



MINUTES
ZONING BOARD OF ADJUSTMENT
July 22, 2014

1. CALL TO ORDER.

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

2. ROLL CALL.

Members Present: Kingery, Gibson, Kent, Roth, Sunderman

Staff Present: Billings

3. MINUTES.

Zoning Board of Adjustment – June 17, 2014

Motion by Sunderman, seconded by Roth to approve the June 17, 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 July 22, 2014 Marion Zoning Board of Adjustment agenda.

Motion by Gibson, seconded by Kingery to receive and file all correspondence from applicants and staff reports regarding variance requests on the July 22, 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. (Tabled at June 17, 2014 meeting)

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

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

Billings presented the staff report and gave a brief summary of the discussion that took place at the previous meeting.

Phil High, the applicant, addressed the Board and offered to answer any questions. He shared a rendering of the proposed awnings on the existing building and explained why he wanted the sign to be at the specific size and location. He noted that with the pending streetscape construction in front of the building there would be additional brick pavers between the sidewalk and the street and also parallel parking in front of his business, further separating the sign from the traffic. He then displayed a sign that could be built meeting all of the current requirements, but he explained why this was not an ideal sign for his property.

Kingery asked if there had been any other variance requests for signage in the central corridor. Billings noted that since the corridor redevelopment was in the preliminary stages there has not been any other requests. She did note that components of the Central Corridor Plan identified that buildings should be brought closer to the road and that sign setbacks may be in future discussions.

Kent asked for further clarification on why the applicant is allowed to build his building up to the property lines, but is required to set the sign back 5 feet. Billings responded that since buildings in the C-2 zoning can be built to the property, staff did not anticipate monument signs to be built in the C-2 district. All other zoning districts have setbacks for the principal structure, with the monument sign being allowed to be built in those setbacks.

Roth asked if by allowing the monument sign, if this would restrict him from putting up wall signs. Billings clarified that the current sign code limits the number of types of signs, but allows for a number of different types of signs to be built on a single property.

Gibson explained that he did not feel the applicant had fully identified a substantial hardship to allow the approval of the variance for new construction in Uptown Marion. He noted that the applicant was still able to construct signage on his property, even a monument sign, although it was not the full size of a sign that he desired.

Kingery identified the ability of the property owner to accommodate the signage of all future tenants in one sign as opposed to the uncertainty of future sign approvals for all of the future tenants.

Motion by Kingery, seconded by Sunderman to **approve** 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, subject to no other wall or canopy signs being allowed on the building finding that future limitations of allowed signage creates a hardship for the property.

Roll Call:

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| Kingery | Yes |
| Sunderman | Yes |
| Gibson | No |
| Roth | Yes |
| Kent | Yes |

Motion passed.

- b. Greg and Carol Johnson – 340 Woodbine Drive, Marion, Iowa – Requesting a variance from Section 176.10-3D of the Marion Code of Ordinances to allow an addition to the principal structure encroach into the side yard setback in the R-2, Medium Density Single-Family Zoning Residential District.

ZBA Resolution No. 14-08 approving the variance request.

ZBA Resolution No. 14-08 denying the variance request.

Billings presented the staff report and familiarized the Board with the request and the history of similar variance approvals and denials.

Sostenes Santiago, of 310 Woodbine Drive, addressed the Board in favor of the request.

Greg Johnson, the applicant, addressed the Board and offered to answer any questions.

Sunderman noted that although current garage building trends have garages wider than ten feet, he did not feel that a garage width of ten feet was unreasonable.

Motion by Roth, seconded by Gibson to approve ZBA Resolution No. 14-08 **denying** a variance from Section 176.10-3D of the Marion Code of Ordinances to allow an addition to the principal structure encroach into the side yard setback in the R-2, Medium Density Single-Family Zoning Residential District finding that the applicant failed to prove a substantial hardship.

Roll Call:

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| Kingery | Yes |
| Sunderman | Yes |
| Gibson | Yes |
| Roth | Yes |
| Kent | Yes |

Motion to deny was approved.

6. ADJOURNMENT.

There being no further discussion, the meeting was adjourned at 7:43PM

Respectfully Submitted,

Gordon Gibson, Secretary