



MINUTES
ZONING BOARD OF ADJUSTMENT
May 20, 2014

1. CALL TO ORDER.

Chairmen Kent called the regular monthly meeting to order at 7:02PM

2. ROLL CALL.

Members Present: Gibson, Kingery and Kent

Members Absent: Roth, Sunderman

Staff Present: David N. Hockett and Kesha Billings

Kent read the rules regarding action by the Board with less than 5 members present.

3. MINUTES.

Zoning Board of Adjustment – February 18, 2014

Motion by Kingery, seconded by Gibson to approve the February 18, 2014 minutes as submitted. All "ayes" motion approved.

4. CONSENT CALENDAR.

- a. Motion to receive and file all correspondence from applicants and staff reports regarding variance requests on the May 20, 2014 Marion Zoning Board of Adjustment agenda.

Motion by Kingery, seconded by Gibson, to receive and file all correspondence from applicants and staff reports regarding variance requests on the May 20, 2014 Marion Zoning Board of Adjustment agenda. All "ayes" motion approved.

5. APPEALS -

- a. Edward and Barbara Ohl, owner – 355 Antler Court, Marion, Iowa – Requesting a variance from Section 176.13-3E of the Marion Code of Ordinances to allow an addition to the principal structure to encroach into the required rear yard setback in the R-5, Moderate Density Multi-Family Residential Zoning District.

ZBA Resolution No. 14-02 approving the variance request.

ZBA Resolution No. 14-02 denying the variance request.

Billings presented the staff report and provided a summary of similar variance requests in the last ten years.

Gibson asked how 'Moderate Density' residential is defined. Billings noted that the R-5 zoning district allows for specific number of units based on lot sizes, also referred to as density requirements.

Edward Ohl, the applicant, addressed the Board in favor of the request and noted that he was asking to have the same porch as his neighbor.

Kingery asked how long he had owned the unit. Mr. Ohl replied that he had owned it since October of 2013. He noted that prior to purchasing the property he had talked with the homeowners association to make sure they were okay with the proposed addition.

John Dougherty of 357 Antler Court spoke in favor of the request. He noted that when he bought his unit from the original builder. He supported the addition because he felt it only increased the value of the property. He went on to explain that the owner did talk with him prior to coming to the City for approval.

Robert Marcus of 335 Antler Court, addressed the Board in opposition of the request that he felt it would take away from the common area of the neighborhood and extend further than the existing/adjacent four-seasons room did. Kent clarified that the applicant wants to build a duplicate of what is already on the other unit. Kent then asked Mr. Marcus if he would be in favor of a duplicate four-seasons room as was already built. Mr. Marcus agreed he was in favor of that.

Kent gave the applicant the choice to table the item until the next meeting since there were less than 5 members of the Board present. Mr. Ohl replied that he would like a vote that night.

Kingery noted that he did not want to set a precedent for the rest of the neighborhood, but he also felt the precedent was set when the builder was allowed to build the four-seasons porch on to 357 Antler Court.

Kent asked if the four-seasons room attached to unit addressed off of Deer Valley Drive was in conformance. Billings replied that she felt it was. Kent then noted that all of the applicant's neighbors to the east could have the porches, but he could not, without a variance.

Motion by Gibson, seconded by Kingery to approve ZBA Resolution No. 14-02 approving a **variance of five (5) feet** from Section 176.13-3E of the Marion Code of Ordinances to allow an addition to the principal structure to encroach into the required rear yard setback in the R-5, Moderate Density Multi-Family Residential Zoning District, finding that strict application of the Zoning Ordinance will impose upon the property owner a particular hardship.

Roll Call:

Kingery	Yes
Gibson	Yes
Kent	Yes

- b. Abode Construction Inc., applicant – 3986 3rd Avenue, Marion, Iowa- Requesting a conditional use pursuant to Section 176.27-2B(1) to allow for construction of a salvage yard in the I-2, General Industrial Zoning District. Case #14-01C

ZBA Resolution No. 14-03 approving the conditional use request.
ZBA Resolution No. 14-03 denying the conditional use request.

Hockett presented the staff report and familiarized the Board with the 500-foot separation requirement and the location of the facility from that line. He noted that the Planning and Zoning Commission unanimously recommended approval of the request. Staff recommends a condition of approval be that the pile heights do not exceed 30-feet tall.

Gibson asked if the applicant would have to go through the conditional use approval process regardless of where it was to locate in the City. Hockett replied that under current Code the applicant does. Under the proposed Zoning Ordinance the applicant would not have to go through the conditional use process if they meet a pre-determined set of design criteria.

Jeff Witter, the applicant, addressed the Board, and noted the existing industrial uses surrounding the proposed Marion Iron site and felt it would fit in very well.

Kent gave the applicant the choice to table the item until the next meeting since there were less than 5 members of the Board present. Mr. Witter replied that he would like a vote that night.

Kingery asked what the timeline for construction was. Mr. Witter replied that they would ideally like to start buying scrap metal at the new site in the fall of 2014, and at the same time start selling scrap off the old site so that the buildings could start to be torn down before January of 2015.

Motion by Kingery, seconded by Gibson, to approve ZBA Resolution No. 14-03 approving the conditional use request pursuant to Section 176.27-2B(1) to allow for construction of a salvage yard in the I-2, General Industrial Zoning District. Case #14-01C with a condition that pile heights be no more than a maximum of thirty (30) feet.

Roll call:

Gibson	Yes
Kingery	Yes
Kent	Yes

6. ADJOURNMENT.

There being no further item the meeting was adjourned at 7:50PM

Respectfully Submitted,

Gordon Gibson, Secretary