DATE: Thursday, May 23, 2020

TO: Planning and Zoning Commission

FROM: David N. Hockett, AICP
        Principal Planner

RE: 7. JON FITCH – CONDITIONAL USE (GARAGE)

   a. Public hearing regarding a conditional use requested by Jon Fitch pursuant to Section 176.32-2B of the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located 1175 Valley Park Street, Marion, Iowa.

   b. CPC Resolution No. 20-09 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 1175 Valley Park Street, Marion, Iowa. (Jon Fitch)

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, Jon Fitch (1175 Valley Park Circle) 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 912 sq.ft. which is 12 sq ft over the permitted amount without the need for approval of a 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 two stall garage door (16’ x 8’) with additional storage space. A horizontal siding color matched to the house is proposed.

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 and will not require any additional curb cut for a driveway to the street.

   Staff further believes that the project will not have a substantial adverse effect on the public health, safety, or welfare. A building permit will be required for the 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:**
Orderly use, development, and improvement of surrounding property is not anticipated to be impacted by the construction of the proposed garage. The property is one (1) acre in size and is comparable to adjacent properties. The development has several larger detached structures in the immediate vicinity.

The additional 12 square foot of garage will obstruct no more view than the 900 square foot that would be permitted. The placement of the garage in this vicinity will not affect adjacent property owners from the use of their own properties.

(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. The

Recommendation:

Based on the submitted application, site plan and building elevations staff feels that the proposed conditional use to construct an accessory structure over 900 square feet meets / exceeds the requirements established by Section 176.32 and 176.36 of the Marion Code of Ordinances and recommends approval of the Conditional Use subject to the following:
Conditional Use Instructions and Application
Notice of Appeal to the Zoning Board of Adjustment

CONTACT INFORMATION:

Owner: Jon Fitch
Company Name if Applicable: ____________________________
Address: 1175 Valley Park St City, State, Zip: Marion, IA 52302
Phone: 319-440-4676 Fax: Email: jfitch23@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: ____________________________
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: Valley Park 1st Lot 13
Lot Size: 80 x 121.3 = 7,728 Square Feet (or attach a copy of Plat)
Zoning District: R-2 Present Use of Property: Residential
City Code Section regarding Conditional Use: 176.32
GENERAL DESCRIPTION OF REQUEST:

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

We currently have a 24'x24' garage in addition to a 10x10 storage shed. The garage is in need of some internal repairs with a portion of the front slab settling upwards of 1". We would like to expand on the garage to allow off street parking for one additional car in the winter in addition to having a clean woodworking shop area in the rear of the garage. We would like to maximize the length for two cars to fit. There is an existing 8’ utility easement that we will stay off 1’ to allow for the 1’ overhang. The south face of the current and reconstructed garage is 3’ off the property line. We intend to install 1/2” OSB fire-rated sheathing on the entire face. There will be no windows.

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: 4.6.2020

(Signature)  Phone (319) 743-6320  dhockett@cityofmarion.org  Fax (319) 373-4260
MARION
Community Development

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"YELLOW PROPERTY LINES
SHOWN ON GIS MAP ARE
NOT SHOWING UP
CORRECTLY"

PROPERTY LINE, TYP
5 FT UTILITY EASEMENT
REMOVE EXISTING SHED
PROPOSED 24' x 38' GARAGE
EXISTING 24' x 24' GARAGE
Plan View