

# BOARD OF ADJUSTMENT

Notice of Public Meeting  
City Council Chambers, City Hall  
10 West State Street, Marshalltown IA

Board of Adjustment

Tue, Sep 21, 2021 5:00 PM - 6:00 PM (CDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/634060805>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (571) 317-3122

- One-touch: tel:+15713173122,,634060805#

Access Code: 634-060-805

New to GoToMeeting? Get the app now and be ready when your first meeting starts:  
<https://global.gotomeeting.com/install/634060805>

1. Call To Order & Roll Call

Engle

Schulze

Thurston

Wenner

Vacant

2. Minutes From August 17

Documents:

[BOARD OF ADJUSTMENT MIN 8172021.PDF](#)

3. Special Use Permit: 1901 S Center St

Documents:

[06172021\\_BOA\\_\\_MEMO\\_1901 S CENTER ST SPECIAL USE PERMIT.PDF](#)  
[1901 S CENTER ST SPECIAL USE APPLICATION.PDF](#)

**MISSION STATEMENT**

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

## **Board of Adjustment**

Meeting Minutes – August 17<sup>th</sup>, 2021

Meeting was called to order at 5:00 PM in the City Council Chambers at 10 W. State Street

### **1. Roll Call:**

Present: Engle, Schulze, Starks, Thurston, and Wenner

Absent:

### **2) Meeting Minutes From 6/22/21**

Starks motion to approve

Thurston seconded

All approve and accept minutes

### **3) Home Occupation Special Use Permit: Hair Place 2503 W Main St**

Staff: Background

Wendi Dutton: In business for 31 years. Selling my house, and moving to 2503 W Main St.

Schulze: Transferable

Staff: Special use permits are not transferable.

Schulze: Public posting?

Staff: Yes. Receive no comments or questions.

Schulze: Any questions from the board?

Starks: Motion to approve

Engle: 2<sup>nd</sup>

All members voted in favor.

Starks: Resigning from the board immediately.

With no further business, the meeting adjourned 5:08 PM.

Meeting minutes prepared by,

Caleb Knutson

City Planner

# MARSHALLTOWN

— I O W A —

TO: Board of Adjustment  
FROM: Caleb Knutson, City Planner  
DATE: September 21<sup>st</sup> – Meeting Date

**FROM: Staff**  
**SUBJECT: 1901 S Center St Special Use Permit**

Mrs. Thurston is requesting that office space (real estate) be allowed at 1901 S Center St. Currently zoned R-5, Office or office buildings require a special use permit in this zoning district. Under previous owner it was also used as office space for real estate.

**Recommendation:** Plan Zoning Commission recommended to the Board of Adjustment.

DATE SUBMITTED & FEE PAID: 9-1-2021  
HEARING DATE: \_\_\_\_\_



## 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 (\$150 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: 1901 S. Center Street, Marshalltown, Ia 50158

Owner: Current: Charles & JoAnn Butcher, if special use approved owner would be: Kellissa Thurston (applicant)

Mailing Address: 102 W. South Street, Marshalltown, IA 50158 (Kelli Thurston, applicant)

Phone: 641-751-8284

Email: thurston.kelli@gmail.com

Owner's Agent (if applicable): N/A

Agent Address: N/A

Agent Phone: N/A

Agent Email: N/A

**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: 09/01/2021

The property at 1901 S. Center Street is zoned R-5, High Density Residential and the property class is commercial. Since 1990 this building has been owned and operated as a real estate office open to the public. In approximately 2017 the owners retired from real estate and the building has gone unused, but remained unchanged.

Over the years, the building has suffered from neglect and extreme overgrowth of trees and bushes, while also accumulating several vehicles in the parking lot.

It is my goal to acquire this building, renovate it, and open it up again as a real estate brokerage office.

I am requesting a special use permit to allow me to use this building for commercial purposes. I would keep standard business hours (8am-5pm), and by appointment if after hours or on the weekends.

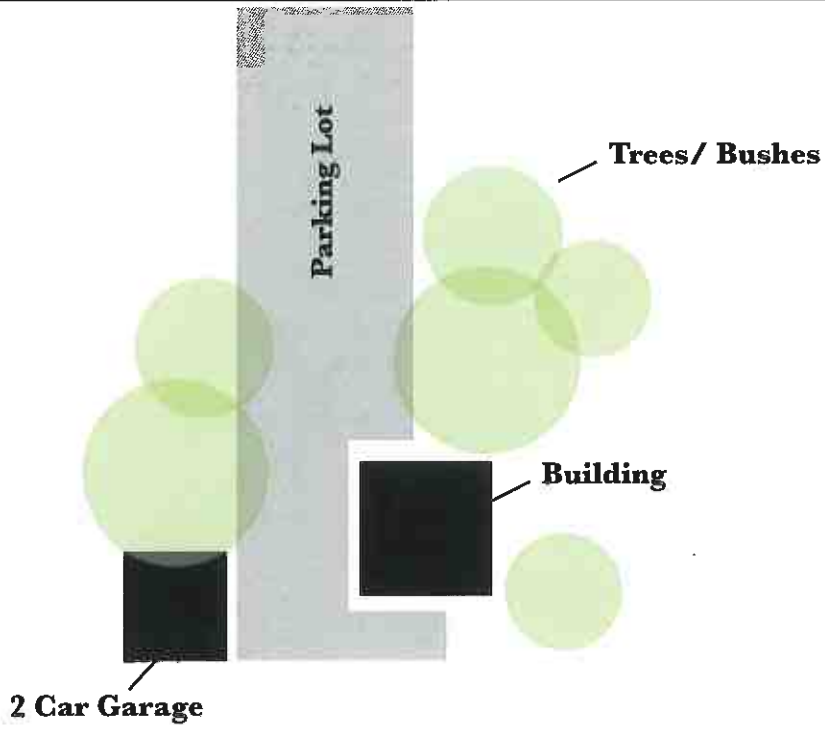
Due to the nature of my business (real estate) there will not be an excess of noise or traffic to the building, as most clients quietly come in to sign paperwork and usually depart within an hour or less. Therefore, this should not interfere with the peace and quite of the neighboring houses.

I am not proposing any changes to the footprint of the building, garage, or parking lot.

Planned immediate changes include: new energy efficient windows, removal of junk cars from parking lot, tree trimming and removal, restoration of front and rear entrances, rearranging of current offices to allow for main floor conference room.

Planned long-term changes include: New siding, new roof, renovate 2<sup>nd</sup> floor bathroom, waterproof and finish basement for storage.

**Edgeland Drive**



**S. Center Street**

**W. Meadow Lane**









Legal description:

Lot 6 of Lot 1 of Lot 5 of the Northeast Quarter of the Southwest Quarter of Section 2, Township 83 North, Range 18 West of the 5<sup>th</sup> P.M., Marshall County, Iowa,

Lot 5 of Lot 1 of Lot 5 of the Northeast Quarter of the Southwest Quarter of Section 2, in Township 83 North, Range 18 West of the 5<sup>th</sup> P.M., Marshall County, Iowa, subject to the easement recorded Book B-4, Page 70 of the records of the Recorder's Office of Marshall County, Iowa

STATE OF IOWA, MARSHALL CO.  
Notary Public for  
County of

*[Handwritten signatures and dates]*

0 INST. NO.  
INDEXED  
FEE PAID

**WARRANTY DEED — JOINT TENANCY**

SPACE ABOVE THIS LINE  
FOR RECORDER

For the consideration of ONE (\$1.00)  
Dollar(s) and other valuable consideration, GEOFFREY K. WALTER and KAY K. WALTER,  
husband and wife

do hereby Convey to CHARLES A. and JO ANN M. BUTCHER, husband and wife

as Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common, the following described real estate in  
MARSHALL County, Iowa:

Lot 6 of Lot 1 of Lot 5 of the Northeast Quarter of the  
Southwest Quarter of Section 2, Township 83 North, Range  
18 West of the 5th P.M., Marshall County, Iowa

*See Marsh File # 130-19901 - for Review*

This Deed is given in full and complete satisfaction of that one  
certain contract dated June 10, 1985 and filed in Micro-File No.  
400-1985-6, July 25, 1985, in the records of the Marshall County,  
Iowa Recorder.

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in  
fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is Free and Clear  
of all Liens and Encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real  
estate against the lawful claims of all persons except as may be above stated. 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.

STATE OF ~~Iowa~~ South Dakota, ss: Dated: June 27, 1990  
MARSHALL Davison COUNTY,

On this 27<sup>th</sup> day of June  
19 90, before me the undersigned, a Notary  
Public in and for said State, personally appeared  
Geoffrey K. Walter and  
Kay K. Walter, husband and  
wife

Geoffrey K. Walter  
Geoffrey K. Walter (Grantor)

Kay K. Walter  
Kay K. Walter (Grantor)

to me known to be the identical persons named in and who  
executed the foregoing instrument and acknowledged  
that they executed the same as their voluntary act and  
deed.

[Signature]  
Notary Public  
(This instrument is for individual grantor(s) only)  
It shall be void

(Grantor)  
(Grantor)

STATE OF IOWA, MARSHALL CO.  
Entered upon transfer books and for  
taxation file  
day of June, A.D. 1990  
Charles A. Butcher  
AUDITOR  
DEPUTY

400-1985-6  
MICRO FILE  
June 27 1990  
RECORDED

0 DIST. NO.  
INDEXED  
FEE PAID 5



WARRANTY DEED — JOINT TENANCY

SPACE ABOVE THIS LINE  
FOR RECORDER

For the consideration of ONE (\$1.00)  
Dollar(s) and other valuable consideration, GEOFFREY K. WALTER and KAY K. WALTER,  
husband and wife  
do hereby Convey to CHARLES A. and JO ANN M. BUTCHER, husband and wife  
as Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common, the following described real estate in  
Marshall County, Iowa:

Lot 5 of Lot 1 of Lot 5 of the Northeast Quarter of  
the Southwest Quarter of Section 2 in Township 83  
North, Range 18 West of the 5th P.M., Marshall  
County, Iowa, subject to easement recorded Book B-4, Page  
70 of the records of the Recorder's Office of Marshall  
County, Iowa

REAL ESTATE TRANSFER  
TAX PAID 2  
STAMP #  
\$41.25  
RECORDER  
110/90  
DATE 64  
COUNTY

This Deed is given in full and complete satisfaction of that one certain  
contract dated June 10, 1985 and filed in Micro-File No. 400-1985-6,  
July 25, 1985, in the records of the Marshall County, Iowa Recorder

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in  
fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is Free and Clear  
of all Liens and Encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real  
estate against the lawful claims of all persons except as may be above stated. 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.

STATE OF Iowa South Dakota, ss: Dated: June 27, 1990  
MARSHALL Davison COUNTY,

On this 27<sup>th</sup> day of June  
1990 before me the undersigned, a Notary  
Public in and for said State, personally appeared  
Geoffrey K. Walter and  
Kay K. Walter, husband and wife

Geoffrey K. Walter  
Geoffrey K. Walter (Grantor)

Kay K. Walter  
Kay K. Walter (Grantor)

to be the identical persons named in and who  
acknowledged the foregoing instrument and acknowledged  
the same as their voluntary act and  
Lawrence  
Notary Public  
12-23-93  
Acknowledgment for Individual grantor(s) only  
Havrevold

(Grantor)  
(Grantor)

Kelliessa J Thurston  
102 W. South Street  
Marshalltown, IA 50158

1967  
72-1331/739

09/04/2021

Pay to the Order of City of Marshalltown \$ 300.00  
Three hundred and 00/100 Dollars

MEMBERS 1st COMMUNITY CU

For BOA app fee



⑆ 27397533 ⑆ 0054867010107 ⑆ 1967