

MARSHALLTOWN

— I O W A —

BOARD OF ADJUSTMENT

Notice of Public Meeting

Tuesday, November 19, 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. Meeting Minutes From 10/15/19

Documents:

[BOARD OF ADJUSTMENT MIN 101519.PDF](#)

3. PUBLIC HEARING: Home Occupation Special Use Permit - 501 S. 12th Street - Timothy & Barbara Kelley

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:

[111919_501 S 12TH ST_MEMO.PDF](#)
[501 S 12TH ST_APPLICATION.PDF](#)

2019 Tentative Meeting Schedule

December 17, 2019

Board of Adjustment

Meeting Minutes from October 15, 2019

Meeting was called to order at 5:00 PM in the City Council Chambers at 10 W. State Street

1) Roll Call:

Present: Danielson, Engle, Schulze, Thurston and Wenner

Absent: None

2) Meeting Minutes from 08/20/2019

Motion by Thurston to approve meeting minutes from 08/20/19. Second by Wenner . All Aye.
Motion Carried.

3) Review and Approval of Board of Adjustment Rules of Procedures

Spohnheimer presented the proposed rules to the Board and discussed the recent board training materials presented by Iowa State related to areas including ex parte communication, conflict of interest, making motions, meeting procedures for hearings, appeal procedures, etc. Spohnheimer explained that the rules only have to be approved by the Board. Spohnheimer indicated the only change to the draft presented would be to change the number of days in 8.3 from seven (7) to forty (40).

Motion by Thurston to approve the Board of Adjustment Rules of Procedure with the amendment to section 8.3 as presented. Second by Engle. Motion Carried 5-0.

Roll Call: Approve - Danielson, Engle, Schulze, Thurston and Wenner - Deny - None.

4) Public Hearing: Home Occupation Special Use Permit Request - 1314 W. Main Street - Jessica Quick

Spohnheimer indicated that the applicant contacted the office on 10/14/19 and requested the application be withdrawn permanently. No further action required.

5) Public Hearing: Variance Request - 1720 S. Center Street - Amerco Realestate

Schulze declared the public hearing open at 5:34 PM. Spohnheimer presented the staff report including the request and applicable code references related to allowable signage in the RC, Regional Commercial District. The district allows one major sign for the district and outlots are allowed an independent sign. The major sign is already in place on the site and the separation of

the parcel does not constitute this as an outlot. It is staff determination that another major sign would not be permitted. Spohnheimer indicated that there were no written comments received.

Randy Dickson - U-HAUL. Dickson presented the request indicating that signage is crucial to any business and having a sign close to traffic is important. Want to put signage on building but it will have little effect. Owner of the property, Spatz, will not allow usage of the major sign.

Thurston indicated that signage should have been negotiated as part of the property transfer. Commented that times have changed where now so much activity is online and U-HAUL has several vehicles parked which all have logos. Thurston indicated no apparent hardship.

General discussion about allowance of other signage on the site including building signage and a third sign being a monument sign, which could be along Center Street not to exceed 48 s.f. In area 10' in overall height.

Clarification that the variance is to request an additional Major sign as allowed in the RC district.

Schulze agreed that there is an obvious presence with the vehicles and not allowing a major sign would not diminish the operation of the business.

Public hearing closed at approximately 6:00 PM.

Motion by Thurston to approve the Variance request as presented for the property at 1720 S. Center Street, Amerco Real Estate finding no hardship. Second by Engle. Motion failed 0-5.
Roll Call: Approve - None - Deny - Danielson, Engle, Schulze, Thurston and Wenner.

With no further business, the meeting adjourned.

Meeting minutes prepared by,
Michelle Spohnheimer
Housing & Community Development Director

MARSHALLTOWN

I O W A

TO: Board of Adjustment

FROM: Michelle Spohnheimer, Housing & Community Development Director

DATE: November 19, 2019 – Meeting Date

HOME OCCUPATION SPECIAL USE PERMIT request for 501 S. 12th Street – Timothy & Barbara Kelley

The Home Occupation Special Use Permit request has been submitted to allow the operation of a gunsmith service home business. This is neither a permitted nor a prohibited home occupation, which is why it is before the Board. Timothy & Barbara Kelley purchased the property earlier this year and would like to start a home occupation.

Zone:	R-2, low Density Residential
Use:	Home Occupation
Comprehensive Plan:	Low Density Residential

Zoning Ordinance - § 156.025 HOME OCCUPATIONS

(B). Criteria:

(1) No exterior display. In connection with which, there is no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, with the exception of division (B)(4) below.

(2) Residential design features. The building shall include no features of design not customary for residential use.

(3) Residential character. The building or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to exterior appearance or by the emission of dust, gas, noise, odor or smoke, or in any other way.

(4) Signs. Any sign utilized by a home occupation in an R district shall be limited to one building mounted sign which shall not exceed one square foot in area.

(5) Equipment. Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in an accessory building.

(6) Employment. On-site employees must be members of the immediate family residing on the premises. Additional employees may be permitted as required by law or may be permitted through the special use permit process by the Board of Adjustment.

(7) Traffic and parking. Traffic generated by the home occupation shall not be objectionable to the neighboring residents. Off-street parking shall be adequate to accommodate the parking demand generated by the home occupation.

(8) Modifications, additions. Structural modifications or additions to the residence for the expansion of a home occupation are prohibited.

(9) Non-compliance. Any home-occupation which does not abide by the terms of this section shall be punishable under § 156.999 of this chapter.

Recommendation: The Board of Adjustment may consider the request and place conditions on the application as determined to be necessary. I have not received any comments or concerns.

DATE SUBMITTED & FEE PAID: 10/30/19
HEARING DATE: 11/19/19



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: 501 S. 12th St Marshalltown, IA 50158
Owner: Timothy + Barbara Kelly
Mailing Address: 501 S. 12th St., Marshalltown, IA 50158
Phone: 928-710-8231
Email: timputman@msn.com
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:

Date:

Handwritten signatures of Timothy and Barbara Kelly in blue ink. Below the signatures, the date "Oct. 30, 2019" is written in blue ink.

PERMIT # _____

Home Occupation Registration Form

City of Marshalltown, 24 North Center Street, Marshalltown, IA 50158

Phone: 641-754-5756; Fax: 641-754-5742

This form must be complete or the application cannot be accepted.

Applicant Name: <i>Timothy + Barbara Kelly</i>	Business Name: <i>Edgeworth Precision</i>
Address: <i>501 S. 12th St, Marshalltown, IA 50158</i>	
Phone: <i>928-710-8231</i>	Fax: <i>none</i>

Please describe your home occupation (attach additional information if necessary).

Gunsmith - custom rifle builds, repair, stockwork.

Please check the appropriate category for your home occupation:

- | | |
|--|--|
| ☐ Office facilities for accountant, architect, engineer, lawyer, clergyman, or other similar professional occupations. | ☐ Telephone answering. |
| ☐ Office facilities for telecommuters, salesmen, sales representatives, manufacturer's representatives, and other similar trades or occupations | ☐ Catering, home-cooking and preserving for the purpose of selling the product. |
| ☐ Home sewing or tailoring. | ☐ Tutoring or giving lessons, limited to four students simultaneously. |
| ☐ Studio for an artist, photographer, writer, or composer. | ☐ Day care homes.
(List the number of permitted Children: _____) |
| | ☒ None of the above, Special Use permit required. |
| | ☐ None of the above, use "grandfathered". |

The following home occupations are prohibited: Animal hospitals, private clubs, restaurants, stables and kennels, automobile repair or auto body shops (More than 2 vehicles per year which are not registered at the residence and are rebuilt, repaired, or reconstructed shall constitute an automobile repair or auto body shop), automobile paint shops, any occupation which is considered illegal by law, and any use which does not meet the Home occupation regulations.

Home Occupation Regulations

- a) **Appearance.** That in connection with which there is no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, with the exception of one home occupation sign defined in section c) below.

Initial that you understand this appearance requirement: *[Signature]*

- b) **Design.** That the building shall include no features of design not customary for residential use; That the building or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to exterior appearance or by the emission of dust, gas, noise, odor, or smoke, or in any other way.

Initial that you understand this design requirement: *[Signature]*

- c) **Signs.** Any sign utilized by a home occupation in an "R" (residential zoning) district shall be limited to one building mounted sign which shall not exceed one square foot in area.

Attach a photo or drawing of the home occupation sign to be used showing all dimensions and where it will be mounted. Initial that you understand this design requirement: IK bx

- d) **Equipment.** Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in an accessory building.

Are any dangerous materials stored? _____ Yes ✓ No

If yes, please list the materials: _____

- e) **Employment.** On-site employees must be members of the immediate family residing on the premises. Additional employees may be permitted as required by law or may be permitted through the Home Occupation Special Use Permit process by the Board of Adjustment.

How many people are employed? 1

How many employees are not members of the immediate family residing on the premises? 0

List all employees: Carrie Kelly

- f) **Traffic and Parking.** Traffic generated by the home occupation shall not be objectionable to the neighboring residents. Off-street parking shall be adequate to accommodate the parking demand generated by the home occupation.

How many visits per day are made to your business? 1-3

How many parking spaces are available? 3

- g) **Structural modifications.** Structural modifications or additions to the residence for the expansion of a home occupation is prohibited.

Initial that you understand this requirement: IK

- h) **Non-compliance.** Any home-occupation which does not abide by the terms of this section shall be punishable under the Violation and Penalty section of the zoning ordinance. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not more than one hundred (\$100.00) dollars for each offense. After a written notice of such violation, each day that the violation is permitted to exist beyond the expiration of the time designated on said notice, shall constitute a separate offense.

- Please read the attached Section 10-Home Occupations excerpt from the Zoning Ordinance.
- Please attach a photo of the residence and site map showing parking.
- This home occupation permit does NOT continue with the land and is NOT transferable.
- Any changes to the operation of the home occupation requires a re-registration.

Agreement: I hereby state I have received, have read and understand the terms of the home occupation section of the Zoning Ordinance of 1998. I agree to comply with the ordinance.

Signature of applicant: Carrie Kelly Date: 10-30-19

- ☐ Home Occupation permitted
☐ Home Occupation grandfathered (Legal non-conforming)
☐ Special Use permit granted on _____

Zoning Officer, City of Marshalltown

Date

Edgeworth Precision Special Use Permit Narrative

Edgeworth Precision will manufacture precision rifles and repair firearms. Tim Kelly, owner, has been a precision machinist for over 25 years and had a licensed Gunsmithing business (formerly Kelly Arms of Prescott Valley, AZ) for over 7 years in Arizona. Having had this prior business, Mr. Kelly has experience with working with governmental entities to stay in compliance.

The former business shop space was operated out of the home garage. During this time there were no noise complaints from neighbors and be assured that there will be no disturbance of neighbors' enjoyment of their properties. Mr. Kelly has spoken with neighbors to the north, south, east and west adjacent to our property. No negative responses were indicated at that time.

We propose the shop to be in the property's carriage house in the lower level portion of the east/west oriented level. It will comprise an office space and machine space with a mill, lathe, and various hand tools. Office hours will be initially be 5:30pm to 7:30pm Tuesday and Thursday and Saturday 10am to 6pm and other times by appointment.

Parking for customers to the shop will be adjacent to the east/west portion in front of personal garage space. Any overflow, should there be any, can be in the circle portion of the driveway. Prior business dealings suggest we would never have more than two customers at any one time and likely will have many out of state customers' work delivered by common carrier.

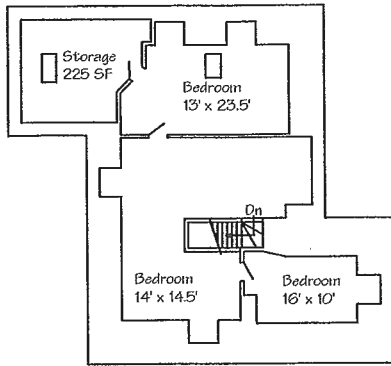
Plans for the shop will have a contained, locked storage space for customer firearms. We are also planning to have a video camera security system to surveille the property to further secure our and customers' property.

We are excited to be a part of the community and thank you for your consideration of our request.

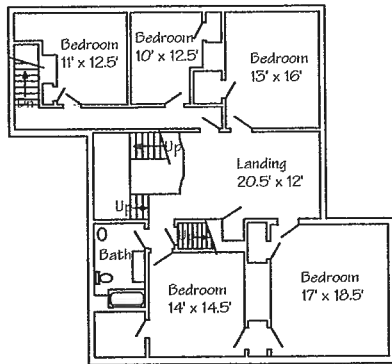
Kind Regards,

Timothy & Barbara Kelly

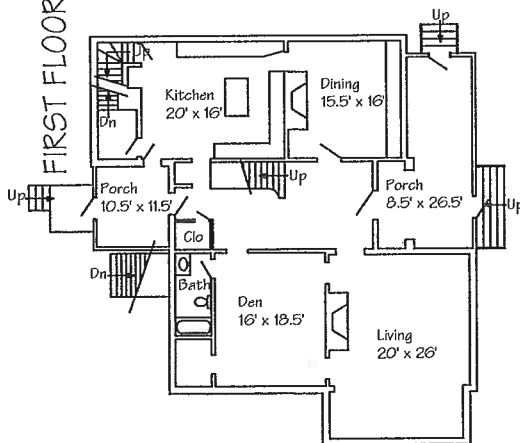
THIRD FLOOR



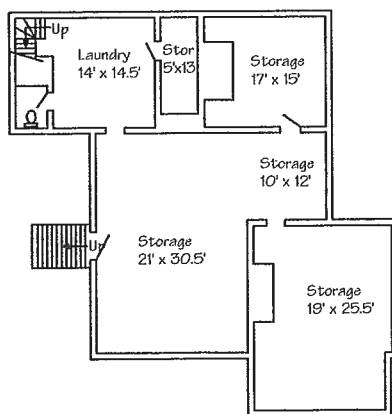
SECOND FLOOR



FIRST FLOOR



BASEMENT



501 South 12th Street
Marshalltown, Iowa

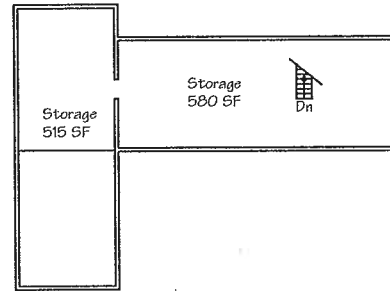
House

First Floor SF: 1,937
Second Floor SF: 1,858
Third Floor SF: 1,263
Basement SF: 1,962
Porches SF: 404
Total SF (all levels): 7,424

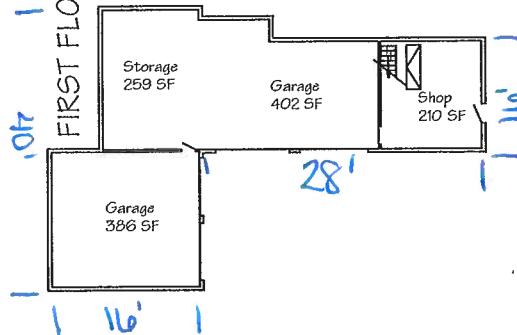
Carriage House

First Floor SF: 1,257
Second Floor SF: 1,095
Total SF (all levels): 2,352

SECOND FLOOR

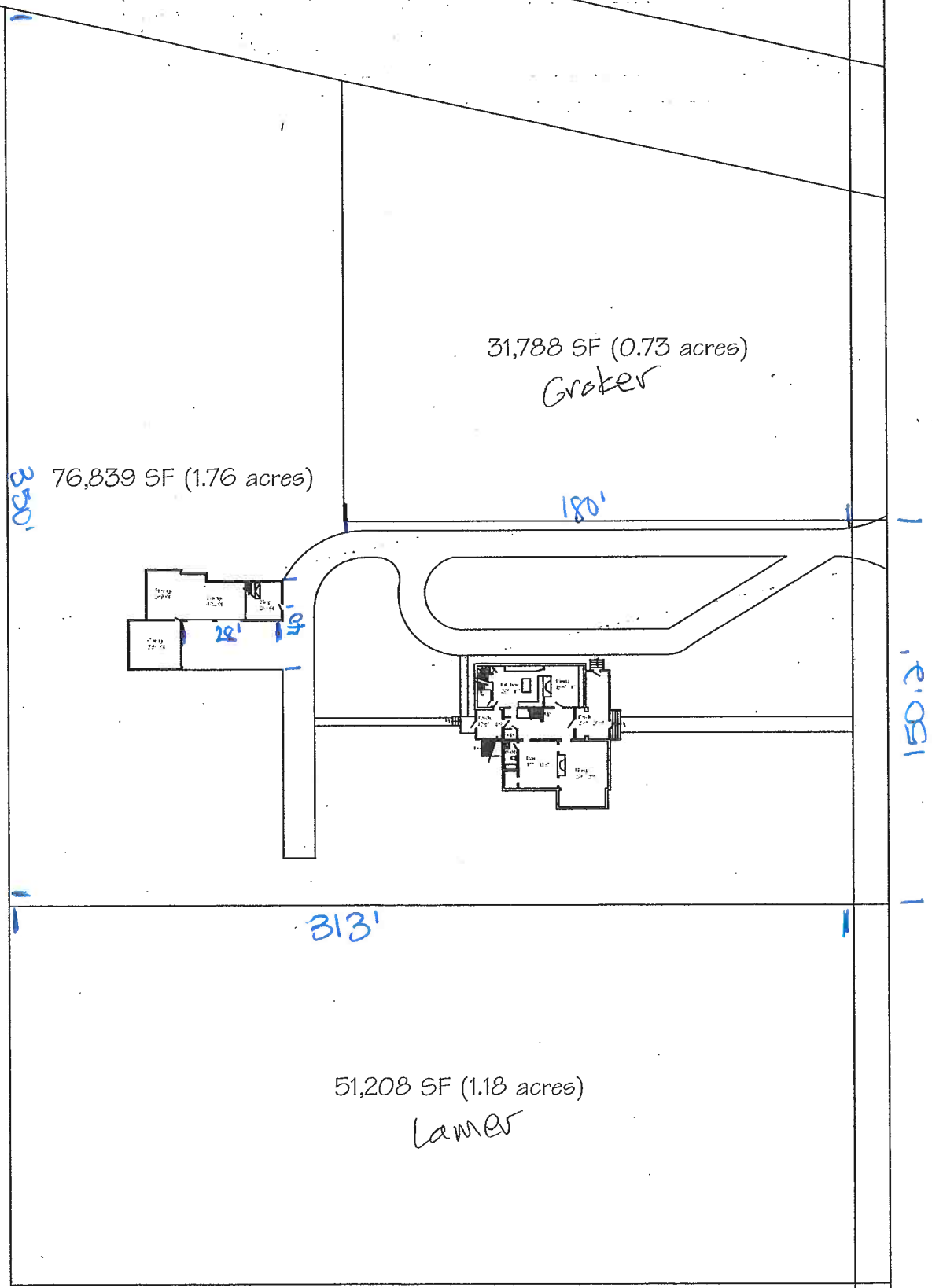


FIRST FLOOR



501 S. 12th St.

Lot 1 of Lot 4 of Lot 2 of the Southeast Quarter of the Northwest Quarter of Section 34, Township 84 North, Range 18 West of the 5th P.M., Marshall County, Iowa.





1994

Imagery Date: 3/10/2015

42°02'33.81" N

92°55'55.11" W

elev 938 ft

eye alt 1390 ft

Google Earth