

1. Board Of Adjustment Packet

Documents:

[HOUSING AND COMMUNITY DEVELOPMENT MEMO - ITEM 2.PDF](#)
[BOARD OF ADJUSTMENT AGENDA SEPTEMBER 15, 2015 - ITEM 1.PDF](#)
[SIDEWALK DEFERMENT - ITEM 3.PDF](#)



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: Board of Adjustment

FROM: Michelle Spohnheimer, Housing & Community Development Director

A handwritten signature in black ink, appearing to be "MS", located to the right of the "FROM:" line.

DATE: September 11, 2015

TABLED - Special Use Permit – Hogeland Auto Plaza – 1406 E. Main Street

The Board tabled the request and continued the public hearing for the Special Use Permit request on August 18, 2015. I have spoken to Lonnie Hogeland a few times regarding options over the past month. He has been in contact with his Attorney, builder and CGA. My last conversation was that he thought he would need additional time for evaluation. I requested a letter from the applicant asking for a continuation and have not received anything as of yet. He may request continuation at the meeting, the Board could take action or continue the item to October 20, 2015, which is the next regularly scheduled meeting.

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. The Commission reviewed the request on September 10th and recommended approval. The City Engineer also indicated no objections.

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





Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, September 15, 2015 – 5:00 p.m.
City Council Chambers, City Hall
10 West State Street, Marshalltown IA

Committee Members:

Kelli Thurston
Kevin Hitchins
G Ward Miller

David Schulze
Bob Wenner

Call to Order:

Roll Call:

1. Approve Agenda
2. Review and approval of the Minutes from 08/18/15

Old Business:

1. TABLED - PUBLIC HEARING:
Special Use Permit – Hogeland Auto Plaza – 1406 E. Main Street

New Business:

2. PUBLIC HEARING:
Sidewalk Deferment – Alex & Jennifer Bonzer – 1612 W. Olive Street

Date Posted: 09/11/15

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):

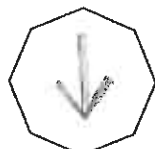
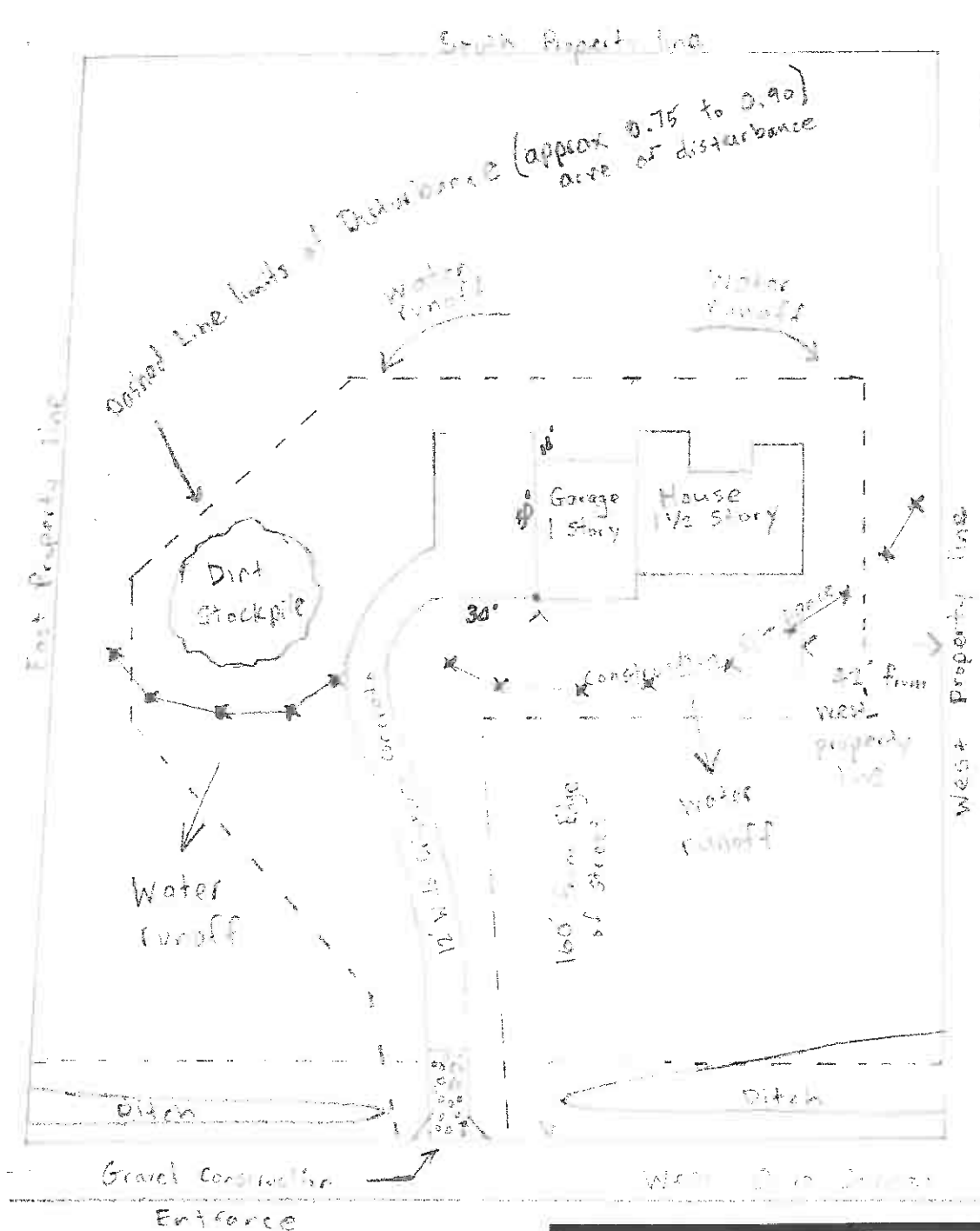
There are currently no sidewalks along the south side of West Olive Street and the road ditch would prevent construction of a sidewalk on my property.

Owner or Agent Signature:

Alex Bonzer

Date:

8/28/15



North Arrow

Scale 1"=50'

Name: Alex & Jennifer Bonzler

Address: 1612 W Olive St.

Date:

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

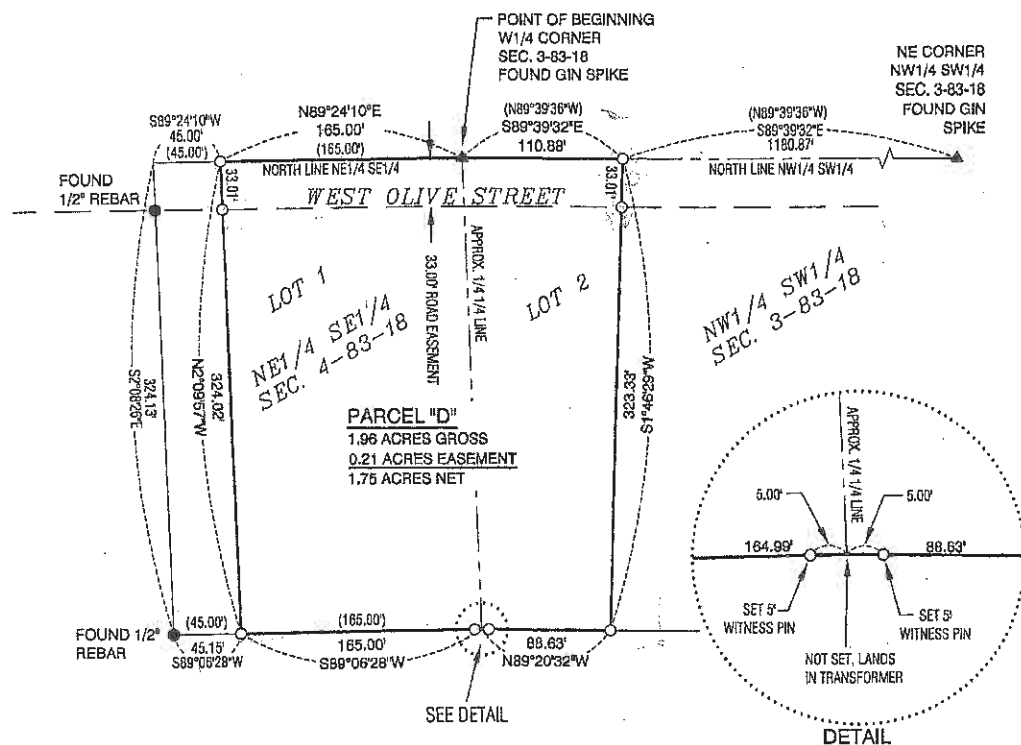
Whitney Hunt, Asst. Auditor
Marshall County Auditor

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 SOUTHWEST 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°48'29"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 SOUTHWEST 1/4 OF SAID SECTION 4; THENCE, S89°08'28"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 1.98 ACRES INCLUDING 0.21 ACRES OF PRESENTLY ESTABLISHED ROAD RIGHT OF WAY. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

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

	(GROSS-ACRES)	(EASE-ACRES)	(NET-ACRES)
NE 1/4 SE 1/4 SEC. 4-83-18	1.22 AC	0.12 AC	1.10 AC
NW 1/4 SW 1/4 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 #17182
- 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.

	KERSBERGEN SURVEY IN LOT 2 OF THE NW 1/4-SW 1/4, SEC 3-83-18 & IN LOT 1 OF THE NE 1/4-SE 1/4, SEC 4-83-18 CITY OF MARSHALLTOWN, MARSHALL COUNTY, 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. <i>Travis R. Stewart</i> 4/14/2014 date Travis R. Stewart, PLS Iowa License Number 17162 My License Renewal Date is December 31, 2015 Pages or sheets covered by this seal: THIS SHEET	
	DRAWN WLB	SHEET NO. 1	
	DATE 4-7-2014	PROJECT NO. 76399.05	

2076399.dwg 7/6399 PLAT.dwg - Plat LEOL - 04-21-14 - 3:27 pm - bsc246

File Number: 2014-00001776 Seq: 1