

1. CALL TO ORDER

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

2. ROLL CALL

Members Present: Kent, Potter, Golden, and Jordan

Members Absent: Sunderman

Staff Present: Hockett and Bartlett

Kent informed the applicants that to be approved, they need three 'yes' votes no matter how many members are present. The applicants have the option to have the Board table their request to allow a full board to hear the request. No requests were made.

3. MINUTES

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

Motion by Golden, seconded by Potter to approve the July 21, 2020 Zoning Board Minutes.

Roll Call:

Jordan	Aye
Potter	Aye
Golden	Aye
Kent	Aye

All ayes, motion approved (4-0).

4. CONSENT CALENDAR

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

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

Roll Call:

Potter	Aye
Jordan	Aye
Golden	Aye
Kent	Aye

All ayes, motion approved (4-0).

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.

Hockett presented the staff report, stating that the request was not out of character for the neighborhood. The Board did not have any questions for staff. The applicant commented on reasons why unable to rebuild within setback requirements.

The public hearing was opened by Kent.

With no comments, the public hearing was closed by Kent.

Motion by Potter, seconded by Golden to approve ZBA Resolution No. 20-14 regarding the variance request 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.

Golden	Aye
Jordan	Aye
Potter	Aye
Kent	Aye

All ayes, motion approved (4-0).

6. URIDIL – VARIANCE – FENCE HEIGHT (moved up in agenda order)

- 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.

Staff report was presented by Hockett. He stated that the applicant has approached other options that were ruled out for various reasons. Jordan attested to understanding the issue with enduring a similar experience. Kent voiced concern about setting a precedence if allowed.

The public hearing was opened by Kent.

With no comments, the public hearing was closed by Kent.

Motion by Jordan, seconded by Potter to approve ZBA Resolution No. 20-17 to allow a fence over 6 feet in height located at 985 Raleigh Lane, Marion, Iowa.

Golden	Aye
Jordan	Aye
Potter	Aye
Kent	Nay

The ayes prevailed; motion approved (3-1).

7. 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 6<sup>th</sup> Avenue, Marion, Iowa.

Hockett reviewed the combined staff report covering both the exception and the variance request. Kent inquired about landscaping between sidewalk and building. No other questions of staff. Jordan stated an appreciation of the extra landscaping planned.

The public hearing was opened by Kent.

With no comments, the public hearing was closed by Kent.

Motion by Jordan, seconded by Golden to approve ZBA Resolution No. 20-15 to allow a reduction in the required screening amount of street front landscaping trees located at 1101 6th Avenue, Marion, Iowa.

Golden	Aye
Jordan	Aye
Potter	Aye
Kent	Aye

All ayes, motion approved (4-0).

#### 8. 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 6<sup>th</sup> Avenue, Marion, Iowa.

Hockett stated variance would not be required if just a planter but having the sign on the planter makes the variance necessary. No additional discussion was had.

The public hearing was opened by Kent.

With no comments, the public hearing was closed by Kent.

Motion by Jordan, seconded by Golden to approve ZBA Resolution No. 20-16 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.

Golden	Aye
Jordan	Aye
Potter	Aye
Kent	Aye

All ayes, motion approved (4-0).

#### 9. OTHER BUSINESS

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

Hockett shared that so far homeowners have been able to meet code when rebuilding. He said there could be variance requests in near future. Also stated the new Zoning Map will focus on some of the older neighborhoods where current codes are hard to maintain. Kent asked if an Ordinance could be written to allow structures in older neighborhoods be rebuilt as was, but Hockett said the current process helps get more buildings up to code.

#### 10. ADJOURN

There being no further business the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Angela Jordan  
Secretary