

MARSHALLTOWN

— I O W A —

BOARD OF ADJUSTMENT

Notice of Public Meeting

Tuesday, August 20, 2019 at 5:00 PM

Marshalltown City Council Chambers
10 W. State Street, Marshalltown, IA 50158

1. Call To Order & Roll Call

Danielson
Engle
Schulze
Thurston
Wenner

2. PUBLIC HEARING: Special Use Permit Request From Child Abuse Prevention Services, Inc. For The Property At 306 S 17th Avenue

Public Hearing: Written or verbal comments may be presented to the Board during the public hearing. Please state your name and address for the record and keep comments brief and limit repetitive comments so all may have a chance to speak.

Documents:

[082019_BOA_MEMO_CAPS.PDF](#)
[CAPS_SUP APPLICATION_082019.PDF](#)

2019 Tentative Meeting Schedule

August 20, 2019

September 17, 2019

October 15, 2019

November 19, 2019

December 17, 2019

MARSHALLTOWN

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TO: Board of Adjustment

FROM: Michelle Spohnheimer, Housing & Community Development Director

DATE: August 20, 2019 – Meeting Date

Special Use Permit – 306 S. 17th Avenue – Child Abuse Prevention Services, Inc.

The property at 306 S. 17th Avenue is currently zoned R-5, High Density Residential and has been operating as an office building for many years. Child Abuse Prevention Services (CAPS) is proposing to relocate to this location to operate. A Special Use Permit is tied not only to the property but to the owner/operator which is why the change is before the Commission and Board of Adjustment.

Zone:	R-5 High Density Residential
Use:	Office
Comprehensive Plan:	Commercial

Recommendation: The Plan Zoning Commission met on August 15, 2019 and reviewed the proposal. A recommendation to approve the request as submitted was approved 5-0 with no conditions.

Section 156.568: The Board of Adjustment may place protective restrictions on any approval in order to assure that the purpose and intent of this chapter is fulfilled. Such protective restrictions include, but are not limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational controls, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements.

DATE SUBMITTED & FEE PAID: 7/30/19 ✓

HEARING DATE: 8/20/19



BOARD OF ADJUSTMENT

Special Use & Home Occupation Special Use Permit Application

36 N. Center Street, Marshalltown, IA 50158 Ph: 641-754-5756 Fax: 641-754-5742

All items listed must be submitted with this application:

- ☒ **A site plan, drawn in ink to scale.** This site plan shall not be larger than 11" X 17."
- ☒ **Any other applicable drawings or diagrams.** Home Occupation Special use permits must submit a floor plan diagram.
- ☒ **Application fee.** A \$300 fee is required for a special use request (\$50 for a Home Occupation Special Use request). Make check payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Housing Department.
- ☒ **Legal description of the property.** The property owner should have a copy of the legal description of the property. *Please note that the tax description on the Marshall County assessor's webpage is NOT the legal description.* The legal description is listed on the property's abstract or owners may obtain a copy of the recorded deed from the Marshall County Recorder's Office for a fee.

It is the burden of the applicant to provide sufficient facts with this application and at the Board of Adjustment meeting to support a finding that all the standards for approval have been met. For all special use requests, with the exception of a Home Occupation Special Use request, the Plan & Zoning Commission shall first review the proposal and make a recommendation to the Board of Adjustment.

Attendance at all meetings is required.

Please type or print legibly in ink.

Property Address: 306 S. 17th Ave., Marshalltown

Owner: (Proposed Owner) Child Abuse Prevention Services, Inc.

Mailing Address: 811 E. Main St., Marshalltown

Phone: 641-752-1730

Email: Linda@capsonline.us

Owner's Agent (if applicable):

Agent Address:

Agent Phone:

Agent Email:

The board will use this information to review your request. Please attach any additional supporting information. If you have any questions, please contact the Zoning Department at 754-5756.

Please describe the request and what justification there is for the proposal. Attach additional pages if necessary. If applicable, please provide a description of the business or use, discuss any signage to be used, and parking issues.

Owner/Agent Signature: *Linda Havelka*

Date: 7/29/19

OVERVIEW

Child Abuse Prevention Services, Inc. respectfully requests the City of Marshalltown review and approve our application for a Special Use Permit in order to occupy the property at 306 S. 17th Avenue.

Child Abuse Prevention Services (CAPS) is a private, non-profit 501(c)(3) organization that is overseen by a volunteer Board of Directors. CAPS has provided services to Marshall County families since 1981. CAPS currently has 15 employees and provides family support, parent education, crisis intervention, and school based programming. Services are provided in the families' homes and in the school setting, with occasional services being provided within our office.

We intend to utilize the existing structure, parking lot, and signage. The current parking lot is sufficient to meet the needs of our staff, as the employees are often traveling to families' homes. The parking lot or street parking can be utilized by families who are visiting our building, which generally consists of no more than 2 building visitors at any one time.

We believe this location is safe for families with small children, as it is not located on a busy street. It provides adequate space for our day to day operations and allows for Child Abuse Prevention Services to have a permanent location in Marshalltown.

Child Abuse Prevention Services believes this proposal meets special use requirements of the City of Marshalltown and will allow us to continue to meet the needs of the families within our community.

July 26, 2019

City of Marshalltown
Plan & Zoning Committee
36 N Center Street
Marshalltown, IA 50158

RE: Child Abuse Prevention Services, Inc Special Use Permit Application

To Whom It May Concern,

Please be advised that D & P Development, LLC has an agreement in place with Child Abuse Prevention Services Inc to sell the subject property to Child Abuse Prevention Services Inc, subject to zoning approval by the City of Marshalltown for their intended use. D & P Development LLC, as the current owner of the subject property, consents to the application of Child Abuse Prevention Services, Inc. Please let me know if you have any questions or need further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Demeulenaere", with a stylized flourish at the end.

Doug Demeulenaere
D & P Development, LLC

LEGAL DESCRIPTION FOR:

306 S 17TH AVE., MARSHALLTOWN, IA 50158

TAX PARCEL NO. 8418-36-230-007

Lots 26 and 27 in Norris Addition to Marshall, Marshall County, Iowa,

and

The South 40 feet of Lot 3 in Norris Addition to Marshall, Marshall County, Iowa, subject to easement recorded in Micro-File No. 608-1982-3 of the Records of the Recorder's Office, Marshall County, Iowa,

and

That Part of Lot 5 of the Northeast Quarter of the Northeast Quarter of Section 36, Township 84 North, Range 18 West of the 5th P.M., Marshall County, Iowa, lying South of the South line of East Boone Street, projected eastward, except the East 149 feet thereof, subject to easement recorded in Micro-File No. 607-1982-3 of the Records of the Recorder's Office, Marshall County, Iowa,



