

1. Board Of Adjustment Packet

Documents:

JUNE 21, 2016 - HOUSING AND COMMUNITY DEVELOPMENT MEMO - ITEM 3.PDF

JUNE 21, 2016 - JBS SIDEWALK DEFERMENT - ITEM 4.PDF

JUNE 21, 2016 - 301 SOUTH 8TH STREET SPECIAL USE PERMIT - ITEM 2.PDF

JUNE 21, 2016 - AGENDA - ITEM 1.PDF



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

A handwritten signature in black ink, appearing to be "MS", located to the right of the "FROM:" line.

DATE: June 21, 2016 Meeting

PUBLIC HEARING:

Sidewalk Deferment request for JBS USA LLC for 811, 811 ½ and 813 Woodbury Street.

JBS USA LLC is requesting a sidewalk deferment for the properties along Woodbury Street at the East end of street. JBS owns the adjacent property and is working with the City to relocate the cul-de-sac at the end of the street. The Plan Zoning Commission reviewed the request at their regular meeting on June 9th and recommended approval of the request with the provision that when the new cul-de-sac is installed that sidewalk also be installed.

PUBLIC HEARING:

Home Occupation Special Use request for Brandy McKibben, Cut Above, a hair salon for the property located at 301 S. 8th Street.

Brandy McKibben is requesting approval of a hair salon as a home occupation at her home at 301 S. 8th Street. She intends on only having one or two clients at a time at her home by appointment only. There is a driveway off of Boone Street and on-street parking.

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



Date Submitted & Fee Paid: _____

Hearing Date: 6/21/16

Sidewalk Deferment Application Form

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

www.ci.marshalltown.ia.us

Please type or print legibly in ink.

Property Address: <u>811, 811 1/2 813 Woodbury street</u>	
Owner or Agent: <u>JBSS USA LLC</u>	
Mailing Address (owner or agent): <u>402 N. 10th Ave Marshalltown, IA 50158</u>	
Phone (owner or agent): <u>641-752-9320</u>	Fax (owner or agent): <u>Brad. Carl @ JBSSA. com</u>

A deferment may only be granted if the following conditions are met:

1. Is the location of the proposed sidewalk adjacent to a street which has or will have curb and gutter; ☒ yes ☐ no
2. Does the location of the proposed sidewalk have grade and drainage problems which would significantly interfere with the construction of the sidewalk at that location (if yes, describe below or on additional paper). ☐ yes ☒ no
3. If the location of the proposed sidewalk is on non-residential or non-retail property, and neither 1 nor 2 above apply, answer the following:
 - a. Do pedestrian generators exist in this location (ex: School, park, church, retail center, etc.)? ☐ yes ☐ no
 - b. Do sidewalks or bike paths near the location allow for alternate pedestrian routes (if the proposed sidewalk is needed to connect area residential property to other sidewalks in the area the property is not eligible for a deferment)? ☐ yes ☒ no
4. Is the property in a residential area where there is no sidewalk within one block or 360 feet and there are additional hardships involved with constructing a sidewalk (i.e. extensive landscaping, structure placement or grading.) ☐ yes ☒ no

Additional Comments and Information (attach additional as necessary):

Owner or Agent Signature: <u>Brad Carl - Project Engineer JBSS</u>	Date: <u>05-24-2016</u>
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MAKING YOUR WORLD STRONGER

City Of Marshalltown

C/O Michelle Spohnheimer

RE: Sidewalk Deferment Request

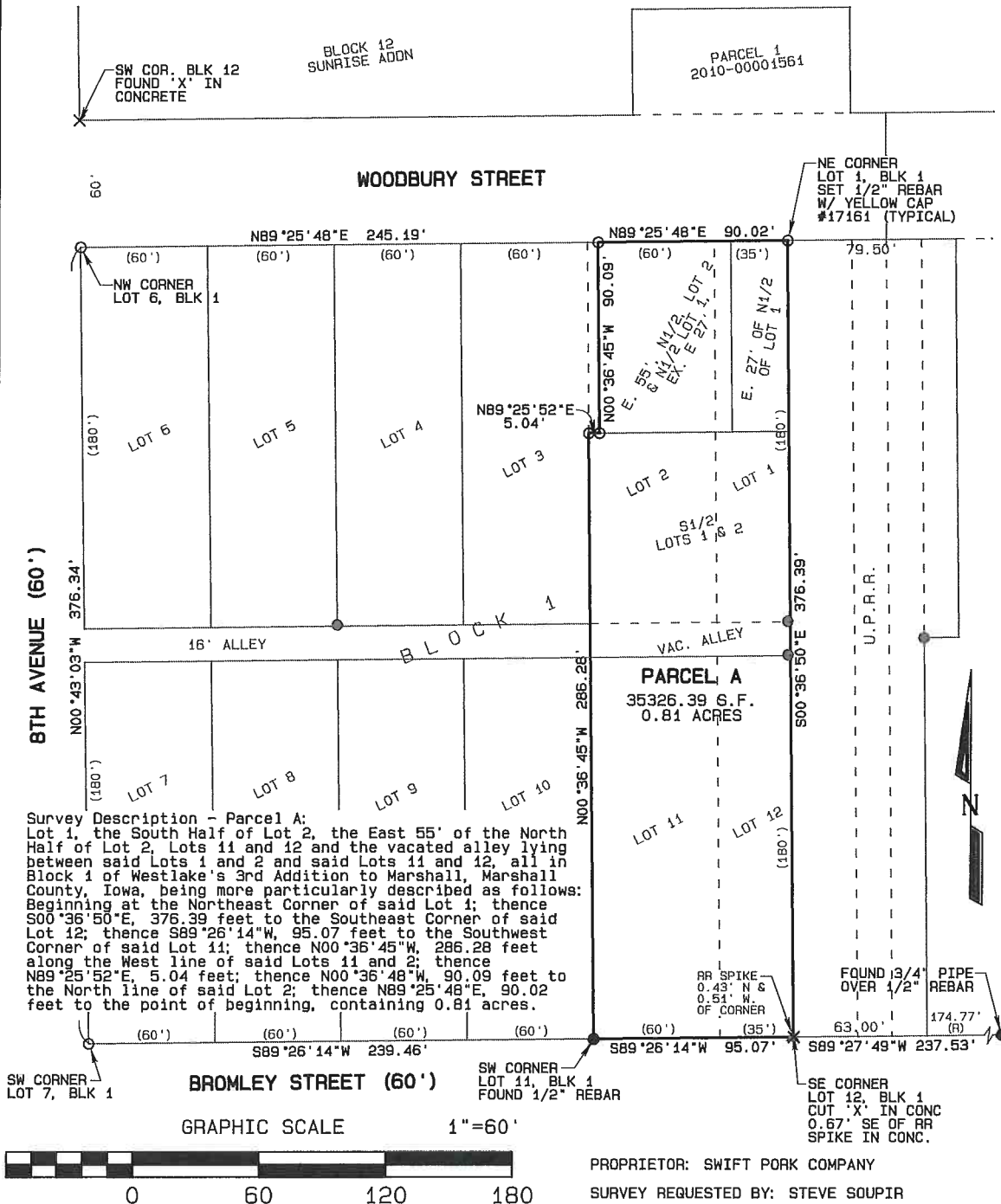
This request is in reference to an existing sidewalk located 811 ½ Woodbury St (Legal Plat of Survey has been provided). JBS USA LLC is requesting a deferment from the City of Marshalltown for the replacement of the existing sidewalk. It has been discussed with city officials to potentially move the Cul-de-sac on Woodbury street, west. If JBS were to replace the existing sidewalk, it could potentially be tore back out in the near future. This sidewalk also poses a security risk to JBS. The sidewalk leads directly to our west fence which is a dead end street. Areas such as this have proven to be a target for security breaches in the past.

Kind Regards,

Brad Carl

Project Engineer - JBS

PLAT OF SURVEY



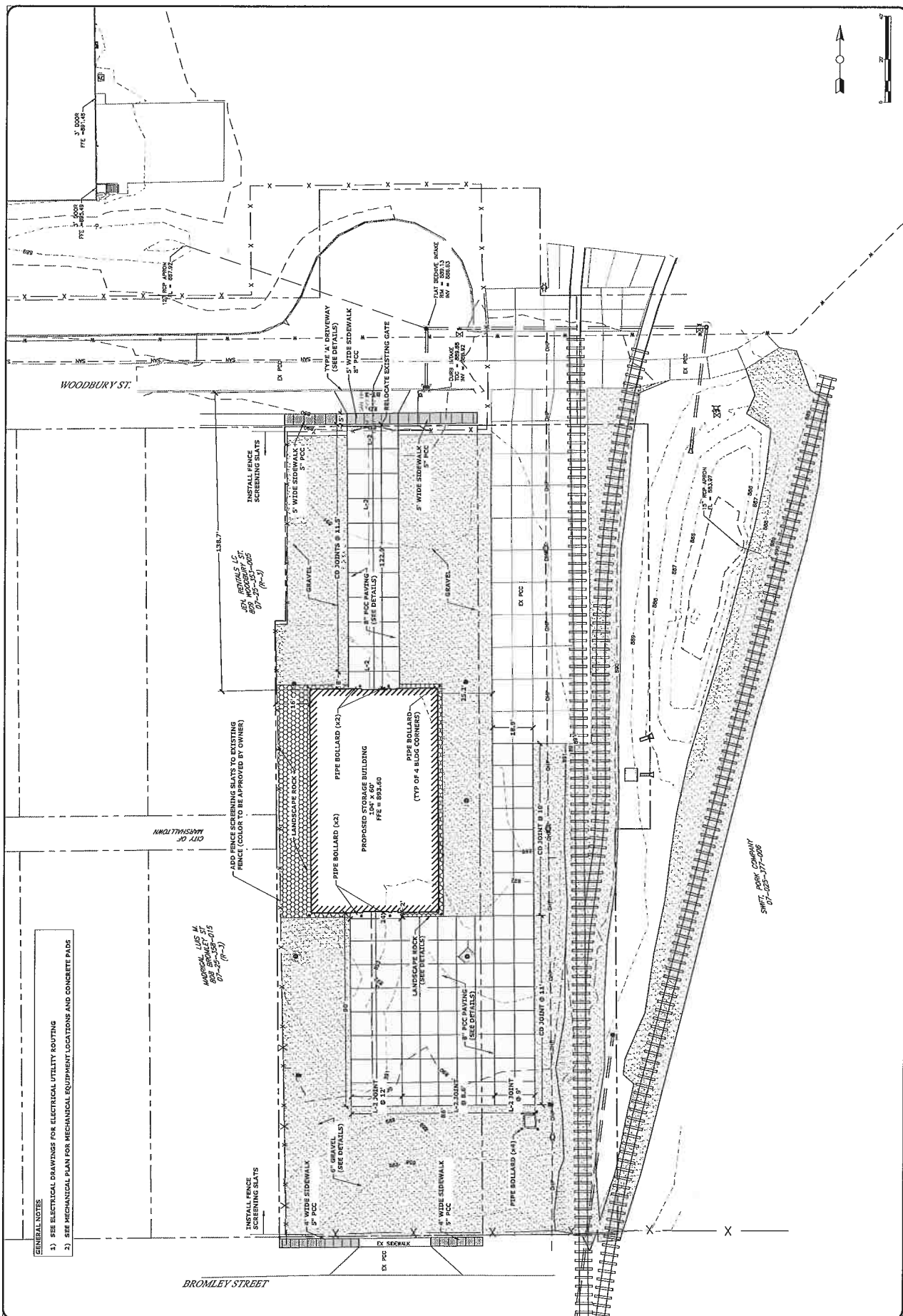
Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

R. Bradley Stumbo License #17161
My license renewal date is December 31, 2017
Job #16921 Date: 5/11/16 Page 1 of 1
Fieldwork Completed: 5/03/16



GENERAL NOTES

- 1) SEE ELECTRICAL DRAWINGS FOR ELECTRICAL UTILITY ROUTING
- 2) SEE MECHANICAL PLAN FOR MECHANICAL EQUIPMENT LOCATIONS AND CONCRETE PADS



Deadline 5/31
Meeting 6/21 @ 5:00 PM

DATE SUBMITTED & FEE PAID: _____
HEARING DATE: _____



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: 301 S. 8th St.
Owner: Brandy & James McKibben
Mailing Address: j.mckibben@live.com
Phone: 641-328-4506
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:

Date:

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: Brandy McHibben	Business Name: Cut Above
Address: 301 S. 8th St Marshalltown	
Phone: 641-328-4566	Fax:

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

Salon

Please check the appropriate category for your home occupation:

- | | |
|--|---|
| ☐ 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: *Bm*

- 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: *Bm*

- 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: Bm

- 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 X 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? 0

How many employees are not members of the immediate family residing on the premises? 0

List all employees: myself

- 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? maybe 10 people will only be here 15-20
How many parking spaces are available? It's off street parking mine is at a time.

- 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: Bm

- 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: Brandy C. McKibben Date: May 11, 2016

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

Zoning Officer, City of Marshalltown

Date

It is a hair salon, I will have clients one or two at a time at my home for roughly 15-20 min at a time.

My name is Brandy McKibben.

I have been doing hair for 22 yrs,
and living in Marshalltown for 14 yrs.

I'm wanting to turn my inclosed
Front porch into a salon. I will be
working by appointment, so I will
only have one to two people at my
salon at a time. The services I
will be providing is as follows:

Hair Cuts, Shampoos, conditioning
treatments, Styles, and perms.

Marshall County Assessor -- Marshall County Courthouse, Marshalltown, IA 50158

PARCEL	TOWN/TOWNSHIP	ZONING
07-34-276-006	MTOWN CITY MC	R-3
SCHOOL DISTRICT	MARSHALLTOWN SCH DIS	
PROPERTY ADDRESS	301 S 8TH ST MARSHALLTOWN IA 50158	
MAILING ADDRESS	301 S 8TH ST MARSHALLTOWN IA 50158	
MOST RECENT INSTRUMENT	200900001407  	TYPE W/JT DATE 2009/03/18 TRANSFERRED 2009/03/19



Photo: 2002/02/22



For current ownership information, see Sales History below. 2015 Values may not be current. Contact Assessor's office for valid data. Website Under Construction: Tax History current, all other current thru 2/18/15. For most current

information, contact Auditor/Recorder.



OWNER		TAX DESCRIPTION	
Title	MCKIBBEN, JAMES W & MCKIBBEN, BRANDY C	SHIRK'S ADD N 1/2 LOT 1 BLK 2	
LAND		APPLICATIONS FILED	
Acres	Total 0.12	HOMESTEAD	MILITARY
LOT SIZE: 60 X 90			

2016 ASSESSMENT	Class	Land	Improvements	Total
Gross	RESIDENTIAL	7,830	56,740	64,570
Exemption		0	0	0
Net		7,830	56,740	64,570

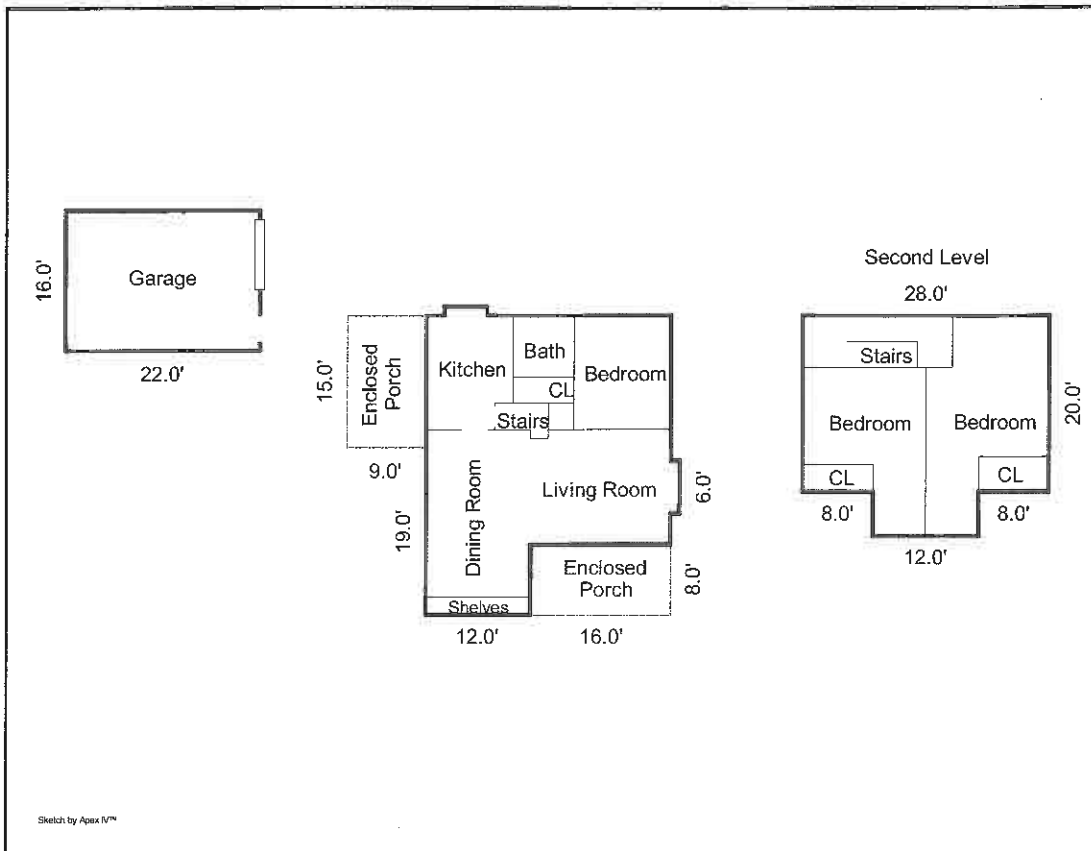
DWELLING					
Occupancy	Single Family	Style	1 Story Frame	Built	1902
Bsmt	Full	Attic Finish	Fully Finished	Foundation	C Blk
Exterior	Stucco	Roof	Asph/Gable	Heat	FHA - Gas
Air Cond	Yes	Bedrooms	3	Floor Covering	Carp/Hdwd
Interior Finish	Plas	TSF-BA	830	Full Baths	1
Sinks	1	Det Frame Garage	21x16		

SALE	Total Amount Paid	Inst. Type	Instrument #	Seller	Buyer
03/18/2009	79,900	Deed	200900001407 	COURTNEY, STEPHANIE J	MCKIBBEN, JAMES W & BRANDY C
07/20/2006	67,400	Deed	200600004963 	ADAMS, ARMON & ADAMS, SHIRLEY J	COURTNEY, STEPHANIE J

ASSESSMENT HISTORY	(Assessment Roll)	Type	Class	Land	Improvements	Total
2015		GROSS	RESIDENTIAL	7,830	56,740	64,570
2015		EXEMPT			0	

Building Sketch

Borrower/Client	Mckibben, James W. & Brandy C.		
Property Address	301 S 8th St		
City	Marshalltown	County	Marshall
		State	IA
		Zip Code	50158
Lender	State Farm Bank		

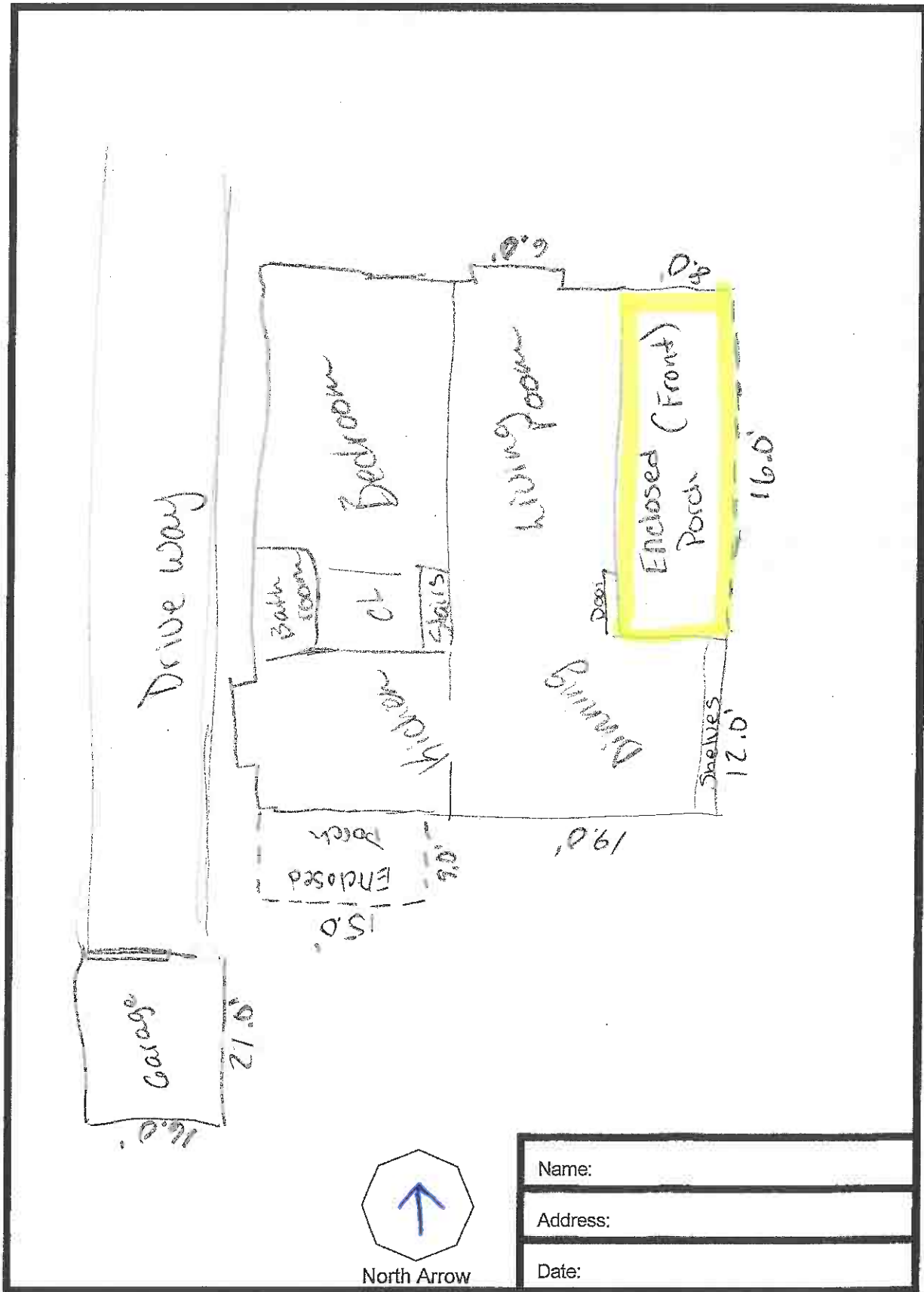


Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	835.0	835.0
GLA2	Second Floor	620.0	620.0
P/P	Enclosed Porch-Front	128.0	
	Enclosed Porch-Rear	135.0	263.0
GAR	Garage	352.0	352.0
Net LIVABLE Area		(Rounded)	1455

LIVING AREA BREAKDOWN		
Breakdown		Subtotals
First Floor		
1.0	x 5.0	5.0
1.0	x 6.0	6.0
13.0	x 25.0	325.0
8.0	x 12.0	96.0
15.0	x 25.0	375.0
Second Floor		
5.0	x 12.0	60.0
20.0	x 28.0	560.0
7 Items	(Rounded)	1455

Boone



8th St

90

E

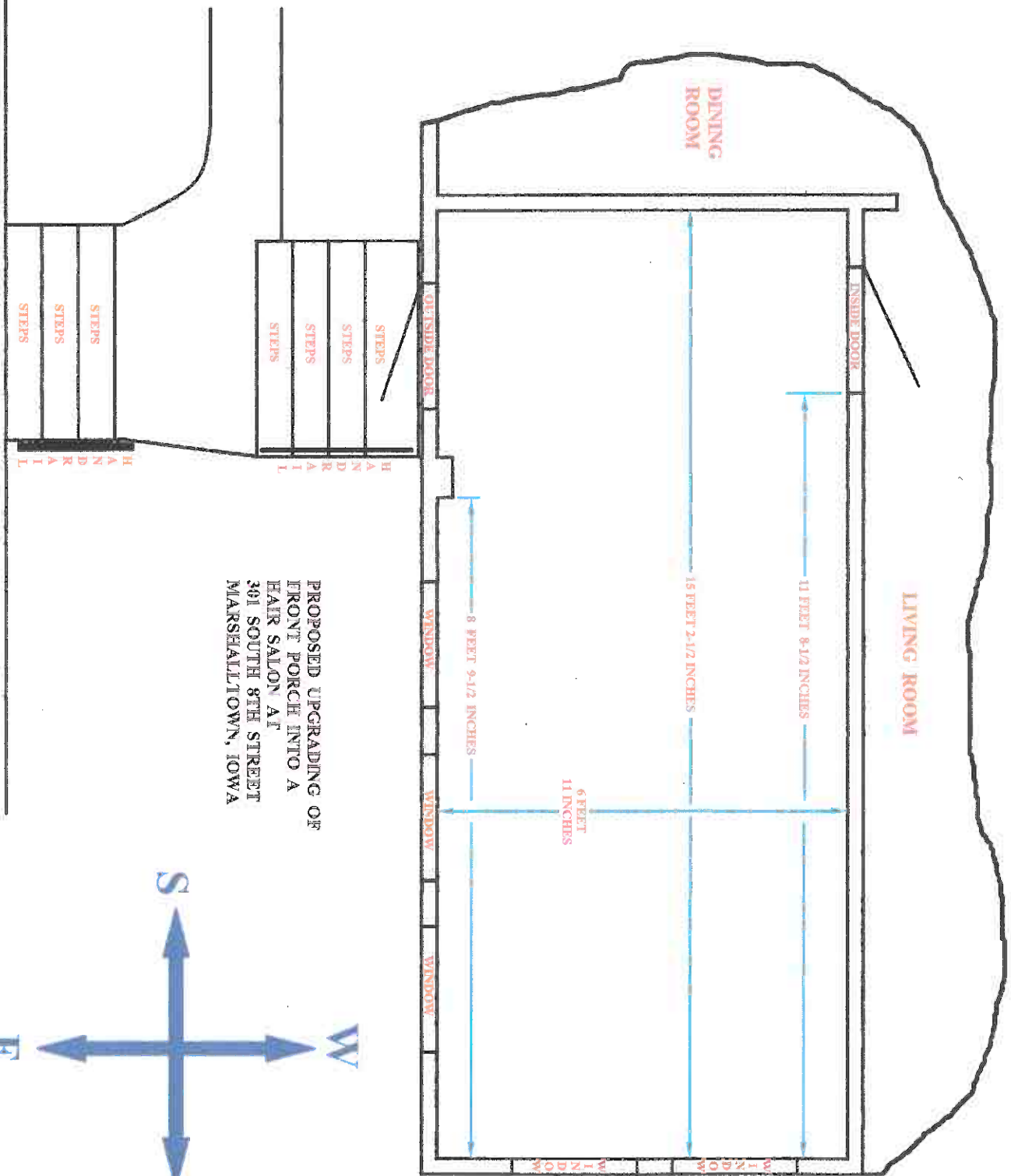
Name:

Address:

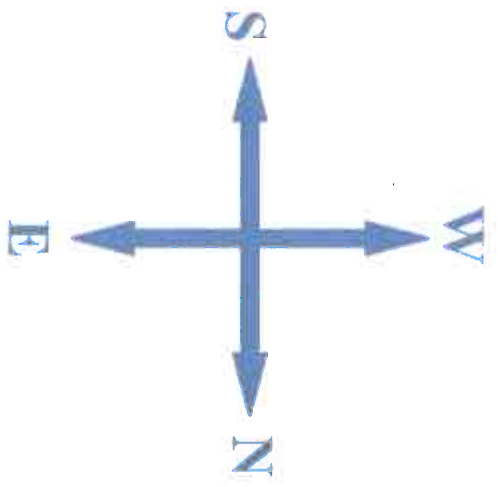
Date:



North Arrow



PROPOSED UPGRADING OF
FRONT PORCH INTO A
HAIR SALON AT
301 SOUTH 8TH STREET
MARSHALLTOWN, IOWA



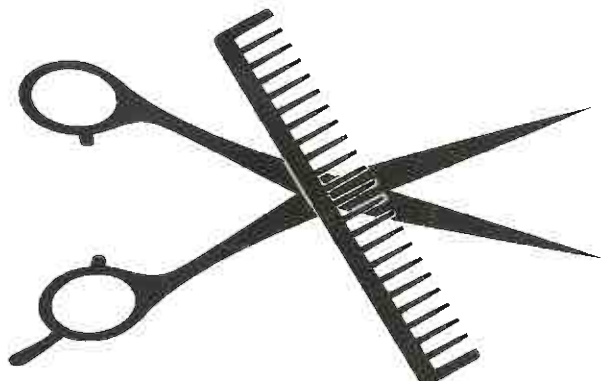
1 sq. ft

(144 sq. inches)

12"



CUT



ABOVE

12"









Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, June 21, 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 05/17/2016

Old Business:

None

New Business:

1. **PUBLIC HEARING:**
Sidewalk Deferment request for JBS USA LLC for 811, 811 ½ and 813 Woodbury Street.
2. **PUBLIC HEARING:**
Home Occupation Special Use request for Brandy McKibben, Cut Above, a hair salon for the property located at 301 S. 8th Street.

Date Agenda Posted: 06/10/16