



Planning & Development Department
City of Marion, Iowa

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MINUTES
ZONING BOARD OF ADJUSTMENT
June 17, 2014

1. CALL TO ORDER.

Chairman Kent called the regular monthly meeting to order at 7:00pm.

2. ROLL CALL.

Members Present: Gibson, Kent, Roth, Sunderman

Members Absent: Kingery

Staff Present: Hockett and Billings

3. MINUTES.

Zoning Board of Adjustment –May 20, 2014

Motion by Sunderman, seconded by Roth to approve the May 20, 2014 Zoning Board of Adjustment 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 June 17, 2014 Marion Zoning Board of Adjustment agenda.

Motion by Roth, seconded by Gibson to receive and file all correspondence from applicants and staff reports regarding variance requests on the June 17, 2014 Marion Zoning Board of Adjustment agenda. All “Ayes”, motion approved.

5. APPEALS -

- a. CR Signs, applicant on the behalf of Phillip Diamond – 1317 7th Avenue, Marion, Iowa – Requesting a variance from Section 176.31-9F(3) of the Marion Code of Ordinances to allow a monument sign be closer than the required five (5) feet from right-of-way.

ZBA Resolution No. 14-04 approving the variance request.

ZBA Resolution No. 14-04 denying the variance request.

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. High replied that he would like a vote that night.

Billings presented the staff report and gave a brief history of sign variances in the last ten years.

Phil High, the applicant, and Aaron Vosmek, with CR Signs, addressed the Board and offered to answer any questions. Mr. Vosmek added to the information that had already been presented by indicating that awnings proposed over the windows would inhibit a wall sign because of restricted visibility of the sign.

Mr. High added that the building is designed to accommodate up to eight tenants and that adding eight wall signs to the building could be considered clutter. He desired a monument sign to allow an electronic message board to accommodate his tenants instead of constructing numerous wall signs.

Motion by Gibson to approve ZBA Resolution No. 14-04 denying the variance request from Section 176.31-9F(3) of the Marion Code of Ordinances to allow a monument sign be closer than the required five (5) feet from right-of-way.

Motion failed from lack of a second.

Motion by Sunderman to approve ZBA Resolution No. 14-04 approving the variance request from Section 176.31-9F(3) of the Marion Code of Ordinances to allow a monument sign be zero (0) feet from the property line.

Motion failed from lack of a second.

Motion by Gibson, seconded by Roth to **table** ZBA Resolution No. 14-04 regarding the request for a variance from 176.31-9F(3) of the Marion Code of Ordinances to allow a monument sign be zero (0) feet from the property line until the next available Zoning Board of Adjustment meeting.

Roll Call:

Gibson	Yes
Roth	Yes
Sunderman	Yes
Kent	Yes

Motion passed.

- b. Marc and Danielle Hiler, owner – 2160 3rd Avenue, Marion, Iowa – Requesting a variance from Section 176.35-8C of the Marion Code of Ordinances to allow a front porch to encroach more than the allotted five (5) feet into the front yard.

ZBA Resolution No. 14-05 approving the variance request.
ZBA Resolution No. 14-05 denying the variance request.

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. Hiler replied that he would like a vote that night.

Billings presented the staff report and familiarized the Board with the existing setbacks in the neighborhood.

Marc Hiler, the applicant, addressed the Board and noted that he does not have an exterior door on the north side of the house, so the south side of the house is the only opportunity he has to build a porch.

Motion by Gibson, seconded by Roth to approve ZBA Resolution No. 14-05 approving a variance request from Section 176.35-8C of the Marion Code of Ordinances to allow a front porch to **encroach four (4) feet** into the required twenty (20) foot setback for a front yard deck.

Roll Call:

Sunderman	Yes
Gibson	Yes
Roth	Yes
Kent	Yes

Motion passed.

- c. Turnkey Associates, LC, applicant on the behalf of Lori Bouska – 2100 7th Avenue, Marion, Iowa – Requesting a variance from Section 176.29-2J of the Marion Code of Ordinances to allow less than the required number of parking spaces for an ice cream facility (CPC 14-06); and a variance from Section 176.43-9A of the Marion Code of Ordinances to waive the required landscape buffering in the C-3, General Commercial Zoning District (CPC 14-07).

ZBA Resolution No. 14-06 and 14-07 approving the variance request.
ZBA Resolution No. 14-06 and 14-07 denying the variance request.

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. Ms. Bouska replied that she would like a vote that night.

Hockett presented the staff report for both variances and familiarized the Board with nature of the request.

Gibson asked how the specific number of parking stall requirements were established for an ice cream facility. Hockett replied that in general a typical flow of customers is taken into account for the individual uses.

Roth asked if the queuing areas for the drive-thru have been counted towards the parking requirement. Hockett replied that he was not aware of any instances. He was aware that other communities do allow those areas to be counted towards the total.

Roth asked how many stalls were currently provided at the site. Hockett replied that the stalls were not marked so he could not be completely sure.

Dan Grimes, with Turnkey Associates, representing the applicant, addressed the Board in favor of the request and explained that the applicant is trying to maximize the use of the property.

Kent asked what percent of the building would be considered as storage. Mr. Grimes replied approximately fifty percent would be storage.

Sharron Mettler, of 2101 8th Avenue, addressed the Board neither opposed or in support of the request. She wanted to ensure that the proposed dumpster location would not require the waste haulers to block the alley and she also wanted to ensure that the parking area for the proposed ice cream facility would not block the alley for her private use. Kent explained that the access through the alley would not be changing.

Gordon asked the applicant how many parking stalls were currently provided. Ms. Bouska replied that there were currently 18 parking stalls, but they were never all occupied. Gibson then asked if the business will be open year round. Ms. Bouska replied that the business will be close for two months in the winter time.

Motion by Roth, seconded by Sunderman to approve ZBA Resolution No. 14-06 approving a variance request from Section 176.29-2J of the Marion Code of Ordinances to allow less than the required number of parking spaces for an ice cream facility, a **variance of seven (7) parking spaces** for a 1,849 square foot building.

Roll Call:

Gibson	No
Sunderman	Yes
Roth	Yes
Kent	Yes

Motion Passed.

Gibson asked why this was the first variance applied for along 7th Avenue. Hockett replied that this is the first redeveloped site along 7th Avenue, aside from the Jiffy Lube site that did not require landscaping, since the approval of the Central Corridor Plan. Hockett noted that the lots on the north side of 7th Avenue are shallower and may require special exceptions for redevelopment.

Motion by Roth, seconded by Gibson to approve ZBA Resolution No. 14-07 approving a variance request from Section 176.43-9A of the Marion Code of Ordinances to **waive the required landscape buffering** in the C-3, General Commercial Zoning District.

Roll Call:

Roth	Yes
Sunderman	Yes
Gibson	Yes
Kent	Yes

There being no further discussion, the meeting was adjourned at 8:28PM

Respectfully Submitted,

Gordon Gibson, Secretary