

MINUTES
MARSHALL CITY ZONING BOARD OF APPEALS
Regular Meeting Thursday, February 18, 2016
7:00 P.M. – COUNCIL CHAMBERS

CALL TO ORDER

This meeting was called to order by Board Member DeGraw at 7:00 p.m.

ROLL CALL

Members Present: Board Members Byrne, DeGraw, Karns, Revore, and Alternate Daily

Members Absent: Chair Feneley, Board Member Revore, Council Liaison Gerten, and Alternate Beach.

Staff Present: Natalie Dean, Director of Community Services & Assistant City Manager and Jon Skiles, GIS Specialist & Project Manager.

APPROVAL OF MINUTES

Motion by Daily, supported by Byrne, to accept the minutes of the January 21, 2016 regular meeting as submitted. On a voice vote; **Motion Carried.**

APPROVAL OF AGENDA

Motion by Karns supported by Daily, to approve the agenda of the February 18, 2016 meeting as submitted. On a voice vote; **Motion Carried.**

AUDIENCE PARTICIPATION

None

NEW BUSINESS

Appeal #16.02- filed by Kevin Lewis and Mark Katz, owners of Velocity Baseball and authorized by property owner, Dan Stulberg for properties: 322 S. Sycamore, 324 S. Sycamore, and 501 Spruce for variances on proposed addition. Variance requests include:

- §156.181 Schedule of Regulations: Front yard setback and lot coverage.
- §156.368 Nonconforming Structures (A) Alterations to enlarge a nonconforming structure.

Public Hearing Open

Kevin Lewis and Mark Katz, owners of Velocity Baseball, reported that they are requesting a variance to build a 150' x 135' fieldhouse onto the backside of the currently standing building at 343 S. Mulberry in order to run both baseball training and an indoor sports arena. He stated that the fieldhouse would be constructed on the 322 S. Sycamore, 324 S. Sycamore, and 501 Spruce parcels.

(official)

Katz explained that Velocity Baseball currently offers softball training, both one-on-one and team instruction training, batting cages, pitching lanes, and oversees a program of 22 baseball/softball teams. The proposed building would allow for an indoor arena with two basketball courts and rolling turf to hold camps and clinics for indoor games.

Commissioners inquired as to the height of the building. Katz commented that the structure would be 30 feet to the eaves and that it would peak in the middle at 35 to 40 feet. Katz reported that the current building is 20 feet high.

Staff explained that there is a required 45 foot front-yard setback on Sycamore Street. Katz and Lewis are requesting to be 10 feet into the setback, approximately 35 feet from the road. Staff explained that part of the existing building has been built within the railroad right-of-way. The applicants are seeking to connect the proposed building to the existing building, which would be enlarging a nonconforming structure.

Katz reported that an asphalt parking lot will be built beside the proposed building. Katz explained that the majority of traffic to the building will come off of Sycamore and Spruce streets.

Peg Kelly, resident of the 300 block of S. Mitchell St, inquired as to the material of the proposed building. The applicants responded that the building will be made of aluminum siding and that they have not designated a color yet. Kelly expressed concern about the old building being an eye-sore to the community and about the increased traffic in the neighborhoods that this expansion could create.

Mayor Jack Reed, resident of S. Sycamore St, voiced concern about the proposed 35-foot building being in a residential area and the increased traffic flow the business could create. Reed commented that if the applicants were to use W. Spruce as an entryway to their property, it would be in everyone's best interest to improve the road conditions. Staff commented that an easement would have to be granted in order to improve the road.

Staff commented that she did receive one phone call from a neighbor across the street on S. Mulberry inquiring about the front of the existing building. Staff reported that she did not receive any mail for or against the variance.

Public Hearing Closed

Motion by Daily supported by Karns, to approve Appeal #16.02- filed by Kevin Lewis and Mark Katz, owners of Velocity Baseball and authorized by property owner, Dan Stulberg for properties: 322 S. Sycamore, 324 S. Sycamore, and 501 Spruce for variances on proposed addition. Variance requests include:

- §156.181 Schedule of Regulations: Front yard setback and lot coverage.
- §156.368 Nonconforming Structures (A) Alterations to enlarge a nonconforming structure.

Using the Dimensional Variance Worksheet, the board cited the following items pertaining to this variance:

- Strict Compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose. **Board Members discussed that the changes asked for by the applicants for the front yard setback and lot coverage do not deviate much from the standard requirements for the I-1 district. Strict adherence to the ordinance will not allow for the size of the proposed development, however, the applicants cannot afford to reduce the building size because of field regulations for the programs and games they wish to run.**

(official)

- The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners. **Board Members commented that not only will the granting of the variance benefit the applicants, the proposed building could improve this section of town, thus potentially improving the community.**
- The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district. **Board Members explained that the land involved in the variance request does have unique circumstances due to being adjacent to the railroad right-of-way and having an unusual shape.**
- The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors. **Board Members discussed that it is self-created to a degree, because of the size of the development the applicants are requesting. However, the applicants did not create the odd parcel shape or infringement of the railroad right-of-way.**
- The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the City and will not create a public nuisance or materially impair public health, safety, comfort, morals, or welfare. **Board Members commented that the variance request will not create significant adverse impacts to adjacent properties. Board Members noted that the improved traffic could be viewed as an adverse impact to the neighborhood, however, if the road is improved it would be less of a problem. They also noted that the impact of possibly improving the area should be viewed as a positive impact for the community.**
- The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return. **Board Members commented that failing to grant the variance will create a setback for the applicant. Due to the nature of their business, the field house has to be a certain size.**

On a roll-call vote-ayes: Byrne, DeGraw, Karns, & Daily; nays -none. **Motion Carried.**

OLD BUSINESS

None

PUBLIC COMMENT

None

REPORTS

None

(official)

ADJOURN

Meeting adjourned at 7:43 pm.

Respectfully submitted,

Elizabeth Renaud