

1. Board Of Adjustment Packet

Documents:

[BOARD OF ADJUSTMENT AGENDA MAY 6, 2014 - ITEM 1.PDF](#)
[VARIANCE APPLICATION - ITEM 2.PDF](#)



Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, May 6th, 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
Sherm Welker

Call to Order:

Roll Call: Welker

1. Approve Agenda
2. Review and approval of the Minutes from 02-18-14

Old Business:

3. None

New Business:

4. Variance – 207 Wauconda Rd

Date Posted: 4-29-14

Date Submitted & Fee Paid: 4-8-14

Hearing Date: 5-6-14

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.

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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.

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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.

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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.

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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:

207 Wauconda Road Marshalltown, IA 50158

Owner:

Brett and Kimberly Canaday

Mailing Address:

207 Wauconda Road Marshalltown, IA 50158

Phone:

(641) 752-6196

Fax:

Email Address:

bkcanaday@g.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:

See Attachment 1

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.

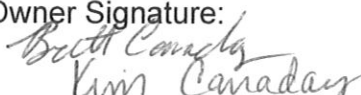
2. This variance is required because of the unique circumstances of this property and not the general conditions of the neighborhood. The applicant must show that physical circumstances (such as an odd-shaped lot or difficult topography) on the property are unique to this property and unlike other properties 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:  Brett Canady	Date: 4-7-14 4-7-14
-OR- Agent Signature:	Date:

Legal Description:

LOT 6 IN BLOCK 3, MAPLE ESTATES FIRST ADDITION TO MARSHALL, MARSHALL COUNTY, IOWA

The applicant makes the following request:

We request a variance to build an additional attached garage stall and concrete driveway on the west side of our property.

Please state your hardship:

We have an irregular shaped lot with legal frontage on Maple Blvd. The house and garage face Wauconda Rd. Zoning ordinance requires structures to be built 25 feet from property line. We seek a variance to build closer to the west property line.

1. Our house was built facing Wauconda Rd. on an irregular corner lot preventing us from building closer to our west property line because of a zoning ordinance that requires 25 feet of space between structure and property line.
2. We have an irregular corner lot, if our lot was square with a frontage on Wauconda Rd. rather than Maple Blvd. a permit could be issued without a variance.
3. We have spoken to our neighbors to the west, they have indicated there will be no conflict if the variance is granted.
4. The garage addition will be on the west side of our current garage and will not impede any line of sight issues for traffic on nearby streets.
5. We have an irregular corner lot that we would like to add an attached garage stall and concrete drive to our existing garage and concrete drive. This would eliminate the need for an additional curb cut driveway, and structure to be built off of the Maple Blvd. side of our property.

I Kyle Hall have been informed of the proposed variance on the property and curb cut at 207 Wauconda Rd. Marshalltown Iowa, and I have no conflicts with this proposed variance.

Property Owner Kyle Hall Date: 4/7/14

209 Wauconda Rd.

Marshalltown IA 50158

Subject Photos

Lender/Client	Wells Fargo Bank N.A.			
Property Address	207 Wauconda Rd			
City	Marshalltown	County	Marshall	State IA Zip Code 50158
Lender	Wells Fargo Bank N.A.			

**Subject Front**

207 Wauconda Rd
Sales Price
Gross Living Area 1,056
Total Rooms 5
Total Bedrooms 3
Total Bathrooms 1.0
Location N;Res;
View N;Res;
Site 10530 sf
Quality Q3
Age 41

**Subject Rear****Subject Street**

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