

MINUTES
MARSHALLTOWN BOARD OF ADJUSTMENT
MAY 19, 2015

Call to order: 5:15 PM
Adjournment 6:00 PM

Members Present:
G. Ward Miller, Chair
David Schulze
Bob Wenner

Members Absent:
Darrell Eaton
Kevin Hitchins

1. Approval of Agenda –

Motion to approve by Schulze, second by Wenner. All Aye. Motion Carried.

2. Review and approval of minutes from 04-21-15

Motion to approve by Wenner, second by Schulze. All Aye. Motion Carried.

3. Home Occupation Special Use Permit – 1707 S. 4th Street.

Public hearing declared open.

Brooke Stalzer was present to request a home occupation special use permit in order to operate a salon out of her home. She indicated most business would take place on Saturday's or in the evening limited to one client at a time. Parking is available in her driveway. She will have a separate entrance as required by the state and Wenner recommended hard surface path to that door from the parking area.

Spohnheimer indicated two calls from the public both favorable. No additional public comments.
Public hearing closed.

Motion to approve by Schulze as presented with limitations to hours and days as discussed with only one practitioner and completion of a hard surface walks. Second by Wenner. All Aye. Motion Carried.

4. Variance – 1011 W. Church Street.

Public hearing declared open

Joe Mummert was present to request variance to the setback requirements in order to construct a 12' x 36' attached garage. Mummert described the property indicating that the line is at the sidewalk easement which runs adjacent to his house. He brought up prior issues of snow removal problems where the City caused damage to his fence while removing snow. Schulze raised concerns about the safety of kids using the walk where a structure would create limited visibility and concern for property safety which would likely result such as graffiti. Wenner also expressed similar concerns.

Michelle Spohnheimer, Housing & Community Development Director, described that it is unclear if the property line is on the east, west or somewhere in the middle of the sidewalk and that regardless of the true location with the proposed garage the combined setback is short 4.25'.

Terry Gray, Parks & Rec. Director, described the research she attempted to identify what is the true easement vs. property line and expressed concern about the ability to continue snow removal effectively if the building were built.

Mummert expanded on his plan to pour tapered footings. Schulze questioned the hardship indicating the Board cannot consider self-inflicted or financial hardships. The owner indicated his hardship is they have a dog that runs in the back and a deck on the back.

Miller restated that since a full board was not present the applicant may request the issue be tabled until the next meeting. Mummert did make this request.

Motion by Wenner to table the request and continue the public hearing to the next meeting scheduled on June 16, 2015. Second by Schulze. All Aye. Motion Carried.

5. Board of Adjustment future meeting schedule.

Spohnheimer explained the change in staffing with Stephen Troskey's departure from the City that the position is not planned to be refilled. In light of increased responsibilities staff is proposing a change to the meeting schedule reducing to once per month. Meetings will continue to be at 5:00 PM on the third Tuesday of each month as needed. The board did discuss the willingness if needed to hold a special meeting if a development was time sensitive and they had continued a hearing for additional information.

With no further business the Board adjourned.

Respectfully submitted,

Michelle Spohnheimer, Housing & Community Development Director