

1. Board Of Adjustment Packet

Documents:

[BOARD OF ADJUSTMENT AGENDA DECEMBER 16, 2014 - ITEM 1.PDF](#)
[VARIANCE APPLICATION - ITEM 2.PDF](#)
[LETTER FROM RENTAL INSPECTOR - ITEM 3.PDF](#)
[PICTURES - ITEM 4.PDF](#)



Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, December 16, 2014 - 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
Vacant

Call to Order:

Roll Call: Hitchins

1. Approve Agenda
2. Review and approval of the Minutes from 11-04-14

Old Business:

3. None

New Business:

4. Variance – 509 N 3rd St

Date Posted: 12-9-14

<http://ci.marshalltown.ia.us/meetings/view/MeetingID/1150>

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:	
509 N. 3 rd St Marshalltown, Ia	
Owner:	
Nancy Jean Luerse	
Mailing Address:	
509 N. 3 rd St. Marshalltown, Ia	
Phone:	Fax:
641-753-0872	
Email Address:	
jsienknecht@yahoo.com (Agent)	
Owner's Agent (if applicable):	
Joanne Luerse	
Agent Phone:	Agent Fax:
641-691-6828	

I am asking the Board of Adjustment to allow a variance of my property at 509 N 3rd Street.
This is my home but is also constructed as a two apartment dwelling. A variance is necessary to fully utilize both living areas of the home

1. The construction of my home, prior to my purchase, was converted from a single family dwelling into a two unit apartment dwelling. Each floor of the house has separate access with no direct access in between. Unless a variance is granted, the upper level of the house will be wasted space due to the alterations that have been made. Changing the construction of the house back to a single family dwelling would cause extreme financial hardship making it impossible for me to see a return on my investment.
2. As per the recorded dimensions of the property it falls short of the requirement by 463 sq. feet. I have attached copies of other area dwellings that have been allowed variance.
3. Granting the variance will make no changes to the character of the property or the surrounding area as all the changes were made prior to my purchase in 1996. This is a neighborhood of rentals, some converted houses where variance has been granted and other buildings constructed for the sole purpose of rental. (See Examples)
4. There is adequate parking area on the property so as not to congest the street. This rental unit has not been a nuisance to the community or the police, no complaints regarding the tenants have occurred while living here.
5. To my knowledge there are no other options to pursue that will not require major structural changes to the home.

Comments: This is a well maintained house as well as the grounds. I have resided in the lower unit of the house since the time of purchase. The upper unit has been rented to others. I have not had to evict anyone due to criminal activity.

My intended use for this house when I bought it was to have separate quarters with my adult son. Since he moved others have rented the upstairs.



Housing & Community Development's
Housing Inspection Office

36 N. Center Street
Marshalltown IA 50158-5001
Housing Inspections – Tel – (641) 754-6582
Joan Helm, Ext. 147 or (641) 750-2943
Fax – (641) 754-5742
jhelm@ci.marshalltown.ia.us
Becky Borota, Ext. 148 or (641) 750-3081
rborota@ci.marshalltown.ia.us

November 26, 2014

Re: 509 N. 3rd Street PIN: 07-26-326-001

To Whom It May Concern:

Our office is currently working with the owner of 509 N. 3rd Street here in Marshalltown. The owner lives in the lower unit and rents out the upper unit. However, we could not find a record of any inspection and needed to start the process with the owner to ensure it meets the City of Marshalltown's Zoning requirements and if so, the City's minimum standards for rentals.

The owner wanted us to start immediately on the inspection process and has been cooperative with our office since we met. The electrical survey has started as well the plumbing survey. I also went through the house with the owner and noted any violations. The owner also has turned in a variance request for 509 N. 3rd Street.

Based on the inspections, the property was noted as being in very good condition, very clean and well maintained inside and out. There is also ample off street parking. It just needs some updates to meet current minimum standards to be rented. As noted above, the owner has been very cooperative and involved with our inspections and if you do approve, we do not anticipate any problems with the owner meeting compliance. The owner will need to a couple of items that will require some expense, but owner's response is we will get it done.

I would also like to note, there are no records of any complaints in our rental records for this property nor have there been any nuisance complaints with the Nuisance Office. I would also like to note there are several apartments in the immediate area of 509 N. 3rd Street and beyond.

If you have any questions, you may contact me at 641-754-6582.

Sincerely,

Joan Helm
Housing Inspector

Cc: Property Files

