commission memo

DATE: Thursday, May 23, 2020

TO: Planning and Zoning Commission

FROM: David N. Hockett, AICP
      Principal Planner

RE: 6. BESLER – CONDITIONAL USE (GARAGE)

   a. Public hearing regarding a conditional use requested by David Besler pursuant to Section 176.32-2B of the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located 1627 11th Street, Marion, Iowa.

   b. CPC Resolution No. 20-08 recommending approval of a conditional use pursuant to Section 176.32-2B of the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located at 1627 11th Street, Marion, Iowa. (David Besler)

Per Section 176.36, the Marion Planning and Zoning Commission and 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 conditional use. “Conditional uses are those uses having certain special or unique characteristics which require a careful review of their location, design, configuration, and impacts to determine the desirability of permitting their establishment on any given site. They are uses which may or may not be appropriate in a particular location depending upon the consideration in each case of the public need, public benefit, local impact, and specific site plan of the proposed conditional use, all within the context of the intent and purpose of this ordinance and the Comprehensive Community Plan”.

The Planning and Zoning Commission and Zoning Board of Adjustment may impose such conditions, including restrictions and safeguards, upon the property benefited by the conditional use as a considered necessary to prevent or minimize adverse effects upon other property in the vicinity or upon public facilities and services. Such conditions shall include a requirement that development be in accord with a site development plan approved by the Zoning Board of Adjustment. Such conditions shall be expressly set forth in the approval of the conditional use. Violations of such conditions shall be a violation of the ordinance.

Petitioner’s Request:
The applicant, David Besler owner of property located at 1627 11th Street is seeking approval of a conditional use per Section 176.32 that provides approval of an accessory structure (garage) over 900 square feet. The City Council recently amended the City Code to regular accessory structure sizes after numerous concerns were presented regarding large garages being constructed in residential
neighborhoods. The amendment provides for larger garages through the conditional use process and design standards that require the garage to be constructed of similar materials and heights of the principal structure on the property.

Analysis:
The Planning and Zoning Commission and the Zoning Board of Adjustment shall render their decision of approval or denial based on the following review criteria (Section 176.36-6E) as established in the Zoning Regulations:

1. That the conditional use applied for is provided in the zoning district within which the property is located:

   The property is currently zoned R-2, Medium Density Single Family and was annexed to the City of Marion as a fully developed county subdivision. Construction of a garage over 900 square feet is permitted as a conditional use within the zoning district per the conditions established in Section 176.32. The proposed garage is a total of 3120 square feet, which is 2220 sq ft over the permitted 900 sq ft without the need for conditional use.

2. That the proposed use and development will be in accord with the intent and purpose of the Zoning Ordinance and the Comprehensive Community Plan:

   The intent of Section 176.32 requires that any accessory structure proposed to over 900 square feet shall be designed in a manner that compliments the principal building including the use of similar material and color palate of the principal building and have a height that does not exceed the principal building on the lot.

   The attached elevations show a large multi-stall garage which includes what the applicant indicates are 6 stalls that are 10’ x 24’ which will be used for two residential homes on the property and an additional oversized doors and general storage space to support the maintenance of property.

3. That the proposed use and development will not have a substantial adverse effect upon adjacent property; the character of the neighborhood; traffic conditions; parking; utility and service facilities; and other factors affecting the public health, safety, and welfare:

   The garage is proposed to be placed in the southeast corner of the property and meets or exceeds all required setbacks for an accessory structure in the R-2, Medium Density Residential zoning. It will have no impact on traffic, parking, utility and service facilities. The applicant is using an existing driveway, which will have to be improved with a hard surface (asphalt or concrete).

   The Garage is large when compared to all other residential garages in the vicinity. The multiple small individual doors give the proposed garages a self-storage garage appearance that you would not typically find in a residential area. The applicant has indicated that the garage will
have vinyl siding to color match the rear home which is a dark brown. Construction of the garage and will require inspections to ensure that the garage meets minimum building code standards.

(4) That the proposed development or use will be located, designed, constructed, and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property:

Staff is concerned about the self-storage rental potential of a garage constructed in this manner. It may not be the intent of the current owner, but garages constructed in this manner may be used as rental units by future owners. The City has had enforcement action against other property owners of garages of this style associated with multi-family units, that realize a greater return on rental garages than tenant garages. Most rental homes of this size do not typically have three stalls dedicated per unit. Self-storage rental is not a residentially permitted use as it creates traffic as well as potential noise. In addition, the garages appear to be separated by internal walls rather than an open garage plan that you would expect with a garage that is used by single tenant. This design as well encourages future self-storage rentals.

(5) That adequate measures have been or will be taken to assure adequate access designed to minimize traffic congestion and to assure adequate service by essential public services and facilities including utilities, storm water drainage, and similar facilities:

The placement of the garage exceeds all setback requirements for an accessory structure in the R-2, zoning district and is not located within any utility or drainage easements.

Recommendation:

Based on the submitted application, site plan and building elevations staff feels that the proposed garage while not the intent of the current owner is being designed in a manner, with the individual doors and internal walls, that may create a situation that self-storage rental may occur and that the size is well in excess of other detached residential structures in the neighborhood. Staff can’t recommend approval of the proposed garage, based on design of the proposed structure, not the proposed size.
Conditional Use Instructions and Application
Notice of Appeal to the Zoning Board of Adjustment

CONTACT INFORMATION:

Owner: David Besler
Company Name if Applicable: Besler Renovations LLC
Address: 990 Alexis Ln  City, State, Zip: Marion, IA 52302
Phone: 563-843-8327 Fax: 563-843-8327 Email: davebesler@hotmail.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: 
If no, contact the Planning and Development Department at 319-743-6320 or email Anna 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): 1627 11th St
Legal Description: A P 324 LOT 1 & E1/2
Lot Size: 250 x 176 =  ____ Square Feet (or attach a copy of Plat)
Zoning District: RESIDENTIAL  Present Use of Property: Two Single Family Rentals
City Code Section regarding Conditional Use: 

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GENERAL DESCRIPTION OF REQUEST:

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

The building will be used for property maintenance and for residence to use for storage. There are two single family homes on the property so each would recieve 3 stalls and the others would be use for storage of items to maintain the property (lawn tractor etc). There will be electric but no heat and no plumbing. Will be poured foundation walls with stick framing, shingles, and siding. There will be poured concrete from the street to building with drive to each of the doors.

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: ___________________________ Date: 3-13-20
(Signature)