

1. Board Of Adjustment Packet

Documents:

[OCTOBER 18, 2016 - AGENDA - ITEM 1.PDF](#)

[OCTOBER 18, 2016 - HOUSING AND COMMUNITY DEVELOPMENT MEMO -
ITEM 3.PDF](#)

[OCTOBER 18, 2016 - 507 WEST HIGH STREET - ITEM 2.PDF](#)



Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, October 18, 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
2. Review and approval of the Minutes from 09/27/2016

Old Business:

None

New Business:

3. **PUBLIC HEARING:**
Variance request for Dennis Drager (Animal Clinic – The Vet), 507 W. High Street.

Date Agenda Posted: 10/14/16



James L. Lowrance, Mayor
Randy A Wetmore, City Administrator
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

DATE: October 18, 2016 Meeting

Variance request for Dennis Drager (Animal Clinic – The Vet), 507 W. High Street.

Dennis Drager is requesting a Variance to the sign regulations set out in the NC Neighborhood Commercial District for freestanding signs. The NC district allows a freestanding monument sign that measures a maximum of 10' in height. He is requesting approval to have a sign that measures 12' in height.

Chapter 30 Signs:

42. Sign Height: The vertical distance from the uppermost point on a sign to the surrounding grade level immediately below and upon which the sign is located.

District	Max. # per Lot	Max. Height	Max. Area	Min. Setback**	Spacing***	Min. Distance from "R" District
NC	1	10' – monument sign only	48 sq. ft.	10'	25'	10'

Chapter 34 Board of Adjustment:

Section 3.3. Variations: To grant a variation in the following instances:

a) In the yard requirements of any district where there are unusual or practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions provided such variations will not seriously affect any adjoining property or the general welfare.

b) In the determination that a strict application of the terms of this Ordinance relating to the construction, or alterations of building or other structures, or use of land will impose upon the property owner unusual and practical difficulties or particular hardship.

c) The following are variance review guidelines:

- i. A variance is not the appropriate remedy for a general condition.*
- ii. Self-inflicted hardships are not grounds for a variance.*

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



iii. Personal hardships are not grounds for a variance. The hardship must relate to the physical character of the property.

iv. Economic conditions are not grounds for a variance (solely).

v. Hardships must be severe. A variation from the strict application of the terms of this Ordinance shall be in harmony with its general purpose and intent, and the Board shall be satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship. vi. If granted, variance must not adversely affect the neighborhood.

vii. All applicants must be treated fairly. viii. Substantial justice will be done with the grant of the variance.

d) In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

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.ci.marshalltown.ia.us

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:

507 West High Street

Owner:

Dennis Drager

Mailing Address:

507 West High Street

Phone:

641-753-5486

Fax:

641-753-4169

Email Address:

ddd1thevet@yahoo.com

Owner's Agent (if applicable):

Agent Phone:

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 Zoning at 641-752-3454 with any questions.

The applicant makes the following request:

A variance from 10 foot sign height to 12 foot height

Please state your hardship.

The sign location sits several feet below street level, reducing visibility of the sign

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.

The sign will be less visible to traffic on 6th street if the variance is not granted.

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.

The property is zoned commercial residential, which only allows for a 10 foot sign. The sign will be for commercial use, requiring visibility to be effective

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.

The sign will be more than 100 feet from the closest adjacent property, so it will not create any annoyance. Kwik Star is located nearby, across the street, with a much larger, higher sign.

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.

The variance will not affect the light or air supply to neighboring properties. It will not have an affect on traffic or congestion, it will not endanger public safety and it will not affect property values of the neighborhood.

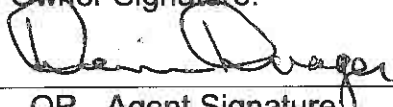
5. **The general intent and purpose of the Zoning Ordinance is protected.** A variance must be consistent with the intent of the Zoning Ordinance and the Comprehensive Plan. Is there another option which you could pursue that would not require a variance? If alternatives exist which do not require a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

There are no alternative locations on the property to place the sign.

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: 4/26/16 
-OR- Agent Signature:	Date:

MARSHALL COUNTY ABSTRACT CO.
30 WEST MAIN RM. 102
MARSHALLTOWN, IOWA
PHONE 752-5358

el. no

MARSHALL COUNTY ABSTRACT COMPANY

MEMBERS OF IOWA TITLE ASSOCIATION AND OF THE AMERICAN TITLE ASSOCIATION

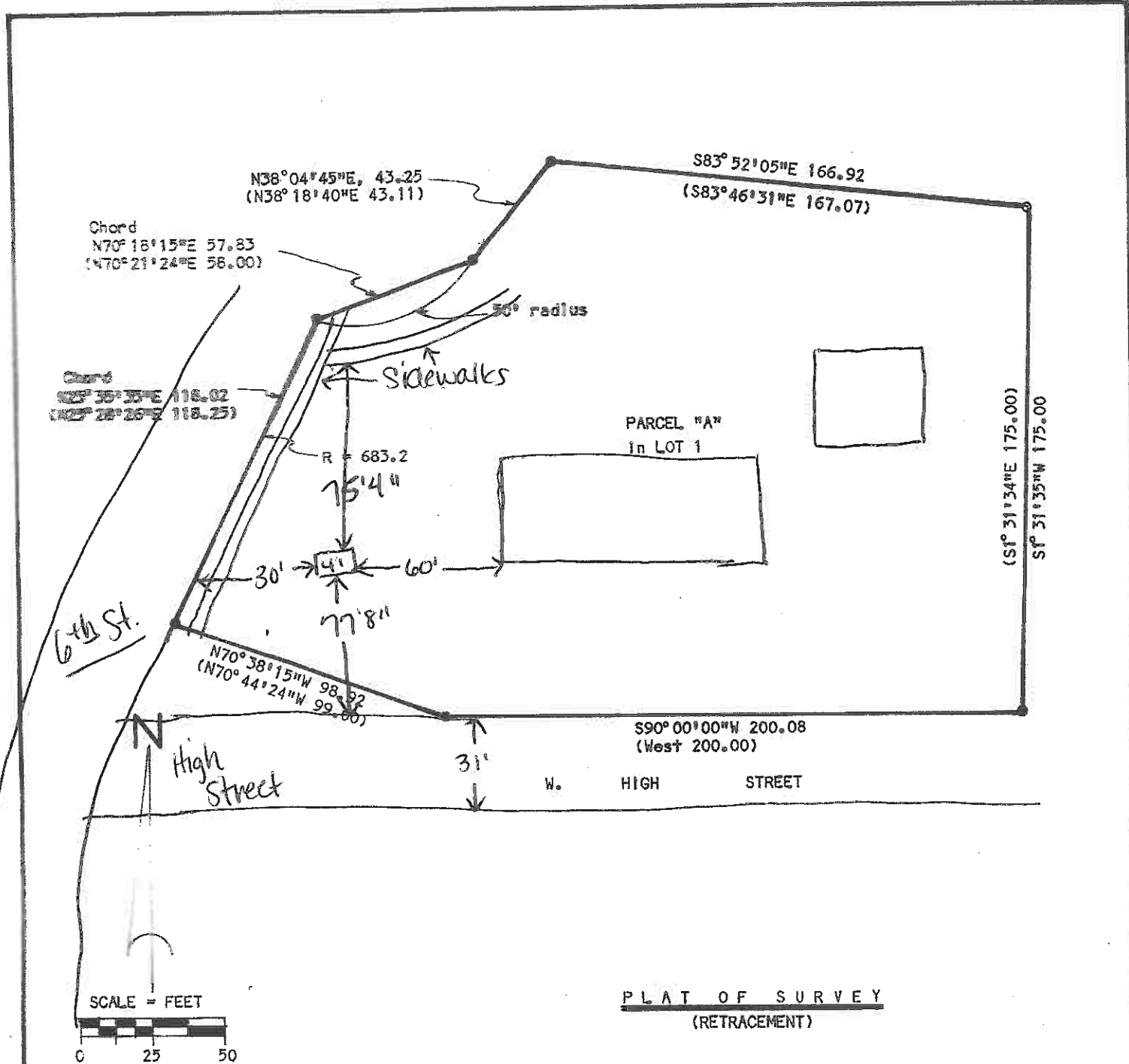
ABSTRACT OF TITLE

OF

PARCEL A OF LOT 1 OF THE SUBDIVISION OF THE SOUTHWEST
QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP
84 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY,
IOWA, AS SHOWN IN MICRO-FILE 5179-1991-2 AND MODIFIED
BY AFFIDAVIT SHOWN IN MICRO-FILE 277-1992-3 OF THE
RECORDS OF THE MARSHALL COUNTY, IOWA, RECORDER'S OFFICE,
FROM JUNE 8, 1928 AT 8:00 A.M.

1

by as



PLAT OF SURVEY
(RETRACEMENT)

- = Property Corners Found
- = Property Corners Set
(5/8" rebar w/cap #9763)
- () = Platted or Recorded Dimensions

DESCRIPTION: Parcel "A" of Lot 1 of the Subdivision of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 84 North, Range 18 West of the 5th P.M., Marshall County, Iowa, subject to easements and restrictions of record, as recorded on March 10, 1992 in Marshall County, Iowa Recorder's Office as Instrument No. 05179-1991-2.

Photographs

1. view from 6th Street Sidewalk - facing east
2. View from West High Street - facing North
3. View from intersection of sidewalks on Northwest corner of property - facing South
4. View from Southwest corner of Animal Clinic - The Vet facing west
5. view from west side of 6th Street - facing east

96"

48"

24"

ANIMAL CLINIC

The Vet



48ARCH

K9 FLU SHOTS
PROTECT YOUR PET
GAS STOVES

3L-STR

SIGNTRONIX

approved by: _____

☐ layout at discretion of art department

☐ please do not alter layout

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view from 6th Street Sidewalk
facing east

view from west High Street
facing north



view from intersection of sidewalks
on northwest corner of property
facing south

view from Southwest Corner of
Animal Clinic - The Vet
facing west



View from west side of 6th Street
facing east