

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**May 19, 2015**

**1. CALL TO ORDER.**

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

**2. ROLL CALL.**

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

**3. MINUTES.**

Motion by Gibson, seconded by Roth to approve the minutes from January 20 and April 21<sup>st</sup>, 2015.

All 'Ayes', motion passed.

**4. CONSENT CALENDAR.**

Motion to receive and file all correspondence from applicants and staff reports regarding variance requests on the May 19, 2015 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 May 19, 2015 Marion Zoning Board of Adjustment agenda.

All 'Ayes', motion passed.

**5. APPEALS.**

- a. Mike Van Pelt, owner – 2225 11<sup>th</sup> Avenue, Marion, Iowa – Requesting a variance from Section 176.32-1.B.(5) of the Marion Code of Ordinances to allow a detached accessory structure be set back a distance less than the minimum distance required for a principal building when adjacent to a street.

ZBA Resolution No. 15-05 approving the variance request.  
ZBA Resolution No. 15-05 denying the variance request.

Kent informed the applicant that since less than five members of the Board were present the applicant had the ability to have the item tabled for one month in hope of having a five member board at the next meeting. The applicant indicated that he wanted the case heard that night.

Billings presented the staff report and provided the Board with a history of how the area was platted, without identification of 11<sup>th</sup> Avenue.

Mike Van Pelt, the applicant, addressed the Board and explained that he knew he did not need a permit when he built the shed, but was not aware

of the additional setbacks. He explained to the board that moving the shed to any other location in the yard would greatly diminish the use of his yard. He went on to explain that although 11<sup>th</sup> Avenue may be a dedicated street, he has not seen any maintenance of it since he has lived in the house.

Beverly Armstrong, 2205 11<sup>th</sup> Avenue, addressed the Board in opposition of the request. She indicated that she feels the shed is large and does not like to see the shed from her front yard. She noted that the City used to plow her part of 11<sup>th</sup> Avenue until her neighbor built a garage at the end and then the city no longer plowed the snow, the neighbor does.

Motion by Gibson, seconded by Roth, to approve ZBA Resolution 15-05 approving the variance request from Section 176.32-1.B.(5) of the Marion Code of Ordinances to allow a detached accessory structure be set back a distance less than the minimum distance required for a principal building when adjacent to a street based on the applicants ability to meet the criteria of a hardship as defined in the City Code.

Roll Call:

Gibson – Aye

Roth - Aye

Kent - Aye

Motion passed.

Ms. Armstrong then expressed her discontent with the Board's decision.

- b. Francis Vanourney, owner – 1835 Maplecrest Drive, Marion, Iowa - Requesting a variance from Section 176.32-10 of the Marion Code of Ordinances to allow a garage door be a distance less than the required 25-foot setback from the property line it faces.

ZBA Resolution No. 15-06 approving the variance request.

ZBA Resolution No. 15-06 denying the variance request.

Hockett presented the staff report and gave a brief summary of the setbacks of the existing garages in the neighborhood.

Roth asked for confirmation that the garage doors would not be extending passed the front of the house. Hockett confirmed that it would not.

Kent informed the applicant that since less than five members of the Board were present the applicant had the ability to have the item tabled for one month in hope of having a five member board at the next meeting. The applicant indicated that he wanted the case heard that night.

Motion by Roth, seconded by Gibson to approve ZBA Resolution No. 15-06 approving the variance Section 176.32-10 of the Marion Code of Ordinances to allow a garage door be a distance less than the required 25-foot setback from the property line it faces.

Roll Call:

Gibson – Aye

Roth – Aye

Kent – Aye

Motion passed.

**6. Discussion regarding expanding the Board.**

Hockett informed the Board that staff is looking into having the City Council amend the code to allow alternates for the Board members in hopes to continually have a full voting board.

**7. ADJOURNMENT.**

There being no further discussion, the meeting was adjourned at 7:31 PM

Respectfully Submitted,

Gordon Gibson, Secretary