

BOARD OF ADJUSTMENT

Special Meeting: Appeal
City Council Chambers, City Hall
10 West State Street, Marshalltown IA

Board of Adjustment
Tue, May 11, 2021 5:00 PM - 6:00 PM (CDT)

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1. Call To Order & Roll Call

Engle
Schulze
Starks
Thurston
Wenner

2. Minutes From October 6th Meeting

Documents:

[BOARD OF ADJUSTMENT MIN 04202021.PDF](#)

3. Appeal Request – 1207 ½ S. 12th Avenue – Home Occupation

Documents:

[MEMO_1207.5 S 12TH AVE_051121.PDF](#)
[ATTACHMENT A - HOME OCCUPATION REGISTRATION.PDF](#)
[ATTACHMENT B - BUSINESS WEBPAGE.PDF](#)
[ATTACHMENT C - BUSINESS AIRBNB PAGE.PDF](#)
[ATTACHMENT D - BUSINESS FACEBOOK PAGE.PDF](#)
[ATTACHMENT E - NOTICE OF VIOLATION.PDF](#)
[ATTACHMENT F - REQUEST FOR APPEAL.PDF](#)

MISSION STATEMENT

The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.

Board of Adjustment

Meeting Minutes – October 6th, 2020

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

1. Roll Call:

Present: Engle, Schulze, Starks, and Thurston

Absent: Wenner

- 2) Meeting Minutes From 9/15/20
Starks motion to modify date and approve
Thurston seconded
All approve and accept minutes
- 3) Public Hearing: Special Use Permit 713 S 12th St

Public Hearing open at 5PM – No public comments received – Public Hearing Closed.

Staff: Background

Applicant: presentation

Schultze: Comments or questions from public?

Staff: no?

Thurston: Motion to approve Special Use Permit

Starks: 2nd

All Commission members vote in favor: Motion Passes

4) Tabled from September 15: Special Use Permit 1314 W Main St

Staff: Background

Schulze: Applicant available?

Staff: Letter was sent, and emails

Starks: Did she receive the letter?

Thurston: Time was given and multiple ways they tried to contact applicant. Motion to accept as submitted

Schultze: 2nd

All members vote to not grant special use permit Special Use Permit Denied

Schultze: Notify applicant.

With no further business, the meeting adjourned.

Meeting minutes prepared by,

Caleb Knutson

City Planner

MARSHALLTOWN

I O W A

FROM: Michelle Spohnheimer, Housing & Community Development Director 

DATE: May 11, 2021 – Meeting Date

RE: **Appeal Request – 1207 ½ S. 12th Avenue – Home Occupation**

The Board of Adjustment has the responsibility of serving as the appeal board to administrative appeals of the Zoning Ordinance.

§ 156.622 JURISDICTION.

The Board shall have the following powers and authority:

(A) Appeals. To hear and decide an appeal where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter;

Reported Violation

The City Planner and Housing & Community Development Director each received a call from a different resident at the end of March regarding a possible illegal home occupation taking place at 1207 ½ S. 12th Avenue. Reports included information that a recreational vehicle (RV) was being used for rental stays and that there was concern that more would be added which may impact their property value and character of the neighborhood if an RV park is in the neighborhood. There was also concern about how sewage disposal was being addressed. Individuals reported information about the business was available online. Neither neighbor was willing to put the complaint in writing out of concern for neighbor relationships. The expectation was that the City should be able to enforce the codes that apply to protect their neighborhood.

Staff Investigation/Documentation

The property owners Elisabeth and Phillip Curtis had applied for and received approval for a Home Occupation in February 2020 for EPC Creations to conduct an Etsy business related to home sewing or tailoring and related office facilities. These are permitted activities. There was no mention of other activities planned. Elisabeth did certify that she had read, understood and agreed to comply with the terms of the home occupation section of the ordinance. A copy of the home occupation registration form is attached as “Attachment A.”

Staff conducted an internet search and found the following:

- A website for The Lavender Mercantile. Pages from their website are included in the attachments. The website does address the camper rental and future plans for an additional camper to be added in the blog titled The Lavender Farm + Garden Plans. “Attachment B”
- Airbnb listing under Farmhouse Camper Trailer which is included in the attachments. “Attachment C”

- Facebook page under The Lavender Mercantile which is included in the attachments. “Attachment D”

Code References

The following code references were reviewed by City staff for applicability to the reported violation.

ZONING ORDINANCE

§ 156.025 HOME OCCUPATIONS.

(A) *Statement of intent.* This section is intended to protect residential districts from potential adverse impacts of certain home occupation activities (described below); to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementing of personal/family income; to restrict incompatible uses; to establish criteria and develop standards for the use of residential structures or dwelling units for home occupations; it is not the intent to eliminate certain home-based businesses and occupations which may be compatible with residential areas.

(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.

(C) *Registration required.* All home occupations shall fill out a registration form (fee set by resolution) with the Zoning Department in order to assure compliance with the terms of this chapter.

(D) *Permitted home occupations.*

(1) Applicants shall register with the Zoning Department for approval and shall comply with the criteria in division (B) above. The following home occupations are permitted:

(a) Office facilities for accountant, architect, engineer, lawyer, clergyperson or other similar professional occupations, including contractors;

(b) Office facilities for telecommuters, salespersons, sales representatives, manufacturer's representatives and other similar trades or occupations when traffic generated complies with the traffic and parking criteria as stated in division (B) above;

(c) Home sewing or tailoring;

(d) Studio for an artist, photographer, writer or composer;

(e) Telephone answering;

(f) Catering, home-cooking and preserving for the purpose of selling the product;

(g) Tutoring or giving lessons, limited to four students simultaneously; and

(h) Day care homes.

(2) Upon receiving the registration, the applicant shall be notified of the decision of the Department. The decision may be appealed to the Board of Adjustment within 30 days of the notification if the applicant is aggrieved.

(E) *Prohibited home occupations.* Prohibited home occupations shall not be allowed permission to operate. The following home occupations are considered prohibited:

(1) Animal hospitals;

(2) Private clubs;

(3) Restaurants;

(4) Stables and kennels;

(5) Automobile repair or auto body shops. More than two 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;

(6) Automobile paint shops;

(7) Any occupation which is considered illegal by law; and

(8) Any use which does not meet the criteria in division (B) above.

(F) *Other home occupations.* Any home occupation which is not considered "permitted" or "prohibited" shall use and abide by the special use process as described in this chapter with the exception of a review by the Plan and Zoning Commission. A special fee for a home occupation special use permit shall be set by resolution. The Board of Adjustment shall review the home occupation in regards to the criteria listed in division (B) above. The Board shall take into account concerns by neighbors and the possible negative impacts to the residential character of the neighborhood. The Board may place any restrictions on the home occupation and the Board shall be critical when evaluating requests for additional employees.

(G) *Existing home occupations.*

(1) Existing home occupations which are in conformance at the time of adoption of this chapter shall remain in conformance, also known as "being grandfathered in".

(2) If an existing business is vacated, any new business must meet current regulations.

(Ord. 14871, passed 4-12-2010)

§ 156.002 DEFINITIONS.

DWELLING. Any building or portion thereof which is designed or used for residential purposes, but not including a tent, cabin, automobile, mobile home, trailer, recreational vehicle, apartment house, motel or hotel.

DWELLING UNIT. A room or group of adjoining rooms located within a structure and forming a single habitable unit with facilities which are intended to be used for living, sleeping, eating, cooking and sanitation.

HOME OCCUPATION. Any business, profession, occupation or trade conducted on-site for gain or support which is clearly secondary to the main use of the premises as a dwelling, and does not change the character thereof, or that in connection with which there is no display that will indicate from the exterior that the premises is being utilized in part for any purpose other than that of a dwelling.

RV. Also known as **RECREATIONAL VEHICLE.** Any vehicle, camper, trailer or motor home, temporarily used for living and/or sleeping purposes.

CHAPTER 73: RECREATIONAL VEHICLES

§ 73.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAMPING AND RECREATION EQUIPMENT. Any non-permanent recreational structure or vehicles including, but not limited to, tent, trailer or camper.
(2013 Code, § 19-1) (Ord. 14702, passed 6-10-2003)

§ 73.002 RECREATIONAL EQUIPMENT USAGE.

At no time shall such parked or stored camping and recreational equipment be occupied or used for living, sleeping or housekeeping purposes for a period of time to exceed five consecutive days or by prior approval by the Chief of Police.

(2013 Code, § 19-2) (Ord. 14702, passed 6-10-2003; Ord. 14970, passed 11-27-2017) Penalty, see § 73.999

PARKING IN BUSINESS AND RESIDENTIAL YARDS

§ 72.038 DRIVEWAYS; NUMBER, COMPOSITION, LOCATION AND SIZE.

(2) Rear and side yards. Parking of all vehicles, including licensed and operable vehicles, recreational vehicles and trailers, must be parked in a permanent roofed structure or on a hard surface consisting of solid concrete, asphalt, solid bricks, crushed stone or gravel. Such hard-surfaced parking areas in a side-yard or rear-yard must be connected to a driveway leading from an approved curb drop or entrance which also consists of a hard surface consisting of solid concrete, asphalt, solid bricks, gravel or crushed stone. The vehicle wheels and any component touching the ground must be located entirely on and directly above the appropriate surface.

IOWA CODE 414.1

414.1 Building restrictions — powers granted — rental permit caps — short-term rentals.

e. (1) For purposes of this paragraph, “short-term rental property” means any individually or collectively owned single-family house or dwelling unit; any unit or group of units in a condominium, cooperative, or timeshare; or an owner-occupied residential home that is offered for a fee for thirty days or less. “Short-term rental property” does not include a unit that is used for any retail, restaurant, banquet space, event center, or other similar use.

(2) A city shall not adopt or enforce any regulation, restriction, or other ordinance, including a conditional use permit requirement, relating to short-term rental properties within the city. A short-term rental property shall be classified as a residential land use for zoning purposes.

(3) Notwithstanding subparagraph (2), a city may enact or enforce an ordinance that regulates, prohibits, or otherwise limits short-term rental properties for the following primary purposes if enforcement is performed in the same manner as enforcement applicable to similar properties that are not short-term rental properties:

- (a) Protection of public health and safety related to fire and building safety, sanitation, or traffic control.
- (b) Residential use and zoning purposes related to noise, property maintenance, or nuisance issues.
- (c) Limitation or prohibition of use of property to house sex offenders; to manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or to operate an adult-oriented entertainment establishment as described in section 239B.5, subsection 4, paragraph “a”.
- (d) To provide the city with an emergency contact for a short-term rental property.
- (4) A city shall not require a license or permit fee for a short-term rental property in the city.

Review with Legal Counsel

Staff consulted with the City’s Legal Counsel related to possible violations and applicable code sections. It is the City’s opinion that the business use of the RV exceeds the scope of the owners’ approved home occupation and, in any event, violates the Home Occupation regulations. The property owners are operating a business on residential property outside of any residential structure or accessory building. The persistent placement, occupation, and use of the RV on the premise for business use (apparent enough to draw complaints from neighbors), itself constitutes an impermissible exterior display in violation of home occupation criteria B(1). The apparent business use of the RV further impacts the residential character of the neighborhood resulting in a violation of the home occupation criteria B(3). There is a stark difference between the occasional temporary use of an RV ancillary to the residential use of property, which the City Code permits, and the persistent business use of an RV on a residentially zoned parcel. Note the statute recently enacted by the State to preclude local regulation of short-term rentals applies only to the short-term rental of “dwelling units,” which cannot reasonably be read to include an RV (the City’s definition of “dwelling” also explicitly excludes recreational vehicles).

Notice of Violation

Following a review of the situation a Notice of Violation was mailed to the property owner. “Attachment E”

Request for an Appeal

The property owners submitted an appeal request along with supporting documentation. “Attachment F”

City Response to the Appeal

The City Planner set an appeal hearing date with the Board of Adjustment for Tuesday, May 11, 2021 at 5:00 PM. The appeal request does not require a public hearing.

The Board of Adjustment shall follow the following procedures for an appeal.

1. City staff will present the information supporting the decision made.
2. The property owner appealing the decision may present information to the Board supporting their position.
3. The Board shall decide based on the information presented to either uphold or reverse the determination of the Zoning Administrator in the enforcement of the Zoning Ordinance. A vote of three members is required. The Board may choose to defer the decision to the next regular meeting to allow for further consideration.
4. A written decision will be signed by the Board of Adjustment Chair and mailed to the property owner within 30 days of the decision.

5. Any appeals of decisions made by the Board of Adjustment are made to the District Court of Marshall County.

If you have questions please do not hesitate to contact me at 641-754-5756 or e-mail me at mspohnheimer@marshalltown-ia.gov.

PERMIT # 2020-001**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: <u>Phillip + Elisabeth Curtis</u>	Business Name: <u>EPCCreations</u>
Address: <u>1207 1/2 S 12th Ave Marshalltown, IA 50158</u>	
Phone: <u>208 250 1714</u>	Fax:

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

Etsy business

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: EC

- 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: EC

- 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: _____

- 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? 0

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

List all employees: Self

- 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? 0

How many parking spaces are available? 6

- 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: ee

- 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: Beth Cuff Date: 2/12/2020

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

Callie
Zoning Officer, City of Marshalltown

2-18-2020
Date



MENU

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The Lavender Mercantile

Hello + Welcome to our blog!

The Lavender Mercantile was started in 2021 by Phillip + Elisabeth Curtis, we are Lavender Farmers, Artisian Makers, avid DIY'ers, Frugal Shoppers, Airbnb Super-hosts, all while building our Mini Homestead on two acres in Central Iowa.

[Learn more](#)

Latest from the Blog

[Our 1940's Farmhouse Remodel](#)

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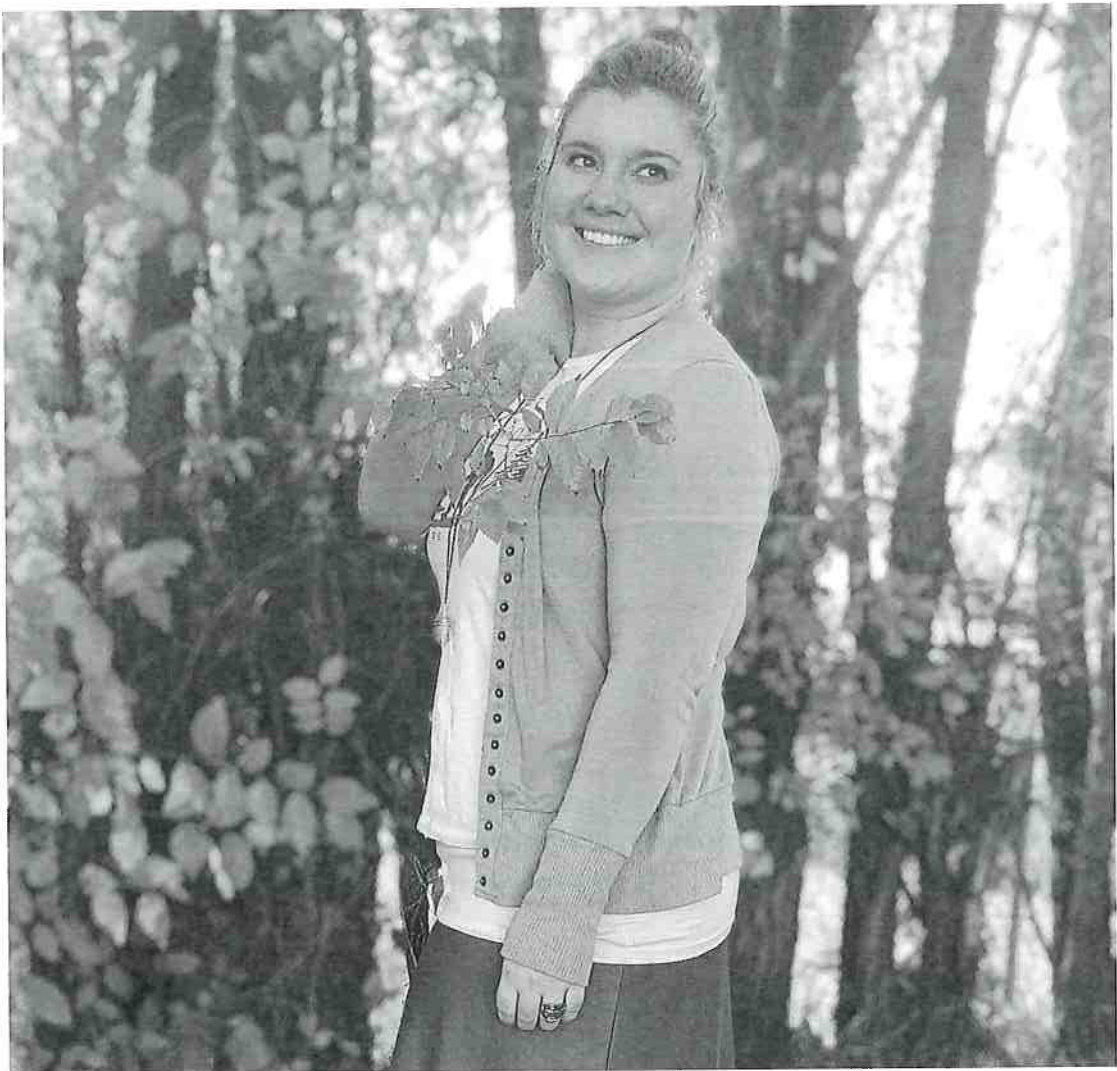
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About



Hello, my name is Elisabeth

Welcome to my blog, the Lavender Mercantile! I started this blog when my husband (Phillip) and I decided to start our Lavender + Flower Farm in Central Iowa. We took a leap of faith to use the small piece of land we have to create a relaxing retreat for everyone who visits while renovating our 1940's Farmhouse, learning everything on the fly with not much experience in farming or homesteading. I love all things DIY, Disney, natural, technology loving (hello, Alexa!), gardening, first-time beekeeping, frugal living, and Airbnb Superhosting which is the majority of this blog. You'll see the learning curves, successes, and challenges all unfiltered through this blog.

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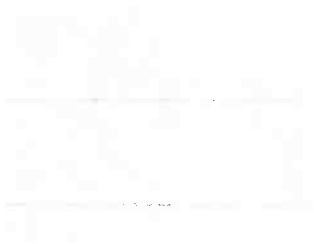
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Contact

Don't hesitate to reach out with the contact information below, or send us a message using the form, we would love to hear from you!

Get in Touch

Visit our Airbnb!

thelavendermercantile@gmail.com

Marshalltown, Iowa

Send Us a Message

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Our Airbnb Camper Trailer Remodel!

February 15, 2021 thelavendermercantile

**Disclosure: I only recommend products I would use myself and all opinions expressed here are our own. This post may contain affiliate links that at no additional cost to you, I may earn a small commission. Read the full privacy policy.*

Back in May of 2020, we bought our first Camper Trailer! A 2000, 32' King of the Road Trailer with two slides was a family friend's who could no longer use it. The very first vision I had was to turn it into our Airbnb, with a little (a lot) of work, it could really be something!



I started out pricing everything I would like to do, paint, new floor, upholstery fabric, new bedding, towels, plates, silverware, pots and pans, literally everything a small house could need. All around, my initial budget was about \$1,500.

Attachment B - Business Webpage

Now looking back, I realize I was about \$1,500 short of what it REALLY costs to get an Airbnb going. Who knew that you needed so many towels? Or how many sets sheets you actually go through? I didn't know at the time. I'll get more into the nitty-gritty of that later.

The same day we picked up the trailer and got it settled into its new spot on our property I started tearing into it. It hadn't been updated since it was built in 2000 so there were 20 years of updates to do! The very first thing I did was take off the old window valances/boxes that covered every single window, those may be your thing and that's totally cool! But it wasn't in the vision of my Airbnb. It was crazy just how updated it looked just by taking those off!

Next, I started priming the walls, since Phillip is a painting contractor he knew everything that I needed to make sure it looked fabulous. Just having the primer on the walls made just a huge difference in the trailer! I could finally start seeing my vision come to life.

The next project I tackled after priming the walls was the flooring. I ripped out the carpet and laminate flooring in the kitchen, the carpet had oil stains from the slide-out and the carpet had some sun bleaching that really needed a refresher. I decided to go with peel and stick wood flooring, it's so easy to install and even easier to replace if needed. With peel and stick flooring, if something happens to one piece (gouges from things falling or dropped are fairly common with the Airbnb) you can simply pull that piece up and replace it with a new one, without pulling up the entire floor! It was an easy decision and I would 100% choose peel and stick flooring again. I used **Woodland Creek Gray Wolf from Menards** and I absolutely love it. I did purchase these during Menards 11% off Rebate Sale and saved a bit of money that way!

Are you still there? Cool! As I said earlier, there was so much work. I really thought when I first started that I could start and finish in 2-3 weeks. I know....laugh with me. Realistically, it was about 3 months of weekend working, there were several things I needed Phillip's help and expertise with and it had to fit into his schedule which meant weekends only!

One thing I really couldn't do without him was the backsplash of the kitchen, those round windows, and angled walls were the death of me! Without him, they would definitely be the same or just painted over. I found these peel and stick floor tiles at Hobby Lobby, waiting for them to go on sale made them pretty affordable in my opinion. I used Sienna Peel and Stick tiles, they are normally \$11.99 but if you wait for their 50% off sales, you can get them for a steal! I used Sienna throughout the entire trailer to cover-up the wallpaper, I think I bought 8 boxes that cost about \$60. I did have to use a stronger adhesive in the kitchen, between the heat and humidity, the tiles didn't always want to stick.

Attachment B - Business Webpage

Things were coming together it seemed like at this point! The next thing on the to-do list was paint the cabinets, since Phillip is a painting contractor, he took over that massive undertaking and used a paint pump/spray that really moved the job along. We painted all the cabinets in the trailer white, it really gives the small space a huge breath of fresh air and makes it seem so much bigger.

By the end of July in 2020, we felt like we were ready to to list our trailer on Airbnb, within a few days we started receiving bookings! I really wanted to spruce up the outside area so on August 8th, I found some old wooden poles in our backyard and knew right away what I wanted to do. We had some LED edison lights from previous artisan shows we've done with our booth space and with the virus situation, we weren't using them anyway! I also found an outdoor dining table and chairs on Facebook Marketplace for \$40, of course, anything outdoors in Iowa has some rust so I bought a can of spray paint and touched up those areas, practically good as new! So besides the table and chairs, we were able to create this outdoor space for free! Everything came together so perfectly!

And then.... on August 9th, 2020, the Derecho hit Central Iowa. Unfortunately, our Trailer didn't exactly survive the 130+ MPH winds that devastating storm brought us. We were supposed to have guests staying that day, thankfully, they didn't check in yet and were safe at work when the storm hit.

The Derecho made the front stands of the trailer literally cave-in, the slide-outs of the trailer were extended otherwise the trailer would have been on it's side, completely totaled. We were without power for 9.5 days, we lost all the trees that surrounded our property. Our losses are nothing compared to those who lost millions of acres of crops, homes, and even loved ones who were caught in the storm. Looking back it doesn't seem like it happened, we were able to repair the trailer fairly quickly and still host our guests but I must admit, every storm seems to give us PTSD. We definitely don't take our basement for grant it anymore!

As I'm sure you can imagine, cleanup took our priorities away from the trailer for several weeks but once we cut the last log from the final tree, we were able to finish our project for now! The trailer is equipped with two Smart TVs, Tempur-Pedic Queen Size Bed, a fully revamped kitchen, remote working area, lots of cozy blankets, High Speed WiFi, and an outdoor entertainment space. Not to mention the standard things like hot water, coffee maker (with coffee!), A/C, heat, you know! If you have ever wondered what staying in a tiny home would be like, come stay in our Airbnb!

I wholeheartedly believe with a little hard work, some creativity, paint and a plan, you can do anything! We have several things we want to do with the trailer before the start of our 2021 Airbnb Season in March, including a decor revamp, dining table + couch upgrade and a few other amazing ideas but that will be in another blog post!

Wall Color – SW Agreeable Gray

Cabinet Color – Advance White

Flooring – Menards Woodland Creek Gray Wolf Peel and Stick

Backsplash – Hobby Lobby Sienna Peel and Stick Tiles

Desk – <https://amzn.to/2MaaleY>

Desk Chair – <https://amzn.to/3qDIVx4>

Dining Room Chairs Upholstery Fabric – Hobby Lobby

LED Edison Lights – <https://amzn.to/3k4lDhc>

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Make sure to subscribe to the blog and keep up with all of the exciting things happening at The Lavender Mercantile!

Name *

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Our 1940's Farmhouse Remodel

March 5, 2021 thelavendermercantile

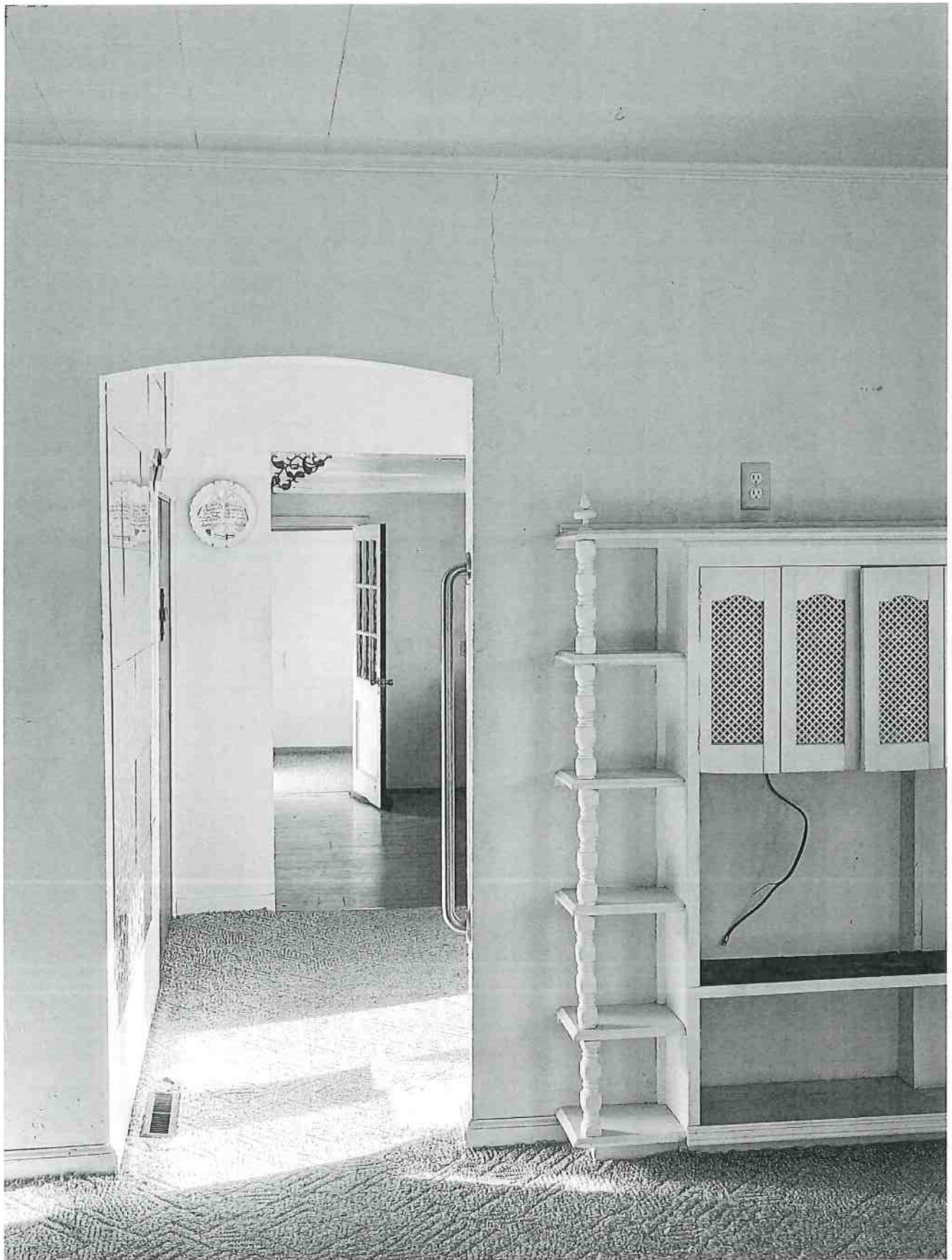
We bought our 1940's Farmhouse back in January of 2020. We moved from Idaho to Iowa in hopes of a fresh start. When we first started looking at buying a home in Iowa I found an incredible 1900's home that we put an offer on and started packing to move across the country! In November of 2019 we arrived with the biggest Uhaul truck we could get with all of our lives possessions inside, we found out there were some major problems in the paperwork that caused us to lose the house we wanted. Fun stuff, right? Luckily, the owner was gracious enough to let us temporarily move into the house until we found another one.

After a few days of frantically searching, a 1940's Farmhouse popped up just two miles away from our temporary home. My daughter and I jumped in the car and went to see what would become our new home!



It had been abandoned for at least five years and neglected for several years before that. It needed a lot of work. Phillip was still working in Idaho, finishing up a few jobs before he joined us in Iowa. Just a few days after driving to see the house I was able to walk through it with my in-laws and a family friend/amazing realtor, Marilyn.

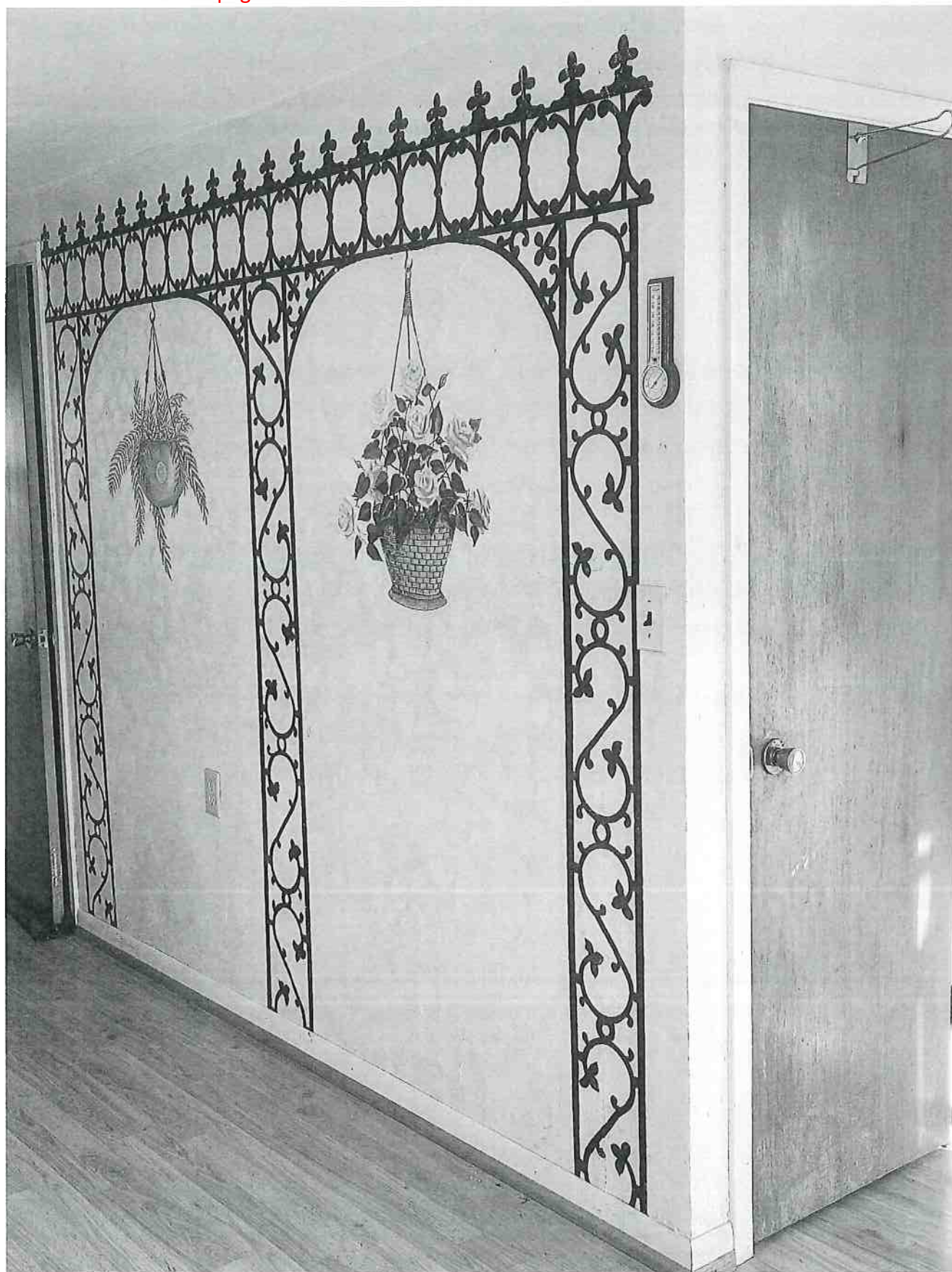
We put an offer in that night and since it was a government sale, it took a bit longer than we thought to finally close on the house. But on January 6th 2020, it was finally ours!











When we officially closed on the 6th, we immediately went to work. Phillip and I tore out the wall of mirrors in the dining room, if myths are to be believed, we might have 700 years of bad luck. We found that the pipes had burst in the basement several years prior and needed new lines ran before we

Attachment B - Business Webpage

could move in. Have I mentioned how awesome it is to have a husband who knows how to do almost anything construction related?! It took about 2-3 days but he was able to run brand new lines throughout the house while I did random projects, like tearing down a wall between the dining room and living room!

It was super therapeutic to tear into the walls after the stress of losing a house and dealing with complicated closing of this house. It was a lot of fun but also a lot of work, watching shows like Fixer Upper makes it seem easy but I was not prepared for how exhausted I would be after each day of working.

At first, we really wanted to use the original floors wherever we could, unfortunately once we pulled back linoleum we found that it was glued down with tar that ruined the original floors underneath. So it forced our hand to lay new flooring throughout the entire house. It made such a huge difference!

Almost every room in the house was a different color, living room was light blue, one bedroom was teal/green, another was teal, the kitchen cabinets were bright pink, the office/sewing studio was sky blue with a hand-painted stained glass door... The artist that lived here before was not afraid of color!

One of the first things we did in the kitchen was take off the hand-carved grapevine cabinet doors. Inside the cabinets it was a very bright pink, under the pink was blue, under the blue was black... We settled for bright white. What a difference a coat of paint can make!

We still have a lot of work to still do, the fun (or not so fun) thing about remodeling without a timeframe is that it can take as long, or as quick as you want. With Phillip's job being the first priority, our house is the weekend warrior projects that we try to do when we can. There's still so much more to be done including, finishing the basement, running new water lines outside, painting the exterior, new trim, building a fireplace, and several other home improvement projects we still need to do...or that I think up, like adding 10' to the front of the house and opening up the attic to exposed beams. You know, just simple past-time thinking.

Attachment B - Business Webpage

So if you're wondering what we used when we remodeled the first portion of our house, look no further!

- Wall Color throughout the House – SW Agreeable Gray
- Flooring – Menards
-

Of course if you haven't gathered yet, we are far from done remodeling our little Farmhouse, so I'll be back over the next few months updating you on all of the projects we'll be doing and completing!

Tagged DIY, Farmhouse, Marshalltown, Remodel, Renovation

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The Lavender Farm + Garden Plans

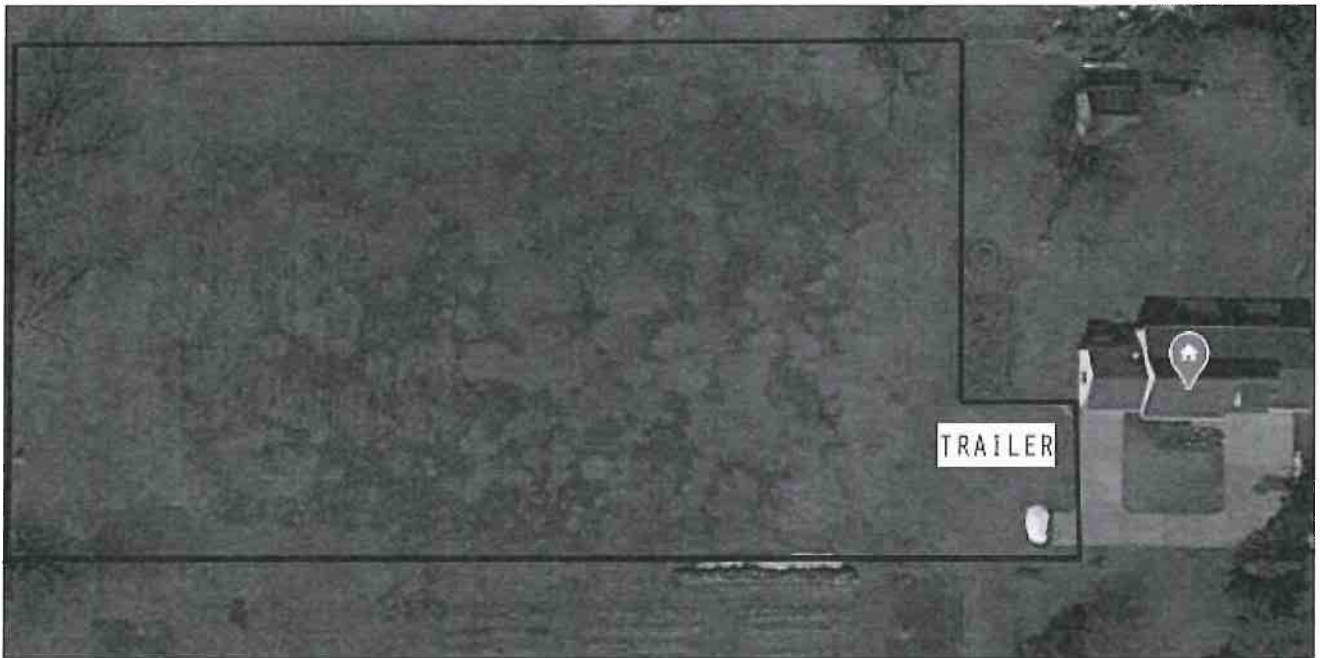
February 24, 2021 thelavendermercantile

**Disclosure: I only recommend products I would use myself and all opinions expressed here are our own. This post may contain affiliate links that at no additional cost to you, I may earn a small commission. Read the full privacy policy.*

Is it me or does it seem completely daunting to start the biggest farming/gardening project you have ever done? Hopefully, I'm not the only one. Luckily, as daunting as it may seem, I LOVE planning and even overplanning. Thinking of every angle and possibility is exciting!

Starting a farm when in the past you have only worked with 5-6 small raised garden beds may seem crazy (and it probably is!) but the possibilities are endless to me. So if you're in the same boat or just want to know how I'm planning to handle such a huge undertaking, first things first!

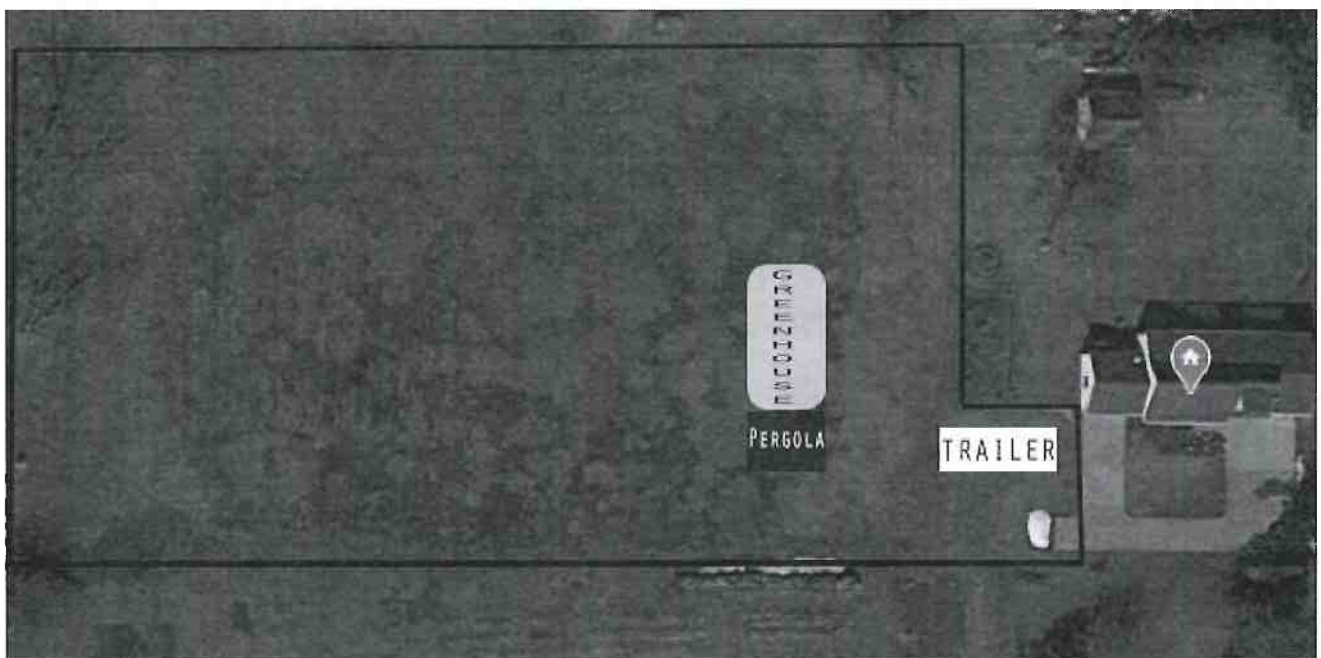
The very first thing I did was get on Google Maps and screen grabbed our entire property. I'm a very visual person so being able to plan from a bird's eye view was really helpful to me. Besides, trying to plan outside in the middle of the Arctic Iowa Winter isn't my version of fun.



Our Property outlined with the Camper Trailer

Crop circles, anyone? It's so weird to see your house/land from space! To layout the property lines, I used Photoshop (once upon a time I was a professional wedding photographer, story for another time!) but you can use a free editing site like PicMonkey or Canva. Since our property doesn't have fences this was a rough draft, we'll be getting the land surveyed some time this year.

Since the Airbnb Trailer is in its permanent spot, I added it to the initial layout. We'll be building the Greenhouse and outdoor entertainment space, I added where we wanted that next, making sure to label everything so there's no confusion when it's finally time to get to work!



Attachment B - Business Webpage

And then the really fun part starts! Making the imaginary Lavender + Flower fields start coming to life on paper! We have about 5,000 lavender starts that will hopefully sprout as planned which will give us about 1/4 of an acre of lavender, right where we want to be for our first year of planting. In the 2022 season we plan to double our lavender starts and have 14,000-15,000 bushes, we're not ready to completely overwhelm ourselves the first year so we are starting off smaller.

We did go a little crazy with other flowers and trees for the property. Since the Derecho took out all of our trees, we wanted to create the feeling of a secluded homestead but with mostly useful trees. We decided to go with Apple and Cherry Trees that will line the west side of the property (left side) that faces a subdivision. On the south side (bottom), we bought Elderberry Bushes to line halfway up the property and create a natural fence line between our neighbors' property. On the north side (top), Phillip wanted Sweet Gum Trees and I wanted Flowering Dogwood Trees so we'll do half and half.

Granted, this is a rough draft. I'm sure I will rearrange this 1,000 times before we are finally ready to plant but I'm fairly confident this layout will be the winner!

We are planning to another Airbnb Trailer in 2022 so I have left plenty of room to add a camper to the mix. Since Phillip still needs access to the grounds to pull his truck and trailer around I gave him plenty of space to drive around the greenhouse or use the field (for now). I didn't add the 100s of flowers to the layout yet, I don't think I will officially decide where they will go until it's time to plant but I will guarantee there will be tons of gorgeous flowers everywhere you look.

Here's some of the flowers I chose:

- Climbing Roses for the Pergola and Fence Lines
- Ranunculus
- Dahlias
- English Roses
- Standard Roses
- Bee Mix Wildflowers – <https://amzn.to/3dvCF6A>
- Butterfly Mix Wildflowers – <https://amzn.to/3blJTHU>
- Lilacs
- Hummingbird Mix Wildflowers – <https://amzn.to/37yW8zM>
- And several others I can't recall, as I said, I went a little crazy!

We bought almost 100% online from nurseries all over the midwest, unfortunately Marshalltown doesn't have a huge variety of nurseries to choose from. I was able to shop during pre-spring sales

Attachment B - Business Webpage

that saved quite a bit of money. I also use Honey to run all of the coupons each nursery has and saved even more!

My favorites are:

- Michigan Bulb
- Ty Ty Nursery
- Holland Bulb Farms
- Nourse Farms

So now it's the long wait until spring thaw to start receiving all of our plants and trees we have ordered over the last two months, waiting is the hardest part!

Tagged Farm Planning, Gardening Planning, Lavender, Nursery

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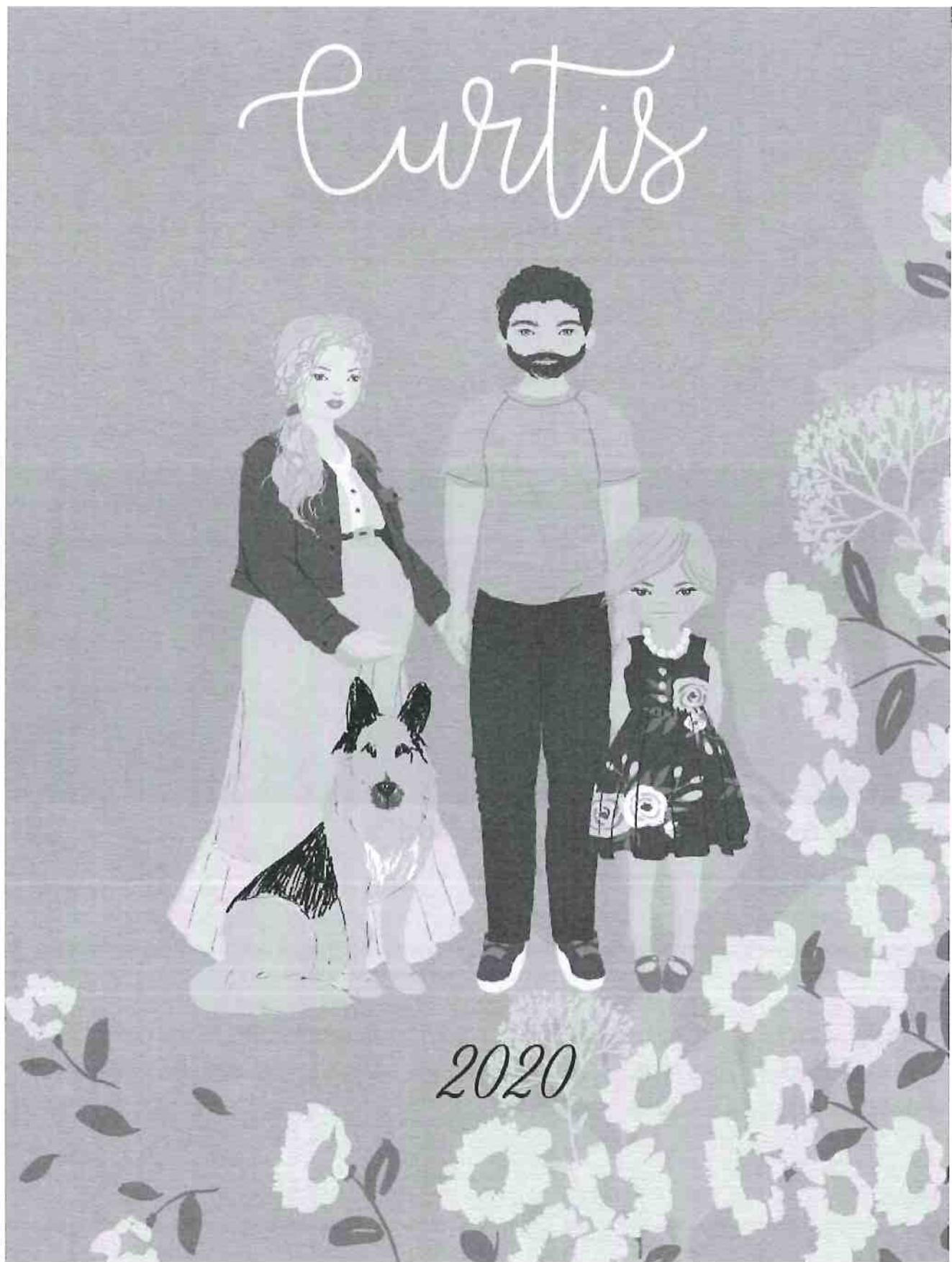


Welcome to the Lavender Mercantile Blog!

February 12, 2021 thelavendermercantile

**Disclosure: I only recommend products I would use myself and all opinions expressed here are our own. This post may contain affiliate links that at no additional cost to you, I may earn a small commission. Read the full privacy policy.*

Thanks so much for joining me on this crazy adventure! My name is Elisabeth, I live in Central Iowa with my husband of 7 years, Phillip, our daughter Caroline, German Shepherd/Border Collie, Bailey and our second baby due in June!



Our Christmas Pregnancy Annoucement

We bought our 1940's fixer upper farmhouse in early 2020 when it had been abandoned for several years prior, it sits on two acres right on the edge of Marshalltown. Phillip and I have been pondering

Attachment B - Business Webpage

what to do with our land, initially we had dreams of building a wedding venue but after some hard realizations we knew there just wasn't enough space for what we wanted.

So we went back to the drawing board, one night we were talking about different options and Phillip said "What about lavender?" and something clicked. That week I was researching growing lavender from seed, ordering seeds and starting the loooooong winter germination process for lavender. I instantly had visions of the relaxing aromas, rows of beautiful purple herbs swaying in the Iowa summer breeze. Amazing, right? I decided to add lots and lots of flowers to the mix, Dahlias, Roses, Ranunculus, Lilacs, and several Fruit Trees that I can't wait to get planted!

Phillip and I decided to name our place The Lavender Mercantile because we acquired a 12'x30' glass greenhouse that we will eventually open for a handmade artisan mercantile filled with items from local makers. Can you imagine driving up to buy a bouquet of flowers or a bundle of dried lavender, walking into a brightly lit glass shop full of handmade wonders from local makers? Fingers crossed for opening in 2022!



We also dabble in Superhosting our recently remodeled Camper Trailer on Airbnb, we hope that we can make a stunning place for all who decide to stay. Hosting has sure been a fun (and challenging) experience, we've learned so much just in the last year of being on Airbnb!



The Bedroom of our Remodeled Airbnb Camper Trailer

Besides hobby farming/homesteading and Airbnb, I have way too many other hobbies and interests. I have been trying to simplify my life and focus on two or three things at a time. I was a professional

Attachment B - Business Webpage

seamstress for many years (I still am but officially retiring in May!) and saw how stressful, exhausting, and time-consuming making custom garments can be, unfortunately, I missed a lot of joys about being a stay-at-home mom because I was so busy and too stressed to see it. Because of the COVID-19 virus, it forced me to put a lot of things into perspective and change the way I want to live my life.

There are obviously a lot of hurdles with retiring my sewing business, it means we are down to a single steady income and our Airbnb. Luckily, I love a good challenge so that means making some very frugal changes to the way we live. You'll be seeing a lot of thrifty finds, freezer meals, gardening, DIY projects and creative ways to save money!

If you haven't guessed it, 2021 is a year of change for our family! Retiring a business, keeping up with our Airbnb, starting our Lavender + Flower Farm, learning small-scale homesteading, remodeling our farmhouse, welcoming a new baby, and learning to live more frugally. Phew! I'm worn out just reading that.

So grab your cup of coffee (or tea), sit back and get a front row seat to some crazy dreamers trying to make their plans reality. We don't know what will come in the next few months and years for The Lavender Mercantile but we're excited to see it happen!

- Elisabeth, writer for The Lavender Mercantile Blog

Make sure to subscribe to the blog and keep up with all of the exciting things happening at The Lavender Mercantile!

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Tagged About Me, Airbnb, Lavender, Marshalltown

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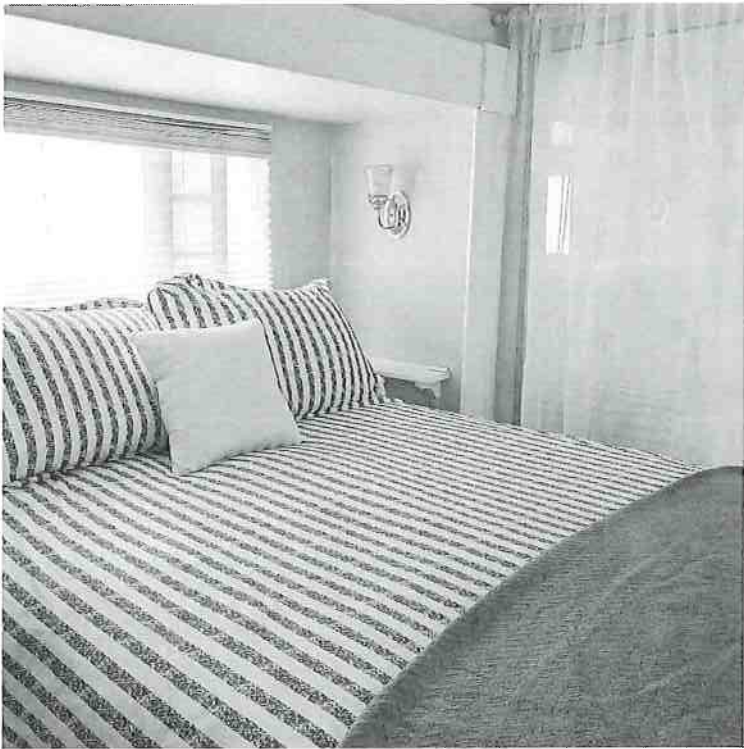
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Farmhouse Camper Trailer

★ 4.83 (24 reviews) · Superhost · Marshalltown, Iowa, United States

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Show all photos

Camper/RV hosted by Elisabeth

4 guests · 1 bedroom · 2 beds · 1 bath



Entire home

You'll have the camper/rv to yourself.

Enhanced Clean

This host committed to Airbnb's 5-step enhanced cleaning process. [Learn more](#)

Self check-in

Check yourself in with the lockbox.

Elisabeth is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

House rules

This place isn't suitable for infants (0–2 yrs) and the host doesn't allow pets, parties, or smoking. [Get details](#)

Welcome to the Farmhouse Camper Trailer! It features a freshly remodeled space, Queen-Size Tempur-Pedic, Full-Size Sleeper Couch, Kitchenette, Two Smart TVs with continuous WiFi, on the edge of town but within walking distance to the Marshalltown Fairgrounds, Casey's, and Raceway! Just a few minutes drive from Highway 30, Walmart, Hy-Vee, Fairway, Shopping, and Restaurants.

Please keep in mind if you decide to stay on Friday nights, the races are in full swing and can be loud!

The space

If you have never stayed in a Camper Trailer, it can be a different but really fun experience especially if you're wondering what staying in a Tiny House would be like! We wash + disinfect all surfaces from the comforter to the throw pillows, everything is sanitized before each guest arrives.

There are big changes happening around the Farmhouse Trailer! We are in the process of starting the only Lavender Farm + Artisan Greenhouse in this area. If you decide to book your stay, you will see us out working the field, tending to our Rose + Flower Gardens, and just enjoying our time outdoors! Depending on what time of year you're here, your senses will be flooded with the sweet aroma of fresh flowers right outside the Camper Door!

Guest access

You'll have access to the grounds around the Camper, you're welcome to stop and smell all of the roses + flowers, property lines are pictured inside the trailer, please stay within those lines! There is also a small fire pit located near the trailer, and the outdoor living space in the Spring, Summer, + Fall months.

Other things to note

\$44 / night

★ 4.83 ([24 reviews](#))

CHECK-IN
Add date

CHECKOUT
Add date

GUESTS
2 guests



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We do have a German Shepherd/Border Collie named Bailey who is fully fenced in our private backyard, she can't access the trailer grounds. She is quiet and playful. If she is outside, she'll gladly bring her favorite ball for you to throw!

Contact host

Sleeping arrangements



Bedroom 1
1 queen bed



Common spaces
1 sofa bed

Amenities

Kitchen	
Wifi	
Free parking on premises	
Hangers	
HDTV with Netflix, Amazon Prime Video	
Heating	
Essentials	
Iron	
Air conditioning	
Security cameras on property	

Show all 37 amenities

Select check-in date

Add your travel dates for exact pricing

April 2021							M		
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu
				1	2	3			
4	5	6	7	8	9	10	2	3	4
11	12	13	14	15	16	17	9	10	11
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25	26	27	28	29	30		23	24	25
							30	31	



★ 4.83 (24 reviews)

Cleanliness	4.9
Accuracy	4.9
Communication	5.0
Location	4.8
Check-in	5.0
Value	4.8



Jamie

April 2021

Place was clean, and as described. We only stayed one night but it was the perfect fit for our trip with a family of 4.



Kathleen

April 2021

We loved Elisabeth's camper! We wished we had more time to see the grounds and enjoy but it was perfect for our stay- country farm picturesque, comfortable, thoughtfully decorated, clean, private, unique and Elisabeth was a great host who answered any questions promptly!



Jessica

April 2021

My husband and I stayed at Elisabeth's for a weekend getaway. We absolutely loved it. So clean, so unique. We enjoyed a golf course nearby and the Marshalltown Speedway races, and being able to stay at Elisabeth's instead of a basic hotel made it all so much better. We had such a great time and we will be back.



Alyssa

April 2021

Better in person!



Bonnie

April 2021

I had a wonderful stay at this little camper. Very convenient to town to get anything you might need, clean, nicely decorated, very comfortable. I was traveling for a creative retreat to work on an online business and was really pleased with the comfort and the connectivity at the camper.



Yvette

April 2021

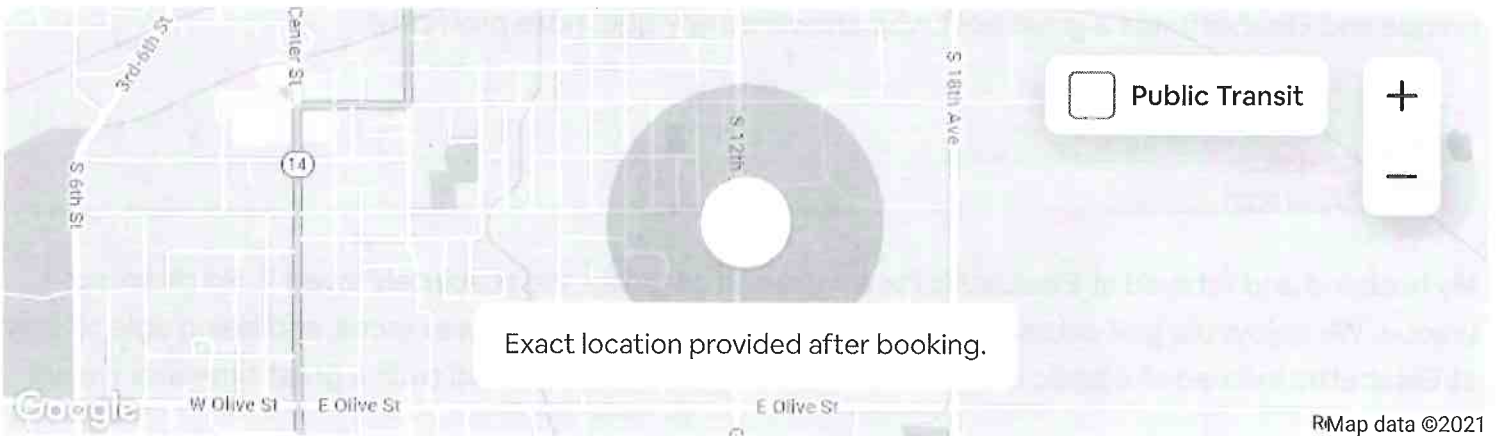
It's a trailer which has 0 insulation. We arrived on a 20 degree night and were running off of 2 space heaters for warmth throughout the entire camper. We could still see our own breath. The shower and

Attachment C - Business Airbnb Page

toilet are interesting. Note: a grown adult will have a struggle navigating the shower sliding door. The toilet works on magic. The kitchen area is very nice.

Show all 24 reviews

Location



Marshalltown, Iowa, United States

We have a very unique setting to our property, sitting just off Twelfth Avenue, we have two acres of land that will be home to the first Lavender Farm + Artisan Greenhouse around. It tends to be very quiet (except on Friday nights when the races are right across the street!), the folks around here take great pride in caring for their properties, the view from the Camper Trailer is of the neighbors horses grazing over the fields, it is so relaxing and a great change of pace!

More about the location

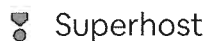
Hosted by Elisabeth

Joined in August 2018



★ 24 Reviews

✓ Identity verified



Hello! I'm Elisabeth, loving my little piece of earth in Central Iowa. I am a Professional Seamstress with an in-home shop, I also like juggling home renovation projects (like Joanna Gaines but on a tiny budget), gardening, cooking and all the other fun stuff that comes with a bigger property!

Co-hosts

Phillip

During your stay

With the ongoing COVID-19 virus, I will do my best to handle all your questions via the Airbnb App and be the very best Virtual Host in town but if there is something that needs to be handled in person, I (or my husband) will be there!

Elisabeth is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Response rate: 100%

Response time: within an hour

Contact host

To protect your payment, never transfer money or communicate outside of the Airbnb website or app.



Things to know

House rules

-  Check-in: 3:00 PM - 10:00 PM
-  Checkout: 10:00 AM
-  Self check-in with lockbox
-  Not suitable for infants (under 2 years)
-  No smoking
-  No pets
-  No parties or events

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About this space

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Response from Elisabeth

April 2021

It was unusually cold the night you booked! We keep the trailer at 68°-70° degrees during the colder months and always have extra space heaters ready for use that are not meant to solely heat the camper, only to make it even more comfortable during those chilly Iowa nights. Unfortunately, it sounds like the furnace the camper has was not utilized during your stay which would have helped significantly. Staying in a Camper Trailer is usually a really fun and unique experience (like the smaller shower and magic toilet!) but sadly, we were unaware of the struggle you had during your stay, we would have happily assisted in whatever way possible!



Forest

March 2021

This was our second time staying here and it didn't disappoint! There were many new updates to the trailer and thoughtful ways to make it comfortable. Would definitely recommend!!



Kim

March 2021

Elisabeth is a wonderful host and very helpful with the check in process! I appreciated the thoughtful touches and cleanliness! The beautiful scenery of horses in the field nearby was an unexpected bonus! I would recommend this sweet place to anyone looking for a quiet getaway!

Sasha

Attachment C - Business Airbnb Page



March 2021

I've never been in a trailer/camper least of all slept in one. It was spacious and so clean. But my favorite was how cozy my husband and I felt with the weather being mostly rainy and windy. There was extra of everything! i.e towels and soap etc We needed for nothing. Thank you Elisabeth



Jess

January 2021

Whether you have any experience staying in an RV or not this airbnb space is a cute little gem! They have updated the interior beautifully and equipped it with anything you might need. Warm in the winter, and no doubt well air conditioned in the summer you don't have to worry about the weather. Elisabeth left wonderful instructions for how to use any aspect you might not be familiar with. They are also very responsive if you have additional questions or needs. A getaway just enough tucked away.



Nora

December 2020

Very stylish and comfortable, we had a great and cozy stay!



James

December 2020

An extremely convenient place to rest our heads on a long road trip. Got in late, left early, Elizabeth was great to work with.



Susan

November 2020

If you want a place that is comfortable with great amenities, this is the place.



Kathy

November 2020

Clean and cozy with modern decor and attention to special details. I stayed in November and when I walked in the door it was so warm and comfortable. The quiet neighborhood was the perfect environment for me to study and write. I'll be repeating my stay if I'm back in the area. Thank you for making my first Airbnb stay such a positive experience.



Renca

October 2020

I absolutely loved this cozy place. I needed a mini retreat to catch up on my assignments. This place was perfect. The weather did become cold and Elisabeth made sure I would stay warm by adding insulation around the trailer. She also added space heaters, plenty of blankets, and the trailer itself was heated too! There was a nice pit for a bonfire which I used. I loved the outdoor touch w the lights. Elisabeth was quick on responding and helped me w my needs. I honestly want to come back there again. In the midst of this craziness, Elisabeth made sure everything was clean too. I truly appreciated my time there.



Flannery

October 2020

Elisabeth's lovely camper feels like a luxury experience you could pay triple the price for. The camper is stylish, spacious, and stocked with all the amenities you might need during your stay. Cozy and comfortable, I would recommend this AirBnB for anyone looking to stay in the area for an extended stay or a night passing through!



Scarlet

October 2020

We had a lovely stay, really appreciated the guidebook for suggestions on what to do.



Forest

October 2020

Elisabeth's RV was a great experience! Especially great knowing that they have a 24 hr buffer between guests due to the pandemic. That and their enhanced clean badge put us more at ease. Great location too!



Julie

October 2020

This place was just as I expected: Quaint, private, and very clean!



Nikki

September 2020

Attachment C - Business Airbnb Page

Great location for my needs for a short trip down and return home the next morning. Was very quiet except the trains in the early morning. Would stay again



Amber

September 2020

Very cute and cozy place to stay!



Courtney

September 2020

Cute Trailer and fun for a weekend! Place was clean and host had quick responses. Would recommend if looking for a cute place in Marshalltown.



Sudhakar

September 2020

It was great staying at this place. Great setup overall. Cozy, comfortable and clean. I would stay here if I visit the town again.



Beth

August 2020

Elisabeth and her family were great hosts! Really accomodating and quick to communicate. If I had any issues they were close by and able to solve them quickly. The trailer seemed newly updated and was really spacious and clean!



1



20+



The Lavender Mercantile

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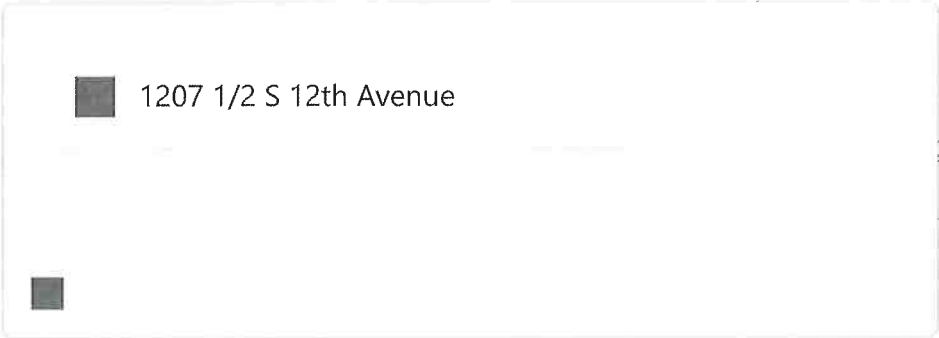
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 Coming Spring 2022!

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1



20+



thelavendermercantile@gmail.com



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10:00 AM - 4:00 PM



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Create Post

Photo/Video

Check in

Tag Friends



The Lavender Mercantile updated their profile picture.

January 26 · 



 Like

 Comment

 Share



The Lavender Mercantile updated their cover photo.

January 26 · 



MARSHALLTOWN

I O W A

April 21st, 2021

Mr. & Mrs. Curtis
1207 ½ S 12th Ave
Marshalltown, IA 50158

RE: Home Occupation Violation

Mr. & Mrs. Curtis,

The City of Marshalltown has received various complaints from neighbors that you are in violation of the approved Home Occupation Permit. The approved home occupation permit was only granted the Etsy Business: EPC Creations. All other business ventures are not covered by this permit, thus are violations of the permit, and must cease immediately.

On the Permit (see attached) the categories selected were: Office facilities for accountant, architect, engineer, lawyer, clergyman, or other similar professional occupations. Home sewing or tailoring. All of which were approved administratively by staff on 2/18/2020. See Section H from Home Occupation Regulations Permit:

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.

https://codelibrary.amlegal.com/codes/marshalltown/latest/marshalltown_ia/0-0-0-8701

§ 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.

If you have questions concerning this matter please contact me at 641-754-5756 or cknutson@marshalltown-ia.gov

Sincerely,

Housing & Community Development
36 North Center Street, Marshalltown, IA 50158
Tel. (641) 754-6583 - Fax (641) 754-5742

MARSHALLTOWN

— I O W A —

BOARD OF ADJUSTMENT ADMINISTRATIVE APPEAL FORM

36 North Center Street, Marshalltown, IA 50158
Ph: 641-754-5756

Chapter 156 Section 156.623 of the Zoning Ordinance of 2010 allows any person aggrieved by an interpretation or determination of the zoning administrator to apply for an Appeal to be heard by the Board of Adjustment.

Appeals: To hear and decide an appeal where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this Ordinance.

Appeals are based on Ordinance interpretations and not the content of said Ordinance. If a party seeks to pursue development action not in harmony with the Ordinance they may appeal for a Variance through a process outlined in the same Ordinance.

A request for appeal must be submitted in writing to the Zoning Office at 36 North Center Street, Marshalltown, IA 50158. Applications for appeals taken by any person or by any officer, department, board or bureau of the municipality affected by any decision of an administrative office in the enforcement of the City's Zoning Ordinance must be filed within twenty (20) days of the decision appealed from. Application for appeals received after twenty (20) days of the decision appeal from shall not be considered by the Board. The request for hearing must contain a telephone number, and email address where notice of the hearing can be sent. A hearing date will be promptly set and notice provided to the applicant. The hearing will not be continued except for the most compelling circumstances. If a request for continuance is denied, the Board of Adjustment may proceed with its hearing in the applicants' absence. At the hearing, applicants may appear alone or with legal counsel, witnesses or qualified experts at the applicants' own expense and undertake to show cause why the interpretation of the Ordinance should be invalid. The Board of Adjustment will make and record findings of fact and may issue such orders as it deems appropriate.

If an appeal is found in the applicant's decision, applicant shall be permitted to proceed with stated development assuming all proper permits have been obtained, and/or other action that was prevented by previous Ordinance interpretation. If an appeal is found not in the applicant's favor applicant may appeal this decision to the District Court of Marshall County at their own expense if they choose.

Housing & Community Development
36 North Center Street, Marshalltown, IA 50158
Tel. (641) 754-6583 - Fax (641) 754-5742

Attendance at all meetings is required.

1. Please type or print legibly in ink.

Property Address: 1207 1/2 S 12th Ave Marshalltown, IA 50158

Owner: Phillip + Elisabeth Curtis

Mailing Address: 1207 1/2 S 12th Ave Marshalltown, IA 50158

Phone: 208 250 1714

Email: elisabeth@moseley.us

2. The board will use the following information to review requests. Please attach any additional supporting information. If you have any questions, please contact the Planning / Zoning Department at 641-754-5756.

Please describe the request and what justification there is for the proposal. You may use the back of this page or attach additional pages if necessary. Please include any additional material which you think is relevant.

Phillip Curtis

Elisabeth Curtis

Applicant Signature

4/26/2021

Date

Office Use Only:	
Staff Signature: 	Date received: 4-27-2021

Phillip & Elisabeth Curtis
1207 1/2 S 12th Avenue Marshalltown, IA 50158

We live on 2 acres of land, just off 12th Avenue, between Olive St and South St.

The Temporary Rental is our fifth wheel camper trailer that has been fully remodeled and very well maintained. It is at least 50 yards away from all nearby neighbors. Our temporary renters have been extremely respectful in abiding by our rules, absolutely no parties, quiet times between 10:00 PM and 9:00 AM every night. We have found that most renters are on road trips or here for the Marshalltown Speedway races. We do not allow stays over three (3) consecutive nights. Our neighbors, John and Leeann Wax of 1207 S 12th Avenue, that we share our driveway, who would be the closest to our Temporary Rental, have informed us that they have no problems or concerns with our desire to offer our trailer for the purpose of Airbnb or VRBO.

We understand that there have been anonymous complaints about the use of our property and find it very distressing that concerns have not been made known to us by those who have made the complaints to the City of Marshalltown.

Regardless if there are guests staying in our camper trailer, the trailer is parked in it's permanent location and will not be moved whether in use or not. Parking spaces that have been noted in our Business Permit where there is ample space for up to four (4) cars at any given time. There are no business signs, notations, or advertisements of any kind located on the property. There have been no changes to the architectural integrity of the house or property to accommodate business of any kind, we have only added the camper trailer to the grounds since we have resided at our home.

We take tremendous pride in the care of our property and our guest lodgings, our future plans by 2022 are to turn our 2 acres of property into a lavender field complete with rose gardens, pergola and artisan greenhouse.

In this letter, you will find more than sufficient proof that we have not violated any terms of the Home Use Permit provided by the City of Marshalltown.

According to the complaint, it stated that we violated section B of the Home Use Permit:

(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.

We have attached photographic proof that there are absolutely no exterior displays for the purpose of business usage, no changes to residential design features, nor changes to the character of the neighborhood. As the camper trailer is self-contained, there are no emissions of dust, gas, noise, odor, or smoke that would be associated with the unit. You will find photos that also prove one cannot physically see our House or Camper Trailer from 12th Avenue, thus, the ongoings of our home business or temporary rental, therefore, not causing potential discord with the flow of business traffic or parking related issues.

We understand that given the uniqueness of the situation, there are no zoning laws nor city ordinances that cover Temporary Rentals such as Airbnb or VRBO in a camper trailer or recreational vehicle however, we do believe that the decision to revoke our Home Use Permit was incorrect because of this. Of course, we are happy to work directly with the City of Marshalltown to ensure there is no further confusion on this matter. We would also invite you to stop by and inspect the property in person, solidifying our claims.

As we currently know, there are no qualms from neighbors that we have spoken to about our home business or temporary rental. However, if there is found to be one that does not approve or finds themselves uncomfortable with how we intend to use our property, we are fully willing to create a privacy fence with any and all shared property lines of said neighbor(s) to cease any ill-conceived feelings towards our business or temporary rental, providing all parties agree to comply with Iowa State Laws & Regulations regarding property line fences.

The ultimate goal of this appeal would be to have our Home Use Permit fully reinstated without prejudice and complete approval for our Temporary Rental available for guests to book once again. We love being able to provide a wonderful, relaxing experience to all who find their way to Marshalltown, whether it be passing through, visiting family or enjoying the races on Friday nights. We feel that it would be a great loss to not only the City of Marshalltown by not approving this unique stay but would also be depriving those who want to experience our famous Midwest Hospitality through local and personal interactions.

We look forward to speaking with you,
Phillip & Elisabeth Curtis



Our property/Temporary Rental sits approximately 100 yards off the main road of 12th Ave, highlighted in yellow is the shared driveway, available parking and where the camper trailer sits on the property. The camper trailer/any potential business activity cannot be seen from the main road.



Driveway view from 12th Avenue.



Alternative driveway view from 12th Avenue



Direct view down the driveway from 12th Avenue



Property View from 50 yards away from the Temporary Rental. Note: No business signs advertisements, nor changes to the architectural integrity of the house to accommodate any businesses.



Temporary Rental view from the driveway. Still Note: No business signs, advertisements, or changes to the home.



Temporary Rental View from the end of the driveway, not viewable from 12th Avenue.



Temporary Rental view facing East towards 12th Avenue, approximately 100 yards from 12th Avenue.

Phillip & Elisabeth Curtis
1207 1/2 S 12th Avenue
ADDITIONAL INFORMATION ADDED 4/30/2021

We have attached supporting information for the Board of Adjustment.

Additional information includes:

- Photos of the original appraisal of the house when we purchased dated 02/28/2020 as photographic proof that there have been no changes to accommodate business of any kind.
- Close-up photos of the house for any potential signage relating to business.
- Iowa State Legislation Laws regarding Short-Term Rentals.
- Marshalltown Ordinances regarding Recreational Equipment/Use.



Appraisal of Real Property

LOCATED AT:

1207.5 S 12th Ave
01-83-18 LOT 3/4 & N 187' W 384' OF LOT 4/4 NE NW
Marshalltown, IA 50158

FOR:

United Bank & Trust NA
2101 S Center St
Marshalltown, IA 50158

AS OF:

02/28/2020

Subject Photo Page

Borrower	Curtis, Phillip N. & Elisabeth A.				
Property Address	1207.5 S 12th Ave				
City	Marshalltown	County	Marshall	State	IA Zip Code 50158
Lender/Client	United Bank & Trust NA				



Subject Front

1207.5 S 12th Ave



Subject Rear

ADDITIONAL PHOTOS OF HOUSE



East Side of House



Alternative View

Attachment F - Request for Appeal



View from Driveway



West View

Attachment F - Request for Appeal



§ 73.002 RECREATIONAL EQUIPMENT USAGE.

At no time shall such parked or stored camping and recreational equipment be occupied or used for living, sleeping or housekeeping purposes for a period of time to exceed five consecutive days or by prior approval by the Chief of Police.

(2013 Code, § 19-2) (Ord. 14702, passed 6-10-2003; Ord. 14970, passed 11-27-2017) Penalty, see § 73.999

Called Chief Tupper
On 4/29, Police
have not handled
REU in years.
Referred to Code
Enforcement

DIVISION XXV
SHORT-TERM RENTAL PROPERTIES

Sec. 147. Section 331.301, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 18. *a.* For purposes of this subsection, “short-term rental property” means any individually or collectively owned single-family house or dwelling unit; any unit or group of units in a condominium, cooperative, or timeshare; or an owner-occupied residential home that is offered for a fee for thirty days or less. “Short-term rental property” does not include a unit that is used for any retail, restaurant, banquet space, event center, or other similar use.

b. A county shall not adopt or enforce any regulation, restriction, or other ordinance, including a conditional use permit requirement, relating to short-term rental properties within the county. A short-term rental property shall be classified as a residential land use for zoning purposes.

c. Notwithstanding paragraph “b”, a county may enact or enforce an ordinance that regulates, prohibits, or otherwise limits short-term rental properties for the following primary purposes if enforcement is performed in the same manner as enforcement applicable to similar properties that are not short-term rental properties:

(1) Protection of public health and safety related to fire and building safety, sanitation, or traffic control.

(2) Residential use and zoning purposes related to noise, property maintenance, or nuisance issues.

(3) Limitation or prohibition of use of property to house sex offenders; to manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or to operate an adult-oriented entertainment establishment as described in section 239B.5, subsection 4, paragraph “a”.

(4) To provide the county with an emergency contact for a short-term rental property.

d. A county shall not require a license or permit fee for a short-term rental property in the county.

Sec. 148. Section 414.1, subsection 1, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* (1) For purposes of this paragraph, “short-term rental property” means any individually or collectively owned single-family house or dwelling unit; any unit or group of units in a condominium, cooperative, or timeshare; or an owner-occupied residential home that is offered for a fee for thirty days or less. “Short-term rental property” does not include a unit that is used for any retail, restaurant, banquet space, event center, or other similar use.

(2) A city shall not adopt or enforce any regulation, restriction, or other ordinance, including a conditional use permit requirement, relating to short-term rental properties within the city. A short-term rental property shall be classified as a residential land use for zoning purposes.

(3) Notwithstanding subparagraph (2), a city may enact or enforce an ordinance that regulates, prohibits, or otherwise limits short-term rental properties for the following primary purposes if enforcement is performed in the same manner as enforcement applicable to similar properties that are not short-term rental properties:

(a) Protection of public health and safety related to fire and building safety, sanitation, or traffic control.

(b) Residential use and zoning purposes related to noise, property maintenance, or nuisance issues.

(c) Limitation or prohibition of use of property to house sex offenders; to manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or to operate an adult-oriented entertainment establishment as described in section 239B.5, subsection 4, paragraph “a”.

(d) To provide the city with an emergency contact for a short-term rental property.

(4) A city shall not require a license or permit fee for a short-term rental property in the city.

DIVISION XXVI RURAL IMPROVEMENT ZONES

Sec. 149. Section 357H.1, subsection 1, Code 2020, is amended to read as follows:

1. The board of supervisors of a county with less than twenty thousand residents, not counting persons admitted or committed to an institution enumerated in section 218.1 or 904.102, based upon the most recent certified federal census, and with a private lake real estate development adjacent to or abutting in part a lake may designate an area surrounding the lake, if it is an unincorporated area of the county, a rural improvement zone upon receipt of a petition pursuant to section 357H.2, and upon the board's determination that the area is in need of improvements.

Sec. 150. **EFFECTIVE DATE.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 151. **APPLICABILITY.** This division of this Act applies to rural improvement zones in existence on or established on or after the effective date of this division of this Act.

DIVISION XXVII ENTERPRISE ZONE PROGRAM

Sec. 152. 2014 Iowa Acts, chapter 1130, section 27, is amended to read as follows:

SEC. 27. INVESTMENT TAX CREDITS ISSUED TO ELIGIBLE HOUSING BUSINESSES UNDER THE ENTERPRISE ZONE PROGRAM — TRANSFERABILITY. Notwithstanding the requirement in section 15E.193B, subsection 8, Code 2014, that not more than three million dollars worth of tax credits for housing developments located in a brownfield site or a blighted area shall be eligible for transfer in a calendar year unless the eligible housing business is also eligible for low-income housing tax credits authorized under section 42 of the Internal Revenue Code, and notwithstanding the requirement in section 15E.193B, subsection 8, Code 2014, that the economic development authority shall not approve more than one million five hundred thousand dollars in tax credit certificates for transfer to any one eligible housing business located on a brownfield site or in a blighted area in a calendar year, all investment tax credits determined under section 15E.193B, subsection 6, paragraph "a", Code 2014, for housing developments located on a brownfield site or in a blighted area may be approved by the economic development authority for transfer in calendar year 2014, or any subsequent calendar year, provided the eligible housing business was awarded the investment tax credit before the effective date of this section of this division of this Act and notifies the economic development authority, in writing, before July 1, 2014, of its intent to transfer such tax credits, or provided the eligible housing business was awarded the investment tax credit before July 1, 2015, for a housing development located in a blighted area and in a county with a total population of less than one hundred five thousand as determined by the most recent federal decennial census, and submits a written request to the economic development authority before September 1, 2020, for approval to transfer such tax credits and provided the eligible housing business and the related housing development meet all other applicable requirements under section 15E.193B, Code 2014. Notwithstanding any other provision of law to the contrary, a tax credit transferred pursuant to this section shall not be claimed by a transferee prior to January 1, 2016.

Sec. 153. **EFFECTIVE DATE.** This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 154. **RETROACTIVE APPLICABILITY.** This division of this Act applies retroactively to May 30, 2014.