

MARSHALLTOWN

— I O W A —

BOARD OF ADJUSTMENT

Notice of Public Meeting

Tuesday, October 16, 2018 at 5:00 PM

Marshalltown City Council Chambers
10 W. State Street, Marshalltown, IA 50158

1. Call To Order & Roll Call

Frederick
Hitchins
Schulze
Thurston
Wenner

2. PUBLIC HEARING: VARIANCE - Kading Properties, LLC Parcel 8318-11-283-010

Public Hearing: Written or verbal comments may be presented to the Board during the public hearing. Please state your name and address for the record.

Documents:

[101618_KADING_MEMO.PDF](#)
[KADING APPLICATION.PDF](#)
[KADING SITE PLAN.PDF](#)

2018 Tentative Meeting Schedule

November 20, 2018

December 18, 2018

MARSHALLTOWN

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TO: Board of Adjustment
FROM: Michelle Spohnheimer, Housing & Community Development Director
DATE: October 16, 2018 – Meeting Date

VARIANCE request Kading Properties, LLC for parcel 8318-11-283-010

An application for a variance has been received from Kading Properties, LLC the property at the south edge of S. 2nd Avenue, east of the Mall property. The request is to allow a building separation distance of 12’ under the residential flexibility standards instead of 16’ due to topography differences.

Zone:	R-4 Medium Density Residential and Residential Flexibility Standards is applicable
Use:	Residential
Comprehensive Plan:	Low Density

Zoning Ordinance - Chapter 9 Section 3. Required Minimum Standards

6. Separation distance between buildings. 16 feet

Kading Properties is proposing a development, which will include 18 units (9 duplex buildings) on a 2.91 ac. East of the Mall and at the end of South 2nd Avenue. We allow for multiple buildings on a single lot in the R-4 and R-5 districts. The units will be rentals.

Recommendation: The Board of Adjustment may consider the request, place conditions on the application as determined to be necessary.

Date Submitted & Fee Paid:

12/18

Hearing Date:

12/18

Variance Application Form

36 N. Center Street, Marshalltown, IA 50158 Ph: 641-754-5756 Fax: 641-754-5742
www.marshalltown-ia.gov

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: NONE, SOUTH END S. 2nd Ave. - LEGAL DESCR. ATTACHED	
Owner: KADING PROPERTIES, LLC	
Mailing Address: 7008 MADISON AVENUE, URBANDALE, IA 50322	
Phone: 515-276-9384	Fax: -
Email Address: karie@kadingproperties.com	
Owner's Agent (if applicable): KARIE RAMSEY	
Agent Phone: 515-229-2740	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 the Housing & Community Development Director at 641-754-5756 with any questions.

The applicant makes the following request:

THE REDUCTION OF THE BUILDING SEPARATION DISTANCE FROM 16'
TO 12' MINIMUM.

Please state your hardship.

THE TOPOGRAPHY DIFFERENCE IN ELEVATION FROM THE EAST
SIDE TO THE WEST SIDE OF 20' AND THE NORTH SIDE TO THE
SOUTH SIDE OF 40' SEVERELY LIMITS THE DEVELOPMENT OF THE PROPERTY.

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.

THE LOSS OF UNITS WILL NOT ALLOW THE DEVELOPMENT TO BE
ECONOMICALLY FEASIBLE.

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.

THE EXTREMELY DIFFICULT TOPOGRAPHY IS SHOWN ON THE
ATTACHED SITE PLAN.

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.

THE PROPOSED USE IS CONSISTENT WITH SURROUNDING PROPERTIES AND THE PROPOSED VARIANCE WILL NOT EFFECT THE PROXIMITY TO ADJACENT USES.

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.

THE HEIGHT OF THE PROPOSED STRUCTURES WILL NOT AFFECT ADJACENT PROPERTIES, NOR WILL THE INCREASE OF TRAFFIC FROM 18 UNITS SIGNIFICANTLY IMPACT THE CONGESTION IN THE PUBLIC STREETS.

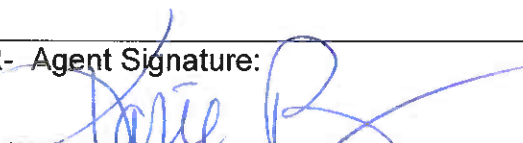
5. **The general intent and purpose of the Zoning Ordinance is protected.** A variance must be consistent with the intent of the Zoning Ordinance and the Comprehensive Plan. Is there another option which you could pursue that would not require a variance? If alternatives exist which do not require a variance, the proposal would not be consistent with the intent of the Zoning Ordinance and Comprehensive Plan.

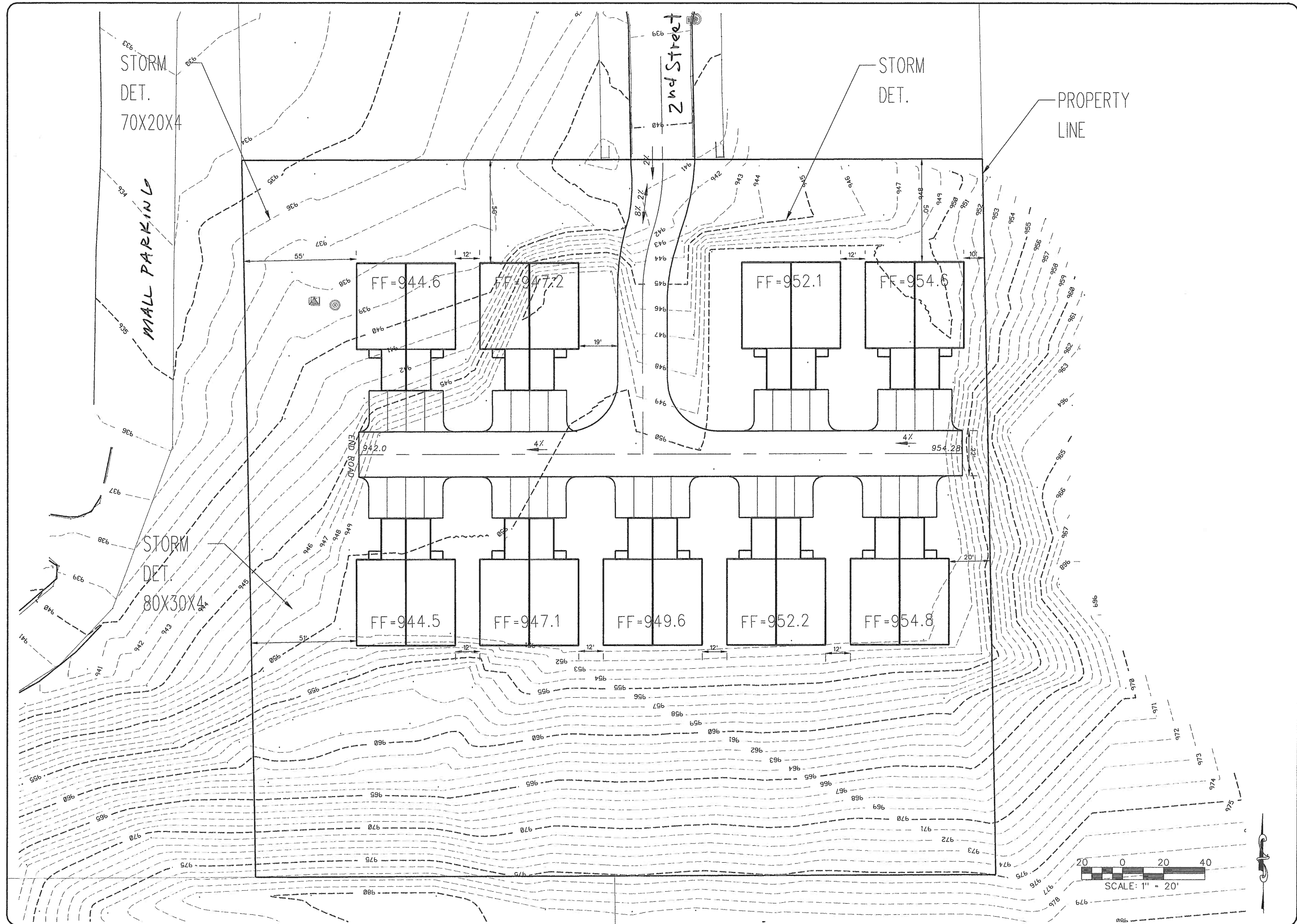
THE DENSITY OF THE PROPOSED DEVELOPMENT IS LESS THAN A LARGE MULTI-FAMILY BUILDING THAT MAY NOT BE POSSIBLE TO DEVELOP BECAUSE OF THE TOPOGRAPHY.

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:
-OR- Agent Signature: 	Date: 10/1/18



DESIGN START DATE:
10-01-17
DATE PLOTTED:
02-12-18
PRELIMINARY FIELD
WORK COMPLETED:
12-30-17
FIELD BOOK NO.
2017-01

PLAZA HEIGHTS CONDOMINIUMS
MARSHALLTOWN, MARSHALL COUNTY, IOWA



3117 115TH STREET
VAN METER, IOWA 50261
TELE: (515) 689-4188
EMAIL ADDRESS:
mark.lee@lee-engineers.net

DRAWING TITLE:
GRADING
WEST
PLAN

DRAWN BY:
H.C.L.
CHECKED BY:
M.L.L.
DATE:
10-02-18
JOB NO.
17023
SHEET
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