



**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
September 16, 2014**

1. CALL TO ORDER.

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

2. ROLL CALL.

Members Present: Roth, Sunderman, Gibson, Kent
Members Absent: Kingery
Staff Present: Hockett, Billings

3. MINUTES.

Zoning Board of Adjustment – August 19, 2014

Motion by Gibson, seconded by Sunderman to approve the August 19, 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 September 16, 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 September 16, 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 and familiarized the Board with the location of the request and the surrounding neighborhood.

Jim and Pat Turner of 2112 South 31st Street, the applicants, addressed the Board and provided pictures of the current condition of the proposed rental unit. They described the usage of the property prior to and during their ownership of the property. The applicants indicated that they did not know the house needed to be continuously rented to maintain rental ability

Larry Walters of 1090 5th Street addressed the Board and indicated that he owns and maintains the easement that the Turners use to access the small house and felt that the Turners should pay him for the maintenance of the easement if they are going to make money from renting the proposed rental unit.

Charlotte Hahn of 1077 4th Street addressed the Board in opposition to the request. She displayed pictures of the house and discussed the current condition of the house.

Robin Williams of 1085 4th Street addressed the Board in opposition of the request. She indicated that the house has not been improved upon since they have owned their house since 1990. She indicated that the previous tenant of the house was a sex offender and she indicated that their neighborhood has a number of small children in it.

Sunderman clarified that any decision of the Board does not automatically allow the Turners to rent the house. It will have to meet minimum rental and building codes before anyone is allowed to live in it.

Deborah Hatcher of 1105 4th Street addressed the Board and indicated that the current owners have promised to fix up the house before, but never have. She indicated that the proposed rental house is not in keeping with the rest of the neighborhood where the other property owners take care of their houses.

Kent asked the applicant if they want the request voted on or tabled until the next meeting since the whole board was not in attendance. The Turners indicated that they would like a vote that night.

Gibson noted that it is not the Board's responsibility to ensure the proposed rental unit meets building code or to ensure a specific type of renter is allowed to occupy the unit. He noted that it is the Board's responsibility to determine if there was a hardship, which he then indicated that he did not feel that there was a hardship.

Motion by Roth, seconded by Gibson to deny the variance request 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.

Roll call to deny request:

Gibson – Aye

Roth – Aye

Sunderman – Aye

Kent – Aye

Variance was denied.

- b. Community Baptist Church, Darin Ulmer – applicant 3290 9th Street, Marion, Iowa – Requesting a variance from Section 176.29-2N of the Marion Code of Ordinances to allow on-street parking count towards their required number of off-street parking spaces.

ZBA Resolution No. 14-11 approving the variance request.
ZBA Resolution No. 14-11 denying the variance request.

Billings familiarized the Board with the location of the request and presented the staff report.

Darin Ulmer, the applicant, addressed the Board and indicated that the Community Baptist Church did not need the variance for the parking to accommodate their current congregation size, but the variance would allow the church to grow at the proposed location. He indicated that he had already spoken to the Fire Department who did not have a problem with the occupancy he was proposing.

Kent asked if staff would allow the adjacent apartment units to allow the church to park in their parking lot. Hockett replied that the parking area must be within 300 feet of the main entrance of the church, per code. He also added that the dual use of a parking lot is allowed for uses that have incompatible hours, and that residential uses are considered a full time use.

Kent asked if the applicant wanted a vote on the request that night. Mr. Ulmer requested a vote that night.

Motion by Gibson to deny the request.

With no second, Gibson withdrew his motion.

Motion by Roth, seconded by Gibson to deny the request for a variance from Section 176.29-2N of the Marion Code of Ordinances to allow on-street parking count towards their required number of off-street parking spaces.

Roll Call to deny request:

Roth – Aye

Gibson – Aye

Sunderman – Aye

Kent – Aye

Variance was denied.

6. ADJOURNMENT.

There being no further discussion, the meeting was adjourned at 8:08 PM

Respectfully Submitted,

Gordon Gibson, Secretary