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1. CALL TO ORDER.

The meeting of the Zoning Board of Adjustment was called to order by Chairperson Kent at 7:00 p.m.

2. ROLL CALL.

Members Present: Golden, Jordan, Kent, Sunderman, and Potter  
Members Absent: N/A

Staff Present: Behrens and Hockett

Kent stated that the ITC Conditional Use request on the agenda will be heard at a later date.

3. MINUTES.

- a. Motion to approve the minutes as submitted from the May 21, 2019 meeting.

Motion by Potter, seconded by Jordan to approve the minutes as submitted from the May 21, 2019 meeting.

All ayes, motion carried.

4. CONSENT CALENDAR.

- a. Motion to receive and file all correspondence from applicants and staff.

Motion by Sunderman, seconded by Golden to receive and file all correspondence.

All ayes motion carried.

5. VARIANCE – TWG DEVELOPMENT LLC

- a. Public hearing regarding a variance requested by TWG Development LLC pursuant to Section 176.50-7 of the Marion Code of Ordinances to reduce the required number of parking spaces for a multi-family residential building at 2274 5<sup>th</sup> Avenue, Marion, Iowa.

ZBA Resolution No. 19-09 approving the variance request.  
ZBA Resolution No. 19-09 denying the variance request.

Behrens presented the applicant's request and gave background history on the property and how the zoning has changed recently, and which adjacent streets do not allow on-street parking versus where parking is allowed. She walked through the six general review standards for all requests before the Board and the five criteria in which a variance is reviewed. Behrens informed the Board of the Planning and Zoning Commission's recommendation for the Central Corridor Review regarding the Marion Lofts project and that they are aware of the Board's responsibility of reviewing the request for a reduction in parking.

Kent opened the public hearing at 7:12 p.m.

Sam Rogers with TWG Development, 3333 North Pennsylvania Street, Indianapolis, Indiana commented that when they made their application to the State for the tax credits, the property was zoned Planned Development. Changing the amount of parking due to the change of zoning after the design concept had been underway does cause a hardship.

Thomas Spratt, 2261 5<sup>th</sup> Avenue spoke on the issue of parking along the north side of 5<sup>th</sup> Avenue. He stated that during the nice months, it is not an issue; however, when there is snow on-street parking becomes a problem for snow removal.

Public hearing was closed at 7:19 p.m.

The Board discussed the request and concluded the change in zoning partway through the project makes it hard on the applicant. Also, that low income housing does not tend to generate the same number of vehicles per unit as other residential units.

Motion by Sunderman, seconded by Potter to approve ZBA Resolution No. 19-09 approving the variance request by TWG Development LLC pursuant to Section 176.50-7 of the Marion Code of Ordinances to reduce the required number of parking spaces for a multi-family residential building at 2274 5<sup>th</sup> Avenue, Marion, Iowa on the reasoning that the parking ratios are comparable to normal parking ratios and not to low-income housing ratios.

Roll Call:

Jordan	Aye
Golden	Aye
Potter	Aye
Sunderman	Aye
Kent	Aye

All ayes, motion carried (5-0)

## 6. CONDITIONAL USE – ITC MIDWEST LLC

- a. Public hearing regarding a conditional use request by ITC Midwest LLC pursuant to Section 176.08-3D of the Marion Code of Ordinances to permit an electric transmission substation in the A-1, Rural Restricted zoning district at 102 44<sup>th</sup> Street, Marion, Iowa.

ZBA Resolution No. 19-10 approving the conditional use request.

ZBA Resolution No. 19-10 denying the conditional use request.

Motion by Potter, seconded by Golden to continue the ITC Conditional Use Public Hearing to the following meeting.

All ayes, motion carried (5-0)

## 7. VARIANCE – ALANA WENGER

- a. Public hearing regarding a variance request by Alana Wenger pursuant to Section 176.10-3D of the Marion Code of Ordinances to allow less than the required 7-foot side yard setback for the principle structure and 176.35-8B of the Marion Code of Ordinances to allow less than the required 5-foot side yard setback for the deck at 625 Alexis Lane, Marion, Iowa.

ZBA Resolution No. 19-11 approving the variance request.

ZBA Resolution No. 19-11 denying the variance request.

Hockett presented on the history of the property and how the issue was discovered. He noted how the applicant tried to correct the issue by purchasing a portion of the neighbor's property; however, in the end this option was not possible as it does affect the future use of the neighbor's property.

Kent opened the public hearing at 7:31 p.m.

Alana Wenger, 625 Alexis Lane, commented on how she came to the realization of the mistake. She stated that her house is not the only one that was built in the wrong location.

Dylan Schnuelle, 537 Raleigh Lane, stated he was in favor of the request and how they tried to work out the sale of a portion of their property to the applicant. Per the bank, it was not feasible at this time as they did not have equity built-up.

Public hearing was closed at 7:35 p.m.

The Board discussed the circumstance of the situation and how it causes a hardship if she were to sell the property in the future as the house is not located on property she owns. They also made comments regarding the ability to rebuild the house if it ever needed to be and how that would not be allowed in the current state.

Motion by Potter, seconded by Jordan to approve Resolution No. 19-11 approving the variance request by Alana Wenger pursuant to Section 176.10-3D

of the Marion Code of Ordinances to allow less than the required 7-foot side yard setback for the principle structure and 176.35-8B of the Marion Code of Ordinances to allow less than the required 5-foot side yard setback for the deck at 625 Alexis Lane, Marion, Iowa.

Roll Call:

Sunderman	Aye
Potter	Aye
Jordan	Aye
Golden	Aye
Kent	Aye

All ayes, motion carried (5-0)

8. OTHER BUSINESS.

Hockett stated that Tracey Bellach, whom sends them emails regarding meeting information has taken a position with the Parks Department.

9. ADJOURNMENT.

There being no further business the meeting was adjourned at 7:38 p.m.

Respectfully Submitted,

Angela Jordan, Secretary