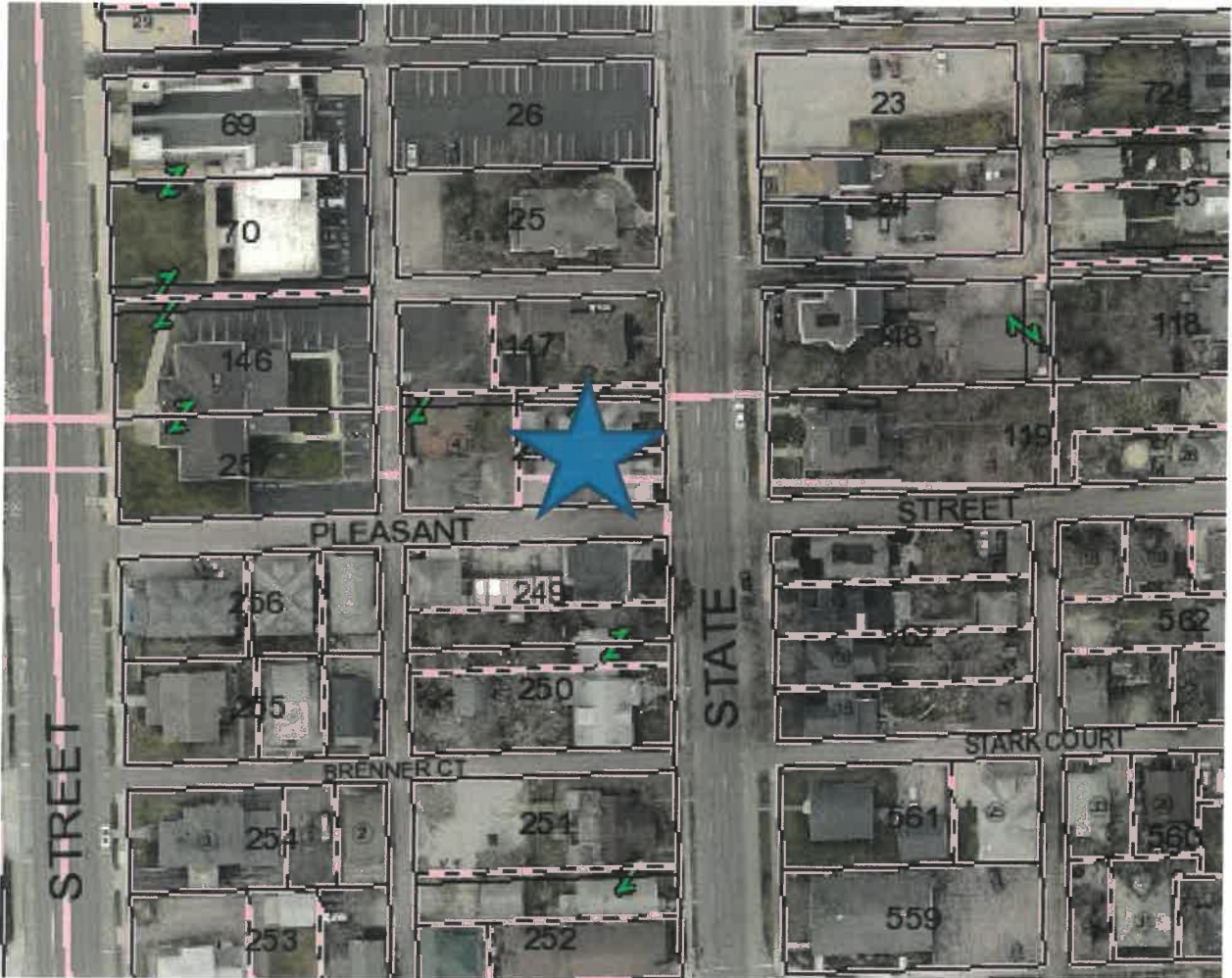


MARION CITY BOARD OF ZONING APPEALS  
VARIANCE REQUEST  
STAFF REPORT  
May 4, 2021

Area Map





**APPLICANT:**

Chris Van Oosten

**LOCATION:**

243 S. State Street and 247 S. State Street

**ZONING:**

"C-4" - Central Frame Business District

**REQUEST:**

Variance from Section 1151.011 which requires a minimum lot size of 4,000 sq. ft. for a single-family residence in a C-4 district. This would allow a driveway to be added to the property at 243 S. State Street from a property at 247 S. State Street for garage access. The resulting change would enlarge the property at 243 S. State Street by some 765 sq. ft. and it would go from being 3,866 sq. ft. to 4,631 sq. ft. The property at 247 S. State Street would be made smaller by going from being 3,101 sq. ft. to 2,336 sq. ft. Both properties have the same owner.

**BACKGROUND:** The property owner wants their driveway added to the property located at 243 S. State Street to allow for garage access to facilitate a property sale.

**COMMENTS:** The zoning inspector is in favor of this request as it would allow the property located at 243 S. State Street access to the driveway off Pleasant Street.

**INFAVOR OF THIS REQUEST:**

1. The parcel at 243 S. State Street would be made larger thus bringing it into compliance with the minimum lot size for a single-family residence for this zoning district.
2. The variance would allow the residence at 243 S. State Street to have access to their garage.
3. The residences of 243 S. State Street have been using the driveway leading to their garage for years.

**AGAINST THIS REQUEST:**

1. The request would make a non-conforming lot size of the home located at 247 S. State Street less compliant with the 4,000 sq. ft. minimum lot size for a single-family residence for this zoning district.

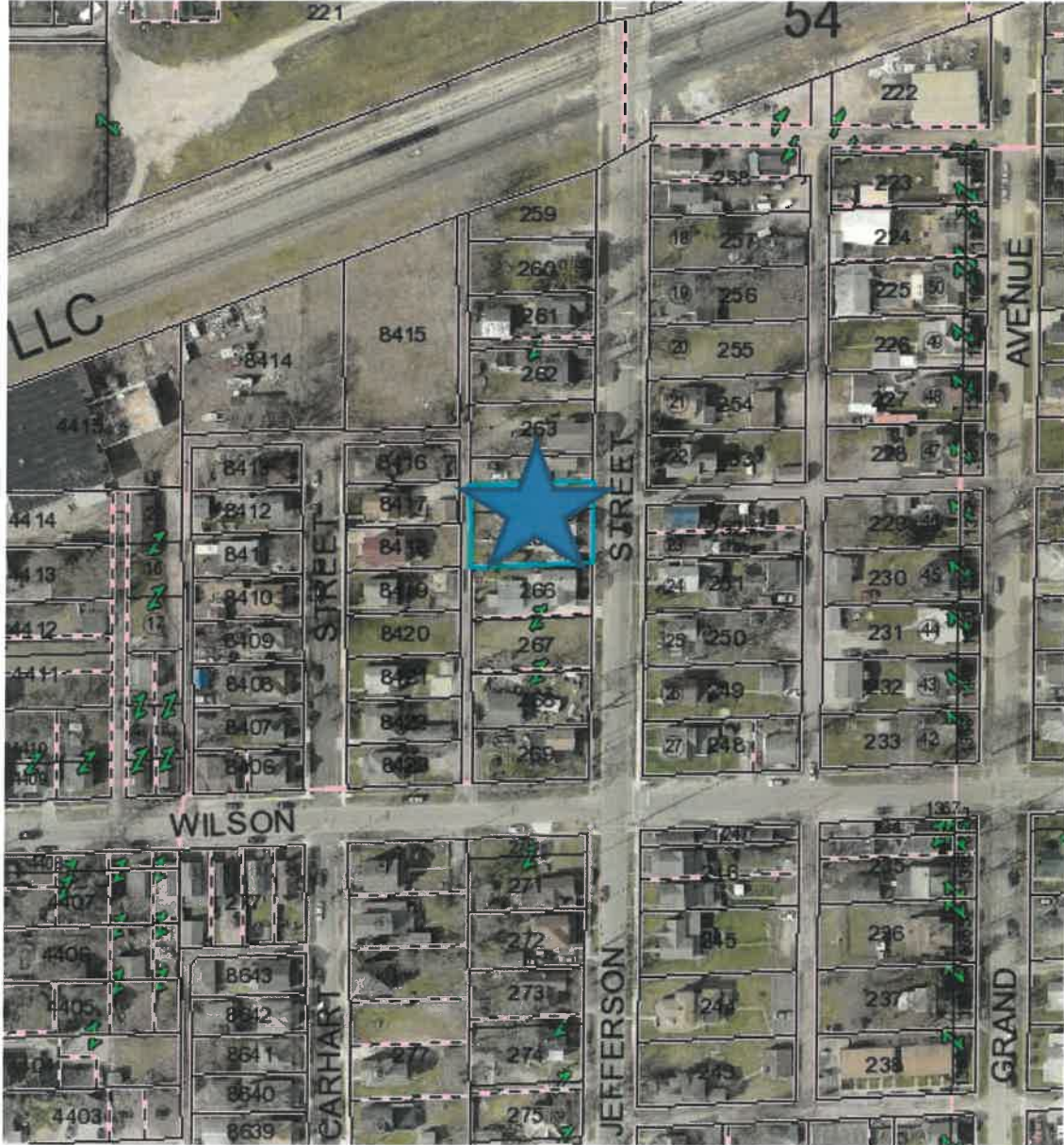
**STAFF RECOMMENDATION:**

Approve the request as it would allow the residence at 243 S. State Street to access their garage through the property's driveway.



MARION CITY BOARD OF ZONING APPEALS  
VARIANCE REQUEST  
STAFF REPORT  
May 4, 2021

Area Map





**APPLICANT:**

Dulce Silva

**LOCATION:**

201 Jefferson Street (lot 265 on the map)

**ZONING:**

"R-3"-Multi-Family District

**REQUEST:**

Variance from Section 1151.065 (C) which limits front yard fence heights to 4'. The property owner would like to increase the 4' fence encompassing their property to 6' which would necessitate a 2' front yard variance running 75'.

**BACKGROUND:** The property owner states in their variance application that they have four big dogs which have jumped the current 4' fence. In addition, the applicant has seen people reach over the fence to pet the dogs which they describe as not people or animal friendly (dangerous animals).

**COMMENTS:** The zoning inspector has noted that the request for this variance has been withdrawn.

**INFAVOR OF THIS REQUEST:**

1. The fence might contain the applicant's dangerous dogs.

**AGAINST THIS REQUEST:**

1. City ordinance 618.16 requires that vicious and dangerous animals be kept in a pen or locked fenced area with a top enclosure.
2. The applicant could install a higher fence in their back yard to keep the dogs from entering the front yard.
3. The applicant has withdrawn their request.

**STAFF RECOMMENDATION:**

Deny the request as it does not allow for the proper containment of dangerous animals.