tom Treharne

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

Motion to approve the consent agenda as follows:

Minutes from the April 20, 2021 meeting.

Moved by Jordan, seconded by Potter, to approve the minutes from April 20, 2021.

Approved unanimously

Receive and file all correspondence from applicants and staff.

Moved by Golden, seconded by Potter, to receive and file all correspondence from applicants and staff.

Approved unanimously

REGULAR AGENDA

Conditional Use - Garage over 900 sq ft - Young

Public hearing regarding a conditional use requested by Tyler Young pursuant to Section 176.32-2B of the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located at 1014 Welcome Lane, Marion, Iowa.

(Item moved up in agenda by staff with no objection from the board.)

Behrens reviewed the staff report. She stated the request meets all requirements of a conditional use and the Planning & Zoning Commission recommended approval at their meeting on May 11, 2021. No questions from the board.

Chairperson Kent opened the public hearing. There being no comments for or against the request, the public hearing was closed.

ZBA Resolution No. 20-09 regarding a conditional use request pursuant to Section 176.32-2B of the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located at 1014 Welcome Lane, Marion, Iowa. (Tyler Young)

Chairperson Kent gave the applicant the option to table for one month, the applicant requested the board vote at the current meeting.

Moved by Potter, seconded by Jordan, to approve ZBA Resolution No. 20-09.

No further discussion.

Approved by the following votes:

Ayes: Jordan, Golden, Potter, and Kent

Conditional Use - Watchman's Quarters - Garman

Public Hearing regarding a conditional use request pursuant to Section 176.25-2B of the Marion Code of Ordinances to allow watchman living quarters in the I-1 zoning district for property located at 100 35th Street, Marion, Iowa. (NPV III, LLC)

Hockett gave the staff report. He reviewed the history of the property including a past conditional use that was approved for a specific business that rented the space. The property had since changed owners and the business moved so Hockett stated that conditional use became void. The current request is made by the current owner rather than a specific business. Hockett stated that the request meets all requirements and the Planning & Zoning Commission recommended approval at their meeting on May 11, 2021 with the condition that the owner annually report to the City the status of the watchman's employment to keep in compliance with the conditional use.

Potter confirmed that the board's approval would include the yearly report to City staff. Hockett suggested the report be tied to the rental inspection. No other questions of staff. Chairperson Kent opened the public hearing. There being no comments for or against the request, the public hearing was closed.

ZBA Resolution No. 20-08 approving a conditional use request pursuant to Section 176.25-2B of the Marion Code of Ordinances to allow watchman living quarters in the I-1 zoning district for property located at 100 35th Street, Marion, Iowa. (NPV III, LLC)

Chairperson Kent gave the applicant the option to table for one month, the applicant requested the board vote at the current meeting.

Moved by Potter, seconded by Jordan, to approve ZBA Resolution No. 20-08, with the condition of a report to City staff every 2 years.

No further discussion.

Approved by the following votes:

Ayes: Jordan, Potter, Golden, and Kent

Conditional Use - Garage over 900 sq ft - Martin

Public hearing regarding a conditional use requested by Javan Martin pursuant to Section 176.32-2B of the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located at 4310 Indian Creek, Marion, Iowa.

Behrens shared the staff report. She stated the request meets all requirements of a conditional use and the Planning & Zoning Commission recommended approval at their meeting on May 11, 2021. No questions from the board.

Chairperson Kent opened the public hearing. There being no comments for or against the request, the public hearing was closed.

ZBA Resolution No. 20-10 regarding a conditional use request pursuant to Section 176.32-2B of the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located at 4310 Indian Creek, Marion, Iowa. (Javan Martin)

Chairperson Kent gave the applicant the option to table for one month, the applicant requested the board vote at the current meeting.

Moved by Potter, seconded by Golden, to approve ZBA Resolution No. 20-10.
No further discussion.

Approved by the following votes:

Ayes: Jordan, Golden, Potter, and Kent

Conditional Use - Gas Station - Kwik Star

Public Hearing regarding a conditional use request to permit a gas station within the UC-1, Urban Commercial zoning district for property located at 3025 7th Avenue, Marion, Iowa (Kwik Trip)

Hockett presented the staff report. He walked through the specific items the board should consider for approval of a gas station in the current zoning district. Hockett stated that request meets all requirements of a conditional use and the Planning & Zoning Commission recommended approval at their meeting on May 11, 2021.

No questions from the board.

Chairperson Kent opened the public hearing. The applicant added some information about the design plan. There being no other comments for or against the request, the public hearing was closed.

ZBA Resolution No. 20-11 approving a conditional use request to permit a gas station within the UC-1, Urban Commercial zoning district for property located at 3025 7th Avenue, Marion, Iowa (Kwik Trip)

Chairperson Kent gave the applicant the option to table for one month, the applicant requested the board vote at the current meeting.

Moved by Potter, seconded by Golden, to approve ZBA Resolution No. 20-11.
No further discussion.

Approved by the following votes:

Ayes: Jordan, Golden, Potter, and Kent

Variance - Side yard setback - Cox

Public hearing regarding a variance from Section 176.32-2A for a detached accessory structure to be located less than the required setback from the side property line for property located at 441 9th Avenue (Shirley Cox).

Hockett gave the staff report. He stated the previous structure had been there prior to current setback requirements, and had been damaged beyond repair during the derecho in August 2020.

Chairperson Kent opened the public hearing. The applicant added her concerns about how narrow the driveway is and how challenging it would be to have to maneuver into the garage if build within current setback requirements. Theresa Fry (815 Bluestone St NW, Cedar Rapids) owner of property next door at 421 9th Avenue stated that they intend to remove the shed that is close the shared property line so she is okay with the applicants request.

There being no other comments for or against, the public hearing was closed.

ZBA Resolution No. 20-12 approving a variance from Section 176.32-2A for a detached accessory structure to be located less than the required setback from the side property line for property located at 441 9th Avenue (Shirley Cox).

Chairperson Kent gave the applicant the option to table for one month, the applicant requested the board vote at the current meeting.

The Board discussed how several properties on the same street currently still have accessory structures within the required setbacks.

Moved by Potter, seconded by Golden, to approve ZBA Resolution 20-12.

No further discussion.

Approved by the following votes:

Ayes: Jordan, Golden, Potter, and Kent

OTHER BUSINESS

Hockett shared that Ryan Sunderman has resigned from the Board.

ADJOURN

Moved by Potter, seconded by Jordan, to adjourn at 8:14p.m.

Approved unanimously

Angela Jordan, Secretary