1. Board Of Adjustment Packet

    Documents:

        MEETING DATES FOR YEAR 2015 - ITEM 4.XLS
        VARIANCE APPLICATION - ITEM 2.PDF
        ATTENDANCE FOR 2014 - ITEM 3.XLS
        BOARD OF ADJUSTMENT AGENDA JANUARY 20, 2015 - ITEM 1.PDF

# 2015 Calendar
# Plan & Zoning Commission
10 W. State St.

| Deadline | PZ Meeting Dates |
|---|---|
| January 8, 2015 | January 15, 2015 |
| January 22, 2015 | January 29, 2015 |
| February 5, 2015 | February 12, 2015 |
| February 19, 2015 | February 26, 2015 |
| March 5, 2015 | March 12, 2015 |
| March 19, 2015 | March 26, 2015 |
| April 9, 2015 | April 16, 2015 |
| April 23, 2015 | April 30, 2015 |
| May 7, 2015 | May 14, 2015 |
| May 21, 2015 | May 28, 2015 |
| June 4, 2015 | June 11, 2015 |
| June 18, 2015 | June 25, 2015 |
| July 2, 2015 | July 9, 2015 |
| July 16, 2015 | July 23, 2015 |
| August 6, 2015 | August 13, 2015 |
| August 20, 2015 | August 27, 2015 |
| September 3, 2015 | September 10, 2015 |
| September 17, 2015 | September 24, 2015 |
| October 1, 2015 | October 8, 2015 |
| October 15, 2015 | October 22, 2015 |
| November 5, 2015 | November 12, 2015 |
| December 3, 2015 | December 10, 2015 |

# 2015 Calendar
# Board of Adjustment
# Special Use Permits

Meetings are held at **5:00pm** at City Hall in the Council Chambers

| Deadline | P&Z Meeting Date | BOA Meeting Date |
|---|---|---|
| December 16, 2014 | January 15, 2015 | January 6, 2015 |
| December 30, 2014 | January 29, 2015 | January 20, 2015 |
| January 13, 2015 | February 12, 2015 | February 3, 2015 |
| January 27, 2015 | February 26, 2015 | February 17, 2015 |
| February 10, 2015 | March 12, 2015 | March 3, 2015 |
| February 24, 2015 | March 26, 2015 | March 17, 2015 |
| March 17, 2015 | April 16, 2015 | April 7, 2015 |
| March 31, 2015 | April 30, 2015 | April 21, 2015 |
| April 14, 2015 | May 14, 2015 | May 5, 2015 |
| April 28, 2015 | May 28, 2015 | May 19, 2015 |
| May 12, 2015 | June 11, 2015 | June 2, 2015 |
| May 26, 2015 | June 25, 2015 | June 16, 2015 |
| June 16, 2015 | July 9, 2015 | July 7, 2015 |
| June 30, 2015 | July 23, 2015 | July 21, 2015 |
| July 14, 2015 | August 13, 2015 | August 4, 2015 |
| July 28, 2015 | August 27, 2015 | August 18, 2015 |
| August 11, 2015 | September 10, 2015 | September 1, 2015 |
| August 25, 2015 | September 24, 2015 | September 15, 2015 |
| September 15, 2015 | October 8, 2015 | October 6, 2015 |
| September 29, 2015 | October 22, 2015 | October 20, 2015 |
| October 13, 2015 | November 12, 2015 | November 3, 2015 |
| October 27, 2015 | December 10, 2015 | November 17, 2015 |
| November 10, 2015 | December 10, 2015 | December 1, 2015 |
| November 24, 2015 | December 10, 2015 | December 15, 2015 |

# 2015 Calendar
# Board of Adjustment
# Variance & Home Occupation Special Uses

24 N. Center Street

| Deadline | BOA Meeting Date |
|---|---|
| December 16, 2014 | January 6, 2015 |
| You can switch | January 20, 2015 |
| January 13, 2015 | February 3, 2015 |
| January 27, 2015 | February 17, 2015 |
| February 10, 2015 | March 3, 2015 |
| February 24, 2015 | March 17, 2015 |
| March 17, 2015 | April 7, 2015 |
| March 31, 2015 | April 21, 2015 |
| April 14, 2015 | May 5, 2015 |
| April 28, 2015 | May 19, 2015 |
| May 12, 2015 | June 2, 2015 |
| May 26, 2015 | June 16, 2015 |
| June 16, 2015 | July 7, 2015 |
| June 30, 2015 | July 21, 2015 |
| July 14, 2015 | August 4, 2015 |
| July 28, 2015 | August 18, 2015 |
| August 11, 2015 | September 1, 2015 |
| August 25, 2015 | September 15, 2015 |
| September 15, 2015 | October 6, 2015 |
| September 29, 2015 | October 20, 2015 |
| October 13, 2015 | November 3, 2015 |
| October 27, 2015 | November 17, 2015 |
| November 10, 2015 | December 1, 2015 |
| November 24, 2015 | December 15, 2015 |

*Date Submitted & Fee Paid:* 1-5-15 *Hearing Date:* 1-20-15

# 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.

____ **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.**

X **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: 1212 W. STATE ST. | |
| Owner: DAVID RASMUSSON | |
| Mailing Address: | |
| Phone: 750-0516 | Fax: |
| Email Address: RICK681978@GMAIL.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:**

David R. Rasmusson
641-750-0516
rick681978@gmail.com

**Please state your hardship.**

**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.

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.

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.

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.

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.

**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: 1-4-15 |
| -OR- Agent Signature: | Date: |

1. I would like to construct a 30x40x12 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 to small to accommodate my plow truck or not tall enough to accommodate a Chevy Blazer I'm restoring. I'm also restoring a 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 the room I need for this, as well more storage an 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 is on 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 the build the size of building to fit my needs to be able to stay in my neighborhood.

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

| PARCEL | TOWN/TOWNSHIP | | | | | | ZONING |
|---|---|---|---|---|---|---|---|
| 07-27-381-010 | M'TOWN CITY MC | | | | | | R-3 |
| SCHOOL DISTRICT | MARSHALLTOWN SCH DIS | | | | | | |
| PROPERTY ADDRESS | 1212 W STATE ST MARSHALLTOWN IA 50158 | | | | | | |
| MAILING ADDRESS | 1212 W STATE ST MARSHALLTOWN IA 50158 | | | | | | |
| MOST RECENT INSTRUMENT | 200300000067 | TYPE | WD | DATE | 2003/01/02 | TRANSFERRED | 2003/01/03 |

Click to display map!

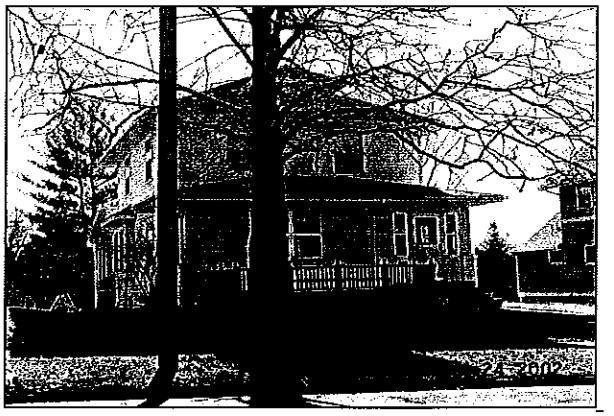


Photo: 2002/01/24

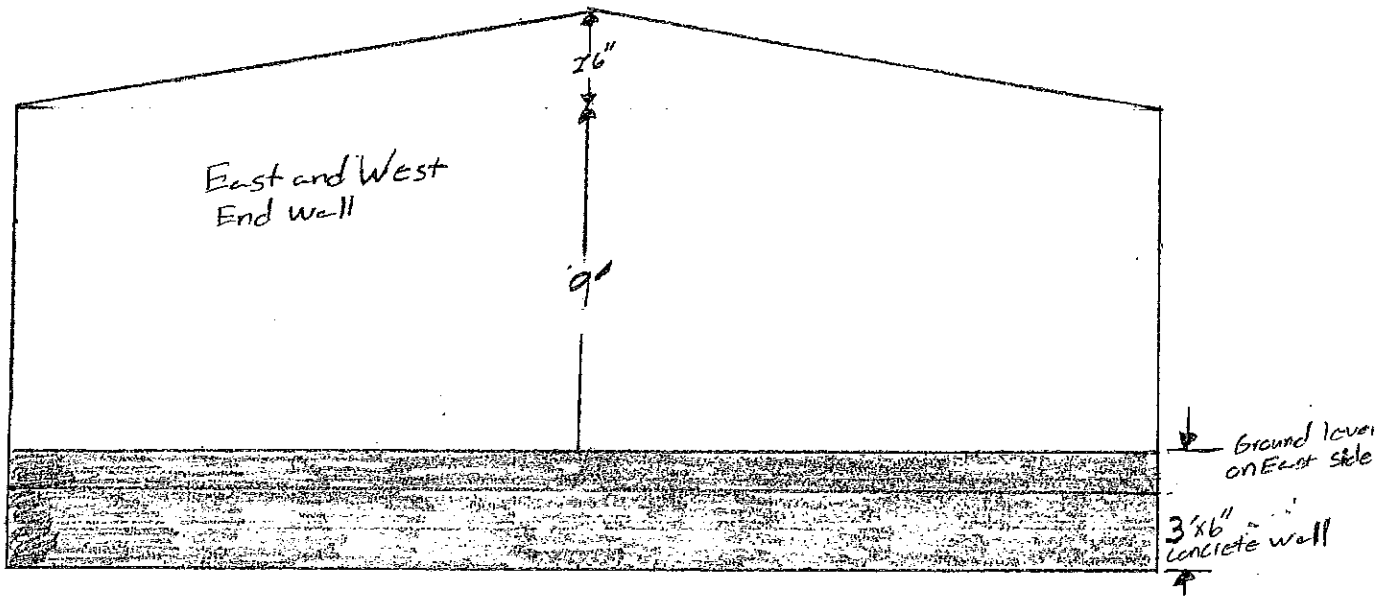
| OWNER | |
|---|---|
| Title | RASMUSSON, DAVID R |

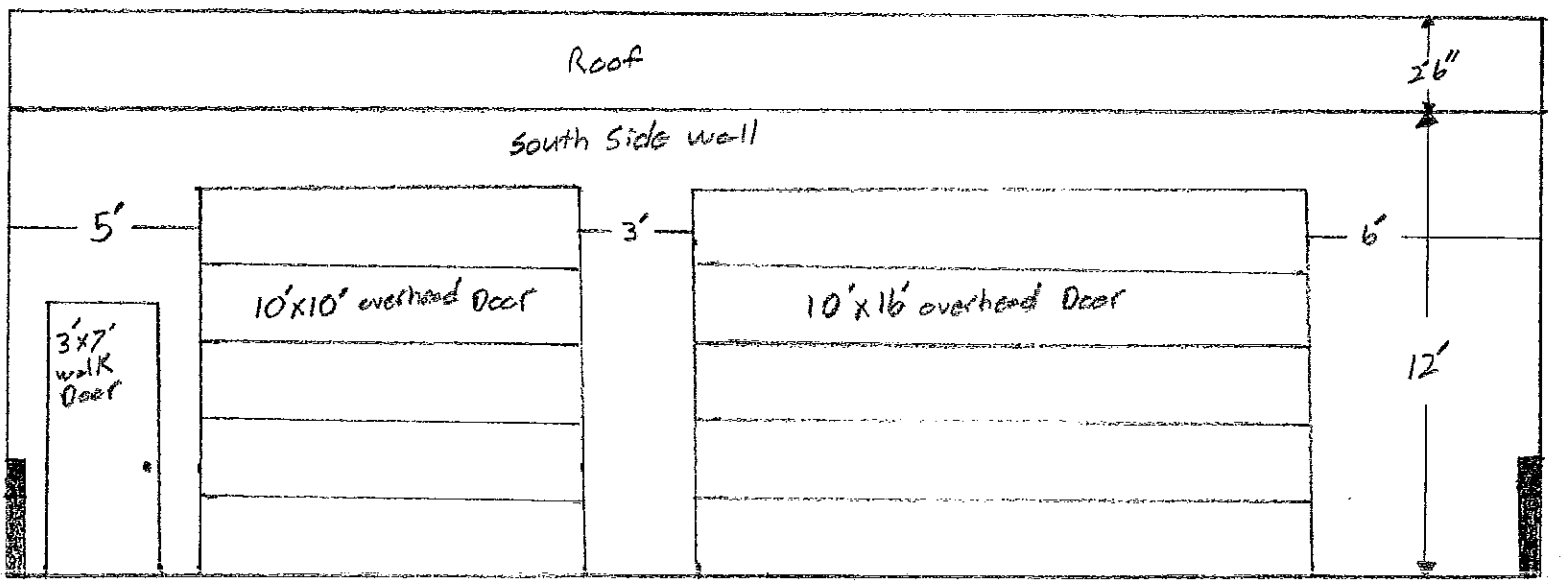
| TAX DESCRIPTION |
|---|
| ELECTRIC ADD LOT 6 BLK 9 |

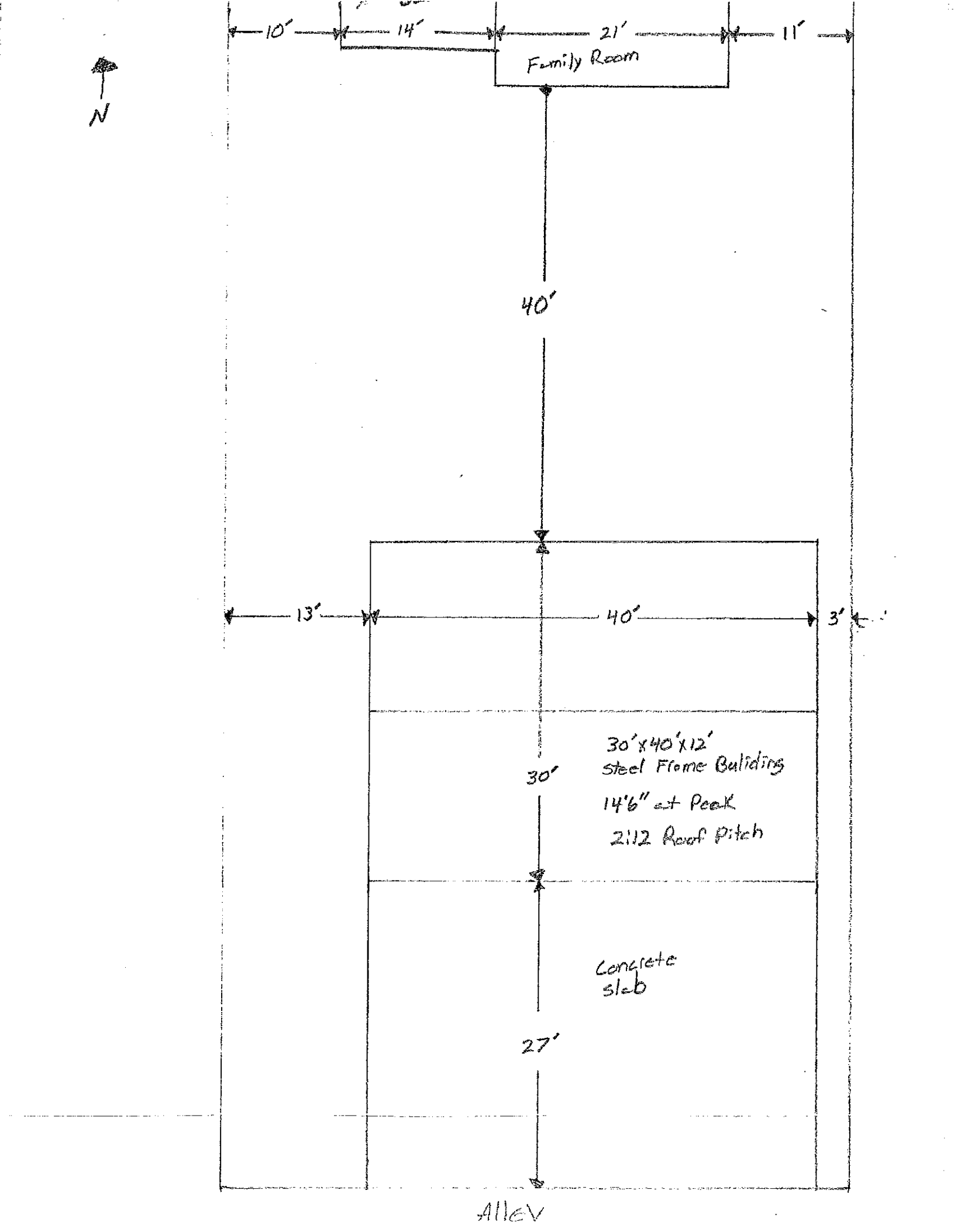
| LAND | Total |
|---|---|
| Acres | 0.23 |
| LOT SIZE: 56 X 180 | |

| 2014 ASSESSMENT | Class | Land | Improvements | Total |
|---|---|---|---|---|
| Gross | RESIDENTIAL | 14,520 | 95,840 | 110,360 |
| Exemption | | 0 | 0 | 0 |
| Net | | 14,520 | 95,840 | 110,360 |

| DWELLING | | | | | |
|---|---|---|---|---|---|
| Occupancy | Single Family | Style | 2 Story Frame | Built | 1920 |
| Bsmt | Full | Bsmt Finish Sq Ft | 200 | Attic Finish | Floor & Stairs |
| Foundation | C Blk | Exterior | Permanent Siding | Roof | Asph/Hip |
| Heat | FHA - Gas | Air Cond | Yes | Bedrooms | 4 |
| Floor Covering | Carp/Vinyl | Interior Finish | Plas | TSF-BA | 2262 |
| Full Baths | 1 | Shower Stall Baths | 1 | Water Closets | 1 |
| Sinks | 1 | Det Frame Garage | 576 SF | Att Frame Garage | 225 SF |


1'6"
East and West
End wall
9'
Ground level
on East side
3'x6"
concrete wall


Roof
2'6"
South Side wall
5'
3'
6'
10'x10' overhead Door
10'x16' overhead Door
3'x7'
walk
Door
12'


10'
14'
21'
11'
Family Room
N
40'
13'
40'
3'
30'
30'x40'x12'
Steel Frame Building
14'6" at Peak
2:12 Roof Pitch
Concrete
slab
27'
Alley

I have looked over the plans for David Rasmusson's Proposed Building, and I do NOT object to the size or location of it on his property.

1. **Print Name** Christina Potter
   **Address** 1214 W. State St.
   **Phone #** 641-644-6077
   **Signature** Christina M Potter

2. **Print Name** Jae Jae Tun
   **Address** 1210 W State ST
   **Phone #** 315-525-7345
   **Signature** Jae

3. **Print Name** Nancy Grabe
   **Address** 1211 W. Main St
   **Phone #** 641-752-8121
   **Signature** Nancy R Grabe

4. **Print Name** _____
   **Address** _____
   **Phone #** _____
   **Signature** _____

2014 Planning & Zoning Commission

| Date | Meeting Held | Boston | Greer | Lawson | Chaplin-Eich | Valbracht | Nord | Vacant/ Bloomquist | Number Present | Number Expected | % Present | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2/16/2014 | Yes | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 5 | 6 | 83.33% | 9 |
| 3/20/2014 | Yes | 1 | 0 | 1 | 1 | 1 | 1 | 0 | 5 | 6 | 83.33% | |
| 3/27/2014 | Yes | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 6 | 7 | 85.71% | |
| 4/17/2014 | Yes | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 6 | 7 | 85.71% | |
| 5/1/2014 | Yes | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 4 | 7 | 57.14% | |
| 7/31/2014 | Yes | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 6 | 7 | 85.71% | |
| 8/14/2014 | Yes | 1 | 1 | 1 | 0 | 0 | 1 | 1 | 5 | 7 | 71.43% | |
| 10/16/2014 | Yes | 1 | 1 | 1 | 0 | 1 | 1 | 1 | 6 | 7 | 85.71% | |
| 10/30/2014 | Yes | 1 | 0 | 0 | 1 | 1 | 0 | 1 | 4 | 7 | 57.14% | |
| # Attended | | 9 | 6 | 7 | 6 | 7 | 6 | 6 | | | | |
| % Attended | | 100.0% | 66.7% | 77.8% | 66.7% | 77.8% | 66.7% | 85.7% | | | | |

| 2014 Board of Adjustment | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Date | Meeting Held | Eaton | Hitchins | Miller | Schulze | Welker/Vacant | Number Present | Number Expected | % Present | | |
| 2/18/2014 | Yes | 1 | 1 | 0 | 1 | 1 | 4 | 5 | 80.00% | | 9 |
| 5/6/2014 | Yes | 1 | 1 | 1 | 1 | 1 | 5 | 5 | 100.00% | | |
| 6/3/2014 | Yes | 1 | 1 | 1 | 1 | 0 | 4 | 5 | 80.00% | | |
| 8/5/2014 | Yes | 1 | 1 | 1 | 0 | 1 | 4 | 5 | 80.00% | | |
| 8/19/2014 | Yes | 1 | 1 | 1 | 1 | 0 | 4 | 4 | 100.00% | | |
| 9/16/2014 | Yes | 1 | 1 | 1 | 0 | 0 | 3 | 4 | 75.00% | | |
| 10/21/2014 | Yes | 1 | 1 | 1 | 0 | 0 | 3 | 4 | 75.00% | | |
| 11/4/2014 | Yes | 1 | 1 | 1 | 1 | 0 | 4 | 4 | 100.00% | | |
| 12/16/2014 | Yes | 1 | 1 | 1 | 1 | 0 | 4 | 4 | 100.00% | | |
| # Attended | | 9 | 9 | 8 | 6 | 3 | | | | | |
| % Attended | | 100.00% | 100.00% | 88.89% | 66.67% | 75.00% | | | | | |

# Notice of Public Meeting
## BOARD OF ADJUSTMENT

Agenda for Tuesday, January 20th, 2015 - 5:00 p.m.
City Council Chambers, City Hall
10 West State Street, Marshalltown IA

Committee Members:

| | |
|---|---|
| Darrell Eaton | David Schulze |
| Kevin Hitchins | Vacant |
| G Ward Miller | |

Call to Order:

Roll Call: Eaton

1. Approve Agenda

2. Review and approval of the Minutes from 12-16-14

Old Business:

3. None

New Business:

4. Special Use Permit – 306 S 17th Ave
5. Variance – 1212 West State Street
6. 2014 Attendance & 2015 Meeting Schedule

Date Posted: 1-13-15

http://ci.marshalltown.ia.us/meetings/view/MeetingID/1157