



**MINUTES
ZONING BOARD OF
ADJUSTMENT APRIL 21, 2015**

1. CALL TO ORDER.

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

2. ROLL CALL.

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

3. ELECTION OF OFFICERS.

None, election was conducted in January.

4. MINUTES.

The minutes were not ready for approval. Minutes will be ready by the next meeting.

5. CONSENT CALENDAR.

- a. Motion to receive and file Greg Kingery's letter of resignation from the Zoning Board of Adjustment.

Motion by Gibson, seconded by Sunderman to receive and file Greg Kingery's letter of resignation from the Zoning Board of Adjustment.

All 'Ayes', motion passed.

- b. Motion to receive and file all correspondence from applicants and staff reports regarding variance requests on the April 21, 2015 Marion Zoning Board of Adjustment agenda.

Motion by Gibson, seconded by Sunderman to receive and file all correspondence from applicants and staff reports regarding variance requests on the April 21, 2015 Marion Zoning Board of Adjustment agenda.

All 'Ayes', motion passed.

6. APPEALS.

- a. Scott Clemenson, owner – 960 Barrington Parkway, Marion, Iowa – Requesting a variance from Section 176.29-2L of the Marion Code of Ordinances to allow less than the required number of off-street parking

spaces for a chiropractic and orthodontic office building located within the O-1, Office/Transitional zoning district.

ZBA Resolution No. 15-03 approving the variance request.

ZBA Resolution No. 15-03 denying the variance request.

Billings presented the staff report and gave a brief summary of the previous variance approved for the property and other properties in Marion within the last ten years.

Kent asked if any of the standards had been changed since Mr. Clemenson first received the original parking variance for the property. Billings replied that they had not changed.

Kent informed the applicant that he would need three positive votes from the Board to approve the variance request even though there were only three members present at the meeting. Mr. Clemenson indicated that he understood and would like the Board to hear the request and make a decision that night.

Mr. Clemenson, the applicant, addressed the Board in favor of the request. Also standing at the podium with him were Dr. Carmen Clemenson, the chiropractor in the building, and Dr. Brady Novak and Dr. Karl Swenson the orthodontists in the building. Mr. Clemenson explained the reasoning for the expansion is to accommodate additional orthodontic specialty services, but he did not feel that the additional services would overload the existing parking area. Mr. Clemenson went on to explain that their parking lot currently does not reach full capacity.

Mrs. Clemenson noted that her and her staff keep tight control of scheduling patients as she is only able to see so many patients within a given time period.

Mr. Novak addressed the Board and noted they want the additional space for specialty services that customers currently have to drive to the Cedar Rapids office to receive.

Gibson asked how the city would police the additional parking area if needed. Billings noted that the customers are going to be the ones to complain to the Dr.'s and worst case scenario is that customers have to park across the street at the MAC and staff receives complaints, and staff would deal with it at that time.

Gibson asked what the hardship was. Mr. Clemenson said that he as the building owner does not have a hardship, but the hardship is that the customers have to drive to Cedar Rapids to receive services and the additional parking spaces would create additional stormwater runoff.

Motion by Sunderman, seconded by Gibson to approve Resolution No. 15-03 approving the variance from Section 176.29-2L of the Marion Code of Ordinances to allow less than the required number of off-street parking spaces for a chiropractic and orthodontic office building located within the O-1, Office/Transitional zoning district based on the testimony from the owner and tenants that they currently have adequate parking on site and if such conditions warrant the additional parking option, the applicant will install it.

Roll Call:

Sunderman – Aye

Gibson – Aye

Kent – Aye

Motion passed.

- b. Scott Hansen, owner – 1363 8th Street, Marion, Iowa - Requesting a variance from Section 176.32-1B(2) of the Marion Code of Ordinances to allow a reduction of the required side yard setback within the R-3, Two Family Residential zoning district.

ZBA Resolution No. 15-04 approving the variance request.

ZBA Resolution No. 15-04 denying the variance request.

Hockett presented the staff report and provided an explanation of how the applicant came to need a variance to rebuild his garage. Mr. Hockett noted the different options that were discussed with the applicant and the drawbacks of each option.

Scott Hansen, the applicant, addressed the Board and explained his need for the variance that he had already purchased the building based on incorrect information from the Building Department and that pushing the garage back would diminish his back yard area.

Debra Hansen addressed the Board in favor of the request and explained that they do not want to lose any back yard area as they use their yard a great deal.

Ron Hilleshiem, the contractor of the garage addressed the Board and indicated that the building had already been purchased and that reframing the rafters to accommodate a smaller building would not be possible.

Chris Hauser at 1399 8th Street addressed the Board in favor of the request. He noted that he was in favor of the request because the property owner will be building a nicer garage than what was there before. He added that Mr. Hansen would need to significantly rearrange his back yard if the variance were not approved.

Mike McKern at 1398 9th Street addressed the Board in favor of the request.

Dick Boquist of 1350 9th Street addressed the Board in favor of the request.

Motion by Gibson, seconded by Sunderman to approve Resolution No. 15-04 approving a variance from Section 176.32-1B(2) of the Marion Code of Ordinances to allow a reduction of the required side yard setback within the R-3, Two Family Residential zoning district.

Roll Call:

Gibson – Aye

Sunderman – Aye

Kent – Aye

Motion passed.

7. Discussion regarding expanding the Board to a seven member board.

Hockett discussed the idea of increasing the Board size to seven in light of the difficulty of getting a quorum some months. He noted that staff was looking into the number of Board members in other communities. He noted that the Board is required to be gender balanced, but staff was also interested in finding members with varied backgrounds.

Gibson noted it was a good idea, but he felt it would be difficult to recruit more members and then the quorum would go up to four members which could be a problem as well.

8. ADJOURNMENT.

There being no further discussion, the meeting was adjourned at 7:44 PM

Respectfully Submitted,

Gordon Gibson, Secretary