

1. Board Of Adjustment Packet

Documents:

[BOARD OF ADJUSTMENT AGENDA FEBRUARY 17, 2015 - ITEM 1.PDF](#)
[608 SOUTH 12TH STREET VARIANCE - ITEM 2.PDF](#)
[1212 WEST STATE STREET VARIANCE - ITEM 3.PDF](#)



Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, February 17th, 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: Hitchins

1. Approve Agenda
2. Review and approval of the Minutes from 1-20-15

Old Business:

3. Variance – 1212 West State Street

New Business:

4. Variance – 608 South 12th Street

Date Posted: 2-10-15

<http://ci.marshalltown.ia.us/meetings/view/MeetingID/1164>

Date Submitted & Fee Paid: _____

Hearing Date: _____

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.

_____ **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 **\$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: 608 S 12th St.	
Owner: Jennifer Moore	
Mailing Address: 608 S 12th St. Marshalltown IA 50158	
Phone: 641 753-3176	Fax:
Email Address: Sweetpea-197401@yahoo.com	
Owner's Agent (if applicable): _____	
Agent Phone: _____	Agent Fax: _____

Code requires 15'
Side yard due
to corner lot

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 be allowed to put a 16' x 12' 10ft shed in my back yard. I would like to move the variance to the South by 9 feet

Please state your hardship.

There is a tree, a man hole and an electrical pole in my back yard. I live on a corner lot.

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.

If I put the shed behind garage. There is an electrical pole. In middle of yard is the man hole. If I place shed within I would have to turn the dimensions and lose drive ability into back yard.

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.

I have two front yards and a fence already with a man hole in the middle of the back yard.

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.

I already have a privacy fence in my yard.
The shed will only increase the value of my house.

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.

There shouldn't be. Its not constructing the view to the street.

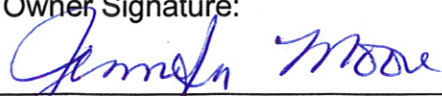
5. **The general intent and purpose of the Zoning Ordinance is protected.** A variance must be consistent with the intent of the Zoning Ordinance and the Comprehensive Plan. Is there another option which you could pursue that would not require a variance? If alternatives exist which do not require a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

I would have to cut down the tree or block the view to back yard from the windows of the house.

Additional Comments and Information:

Attach additional information as necessary.

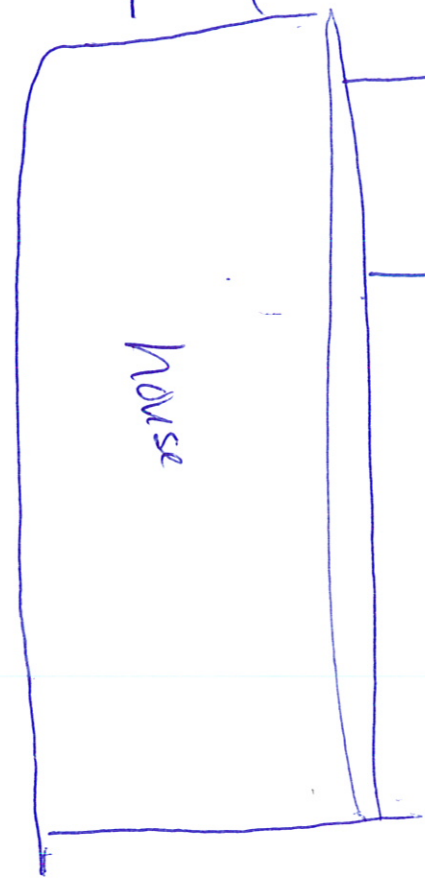
As evidenced by the signature(s) below, I (we) certify that I (we) have been denied a building/zoning permit, that I (we) have submitted all the required information to appeal for a variance, and that said information is factual.

Owner Signature: 	Date: 1-26-15
-OR- Agent Signature:	Date:

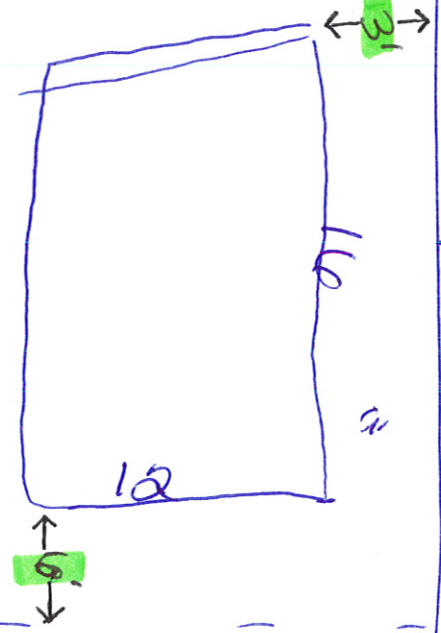
electrical pole

man hole

tree



house



Property line

Curb Washington



30"

12th St.

30"

15'

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Hearing Date: 2/17/15

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_____ **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: <u>1212 W. State St. Marshalltown</u>	
Owner: <u>David R. Rasmussen</u>	
Mailing Address: <u>1212 W. State St. Marshalltown, IA 50158</u>	
Phone: <u>641-750-0516</u>	Fax:
Email Address: <u>rick681978@GMail.com</u>	
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:

Please state your hardship.

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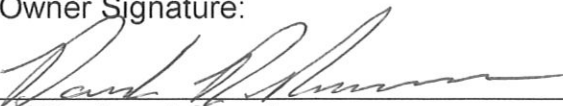
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Additional Comments and Information:

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: <i>2-8-15</i>
-OR- Agent Signature:	Date:

1. I would like to construct a 30x36x12 garage in place of the 24x24x8 garage and 2, 8x10 sheds. One of them is falling apart. I have lived at 1212 W. State for 12 years and like the neighborhood, but the current buildings are too small to accommodate my plow truck or not tall enough to accommodate a Chevy Blazer I'm restoring. I'm also restoring an old car with my son, and need to be able to put two cars side by side to change out the engines. It will give me the room I need for this, as well more storage and parking off the alley. With The Embers across the street there is not a lot of street parking for my family and visitors due to parking of the Embers visitors.
2. The lot is 56'x180' so the new building will not cover 30% of my yard. With the hill on my lot it will be 3' below ground level on the East and North sides. On those two sides the peak will be 11'6" from ground level. On the West and South sides it will be 14'6" at ground level.
3. The lot is 180' deep from the back of sidewalk so it will be hard to see from the street. It will have metal siding like another garage in the alley.
4. With access from the alley only it will not add any congestion from any street or the alley. With the peak under 15' it will not block or impair light or air from the adjacent properties. I have talked with my neighbors and showed them my plans, none of them had any problem with it. (signatures included)
5. A building permit was denied because the proposed building is over the 1000 sq ft zoning code. A variance to the code is my only option to build the size of building to fit my needs to be able to stay in my neighborhood.

