



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

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Marion, Iowa 52302

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
November 18, 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, Kingery  
Staff Present: Billings

3. MINUTES.

Zoning Board of Adjustment – September 16, 2014

Motion by Sunderman, seconded by Gibson to approve the minutes of the September 16, 2014 Zoning Board of Adjustment meeting.

All 'Ayes' motion passed.

4. CONSENT CALENDAR.

- a. Motion to receive and file all correspondence from applicants and staff reports regarding variance requests on the November 18, 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 November 18, 2014 Marion Zoning Board of Adjustment agenda.

All 'Ayes' motion passed.

5. APPEALS -

- a. Community Baptist Church, Darin Ulmer – applicant, 3290 9<sup>th</sup> Street, Marion, Iowa – Requesting a variance from Section 176.29-2C of the Marion Code of Ordinances to allow parking within the required corner side yard setback in the R-4, Four Family Residential Zoning District.

ZBA Resolution No. 14-12 approving the variance request.  
ZBA Resolution No. 14-12 denying the variance request.

Billings presented the staff report and familiarized the Board with the nature of the request. She noted that staff had met with the property owner to determine a way to accommodate parking on the property without needing a variance, but was unsuccessful.

Darin Ulmer, the applicant, addressed the Board and identified the possible land uses for the property, which included a church use. He noted that in order for any church to be able to financially purchase and maintain a property such as this, the congregation, and therefore parking, would need to be increased on the property.

Sunderman commented that he felt a hardship was created when the church size would be limited in its future growth and would not be able to financially support itself.

Kent added that he felt a hardship existed knowing that the applicant was not able to meet the requirements of the zoning code because driveway placement was restricted by other City codes.

Gibson noted that he did not feel there was a hardship on the property because the church was wanting more out of the property than it was designed for. He also felt that paving over the green space area should not be a solution.

Motion by Sunderman, seconded by Kingery, to approve ZBA Resolution No. 14-12 approving the variance from Section 176.29-2C of the Marion Code of Ordinances to allow parking within the required corner side yard setback in the R-4, Four Family Residential Zoning District.

Roll Call:

Kingery -	Yes
Gibson -	No
Sunderman -	Yes
Roth -	No
Kent -	Yes

Motion passed.

- b. Adam Spear – owner, 1209 12<sup>th</sup> Street, Marion, Iowa – Requesting a variance from Section 176.11-3C of the Marion Code of Ordinances to allow a front porch to encroach into the required front yard setback in the R-3, Two Family Residential Zoning District.

ZBA Resolution No. 14-13 approving the variance request.

ZBA Resolution No. 14-13 denying the variance request.

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

Adam Spear, the applicant, addressed the Board and offered to answer any questions.

Motion by Gibson, seconded by Roth, to approve ZBA Resolution No. 14-13 approving the variance from Section 176.11-3C of the Marion Code of Ordinances to allow a front porch to encroach into the required front yard

setback in the R-3, Two Family Residential Zoning District, with the condition that the front porch is not allowed to be enclosed.

Roll Call:

Roth - Yes

Sunderman - Yes

Gibson - Yes

Kingery - Yes

Kent - Yes

6. ADJOURNMENT.

There being no further discussion, the meeting was adjourned at 7:22 PM

Respectfully Submitted,

Gordon Gibson, Secretary