1. Agenda

    Documents:

        AGENDA.PDF

2. Supporting Meeting Documents

    Documents:

        MEMO.PDF
        MINUTES 2.PDF
        MINUTES.PDF
        SIDEWALK DEFERMENT 1612 W OLIVE.PDF

Notice of Public Meeting

Plan & Zoning Commission – AGENDA
Agenda for Thursday, September 10, 2015– 5:00 PM
City Hall, Council Chambers
10 West State Street, Marshalltown

Call to Order:

Committee Members:

| | |
|---|---|
| Jon Boston, Chair | Angela Lins-Eich |
| Sharon Greer, Vice-Chair | Fauna Nord |
| Tammy Lawson, | Steve Valbracht |
| Keith Bloomquist | |

Roll Call.

Business:

1. Review and approval of the minutes from 08/13/15
2. Sidewalk Deferment – Alex & Jennifer Bonzer – 1612 W. Olive St.

Date posted: 09/04/15

http://ci.marshalltown.ia.us/meetings/view/MeetingID/1228

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

## Housing & Community Development

TO: Plan & Zoning Commission

FROM: Michelle Spohnheimer, Housing & Community Development Director MS

DATE: September 4, 2015

**Sidewalk Deferment – Alex & Jennifer Bonzer – 1612 W. Olive St.**

Alex & Jennifer Bonzer are constructing a new single family residential home at 1612 W. Olive which requires the installation of sidewalk. Olive Street does not have curb and gutter at this location therefore they are requesting a sidewalk deferment be approved. A recommendation from the Commission will be submitted to the Board of Adjustment at their meeting on September 15, 2015.

City Council
Leon Lamer, Mike Gowdy, Al Hoop, Joel Greer
Robert Schubert, Bill Martin, Bethany Wirin

Marshalltown All-America City 2012

MINUTES
MARSHALLTOWN PLAN & ZONING COMMISSION
SEPTEMBER 10, 2015

Call to order: 5:00 PM

**Members Present:** Jon Boston, Chair, Sharon Greer, Vice-Chair, Keith Bloomquist, Tammy Lawson, Fauna Nord, Stephen Valbracht

**Members Absent:** Angela Lins-Eich

**1. Review and approval of minutes from 08/13/15**

Approved as distributed.

**2. Sidewalk Deferment – Alex & Jennifer Bonzer – 1612 W. Olive Street**

Alex Bonzer was present to discuss his request for a sidewalk deferment at his property. They are building a new home and the street does not currently have curb and gutter. City Engineer's office has no objections to the request.

**Motion to recommend approval of the sidewalk deferment request as presented to the Board of Adjustment by Valbracht. Second by Bloomquist. All Aye. Motion Carried.**

**With no further business the Commission adjourned.**
Respectfully submitted,
Michelle Spohnheimer, Housing & Community Development Director

MINUTES
MARSHALLTOWN PLAN & ZONING COMMISSION
AUGUST 13, 2015

Call to order: 5:00 PM

**Members Present:** Sharon Greer, Vice-Chair, Jon Boston, Chair, Angela Lins-Eich, Stephen Valbracht

**Members Absent:** Keith Bloomquist , Tammy Lawson, Fauna Nord

**1. Review and approval of minutes from 06/11/15**

Approved as distributed.

**2. Special Use Permit – Verizon Wireless – 1308 E. Olive Street (Fair Grounds)**

Brit Mitchell with SSC was present representing Verizon with regards to the request to construct a new wireless tower at the fair grounds. The proposed tower would total 138' including the lightning rod. It would allow for up to two co-locations on the tower.

Spohnheimer indicated recommendation will be made to the Board of Adjustment and public hearing and meeting is scheduled for August 18, 2015.

**Motion to recommend approval of the special use permit request as presented to the Board of Adjustment by Boston. Second by Valbracht. All Aye. Motion Carried.**

**3. Special Use Permit – Hogeland Auto Plaza – 1406 E. Main Street**

Lonnie Hogeland was preset to request a special use permit to allow the replacement of a single family residential unit currently located at 1406 E. Main Street with a new structure. Lonnie explained that his father lived in the unit on site until his recent passing and he would like to demolish the existing home and build a new dwelling. There was discussion about the language in the code referencing multi-family units only however staff was unable to locate adoption of that restriction as shown online. Further discussion revolved around the definition of redevelopment and if the complete removal of the structure would meet that definition.

Spohnheimer indicated recommendation will be made to the Board of Adjustment and public hearing and meeting is scheduled for August 18, 2015.

**Motion to recommend approval of the special use permit request to the Board of Adjustment by Boston. Second by Lins-Eich. Greer and Valbracht voted No. Boston and Lins-Eich voted Yes. Recommendation goes to the Board of Adjustment as noted.**

**With no further business the Commission adjourned.**

Respectfully submitted,
Michelle Spohnheimer, Housing & Community Development Director

# City Of Marshalltown
# Sidewalk Deferment Application Packet

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

**Purpose:** The Marshalltown Code of Ordinances include specific development standards for sidewalks. There are occasions, however, when the strict application of such standards may be inappropriate because of unique characteristics of the property. The deferment procedure is designed to permit adjustments to this requirement when there are unique or extraordinary circumstances applying to a parcel of land that prevent the practical installation of a sidewalk. The circumstances under which a deferment may be granted can be found in Section 26-45 of the Marshalltown Code of Ordinances.

**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 Plan & Zoning Commission shall first review the proposal and make a recommendation to the Board of Adjustment. **Please contact the zoning administrator at 641-754-5756 for meeting schedules. Attendance at all meetings is required.** The complete application with fee must be submitted by 4:00 p.m. on the deadline date to the Housing & Community Development Department Office, located at 36 N. Center St.

**Board Meetings:** The Plan & Zoning Commission will meet at 5:00 PM on a Thursday following the first Council meeting of the month (2nd Monday) and make a recommendation to the Board of Adjustment. 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 of Adjustment meetings are held at 5:00 p.m. on the third Tuesday of each month in the City Council Chambers, second floor at 10 W. State Street. Attendance at the meetings 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.

## 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 deferment.

✓ **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 $250 fee is required payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Housing Department.

*Date Submitted & Fee Paid:* _____ *Hearing Date:* _____

# Sidewalk Deferment Application Form

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

**Please type or print legibly in ink.**

| Property Address: 1612 West Olive Street ajbonzer@gmail.com | |
|---|---|
| Owner or Agent: Alex & Jennifer Bonzer | |
| Mailing Address (owner or agent): 503 New Salem Road | |
| Phone (owner or agent): 641-750-3283 | Fax (owner or agent): |

**A deferment may only be granted if the following conditions are met:**

1. Is the location of the proposed sidewalk adjacent to a street which has or will have curb and gutter; ☐ yes ☑ no

2. Does the location of the proposed sidewalk have grade and drainage problems which would significantly interfere with the construction of the sidewalk at that location (if yes, describe below or on additional paper). ☑ yes ☐ no
   Road ditch prevents construction of sidewalk

3. If the location of the proposed sidewalk is on non-residential or non-retail property, and neither 1 nor 2 above apply, answer the following:

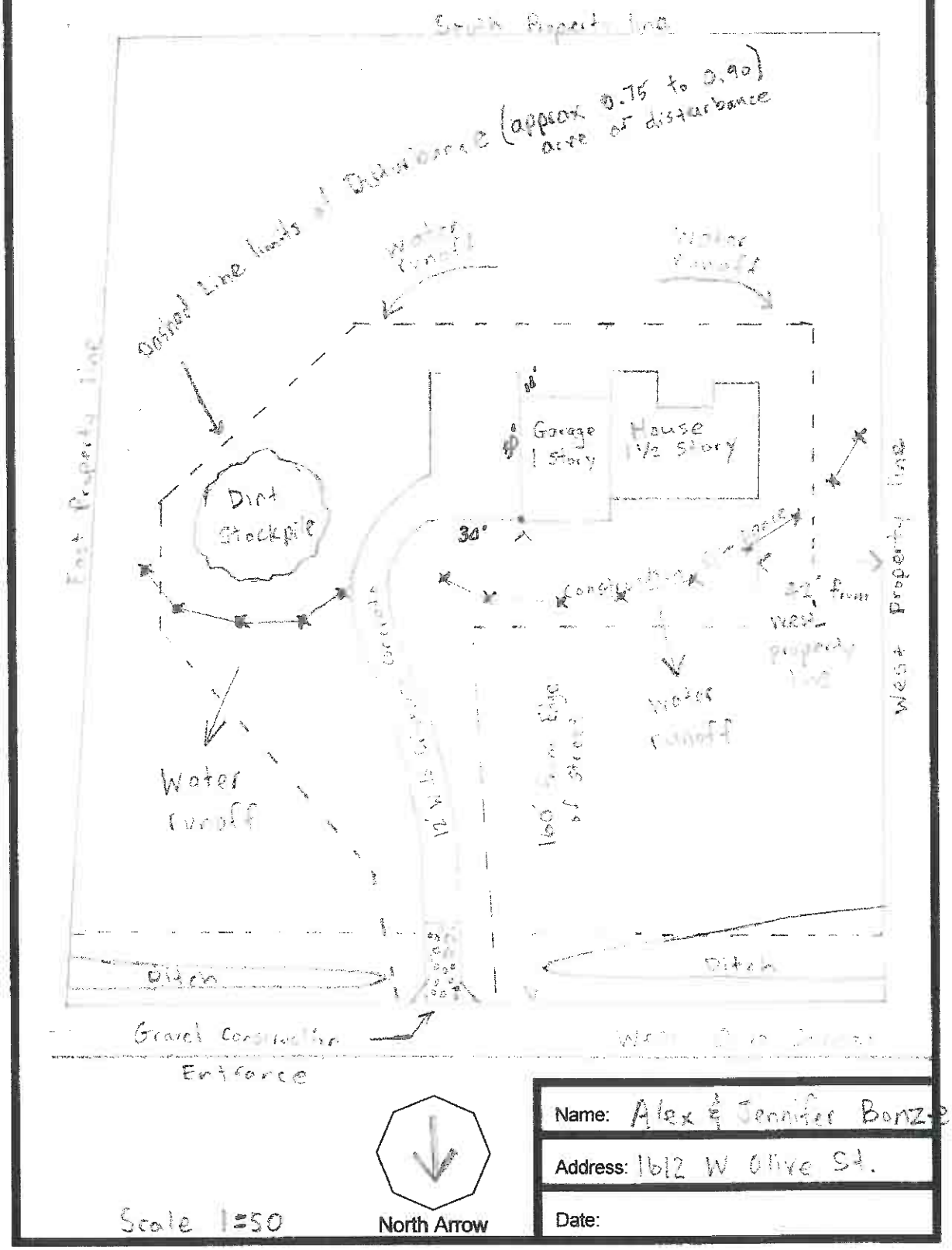
   a. Do pedestrian generators exist in this location (ex: School, park, church, retail center, etc.)? ☐ yes ☑ no

   b. Do sidewalks or bike paths near the location allow for alternate pedestrian routes (if the proposed sidewalk is needed to connect area residential property to other sidewalks in the area the property is not eligible for a deferment)? ☐ yes ☑ no

4. Is the property in a residential area where there is no sidewalk within one block or 360 feet and there are additional hardships involved with constructing a sidewalk (i.e. extensive landscaping, structure placement or grading.) ☑ yes ☐ no

**Additional Comments and Information (attach additional as necessary):**
There are currently no sidewalks along the south side of West Olive Street and the road ditch would prevent construction of a sidewalk on my property.

| Owner or Agent Signature: Alex Bonzer | Date: 8/28/15 |
|---|---|


South Property Line
Limits of Disturbance (approx 0.75 to 0.90 acre of disturbance
Water runoff
Water runoff
East Property Line
Garage 1 Story
House 1½ Story
Dirt Stockpile
30'
Water runoff
Water runoff
West Property Line
Ditch
Ditch
Gravel Construction Entrance
Scale 1=50
North Arrow
Name: Alex & Jennifer Bonzer
Address: 1612 W Olive St.
Date:

Plat of Survey and letter designation
approved this 21st day of April, 2014.

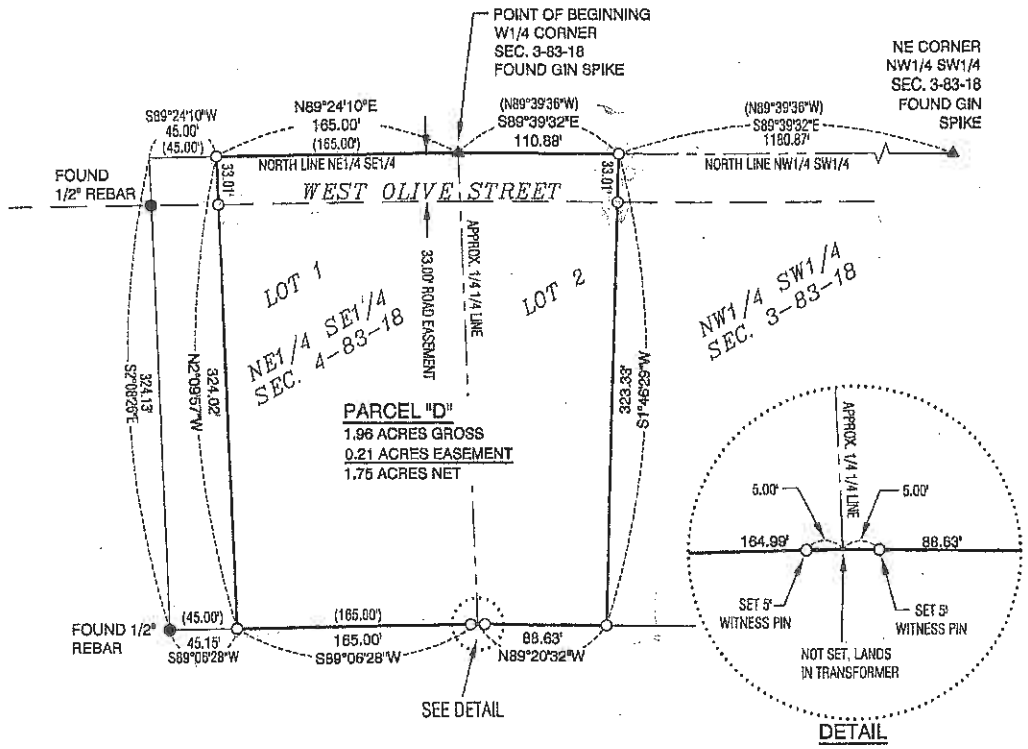
Whitney Hunt, Asst. Auditor
Marshall County Auditor

Doc ID: 003340070001 Type: LAN
Kind: SURVEY
Recorded: 04/21/2014 at 04:29:14 PM
Fee Amt: $7.00 Page 1 of 1
Marshall County Iowa
Dawn Williams County Recorder
File 2014-00001776

$7

PREPARED BY - CLAPSADDLE-GARBER ASSOCIATES, INC, 16 EAST MAIN STREET, P.O. BOX 754, MARSHALLTOWN, IOWA 50158 - PHONE 641-752-6701

# PLAT OF SURVEY




DESCRIPTION PARCEL "D"

PARCEL "D" LOCATED IN LOT 1 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4 AND IN LOT 2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 3, ALL IN TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE WEST 1/4 CORNER OF SAID SECTION 3; THENCE, S89°39'32"E 110.88' ALONG THE NORTH LINE OF LOT 2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE, S1°46'29"W 323.33' TO THE SOUTH LINE OF SAID LOT 2; THENCE, N89°20'32"W 88.63'ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID LOT 2, ALSO BEING THE SOUTHEAST CORNER OF LOT 1 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 4; THENCE, S89°06'28"W 165.00' ALONG THE SOUTH LINE OF SAID LOT 1; THENCE, N2°09'57"W 324.02' TO THE NORTH LINE SAID LOT 1; THENCE, N89°24'10"E 165.00' ALONG THE NORTH LINE OF SAID LOT 1 TO THE POINT OF BEGINNING. PARCEL "D" CONTAINS 1.96 ACRES INCLUDING 0.21 ACRES OF PRESENTLY ESTABLISHED ROAD RIGHT OF WAY. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

| | (GROSS-ACRES) | (EASE-ACRES) | (NET-ACRES) |
|---|---|---|---|
| NE1/4 SE1/4 SEC. 4-83-18 | 1.22 AC | 0.12 AC | 1.10 AC |
| NW1/4 SW1/4 SEC. 3-83-18 | 0.74 AC | 0.09 AC | 0.65 AC |
| TOTAL | 1.96 AC | 0.21 AC | 1.75 AC |

LEGEND:

- ▲ GOVERNMENT CORNER MONUMENT FOUND
- △ GOVERNMENT CORNER MONUMENT SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- ● PARCEL OR LOT CORNER MONUMENT FOUND
- ○ SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- ( ) RECORDED AS

NOTE:
ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS.

OWNERS OF RECORD: DANIEL J. KERSBERGEN AND ABIGAIL R. KERSBERGEN
SURVEY REQUESTED BY: DAN KERSBERGEN
FIELD WORK COMPLETED: 4-04-2014

N

SCALE 1"=100'
0 100'

KERSBERGEN SURVEY
IN LOT 2 OF THE NW1/4-SW1/4, SEC 3-83-18 & IN LOT 1 OF THE NE1/4-SE1/4, SEC 4-83-18
CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA

TRAVIS R. STEWART
LICENSED
17162
PROFESSIONAL LAND SURVEYOR
IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, PLS — 4/14/2014 date
Iowa License Number 17162
My License Renewal Date is December 31, 2015
Pages or sheets covered by this seal: THIS SHEET

CGA
Clapsaddle-Garber Associates, Inc
16 East Main Street
Marshalltown, Iowa 50158
Ph 641-752-6701
www.cgaconsultants.com

| DRAWN | SHEET NO. |
|---|---|
| WLB | 1 |
| DATE | PROJECT NO. |
| 4-7-2014 | 76399.05 |

J:\76399\dwgs\76399 PLAT.dwg - Plat LEGL - 04-21-14 - 3:07pm - tw246

File Number: 2014-00001776 Seq: 1