



**Planning & Development Department
City of Marion, Iowa**

www.cityofmarion.org/
Phone: 319-743-6320
Fax: 319-737-4260

Marion City Hall
1225 6th Avenue Suite 210
Marion, Iowa 52302

**MINUTES
ZONING BOARD OF ADJUSTMENT
August 19, 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
Members Absent: Roth, Sunderman
Staff Present: Hockett

3. MINUTES.

Zoning Board of Adjustment – July 22, 2014

Motion by Gibson, seconded by Kingery to approve the July 22, 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 August 19, 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 August 19, 2014 Marion Zoning Board of Adjustment agenda. All “Ayes”, motion approved.

5. APPEALS -

- a. James & Pat Turner, owner – 1076 5th Street, Marion, Iowa – Requesting a variance from Section 176.33-7A of the Marion Code of Ordinances to allow a nonconforming structure that has been vacant for a continuous period of 24 months be used in its current nonconforming state.

ZBA Resolution No. 14-09 approving the variance request.
ZBA Resolution No. 14-09 denying the variance request.

Hockett presented the staff report regarding the proposed variance request. Hockett indicated that the structure had not been used as a rental property in excess of 24 months thus the need for a variance to permit the continuance of the non-conforming structure.

Hockett stated that to occupy the structure if the Board were to approve the request it would have to be brought up to current rental housing code.

Pat Turner, 2112 S. 31st Street indicated that the home had not been used since 2010 and was rented since 1978 when they purchased the property. The individuals renting the primary house on the property sought additional space and the opportunity to rent the accessory house was discussed. The home was built in 1900 and appears to have been built for residential purposes, with a kitchen, living room on first floor with a bedroom and bathroom on second floor. It would be very difficult to use the structure for anything else. Property is accessed from a former alley that a private easement exists on. No changes will occur other than what would be required to bring the structure up to meet

Jim Turner, 2112 S. 31st Street, nice little home that would make a nice affordable option to individuals in Marion.

Kent inquired if the primary house is occupied and rented continuously.

Pat Turner, Yes the primary house has been rented continuously since they purchased the house in 1978. Both homes appear to have been built at the same time or shortly thereafter and likely was built with the purpose of a house.

Larry Walters 1090 5th Street, expressed his opposition to the variance as the property is accessed via a private easement through his property that the subject house uses for primary ingress/egress. Concerned about the previous residents that have lived there in the past and the house is of very low quality both inside and out.

Shirley Hahn, 1077 4th Street, presented photographs of the house as viewed from their property, concerned about the condition of the property and the maintenance of the property over the years by both the owners and tenants of the property.

Debra Hatcher, 1105 4th Street, The house has been poorly maintained over the years and concerned about the appearance of the house. Also expressed that animals have been living in the house.

There were no further comments for or against the request.

Kent informed the applicant that they have the right to request that the Board table their decision for one month as less than five members are present and the request requires three yes votes for approval.

Pat Turner, requested that action be tabled for one month.

Moved by Gibson, seconded by Kingery to table the request and discuss the request at the September meeting.

- b. Nathan & Joann Hein, applicant – 1003 50th Street, Marion, Iowa – Requesting a variance from Section 176.22-1B(2) of the Marion Code of Ordinances to allow a veterinary clinic be less than the required 100 feet from a Residential zoning district.

ZBA Resolution No. 14-10 approving the variance request.

ZBA Resolution No. 14-10 denying the variance request.

Hockett presented the staff report regarding the proposed requested variance. He stated this is a veterinary clinic only and not a kennel facility. The property contains significant flood plain that staff would want to minimize development within.

Kent informed the applicant that they have the right to request that the Board table their decision for one month as less than five members are present and the request requires three yes votes for approval.

Nathan Hein, requested that the Board consider their variance request tonight.

Nathan Hein, 1101 Dyer Avenue, indicated that this is an indoor facility any animals that are outside would be under leash of a staff member typically post surgery. They would be responsible for clean up as he has other tenants in addition to the residents to the north he would want to keep happy.

There were no further comments for or against the request

Gibson, stated he does not believe the land does not work for a veterinary clinic as being to close to the residential area, the request to amend the code would be a more appropriate course of action.

Motion by Kingery, seconded by Gibson to approve the request to permit a veterinary clinic to be located closer than the required 100' from a Residential zoning district based on the hardship demonstrated by the applicant.

Roll Call:

Ayes: Kingery, Kent

Nays: Gibson

Motion failed due to not obtaining the minimum of three yes votes.

6. ADJOURNMENT.

There being no further discussion, the meeting was adjourned at 8:20 PM

Respectfully Submitted,

Gordon Gibson, Secretary