
The Zoning Board of Adjustment of the City of Marion, Iowa, will meet **Tuesday, September 15, 2020 at 7:00 p.m.** for their regular monthly meeting. The agenda is as follows:

NOTE: Based on COVID-19 guidance from Linn County Public Health and the State of Iowa to limit the size of groups gathering, this meeting is able to be viewed online. To watch, go to Zoom.com, select Join a Meeting, and enter the Meeting ID #844 1475 0532. A link is also provided at www.cityofmarion.org. Audio only can be heard by calling 1-301-715-8592 and enter the same Meeting ID listed above.

Anyone who wishes to comment on an agenda item, including public hearings, may submit the question or comment to the Planning Division by 4:00 p.m. on Tuesday, September 15th via phone at 319-743-6320 or email abartlett@cityofmarion.org. Comments can also be provided during the Zoom meeting by clicking the Q&A option and entering your comment. All comments will be acknowledged during the meeting.

1. CALL TO ORDER

2. ROLL CALL

3. MINUTES

- a. Motion to approve the minutes as submitted from the July 21, 2020 meeting.

4. CONSENT CALENDAR

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

5. DACOSTA – VARIANCE – FRONT YARD SETBACK

- a. Public hearing regarding a variance requested by Ariel DaCosta pursuant to Section 176.32-12 of the Marion Code of Ordinances to allow a garage be less than the required 25-foot setback from the property line it faces located at 3170 Adel Street SE, Cedar Rapids, Iowa.

ZBA Resolution No. 20-14 approving the variance request.

ZBA Resolution No. 20-14 denying the variance request.

6. MARION PUBLIC LIBRARY – EXCEPTION – STREET FRONT LANDSCAPING (TREES)

- a. Public hearing regarding an exception requested by the Marion Public Library pursuant to Section 176.43-7.B of the Marion Code of Ordinances to allow a

reduction in the required screening amount of street front landscaping trees located at 1101 6th Avenue, Marion, Iowa.

ZBA Resolution No. 20-15 approving the variance request.

ZBA Resolution No. 20-15 denying the variance request.

7. MARION PUBLIC LIBRARY – VARIANCE – MONUMENT SIGN

- a. Public hearing regarding a variance requested by the Marion Public Library pursuant to Section 176.31-9.F(3) of the Marion Code of Ordinances to allow a monument sign be located less than the required 5-feet from the right-of-way located at 1101 6th Avenue, Marion, Iowa.

ZBA Resolution No. 20-16 approving the variance request.

ZBA Resolution No. 20-16 denying the variance request.

8. URIDIL – VARIANCE – FENCE HEIGHT

- b. Public hearing regarding a variance requested by Lynn Uridil pursuant to Section 176.35-12 of the Marion Code of Ordinances to allow a fence over 6 feet in height located at 985 Raleigh Lane, Marion, Iowa.

ZBA Resolution No. 20-17 approving the variance request.

ZBA Resolution No. 20-17 denying the variance request.

9. OTHER BUSINESS

- a. Discussion regarding non-conforming buildings and structures damaged and destroyed during Derecho.

10. ADJOURN

1. CALL TO ORDER

The regular meeting, held via Zoom, of the Zoning Board of Adjustment was called to order at 7:00p.m.

2. ROLL CALL

Members Present: Kent, Sunderman, Potter, Golden, and Jordan

Members Absent: N/A

Staff Present: Hockett and Behrens

3. MINUTES

- a. Motion to approve the minutes as submitted from the June 16, 2020 meeting.

Motion by Sunderman, seconded by Potter to approve the June 16, 2020 Zoning Board Minutes.

Roll Call:

Jordan	Aye
Potter	Aye
Golden	Aye
Kent	Aye
Sunderman	Aye

All ayes, motion approved (5-0).

4. CONSENT CALENDAR

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

Motion by Golden, seconded by Jordan to receive and file all correspondence from applicants and staff.

Roll Call:

Sunderman	Aye
Potter	Aye
Jordan	Aye
Golden	Aye
Kent	Aye

All ayes, motion approved (5-0).

5. REED – CONDITIONAL USE (BEES)

- a. Public hearing regarding a conditional use requested by Andrea Reed pursuant to Section 176.49-9 of the Marion Code of Ordinances to allow honeybee hives to be located at 1295 Parkview Drive, Marion, Iowa.

Hockett gave a brief staff report and reviewed the requirements of the conditional use request specifically for keeping honeybees and for a conditional use in general. He also summarized an email from R2T2 Investments, LLC, 1260 Parkview Drive, that was received by staff in opposition to the request.

Sunderman asked if a reply was sent to the property owner in opposition. Hockett stated that he informed the property owner that their concerns would be forwarded to the Board. Sunderman asked if the questions raised within the email were specifically addressed in the reply. Hockett stated that most of the questions were addressed during the Planning Commission meeting.

Golden asked if anyone else was questioned regarding the bees. Hockett stated that neighbors have been notified twice via postcards and a sign has been located within the front yard.

The public hearing was opened at 7:15

With no comments, the public hearing was closed at 7:16.

Motion by Potter, seconded by Sunderman to approve ZBA Resolution 20-11 regarding the conditional use request to allow honeybee hives to be located at 1295 Parkview Drive, Marion, Iowa.

Roll Call:

Golden	Aye
Jordan	Aye
Sunderman	Aye
Potter	Aye
Kent	Aye

All ayes, motion approved (5-0).

6. BANKIOWA – CONDITIONAL USE (ATM)

- a. Public hearing regarding a conditional use requested by Banklowa pursuant to Ordinance No. 13-14, Section 1(2) to permit an ATM drive-thru located at 901 Tower Terrace Road, Marion, Iowa.

Behrens provided the Board with a brief staff report and walked through the conditional use criteria. She also summarized the email of opposition received from Mr. James (*710 Barrington Parkway*), pertaining to the location of the drive-thru ATM.

Kent asked about the landscaping by the drive-thru pertaining to the size and density of the landscaping at installation. Behrens stated that she would let the applicant, or their engineer speak to the landscaping size.

Golden asked about the light concerns Mr. James had brought up in his email. Behrens stated that she was unaware of any blinking lights referenced in Mr. James' email and that the ATM would be set back from Tower Terrace Road, making it harder to see the ATM from Tower Terrace Road.

The public hearing was opened at 7:40p.m.

Dan Schmidt, Brain Engineering, mentioned that the boxwood landscaping would most likely be planted at a 4' height and staggered to help minimize any light from the vehicles. He said the intent is to provide adequate screening at initial planting. Kent stated he

believes the residences would want screening in place without having to wait for it to grow. Schmidt stated that because this is a temporary location, the intent is to immediately provide screening without considering growth.

Kent asked if Schmidt could address the green blinking light on the ATM. Schmidt mentioned that he was unable to address the light and Hockett stated the applicant was wanting to speak.

Alex Urbina, 4709 Keystone Ridge, Cedar Rapids (*Banklowa*), informed the Board about the background of the bank wanting a presence in Marion. He said that they can place the landscaping in a manner to provide an adequate buffer from the residential properties. Urbina, mentioned he was unsure of the green blinking light mentioned in the email.

Kent stated that if there is no green blinking light, then they (the Board) have nothing to do with the blinking light and only the ATM.

With no further comments, the public hearing was closed at 7:47p.m.

Motion by Potter, seconded by Golden to approve ZBA Resolution 20-12 regarding the conditional use request to permit an ATM drive-thru located at 901 Tower Terrace Road, Marion, Iowa with staffs' conditions.

Roll Call:

Sunderman	Aye
Jordan	Aye
Golden	Aye
Potter	Aye
Kent	Aye

All ayes, motion approved (5-0).

- b. Public hearing regarding a conditional use requested by Banklowa pursuant to Ordinance No. 13-14, Section 1(4)K to permit an ATM to operate between the hours of 11:00p.m. and 6:00a.m. located at 901 Tower Terrace Road, Marion, Iowa.

Behrens provided the Board with a brief staff report pertaining to the hours of operation for the ATM drive-thru. She mentioned that the email in opposition did state the property owner did not have any concerns regarding the extension of hours.

The public hearing was opened at 7:55p.m.

Urbina stated that having access to cash at all hours is beneficial to the community.

The public hearing was closed at 7:56p.m.

Motion by Jordan, seconded by Potter to approve ZBA Resolution 20-13 regarding the conditional use request to permit an ATM to operate between the hours of 11:00p.m. and 6:00a.m. located at 901 Tower Terrace Road, Marion, Iowa.

Roll Call:

Sunderman	Aye
Golden	Aye
Potter	Aye
Jordan	Aye
Kent	Aye

All ayes, motion approved (5-0).

7. OTHER BUSINESS

c. None.

8. ADJOURN

There being no further business the meeting was adjourned at 7:57p.m.

Respectfully submitted,

Angela Jordan
Secretary



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 1225 6th Avenue, Suite 210
 Marion, Iowa 52302
www.cityofmarion.org

Zoning board memo

DATE: September 10, 2020
TO: Marion Zoning Board of Adjustment
FROM: David N. Hockett, AICP
 Principal Planner
RE: 5. DACOSTA – VARIANCE – FRONT YARD SETBACK

- a. Public hearing regarding a variance requested by Ariel DaCosta pursuant to Section 176.32-12 of the Marion Code of Ordinances to allow a garage be less than the required 25-foot setback from the property line it faces located at 3170 Adel Street SE, Cedar Rapids, Iowa.

ZBA Resolution No. 20-14 approving the variance request.
 ZBA Resolution No. 20-14 denying the variance request.

Terms of Application & Decision for granting a Variance Request:

Per Section 176.36, Zoning Board of Adjustment of the Marion Code of Ordinances, the Zoning Board of Adjustment is the deciding body to authorize the granting of a variance.

The applicant shall demonstrate the following items upon a variance request:

1. Strict application of the Code will impose unusual and practical difficulties or a particular hardship on the property owner.
2. The variance is in harmony with the general purpose, intent, and spirit of the Code.
3. The request will not serve as a mere convenience to the applicant but will alleviate a demonstrable and unusual hardship.
4. That surrounding property will be protected.
5. That by granting a variance, substantial justice will be done.

The Zoning Board of Adjustment shall make their decision based on the following:

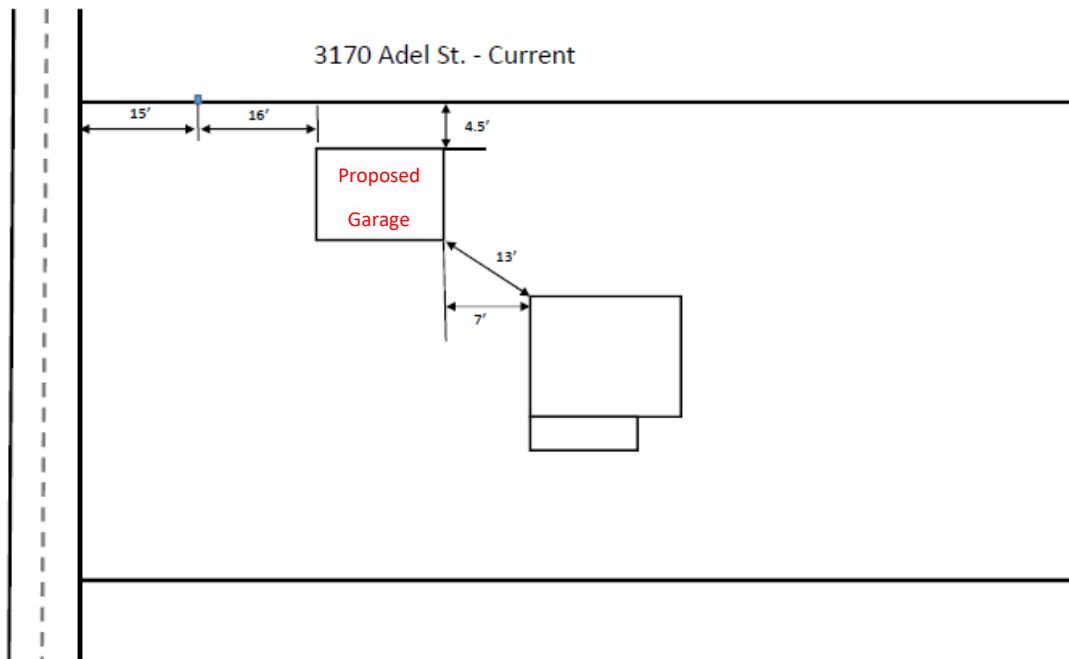
1. That the granting of the request will not permit any use which is not allowed as a permitted or conditional use except in accordance with the provisions set forth within Section 176.36.
2. That the request will not material diminish or impair an adequate supply of light and air to adjacent property.
3. That the request will not materially increase the congestion in public streets.
4. That the request will not materially increase the danger of fire or public safety.
5. That the request will not materially diminish or impair established property values within the surrounding area.
6. That the request will not diminish or impair the public health, comfort, safety, morals, or welfare of other citizens.

Petitioner's Request:

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The applicant, Ariel DaCosta is seeking a 25-foot variance from Section 176.32-12 to allow a garage door to be located 16' from the property line. The applicant is planning to replace an existing detached garage utilizing an existing garage footing / slab. The applicant has identified numerous concerns with locating the garage further into the property and potential conflict with utilities within her request.

The City has established a 25' front yard setback primarily to permit a vehicle to park in a driveway without overhanging a public sidewalk or into the street. There are no public sidewalks along Adel Street SE and likely will not be installed within the next 20+ years in addition the face of the garage would be approximately 30' from the street edge. Staff has no concerns with vehicle overhang over the sidewalk or into the public street with the proposed request.



Staff conducted a windshield survey of the neighborhood and determined that there were varying degrees of setbacks, with many detached garages and home that do not meet the required setback standards established in the R-1, Low Density Single Family Residential zoning standards. The proposed garage would be consistent with adjacent structures.



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Variance Instructions and Application
Notice of Appeal to the Zoning Board of Adjustment

CONTACT INFORMATION:

Owner: Ariel DaCosta
 Company Name if Applicable: _____
Address: 3170 Adel St SE City, State, Zip: Cedar Rapids, IA 52403
Phone: 319-213-8800 Fax: _____ Email: arieldaosta199@gmail.com

Applicant or Agent (if different from Owner): _____
 Company Name if Applicable: _____
Address: _____ City, State, Zip: _____
Phone: _____ Fax: _____ Email: _____

Applicant or Agent (if different from Owner): _____
 Company Name if Applicable: _____
Address: _____ City, State, Zip: _____
Phone: _____ Fax: _____ Email: _____

PRE-APPLICATION INFORMATION:

Have you attended a pre-application conference with Staff? Yes: No: *Not Needed*
 If yes, date of pre-application conference: _____

If no, contact the Planning and Development Department at 319-743-6320 or email Ama Bartlett at abartlett@cityofmarion.org to schedule a pre-application conference prior to submittal of the application. Failure to conduct a pre-application conference may result in processing delays of your request.

PROPERTY INFORMATION:

Property Address (if different from Owner Information): _____
Legal Description: Kenwood Heights lots 30 & 31
Lot Size: 80 x 200 = 16,000 Square Feet (or attach a copy of Plat)
Zoning District: R-1 Present Use of Property: Residential
City Code Section regarding Conditional Use: _____



Variance Instructions and Application
Notice of Appeal to the Zoning Board of Adjustment

GENERAL DESCRIPTION OF REQUEST:

Please provide a general description of the request. (Use additional sheets of paper if necessary)

Attached in separate document.

SITE PLAN:

Have you attached a site plan? Yes: No:

Please remember a site plan must be submitted and be to a reasonable scale. If you should require assistance please contact the Planning and Development Department.

IMPORTANT DATES AND TIMES:

- Zoning Board of Adjustment Deadline – Last weekday of the Month – 4:00 p.m.
- Zoning Board of Adjustment Regular Meeting – 3rd Tuesday of Every Month – 7:00 p.m.

It is requested that the appeal be set for hearing by the Chairperson of the Zoning Board of Adjustment in strict accordance with the provisions of the Code of Ordinances of the City of Marion. Property owner signature is required.

Name: *Ariel Daloster*
(Signature)

Date: *7/21/2020*

General Description of Request:

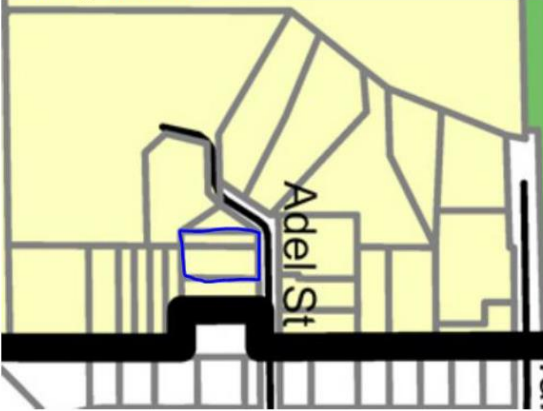
I request that the garage structure be allowed to remain the same distance from the East lot line as the previous structure had been which is approximately 16 feet into the property. I have adjusted the previous site map to meet the 5 foot distance from the South property line.

Considerations for variance request

1. The new structure would closely follow the existing site map to minimize impact on the surrounding forest areas and overall aesthetic of the neighborhood. Current structure is 16 feet back from the property line, 31 feet back from the road. The new site plan does adjust the position of the structure in relation to the south property line to meet the 5 foot code requirement.
2. Lot area where structure construction is feasible is approximately 100 ft into the lot before terrain is sloped forest. Steep slopes affect approximately 50% of the lot. Existing structures include house, screened-in porch, and patio area.
3. If the structure is moved back to 25 feet in from the property line:
 - a. Structure location interferes with mature Oak Tree near the front of the garage. Would have to be removed.
 - b. Front sidewalk area would have to be adjusted.
 - c. Light post near front of property would have to be removed.
 - d. Existing patio and firepit area are located within the area where structure would be placed.
 - e. Home utilities such as air conditioning unit and radon mitigation are located along the side of the home where the garage would be placed.
 - f. 216 square feet of green space is lost and replaced by cement. This is currently used as the primary recreation space for the residence.
 - g. Garage must meet additional fireproofing regulations which will significantly increase the cost of the structure.
 - h. Additional concrete to allow for longer driveway will significantly increase the cost of the structure.
4. Neighborhood considerations:
 - a. Neighboring garage to the south is also placed in front of the house. Keeping the garage in front of the house will align with the neighborhood aesthetic.
 - Neighboring garage is approximately 34 feet away from road (exact property line post cannot be located).
 - Considered moving the garage to the other side of the house (to the north lot), this would interfere with the aesthetic of the neighborhood and the area would no longer have the "park like" feel and require the removal of two mature trees and a tree stump.
5. Adjustment of new site plan to relocate the structure will result in project delays of 1-2 years which will decrease the property value. The existing garage structure has been removed (cement pad is still in place).

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Zoning Area R-1



Images of current area



Front yard view with previous structure

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Front yard view with previous structure



Backyard recreational area - would be removed without variance

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Location of secondary consideration for garage structure – image includes portions of neighboring lot



Location of secondary consideration for garage structure – image includes portions of neighboring lot

Zoning board memo

DATE: September 11, 2020

TO: Zoning Board of Adjustment
FROM: David N. Hockett
Principal Planner

RE: 6. MARION PUBLIC LIBRARY – EXCEPTION – STREET FRONT LANDSCAPING (TREES)

- a. Public hearing regarding an exception requested by the Marion Public Library pursuant to Section 176.43-7.B of the Marion Code of Ordinances to allow a reduction in the required screening amount of street front landscaping trees located at 1101 6th Avenue, Marion, Iowa.

ZBA Resolution No. 20-15 approving the variance request.

ZBA Resolution No. 20-15 denying the variance request.

7. MARION PUBLIC LIBRARY – VARIANCE – MONUMENT SIGN

- b. Public hearing regarding a variance requested by the Marion Public Library pursuant to Section 176.31-9.F(3) of the Marion Code of Ordinances to allow a monument sign be located less than the required 5-feet from the right-of-way located at 1101 6th Avenue, Marion, Iowa.

ZBA Resolution No. 20-16 approving the variance request.

ZBA Resolution No. 20-16 denying the variance request.

The Marion Public Library (MPL) is seeking approval of two (2) request for relief from the Marion Code of Ordinances. The first item is an exception as provided by Section 176.43-7.B to permit the reduction in the required amount of screening of street front landscaping. The second request is a variance to Section 176.31-9F(3) to permit a monument sign to be located less than the required 5' from the property line.

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The MPL is constructing a new library between the current library and Marion City Hall on property that was recently zoned to U-2, Uptown 2 that is intended to be a more intensive use district than the U-1 District and allows for full block buildout and higher densities. The District encourages residential, service, and retail uses to develop in a mixed-use environment that supports Uptown living, shopping and working. Similar to the U-1 District, quality materials, and pedestrian circulation and amenities are encouraged to provide community-gathering spaces.



Public hearing regarding an exception requested by the Marion Public Library pursuant to Section 176.43-7.B of the Marion Code of Ordinances to allow a reduction in the required screening amount of street front landscaping trees located at 1101 6th Avenue, Marion, Iowa.

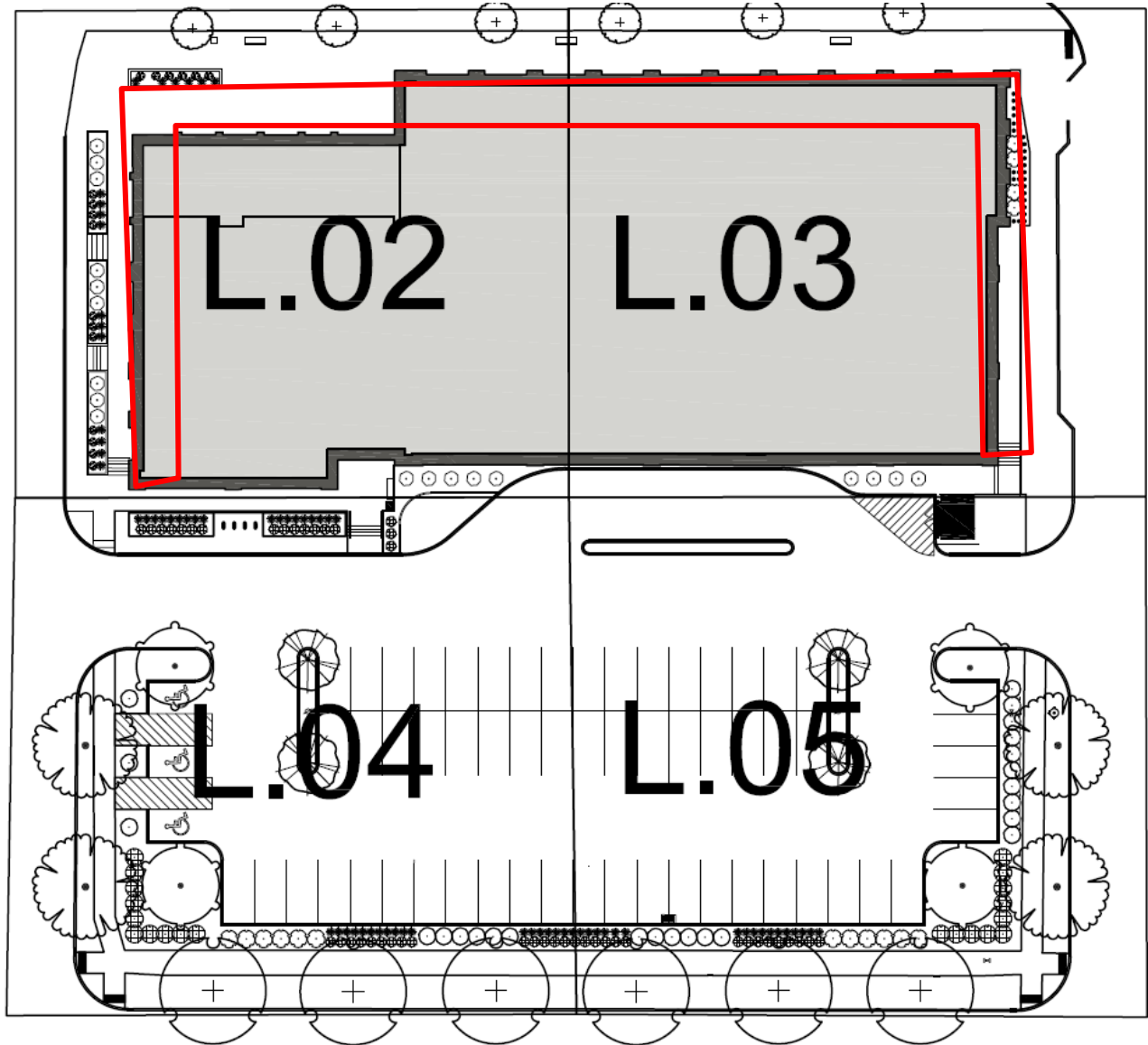
ZBA Resolution No. 20-15 approving the variance request.
ZBA Resolution No. 20-15 denying the variance request.

The ZBA is permitted to “waive or reduce the parking, loading, or screening requirements in any zoning district whenever the character of use of the building is such to make unnecessary the full provisions of such requirements, or where such regulations would impose an unreasonable hardship on the lot as contrasted with merely granting an advantage or convenience” Note that the standards for review are different than a variance request.

The U-2 zoning district requires twenty-three (23) trees to be planted within the street facing yards of the subject property. Trees are required to be provided at a rate of one (1) tree per forty feet (40') of frontage excluding driveway openings. The applicant has provided sixteen (16) trees and are seeking an exception of 7 trees. The U-2 zoning district encourages full buildout of the lot with buildings and the MPL has been placed almost entirely at the 6th Avenue Street frontage as well as significant portion of the 11th and 12th Street sides. The only area to make up the shortage would be along the 5th Avenue where a retaining wall is being utilized to make up the grade difference and a landscape screening is in place with additional trees provided for in the right-of-way.

Staff has no objection to the granting of the exception to the landscape requirement when buildings are built up to the property line as proposed by the MPL when offsite improvements are made within the right-of-way and internal to the site as the MPL has illustrated with the site plan above and renderings below.

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August 3, 2020

REQUEST FOR EXCEPTION

Marion Public Library | New Facility
Engberg Anderson Project No. 193005

The Marion Public Library respectfully requests an exception to the number of street frontage trees required for the new facility project. The new Library project will be a complete buildout of the city block located between 5th and 6th Avenue and 11th and 12th Street. The total street frontage trees required is (23). The project is providing (10) new street trees in addition to maintaining (6) trees along 6th Street for a total of (16) trees. Additionally, the project is proposing (8) trees within the site on the south parking lot area. The total tree count for the project site is (24) trees counting both existing and new.

The following items below provide background and design decisions which make providing 23 street trees difficult.

1. The full block buildout, as allowed in the U-2 zoning district, created several design challenges. Based on the Library's building space requirements and the Community, City, and Library's desire to maximize parking the design required the use of every inch of the site. Additionally, the drive thru space at the Library requires a pass through parking drive which utilizes (2) curb cuts further reducing space for street trees.
2. The building is proposed to be constructed up to the property line on the North, East and West facades. This limits the tree planning zones. Along the west façade permanent planters are planned to be installed to provide planting relief as well as allowing the Library to resolve the grade difference along 11th Street. This area, as designed, will allow for the Library to connect to any future development of 11th Street. We were able to maintain parking along 11th Street, provide landscape planters, and resolve grading issues with the current design.

Along the East façade the Library is proposing a loading and parking zone along 12th Street. This required a reduction in the ROW of 8 feet in addition to the grading challenges of the building which limited space for street trees.

Based on both the east and west site challenges we are unable to effectively provide street trees.

3. To provide the 23 required street fronting trees an additional 7 trees would be required. Based on the current site design, the only areas without street fronting trees are the portions of the site along the east and west facades of the building. As stated above this would have design impacts on the building.
 - a. Providing street trees along the west façade of the building would either eliminate parking along 11th street or require a redesign of the Library. The Library located meetings rooms along this elevation in hopes of providing a connection between 11th Street and library programming. The size of the meeting rooms requires additional exits from the building. The current design

8618 W. Catalpa Ave., Suite 1116 | Chicago, IL 60656 | (847) 704-1300 | www.engberganderson.com

MILWAUKEE

MADISON

TUCSON

CHICAGO



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allows for ADA access as well as addresses grading issues along 11th street to allow this connection.

- b. In corporation with the City, the Library chose to locate a loading zone along 12th street. This allowed the loading zone to be removed from the parking area to increase parking spaces and provide a safer access of the building for patrons. The loading zone required 8 feet of the current ROW along 12th Street. Based on the location of the building and the loading zone, street trees would not be possible. If the loading area was removed and relocated to the parking lot, the parking lot would need to be redesigned and parking spaces reduced.
4. We request that our trees within the site be considered towards our street fronting tree total. The additional trees in the parking lot help soften the views from the residential neighbors to the south and help provide additional shading of the parking lot. We believe the internal site trees provide a benefit to the community similar to street fronting trees.

We respectfully request the City take these items into consideration when reviewing the design and grant the Library a street fronting tree exception.

EA File Name: U:\Projects\2019 3005\193005 Marion PL\193085.01 Marion PL New Bldg\1-Project Administration\6-Codes\Zoning\Planning And Zoning Submission 2\MPL Street Tree Exception.Docx

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1225 6th Avenue, Suite 210
Marion, Iowa 52302
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Public hearing regarding a variance requested by the Marion Public Library pursuant to Section 176.31-9.F(3) of the Marion Code of Ordinances to allow a monument sign be located less than the required 5-feet from the right-of-way located at 1101 6th Avenue, Marion, Iowa.

ZBA Resolution No. 20-16 approving the variance request.
ZBA Resolution No. 20-16 denying the variance request.

Per Section 176.36, Zoning Board of Adjustment of the Marion Code of Ordinances, the Zoning Board of Adjustment is the deciding body to authorize the granting of a variance.

The applicant shall demonstrate the following items upon a variance request:

1. Strict application of the Code will impose unusual and practical difficulties or a particular hardship on the property owner.
2. The variance is in harmony with the general purpose, intent, and spirit of the Code.
3. The request will not serve as a mere convenience to the applicant but will alleviate a demonstrable and unusual hardship.
4. That surrounding property will be protected.
5. That by granting a variance, substantial justice will be done.

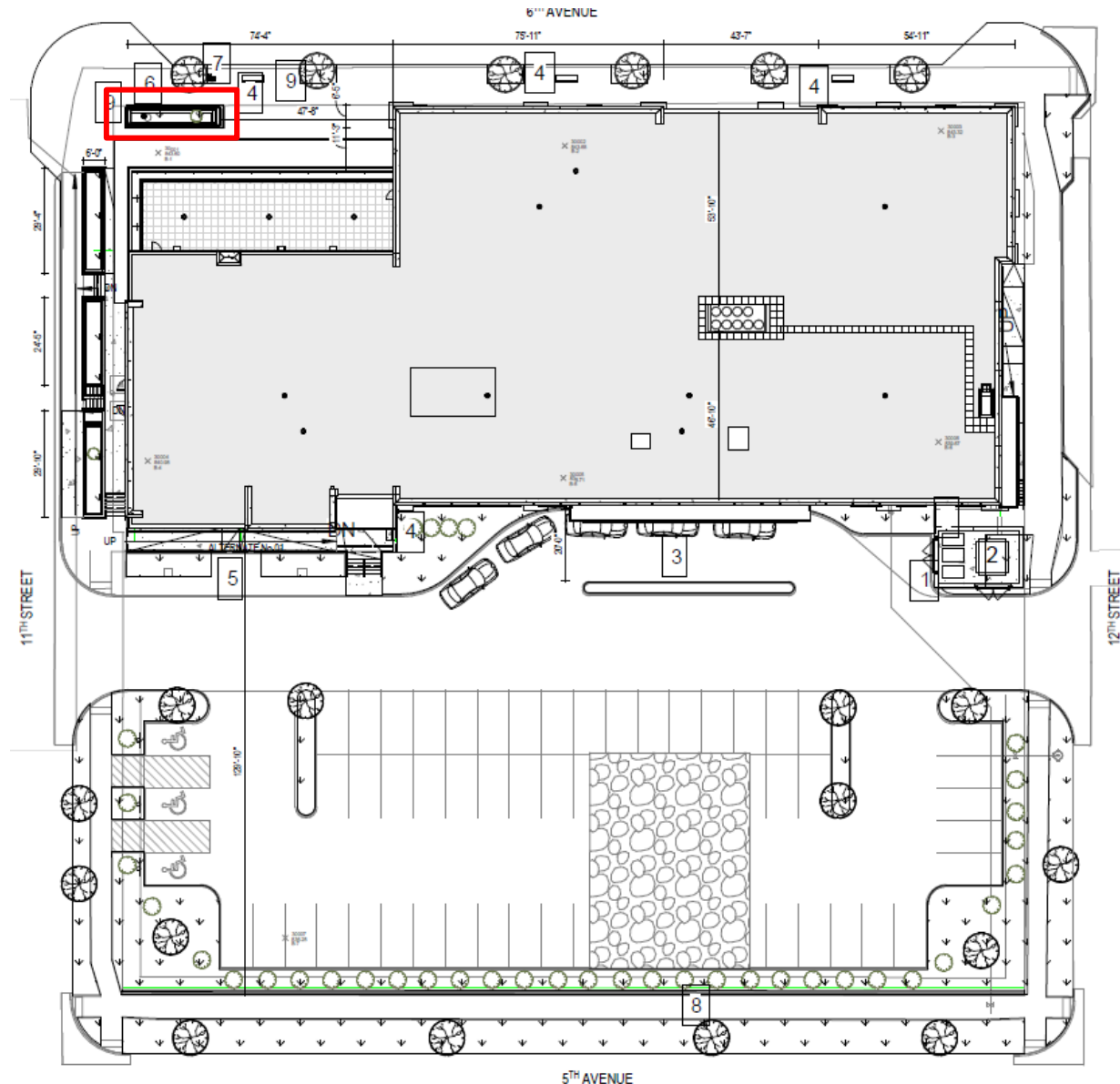
The Zoning Board of Adjustment shall make their decision based on the following:

1. That the granting of the request will not permit any use which is not allowed as a permitted or conditional use except in accordance with the provisions set forth within Section 176.36.
2. That the request will not material diminish or impair an adequate supply of light and air to adjacent property.
3. That the request will not materially increase the congestion in public streets.
4. That the request will not materially increase the danger of fire or public safety.
5. That the request will not materially diminish or impair established property values within the surrounding area.
6. That the request will not diminish or impair the public health, comfort, safety, morals, or welfare of other citizens.

The applicant, MPL is seeking a variance to Section 176.31-9.F(3) to permit a monument sign to be placed less than 5' from the property line for property zoned U-2. Free standing signs are required to be setback primarily for safety reasons as the City looks to avoid having a structure immediately adjacent to the public sidewalks, when the code was written free standing signs were not permitted in the former uptown zoning district (C-2) which was partially replaced with the new U-2 zoning district. The U-2 district permits freestanding signs but the requirement for the setback was not revised and still requires a 5' setback. The U-2 district strongly encourages the building to be built to the property line right to the sidewalk at which time a sign could be placed on the building at the property line and be permitted even overhang the sidewalk as a projection sign. Most uptown buildings currently have signs that at or over the sidewalk.

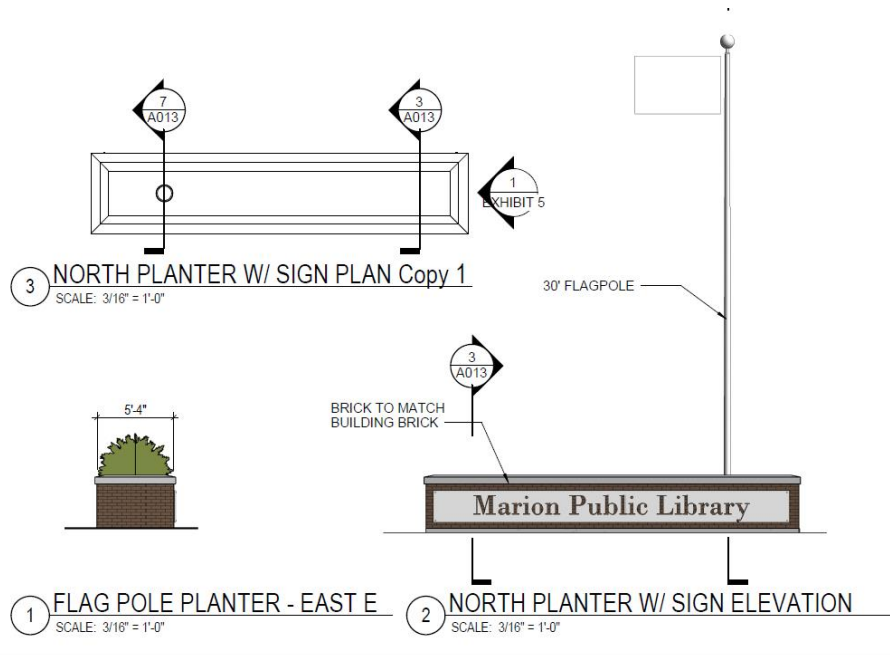
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The MPL has recessed a portion of the building in this area to provide a visually appealing entrance and provide some architectural change at the intersection. The MPL would like to keep a building form at the intersection and have done that with a large brick planter box that matches the building elements that will also serve as a location for the flag pole while also providing a buffer between the street and some outdoor pedestrian space around the entrance to the building. This structure is permitted at the corner as a right, however with the placement of the sign on this structure it now is classified as free-standing monument sign and would not be permitted. The proposed sign does not alter the structure in any way.



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The sign could be placed on the building (primary structure) and would not require a variance request.



August 3, 2020

REQUEST FOR VARIANCE

Marion Public Library | New Facility
Engberg Anderson Project No. 193005

Throughout the design process for the new City of Marion Library facility, the community, City Officials and Library Staff have all been involved. We have provided plans and renderings of several different options to solve design challenges on the site and building. It is through this open and transparent process that we intend to make the community as well as stakeholders an active participant in the design.

The Marion Public Library respectfully requests a variance for the installation of a sign in the northwest corner of the project site along 6th Avenue. The project design includes a brick planter in this area as a key design element. The planter is designed to hold the edge of the building along 6th Avenue. A Library plaza was created at the Northwest corner of the building to act as a buffer for the main entry, introduce a canopy element to provide cover and a scale to the space, and to provide a seating area for patrons to enjoy an outside space and activate 6th Avenue. The planter is used to frame the space, providing a small semi-private zone, introduce plantings, and contain the flag pole.

Throughout the design process with the community, City and Library, a sign was added to the planter to enhance the aesthetic value of the space, create a sign location that was visible to east and west traffic, and emphasize the civic importance of the Library in the community. When reviewing the location of the sign, we feel it is important to note that the planter is a site element that has larger design impact on the overall project than just the sign.

We offer the following items for considering by the Zoning Board of Adjustment based on the 5 items listed in the Variance Application.

1. Based on the limited space of the site and project design goals, each square foot of the property has a premium value. The following items are the main drivers for the site design. The site has many competing interests beyond the list below however these serve as the primary needs.
 - a. **Building Size:** The program for library required a 50,000 + square foot building. Spread across two floors this equals about 25,000 square feet per floor of site area.
 - b. **Parking:** The community, City, and Library prioritized parking over most other site features. Recognizing the need for parking in the downtown area, the Library should not add to this issue and was required to maximize parking on site.
 - c. **Book Drop & Service Window:** The option of having both a drive thru book drop and a service windows allows an alternate service to patrons parking who need to complete quick drop offs and pick-ups. It also, allows for streamlined operation of library services in times when accessing the building would be a health issue.

The option of setting the planter back 5 feet from the property line would have following adverse effects on the use of the Northwest entry plaza area.

- a. **Outdoor Seating Area:** The library envisions having outdoor seating under the canopy along the building for patrons to use during the warmer months of the year. The space between the building and the planter allows for two person tables and a walkway. By moving the planter south 5 feet we would eliminate the area for seating. Based on the list of items above, the building is fixed to accommodate the Drive thru services and parking.
- b. **Holding the Property Line:** It is considered good urban design practice to hold the edge of property in a downtown location. The planter is aligned with both the North and West edge of the building. Setting the planter back would break this line and be less desirable from an aesthetic and urban design standpoint. Additionally, the planter is used to define the entry plaza space. Moving the planter would also affect the perceived plaza size by making it smaller.
- c. **Flag Pole:** The planter is an optimal location for the Library's Flag Pole. If the planter would shift closer to the building, the design team would recommend finding a new location for the flag pole. We feel the pole would be too close to the building and canopy.

Based on the limited site available and the goals of the project, moving the planter closer to the building would cause significant design and use changes of the Library.

2. The current location and design of the sign on the planter meets the intent and purpose of sign regulation ordinance 176.31. The integrated design of the sign with the planter creates a more attractive element and enhances the physical appearance of the Library site. The sign is purposely located to notify the public of the Library while not being a distraction to traffic. The sizeable area around the planter at the corner of 11th street and 6th Avenue does not intrude on the enjoyment of the public way or cause an obstacle to pedestrians. The sign and planter are constructed of materials match the building design and integrate into the overall design aesthetic of the site and Library.
3. The location of the planter and the sign are intended to be a benefit to the community not the Library. The Library entry plaza is a space to be occupied and enjoyed by all citizens of the Marion community. The current location maximizes the number of patrons who can access the space as well as create a more harmonious building and site design.
4. The downtown of Marion is a collection of historic building and beautiful open spaces. These buildings commonly hold the edges of their property along public streets. The Library is intending to hold the edge while providing an entry plaza for the community. This design element maintains the continuity of the downtown edge and further reinforces the aesthetic nature of the Library which is a benefit to the neighbors. The sign does not intrude into the right-of-way or take away public space.
5. The design of the plaza planter and sign are intended to benefit the community as a whole. The library intends to use the plaza as public space for seating and public gathering. The design seeks to maximize this space in order to maximize the use to patrons. The Library is not seeking any financial gain with the location of the sign or the planter.

We respectfully submit the following reasons for our request for variance regarding the planter and sign location for the Marion public Library. Please reach out to the design team or Library if you have questions regarding our request. We thank you for your consideration.



Planning Division
 1225 6th Avenue, Suite 210
 Marion, Iowa 52302
www.cityofmarion.org

Zoning board memo

DATE: September 10, 2020
TO: Marion Zoning Board of Adjustment
FROM: David N. Hockett, AICP
 Principal Planner
RE: 8. URIDIL – VARIANCE – FENCE HEIGHT

- a. Public hearing regarding a variance requested by Lynn Uridil pursuant to Section 176.35-12 of the Marion Code of Ordinances to allow a fence over 6 feet in height located at 985 Raleigh Lane, Marion, Iowa.

ZBA Resolution No. 20-17 approving the variance request.
 ZBA Resolution No. 20-17 denying the variance request.

Terms of Application & Decision for granting a Variance Request:

Per Section 176.36, Zoning Board of Adjustment of the Marion Code of Ordinances, the Zoning Board of Adjustment is the deciding body to authorize the granting of a variance.

The applicant shall demonstrate the following items upon a variance request:

1. Strict application of the Code will impose unusual and practical difficulties or a particular hardship on the property owner.
2. The variance is in harmony with the general purpose, intent, and spirit of the Code.
3. The request will not serve as a mere convenience to the applicant but will alleviate a demonstrable and unusual hardship.
4. That surrounding property will be protected.
5. That by granting a variance, substantial justice will be done.

The Zoning Board of Adjustment shall make their decision based on the following:

1. That the granting of the request will not permit any use which is not allowed as a permitted or conditional use except in accordance with the provisions set forth within Section 176.36.
2. That the request will not material diminish or impair an adequate supply of light and air to adjacent property.
3. That the request will not materially increase the congestion in public streets.
4. That the request will not materially increase the danger of fire or public safety.
5. That the request will not materially diminish or impair established property values within the surrounding area.
6. That the request will not diminish or impair the public health, comfort, safety, morals, or welfare of other citizens.

Petitioner's Request:

Planning Division
1225 6th Avenue, Suite 210
Marion, Iowa 52302
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1225 6th Avenue, Suite 210, Marion, Iowa 52302
Phone: (319) 743-6320 Fax: (319) 373-4260
www.cityofmarion.org

Variance Instructions and Application
Notice of Appeal to the Zoning Board of Adjustment

CONTACT INFORMATION:

Owner: Lynn A Uridil
Company Name if Applicable: _____
Address: 985 Raleigh Ln City, State, Zip: Marion, IA 52302
Phone: (319) 533-0958 Fax: _____ Email: lynnuridil@gmail.com

Applicant or Agent (if different from Owner): _____
Company Name if Applicable: _____
Address: _____ City, State, Zip: _____
Phone: _____ Fax: _____ Email: _____

Applicant or Agent (if different from Owner): _____
Company Name if Applicable: _____
Address: _____ City, State, Zip: _____
Phone: _____ Fax: _____ Email: _____

PRE-APPLICATION INFORMATION:

Have you attended a pre-application conference with Staff? Yes: No:
If yes, date of pre-application conference: 8/27/2020

If no, contact the Planning and Development Department at 319-743-6320 or email Ama Bartlett at abartlett@cityofmarion.org to schedule a pre-application conference prior to submittal of the application. Failure to conduct a pre-application conference may result in processing delays of your request.

PROPERTY INFORMATION:

Property Address (if different from Owner Information): _____
Legal Description: Squaw Creek Meadows 4th
Lot Size: 85 x 140 = 11,900 Square Feet (or attach a copy of Plat)
Zoning District: R-2, Medium Density Single Family R/c Present Use of Property: Single family residential
City Code Section regarding Conditional Use: Section 176.35-12A fence higher than 6

Variance Instructions and Application Notice of Appeal to the Zoning Board of Adjustment

GENERAL DESCRIPTION OF REQUEST:

Please provide a general description of the request. (Use additional sheets of paper if necessary)

My nextdoor neighbor has two windows on the south side of his house. During the winter months the sun's angle melts the vinyl siding on the north side of my house in two areas across from his windows. It melted my original siding put on when I built the house in 2017. I had the siding replaced and it melted again in the same two areas. Before replacing my siding a third time I would like to protect it from melting again. I have spoken with several contractors about solutions. The easiest solution would be to add a tinted film to the outside of my neighbors two windows. I was referred to a contractor who inspected the situation and told me putting the film on the windows would solve the problem. I offered to pay in full for the film to be put on, but my neighbor refused. I spoke with landscappers about planting tall bushes to protect the siding, but was told the intense heat from the sun's reflection off his windows would kill the plants. My other solution is to build a fence tall enough to block the sun's reflection coming off my neighbor's windows. I would like to build a wood fence on the property line the length of the north side of my house. The height will need to be 8 feet.

SITE PLAN:

Have you attached a site plan? Yes: No:

Please remember a site plan must be submitted and be to a reasonable scale. If you should require assistance please contact the Planning and Development Department.

IMPORTANT DATES AND TIMES:

- Zoning Board of Adjustment Deadline – Last weekday of the Month – 4:00 p.m.
- Zoning Board of Adjustment Regular Meeting – 3rd Tuesday of Every Month – 7:00 p.m.

It is requested that the appeal be set for hearing by the Chairperson of the Zoning Board of Adjustment in strict accordance with the provisions of the Code of Ordinances of the City of Marion. Property owner signature is required.

Name: _____
(Signature)

Date: 8/27/2020