



**MARSHALLTOWN
MORE THAN EVER**

**CITY OF MARSHALLTOWN
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC MEETING
CITY HALL COUNCIL CHAMBERS
10 WEST STATE STREET
OCTOBER 21, 2025, 5:00 PM**

AGENDA

CALL TO ORDER

ROLL CALL

Mark Eaton, Tammie Engel, Heidi Hogan, David Schulze, Kelli Thurston

APPROVAL OF MEETING MINUTES

1. Approval of Meeting Minutes from September 16, 2025
[ITEM_DESCRIPTION]

BUSINESS

2. Discussion and Education Worksession on Powers and Duties of the Board of Adjustment
[ITEM_DESCRIPTION]

ADJOURNMENT

MISSION STATEMENT

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

Board of Adjustment

Meeting Minutes – September 16th, 2025

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

1. Roll Call:

Present: Eaton, Thurston, Hogan, Engle, Schulze

Absent:

2. APPROVAL OF MEETING MINUTES FROM JULY 15TH, 2025

Motion to approve the July 15th, 2025 meeting minutes made by Eaton, seconded by Hogan.

All ayes upon roll call. Motion Carried.

3. CONSIDER APPROVAL OF A VARIANCE APPLICATION FOR 5 S 29TH STREET

Clayton Ender, Assistant Director of Housing and Community Development, presented the staff report.

Vaske variance for detached structure allowance, asking for 1200 sq. ft. to build an additional shed.

Practical difficulty needs to be demonstrated, not only an inconvenience. Typical residential lot, current zoning in force at time of purchase of property. Staff recommending denial, as it does not appear to demonstrate a practical difficulty. Singular parcel, there is an attached 2 car garage. Original application met code, then was amended to ask for a variance allowance.

Dan B. presented his hardship as he doesn't want to clutter his nice neighborhood, as he owns a lot of items. Shared a neighbor has 2 buildings the same size as the one he wants to put up, and then another neighbor has a building larger than the one he's proposing. He wants to rearrange his current storage, and put things away out of site of neighbors.

Current detached garage has a garden tractor & a dog kennel, plus other items.

Thurston asked about building materials. Dan B said he would do what the board would like for him to do, matching existing esthetics of his garage and neighborhood.

Engle asked if public comment was received. One neighbor asked Dan B about the variance, and had no concerns.

Thurston asked about an in home business. Dan said it's mostly for himself, some gunsmithing, and some wood working. Not expecting traffic.

Schultz asked about accessory building code. Staff clarified that no accessory structure is allowed without a home. Lot size would not qualify.

Thurston concerned about home values in the neighborhood if a metal building is put up. Dan B is considering a stick building with vinyl siding to match current garage. There are 2 morton buildings in the neighborhood currently.

Dan B said family member said that the original building plan was described as a postage stamp on an envelope for the size, when it was staked out on the lot, so that instigated the thought to make the building larger. Original 26 x 30. He would like to do 28 x 26 instead.

Hogan asked if current detached could be tore down to allow for the new building. Dan B. said it's too nice of a building to tear down.

Eaton believes staff opinion is valid. BOA is asked to stretch all the time. Eaton said he would vote no.

Thurston has no issue with the use and fulfillment of the home, however there are a lot of items which are self imposed. Thurston clarified the task to determine if hardship is out of owners control, and this doesn't seem to be.

Public Comment: Gary Thompson 101 Byron Street. If the owner had an additional 10 ft, this would be a non-issue. Thompson pointing out hardship to neighbors for visually seeing all of the applicants items. Thompson would like the applicant to be granted the variance. Believes it's a grey area .02 acres. Thompson stated he wants the tax money from the bigger building on a larger building versus a smaller building. Thompson doesn't believe the 2nd lot would be developed there.

Hogan thinks the use of the lot would be better served with a home.

Eaton gave example of neighbor that has 4 vehicles and 3 drivers, they have to park on the street. Self imposed, and they have to live within the rules.

Thurston pointed out that Dan had an opportunity to know what size the lots were before purchasing property.

Dan shared when he bought the property he thought the properties were already joined. Shared he could have put 1000 sq ft building on a property he looked at on Lily Lane which would have consumed the entire lot.

25x32 building, per Thurston would give Dan square footage under the 880 that he has available to him.

Eaton talked about Planning & Zoning work that goes into code.

Schultz thinks the current sq ft is too large for neighborhood. Feels the ordinance should be followed.

Motion by Eaton to DENY the request as submitted. Seconded by Engle.

All eyes upon roll call. Motion Carried.

4. CONSIDER APPROVAL OF A VARIANCE APPLICATION FOR 202 ½ N 2ND STREET

Clayton Ender, Assistant Director of Housing and Community Development, presented the staff report.

D&D Rentals Inc. request for single stall off street parking. Staff doesn't believe this is a self inflicted hardship as due to when the house was constructed. Normally driveways only lead to a garage, however this one would lead to the house. There is no garage or driveway.

One phone call for public comment that said they would not like this to happen.

Street is alternate parking.

Eaton said in the past concrete has had to be torn out.

Applicant stated it looks as if the house was dropped into the space. Property lines are within 2 ft of home. Tenants are struggling with neighbors who are parking to inconvenience the tenants. Neighbors are parking so close to tenants, that the tenants have to go knock on the doors to have cars be moved so they can get out.

Standard residential parking space is 9ft by 20 ft.

Eaton asked if neighbors weren't an issue, would the variance be needed. Applicant said, it would not be needed.

Eaton asked staff if this is a police issue. Staff said it's both variance and police problem.

Staff feels that it meets unique site conditions, and recommend approval.

Gas meter is not on the front of the house, water shut off is in the terrace to the north where the problematic neighbors are.

Thurston isn't fond of taking up the lawn with concrete. Eaton shared an example on Fremont Street where the entire yard is concrete.

Schultz acknowledged the curb cut for drive will eliminate an on street parking space.

Eaton pointed out that if the neighbor wasn't an issue there would not be the request.

Public Comment – Police have more pressing issues.

Thurston doesn't think this variance would reward the ill acting neighbors.

Schultz stated this is the exact thing that BOA is designed to address. Schultz plans to vote yes, as the family deserves to be able to park their car.

No further comment.

Motion by Eaton to APPROVE the request as submitted. Seconded by Schultz.

All ayes upon roll call. Motion Carried.

1. CONSIDER AN APPEAL OF THE DETERMINATION OF THE ZONING ADMINISTRATOR REGARDING RESIDENTIAL USAGE AT 1408 E MAIN STREET

Clayton Ender, Assistant Director of Housing and Community Development, presented the staff report.

Hogland Auto Plaza– Zoned GI, heavy industrial.

Lonnie commented in TR interview that he was living at 1408 E. Main Street. Staff confirmed with Lonnie that was accurate.

Staff and Lonnie felt it was important to come in front of the board. BOA may have some latitude if the use is actually housing as Lonnie is utilizing the property.

Thurston clarified the residential and industrial should be mixed due to emergent situations as fire crews are not looking for people.

GI tends to store flammable explosive materials. Safety is the most essential element.

Board has looked at this previously when there was a house was on the property. This occurred when Lonnie's father passed away, and there was going to be a major rehab to the property.

Schultz asked if there was a substantial change. Staff clarified that the previous addressing of this didn't pop up in files.

Lonnie shared he does live at the property. Both son's are in the audience. Lonnie shared this is his livelihood. Lonnie asked friends and neighbors their opinions. Lonnie is disappointed that no one came down to look at his property. Lonnie spoke to someone at Lennox who said she's not allowed to comment. CTI rep said he didn't care that Lonnie lived there. Lonnie could not get ahold of Con-Struct. Lonnie stated staff, Clayton has been nothing but professional.

Lonnie shared example of early morning call. Described the accident.

Lonnie shared that the hardship is to the community because he responds at all hours. Brought up an example of Taste Freeze example where someone hit tree and died.

Lonnie reached out to Fire Chief to see if he cared if he lived there, but wasn't able to reach him.

Lonnie lives where what was once the break area. It's air conditioned. Has had staff use the area due to headaches. Blue Print has it as a break room. Lonnie said there's a firewall between the shop and the rest of the area. Lonnie shared photos of his salvage property.

There is a bedroom on 2nd floor that has a fire ladder, plus other office spaces.

Lonnie shared that the Fire Department has been to his property for inspection over the last 2 years. Lonnie shared the history of the house that had been on the property, then the relocation of his dad to another property.

Lonnie shared plan for Ebay sales utilizing the building. Invited BOA to come see it regarding the outcome. Lonnie talked about the size, and didn't originally plan to live there.

Lonnie circled back on the response time to calls referring back to his truck being de-iced because it's parked in the building. Stated his living arrangement works amazing.

Lonnie shared statement from Tom Wahl in support of Lonnie living at his business.

Lonnie spoke to Police Chief Chris Jones, Jones said he wouldn't make a comment without having all the information. Lonnie stated that Jones didn't have a problem with it.

Anne's alteration, & Mike Judge also provided written statements that Lonnie isn't hurting anything by living there.

Lonnie said he will have to appeal if the BOA denies him living there.

Engle asked about kitchen set up. Lonnie shared photos of set up. Shared there is a little basic kitchen area. In photos showed a 2nd bedroom that was originally suppose to be an internet office.

Hogan asked if there was a shower. Lonnie said there is one. Lonnie shared there are 3 bedrooms.

Schultz asked if this was all done after the last discussion about the home there. Lonnie shared he didn't originally live there, he lived on Stegman.

Eaton asked when the building was built. Lonnie shared approximately 2 years ago.

Lonnie shared more photos of the property.

Thurston clarified if there are 3 bedrooms.

Hogan asked about egrass windows, closets etc. Then shared the property isn't zoned for residential.

Thurston bridged back to response time but shared that there are 3 bedrooms with other people besides Lonnie living there. Lonnie stated his boys don't live there full time.

Thurston shared by the photos show shop is set up as a home.

Schultz spoke that the focus should be on the zoning, appreciates the response time. Redirected to what the BOA has authority is on.

Thurston – no question on the quality of the property, or Lonnie's integrity, the question is zoning.

Thurston feels that the property is built like a residence referenced to bathrooms, kitchen and laundry room.

Thurston asked staff if any public comment. No written were provided.

Doris Kinnick came to speak, stated that it's more like an elevated break room. Feels as if the kitchen, laundry and beds lend to the business.

Denny Gray, talked about the response time, and doesn't think there's anything wrong with it.

Rich Isaccson, works for Lonnie – He slept on a couch at Larry's Towing for 10 years. Referenced response time. He doesn't feel as if the safety of homes in Marshalltown meets the same quality of Lonnie's place. Commented that Lonnie doesn't sleep much. Rich was the staff with a migraine that used the bedroom to nap. Feels Lonnie deserves a variance so he can keep doing what he's doing.

Alley Automotive, Bob Halverson, Yates Ave – understands zoning requirements, but most situations are different. Feels the response time is a big deal here. Asking for variance for Lonnie and his 2 sons, which are employees for Hogland. Reference to public safety.

Dave Dammon, May Street, states building is safe. Reference that the city should go after the commercial buildings who haven't done things right. Reference response time.

No Further Public Comment.

Thurston – it gets grey, it's not black & white Spoke about driving from home to the shop does add time. It bothers Thurston that choices were made to make the building a home when it was built. What the BOA is charged with affirm or deny the decision by zoning administrator.

Hogan talked about JBS had to build elsewhere because there wasn't zoning available near JBS, so apartments had to be built elsewhere because that's what was legal.

Schultz, this isn't the only instance of dealing with similar situations, all making claims for use of accommodations. Schultz is concerned about consistency. Schultz talked about other commercial property.

Hogland said he knows of other properties that are like his.

Schultz stated that all standards need to be applied across the board. Lots of company's work 24 hours a day, and have shifts. Schultz asks where does BOA draw the line?

Eaton, this is a tough job sitting on BOA. Zoning does their job, then BOA is asked to override. Yes, shifts can be worked, better than sleeping on the sofa. No small kids living there. Eaton considers towing an emergency service.

Thurston talked about if something were to happen to another industrial business could effect the lives of Lonnie and his family.

Lonnie wonders if this issue should be tabled so that Planning & Zoning can take another look at the zoning. He's checked with the neighbors and they aren't concerned. He feels that he is safe.

Eaton asked staff, Clayton to clarify if support ruling. What would happen? Staff clarified that Hogland would have to go to district court to appeal in either situation.

Staff clarified that BOA could determine that this is a 24 hours salvage business such as 24 hour response time.

Schultz talked about other business models, don't have family gatherings etc at their place of business as other people do in their homes.

Isaccson came back to the mic, to talk about Thanksgiving etc at Fire Station.

Lonnie talked about working all the time. He doesn't have family get together etc. Lonnie circled around that he understands its zoning.

Councilor Thompson – issue at hand is to confirm or deny Zoning Administrator. Wording to table needs to be based on the determination, not on something that wasn't published.

Alley Automotive – Is there a way that this can be revisited in future to see if it works out? Perhaps recheck in future years.

Thurston clarified what Alley Automotive is requesting is a variance request, and that is not what is in front of the BOA. Further evidence would need to be brought forward that this is a break area, not a residence.

Eaton asked for clarification of Definition of Residence/Dwelling per Dwelling, per staff zoning code: A building used primarily used for.... Residential, not defined.

Levi Hogland stated that it has a public restroom.

Eaton makes motion to table until an official definition of residential purposes.
No one 2nd – Motion fails

Hogan feels that it's clear that this is a residence.

Schultz asked for clarification of difference between this and fire station.

Hogan clarified that those employees don't live at the fire station. Went on to further explain.

Eaton historically you could live where your business was. Then it changed. Downtown was rezoned to mixed use. We do allow people to reside near commercial activity. If it wasn't the owner of the business living there, Eaton may think about it differently.

Hogan, talked about fire separation, and a chart that defines what is needed.

Schultz stated that would be per zone. Zone doesn't allow residential use.

Staff, shared use table for GI. Variance cannot be applied for per code – stated in the code.

BOA is only to decide if this is a residential usage or non-residential usage.

Engle – by affirmative is agreeing with staff, asked for clarification.

Hogland quoted his attorney that is similar to a semi driver.

George Shultz – would the BOA like to render Lonnie homeless. The city let the homeless be out all summer long.

Thurston clarified there is a committee for that.

Ed Anderson – said he did the tiling, and from day one that was a break room. Talked about Lonnie’s family, Hogland is a big asset to the community. Feels it’s a break room.

Schultz – where does Lonnie keep his personal/hobby items.

Hogland – doesn’t have hobbies

Motion by Thurston to REVERSE the determination of the zoning administrator. Seconded by Eaton.

Roll Call:

Engle – yes

Hogan – no

Thurston - yes

Eaton – yes

Schultz - yes

Meeting Adjourned at 7:25 PM

MARSHALLTOWN

I O W A

HOUSING & COMMUNITY DEVELOPMENT

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TO: Board of Adjustment
FROM: Clayton Ender, Assistant Housing & Community Development Director
DATE: October 21st, 2025
RE: Discussion and Education Worksession on Powers and Duties of the Board of Adjustment

City Staff Contact:

Clayton Ender, AICP
Assistant Director of Housing and Community Development
Phone: 641-754-5756
Email: cender@marshalltown-ia.gov

Synopsis:

City staff will lead the Board of Adjustment in an educational discussion regarding the powers and duties of the Board of Adjustment. This session will include an overview of the following materials:

- Types of applications reviewed by the Board of Adjustment
 - Variance
 - Appeals
 - Special Use Permits
- Common review procedures
- Ex-parte communication rules
- Attendance requirements for Board of Adjustment members

Additional items pertaining to the powers and duties of the Board of Adjustment may be discussed at this work session as well.

No actions will be taken as this is strictly an educational work session.

CITY COUNCIL

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

