

1. Board Of Adjustment Packet

Documents:

[BOARD OF ADJUSTMENT MAY 19, 2015 - ITEM 1.PDF](#)

[1011 WEST CHURCH VARIANCE - ITEM 2.PDF](#)

[1707 SOUTH 4TH STREET - ITEM 3.PDF](#)

[HOUSING AND COMMUNITY DEVELOPMENT MEMO - ITEM 4.PDF](#)



Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, May 19, 2015 – 5:00 p.m.
City Council Chambers, City Hall
10 West State Street, Marshalltown IA

Committee Members:

Darrell Eaton
Kevin Hitchins
G Ward Miller

David Schulze
Bob Wenner

Call to Order:

Roll Call: Miller

1. Approve Agenda
2. Review and approval of the Minutes from 4/21/15

Old Business:

None

New Business:

3. Home Occupation Special Use Permit - 1707 S. 4th Street - Salon
4. Variance – 1011 W. Church Street – Setbacks
5. Board of Adjustment future meeting schedule

Date Posted: 5/12/15

<http://ci.marshalltown.ia.us/meetings/view/MeetingID/1206>

Date Submitted & Fee Paid: 5/4/15

Hearing Date: 5/19/15

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 ~~\$100~~ 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: 1011 W Church St.	
Owner: Joe & Cindy Munner	
Mailing Address: 1011 W Church St.	
Phone: 515.210.2113	Fax:
Email Address: cj99@centurylink.net	
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:

To build an attached garage on top of the existing driveway whose west side will be less than 3 feet from the property line.

Please state your hardship.

City has damaged fence multiple times during snow removal. Back yard is needed for a large dog to run in.

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.

Would continue to lose all the benefits of having a garage, including protecting newer vehicles, storing yard implements, tools, and other items customarily kept in a garage.

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.

Driveway Slab already exists. City has damaged fence multiple times for snow removal. Current damage that needs to be addressed this spring that the parks & rec dept. would have to fix would be negated if the variance is approved to build a garage.

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 finished garage will have the same appearance as the rest of the house, including color of siding & color & type of roof.

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.

Existing Street light illuminates the walking path at night. This garage will not impair this illumination.

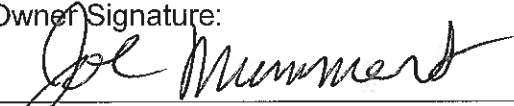
5. **The general intent and purpose of the Zoning Ordinance is protected.** A variance must be consistent with the intent of the Zoning Ordinance and the Comprehensive Plan. Is there another option which you could pursue that would not require a variance? If alternatives exist which do not require a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

No. As stated above the back yard is needed for a large dog to run. Without it, owning a large dog is not suggested, in my opinion.

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: 2015-05-01
-OR- Agent Signature:	Date:

1011 W. C. W. C. W.

ABSTRACT OF TITLE

TO

THE SOUTH ONE-HUNDRED EIGHTY-EIGHT FEET THREE INCHES (188 ft 3 in)
OF THE NORTH FOUR HUNDRED SIXTEEN AND ONE-HALF FEET (416 1/2 ft.) OF
THE WEST HALF OF LOT NO FOUR (4) SUB. DIVISION OF THE NORTHWEST 1/4
OF THE NORTHEAST 1/4 OF SECTION NO THIRTY-FOUR (34) TOWNSHIP NO EIGHTY-
FOUR (84) NORTH, RANGE NO. EIGHTEEN (18) WEST 5" P.M. MARSHALL COUNTY,
IOWA.

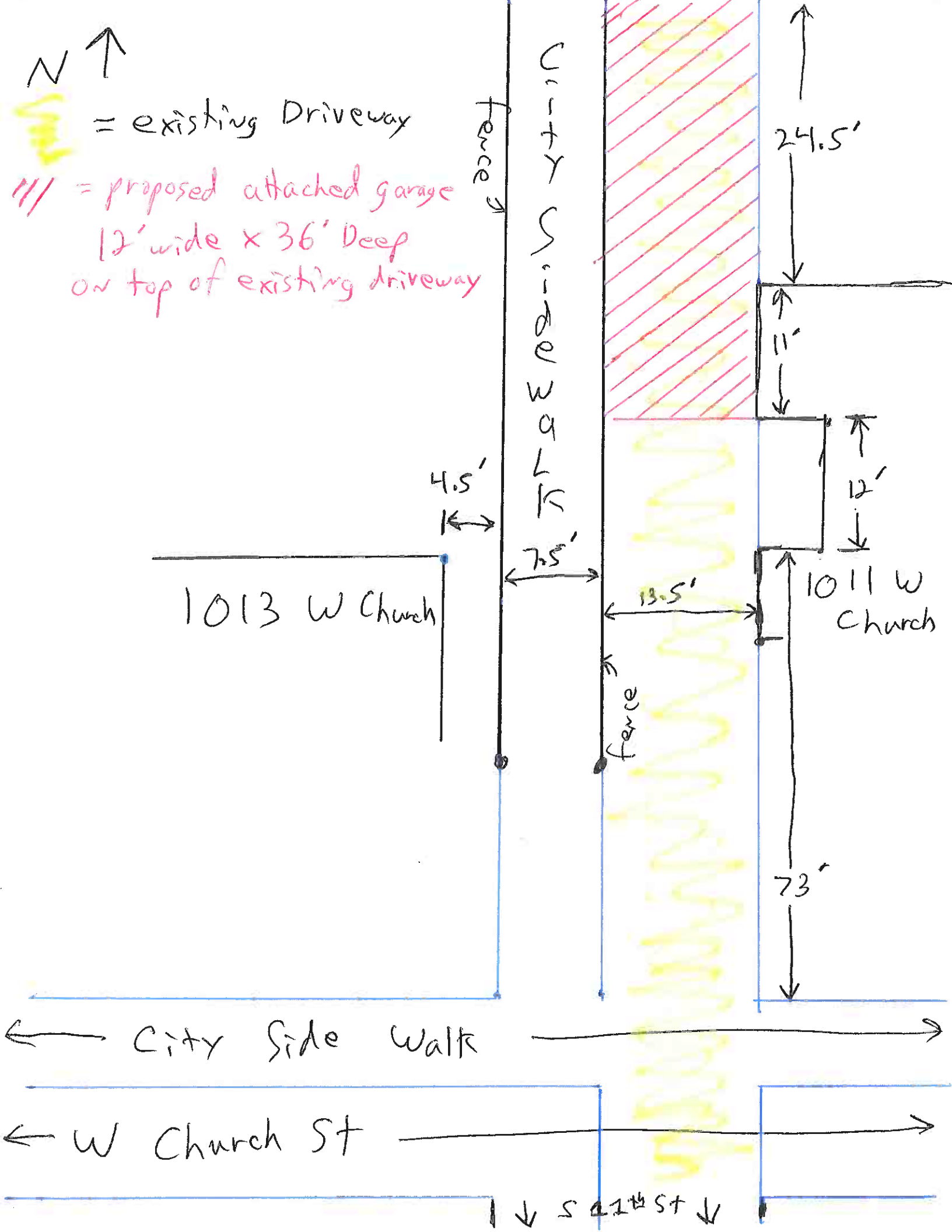
For



N ↑

 = existing Driveway

/// = proposed attached garage
12' wide x 36' Deep
on top of existing driveway



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

PARCEL	TOWN/TOWNSHIP						ZONING
07-34-201-026	M'TOWN CITY MC						R-3
SCHOOL DISTRICT	MARSHALLTOWN SCH DIS						
PROPERTY ADDRESS	1011 W CHURCH ST MARSHALLTOWN IA 50158						
MAILING ADDRESS	1011 W CHURCH ST MARSHALLTOWN IA 50158						
MOST RECENT INSTRUMENT	200500005549	TYPE	WD	DATE	2005/08/02	TRANSFERRED	2005/08/04



(C) 2015 Marshall County - Representation only, not a survey.



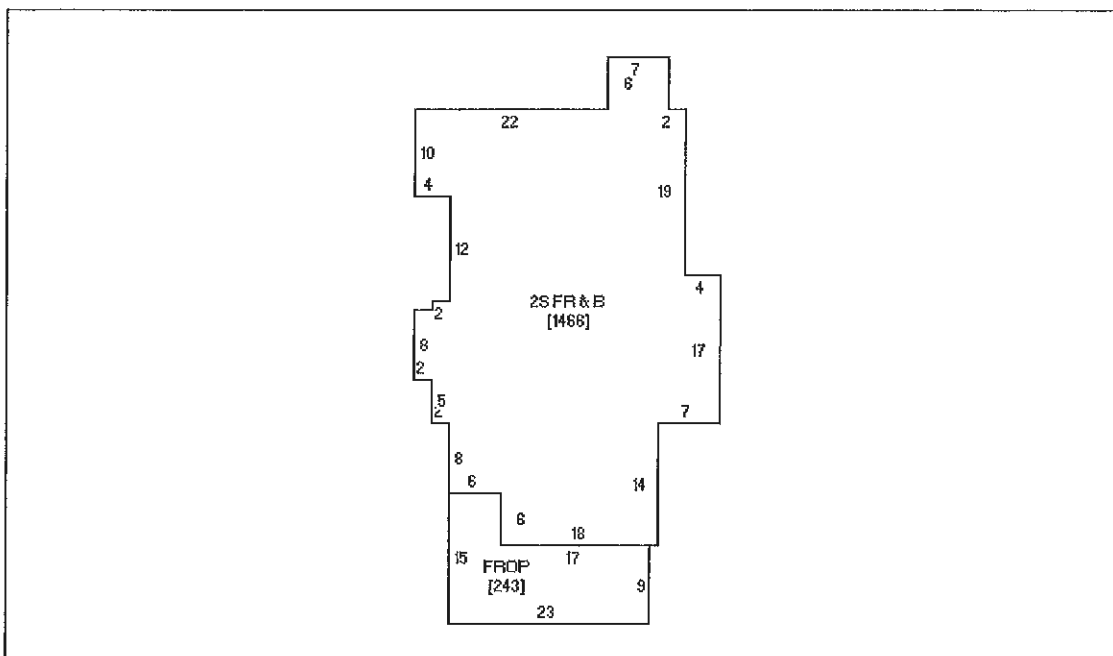
Photo: 2002/02/21

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	MUMMERT, CYNTHIA	34-84-18 LOT 5/4 NW NE
LAND		APPLICATIONS FILED
	Total	
Acres	0.25	HOMESTEAD MILITARY
LOT SIZE: 57.5 X 188		

2015 ASSESSMENT	Class	Land	Improvements	Total
Gross	RESIDENTIAL	14,660	112,890	127,550
Exemption		0	0	0
Net		14,660	112,890	127,550

DWELLING					
Occupancy	Single Family	Style	1 1/2 Story Frame	Built	1915
Bsmt	Full	Foundation	Tile Blk	Exterior	Siding on Sheathing
Roof	Asph/Gable	Heat	FHA - Gas	Air Cond	Yes
Bedrooms	3	Floor Covering	Carp/Hdwd	Interior Finish	Plas
TSF-BA	2492	Full Baths	2		

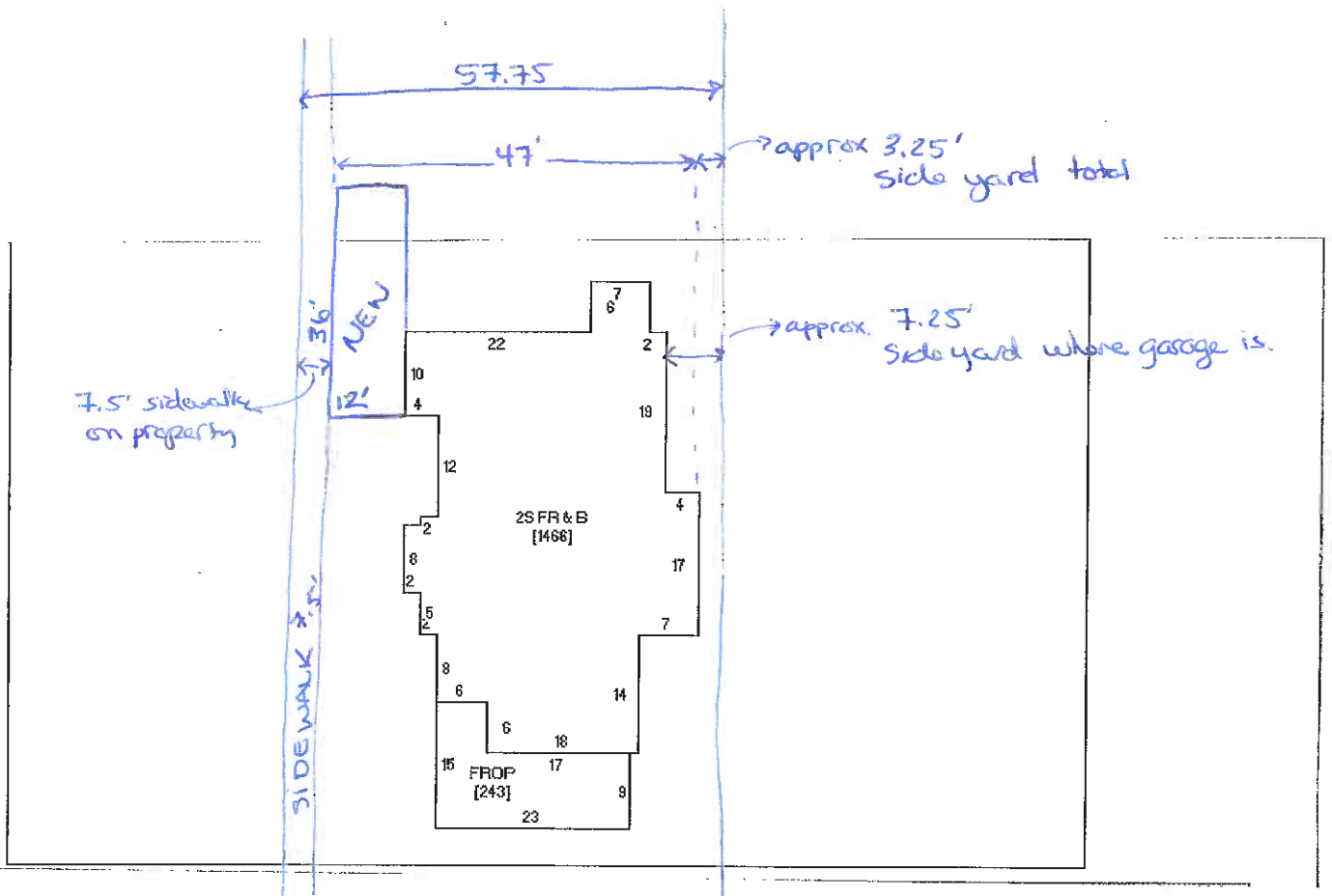


SALE	Total Amount Paid	Inst. Type	Instrument #	Seller	Buyer
08/02/2005	126,805	Deed	200500005549	FRANCIS, DAVID A & TERESA J	MUMMERT, CYNTHIA
02/07/2002	110,000	Deed	0201157	LYNCH, CYNTHIA L & DAVID A	FRANCIS, DAVID A & FRANCIS, TERESA J
03/01/2001	15,000	Deed	9917384	BOBCO, INC.	LYNCH, CYNTHIA L
01/29/2001	0	Deed	9616491	BOBCO, INC	BUTTERFIELD, CORTLAND
11/06/1995	20,000	Contract	9603062		
09/21/1993	30,000	Contract	2169/93-4		

ASSESSMENT HISTORY	(Assessment Roll)	Type	Class	Land	Improvements	Total
2014		GROSS	RESIDENTIAL	14,660	112,890	127,550
2014		EXEMPT			0	
2014		NET		14,660	112,890	127,550
TAX HISTORY			PAY TAXES ONLINE			



Photo: 2002/02/21



J-11

W.

MAIN

106

1104

1102

1012

1008

1006

105

1103

1101

1013

1011

1009

1007

1005

1003

104

1910

1008

1006

1004

11

DATE SUBMITTED & FEE PAID: 5/11/15
HEARING DATE: 5/19/15

 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: 1707 S. 4th St. Marshalltown
Owner: Brooke Stalzer purchasing from father Pennis Stalzer
Mailing Address: 1707 S. 4th St. closing Date: May 18th
Phone: 641 351-8723
Email: brookelynn-0-8@yahoo.com
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:

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: Brooke Stalzer	Business Name: Beauty By Brooke
Address: 1707 S. 4th St.	
Phone: 641 351 8723	Fax: brooke.lynn-0-8@yahoo.com

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

I would like to offer salon services in my home. This will be a small salon only offering services part time throughout the week.

Please check the appropriate category for your home occupation:

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

- 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: **BS**

- 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: BS

- 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? 0

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

List all employees: No Employees

- 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? 1 person at a time up to 4 or 5 people

How many parking spaces are available? 3-5

- 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: BS

- 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: Bonnie Hest

Date: 4/29/15

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

Zoning Officer, City of Marshalltown

Date

STATE OF IOWA, MARSHALL CO.
entered upon transfer books and for
taxation this 28th day

of December 20 04
John Stalzer

John Stalzer AUDITOR
ASSISTANT

0409520 12/27/2004 03:51P 1 of 1
Kathleen K Baker Marshall County Recorder

000#0409520

FEES: REC 5.00
REC MGMT 1.00
E-COM 1.00
AUD 5.00

Preparer
Information George W. Sudenga, 118 E. Main St., PO Box 1180, Marshalltown, IA 50158 (641)752-8800
Individual's Name Street Address City Phone

Address Tax Statements: Denis John Stalzer
1707 South 4th Street
Marshalltown, IA 50158

IN THE IOWA DISTRICT COURT FOR
MARSHALL COUNTY

In the Matter of the Estate of

PROBATE NO. ESPR 004017

CARLETON L. STALZER,
Deceased

TO THE RECORDER OF MARSHALL COUNTY, IOWA:

I hereby certify that the title to the real estate hereinafter described has been changed to and/or established
equally to Denis John Stalzer.

In accordance with the provisions of Section 558.58 of the Iowa Code, the Auditor shall enter the change of title
upon the transfer books.

The legal description of the real estate herein is as follows:

Lot 40 in Ferguson's First Addition to the Town of Marshall, Marshall County,
Iowa, subject to easement to City of Marshalltown recorded in Book A-2, Page 47
of the records of the Recorder's Office of Marshall County, Iowa.

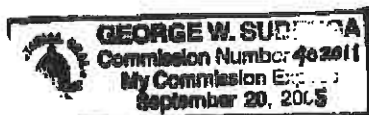
Change of Title to the above-described real estate was made as follows:

- (a) Pursuant to Section 633.480 after the entry of the Order Approving Final Report herein dated December 13,
2004, and Item Seven of the Will of the decedent.
- (b) Pursuant to Section 633.481 after the filing of inventory or report herein under the provisions of Section
450.22 without administration.
- (c) Pursuant to Section 633.479 after the filing of a final report and required waivers, consents, receipts, and
certificates.

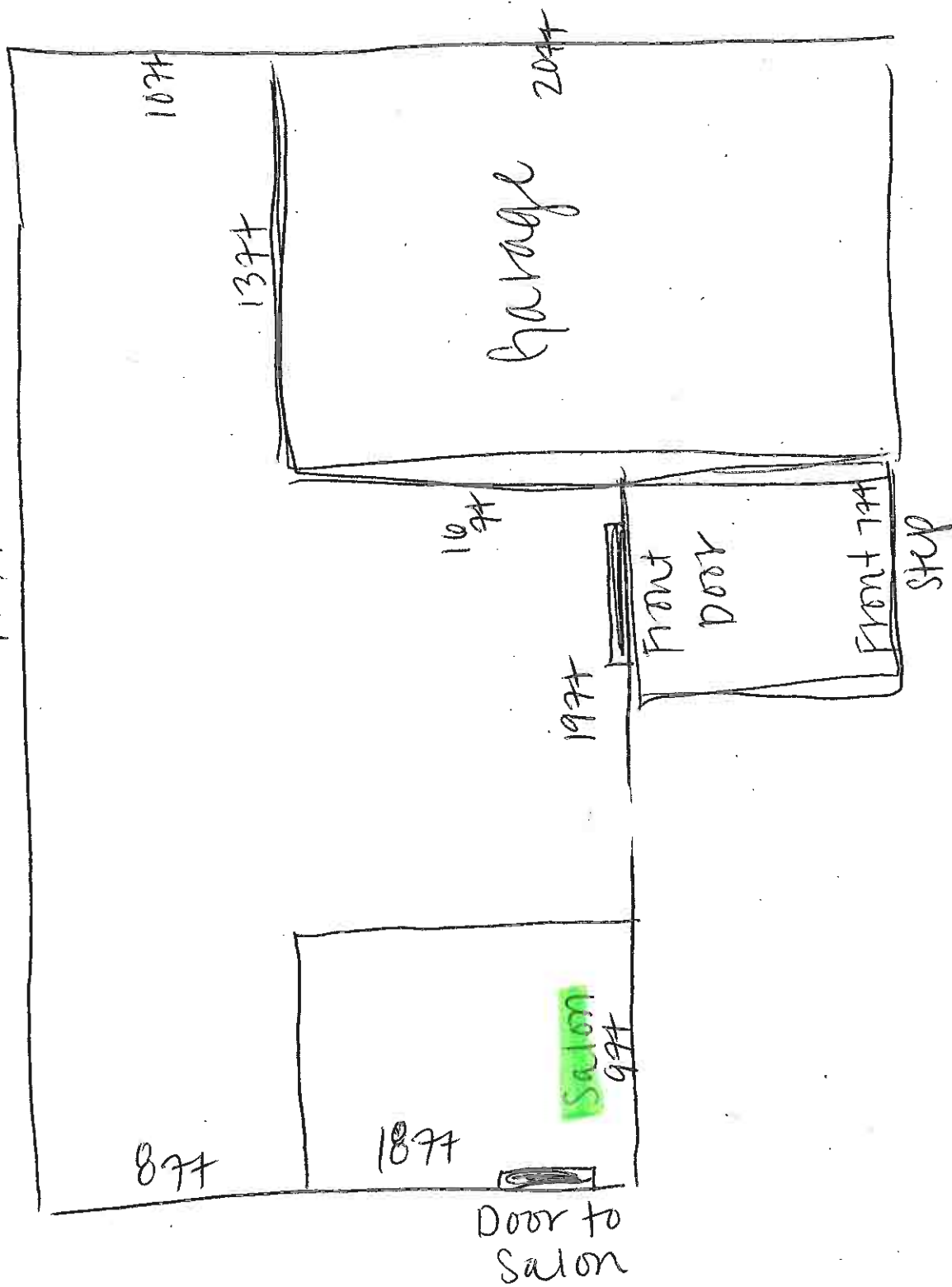
Charlene Stalzer Howard
Charlene Stalzer Howard
Executor of the Estate of Carleton L. Stalzer

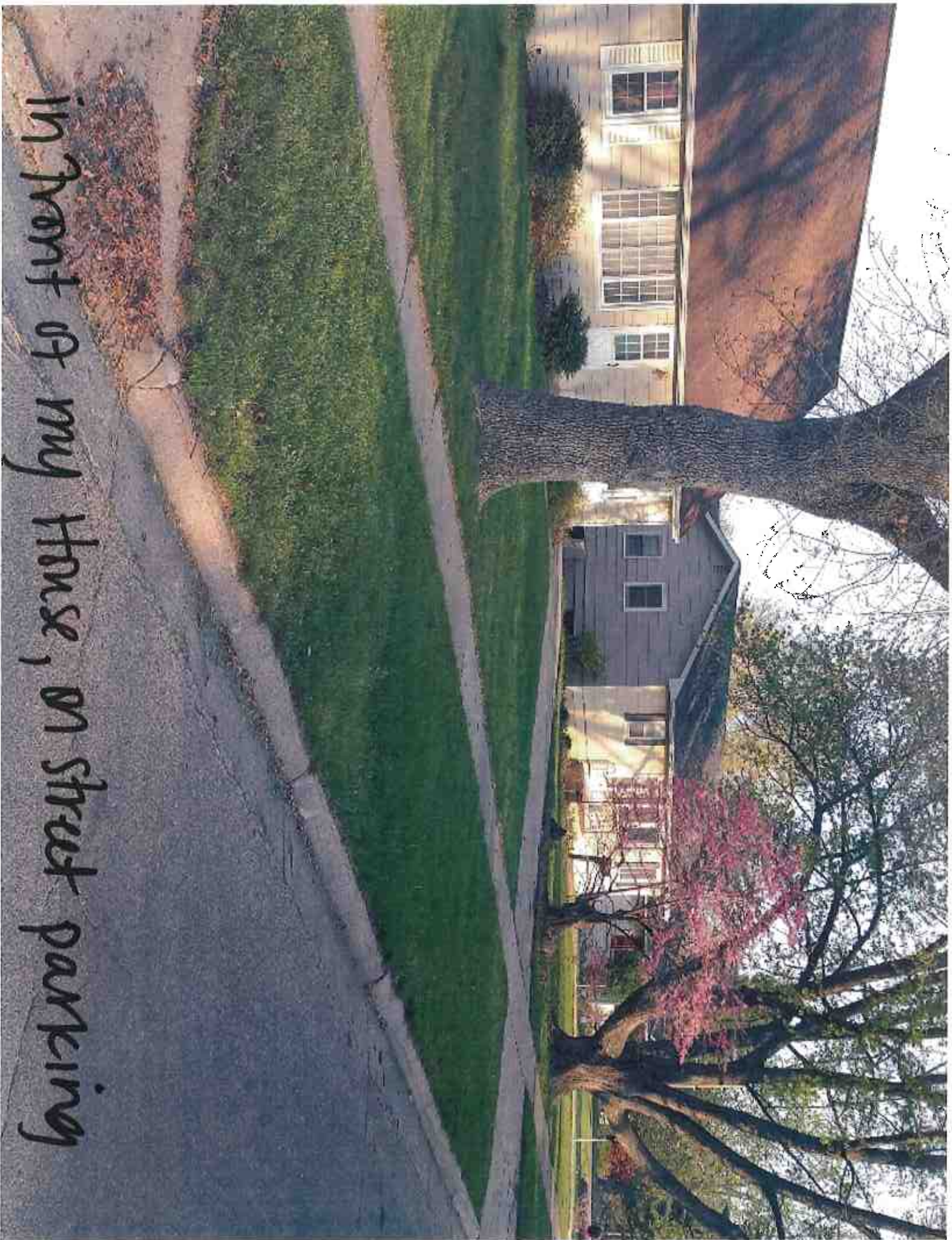
Subscribed and sworn to before me by Charlene Stalzer Howard this 27th day of December, 2004.

George W. Sudenga
Notary Public in and for said State



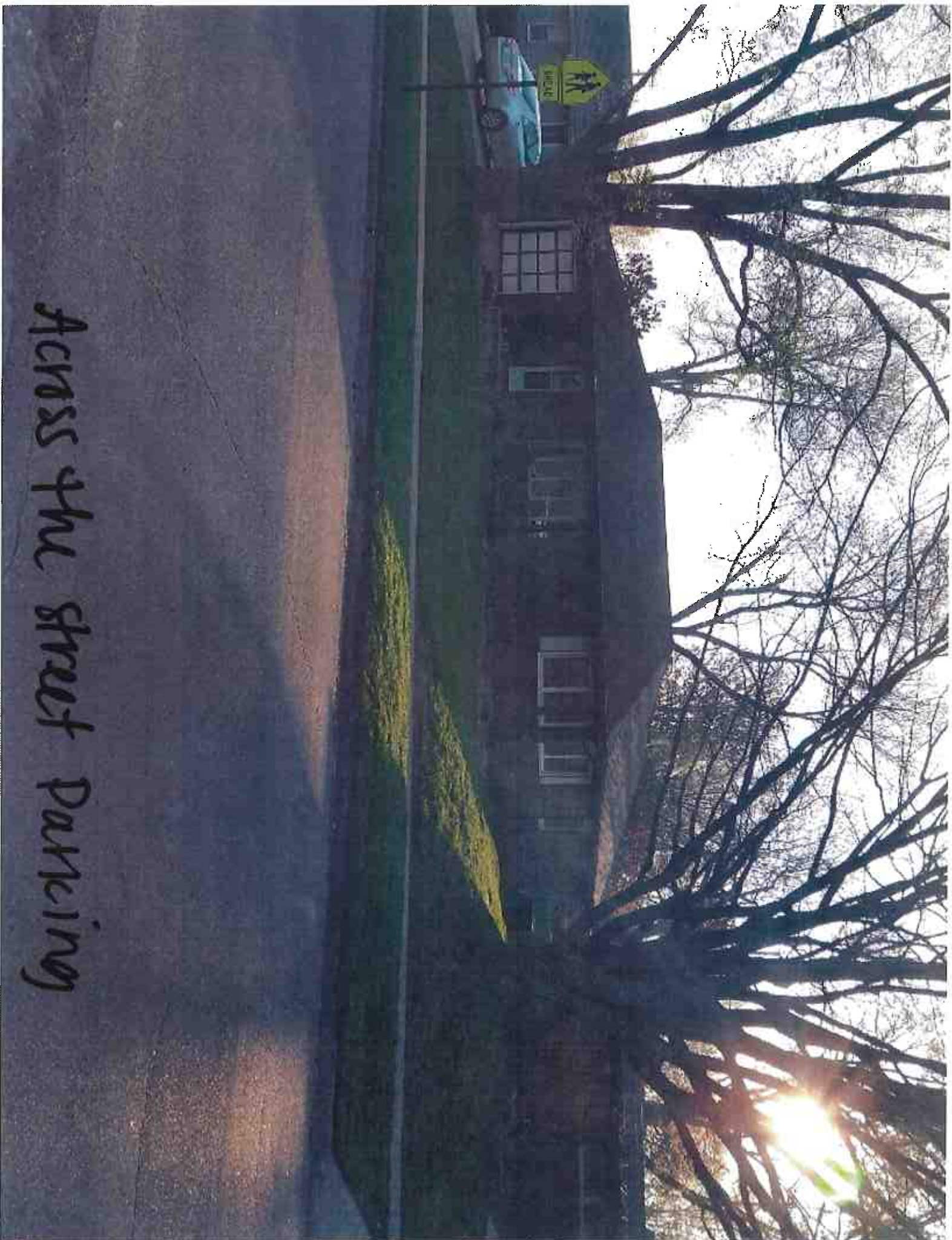
4177

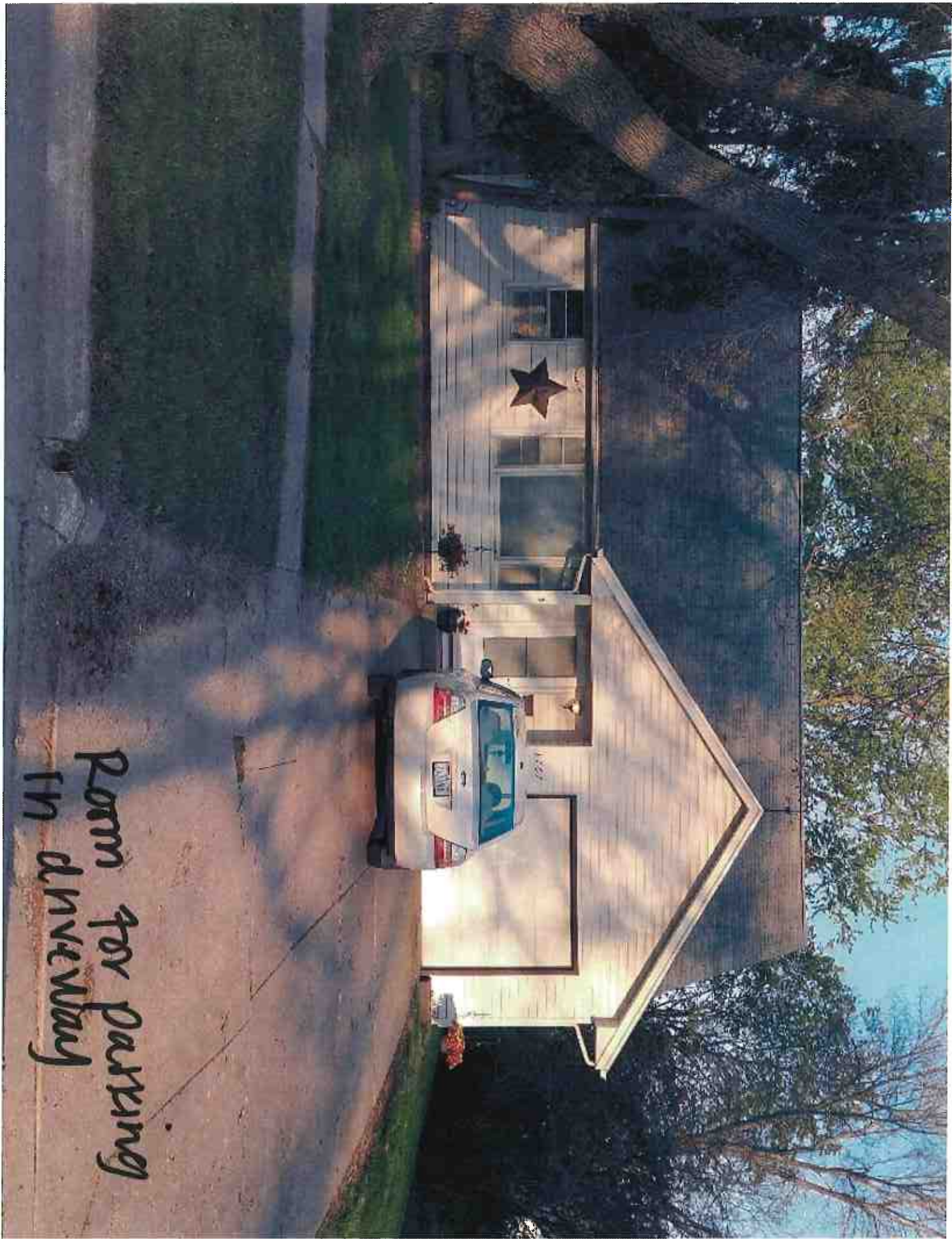




in front of my house, on street parking

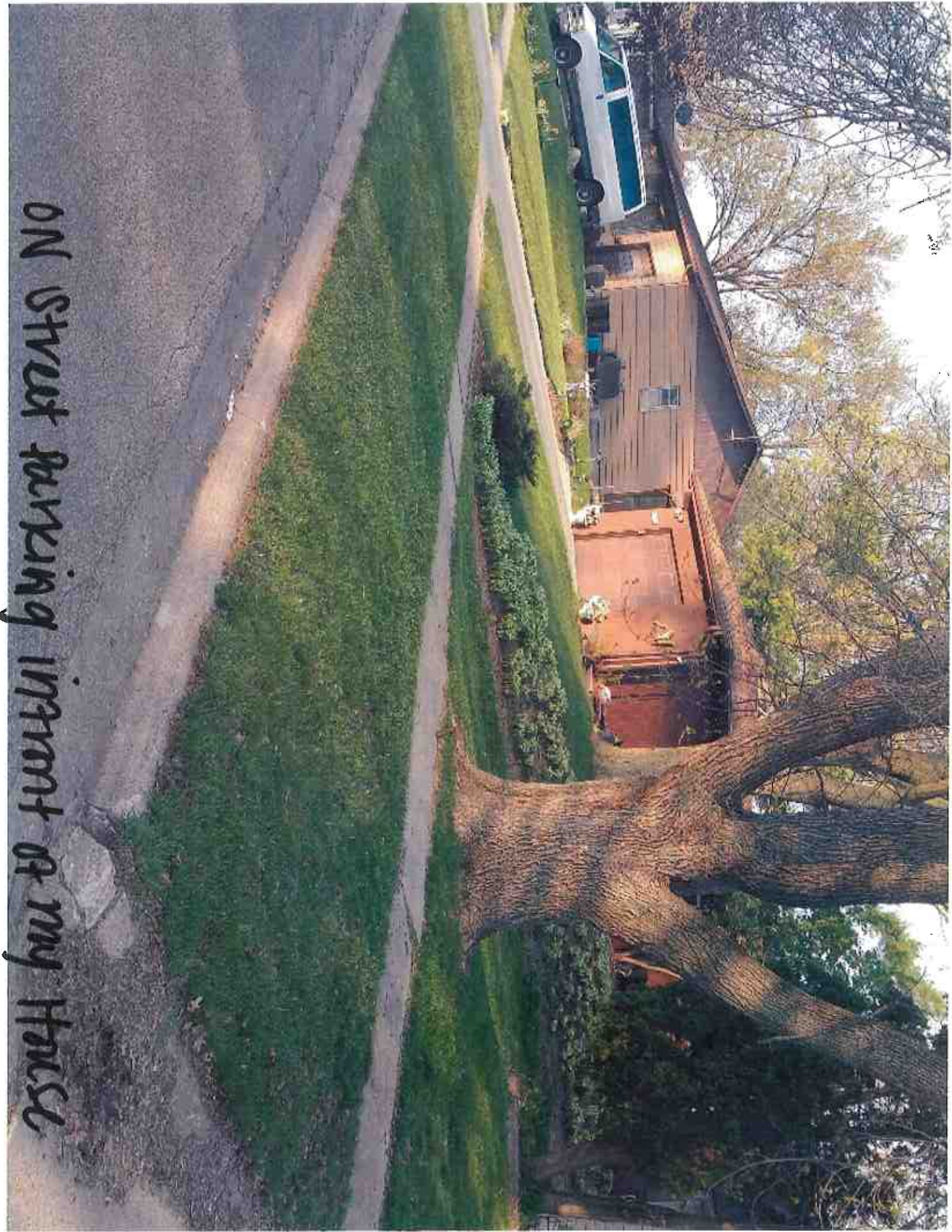
Across the Street Parking



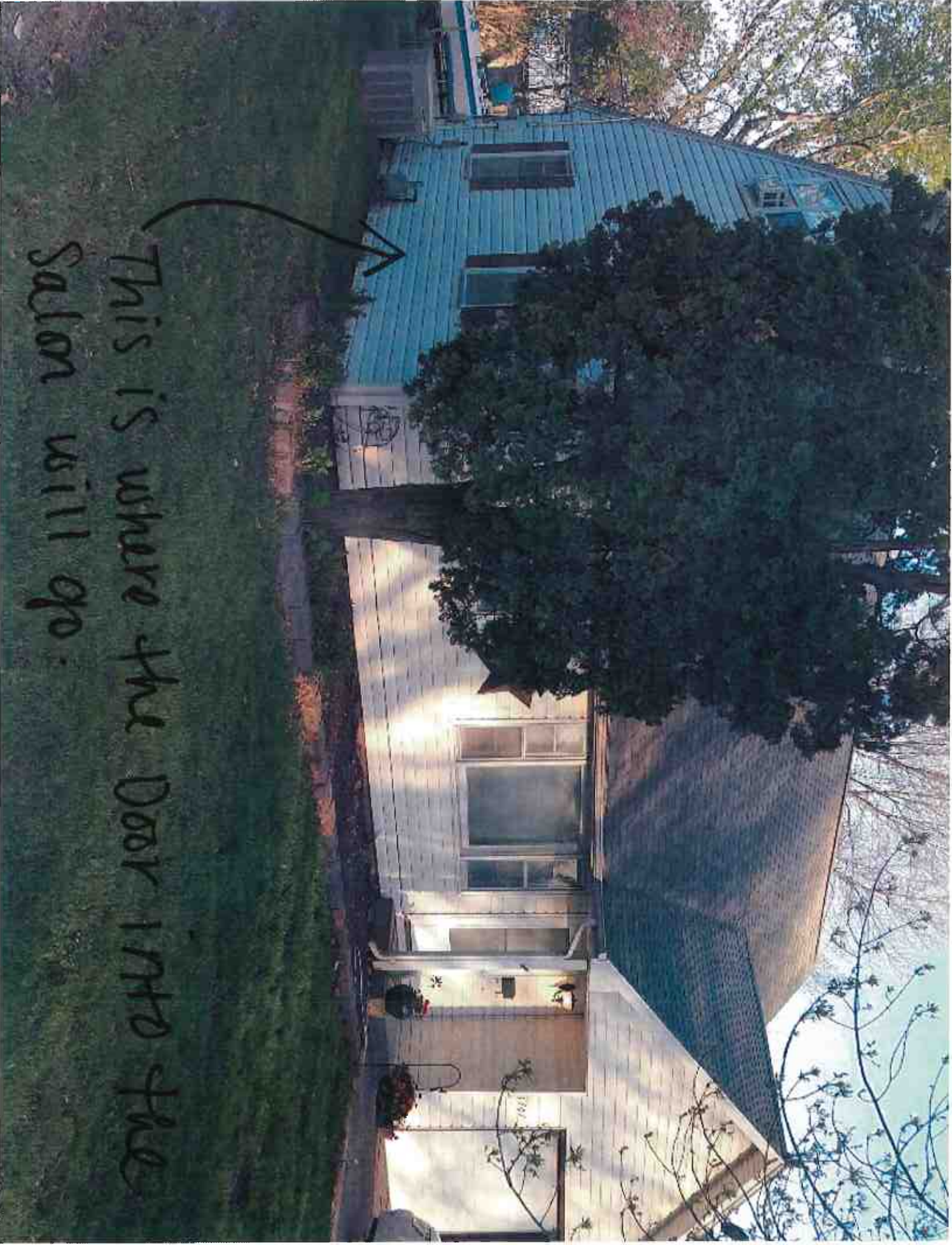


Room for parking
in driveway

ON Street parking in front of my house



This is where the Door into the
Salon will go.





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: May 12, 2015

RE: Staff Memo for 5/19/15

A handwritten signature in black ink, appearing to be "MS".

Home Occupation Special Use Permit - 1707 S. 4th Street - Salon

Brooke Stalzer has requested a Home Occupation Special Use permit in order to operate a salon out of her home at 1707 S. 4th Street. She plans to install a separate entrance for customers and allow parking on the driveway. Customers will make appointments and the request appears to meet all applicable criteria.

Variance – 1011 W. Church Street – Setbacks

Joe and Cindy Mummert are requesting a variance to the side yard setbacks in order to allow an addition to the home for an attached garage. The property is in an R-3 district which requires 4' minimum side yard with a combined 15' total. The initial application refers to the addition going up to the property line on the West. It appears it is actually an easement for a sidewalk. Upon further review a Variance is still needed due to an overall shortage in side yard setbacks. The overall width of the house and addition total 47' leaving a combined 10.75' total setback.

The Parks & Rec. Department has expressed concern about the ability to continue snow removal of the sidewalk if the building is located right up to the setback line.

Board of Adjustment future meeting schedule

April 27th was Stephen Troskey's last day with the City. At this point in time the position will not be refilled and I will be taking over many of his responsibilities including Board management. As part of this consolidation we are reviewing meeting frequency, dates and times. I am proposing that we limit the opportunity for meetings to monthly if needed. I would recommend keeping the 3rd Tuesday of the month as the date and we can discuss the timing. I understand many of our requests include public hearings and with volunteer members you may not be able to meet during the day so we can keep the meetings at a 5PM hour or move them to a time during the day. It is critical that we have a quorum and ideally have a full board present since we invest in notices so we want to make sure the time is workable for the board.

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

