

1. Board Of Adjustment Packet

Documents:

[SPECIAL USE PERMIT APPLICATION - ITEM 2.PDF](#)

[VARIANCE APPLICATION - ITEM 3.PDF](#)

[BOARD OF ADJUSTMENT AGENDA APRIL 21, 2015 - ITEM 1.PDF](#)

DATE SUBMITTED & FEE PAID: 4-6-15
HEARING DATE: 4-21-15



BOARD OF ADJUSTMENT

Special Use & Home Occupation Special Use Permit Application

36 N. Center Street, Marshalltown, IA 50158 Ph: 641-752-3154 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: 207 N 2nd St.

Owner:

Mailing Address: Michelle Garrison McCord

Phone:

Email:

Owner's Agent (if applicable): 641-351-9455 mrklouda@hotsheet.com

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:

E

16 ft garage door

24 ft

S

alley

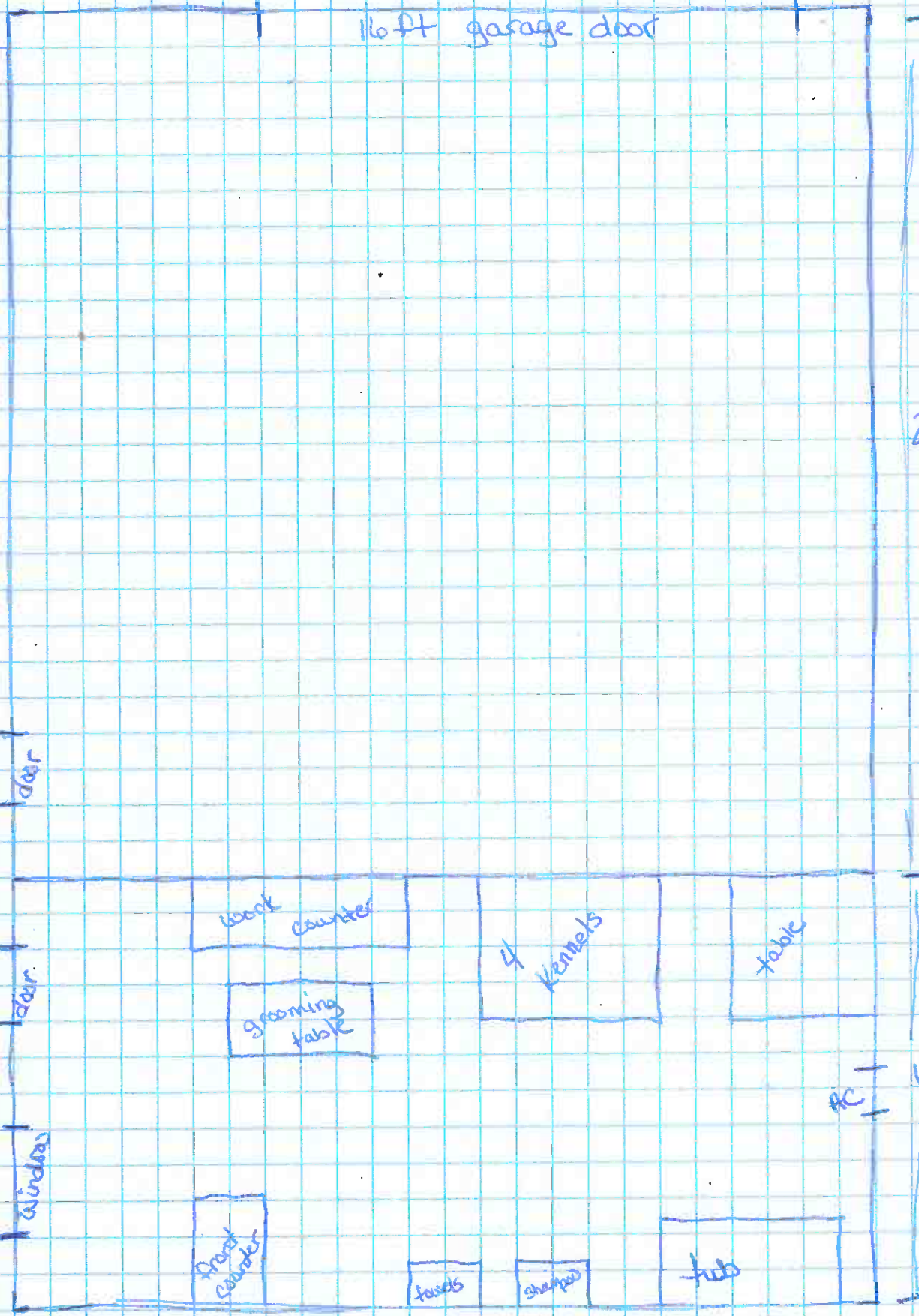
12 ft

AC

24 ft

W

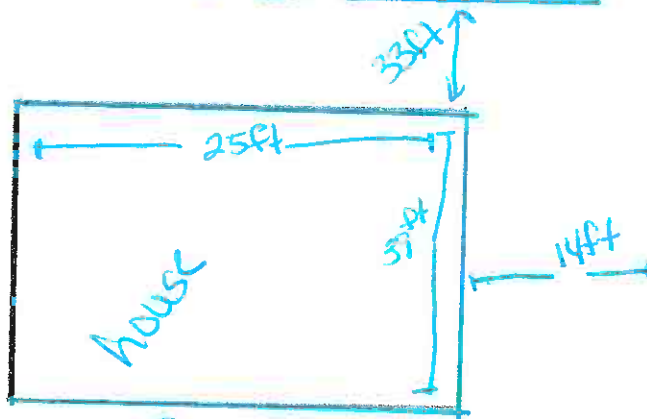
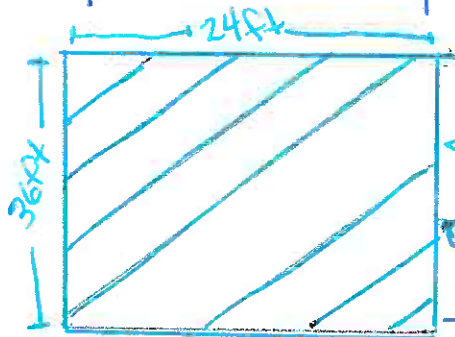
N



60 ft

alley

DRIVEWAY



North Arrow

Name: Michelle McCand

Address: 207 W. 2nd St.

Date: April 10, 2015

have an opportunity to learn about the proposal and can present information on this matter to the board at the public hearing. A notice of public hearing is also published in the newspaper.

Date Submitted & Fee Paid: 3-24-15

Hearing Date: 4-21-15

Variance Application Form

36 N. Center Street, Marshalltown, IA 50158 Ph: 641-752-3454 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.

X

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.

X

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.

X

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.

X

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:

2211 Governor Road Marshalltown

Owner:

Ed & Pam Paone

Mailing Address:

2211 Governor Road

Phone:

641-485-8155

Fax:

Email Address: ed@augustinedie.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:

To increase peak height from 17' to 19'

Please state your hardship.

Need to maximize the most for storage. This will allow a taller ceiling height which will allow me to put a loft up in the back of the building to store lighter items and still store larger items underneath. Most everything that I own is stored at my business The Augustine Co., Inc. Two boats, three snowmobiles, ATV, Mower, shop equipment, 15 dozen full body goose decoys to mention a few. My business has been broken into four times my enclosed trailers three times with the most recent having one of my snowmobiles stolen. There is no way to separate my personal items from the business if there was a total loss of the building.

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.

This building is going to cost me a substantial amount of money and I won't be able to use it to its full potential of storage and shop use. I'll be forced to store some items at my business.

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.

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This building is going to cost me a substantial amount of money and I won't be able to use it to its full potential of storage and shop use. I'll be forced to store some items at my business.

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.

There are no physical circumstances to the property.

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 area around my home is wide open. The house south is a two story with a large garage next to it. Photos supplied.

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.

My property is surrounded by fields and neighbors north of property. The light and air will not be impaired by the building. Photos supplied.

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

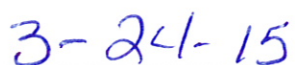
Comprehensive Plan. Is there another option which you could pursue that would not require a variance? If alternatives exist which do not require a variance, the proposal would not be consistent with the intent of the Zoning Ordinance and Comprehensive Plan.

I have no other option that would allow me to move all my items from my business home.

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.

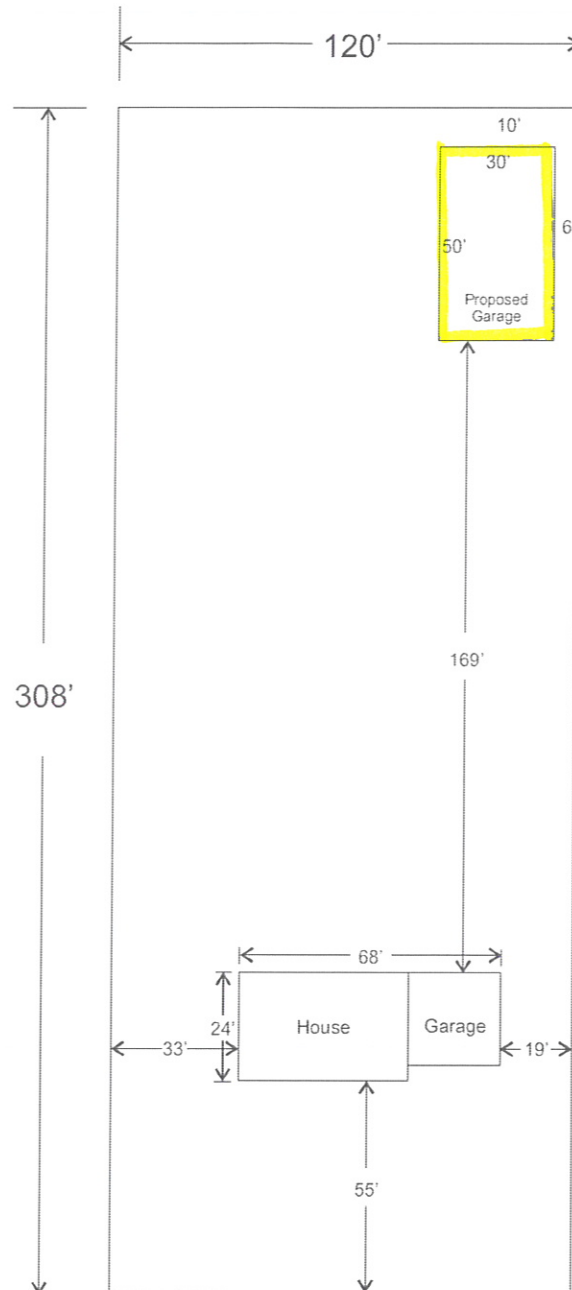
Owner Signature: 	Date: 
-OR- Agent Signature:	Date:

2211 Governor Road Marshalltown, Iowa 50158

12-83-18 S 120' of N 840' of E 363' OF NE NW

50' = 1"

Southridge Road



Governor Road



Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, April 21, 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 2/17/15

Old Business:

None

New Business:

3. Variance – 2211 Governor Road
4. Special Use Permit – 207 N. 2nd Street

Date Posted: 4/14/15

<http://ci.marshalltown.ia.us/meetings/view/MeetingID/1200>