

1. Board Of Adjustment Packet

Documents:

MAY 17, 2016 - SIDEWALK DEFERMENT 2001 WEST OLIVE - ITEM 3.PDF
MAY 17, 2016 - SIDEWALK DEFERMENT APPLICATION PACKET - ITEM 5.PDF
MAY 17, 2016 - 1110 WESTWOOD HOME OCCUPATION SPECIAL USE
PERMIT - ITEM 2.PDF
MAY 17, 2016 - AGENDA - ITEM 1.PDF
MAY 17, 2016 - HOUSING AND COMMUNITY DEVELOPMENT MEMO - ITEM
4.PDF

Date Submitted & Fee Paid: 4/18/16

Hearing Date: 5/17/16

Sidewalk Deferment Application Form

24 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.

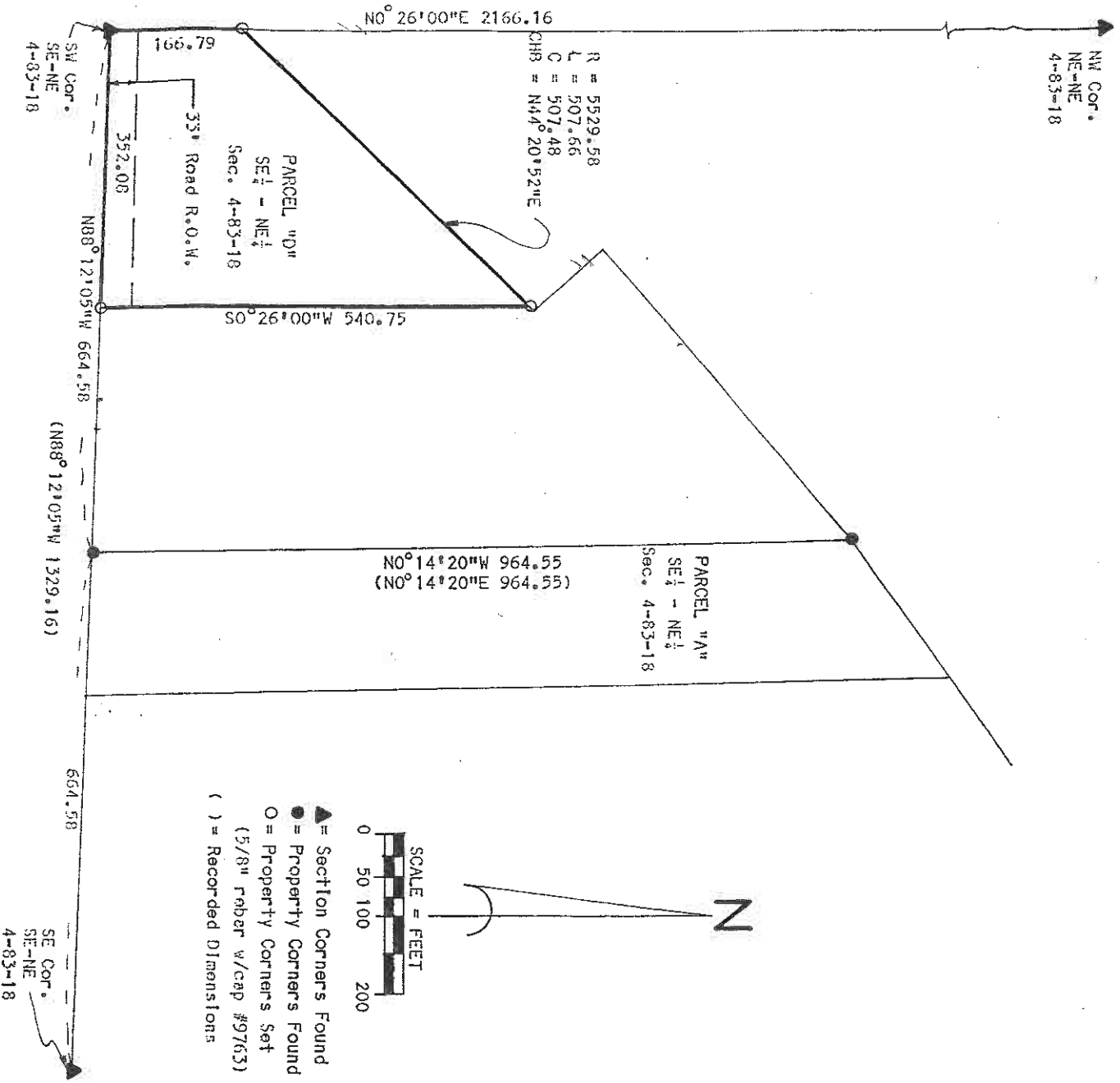
Property Address: 2001 W Olive St Marshalltown Ia 50158	
Owner or Agent: Steve May	
Mailing Address (owner or agent): 109 N 5th Ave Marshalltown Ia 50158	
Phone (owner or agent): 1-641-328-4091	Fax (owner or agent): tyler6700@hotmail.com

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).
Steep grade along north property side of street, approx 352'
☒ 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

Additional Comments and Information (attach additional as necessary):

Owner or Agent Signature: Steve May	Date: 4-18-16
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PLAT OF SURVEY

DESCRIPTION: Parcel "D" in the Southeast Quarter of the Northeast Quarter of Section 4, Township 83 North, Range 18 West of the 5th P.M., Marshalltown, Marshall County, Iowa. Further described as: That part of the East Half of said SE½-NE½, Section 4-83-18 beginning at the Southwest Corner of said SE½-NE½; thence NO° 26'00"E, 166.79ft along the West Line of said SE½-NE½ to the Southeastly Right of Way Line of the Chicago Northwestern Railroad; thence along said R.O.W. Northeasterly 507.66ft along a 5,529.58ft radius curve concave Southeasterly the chord being N44° 20'52"E, 507.48ft; thence SO° 26'00"W, 540.75ft to the South Line of said SE½-NE½; thence N88° 12'05"W, 352.08ft along said South Line to the Point of Beginning.

Said Parcel containing 2.86 acres Including 0.27 acres Road Right of Way.

OWNER: Erma W. Forester
R and L ENTERPRISES, INC.
2001 W. OLIVE ST.
MARSHALLTOWN, IOWA

I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.

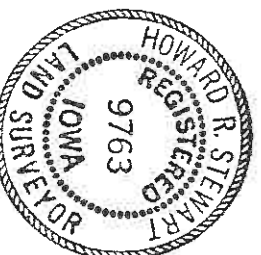
HOWARD R. STEWART

I.A. NO. 9763

Date

Nov. 27, 1995

My Registration Renewal is December 31, 1996



STEWART SURVEYING
504 TERRY TERRACE
MARSHALLTOWN, IA 50158

Date	Drawn
11-27-95	JLG
Scale 1" = 200'	PN 95157

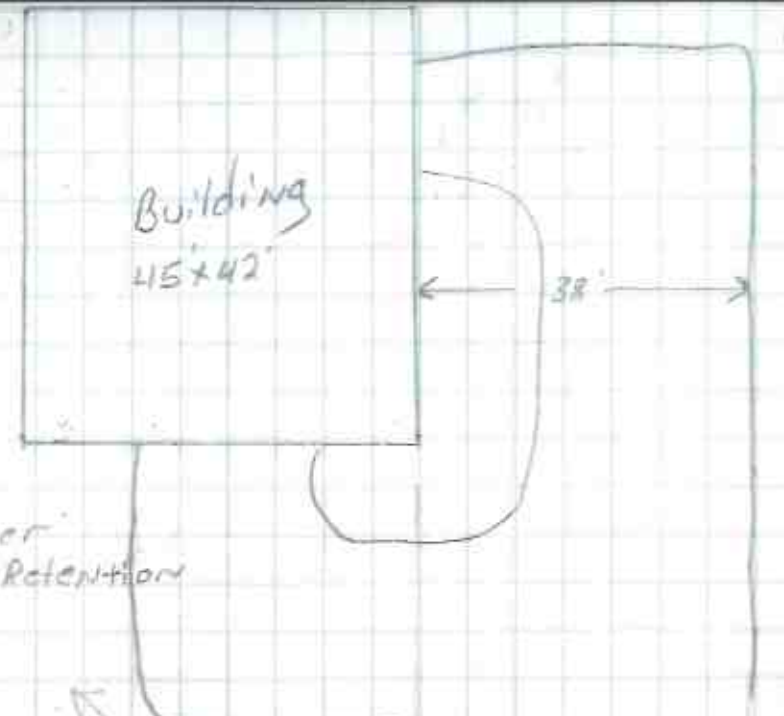
DRAFT
PLAN

1" = 20'
2001 W OLIVE ST

2.86 Acres



Timber

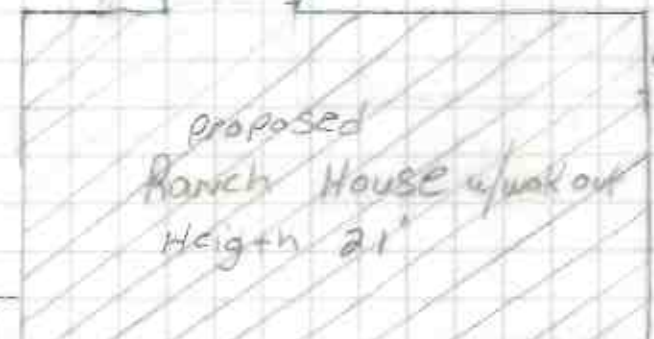


Water Retention
65'

Water flow

65.0'

10.7'



10.7' paved parking

Porch

Garage

15' drive

352' Frontage

33' Road

Proposed Variance
352'

33' Property Line

34' Drive

SE Prop Line

Prop Line

PK

W OLIVE ST

City Of Marshalltown

Sidewalk Deferment Application Packet

36 N. Center Street, Marshalltown, IA 50158

Ph: 641-754-5756 Fax: 641-754-5742

www.ci.marshalltown.ia.us

Purpose: The Marshalltown Code of Ordinances include specific development standards for sidewalks. There are occasions, however, when the strict application of such standards may be inappropriate because of unique characteristics of the property. The deferment procedure is designed to permit adjustments to this requirement when there are unique or extraordinary circumstances applying to a parcel of land that prevent the practical installation of a sidewalk. The circumstances under which a deferment may be granted can be found in Section 26-45 of the Marshalltown Code of Ordinances.

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 Plan & Zoning Commission shall first review the proposal and make a recommendation to the Board of Adjustment. **Please contact the zoning administrator at 641-754-5756 for meeting schedules. Attendance at all meetings is required.** The complete application with fee must be submitted by 4:00 p.m. on the deadline date to the Housing & Community Development Department Office, located at 36 N. Center St.

Board Meetings: The Plan & Zoning Commission will meet at 5:00 PM on a Thursday following the first Council meeting of the month (2nd Monday) and make a recommendation to the Board of Adjustment. 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 of Adjustment meetings are held at 5:00 p.m. on the third Tuesday of each month in the City Council Chambers, second floor at 10 W. State Street. Attendance at the meetings 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.

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 deferment.

✓ **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 \$250 fee is required payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Housing Department.

Date Submitted & Fee Paid: 3/28/16

Hearing Date: 5/17/16

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:

15-83-18 Parcel B/A NE NE EX HWY - See Attached Map

Owner or Agent:

Interstate Power and Light Company - Andrew Pollard

Mailing Address (owner or agent):

200 1st St SE, Cedar Rapids, IA 52402

Phone (owner or agent):

319-786-4740

Fax (owner or agent):

319-786-4567

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:

Andrew R. Pollard

Date:

3/28/16

April 25, 2016

To: City of Marshalltown
Michelle Spohnheimer
36 N. Center St.
Marshalltown, IA 50158

RE: Alliant Energy Substation Purchase/ Sidewalk Deferment

Dear Mrs. Spohnheimer,

Alliant Energy is requesting a sidewalk deferment on a parcel of ground that we are purchasing from the Theisens development company, see attached exhibit A.

Alliant would request that we are not required to construct sidewalks back to our substation site at this time or during the construction of our site.

Safety is a major concern to Alliant Energy and we feel it is in the best interest to the entire community to not have foot traffic back to our site.

Also without knowing what construction might occur on the parcel to the North we feel this construction of a sidewalk might be premature and should be deferred until a later date.

Please accept this permit and let me know if you have any questions or comments. You can reach me on my office phone at, 319-786-4740 or with my email at andrewpollard@alliantenergy.com

Thanks,

Andrew Pollard
Real Estate and Right of Way Contractor

DATE SUBMITTED & FEE PAID: 3/28/16
HEARING DATE: 5/17/16



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.** *Pending Plat* 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: Vacant Land off of Iowa Ave and South 8th St

Owner: Interstate Power and Light Company

Mailing Address: 200 1st Ave SE, Cedar Rapids, IA 52401

Phone: 319-786-4740 Andrew Pollard

Email: andrewpollard@alliantenergy.com

Owner's Agent (if applicable): Andrew Pollard - Real Estate and Right of Way

Agent Address: 200 1st Ave SE, Cedar Rapids, IA 52401 Floor 9

Agent Phone: 319-786-4740

Agent Email: andrewpollard@alliantenergy.com

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: *Andrew R. Pollard*

Date: *3/28/16*

April 25, 2016

To: City of Marshalltown
Michelle Spohnheimer
36 N. Center St.
Marshalltown, IA 50158

RE: Alliant Energy Substation Purchase

Dear Mrs. Spohnheimer,

Alliant Energy is requesting a special use permit for a parcel of land SW of the current Theisens store off of Iowa Ave. This parcel will be subdivided from the parent track as shown in attached exhibit A.

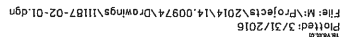
The purpose for this site is that Alliant will be constructing a new distribution electric substation to feed the Southern portion of Marshalltown with electricity. This substation will help in the retirement of a few smaller existing substations around the area.

This site is ideal in location because of the proximity to the electric transmission lines to the South of this site as well as our existing distribution system to the North of Iowa Ave.

Please accept this permit and let me know if you have any questions or comments. You can reach me on my office phone at, 319-786-4740 or with my email at andrewpollard@alliantenergy.com

Thanks,

Andrew Pollard
Real Estate and Right of Way Contractor

[illegible]

SCALE: 1" = 40'-0"

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: 1110 Westwood Dr.

Owner: Jake + Lisa Wildman

Mailing Address: 1110 Westwood Dr.

Phone: 641-752-9581

Email: jndbasket@msn.com

Owner's Agent (if applicable):

Agent Address:

Agent Phone:

Agent Email:

may 13 owners Debra + James
Baskerville

mailing
Address before
may 13: 405 Edgeland Dr.
marshalltown

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:

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: Debra Baskerville	Business Name: Selective Styles Salon
Address: 1110 Westwood Dr. Marshalltown, IA 50158	
Phone: 641-752-9581	Fax:

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

A salon for hair + nails, but I mostly do nails. 20 yrs. in business

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: DB
- 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: DB
- 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: DB

- 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: 0

- 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? 6 - 8

How many parking spaces are available? 5 - 6 in our driveway

- 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: DB

- 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: Debra Baskerville Date: _____

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

Zoning Officer, City of Marshalltown

Date

OWNERS CONSENT STATEMENT

1110 Westwood Drive, Marshalltown, Iowa 50158

Lisa Wildman

Tue 3/22/2016 2:11 AM

To:jndbasket@msn.com <jndbasket@msn.com>;

To Whom It May Concern:

Re: [1110 Westwood Drive, Marshalltown, Iowa 50158](#)

Jake and Lisa Wildman hereby give our consent for Debra and Jim Baskerville to apply for an application to be processed for an in home salon at [1110 Westwood Drive, Marshalltown, Iowa 50158](#). In re: real property legally described as: Lot 3, Westwood Knolls Addition to Marshall; situated in Marshall County in the State of Iowa.

Thank you

Jake and Lisa Wildman

LEGAL
DESCRIPTION



Doc ID: 002624440001 Type: LAN
Recorded: 10/04/2007 at 12:11:30 PM
Fee Amt: \$12.00 Page 1 of 1
Marshall County Iowa
Kathleen K. Baker Recorder

File **2007-00006033**

\$12.00 *h*

©THE IOWA STATE BAR ASSOCIATION
Official Form No. 106 - May 2006

Jason Springer

FOR THE LEGAL EFFECT OF THE USE OF
THIS FORM, CONSULT YOUR LAWYER

* Return To: Jacob Wildman, 1110 Westwood Drive, Marshalltown, IA 50158
Preparer: Jason Springer, 3115 Douglas Ave, Des Moines, IA 50310, (515) 255-4500
Taxpayer: Jacob Wildman, 1110 Westwood Drive, Marshalltown, IA 50158



QUIT CLAIM DEED

For the consideration of one _____ Dollar(s) and other valuable consideration,
Jacob M. Wildman and Lisa Seslow n/k/a Lisa Wildman, husband and wife,

do hereby

Quit Claim to Jacob M. Wildman and Lisa Wildman, husband and wife,

all

our right, title, interest, estate, claim and demand in the following real estate in Marshall

County, Iowa.

Lot 3, Westwood Knolls Addition to Marshall; situated in Marshall County in the State of Iowa.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate. Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Jacob M. Wildman

(Grantor)

Dated: 9.27.07

Lisa Wildman

(Grantor)

(Grantor)

(Grantor)

STATE OF IA, COUNTY OF POLK

This instrument was acknowledged before me on _____ by Jacob M. Wildman
and Lisa Seslow n/k/a Lisa Wildman, husband and wife,

_____, Notary Public



LESLIE H OLDHAM
COMMISSION NO. 732529
MY COMMISSION EXP. 1-24-2008

(This form of acknowledgment for individual grantor(s) only)

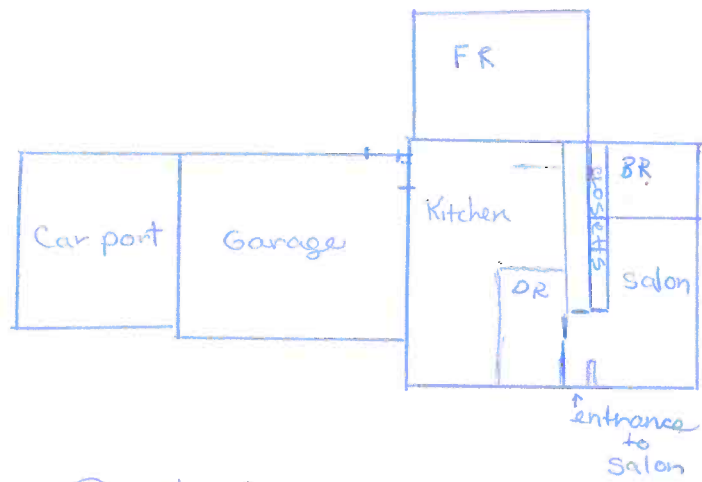


lots of parking
in driveway

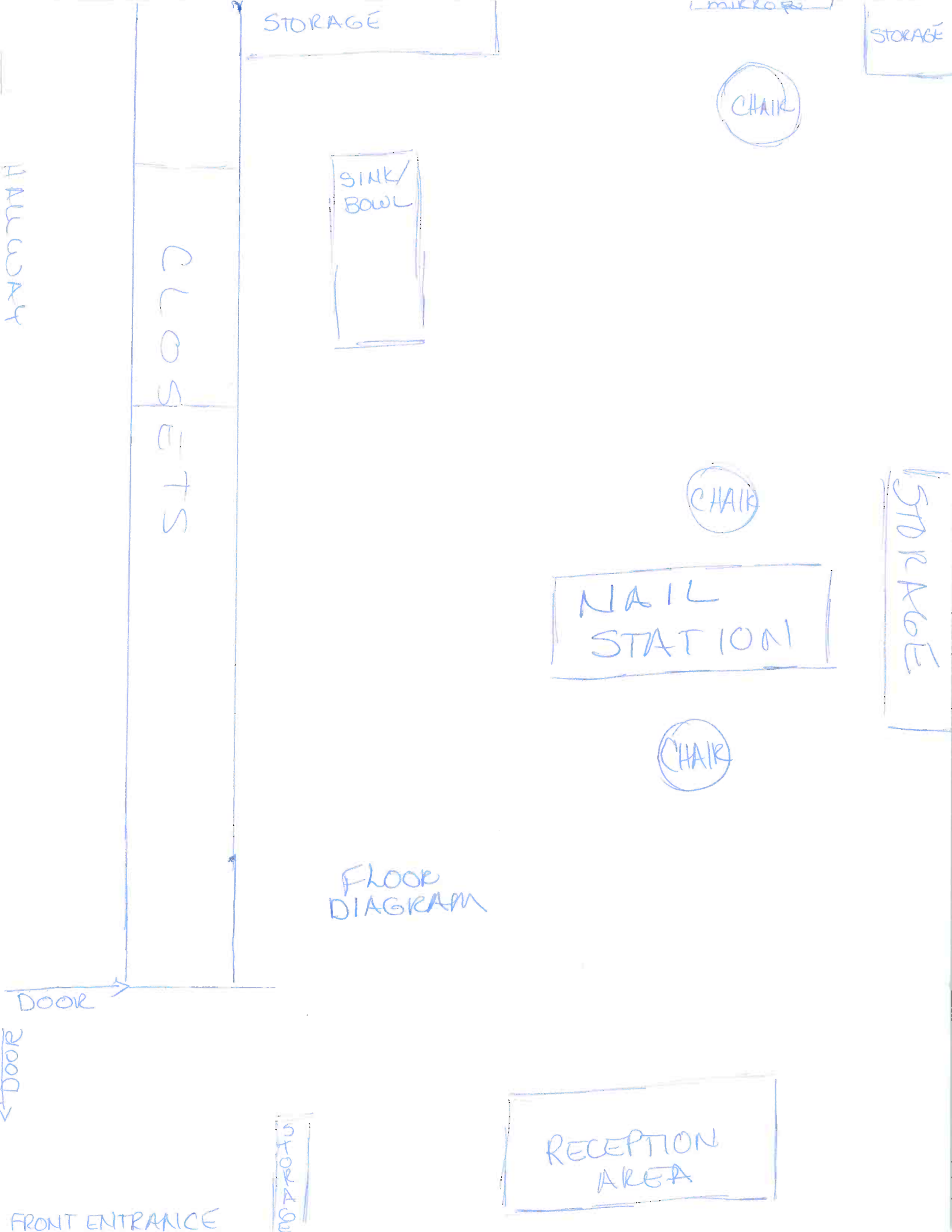
<

>

SITE PLAN



Parking





This is my sign
now but I may
get one more
attractive. To
be posted near door.



Hello,

I am Deb Baskerville, my husband is Jim. We are in the process of purchasing the house at 1110 Westwood Dr.

Jim is a retired Post Master from Albion, and is looking forward to caring for our new yard and also loves to fish.

I presently have a Nail Salon in our home on Edgeland Dr. This year will be my 20th year in business. I love having my salon in

my home and to make my own hours.

I plan to have my salon in our new home on Westwood. To be able to do that I will need to apply for a permit from the city and have it approved.

There will be a big sign in the yard on Westwood to notify everyone in this area of a zoning change for me to have my salon. I wanted you to know what was going on. I have plenty of parking in the driveway and I only can do one client at a time.

I am so excited to be able to have another Nail Salon; hopefully I can so we can proceed with the purchase of the home on Westwood. I also love to make cakes and craft. I will have that kitchen to enjoy my baking!

Jim and I have five children total, all married with children. Four of them live out of town/state and we are looking forward to offering them a place to stay when they come visit us. This house is perfect for our needs. Most of the time it is just the two of us. I hope this dream comes true for us and we look forward into meeting some of you that are close neighbors!

Our closing date is in May! Thanks for taking the time to read this letter! If you have any questions please call or email me. I have enclosed my business card.

Sincerely,

Jim and Deb Baskerville



Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, May 17, 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 03/15/2016

Old Business:

None

New Business:

1. PUBLIC HEARING:

Special Use Permit request for Interstate Power and Light for a utility substation to be located on the south side of Iowa Avenue West just west of Theisen's on the southern portion of parcel 8318-15-226-009.

2. PUBLIC HEARING:

Sidewalk Deferment request for Interstate Power and Light for frontage along a new lot associated with the utility substation to be located on the south side of Iowa Avenue West just west of Theisen's on the southern portion of parcel 8318-15-226-009.

3. PUBLIC HEARING:

Sidewalk Deferment request for Steve May for the property located at 2001 W. Olive Street.

4. PUBLIC HEARING:

Home Occupation Special Use request for Debra Baskerville, Selective Style Salon for the property located at 1110 Westwood Drive.

Date Agenda Posted: 05/16/16



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

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

DATE: May 17, 2016 Meeting

PUBLIC HEARING: Special Use Permit request for Interstate Power and Light for a utility substation to be located on the south side of Iowa Avenue West just west of Theisen's on the southern portion of parcel 8318-15-226-009

Interstate Power and Light is requesting approval of a Special Use Permit in the Planned Commercial District to construct a substation. The parcel will be created at the southern edge of the lot adjacent to Theisen's store. There will be a remaining parcel to the north available for development. South 8th Street will be constructed to the southern property line at the time of construction similar to S. 6th Street. As part of the Special Use Permit approval the Board may protective restrictions upon the development such as landscaping or buffering requirements. The Commission recommended approval of the request at their meeting May 12, 2016. Staff has reviewed the request and would recommend approval of the request.

Section 3. Standards for Review.

In addition to the standards for review applicable to all requests under consideration by the Board of Adjustment, approval of a Special Use shall be granted only if the Board first determines:

That the Special Use applied for is provided in the zoning district within which the property is located.

That the proposed use and development will be in accordance with the intent and purpose of this Ordinance and the Comprehensive Plan.

That the proposed use and development will not have a substantial adverse effect upon adjacent property; the character of the neighborhood; traffic conditions; parking; utility and service facilities; and other factors affecting the public health, safety, and welfare.

That the proposed development or use will be located, designed, constructed, and operated in such a manner that it will not interfere with the orderly use, development and improvement of surrounding property.

That adequate measures have been or will be taken to assure adequate access designed to minimize traffic congestion and to assure adequate service by essential public services and facilities including utilities, storm water drainage, and similar facilities.

Section 4. Protective Restrictions.

The Board of Adjustment may place protective restrictions on any approval in order to assure that the purpose and intent of this ordinance is fulfilled. Such protective restrictions include but are not limited to: landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting,

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fencing, planting screens, operational controls, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements.

PUBLIC HEARING: Sidewalk Deferment request for Interstate Power and Light for frontage along a new lot associated with the utility substation to be located on the south side of Iowa Avenue West just west of Theisen's on the southern portion of parcel 8318-15-226-009.

This application relates to the previously discussed Special Use Permit request. As stated S. 8th Street will be extended to the southern property line and they are requesting a deferment to the sidewalk requirements for their lot frontage since pedestrian traffic would not be encouraged and the street dead ends on the north side of Hwy. 30. When the property to the North develops sidewalk will be required along S. 8th Street at that time. The Commission recommended approval of the request at their meeting May 12, 2016. Staff has reviewed the request and would recommend approval of the request.

PUBLIC HEARING: Sidewalk Deferment request for Steve May for the property located at 2001 W. Olive Street.

Steve May has requested a sidewalk deferment for the property at 2001 W. Olive Street. He is building a new house at the property and due to the current street design and topography he is requesting consideration of a deferment. The Commission recommended approval of the request at their meeting May 12, 2016. Staff has reviewed the request and would recommend approval of the request.

PUBLIC HEARING: Home Occupation Special Use request for Debra Baskerville, Selective Style Salon for the property located at 1110 Westwood Drive.

Debra Baskerville recently purchased the home at 1110 Westwood Drive and is requesting approval of a salon as a home occupation. Ms. Baskerville did send letters to surrounding property owners about their intentions. She intends on only having one client at a time and they have on-site parking available. Staff recommends approval of the request.