

Minutes of the Marion County Board of Adjustments
July 19, 2022

The Marion County Board of Adjustments met at 3014 E. Main St., Knoxville, Marion County Office Building on July 19, 2022, at 5p.m. Online attendance was available from the agenda on the Marion County website.

Attendees of the meeting were Jan Szlachetka, Dale Miler, Danielle Huffine, Loren Van Wyk and Michael Kacmarynski.

Public present were Brenda Major, Tammy Kendall and Sherry Vice.

Chairperson Huffine called for a motion to approve the minutes from June 21, 2022. Kacmarynski made a motion to approve, and Miller seconded the motion. A roll call vote was taken.

Szlachetka	yes
Miller	yes
Huffine	yes
Kacmarynski	yes
Van Wyk	yes

Chairperson Huffine explains the Board is here the following requests. Huffine explains the Board can review them individually or all as one.

Petition # 2022-891 Petition 891 - Vice, Sherry Lynn -NW NW LOT B OF SUBD | OF LOT 1 of the NW1/4 of the NW1/4 of 23-76-19 Parcel 0694300000 requests review and consideration of variances for the following items on the above listed property.

- (1) 4-foot side yard setback variance to allow for the dwelling structure 8 feet from the side property line instead of the required 12 feet per 55.25 (6). Measurements based on the pins found on the property line from the neighboring property)
- (2) A variance of 4 feet is being requested on the rear yard setback to allow the structure 21 feet off the rear yard instead of the required 25 feet per 55.25 (6). (Measurements based on the pins found on the property line from the neighboring property).
- (3) A variance on the requirement for the building to be placed on a permanent foundation such as piers and allow it to remain on a block foundation which will require a variance to the requirements defined in 55.25 (7)(A).
- (4) A variance of the requirements 55.25 (7)(B) the minimum dimension of the main body of the principal building shall not be less than 24 feet. The structure is 12 feet by 30 feet.

Poffenbarger explains to the Board how Marion County Zoning became aware of the structure. Poffenbarger explains that Ms. Vice came to the Zoning office December 2021 requesting an address. An address was not issued at that time for a temporary structure. On December 6, 2021, Environmental Health and Zoning meet with Ms. Vice and went over the Zoning and Environmental Health requirements. A timeline was set to meet requirements and some contacts were given for financial assistance as well.

Marion County Zoning did not hear from Ms. Vice again until Marion County Public Health staff contacted the Zoning Department about the property as there was discussion about helping her get a septic system. Poffenbarger explained that before any further infrastructure could be put in place qualifying it as a dwelling the structure placement and other Zoning Ordinance shortfalls need to be addressed.

Ms. Haas from Public Health contacted the Zoning Department on behalf of Ms. Vice and explained an appeal to the Zoning Ordinance was being requested.

Poffenbarger also explained she was contacted by the State of Iowa Electrical inspector July 19, 2022, the building does not meet minimum electrical standards as a cabin with no inspections. If the building were upgraded to a dwelling level it will need to be rewired by a certified electrician and inspected by the State of Iowa.

Poffenbarger explained the property has had water and electric in place for two years.

Huffine asked Ms. Vice what was being done about septic. Ms. Vice explained she had a porta potty.

Poffenbarger explains to date this structure is still classified as an accessory structure until a septic is installed which will then classify it as a dwelling. Under Residential Zoning the structure does not qualify as a dwelling.

Poffenbarger explains no matter how the subject structure is classified now it is not compliant in the Residential Zoning District; whether it is an accessory structure cabin prior a house or a dwelling that does meet the requirements.

Poffenbarger requests Ms. Vice to explain how this structure came to be. Ms. Vice explained she placed the structure without permits and misunderstood the setback requirements.

Ms. Vice eventually plans to build a compliant property eventually; hopefully in four years. She does not wish to bring this structure up to code unless required.

Poffenbarger explained that temporary housing is allowed in the Residential Zoning District for up to a year per 55.25 (5) (E). The intent is to allow temporary housing while property owners are building a house. Since nothing is being built it is a questionable allowance. Marion County became aware of the structure December 2021 so the year will be up December 2022. Even though it had been there a year and a half prior to Marion County's knowledge.

Miller asks if there are any intentions to add on to the structure.

Poffenbarger did show a diagram of the lot laid out with setbacks giving room in the middle of the lot for up to a 24-foot x 40-foot structure with no need for a variance.

Poffenbarger explained the Board of Adjustments packet includes the guidelines defined in 55.39 Marion County Code which are taken from State Code on conditions to grant a variance.

Ms. Brenda Majors explained she is worried about the small lot and septic being drained on to her property. Loren Van Wyk explains today's septic would not drain on to her property. It was explained gray water is no longer allowed.

After discussions Chairperson Huffine asked if the variance were going to be addressed individually or as a group.

Van Wyk feels like there is no way to issue one without issuing all the variances.

Szlachetka is most concerned about no foundation and the possibility of continuing to add on to the structure.

Vice explains she had a trailer in the trailer court with no piers. Poffenbarger explains Marion County Code requires piers or a foundation.

Even though the plans are to eventually build a house Poffenbarger explains today's decision has to be based on what is currently on the property.

Van Wyk is concerned about the number of issues with the structure. There is no way to approve on variance without all of them.

Miller is not comfortable with granting the variances.

Ms. Vice asked for another year. Huffine explains they need to review what is before them now.

Van Wyk explains there are options to make the property compliant.

Miller made a motion to deny the request. Szlachetka seconded the motion.

Szlachetka	nay
Miller	nay
Huffine	nay
Kacmarynski	nay
Van Wyk	nay

The variance requests are denied. Ms. Vice is advised to look for assistance or grants to help with bringing the property up to compliance.

Huffine called for a motion to adjourn the meeting. Kacmarynski made the motion and Szlachetka seconded the motion. All in favor; meeting adjourned.

Minutes by: Melissa Poffenbarger