

MARSHALLTOWN

IOWA

Board of Adjustment

Notice of Public Meeting

Tuesday, February 18th, 2025 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. Approval Of Meeting Minutes From December 16th, 2024

Documents:

[BOARD OF ADJUSTMENT MINUTES 12-16-24.PDF](#)

3. Election Of Officers

4. Variance Request For 402 Woodbury Street

Documents:

[VARIANCE APPLICATION FOR 402 WOODBURY ST.PDF](#)

[402 WOODBURY ST PARKING SITE PLAN.PDF](#)

[FINDING OF FACT REPORT_402 WOODBURY STREET VARIANCE.PDF](#)

4.I. Motion To Remove The Variance Application For 402 Woodbury Street From The Table
For Further Consideration

4.II. Motion To Approve Variance Application For 402 Woodbury Street

5. Special Use Permit For 421 East Merle Hibbs Boulevard

Documents:

[MCFARLAND CLINIC SOLAR ARRAY SITE PLAN COMMENTARY.PDF](#)

[MCFARLAND CLINIC SOLAR ARRAY SITE PLAN.PDF](#)

[SPECIAL USE PERMIT - 421 E MERLE HIBBS BLVD.PDF](#)

[BOARD OF ADJUSTMENT MEMO - 421 E MERLE HIBBS BLVD.PDF](#)

5.I. Conduct A Public Hearing On The Special Use Permit Application For 421 East Merle
Hibbs Boulevard

5.II. Motion To Approve The Special Use Permit Application For 421 East Merle Hibbs
Boulevard

MISSION STATEMENT

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

Board of Adjustment

Meeting Minutes – December 16th, 2024

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

1. Roll Call:

Present: Eaton, Engle, Thurston, Schulze, and Sanchez

Absent:

Also attending: Representatives of 402 Woodbury Street (Jose Socorro Carrera Cervantes), Cindy Kendall, City Consultant and Clayton Ender, Assistant Director of Housing and Community Development

2. APPROVAL OF MEETING MINUTES FROM OCTOBER 16TH, 2024

Motion to approve the October 16th, 2024 meeting minutes made by Eaton. All ayes upon roll call. Motion Carried.

3. PUBLIC HEARING: VARIANCE APPLICATION FOR 402 WOODBURY STREET

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. Representatives of 402 Woodbury Street addressed the Board explaining the intent to use the property for a duplex. Discussion was had regarding off-street parking for the use. The Board indicated a desire to have the applicant revise their application to better illustrate compliance with off-street parking requirements before there would be consideration of approval of the application. The applicant indicated they would revise their plan to better address the parking requirements and requested that the Board table this application to allow time to make the necessary revisions.

As there was no further discussion or questions a motion was made by Engle, to table the variance application for 402 Woodbury Street for 60 days to allow for revision of the application to address off-street parking requirements. All ayes upon roll call. Motion Carried.

Meeting Adjourned at 5:55 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.

☒ **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.

☒ **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.

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

☒ **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.

☒ **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 2 nd 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.

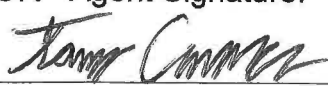
2. **This variance is required because of the unique circumstances of this property and not the general conditions of the neighborhood.** The applicant must show that physical circumstances (such as an odd-shaped lot or difficult topography) on the property are unique to this property and unlike other 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: 	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

402
Woodbury St
Marshalltown

2nd unit
exterior
entrance

SIDE WALK

Woodbury street



▼ Search 🔍



4TH

WOODBURY

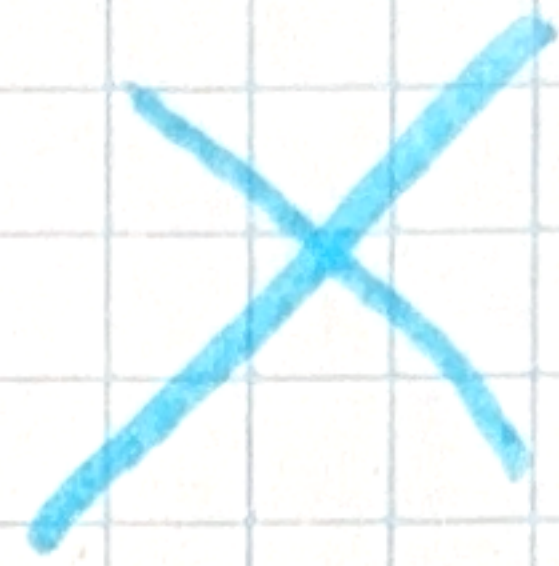
20ft
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Iowa DNR, Esri Canada, Esri, HERE, Garmin, INCRE...



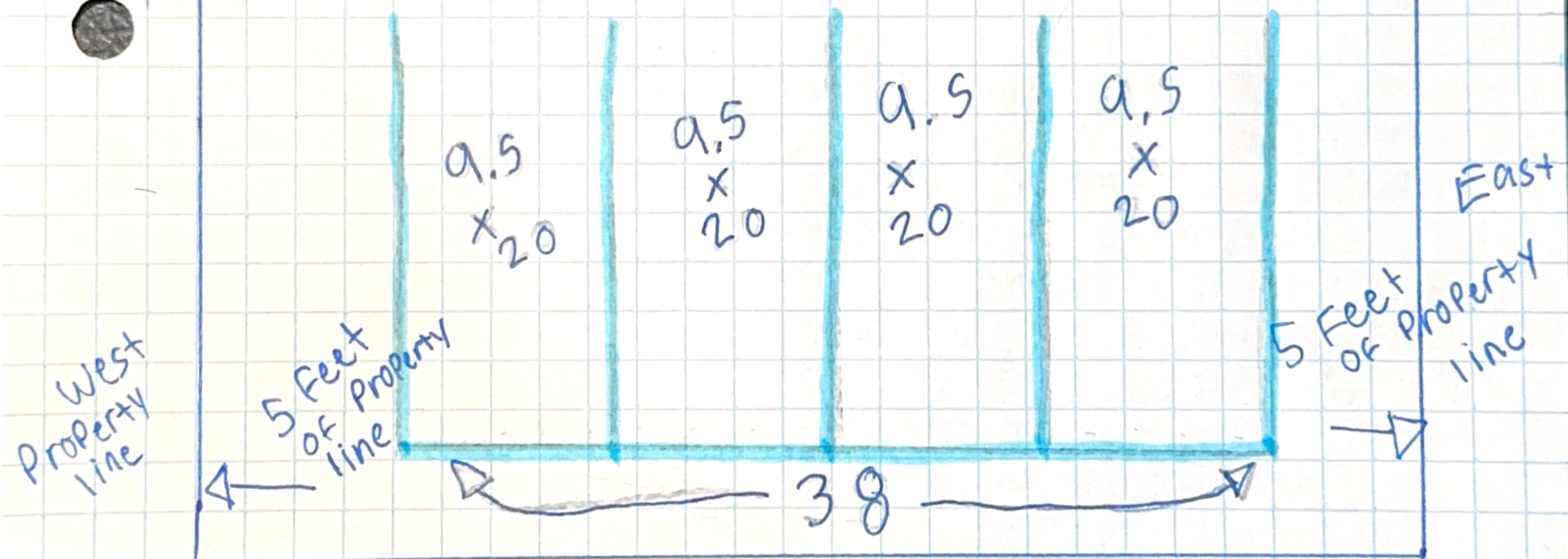
Alley entrance

N
W + E
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Tree
Removed

Parking Spaces and Access Drive to be Concrete



50.5 feet

402 Woodbury



Search



Measurement



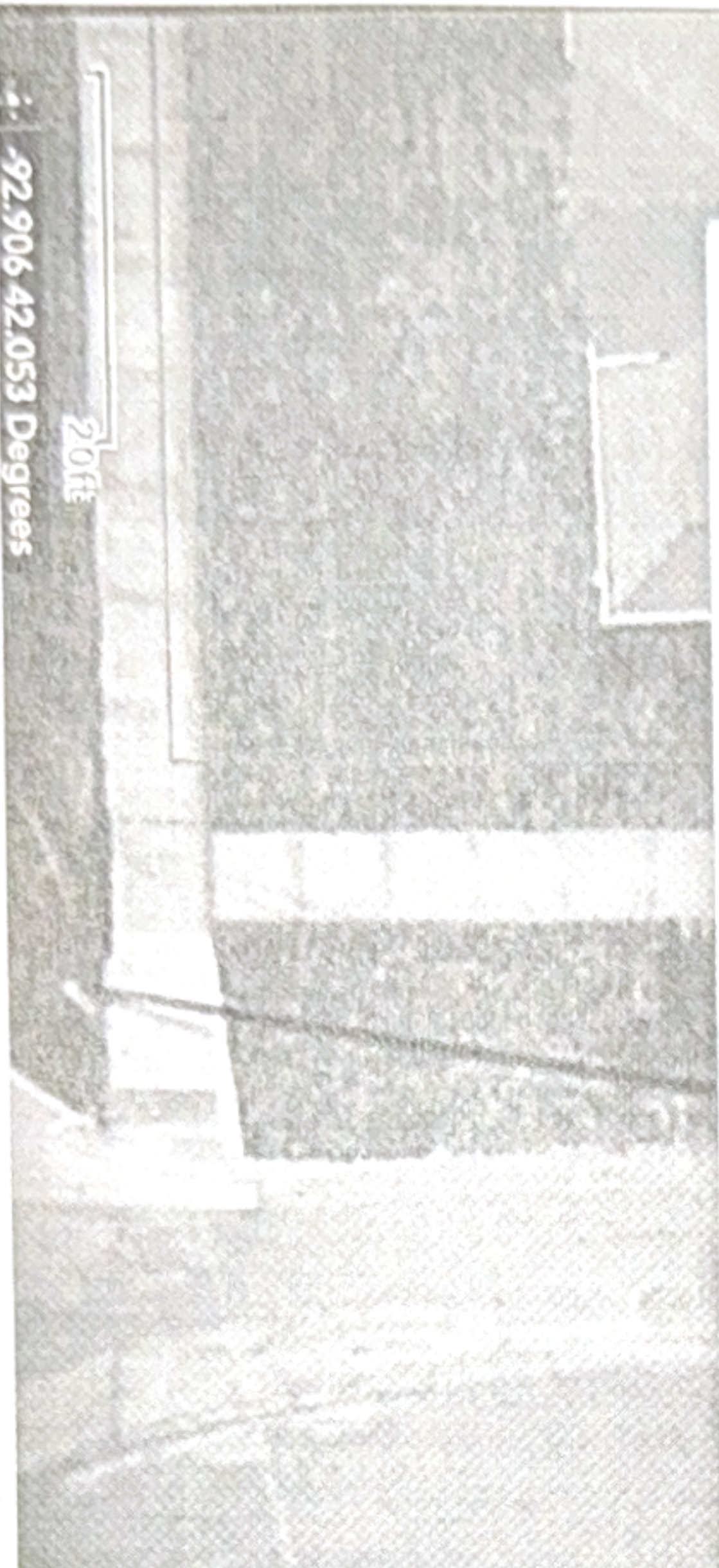
1 Feet

Measurement Result

50.5 Feet

Clear

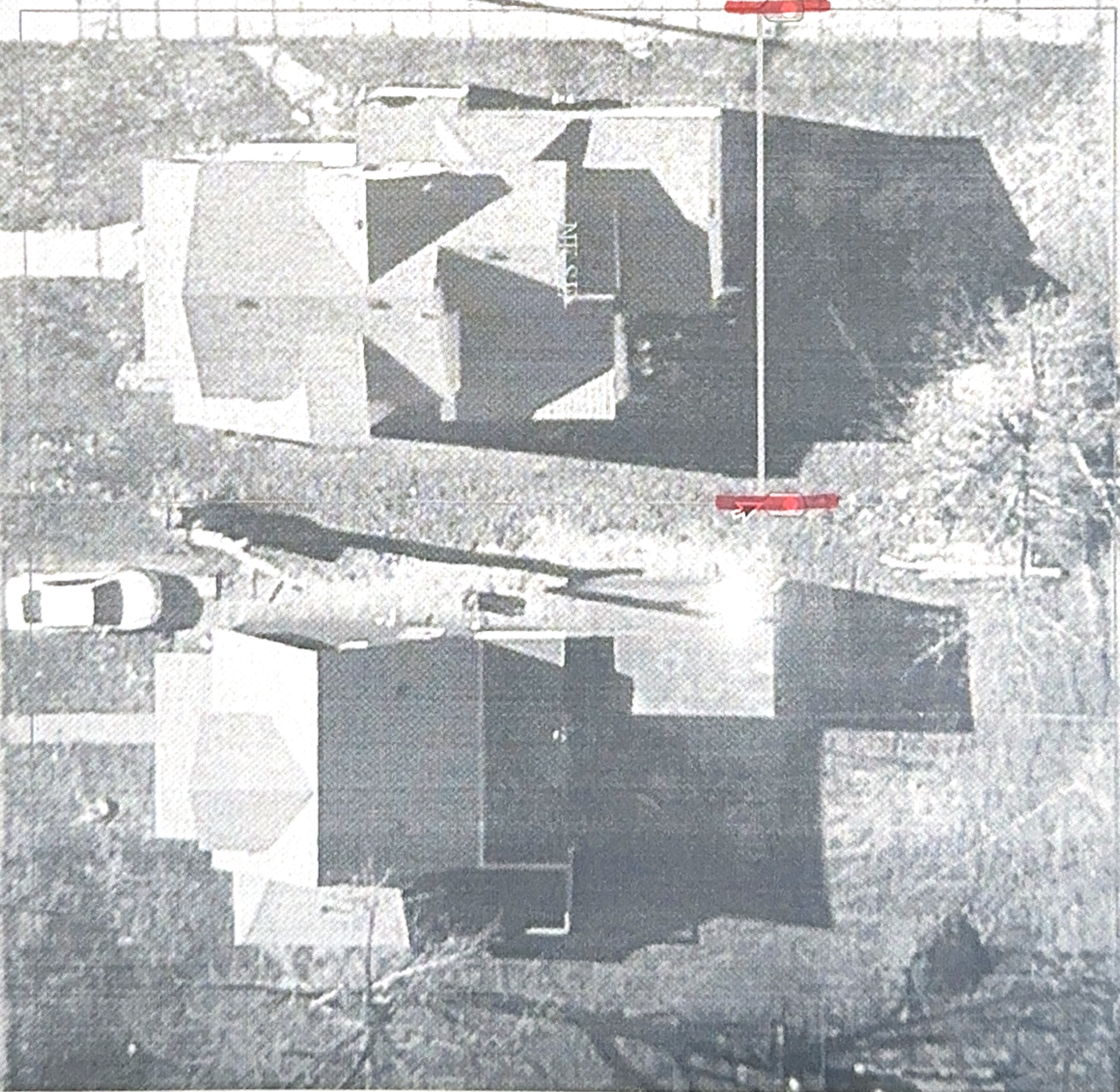
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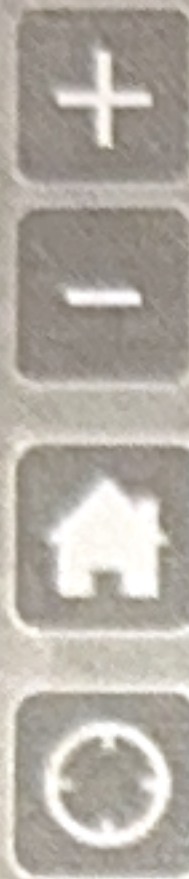


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Search



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NE SE

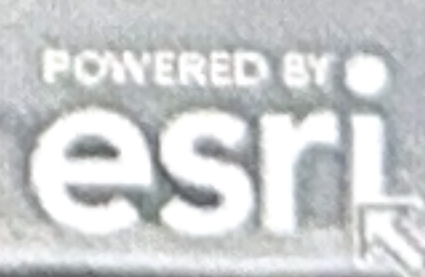
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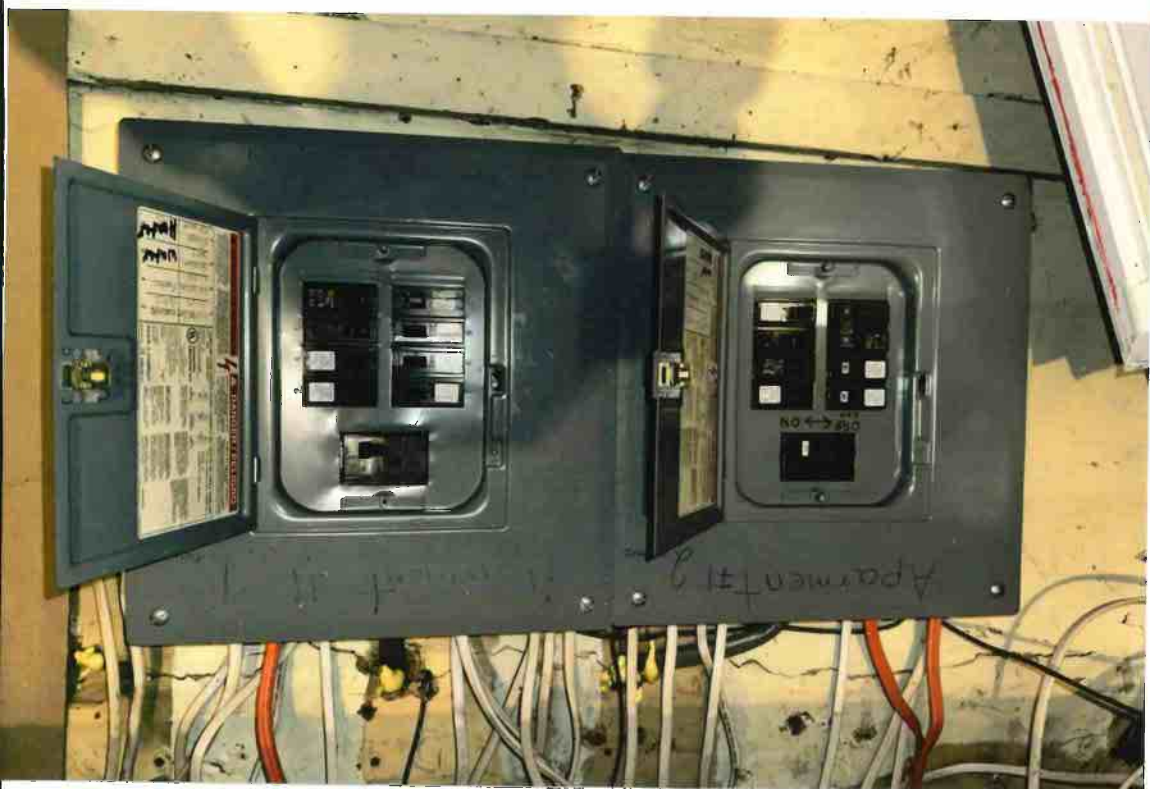
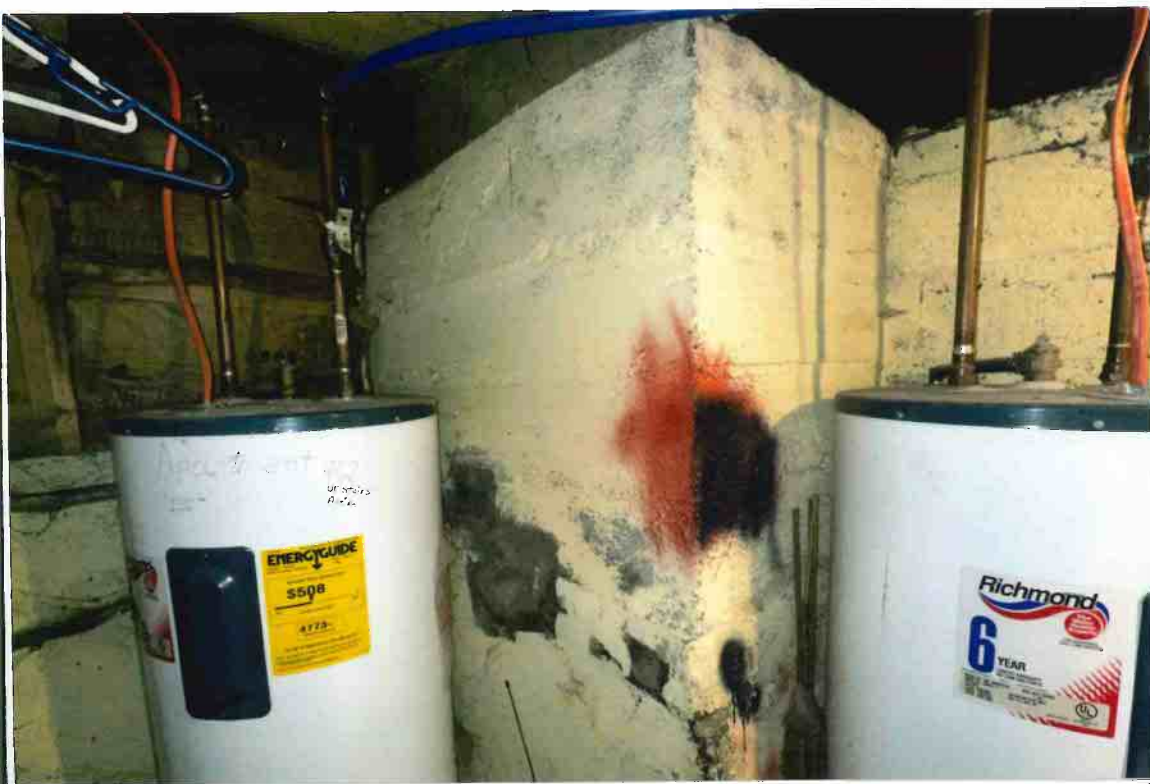
WOODBURY

SE SE

20ft
-92.906 42.053 Degrees

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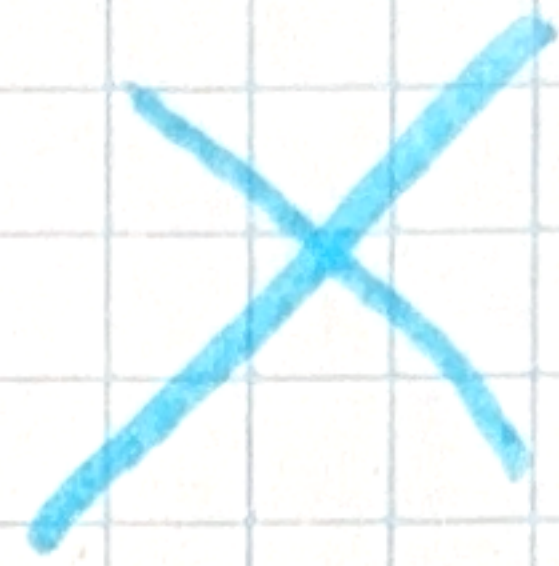






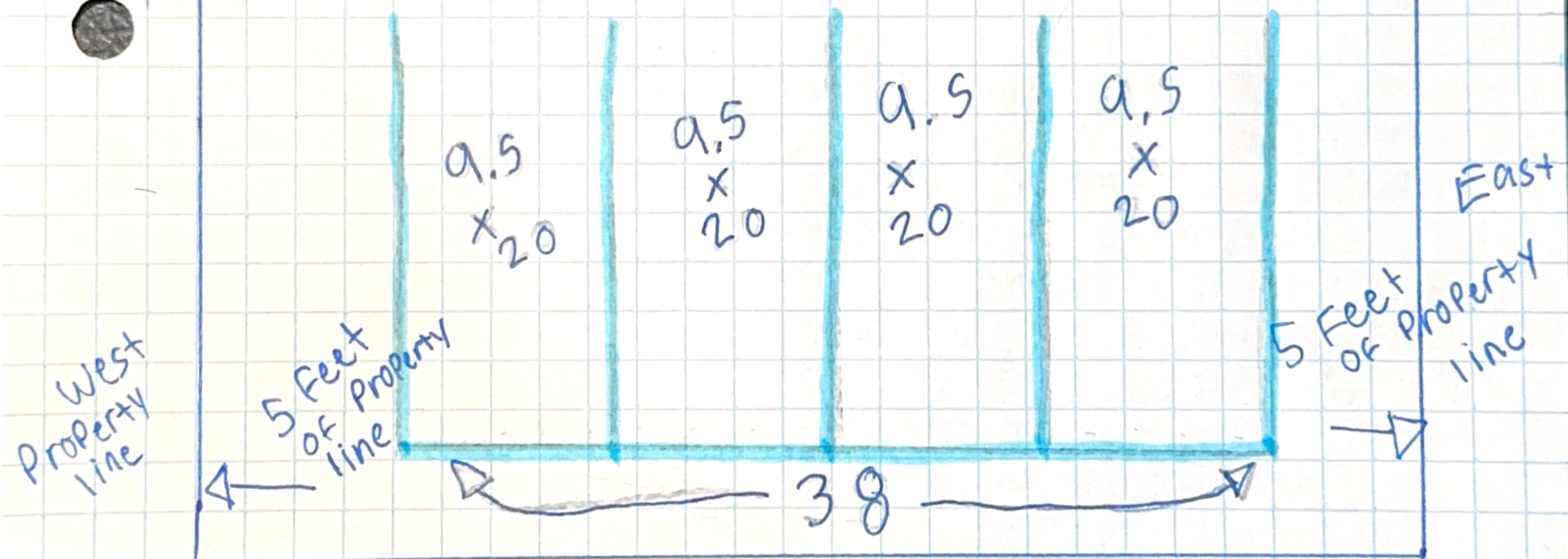
Alley entrance

N
W + E
S



Tree
Removed

Parking Spaces and Access Drive to be Concrete



50.5 feet

402 Woodbury



Search



Measurement



Feet

Measurement Result

50.5 Feet

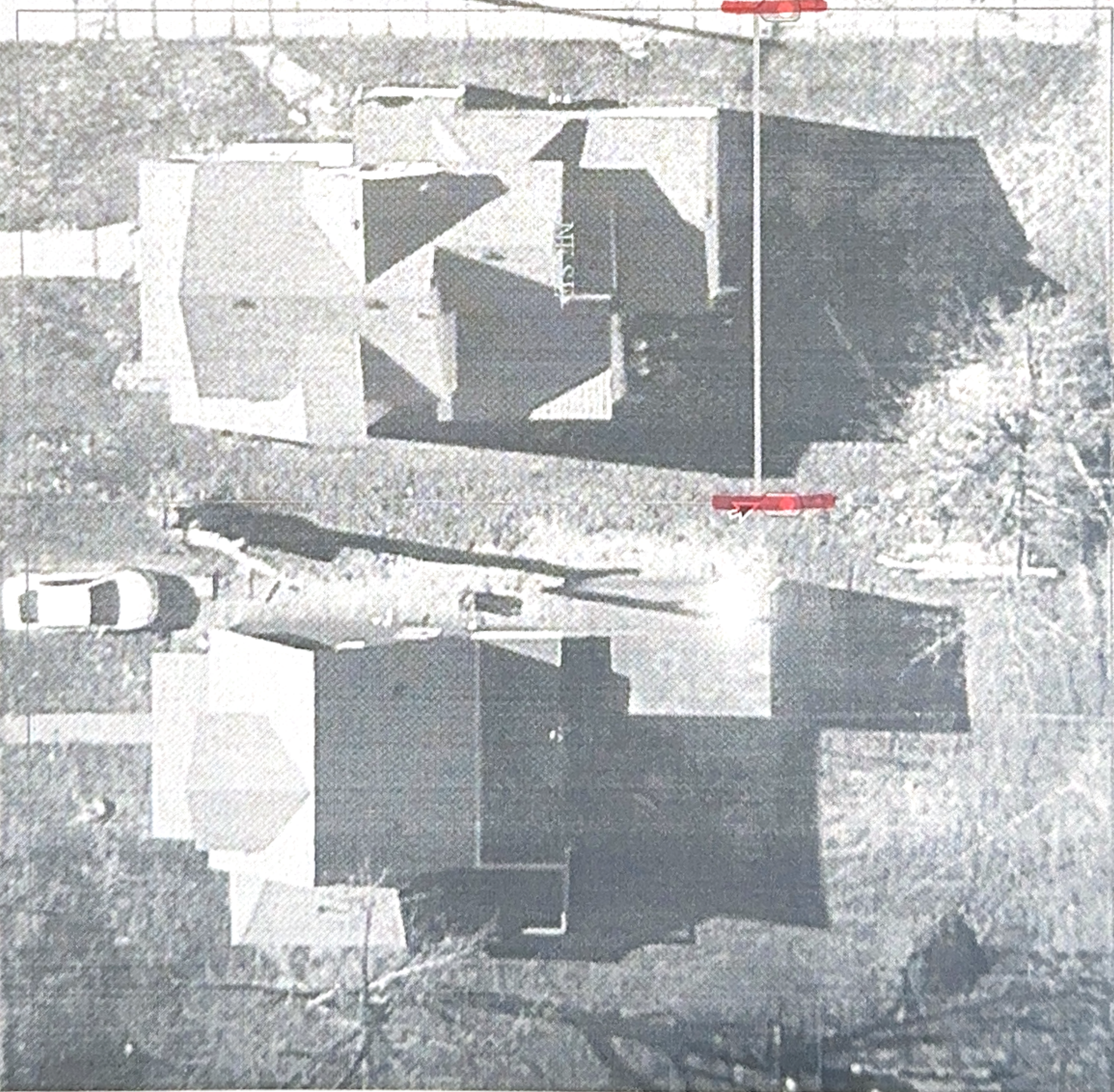
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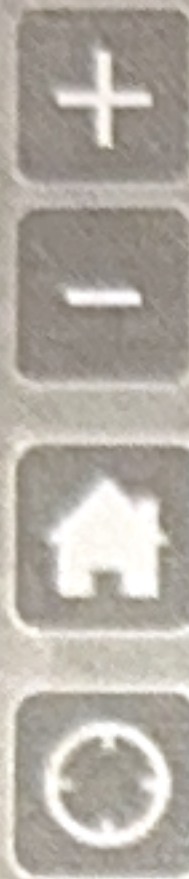
Press CTRL to enable snapping

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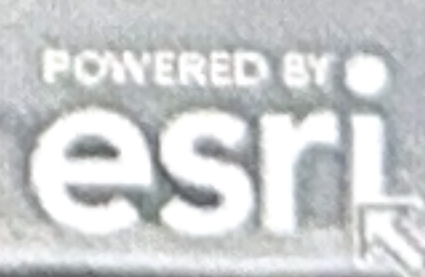
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WOODBURY

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20ft
-92.906 42.053 Degrees

Iowa DNR, Esri Canada, Esri, HERE, Garmin, INCRE...



Board of Adjustment Finding of Fact Report

Meeting Date: February 18, 2025	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 parking 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? <i>Reasoning:</i> 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? <i>Reasoning:</i> 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? <i>Reasoning:</i> 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 <i>Reasoning:</i> 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. <i>Reasoning:</i> 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
<i>Engle</i>				
<i>Eaton</i>				
<i>Sanchez</i>				
<i>Schulze</i>				
<i>Thurston</i>				

Special Use Permit Application - Marshalltown, Iowa

Clinic Building Company
McFarland Clinic Marshalltown, IA

Project Description

The proposed project is a 1.15 MW ground-mounted solar array placed within 2.3 acres south of the recently completed McFarland Clinic. The project will tie into the electrical utility service for the clinic building and will be designed and built to reduce the energy use of the facility.

The PV modules will be installed in the standard design of a commercial fixed-tilt array; 2 modules in portrait orientation facing south at approximately 30 degrees and placed on driven pier racking. The leading edge of the modules would be approximately 2' 6" from the ground and approximately 10' on the back of the array. The solar arrays will follow the topography of the site and will drop off and away to the south from the building.

There will be a 6' chain link fence with a privacy screen surrounding the project with gates for access. Trees will be planted on the North side of the project. The inverters for the project will also be mounted on the driven pier racking.

The installation will be completed by Current RE, an Iowa based solar design and installation company with over 15 years of renewable energy experience.

Attached documents

1. Site Plan and Electrical one-line drawing submitted with permit

Full Legal Description of the property

Parcel ID 8318-11-426-011

Property Address 421 E Merle Hibbs Blvd. Marshalltown, Iowa 50158

Sec/Twp/Rng 11-38-18

Surrounding Properties

There will be little to no impact on the surrounding properties. The land directly south and east of the project is currently farmland that has a drainage area and a creek. The land west of the project is a future development area. Once the solar is installed there will be no ongoing sound, light, or construction vehicles on the site due to the solar.

Hours of Operation and Site Improvements

Proposed construction would take place in the summer and the hours for construction would fall between 7:00am to 7:00pm as allowed. During construction there would be loading and unloading of equipment as well as staging areas for the materials.

Once the site is complete and functioning, there will be occasional site visits during normal business hours for inspection and maintenance. There will be a gate and a path created for maintenance vehicles to access the array.

For site improvements, there will be a 6' fence with a privacy screen surrounding the solar array. Additionally, the clinic plans to plant trees along the north side of the project. There will be signage placed on the fence as required for safety and utility guidelines. No additional signage, lighting, or parking will be necessary for this project.

Public Services Available

Adequate public services are currently available for this project without disruption to existing uses.

Nuisance

There is no existing or potential of a nuisance generated by this project.

Design Features

Due to the location of the project, there will not be nearby traffic or pedestrian travel. The project will incorporate a fence and signage to prevent unauthorized access to the area.

Compatibility

The proposed project will be compatible with the adjacent uses which are currently vacant space for future development. Once the project is complete there will be no additional noise or lighting created by the solar array. There will be normal construction noise during the project installation and based on the proposed construction timeline there will not be any nearby traffic or structures on any of the surrounding properties.

Location

For the space available to the McFarland Clinic, the proposed location is the only practical area for this project.

Added comments: 01 15 2025

- The property is owned and used by McFarland Clinic and is not intended to be a reseller of electric power. The system is designed as net metering with Alliant Energy.
- Decommissioning will occur if the system is no longer to be utilized by property owners which is McFarland Clinic Company. Typical life span exceeds 25 years and is modular so components can be updated to maintain full operations for decades.
- If the solar system fails and is no longer functional, the site owners have 12 months to remove the solar array by a licensed contractor. The removal shall consist of all above mounted solar panels as part of this specific zone includes solar panel support structures holding them. This expense will be paid for by the property owner. This will include the removal of underground wiring removed back and terminated approved National Electrical codes termination disconnects boxes. All buried on site owner installed electrical conduits shall remain in place for owner discretion for on future site utilization.
- Site contours will be graded as needed to address and remove equipment tracks with seeding.

- Decommissioning plans can be updated as requested. *(This question is directed to a renting party of the property.)*

Site property setbacks:

- As discussed, the site setbacks for solar on our property is seven feet on both the east and west sides and ten feet on our south. North there is our facility.
- The current plan is to install fencing at least one foot from the property line.

Detention basin:

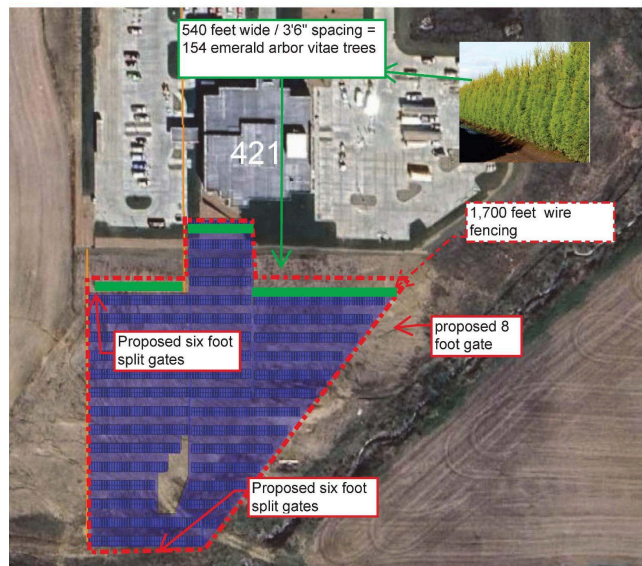
- The solar array is designed to be steel beam pile driven and is laid out extending above the retention basin high water level and will not affect the basin capacity. Solar panels are designed to be sealed water tight for the outside elements and can be submerged in water without failure.
- Due to the height of the solar array the storm water basin will be mowed and maintained like the rest of the property.
- If inflow or outflow areas need preventive maintenance, Panels can be temporarily removed for site work to be completed

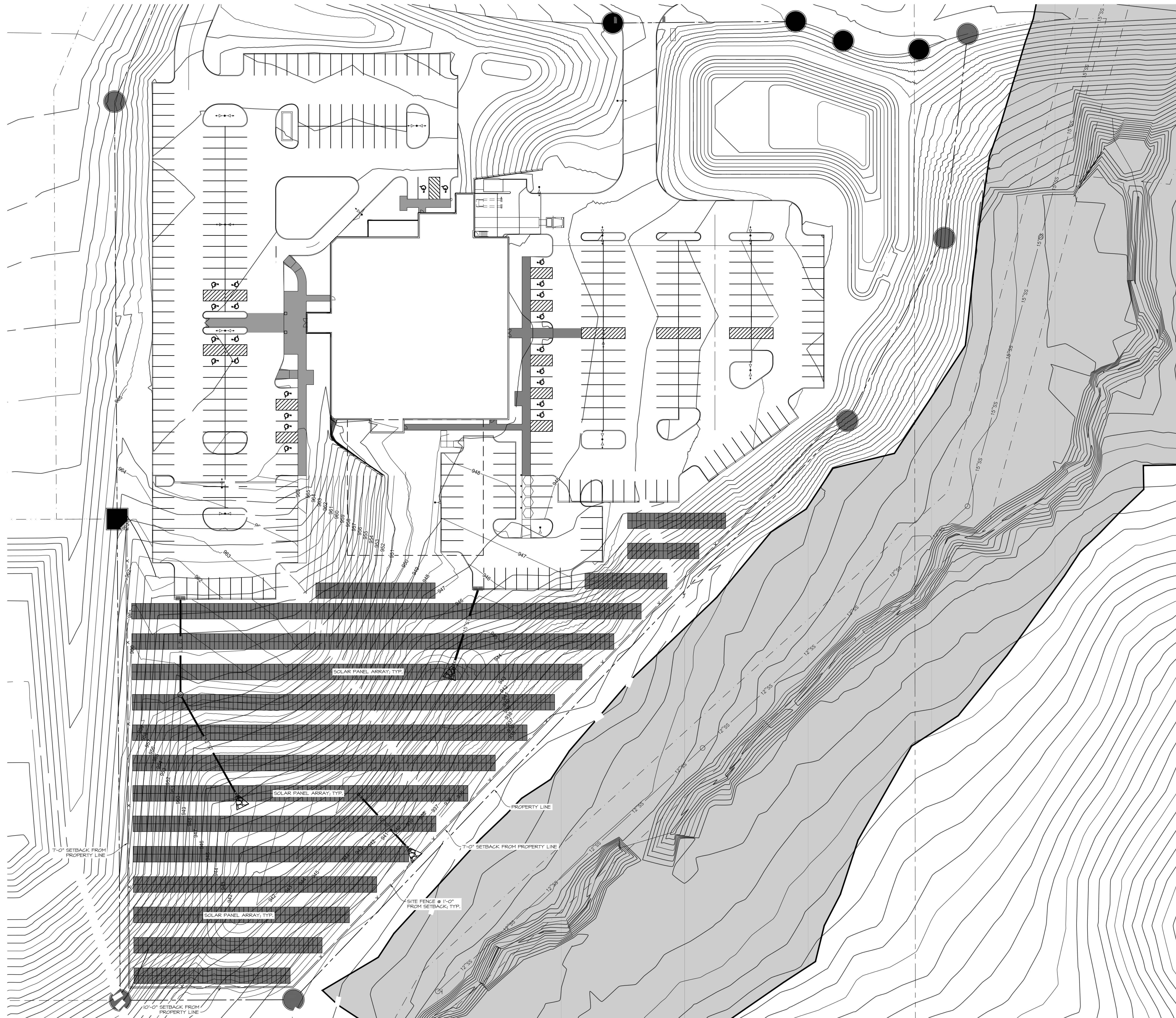
Site plan:

- I can provide the site grading plan as approved by the City Planning department when we install the new additional parking lots in 2024. This is the current grading plan for this site. We are not changing the existing contour lines.
- West to east slope closer to the building. Panels will face south and follow the existing contour of grade from west to east. See example of this view.

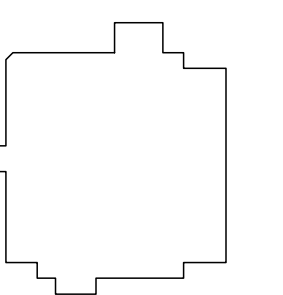


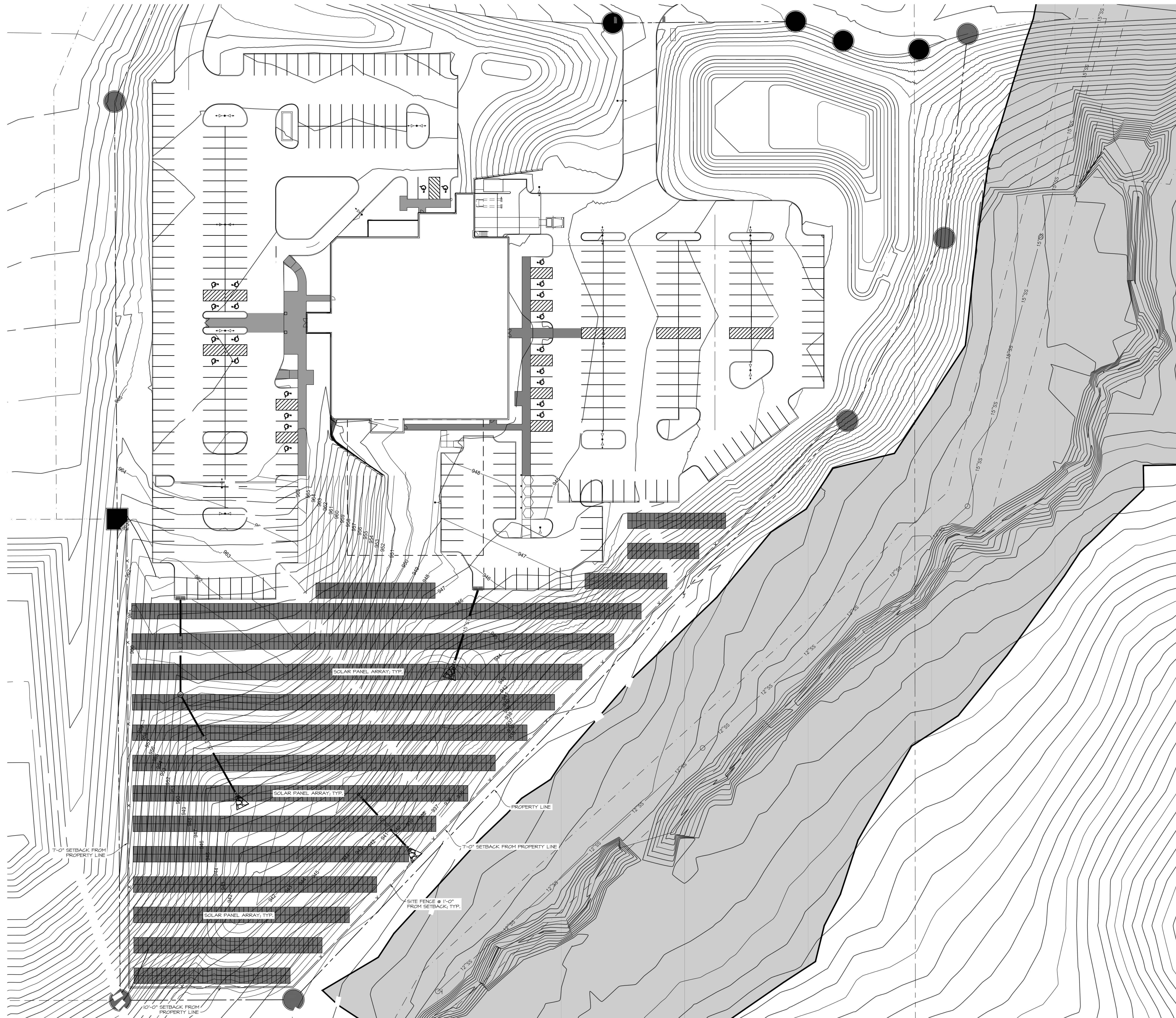
- The design and layout has been provided. The owner understands fencing is required as shown below. Landscaping is planned as shown on image below on north exposure. Fencing is shown in red as the approximate location once the solar array is installed.



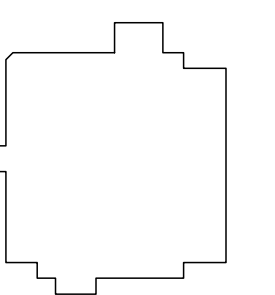


1 SITE PLAN - SOLAR
SCALE: 1/32" = 1'-0" N↑





1 SITE PLAN - SOLAR
SCALE: 1/32" = 1'-0" N↑



Prepared by and return to: Clayton Ender, City of Marshalltown, 24 N. Center St., Marshalltown, IA 50158

SPECIAL USE PERMIT

Pursuant to Chapter 156.C.005 of the Marshalltown Zoning Ordinance, a Special Use Permit is hereby granted as follows based on the following finding of fact:

Name of Applicant: Clinic Building Company (DBA) McFarland Clinic
Current Property Owner: Clinic Building Company (DBA) McFarland Clinic
Lessee/Operating Business: N/A
Zoning Classification: PI, Public and Institutional Zoning District
Parcel Number (PIN): 8318-11-426-011
Street Address; 421 E Merle Hibbs Blvd, Marshalltown, IA 50158

Legal Description:

Parcel "F" in the Northeast Quarter of the Southeast Quarter of Section 11, and in part of the Northwest Quarter of the Southwest Quarter of Section 12, all in Township 83 North, Range 18 West of the 5th P.M., in the City of Marshalltown, Marshall County, Iowa, as shown on the "Plat of Survey" filed in the Office of the Recorder of Marshall County, Iowa, on November 12, 2020, as File No. 2020-00006293

Nature of Special Use Allowed:

Construction and operations of a utility-scale solar array (accessory use).

Decommissioning Plan:

Removal of the system shall occur within 12 months of the utility-scale solar array (accessory use) no longer being functional.

Protective Restrictions:

A security fence must be installed along all exterior sides of the utility-scale solar array installation and be equipped with a minimum of one gate and locking mechanism on the primary access side. Security fences, gates, and warning signs must be maintained in good condition until the installation is dismantled and removed from the site according to the decommissioning plan.

Finding of Fact:

The City of Marshalltown Board of Adjustment reviewed the application for a Special Use Permit and the applicable review criteria during the board meeting on Tuesday, February 18th, 2025 at which time the Board of Adjustment held a public hearing. There were no written public comments or verbal public comments received.

Upon review of information presented as part of the application, information presented during the meeting and the review criteria outlined in the Zoning Ordinance, the Board of Adjustment moved to approve the Special Use Permit on February 18th, 2025.

Those to whom this Special Use Permit is granted shall comply with all ordinances and statutes, whether federal, state, or local.

This Special Use Permit does NOT run with the land and is NOT transferable. Therefore, purchasers, lessees, or others using the above described property shall not have any rights or powers under this Special Use Permit without further action of the Board of Adjustment.

Furthermore, those to whom this Special Use Permit is issued shall not extend or further alter the use of the property described above beyond the plans filed with the Board of Adjustment unless additional permission from the Board of Adjustment is obtained.

Approved by the Board of Adjustment on Wednesday, February 18th, 2025

Board of Adjustment Signature

STATE OF IOWA, MARSHALL COUNTY,

On this ____ day of _____, A.D. _20____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____ to me, known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary in Public in and for the State of Iowa, Marshall County

MARSHALLTOWN

— I O W A —

HOUSING & COMMUNITY DEVELOPMENT

Deb Millizer, Director
Clayton Ender, Assistant Director
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5756
Fax - (641) 754-5717

TO: Board of Adjustment
FROM: Clayton Ender, Assistant Housing & Community Development Director
DATE: February 11th, 2025
RE: McFarland Clinic In-Ground Solar Special Use Permit

Recommendation: The Planning and Zoning Commission considered this request at a special meeting on Thursday, January 30th at which time the Planning and Zoning Commission made a recommendation for approval of the special use permit for McFarland Clinic In-Ground Solar Array (Accessory Use) at 421 E Merle Hibbs Blvd, subject to the following conditions:

- ~~1. Prior to Board of Adjustment consideration of the special use permit the City Council shall have first successfully amended the maximum height for in-ground solar (accessory use) to allow for a maximum height of ten (10 feet).~~

On Monday, February 10th the City Council approved a zoning text amendment regarding maximum height for in-ground solar arrays (accessory use). This approval satisfies the condition in the Planning and Zoning recommendation.

Description/Background:

McFarland Clinic has submitted a special use permit application for installation of an accessory use in-ground solar array at their facility located at 421 E Merle Hibbs Blvd. Attached to this staff report is a commentary regarding the project proposal as submitted by the applicant.

CITY COUNCIL

Melisa Fonseca, Barry Kell, Mike Ladehoff,
Mark Mitchell, Greg Nichols, Jeff Schneider, Gary Thompson

