

# MARSHALLTOWN

I O W A

HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT

36 North Center Street, Marshalltown, IA 50158

Ph: 641-754-5756 Fax: 641-754-5742

[www.marshalltown-ia.gov](http://www.marshalltown-ia.gov)

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## Variance Application Packet

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**Purpose:** Zoning regulations include specific development standards. There are occasions, however, when the strict application of such standards may be inappropriate because of unique characteristics of the property. The variance procedure is designed to permit minor adjustment to the zoning regulations where there are unique or extraordinary circumstances applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning. Unique circumstances may include factors such as the size, shape, topography, vegetation, wetlands, or other unique characteristics of the land.

**Pre-Application Meeting:** The applicant is required to meet with the Zoning Administrator prior to submitting an application to discuss the feasibility of the request as well as any possible alternatives that may eliminate the need for a variance or improve the chance of the variance being granted. A preliminary site plan should be brought to this meeting to review the project design as it relates to the zoning requirements.

**Application Packet:** Applications will not be accepted unless complete. All required items must be submitted with the 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.

**Submission Deadline:** The complete application with fee must be submitted by 4:30 p.m. three weeks prior to the scheduled meeting date to the Housing & Community Development Department Office, located at 36 N. Center Street.

**Board Meetings:** The Board of Adjustment considers the facts presented by the applicant in the application and testimony given at the public hearing, and makes the final decision, based on the standards in the Ordinance. The Board meetings are tentatively scheduled for 5:00 p.m. on the third Tuesday of each month in the City Council Chambers, second floor of City Hall, 10 W. State Street. Attendance at the meeting is required.

It is the burden of the property owner 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. The concurring vote of three (3) members of the Board is necessary to decide any issue before the board regardless of the number of members present at the meeting. The Board is a five (5)-member board. Appeals to the decision of the Board of Adjustment can be made in District Court.

**Notifications:** The City will place a sign on the property to notify the public that a variance request has been submitted. The sign includes the city's phone number so that concerned individuals will have an opportunity to learn about the proposal and can present information on this matter to the board at the public hearing. A notice of public hearing is also published in the newspaper.

Date Submitted & Fee Paid: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

# Variance Application Form

36 N. Center Street, Marshalltown, IA 50158 Ph: 641-754-5756 Fax: 641-754-5742  
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**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: <b>609 IOWA W Ave</b>	
Owner: <b>Summit Locations LLC (lease with landowner)</b>	
Mailing Address: <b>311 East Street, Gordon OH 45304</b>	
Phone: <b>937 952 4366</b>	Fax:
Email Address: <b>wesley@summitlocations.com</b>	
Owner's Agent (if applicable):	
Agent Phone:	Agent Fax:

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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.

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**The applicant makes the following request:**

We are requesting to raise the height of our proposed billboard sign to be 4' above the 30 ft maximum height allowance as per § 156.G.004 PERMANENT SIGNS. - (J) Advertising signs. Signs commonly referred to as billboards.

**Please state your hardship.**

The property that our company wants to construct on has an issue of topology. The next door property is on a hill that prohibits us from being able to construct a visible advertising sign which is an allowed use as part of the zoning ordinance. Billboard signs have a 50 ft front setback, which limits our placement on the property to this area.

**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.

Summit Locations and the landowner will lose the beneficial use of being able to construct an advertising sign on the property if the variance is not granted. Considering that the property next door is on an elevated hill, and the height restriction is 30 ft, our sign will be blocked from its full purpose of advertising for local businesses. Given the 50 ft front setback requirement, we are unable to move the sign forward towards the road.

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.

Other properties in the area are not blocked from advertising because their neighboring parcels are elevated in height.

605 IOWA W Ave has a five foot elevated hill that limits the full use of a billboard sign on 609 IOWA W ave.

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.

No part of the proposed sign will overhang onto any adjoining properties.

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 granting of the proposed billboard sign will open more opportunities for local businesses to advertise their good and services to the citizens driving on the street.

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.

No other option exists for our proposed sign

**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: <b>Wesley Rutledge</b>	Date: <b>9 - 6 - 2023</b>

