

1. Board Of Adjustment Packet

Documents:

[HOME OCCUPATION REGISTRAION FORM.PDF](#)
[MEMO.PDF](#)
[AGENDA 11 14 17.PDF](#)

Home Occupation Registration Form

City of Marshalltown, 24 North Center Street, Marshalltown, IA 50158

Phone: 641-754-5756; Fax: 641-754-5742

This form must be complete or the application cannot be accepted.

Applicant Name: Kurt Hilleman	Business Name: Kurt Hilleman
Address: 405 W. Madison Street	
Phone: 954 830-7301	Fax: N/A

Please describe your home occupation (attach additional information if necessary).

Gunsmith Service - Basic repair and parts replacement. Licensed gunsmith since 1999. No signage will be used.

Please check the appropriate category for your home occupation:

- | | |
|---|--|
| ☒ Office facilities for accountant, architect, engineer, lawyer, clergyman, or other similar professional occupations.
☐ Office facilities for telecommuters, salesmen, sales representatives, manufacturer's representatives, and other similar trades or occupations
☐ Home sewing or tailoring.
☐ Studio for an artist, photographer, writer, or composer. | ☐ Telephone answering.
☐ Catering, home-cooking and preserving for the purpose of selling the product.
☐ Tutoring or giving lessons, limited to four students simultaneously.
☐ Day care homes.
(List the number of permitted Children: _____)
☐ None of the above, Special Use permit required.
☐ None of the above, use "grandfathered". |
|---|--|

The following home occupations are prohibited: Animal hospitals, private clubs, restaurants, stables and kennels, automobile repair or auto body shops (More than 2 vehicles per year which are not registered at the residence and are rebuilt, repaired, or reconstructed shall constitute an automobile repair or auto body shop), automobile paint shops, any occupation which is considered illegal by law, and any use which does not meet the Home occupation regulations.

Home Occupation Regulations

- a) **Appearance.** That in connection with which there is no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, with the exception of one home occupation sign defined in section c) below.
 Initial that you understand this appearance requirement: KH
- b) **Design.** That the building shall include no features of design not customary for residential use; That the building or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to exterior appearance or by the emission of dust, gas, noise, odor, or smoke, or in any other way.
 Initial that you understand this design requirement: KH
- c) **Signs.** Any sign utilized by a home occupation in an "R" (residential zoning) district shall be limited to one building mounted sign which shall not exceed one square foot in area.

Attach a photo or drawing of the home occupation sign to be used showing all dimensions and where it will be mounted. Initial that you understand this design requirement: KH

- d) **Equipment.** Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in an accessory building.

Are any dangerous materials stored? _____ Yes ✓ No

If yes, please list the materials: _____

- e) **Employment.** On-site employees must be members of the immediate family residing on the premises. Additional employees may be permitted as required by law or may be permitted through the Home Occupation Special Use Permit process by the Board of Adjustment.

How many people are employed? ONE

How many employees are not members of the immediate family residing on the premises? NONE

List all employees: KURT HILLEMANN

- f) **Traffic and Parking.** Traffic generated by the home occupation shall not be objectionable to the neighboring residents. Off-street parking shall be adequate to accommodate the parking demand generated by the home occupation.

How many visits per day are made to your business? LESS THAN ONE

How many parking spaces are available? 2

- g) **Structural modifications.** Structural modifications or additions to the residence for the expansion of a home occupation is prohibited.

Initial that you understand this requirement: KH

- h) **Non-compliance.** Any home-occupation which does not abide by the terms of this section shall be punishable under the Violation and Penalty section of the zoning ordinance. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not more than one hundred (\$100.00) dollars for each offense. After a written notice of such violation, each day that the violation is permitted to exist beyond the expiration of the time designated on said notice, shall constitute a separate offense.

- Please read the attached Section 10-Home Occupations excerpt from the Zoning Ordinance.
- Please attach a photo of the residence and site map showing parking.
- This home occupation permit does NOT continue with the land and is NOT transferable.
- Any changes to the operation of the home occupation requires a re-registration.

Agreement: I hereby state I have received, have read and understand the terms of the home occupation section of the Zoning Ordinance of 1998. I agree to comply with the ordinance.

Signature of applicant: _____

Date: 10-20-17

- ☐ Home Occupation permitted
☐ Home Occupation grandfathered (Legal non-conforming)
☐ Special Use permit granted on _____

Zoning Officer, City of Marshalltown

Date

DATE SUBMITTED & FEE PAID: _____
HEARING DATE: _____

 the City of
Marshalltown
BOARD OF ADJUSTMENT

Special Use & Home Occupation Special Use Permit Application
36 N. Center Street, Marshalltown, IA 50158 Ph: 641-754-5756 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: 405 W. MADISON STREET

Owner: AUNDRAY L. JONES

Mailing Address: 405 W. MADISON STREET

Phone: 319 431-3478

Email:

Owner's Agent (if applicable):

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:

©THE IOWA STATE BAR ASSOCIATION
Official Form No. 106 - May 2006

Marie A Condon

FOR THE LEGAL EFFECT OF THE USE OF
THIS FORM, CONSULT YOUR LAWYER

Return To: James & Flora Jones, 405 W Madison, Marshalltown, Iowa 51058

Preparer: Marie A Condon, 2648 Reed Ave, Marshalltown, IA 50158, (641) 752-0811

Taxpayer: James & Flora Jones, 405 W Madison, Marshalltown, Iowa 50158



QUIT CLAIM DEED

For the consideration of One _____ Dollar(s) and other valuable consideration,
James Howard Jones and Flora L. Jones, husband and wife,

Quit Claim to James Howard Jones, Flora L. Jones, Sharon D. Jones and Aundray L. Jones, as joint
tenants with full rights of survivorship and not as tenants in common, all
our right, title, interest, estate, claim and demand in the following real estate in _____ all
County, Iowa: Marshall
See 1 in Addendum

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate. Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: 3-3-9

James Howard Jones
James Howard Jones (Grantor)

(Grantor)

Flora L. Jones
Flora L. Jones (Grantor)

(Grantor)

STATE OF IOWA, COUNTY OF MARSHALL

This instrument was acknowledged before me on _____, by James Howard Jones
and Flora L. Jones, husband and wife,



MARIE A. CONDON
COMMISSION # 155513
MY COMMISSION EXPIRES
12-13-11

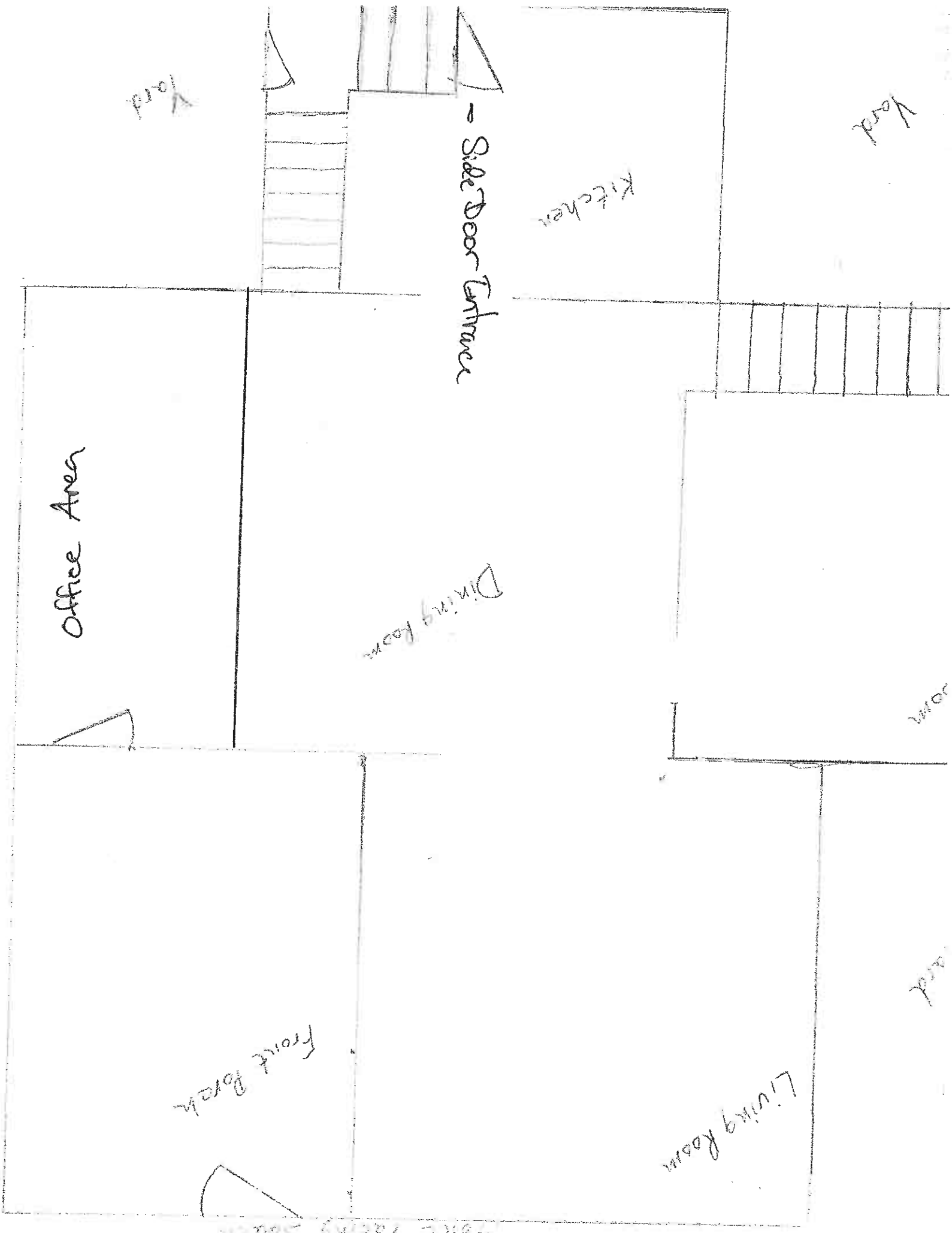
Marie A Condon
Marie A Condon, Notary Public

Addendum

1. The West 75 feet of Lot 6, Block 14, Rice's Addition to Marshall, Marshall County, Iowa. This deed is given from parents to children without actual consideration so no declaration of value or groundwater hazard statement is required.

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Property Information									
Tax Year		Parcel Number							
2017		8418-35-155-016							
Tax Status		Property Class							
Taxable		R-RESIDENTIAL							
Township/City		School District							
MTOWN CITY MC		MARSHALLTOWN SCH DIS							
Tax District									
450800 - MTOWN CITY MC									
Total Acres		Assessed Value							
0.10		49,020							
2017 Tax Rate information is not currently available.									
Property Address		Mailing Address		Owner					
405 W MADISON ST MARSHALLTOWN, IA 50158		JONES, JAMES HOWARD 405 W MADISON ST MARSHALLTOWN, IA 50158							
Land									
Property Description									
RICES ADD W 75' LOT 6 BLK 14									
Assessments									
Assessment 2017		Class		Assessed Values			Taxable Values		
				Land	Improved	Total	Land	Improved	Total
GROSS		RESIDENTIAL		3,150	45,870	49,020	0	0	0
EXEMPTION				0	0	0	0	0	0
NET				3,150	45,870	49,020	0	0	0





**GARAGE
WORKSHOP**

PARKING



405 West Madison Street

Google

RENTAL AGREEMENT

THIS AGREEMENT made this 15th Day of November, 2017, by and between AUNDRAY JONES, herein called "Landlord," and KURT HILLEMANN, herein called "Tenant." Landlord hereby agrees to rent to Tenant the dwelling located at **405 W. MADISON STREET, MARSHALLTOWN, IOWA 50158** under the following terms and conditions.

1. FIXED-TERM AGREEMENT (LEASE):

Tenants agree to lease this dwelling for a fixed term of 6 months, beginning 11-16-17 and ending 6-1-18. Upon expiration, this Agreement shall become a month-to-month agreement AUTOMATICALLY, UNLESS either Tenants or Owners notify the other party in writing at least 30 days prior to expiration that they do not wish this Agreement to continue on any basis.

2. RENT:

Tenant agrees to pay Landlord as base rent the sum of \$ 600⁰⁰ per month, due and payable monthly in advance on the 1st day of each month during the term of this agreement. The first month's rent is required to be submitted on or before move-in.

3. HOME BASED BUSINESS:

The Landlord is aware that the Tenant will be operating a gunsmith business at the residence and authorizes the Tenant to conduct a home based business at the residence.

4. TENANT RESPONSIBILITY:

Good housekeeping is expected of everyone. Tenant agrees to keep quarters clean and in a sanitary condition. The Tenants agree not to permit any deterioration or destruction to occur while they are occupying the property.

Accepted this 15 day of November, 20 17.

Kurt Hillemann
Tenant

11-15-17
Date

Aundray Jones
Landlord-Manager

11-15-17
Date



James L. Lowrance, Mayor
36 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5756
Fax - (641) 754-5742

Housing & Community Development

TO: Board of Adjustment

FROM: Michelle Spohnheimer, Housing & Community Development Director 

DATE: November 17, 2017 – Meeting Date

PUBLIC HEARING for Home Occupation Special Use Permit request for 405 W. Madison St. for occupant Kurt Hilleman to operate a gunsmith service.

Kurt is relocating to Marshalltown and would like to operate a gunsmith service out of the property at 405 W. Madison. The property is owned by Aundray Jones and would be occupied as a rental property.

2. Criteria:

- a) No Exterior Display. That in connection with which there is no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, with the exception of section 'd' herein;
- b) Residential Design Features. That the building shall include no features of design not customary for residential use;
- c) Residential Character. That the building or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to exterior appearance or by the emission of dust, gas, noise, odor, or smoke, or in any other way.
- d) Signs. Any sign utilized by a home occupation in an "R" district shall be limited to one building mounted sign which shall not exceed one square foot in area.
- e) Equipment. Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in an accessory building.
- f) Employment. On-site employees must be members of the immediate family residing on the premises. Additional employees may be permitted as required by law or may be permitted through the Special Use Permit process by the Board of Adjustment.
- g) Traffic and Parking. Traffic generated by the home occupation shall not be objectionable to the neighboring residents. Off-street parking shall be adequate to accommodate the parking demand generated by the home occupation.
- h) Structural modifications or additions to the residence for the expansion of a home-occupation are prohibited.
- i) Non-compliance. Any home-occupation which does not abide by the terms of this section shall be punishable under the Violation and Penalty section of the zoning ordinance.

City Council
Leon Lamer, Mike Gowdy, Al Hoop, Joel Greer
Dan Kester, Bill Martin, Bethany Wirin





Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, November 14, 2017 – 5:00 p.m.
City Council Chambers, City Hall
10 West State Street, Marshalltown IA

Committee Members:

Kelli Thurston
Kevin Hitchins, Chair
Tammie Frederick

David Schulze
Bob Wenner

Call to Order:

Roll Call:

1. Approve Agenda
2. Approval of Minutes from July 18, 2017

Old Business:

None

New Business:

3. **PUBLIC HEARING:**
Home Occupation Special Use – 405 W. Madison St.