MARSHALLTOWN
IOWA

Board of Adjustment

Notice of Public Meeting

Monday, December 16, 2024 at 5:00 PM

City Council Chambers, City Hall

10 West State Street, Marshalltown IA

1. Call To Order & Roll Call

   Eaton

   Engle

   Sanchez

   Schulze

   Thurston

2. Approve Minutes From October 16, 2024 Meeting

   Documents:

   BOARD OF ADJUSTMENT MIN 10-16-24.PDF

3. Public Hearing On The Variance Application For 402 Woodbury St

   Documents:

   VARIANCE APPLICATION - 402 WOODBURY ST.PDF

4. Board Of Adjustment Review And Action Of The Finding Of Fact Report

   Documents:

   FINDING OF FACT REPORT_VARIANCE_2024.PDF

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

Board of Adjustment

Meeting Minutes – October 16, 2024

Meeting was called to order at 5:11 PM in the City Council Chambers at 10 W. State Street

1. **Roll Call:**

   Present: Eaton, Engle, Thurston, and Sanchez
   Absent: Schulze
   Also attending: representatives of ITC Midwest LLC Troy Weary and Chad Levi (online)
   Cindy Kendall, City Consultant and Heather Thomas, City Public Works Director (online)

2. **PUBLIC HEARING: SPECIAL USE PERMIT APPLICATION FOR 2999 E. MAIN ST**

   Chair Thurston declared the public hearing open. As there was no public in attendance and no written comments, Cindy Kendall, City Consultant reviewed the information within the application and updated the board on changes for the address and other review done by city staff. Representatives from ITC, Chad Levi (online) and Troy Weary addressed the Board explaining the company's intent to construct and operate this substation as they are the distributors of energy from the Alliant Energy Plant adjacent to the proposed site.

As there was no further discussion or questions a motion was by Eaton, to approve the Special Use Permit for 2999 E. Main Street for ITC Midwest LLC. Seconded by Engle, all ayes upon roll call, with Schulze absent. Motion Carried.

Meeting Adjourned at 5:26 PM

MARSHALLTOWN
IOWA
HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT
36 North Center Street, Marshalltown, IA 50158
Ph: 641-754-5756 Fax: 641-754-5742
www.marshalltown-ia.gov

Variance Application Packet

Purpose: Zoning regulations include specific development standards. There are occasions, however, when the strict application of such standards may be inappropriate because of unique characteristics of the property. The variance procedure is designed to permit minor adjustment to the zoning regulations where there are unique or extraordinary circumstances applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning. Unique circumstances may include factors such as the size, shape, topography, vegetation, wetlands, or other unique characteristics of the land.

Pre-Application Meeting: The applicant is required to meet with the Zoning Administrator prior to submitting an application to discuss the feasibility of the request as well as any possible alternatives that may eliminate the need for a variance or improve the chance of the variance being granted. A preliminary site plan should be brought to this meeting to review the project design as it relates to the zoning requirements.

Application Packet: Applications will not be accepted unless complete. All required items must be submitted with the application. Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete.

Submission Deadline: The complete application with fee must be submitted by 4:30 p.m. three weeks prior to the scheduled meeting date to the Housing & Community Development Department Office, located at 36 N. Center Street.

Board Meetings: The Board of Adjustment considers the facts presented by the applicant in the application and testimony given at the public hearing, and makes the final decision, based on the standards in the Ordinance. The Board meetings are tentatively scheduled for 5:00 p.m. on the third Tuesday of each month in the City Council Chambers, second floor of City Hall, 10 W. State Street. Attendance at the meeting is required.

It is the burden of the property owner 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. The concurring vote of three (3) members of the Board is necessary to decide any issue before the board regardless of the number of members present at the meeting. The Board is a five (5)-member board. Appeals to the decision of the Board of Adjustment can be made in District Court.

Notifications: The City will place a sign on the property to notify the public that a variance request has been submitted. The sign includes the city's phone number so that concerned individuals will have an opportunity to learn about the proposal and can present information on this matter to the board at the public hearing. A notice of public hearing is also published in the newspaper.

Date Submitted & Fee Paid: _____ *Hearing Date:* _____

Variance Application Form

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

All items listed must be submitted with this application:
Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete.

X **A site plan, drawn in ink and to scale, which clearly shows the variance being sought. This site plan shall not be larger than 11" X 17." And must include:**
- Dimensioned property lines indicating any easements;
- Location & identification of adjacent streets and alleys;
- Location and size of all existing and proposed buildings and structures (include distances to all property lines and distances between buildings and structures.);
- Dimensioned driveways and parking areas; and
- Any other pertinent information necessary to fully understand the need for a variance.

X **Site photographs** showing all views of the property, including any special features such as topography and existing and adjacent structures. **Please note:** Materials submitted with the application or presented as evidence during the public hearing will not be returned and must be kept as a part of the public record.

X **Completion of all of the following questions included in this application.**

X **Legal description of the property.** The property owner should have a copy of the legal description. If not, owners may obtain a copy of the recorded deed, which contains the legal description, from the Marshall County Recorder's Office for a fee.

X **Application fee**. A fee of **$150 for owner-occupied residential properties** and a fee of **$200 for any other property** is required payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Housing Department.

Please type or print legibly in ink.

Property Address: 402 Woodbury St Marshalltown IA	
Owner: Jose Socorro Carrera Cervantes	
Mailing Address: 217 N 2nd Ave	
Phone: (641) 481-1993	Fax:
Email Address:	
Owner's Agent (if applicable): Antonio Carrera	
Agent Phone: 641-485-8348	Agent Fax:

All of the following questions must be answered. The board will use this information to review your request. Additional information may be attached if necessary. Contact the Housing & Community Development Director at 641-754-5756 with any questions.

The applicant makes the following request:

Please state your hardship.

Letter to Board Attached

In order to grant a variance, the Board of Adjustment must make a finding of unnecessary hardship. The hardship must be related to the physical aspects of the property and not a personal hardship. The granting of a variance should not merely serve as a convenience to the applicant. **To support a finding of unnecessary hardship, the board must find, based upon your evidence, that all of the following are met:**

1. **The land in question cannot yield a reasonable return if used only for a purpose allowed in the district.** State how you will lose all beneficial use and/or enjoyment of the property if the variance is not granted. You may include supporting evidence from a professional appraiser, real estate professional, or other professional. The Board may require documentation of loss of value in order to grant this variance.

2. **This variance is required because of the unique circumstances of this property and not the general conditions of the neighborhood.** The applicant must show that physical circumstances (such as an odd-shaped lot or difficult topography) on the property are unique to this property and unlike other properties in the vicinity. Also, the hardship should not be self-inflicted.

3. **The proposal will not alter the present character of the area or seriously affect any adjoining property.** The applicant must show that the proposal is compatible with the character of the surrounding area.

4. **The variance will not be in contrary to the public interest.** The applicant must present information to indicate the variance will not impair an adequate supply of light and air to adjacent property, will not unreasonably increase the congestion in public streets or endanger public safety, nor will it devalue nearby property.

5. **The general intent and purpose of the Zoning Ordinance is protected.** A variance must be consistent with the intent of the Zoning Ordinance and the Comprehensive Plan. Is there another option which you could pursue that would not require a variance? If alternatives exist which do not require a variance, the proposal would not be consistent with the intent of the Zoning Ordinance and Comprehensive Plan.

Additional Comments and Information:
Attach additional information as necessary.

As evidenced by the signature(s) below, I (we) certify that I (we) have been denied a building/zoning permit, that I (we) have submitted all the required information to appeal for a variance, and that said information is factual.

Owner Signature:	Date:
-OR- Agent Signature: Tom Conner	Date: 11/18/2024

402 WOODBURY ST

MARSHALLTOWN, IA 50158

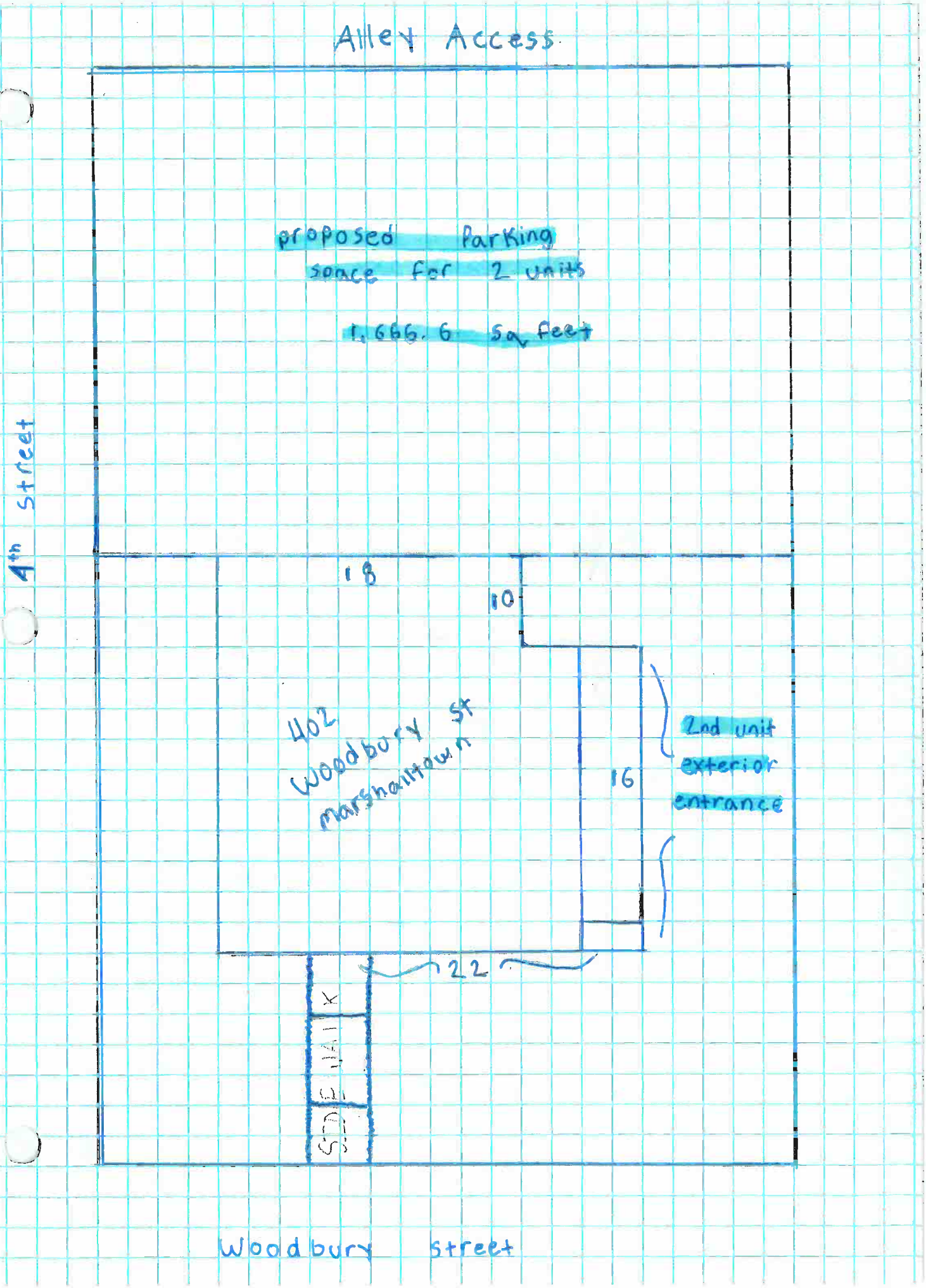
Dear Board of Adjustment,

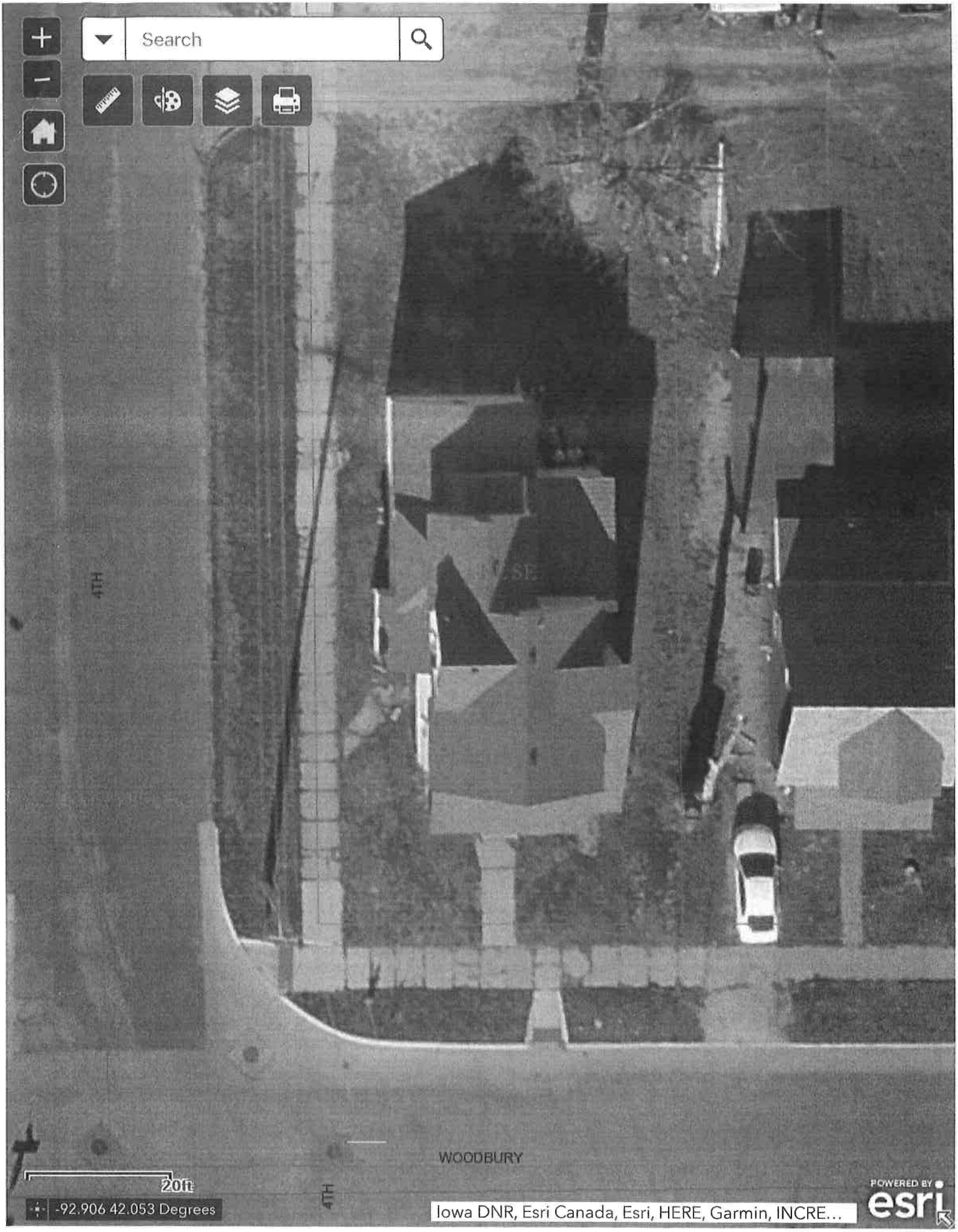
This property is in question due to non conforming zoning requirements for two units. As it currently stands it would be of better use for not just Jose, but for the city as two units instead of just one. There is parking available on the south side of the property on the street, as well as on the north side of the property in the backyard, which is more than enough parking for both units. There is an access to the upstairs unit on the exterior separate from the other unit. This would be an undesirable feature as a single family property or as a single unit. In addition, it would not be appealing to a renter or for the property's value without a major remodel. Furthermore, this property has unique characteristics for two units, such as two water heaters and two furnaces ready to accommodate the needs of such property. It would be in the best interest of the city to allow this property to be a two unit property.

Legal Description

Property Information: Parcel# 8418-26-432-013
Address: 402 WOODBURY ST MARSHALLTOWN, IA 50158
Tax District: 64-02-28 Mtown City/Mtown/Mtown
AG Gross Acres: 0.00 AG Exempt Acres: 0.00 AG Taxable Acres: 0.00
Description: CHURCHES ADD
LOT 1 BLK 2

Measurement
Sq Feet
Measurement Result
1,666.6 Sq Feet
Clear
Press CTRL to enable snapping
4TH
WOOD


Alley Access
proposed Parking
space for 2 units
1,666.6 Sq feet
4th street
18
10
16
402 Woodbury St
Marshalltown
2nd unit
exterior
entrance
22
SIDE WALK
Woodbury street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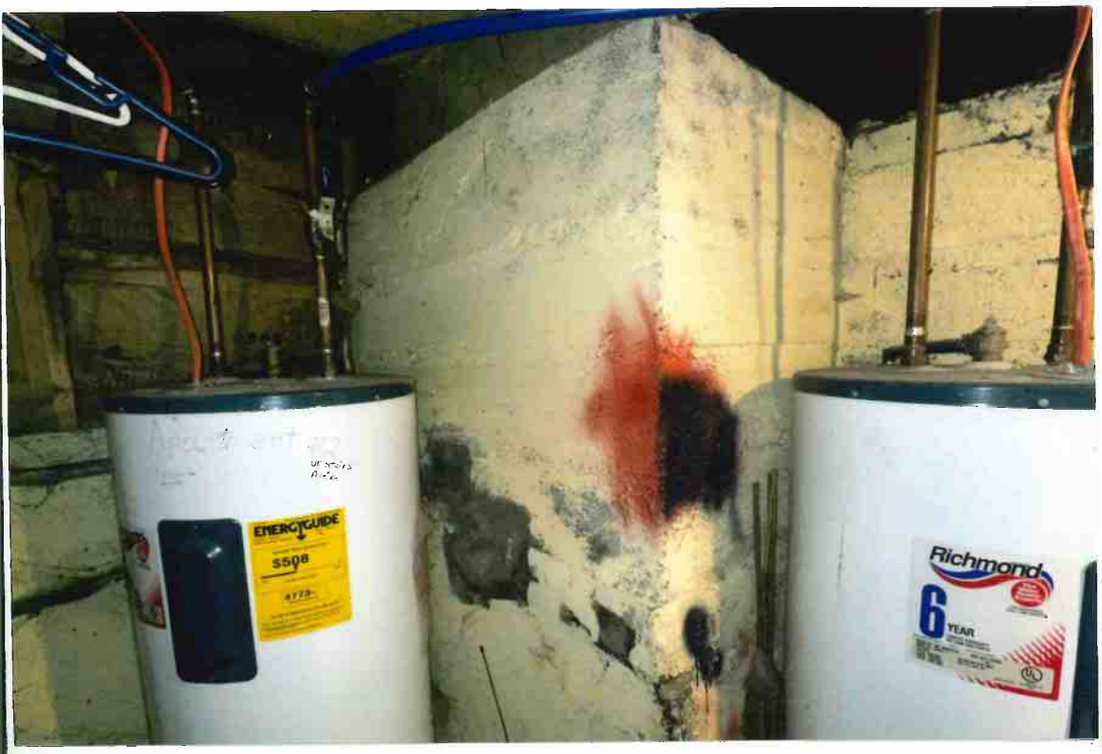
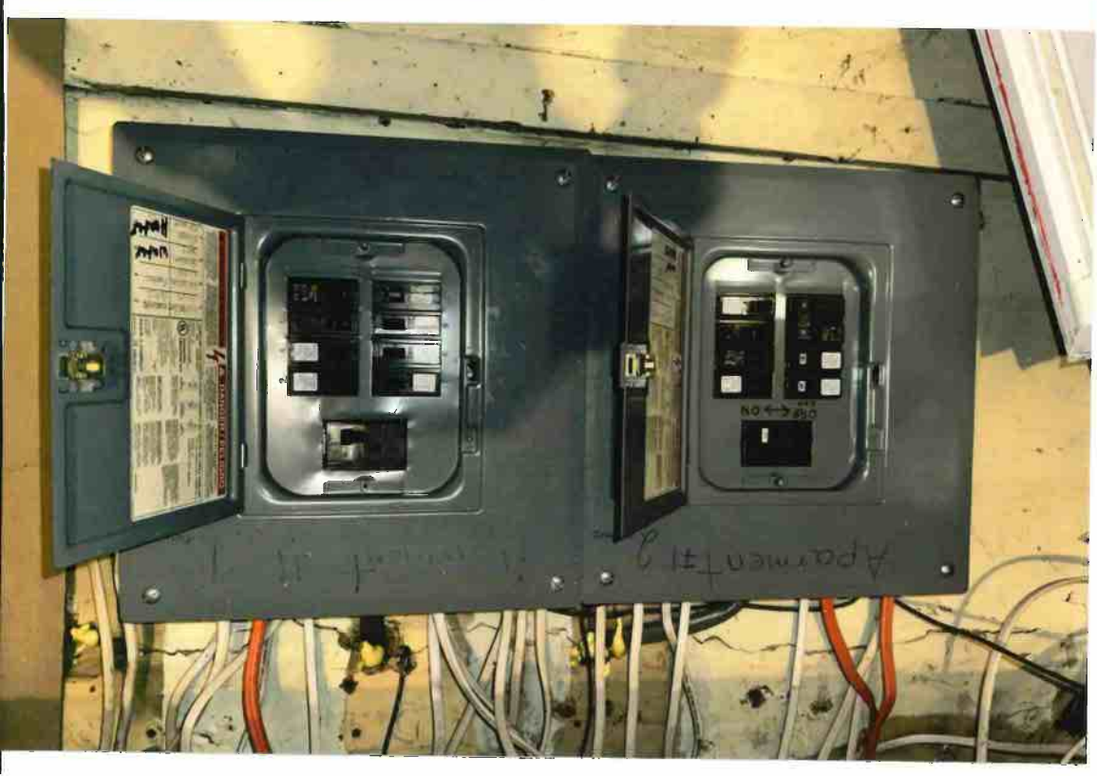

ENERGYGUIDE
Richmond
6 YEAR

RUUD
RUUD



Board of Adjustment Finding of Fact Report

Meeting Date: December 16, 2024	Application Type: VARIANCE
Zoning District: Medium Density Residential (RM)	Comp. plan designation:
Property Address: 402 Woodbury St	
Property Owner: Jose Socorro Carrera Cervantes	
Applicant (if different than owner):	

Request Description: Property is non-conforming zoning requirements for two units. As it currently stands it would be of better use as two units as the conversion, to include two water heaters, two furnaces and two electric systems has been done many years ago prior to purchase by the current owner.

Hardship as stated in the application

External access and adequate parting is available. Conversion to a single unit structure would not be appealing to a renter or for the property's value without a major remodel. Furthermore, this property has unique characteristics for two units with dual water heaters, furnace and electric service. It would be in the best interest of the city to allow this property to be a two unit property.

New Information introduced for consideration

Findings of Fact (Answer yes or no to each item and provide reasoning if necessary)

YES	NO	Finding Description
		Not Self Imposed. The granting of the Variance is not based on a hardship which is self-imposed? *Reasoning:* Vote result if applicable: _____ Yes _____ No
		Based on Cost. The hardship is not based solely on the cost of complying with the regulation, but is based on the particular physical surroundings, shape, or topographical conditions of the subject property? *Reasoning:* Vote result if applicable: _____ Yes _____ No
		Unique Circumstances. The hardship is based on circumstances that are unique to the property for which the Variance is sought and not circumstances common to other properties? *Reasoning:* Vote result if applicable: _____ Yes _____ No

		Commonly Enjoyed Rights. A literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located; and *Reasoning:* Vote result if applicable: _____ Yes _____ No
		Not A Special Privilege. Granting the variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district. *Reasoning:* Vote result if applicable: _____ Yes _____ No

Based on the Findings of Fact the following action occurred:

❑ Motion by _____ to APPROVE the request as submitted with the following conditions:

Second by_____

Vote results:

Name:	YES	NO	Abstain	Comment
Engle				
Eaton				
Sanchez				
Schulze				
Thurston				

❑ Motion by _____ to CONTINUE the public hearing and request as submitted to date certain_____. Second by_____.

Vote results:

Name:	YES	NO	Abstain	Comment
Engle				
Eaton				
Sanchez				
Schulze				
Thurston				