**CITY OF MARION BOARD OF ZONING APPEALS MEETING**

**STAFF REPORT**

November 12, 2019

**APPLICANT:** Charlotte Osborn d.b.a. Shapers Salon

**OWNER:** Charlotte Osborn

**LOCATION:** 1200 E. Center Street

**LOT:** .28 acre lot on the corner of E. Center St and Franconia Ave

**ZONING:** R-2

**REQUEST:** Addition of a roofed porch along the entire front of the building (Center St. side) with a depth of 9 feet

1. **Front Yard Setback**:

Variance from section 1151.012- Schedule of Lot Sizes and Yard Regulations which calls for a 30 foot front yard setback

* Current setback: 20.5 feet
* Proposed setback: 11.5 feet

**BACKGROUND:**  Shapers Salon is the business that occupies the property at 1200 E Center Street. The property is a corner lot which fronts on to E Center Street. The current front yard setback measures 20.5 feet. The property currently has front steps that project 4.5 feet from the building and beyond the steps is a sidewalk that measures 4.5 feet in width, a total of 9 feet. Currently the building is ADA accessible with a ramp in the rear of the building. Shapers Salon has a sign in the front yard that is perpendicular to Center Street. The sign is approximately 8 feet tall. The applicant has proposed that if approved she would relocate the sign to hang flat along the proposed porch.

The applicant is proposing the addition of a roof covered porch that would extend 9 feet from the current building. The proposed porch would cover the stairs to provide easier access to the business in poor weather conditions.

Section 1151.065 part G of the Marion City Zoning Code does state: *Steps, terraces or uncovered porches may project into any yard, provided they are not over 3½ feet above the average finished grade at the adjacent building wall and distant at least three feet from every lot line. (Ord. 1969-182, passed 1-12-70).* However the request from the applicant is for a porch with a roof and therefore would need the variance for front yard setback.

**In favor of the request, we find that:**

1. The property is attractive and well maintained
2. Relocating the sign would reduce the amount of vertical space taken up in the yard
3. Covered steps would improve the safety for customers accessing the business in poor weather conditions

**Against the request, we find that:**

1. The current setback is non-conforming as it is only 20.5 feet (required 30 feet)
2. 11.5 foot setback is very close to the right-of-way
3. There is nothing that makes this lot particularly unique that would create unusual hardship to meet the Code

Strict application of the code would not deprive the applicant of reasonable use of the land. The salon functions well as it is and even offers handicap accessibility via the rear.

Given that an uncovered porch of the same size would be permitted without a variance, one must ask if simply adding a roof to the porch creates a negative impact. This particular setting is in an area on a major thoroughfare that transitions from residential use to commercial uses in traditional homes. If the Salon was set very close to its neighbors who had 30+ foot setback, and the proposed projection into the required front appeared crowed, staff would be more concerned about not minimizing the variance request.

**RECOMMENDATION:**

Ask the applicant if they can reduce the size of the porch. Approve the request if the board feels the positives outweigh any negative impacts.





