



**MARSHALLTOWN  
MORE THAN EVER**

**CITY OF MARSHALLTOWN  
BOARD OF ADJUSTMENT  
NOTICE OF PUBLIC MEETING  
CITY HALL COUNCIL CHAMBERS  
10 WEST STATE STREET  
APRIL 21, 2026, 5:00 PM**

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**AGENDA**

**CALL TO ORDER**

**ROLL CALL**

Mark Eton, Tammie Engle, Heidi Hogan, David Schulze, Kelli Thurston

**APPROVAL OF MEETING MINUTES**

1. Approval of Meeting Minutes From January 20, 2026

**BUSINESS**

2. Conduct a Public Hearing and Consider Approval of a Variance Application for 1906 W Olive Street

**ADJOURNMENT**

**MISSION STATEMENT**

The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.

# MARSHALLTOWN

———— I O W A ————

## HOUSING & COMMUNITY DEVELOPMENT

Mike Ladehoff, Mayor  
Carol Webb, City Administrator  
Deb Millizer, Director  
Clayton Ender, Assistant Director  
24 North Center Street  
Marshalltown, IA 50158-4911  
Tel - (641) 754-5756  
Fax - (641) 754-5717

## NOTICE OF PUBLIC MEETING

Board of Adjustment Special Meeting  
Wednesday, January 20, 2026, 5:00 pm  
City Hall, City Council Chambers  
10 West State Street, Marshalltown, IA 50158

### MINUTES

#### Call to Order and Roll Call

Chair Kelli Thurston called the meeting of the City of Marshalltown Board of Adjustment to order at 5:02 p.m.

Members present: Chair Kelli Thurston, David Schultz, Heidi Hogan.

Members absent: Eaton, Engle.

Staff present: Deb Millizer.

Staff referenced written materials prepared by Clayton Ender and a memo from the Police Chief.

#### Approval of Minutes, December 16, 2025

Motion by Schultz. Second by Hogan. To approve the December 16, 2025 meeting minutes as presented.

Vote: Ayes Thurston, Schultz, Hogan. Nays none. Motion carried.

#### Special Use Permit, 1310 Iowa Avenue West, ITC Midwest Laydown Yard

##### 3.1 Staff Report

Deb Millizer summarized Clayton Ender's written report. The property is proposed for use as a laydown yard for materials supporting an upgrade of an existing transmission line from 161 kV to 345 kV. The use qualifies as a major utility expansion and requires a special use permit. The Planning and Zoning Commission recommended approval subject to conditions, including submission of a landscaping plan meeting code requirements.

##### 3.2 Applicant Presentation

Jamie Toledo, ITC Midwest, presented. Chad of ITC Midwest participated remotely. The laydown yard will store poles, wires, and other materials for the transmission line upgrade and ongoing operations. ITC stated the intent is to make the laydown yard a permanent storage location, not a temporary construction staging yard.

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Jeff Schneider, Gary Thompson, Marco A. Yopez-Gomez



Landscaping: Standard code would require approximately 50 overstory trees. ITC stated overstory trees at this location would conflict with electrical facilities and require removal. ITC proposed understory trees in approximately the same quantity to meet the screening intent of the ordinance without interfering with utility operations.

Fencing: The City requires slatted privacy fencing for the laydown yard. ITC stated it will install slatted fencing on all sides except the east side, which abuts an existing substation. On the substation side, ITC requested chain link fencing for operational and safety reasons. ITC stated it will work with staff to finalize vegetation and fencing details consistent with code and the variance request.

Board questions addressed whether the yard is temporary or permanent, and security and lighting considerations. ITC stated the yard is intended to be permanent. ITC noted the materials' weight and limited resale value reduce theft risk. ITC stated lighting details would be reviewed with the project manager.

### 3.3 Public Comment

The Chair opened the public hearing. Staff reported no written public comments and no members of the public spoke. The Chair closed the public hearing.

### 3.4 Board Discussion

Board members discussed consistency with prior decisions for nearby properties on Iowa Avenue West and noted that the proposed conditions and variance align with past practice.

### 3.5 Motion

Motion by Schultz. Second by Thurston. To approve the Special Use Permit for 1310 Iowa Avenue West as submitted, consistent with staff recommendation, and subject to required landscaping plan review.

Vote: Ayes Thurston, Schultz, Hogan. Nays none. Motion carried.

### Variance, 1310 Iowa Avenue West, Development Landscaping Standards

Staff and the applicant explained the code would typically require overstory trees along the substation side. ITC stated tall trees create operational and safety conflicts near high voltage equipment. ITC requested approval to use understory trees in place of overstory trees in that area.

Motion by Thurston. Second by Hogan. To approve the variance request as submitted, allowing understory trees in place of overstory trees where necessary for utility operations.

Vote: Ayes Thurston, Schultz, Hogan. Nays none. Motion carried.

### Appeal of Zoning Administrator Decision, 114 North Center Street

#### 5.1 Removal from the Table

The matter had been previously tabled to allow for a fuller Board. By consensus, the Board removed the appeal for 114 North Center Street from the table. The owner, Waleed, confirmed he wished to proceed with the appeal before the members present.

#### 5.2 Staff Presentation

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Deb Millizer summarized staff and Police Department materials. On September 13, the Marshalltown Fire Department responded to a fire at 116 North Center Street that spread to 114 North Center Street. A fire incident report and supporting documentation were provided to the Board. The property is a nonconforming one story building in the Urban Core Zoning District, which requires two story buildings.

After consultation with the Police Chief, staff classified the building as a major nonconforming structure due to calls for service. The Police Chief memo reported 687 calls for service in five years, with 160 resulting in criminal cases. Under code provisions for major nonconforming structures, if damage exceeds 50 percent of gross floor area or replacement value, the structure is not eligible for repair or rebuild in its nonconforming configuration. Staff determined more than 50 percent of the building was damaged and denied a building permit for repair. Staff requested the Board affirm the zoning administrator's determination.

### 5.3 Owner Presentation

Waleed stated he purchased 114 North Center Street in June 2021 and has multiple businesses in Marshall County. He acknowledged prior problems at the property but stated the issues relate to surrounding context and homelessness. He stated he has cooperated with law enforcement, trespassed individuals, and provided surveillance video when requested. He expressed concern that if he is not allowed to repair, the building could become a long term vacant structure. He stated his original intent was to reopen a liquor store with possible gaming machines, but he stated he is willing to eliminate gaming machines and adjust the business model. He stated he is willing to comply with conditions on any future use and improvements if allowed to restore the structure.

### 5.4 Contractor Presentation

Lake described emergency cleanup and demolition work after the fire, including removal of some materials in anticipation of a full remodel. He stated the building includes a front commercial area and a rear portion that previously had apartments, separated by a block wall. Based on an engineer's letter, Lake stated the fire was largely confined to one cavity in the front roof area where coolers once penetrated the roof. He stated an older flat roof structure under a newer gable roof helped prevent more extensive damage. He stated only a limited portion of the roof and about 13 percent of one wall were structurally compromised. He stated their calculations show the damage and repair cost are less than 50 percent of the total structure.

He stated detailed architectural and code analysis would follow once there is clarity regarding whether the structure is permitted to remain one story, and he stated they did not want to incur full design costs without that determination.

### 5.5 Board Questions and Discussion

Board discussion included call history at the property, the relationship between liquor sales, gaming, and late night activity, and the Board's role in deciding whether to affirm or not affirm the 50 percent damage determination.

Board members reviewed the engineer's letter and photos and discussed the proportion of wall and roof affected and the potential to restore structural capacity while meeting current

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building codes. The Board noted that even if repair is allowed, the owner must meet current building and fire codes, and any zoning variances would require separate Board action. The Board clarified the effect of a vote. A vote to affirm staff would uphold the 50 percent damage determination and require demolition of the nonconforming structure. A vote not to affirm would allow the owner to pursue repair and remodeling of the one story structure, subject to code, permits, and any future zoning or variance approvals.

#### 5.6 Motion and Vote

Motion by Thurston. Second by Hogan. To affirm the determination of City staff regarding the major nonconforming structure status and the order to demolish due to the extent of damage exceeding 50 percent of the gross floor area of the nonconforming structure.

Roll call vote: Hogan no. Thurston no. Schultz no. Motion failed.

The Board did not affirm staff's 50 percent damage determination. The owner is permitted to pursue repair and remodeling of the structure, subject to all applicable building codes, permits, and any future zoning or variance approvals required.

#### Adjournment

Chair Thurston adjourned the meeting at 6:10 p.m.

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# MARSHALLTOWN

I O W A

HOUSING & COMMUNITY DEVELOPMENT

Deb Millizer, Director  
Clayton Ender, Assistant Director  
24 North Center Street  
Marshalltown, IA 50158-4911  
Tel - (641) 754-5756  
Fax - (641) 754-5717

**TO:** Board of Adjustment  
**FROM:** Clayton Ender, Assistant Housing & Community Development Director  
**DATE:** April 21<sup>st</sup>, 2026  
**RE:** Consider Approval of a Variance Application for 1906 W Olive Street

<b>City Staff Contact:</b>	Clayton Ender, AICP Assistant Director of Housing and Community Development Phone: 641-754-5756 Email: cender@marshalltown-ia.gov
<b>Property Owner &amp; Applicant:</b>	David G & Leah R Mattox 1906 W Olive Street Marshalltown IA 50158
<b>Recommendation:</b>	Staff recommends approval of the variance based upon the presence of moderately steep slopes in the side and rear yards which would make development of a structure in a compliant location practically difficult. Furthermore, staff recommends approval of the variance for the structure height.
<b>Comprehensive Plan:</b>	The subject property is identified in the comprehensive plan with a future land use designation of Low Density Residential which is defined as, "Single-family detached and two-family residential development at a density of 4-6 units per acre."  The proposed usage of the development site is consistent with the comprehensive plan.
<b>Zoning District:</b>	RL, Low Density Residential Zoning District

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**Review Criteria:**

In determining whether to approve, approve with conditions, or deny a variance, the Board of Adjustment shall consider the following review criteria:

**1. The administrative body has considered the recommendation of staff.**

Staff recommends approval of the variance based upon the presence of moderately steep slopes in the side and rear yards which would make development of a structure in a compliant location practically difficult. Furthermore, staff recommends approval of the variance for the structure height.

**2. The request is consistent with applicable policies of the Comprehensive Plan and applicable utility plans and capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.**

The comprehensive plan does not address detached accessory structure standards. Granting or denial of this variance would not impair the implementation of the comprehensive plan.

**3. The request promotes the purposes of this Zoning Ordinance as established in § 156.A.002, Purposes, and in other applicable purpose statements in this chapter.**

§ 156.A.002(B)(1) “Protecting and enhancing the character and property values of all parts of the city”

§ 156.A.002(B)(3) “Improving the city’s appearance through the regulation of design, where such regulations are appropriate”

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**4. Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.**

The subject property has adequate access to existing public streets, water, sanitary sewer, storm sewer and other utilities.

**5. The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.**

Adjacent uses are residential, primarily single-family dwellings. The request is compatible with adjacent land uses.

**6. The granting of the variance is not based on a hardship which is self-imposed;**

The need for the location variance is based upon the presence of moderately steep slopes in the side and rear of the home. The rear yard contains a moderately steep slope of ~13% (18' fall over 138'). While the front yard also contains a slope it is less steep than the side or rear yards at ~10.5% slope (16' fall over 152'). The proposed building location is near the ridge of the front yard slope. In the opinion of staff, the presence of moderate steep slopes in the side and rear yards does present a practical difficulty to development in those areas whereas the front yard location minimizes difficulty to develop the desired site improvements.

The height variance is a self-imposed hardship, but the increased height requested is minimal and would not significantly alter the appearance of the structure.

**7. The hardship is not based solely on the cost of complying with the regulation, but is based on the particular physical surroundings, shape, or topographical conditions of the subject property;**

While cost is a factor in determining practical difficulty in this case it isn't the sole factor. Development on

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steep slopes, even moderately steep, can increase the risk of erosion and regardless of cost should be avoided when an alternative is otherwise available.

**8. The hardship is based on circumstances that are unique to the property for which the variance is sought and not circumstances common to other properties;**

In the opinion of staff, the hardship is a common hardship. While the regulation restricting maximum detached accessory structure area creates an inconvenience it is not a unique regulation that only applies to the subject property. Rather, the regulation applies equally to all residential properties in the city limits.

**9. The variance requested is the minimum necessary that will make possible a permitted use of the land, building, or structure;**

The variance as requested would be the minimum necessary relief to construct the proposed building.

**10. A literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located; and**

While a literal interpretation of the ordinance would not deprive the applicant from constructing detached accessory structure it would, in the opinion of staff, result in a practical difficulty for development by disturbing moderately steep slopes in the side and rear yard of the home. A literal interpretation of the height would not deprive the applicant the ability to construct a usable accessory structure.

**11. Granting the variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.**

In the opinion of staff, granting a variance does not confer on the applicant a special privilege, due to the

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presence of moderately steep slopes in the side and rear yard which can create a practical difficulty to development.

**Attachments:** Findings of Fact Report  
Aerial Vicinity Map - Contour Map  
Variance Application

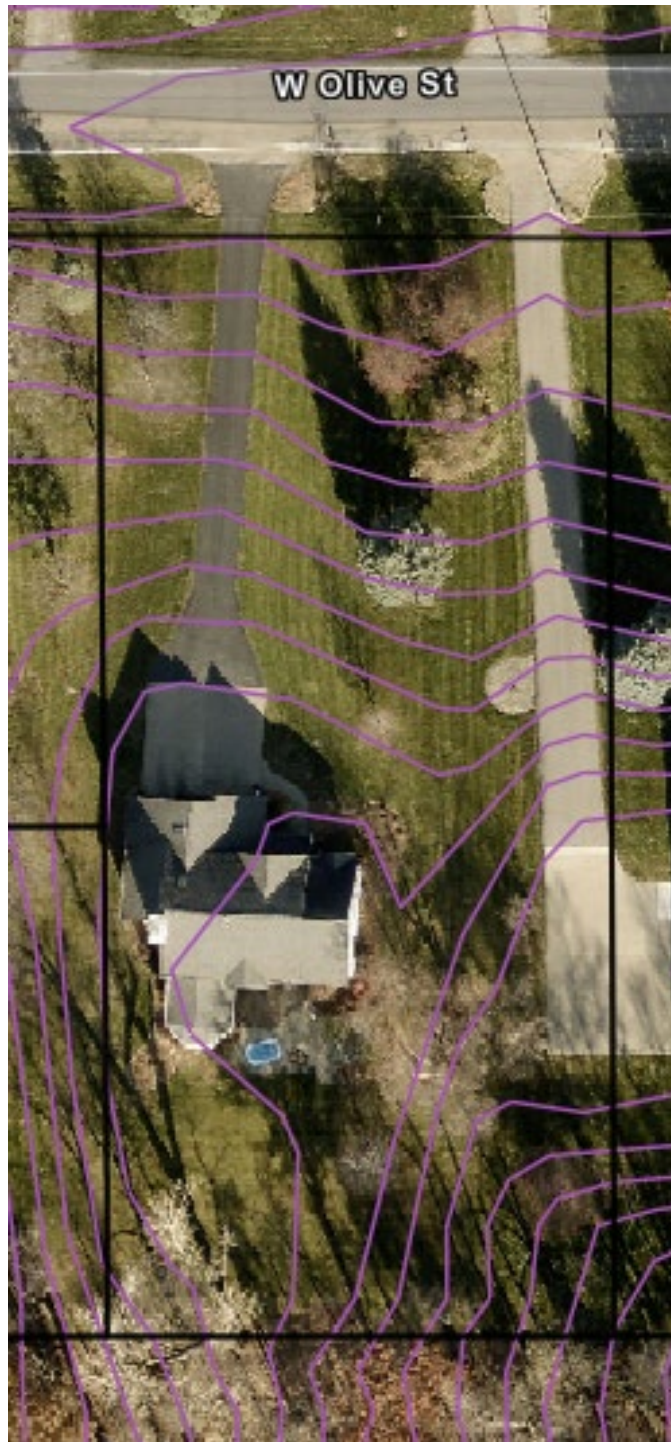
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1906 W Olive Street

2-Foot Contour Map



**Board of Adjustment Finding of Fact Report**

<b>Meeting Date:</b> April 21, 2026	<b>Application Type:</b> Variance
<b>Zoning District:</b> RL, Low Density Residential Zoning District	<b>Comprehensive Plan Designation:</b> Low Density Residential
<b>Property Address:</b> 1906 W Olive Street	
<b>Property Owner:</b> David G & Leah R Mattox 1906 W Olive Street Marshalltown IA 50158	

Request Description: The applicant is seeking a relief to §156.C.007(E)(1)(1) and §156.C.007(E)(3), Max Structure Height, of the City of Marshalltown Zoning Ordinance.

§156.C.007(E)(1)(1) establishes that no accessory building or part thereof shall be located in the front yard. The applicant is seeking permission to construct a detached garage entirely within the front yard of the subject property.

§156.C.007(E)(3) establishes a max structure height of 15 feet for properties of 0.5 acres or less in land area. The applicant is seeking to construct the detached garage to a max structure height of 17 feet 6 inches.

Hardship as stated in the application

The applicant states that the presence of moderately steep slopes in the side and rear yard creates a practical difficulty to development due to the need for significant earth moving needing to take place to construct the structure in a compliant location. Furthermore, the applicant states that the height is to allow for practical usage of the intended loft in the roof of the proposed structure.

New Information introduced for consideration

Findings of Fact (Answer yes or no to each item and provide reasoning if necessary)

YES	NO	Finding Description
	X	<p><b>Not Self Imposed.</b> The granting of the Variance is not based on a hardship which is self-imposed?  <i>Reasoning:</i></p> <p style="text-align: right;">Vote result if applicable: _____ Yes _____ No</p>
	X	<p><b>Based on Cost.</b> The hardship is not based solely on the cost of complying with the regulation, but is based on the particular physical surroundings, shape, or topographical conditions of the subject property?  <i>Reasoning:</i></p> <p style="text-align: right;">Vote result if applicable: _____ Yes _____ No</p>
	X	<p><b>Unique Circumstances.</b> The hardship is based on circumstances that are unique to the property for which the Variance is sought and not circumstances common to other properties?  <i>Reasoning:</i></p> <p style="text-align: right;">Vote result if applicable: _____ Yes _____ No</p>
	X	<p><b>Commonly Enjoyed Rights.</b> A literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located; and  <i>Reasoning:</i></p> <p style="text-align: right;">Vote result if applicable: _____ Yes _____ No</p>
	X	<p><b>Not A Special Privilege.</b> Granting the variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.  <i>Reasoning:</i></p> <p style="text-align: right;">Vote result if applicable: _____ Yes _____ No</p>

Based on the Findings of Fact the following action occurred:

- Motion by \_\_\_\_\_ to APPROVE the variance request to allow for construction of a detached accessory structure in the front yard of the subject property and to allow for a max structure height of 17 feet 6 inches.

Second by \_\_\_\_\_

Vote results:

Name:	YES	NO	Abstain	Comment
<i>Engle</i>				
<i>Eaton</i>				
<i>Sanchez</i>				
<i>Schulze</i>				
<i>Thurston</i>				

Variance Application Form  
Marshalltown, IA 50158  
March 31, 2026

Property address; 1906 W. Olive ST  
Owner; David & Leah Mattox  
Mailing Address; 1906 W. Olive ST  
Phone; 641 751-7243  
Email; [mattox@yaho.com](mailto:mattox@yaho.com)  
No agent.

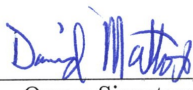
Hardship statement questions.

1. This question does not seem to be applicable in this situation.
2. The requested variance has 2 parts location and height.


**Location.** The property has some unique terrane features. It is long and narrow with a significant downward slope east to west and south to north. I have attached pictures to show the access to the backyard from the east and west side. The east side would require significant excavation, tearing out existing landscaping and structures (pergola) and an approximate 3-7' retaining wall (gradually getting higher from North to South). Access to the back yard from the west side would require a lot of dirt fill and a retaining wall of approximately 8-10'. Both options present a practical difficulty to construct the garage in the back yard.

**Height.** I am asking for a height variance because the structure is designed for a 10' wall with a storage loft above. The design allows for access to the loft storage area with enough headroom to access it without crawling or stooping.

3. The proposal will not alter the present character of the area or seriously affect any adjoining property. The structure will be 102' away from the street with no homes within 100'. The structure will have siding, shingles, windows and doors to match what is currently on my home.
4. The variance will not be contrary to the public interest. It is not close to any homes or drives. It is far enough from the street with no line of site issues. It will not increase congestion in any way. This structure will not devalue nearby property since several properties in the neighborhood have additional detached garages on their property.
5. If you look at the land and the location of the existing home on the property, this is the only practical location to put a detached garage without major cost and effort. This is no other option that allows the construction of the garage while meeting the access and storage goals of the use of the property.



Owner Signature



Date







# BUILDING PERMIT APPLICATION

City of Marshalltown Housing & Community Development  
 24 N. Center Street, Marshalltown, IA 50158  
 641-754-5756 – [bldginsp@marshalltown-ia.gov](mailto:bldginsp@marshalltown-ia.gov)

# MARSHALLTOWN

IOWA

JOB SITE		TYPE OF DEVELOPMENT		
Address: <u>1906 W <del>Center</del> Drive ST</u>		<input checked="" type="checkbox"/> One Family	<input type="checkbox"/> Two Family	<input type="checkbox"/> Multi # _____
Name: <u>David Mattex</u>		<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Addition	<input type="checkbox"/> Driveway
Date: <u>8/7/25</u>		<input type="checkbox"/> Alteration	<input type="checkbox"/> Demolition	<input type="checkbox"/> Driveway Extension
CONTACT INFORMATION		BUILDING SQUARE FOOTAGE		
OWNER	Name: <u>David Mattex</u>	Level 1: <u>1040</u>	Level 2: _____	
	Address: <u>1906 W Drive ST</u>	Unfinished: _____	Finished: _____	
	Email: <u>mattexd@yahoo.com</u>	Accessory Building: _____	Other: _____	
	Phone: <u>641 751 7243</u>			
DESCRIPTION OF PROJECT				
<u>Detached Garage.</u>				
CONTRACTOR	Name: _____			
	Company: _____			
	Address: _____			
	Email: _____			
ARCHITECT/ENGINEER	Phone: _____			
	Iowa Registration Number: _____	Expiration Date: _____		
	Current Certificate of Insurance on File? Yes ___ No ___ Please attach a copy if not on file.	Liability Insurance Carrier: _____		
	Expiration Date: _____			
SUB-CONTRACTORS	Name: _____			
	Company: <u>N/A</u>			
	Address: _____			
	Email: _____			
SUB-CONTRACTORS	Phone: _____			
	Company: _____	Phone: _____		
	Lic #: _____			
	Company: _____	Phone: _____		
Lic #: _____				
Company: _____	Phone: _____			
Lic #: _____				
ADDITIONAL ACKNOWLEDGEMENTS				
<ul style="list-style-type: none"> <li>➤ Except as provided by law, where any work has been started prior to obtaining this permit, the regular fee shall be doubled.</li> <li>➤ This permit shall expire in one year or if work has not commenced in 180 days or has been abandoned for 120 days. (Commercial projects may be longer based on the scope of work.)</li> <li>➤ ALL WORK MUST BE INSPECTED. It is the responsibility of the permittee to call for inspections. No work shall be concealed or covered until approved by the inspector.</li> <li>➤ The permittee acknowledges they are proficient in the performance of the work covered by the permit.</li> <li>➤ Completion of this application does not guarantee the issuance of a permit.</li> <li>➤ All paperwork must be submitted to City Hall or via Email to the appropriate department. Building Division: <a href="mailto:bldginsp@marshalltown-ia.gov">bldginsp@marshalltown-ia.gov</a></li> </ul>				
SIGNATURE OF OWNER OR AGENT				
X <u>David Mattex</u> Date: <u>3/27/26</u>				

\*\*\*\*\* FOR CITY USE ONLY \*\*\*\*\*

The Permit Application and applicable plans have been reviewed and the permit is hereby <u>APPROVED</u> / <u>DENIED</u> . All related permit fees must be paid prior to the start of any work. Please see the attached sheet for total fees owed.	<b>Permit #</b>  _____
Official Signature: _____	Date: _____

**ADDITION CONSTRUCTION INFORMATION**

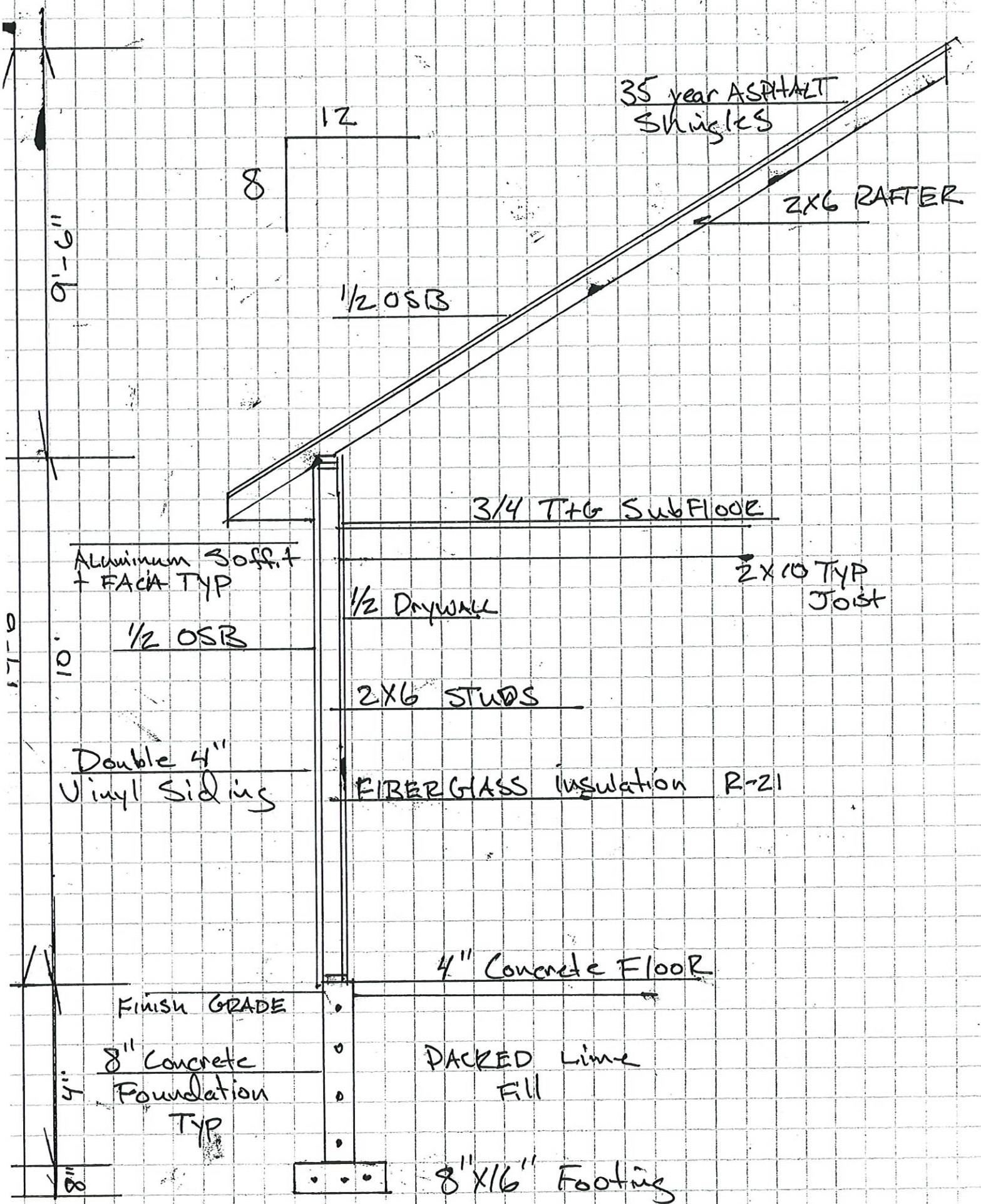
If you are not submitted detailed construction drawings for your project please complete the following information related to your plans.

<b>Foundation Questions</b>	
Are you constructing a foundation?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Is yes, what is the size of the footings? (width and depth)	8", 48"
Are you pouring a slab?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If Yes, how thick is it?	4"
<b>Floor Questions</b>	
What type of floor joist? (material and size)	N/A
What type of support beams? (material, size and ply)	
What type of deck boards? (material and size)	
<b>Wall Questions</b>	
What type of studs are you using? (material and size)	2 x 6
What is the interior wall surface (i.e. drywall)	Drywall 1/2"
What is the exterior wall covering? (i.e. vinyl siding, wood, concrete panel, EIFS, stucco)	VINYL
<b>Building Height Questions</b>	
How many stories is the building?	1
What is the sidewall height?	10'
What is the peak height of the structure?	19'6"
<b>Roof Questions</b>	
What is the proposed roof pitch?	8/12
What type of roof structure will you use? (i.e. truss, rafters)	2 x 6 Rafter
What type of material covering will you use? (i.e. metal, shingles)	Shingle

**ADDITIONAL SITE PLAN INFORMATION – Driveway and Sidewalk Questions**

<b>Private Driveways</b>	
Are you removing and replacing the driveway from the garage to the sidewalk?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If yes, please complete the attached driveway permit and show the dimensions on the site plan.	
<b>Driveway and Sidewalks within city right of way</b>	
Are you removing and replacing the driveway approach and/or any portions of the sidewalk?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If yes, please be aware that a bonded contractor will be required to do this portion of the driveway and/or sidewalk. A list of contractors can be provided upon request. Engineering (641)-754-5734 Please complete the attached driveway permit and show the dimensions on the site plan.	





35 year ASPHALT  
Shingles

2X6 RAFTER

1/2 OSB

3/4 T+G SubFloor

Aluminum Soffit  
+ FASCIA TYP

2X10 TYP  
JOIST

1/2 DRYWALL

1/2 OSB

2X6 STUDS

Double 4"  
Vinyl Siding

FIBERGLASS Insulation R-21

4" Concrete Floor

Finish GRADE

PACKED Lime  
Fill

8" Concrete  
Foundation  
TYP

8"X16" Footing

9'-6"

12

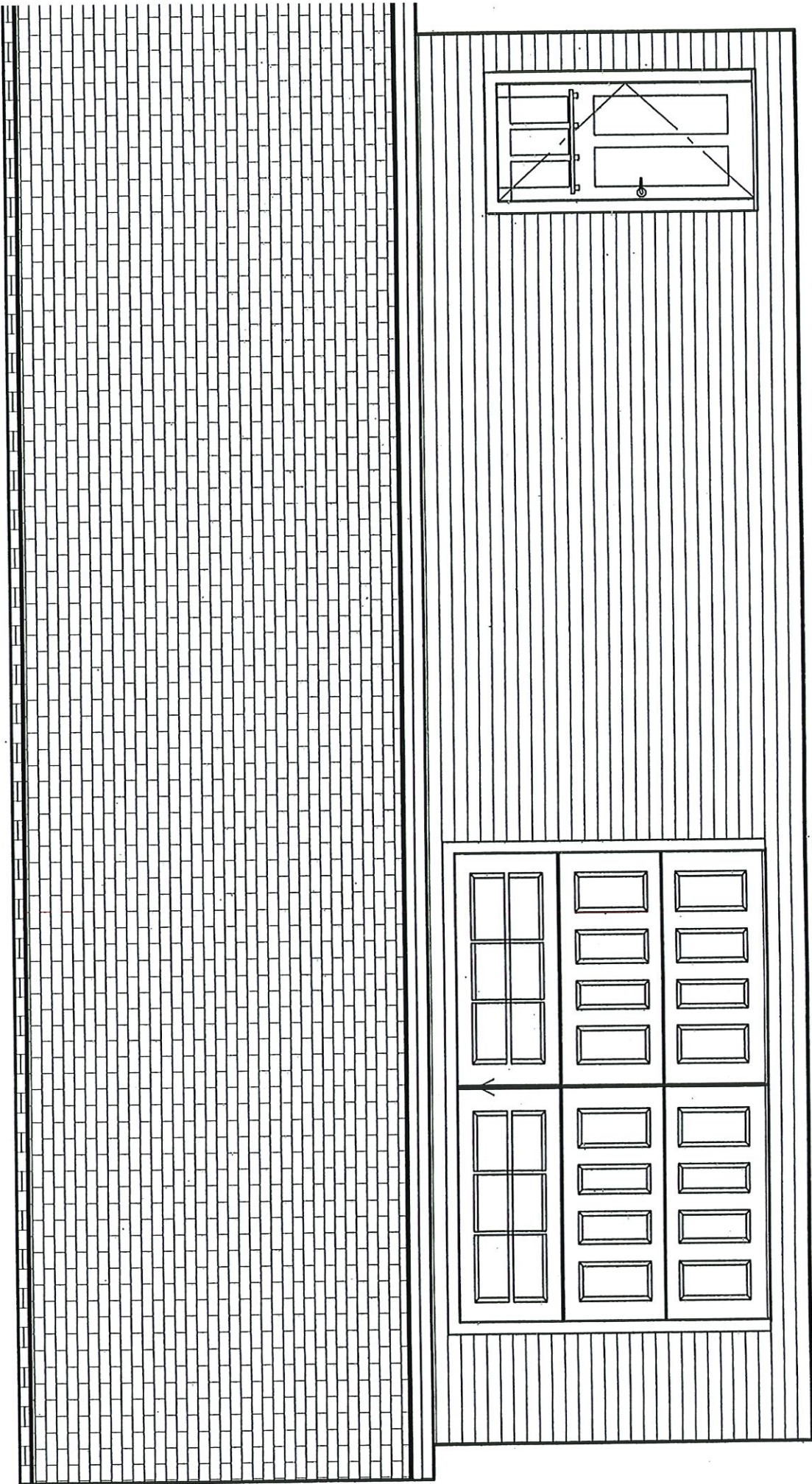
8

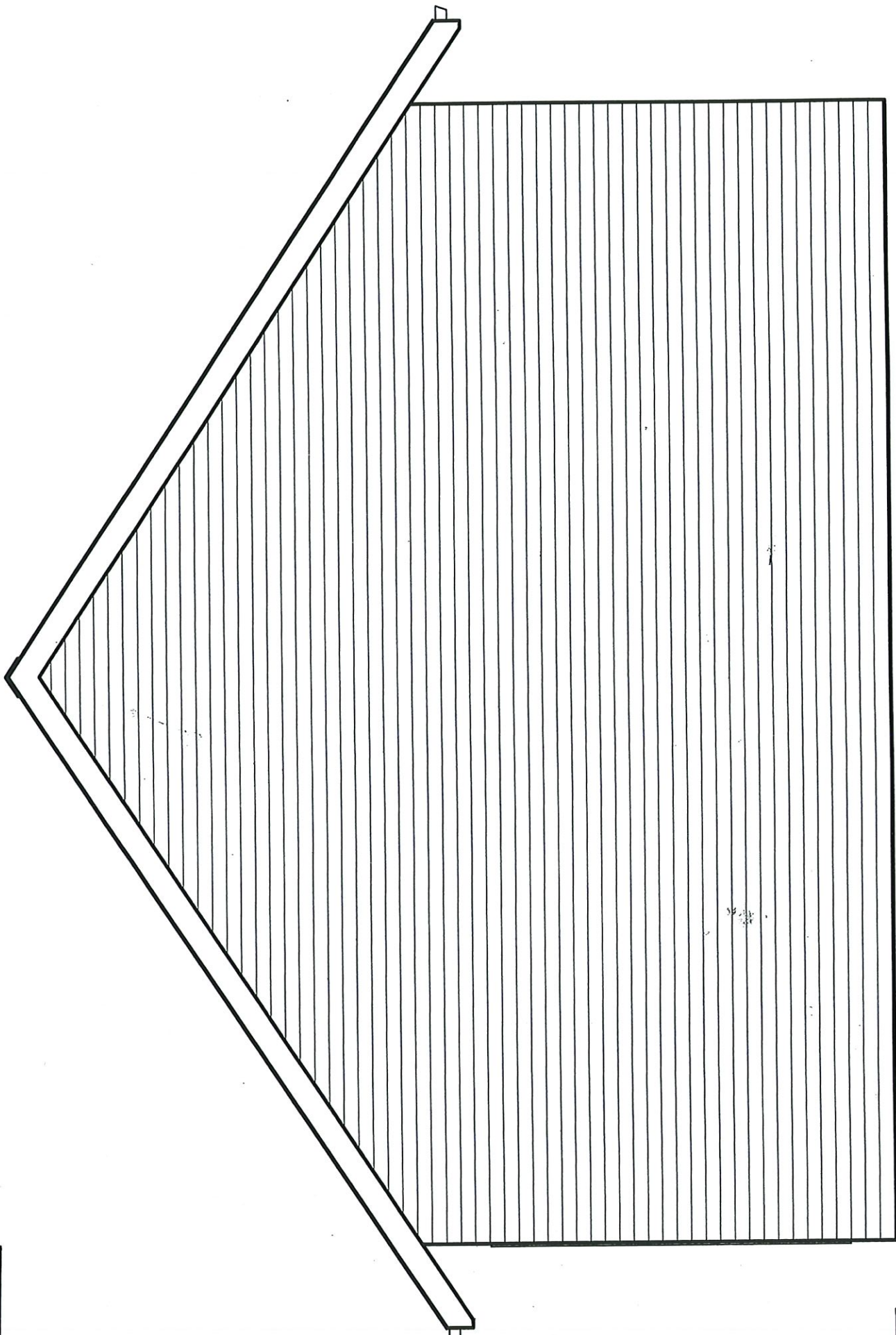
10'

10'

4"

8"





a-L1