1. Board Of Adjustment Packet

    Documents:

        DECEMBER 20, 2016 - HOUSING AND COMMUNITY DEVELOPMENT MEMO - ITEM 2.PDF
        DECEMBER 20, 2016 - 11 SOUTH 4TH STREET - ITEM 3.PDF
        DECEMBER 20, 2016 - AGENDA - ITEM 1.PDF

James L. Lowrance, Mayor
36 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5756
Fax - (641) 754-5742

Housing & Community Development

TO: Board of Adjustment

FROM: Michelle Spohnheimer, Housing & Community Development Director MS

DATE: December 20, 2016 Meeting

PUBLIC HEARING: Home Occupation Special Use Permit – 11 S. 4th Street – Troy Blocker, Tattoo and piercing business

Troy Blocker is requesting a Home Occupation Special Use permit to operate his tattoo and piercing business out of his home. Troy has operated for many years at various commercial locations. He is wanting to run his business out of his home now by appointment.

2. *Criteria:*
   - a) *No Exterior Display. 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 section 'd' herein;*
   - b) *Residential Design Features. That the building shall include no features of design not customary for residential use;*
   - c) *Residential Character. 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.*
   - d) *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.*
   - e) *Equipment. Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in an accessory building.*
   - f) *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.*
   - g) *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.*
   - h) *Structural modifications or additions to the residence for the expansion of a home-occupation are prohibited.*
   - *i) 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.*

City Council
Leon Lamer, Mike Gowdy, Al Hoop, Joel Greer
Robert Schubert, Bill Martin, Bethany Wirin

DATE SUBMITTED & FEE PAID: _____
HEARING DATE: _____

the City of Marshalltown

BOARD OF ADJUSTMENT

Special Use & Home Occupation Special Use Permit Application

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

All items listed must be submitted with this application:

☑ **A site plan, drawn in ink to scale.** This site plan shall not be larger than 11" X 17."

☑ **Any other applicable drawings or diagrams.** Home Occupation Special use permits must submit a floor plan diagram.

☐ **Application fee.** A $300 fee is required for a special use request ($50 for a Home Occupation Special Use request). Make check payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Housing Department.

☑ **Legal description of the property.** The property owner should have a copy of the legal description of the property. *Please note that the tax description on the Marshall County assessor's webpage is NOT the legal description.* The legal description is listed on the property's abstract or owners may obtain a copy of the recorded deed from the Marshall County Recorder's Office for a fee.

It is the burden of the applicant to provide sufficient facts with this application and at the Board of Adjustment meeting to support a finding that all the standards for approval have been met. For all special use requests, with the exception of a Home Occupation Special Use request, the Plan & Zoning Commission shall first review the proposal and make a recommendation to the Board of Adjustment.

Attendance at all meetings is required.

Please type or print legibly in ink.

Property Address: 11 S. 4th St
Owner:
Mailing Address:
Phone:
Email:
Owner's Agent (if applicable):
Agent Address:
Agent Phone:
Agent Email:

The board will use this information to review your request. Please attach any additional supporting information. If you have any questions, please contact the Zoning Department at 754-5756.
Please describe the request and what justification there is for the proposal. Attach additional pages if necessary. If applicable, please provide a description of the business or use, discuss any signage to be used, and parking issues.

Owner/Agent Signature: Troy Rue
Date: 11/22/16

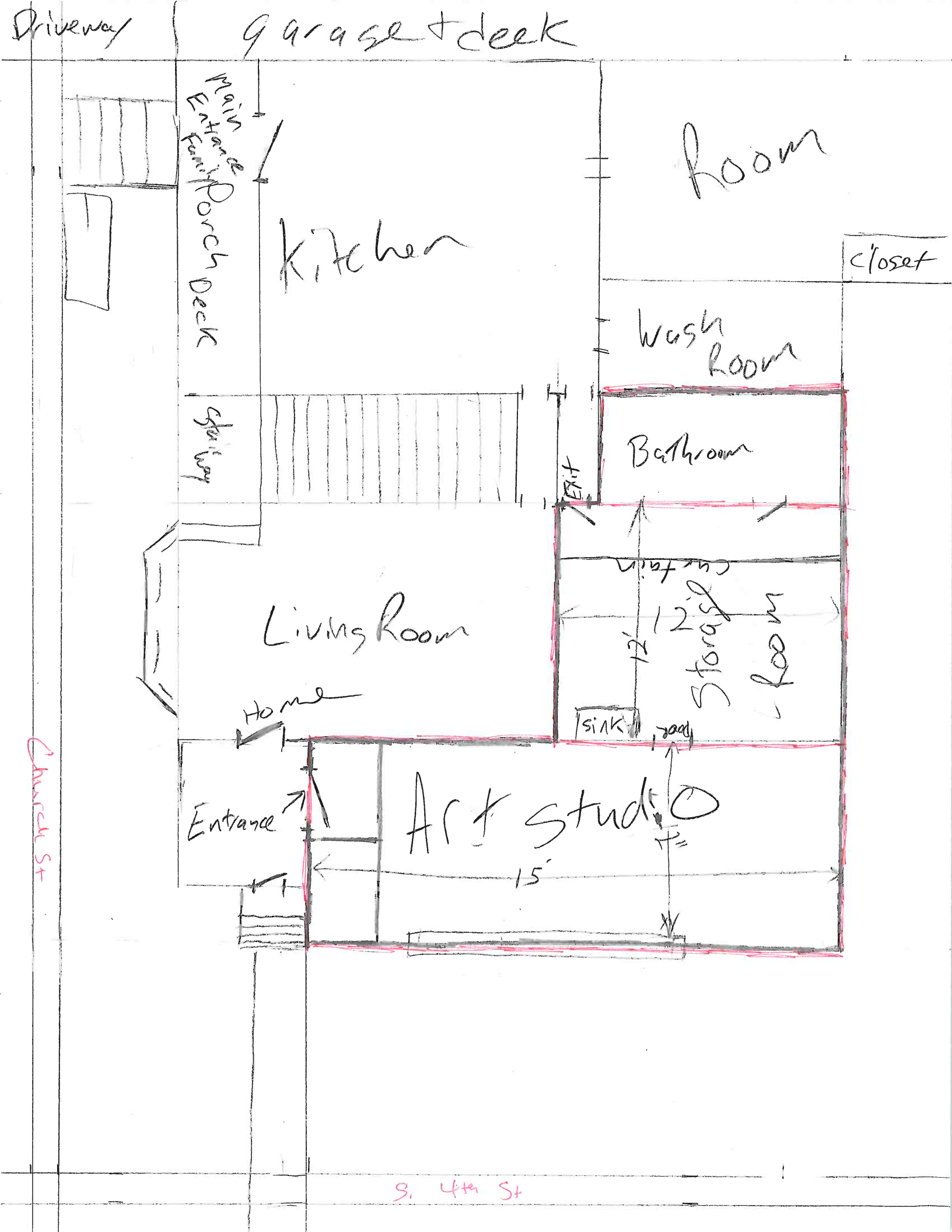
11 S 4th St. Marshalltown Iowa 50158

Troy Blocker + Denny Grey

108 E church st. Marshalltown Iowa 50158

641-485-5426

Delusions1313@hotmail.com


Driveway
garage + deck
Main Entrance Family
Porch Deck
Kitchen
room
closet
Wash Room
Bathroom
Stairway
Exit
Living Room
12'
7'
Storage Room
Home
sink
Art studio
Entrance
15'
Church St
S. 4th St

PERMIT # _____

Home Occupation Registration Form

City of Marshalltown, 24 North Center Street, Marshalltown, IA 50158
Phone: 641-754-5756; Fax: 641-754-5742

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

Applicant Name:	Business Name:
Troy Blocker	Delusions
Address: [redacted] 11 S 4th St, Marshalltown Iowa 50158	
Phone: 641-485-5426	Fax:

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

I have been a tattoo & body Piercing Shop for 17 years in Mtown I would like to go to Just Me + Me only with Home Studio

Please check the appropriate category for your home occupation: www.delusionsbodymod.tattoos.com

- ☐ Office facilities for accountant, architect, engineer, lawyer, clergyman, or other similar professional occupations.
- ☐ Office facilities for telecommuters, salesmen, sales representatives, manufacturer's representatives, and other similar trades or occupations
- ☐ Home sewing or tailoring.
- ☑ Studio for an artist, photographer, writer, or composer.
- ☐ Telephone answering.
- ☐ Catering, home-cooking and preserving for the purpose of selling the product.
- ☐ Tutoring or giving lessons, limited to four students simultaneously.
- ☐ 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: TRB

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: TRB

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: TRB

d) **Equipment.** Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in an accessory building.
Are any dangerous materials stored? _____Yes ✓ No
If yes, please list the materials: _____

e) **Employment.** On-site employees must be members of the immediate family residing on the premises. Additional employees may be permitted as required by law or may be permitted through the Home Occupation Special Use Permit process by the Board of Adjustment.
How many people are employed? 1
How many employees are not members of the immediate family residing on the premises? 0
List all employees: NA

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? A good day 20 people most different times
How many parking spaces are available? * 2 sides of road

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: TRB *

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: * Troy R _____ *Date:* 11/22/16

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

_____ _____
Zoning Officer, City of Marshalltown *Date*

City of Marshalltown Zoning Ordinance, Chapter 4, Section 10. Home Occupations.

1. Statement of Intent:
This section is intended to protect residential districts from potential adverse impacts of activities defined as home occupations; 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.

2. Criteria:
   a) No Exterior Display. 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 section 'd' herein;
   b) Residential Design Features. That the building shall include no features of design not customary for residential use;
   c) Residential Character. 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.
   d) 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.
   e) Equipment. Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in an accessory building.
   f) 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.
   g) 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.
   h) Structural modifications or additions to the residence for the expansion of a home-occupation is prohibited.
   i) 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.

3. Registration Required:
All home occupations shall fill out a registration form (no fee) with the Zoning Department in order to assure compliance with the terms of this Ordinance.

4. Permitted Home Occupations:
Applicants shall register with the Zoning Department for approval and shall comply with the criteria in Section 10 Part 2. The following home occupations are permitted:
   a) Office facilities for accountant, architect, engineer, lawyer, clergyman, or other similar professional occupations.
   b) Office facilities for telecommuters, salesmen, sales representatives, manufacturer's representatives, and other similar trades or occupations when traffic generated complies with the *traffic and parking* criteria as stated in Section 2.
   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.
   h) Day care homes.

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.

5. Prohibited Home Occupations:
Prohibited home occupations shall not be allowed permission to operate. The following home occupations are considered prohibited:

a) Animal hospitals.
b) Private clubs.
c) Restaurants.
d) Stables and Kennels.
e) 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.
f) Automobile paint shops.
g) Any occupation which is considered illegal by law.
h) Any use which does not meet the criteria in Section 10 Part 2 .

6. 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 Ordinance with the exception of a review by the Planning and Zoning Commission. A special fee for a home occupation Special Use Permit shall be $15. The Board of Adjustment shall review the home occupation in regards to the criteria listed in part 2 of this section. 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.

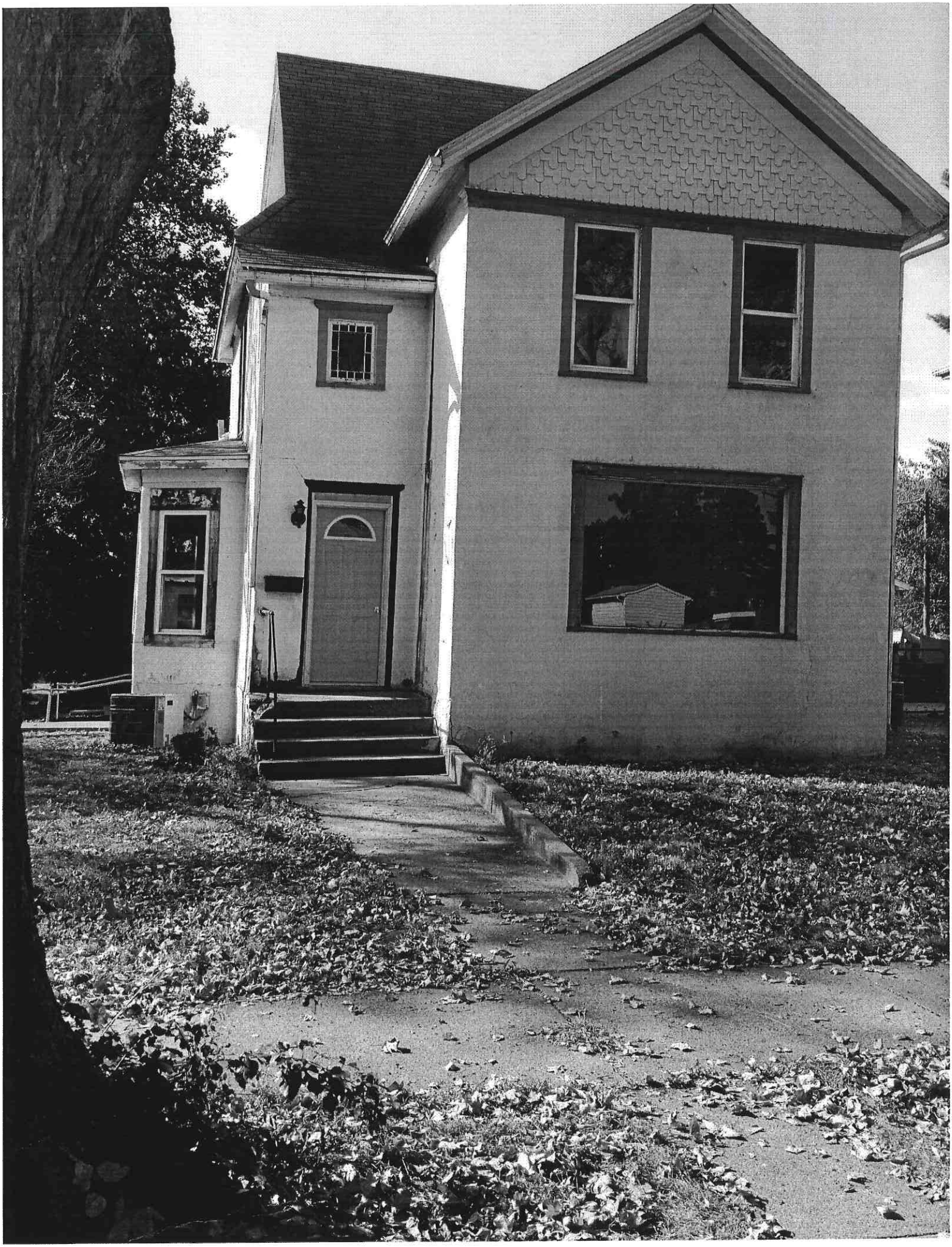
7. Existing Home Occupations:
Existing home occupations which are in conformance with the Zoning Ordinance of 1957 and with the Zoning Ordinance of 1998 shall be considered permitted. Said home occupations shall register.

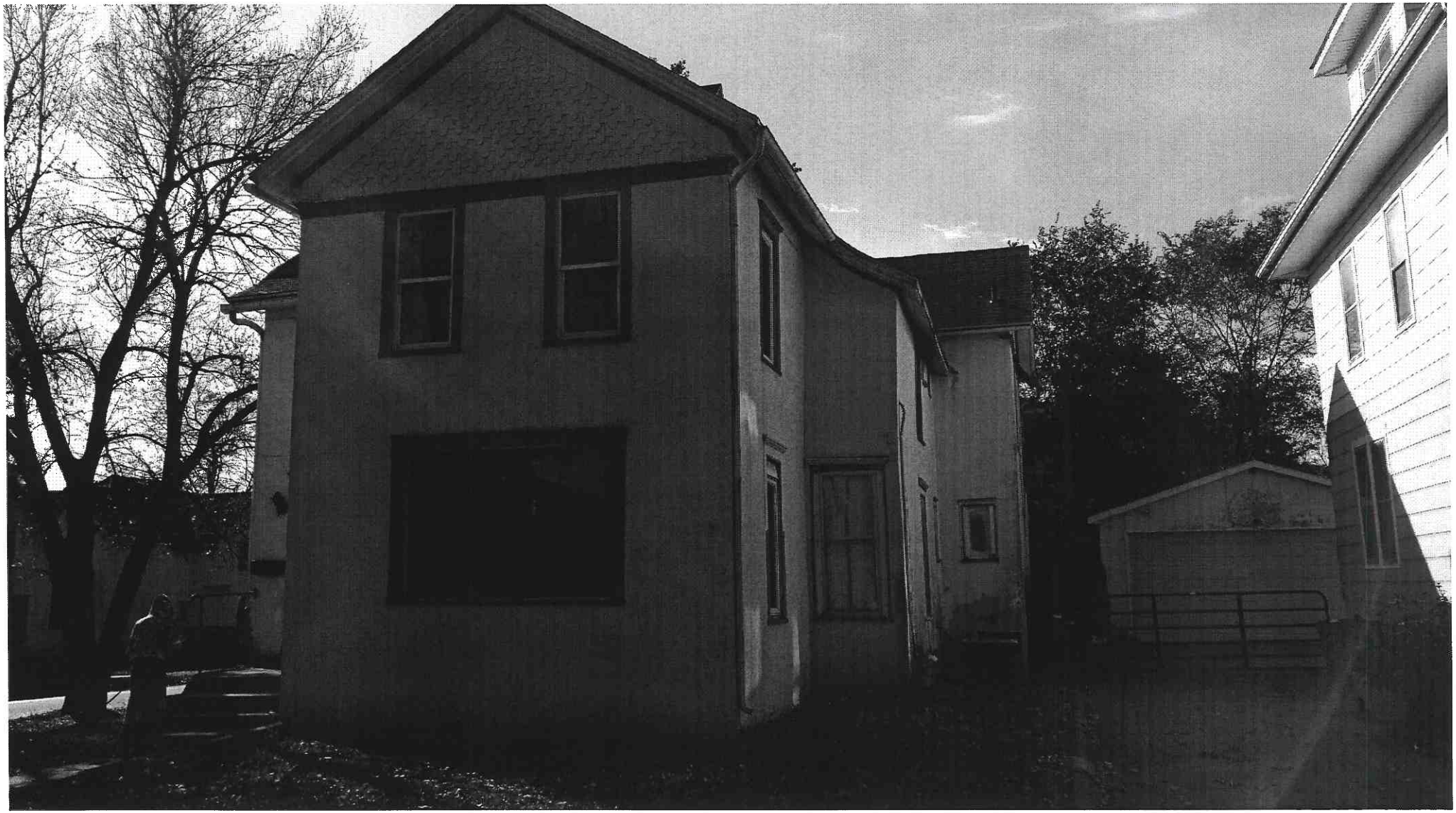
Existing home occupations which are in compliance with the Zoning Ordinance of 1957 and are not considered "permitted" or "prohibited" in the Zoning Ordinance of 1998 shall be "grandfathered" and allowed to continue to operate under the terms of the Nonconforming Uses section of the zoning ordinance. Said home occupation shall register.

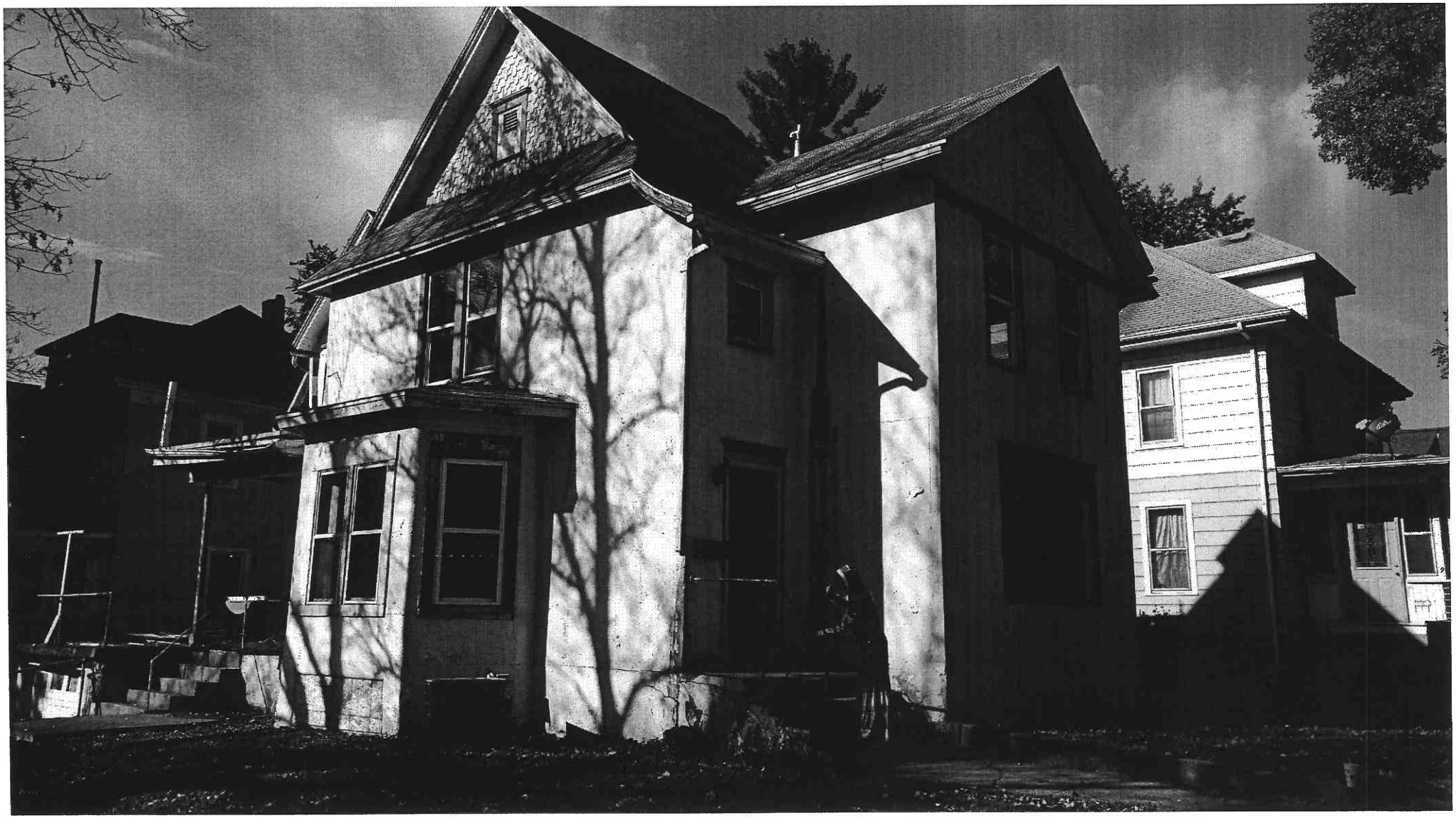
Existing home occupations which are not in compliance with the Zoning Ordinance of 1957 or which are considered "prohibited" in the Zoning Ordinance of 1998 shall apply for a Special Use permit within six (6) months of the effective date of this Ordinance. A special fee for a home occupation Special Use Permit shall be $15 and said home occupation shall register.

Those uses which are considered "prohibited" in the Zoning Ordinance of 1998 and do not apply for a Special Use Permit within six months shall discontinue their operation. Any home occupation which fails to Register or to obtain a Special Use permit shall be punishable under the Violation and Penalty section of the zoning ordinance.

THE SOUTH FIFTY FEET OF LOT TWELVE AND THE EAST FIFTY FEET OF THE SOUTH FIFTY FEET OF LOT 11, ALL IN BLOCK TWO IN RICES ADDITION TO MARSHALL, MARSHALL COUNTY, IOWA







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NOTICE OF PUBLIC HEARING

You are hereby notified that the Board of Adjustment has received a request for a Home Occupation Special Use from Troy Blocker for the property located at 11 S. 4th Street, Marshalltown IA.

The request is made to allow the applicant to run a piercing and tattoo business from his home.

You are hereby notified that the Board of Adjustment has fixed December 20, 2016, at 5:00 p.m. in the City Council Chambers of City Hall, 10 West State Street, Marshalltown, Iowa, as the time when and the place where said request will be heard by the Board, a public hearing will be held, and final determination and order made thereof. Any and all objections may be made in writing and filed with the City Clerk prior to the time fixed for hearing on said request or may be made orally or in writing before the Board at the time fixed herein.

To all of which take due notice and be governed accordingly. Dated at Marshalltown, Iowa, this 10th day of December 2016.

Shari Coughenour
City Clerk
Marshalltown, Iowa 50158

Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, December 20, 2016 – 5:00 p.m.
City Council Chambers, City Hall
10 West State Street, Marshalltown IA

Committee Members:

Kelli Thurston
Kevin Hitchins, Chair
G Ward Miller
David Schulze
Bob Wenner

Call to Order:

Roll Call:

1. Approve Agenda

Old Business:

None

New Business:

2. **PUBLIC HEARING:**
   Home Occupation Special Use – 11 S. 4th Street – Troy Blocker, Tattoo & Piercing Business

Date Agenda Posted: 12/16/16