

MARSHALLTOWN

— I O W A —

BOARD OF ADJUSTMENT

Notice of Public Meeting
Tuesday, April 17, 2018
City Council Chambers, City Hall
10 West State Street, Marshalltown IA

1. Call To Order & Roll Call

Frederick
Hitchins
Schulze
Thurston
Wenner

2. Meeting Minutes 01/16/2018

Documents:

[011618.PDF](#)

3. Meeting Minutes 02/20/2018

Documents:

[022018.PDF](#)

4. PUBLIC HEARING: SIDEWALK DEFERMENT – 1203 S. 6th Street – MHS Properties
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:

[APP_1203_S_6TH_ST_MHSPROPERTIES_2018.PDF](#)
[041718_1203_S_6TH_ST_MHSPROP_BOA.PDF](#)

5. PUBLIC HEARING: SIDEWALK DEFERMENT – 1902 E. Anson Street - SNT Trucking - Hughes Properties LLC

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:

[APP_1902_E_ANSON_SIDEWALK_DEFERMENT_2018.PDF](#)
[MEMO_041718_1902_E_ANSON_SNT_BOA.PDF](#)

2018 Tentative Meeting Schedule (3rd Tuesday of the Month)

**Dates are tentative and may be changed or canceled in order to accommodate staff schedules or development need.*

April 17, 2018	May 15, 2018	June 19, 2018
July 17, 2018	August 21, 2018	September 18, 2018
October 16, 2018	November 20, 2018	December 18, 2018

MINUTES
MARSHALLTOWN BOARD OF ADJUSTMENT
JANUARY 16, 2018

Call to order: 5:00 PM

Members Present: David Schulze, Kelli Thurston, Bob Wenner and Tammie Frederick

Members Absent: Kevin Hitchins-Chair

1. Approval of Minutes from 11/14/17 -

Motion to approve minutes from 11/14/17 meeting by Wenner, second by Thurston.
Motion Carried 4-0.

2. PUBLIC HEARING: Variance – 203 N. 18th St. – All American Properties Coop #12

Spohnheimer presented information on the variance application requesting 14 multi-family units at 203 N. 18th Street instead of the allowable 12 units. Information related to the zoning classification and minimum requirements was presented as well as review criteria for a Variance.

Tony Reed, the property owner, further presented his plan for the former school site. Reed indicated a hardship that there was a need for housing in the community. Reed indicated if it doesn't move forward the building would be vacant.

Board members discussed the proposed design and questions opportunities to use the larger space for creative, expanding the unit space on some of the adjacent units or the addition of storage spaces for tenants.

Janette Sherman, 109 N. 18th Street, commented with concerns about the project. She had concerns about parking, if there would be on site management, what areas would there be for children to play and type of apartments if they would be low-income.

Board members commented on the support for new housing however there was not apparent evidence of a relationship to a hardship.

Motion by Wenner to approve the Variance application for 203 N. 18th Street as requested. Second by Thurston. Motion Failed 3-1. (Opposed: Schulze, Thurston, Wenner)

With no further business, the Board adjourned.

Respectfully submitted,
Michelle Spohnheimer, Housing & Community Development Director

MINUTES
MARSHALLTOWN BOARD OF ADJUSTMENT
FEBRUARY 20, 2018

Call to order: 5:00 PM

Members Present: Kevin Hitchins-Chair, David Schulze, Kelli Thurston and Bob Wenner

Members Absent: Tammie Frederick

**1. PUBLIC HEARING: Special Use Permit Request for 909 S. 2nd Street (Public Safety Facility)
– Communication Antenna Structure**

Spohnheimer presented information on the special use permit for a communication tower which is being amended to total 190' in height due to the inclusion of the lightning rod at the top. The Plan Zoning Commission recommended approval at their regular meeting.

Teresa Lang was present to discuss the structure. Thurston questioned if this was intended in the original plans for the project. Lang discussed that at initial concept it was not yet known what would be needed to meet the sight distances and if an antenna on the building would work or if separate was needed. Schulze recommended looking into protection of the generator system from ice shear off of the antenna.

Motion by Wenner to approve the Special Use Permit application for 909 S. 2nd Street as amended to include a 190' communication tower. Second by Schulze. Motion Carried 4-0

**2. PUBLIC HEARING: Home Occupation Special Use Permit Request for 2606 Hilltop Drive –
Brian & Sarah Murphy**

Spohnheimer presented information on the home occupation special use permit for the operation of a gym out of their garage. Spohnheimer discussed that this home business was discovered following a newspaper article. The owner was contacted and has followed through with inspection by the Building, Fire and Electrical Departments in addition to submitting the zoning applications.

Sarah Murphy discussed her business and plans to hold small fitness classes at limited times. She estimated an average of 4-5 people per class. She plans to hold about 3 classes a day primarily Monday -Thursday. She has room for 4 vehicles to park in the driveway and there is additional street parking.

Motion by Wenner to approve the Home Occupation Special Use Permit application for 2606 Hilltop Drive as presented. Second by Schulze. Motion Carried 4-0

With no further business, the Board adjourned.

Respectfully submitted,

Michelle Spohnheimer, Housing & Community Development Director

4/12/18 PB
4/17/18 BOA

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: 1203 SOUTH 6 TH STREET	
Owner or Agent: MHS PROPERTIES	
Mailing Address (owner or agent): 610 ELMWOOD DRIVE, MARSHALLTOWN, IA 50158	
Phone (owner or agent): 641-751-8577	Fax (owner or agent): N/A

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
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:

NOT
APPLICABLE

- 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):

SEE ATTACHMENT

Owner or Agent Signature: <i>Joseph A. Carter</i>	Date: 3/22/18
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City of Marshalltown

Sidewalk Deferment Application Form

A possible sidewalk running north and south along the eastern edge of the old Crosby Pool site, now owned by MHS Properties, would have grade and drainage problems that would significantly interfere with the construction of the sidewalk at that location.

We have analyzed the site and surrounding area for walkability and propose a public/private partnership for the construction of a recreational path connecting multiple area amenities that would tie into existing sidewalk infrastructure located along the east side of 6th Street in lieu of a traditional sidewalk along 6th Street adjacent to the development. This concept was arrived at because the adjacent properties present significant topographic challenges leading us to believe that our residents will likely never have sufficient walkability to the area amenities we are trying to complement with the development. Additionally, the recent addition of the ITC transmission lines and utility poles would provide a significant impediment to the construction of a sidewalk along the corridor as they currently occupy the area adjacent to 6th Street where a sidewalk would likely be constructed. Also, there are no existing sidewalks along the entire west side of the 6th Street corridor. Finally, we believe the proposed path or the sidewalk on the east side of 6th Street provides the safest means for pedestrian and bike traffic to reach the area amenities or the residences along 6th Street.

At the southern edge of the possible sidewalk there is a utility pole at the corner of Ingledue and 6th Street. The east side of the pole is only 2 feet from the curb on 6th Street (see pictures A, B & C).

On the west side of the pole is a straight drop-off of more than 5 feet where a retaining wall stands (see pictures D & E).

The retaining wall runs about 140 feet from the street corner of 6th and Ingledue to the north towards Wayward Social. There are 3 utility poles on the property all sitting a similar distance from the road.

We believe these major grade and drain impediments specified above would significantly interfere with the construction of the sidewalk at that location.

There is a sidewalk on the south side of Linn Creek (near the Skate Park) that goes under 6th Street to get to the sidewalk on the east side of 6th Street that runs south to Hibbs Boulevard. However, there is currently no sidewalk along the west side of 6th Street from the Skate Park south to Westwood Drive – not in front of Wayward Social, not in front of the Gomez property, not along the Legion Golf Course, not along the homes between Olive and Westwood. If we create a sidewalk on the west side of 6th Street adjacent to our development, there still won't be any other sidewalks between the Skate Park and Westwood Drive.

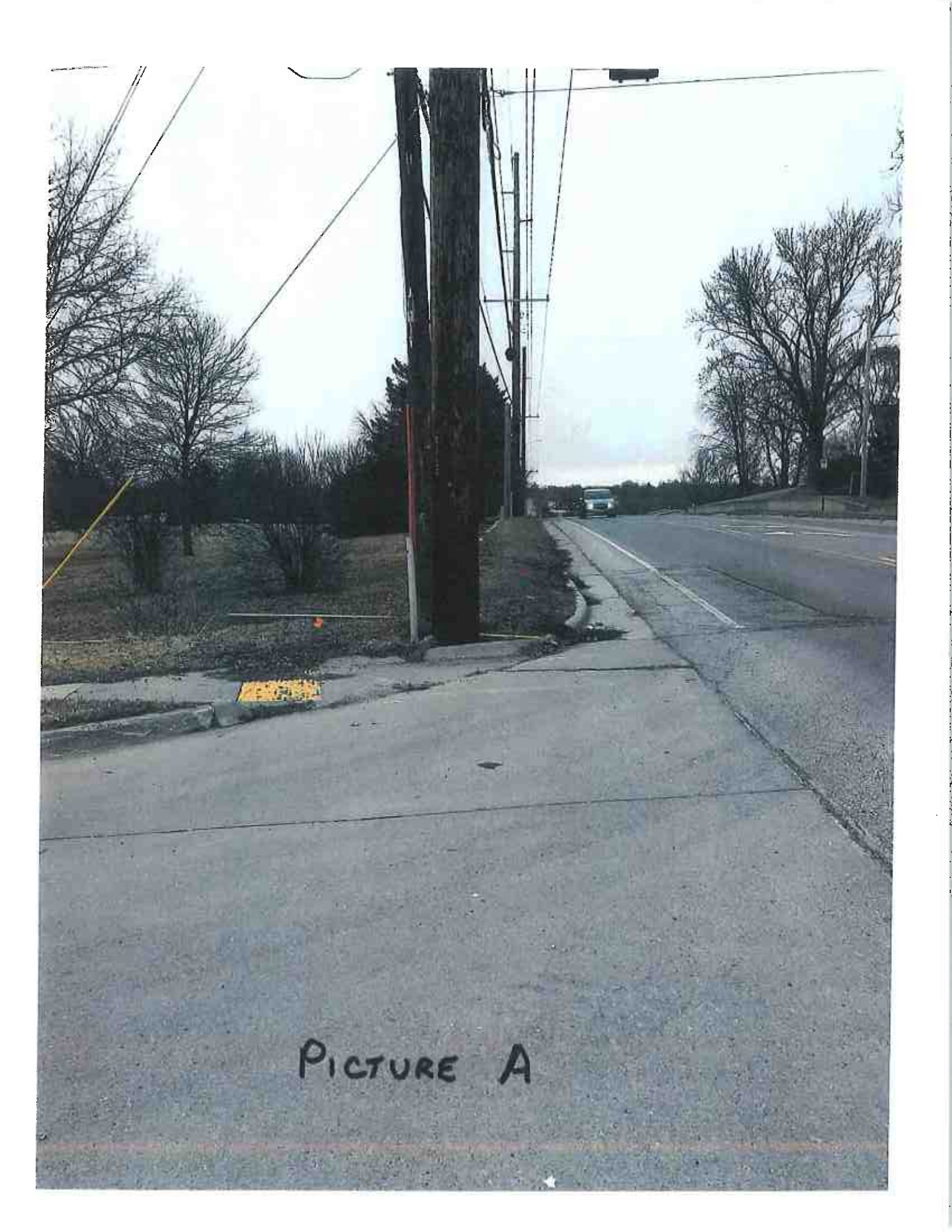
However, we do plan to build a 10 foot wide recreational path, built to City specifications, on the south and west edge of our property to the edge of the Wayward

Social property so that ultimately we can cross Wayward Social, the Naughton property, the golf course and on to the Linn Creek Trail. We think this would not have the same grade problems as the sidewalk and would create a much better way to help move pedestrians and bikers alike throughout the area of recreation, home and work. This would obviously include areas like the Skate Park, Mega-10 Park, the Softball Fields, and the Y.

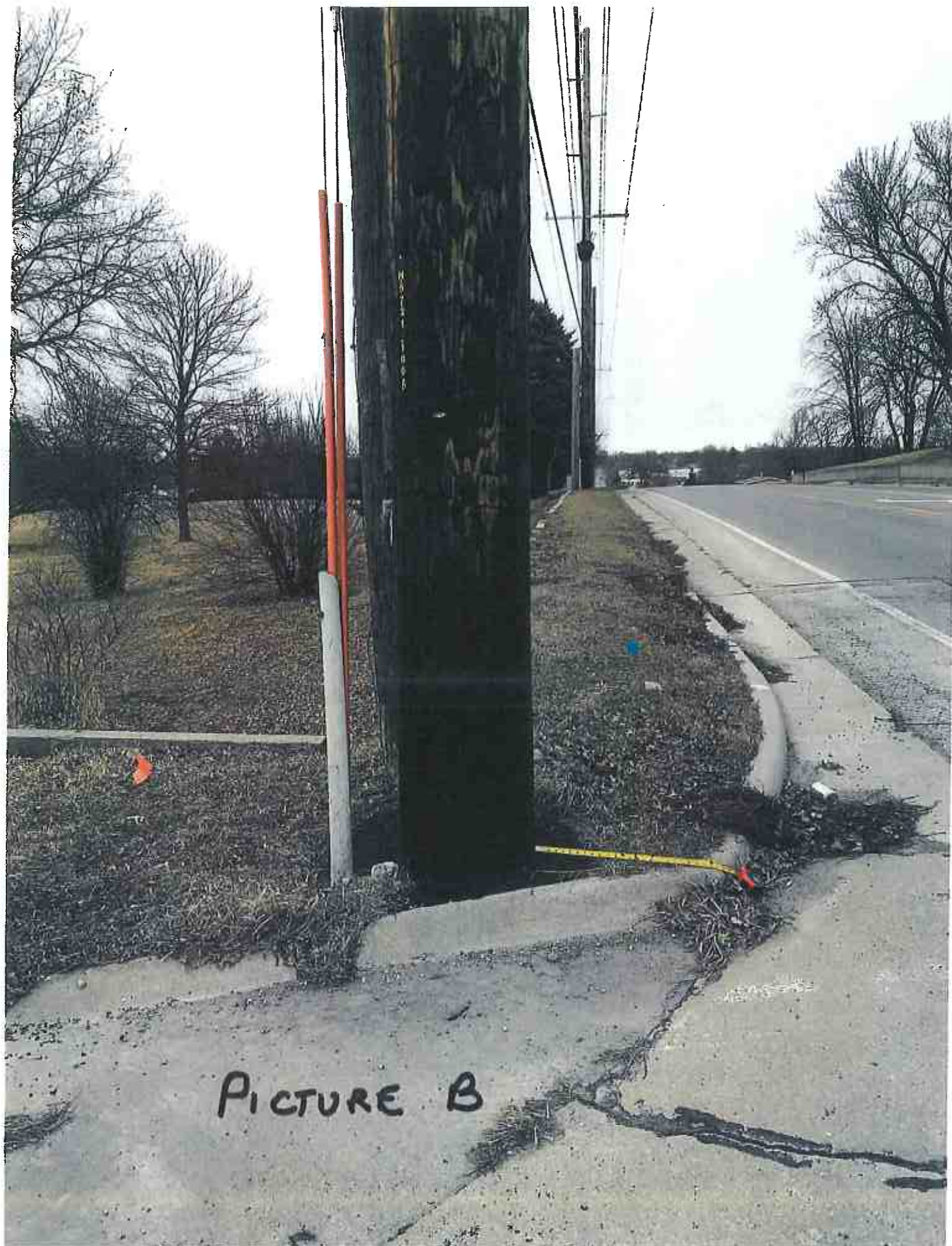
MHS Properties

Joe and Janelle Carter

3/22/18

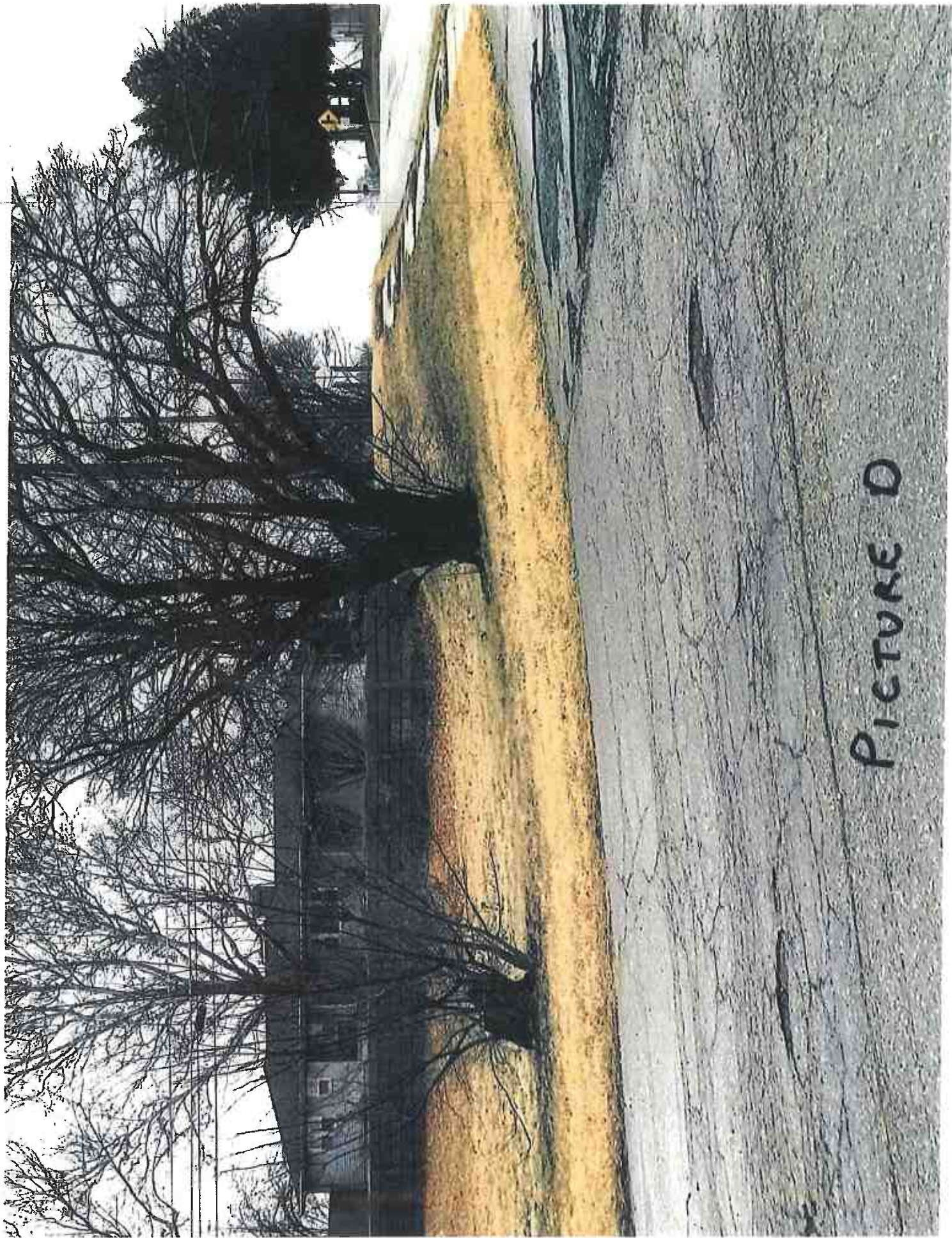
A photograph of a street scene. In the foreground, a wide concrete sidewalk runs horizontally across the frame. To the right of the sidewalk is a paved road with white lane markings. A large, dark utility pole stands on the left side of the road, with several power lines extending from it. In the background, there are bare trees and a small white vehicle on the road. The sky is overcast. The text "PICTURE A" is handwritten in black ink at the bottom center of the image.

PICTURE A

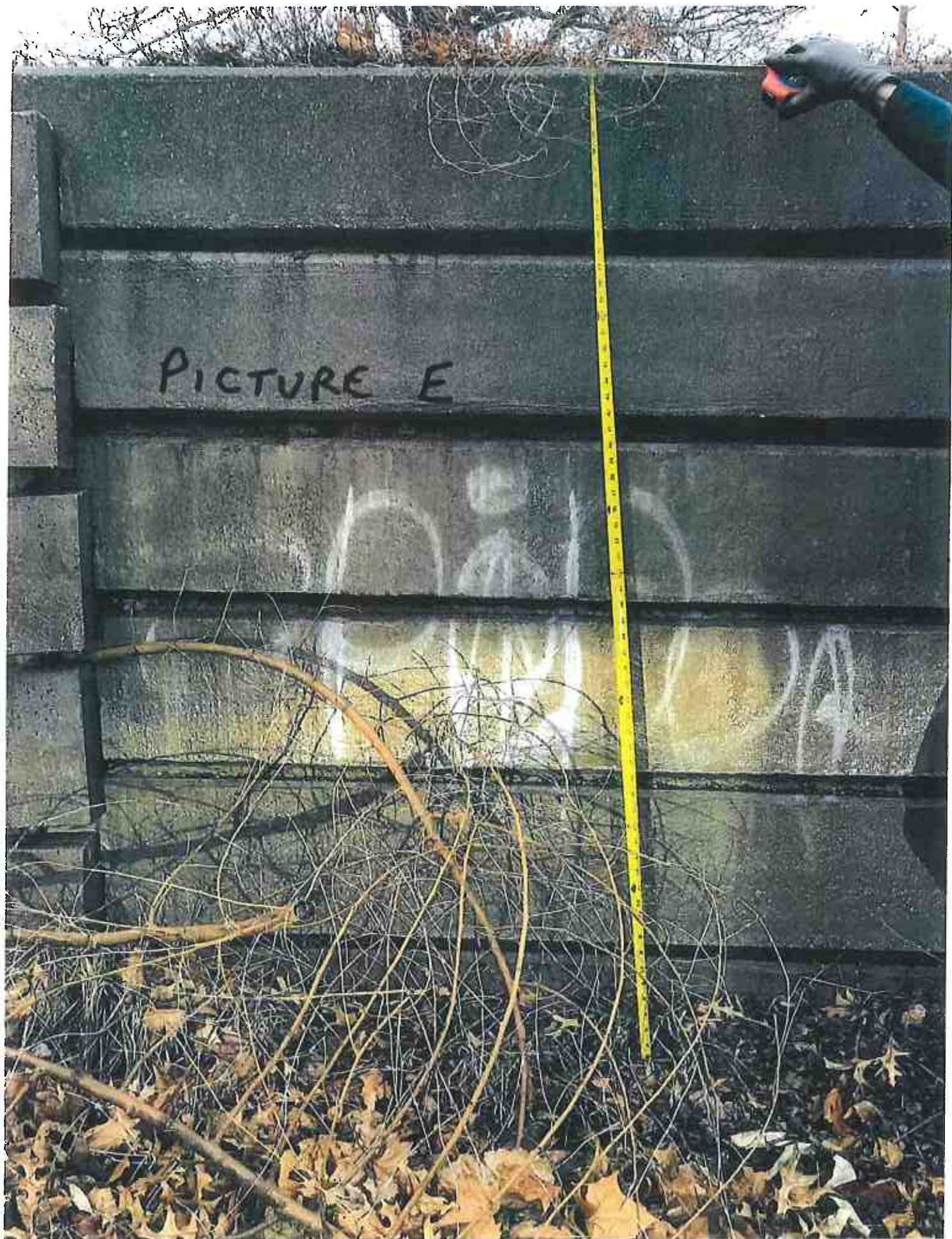


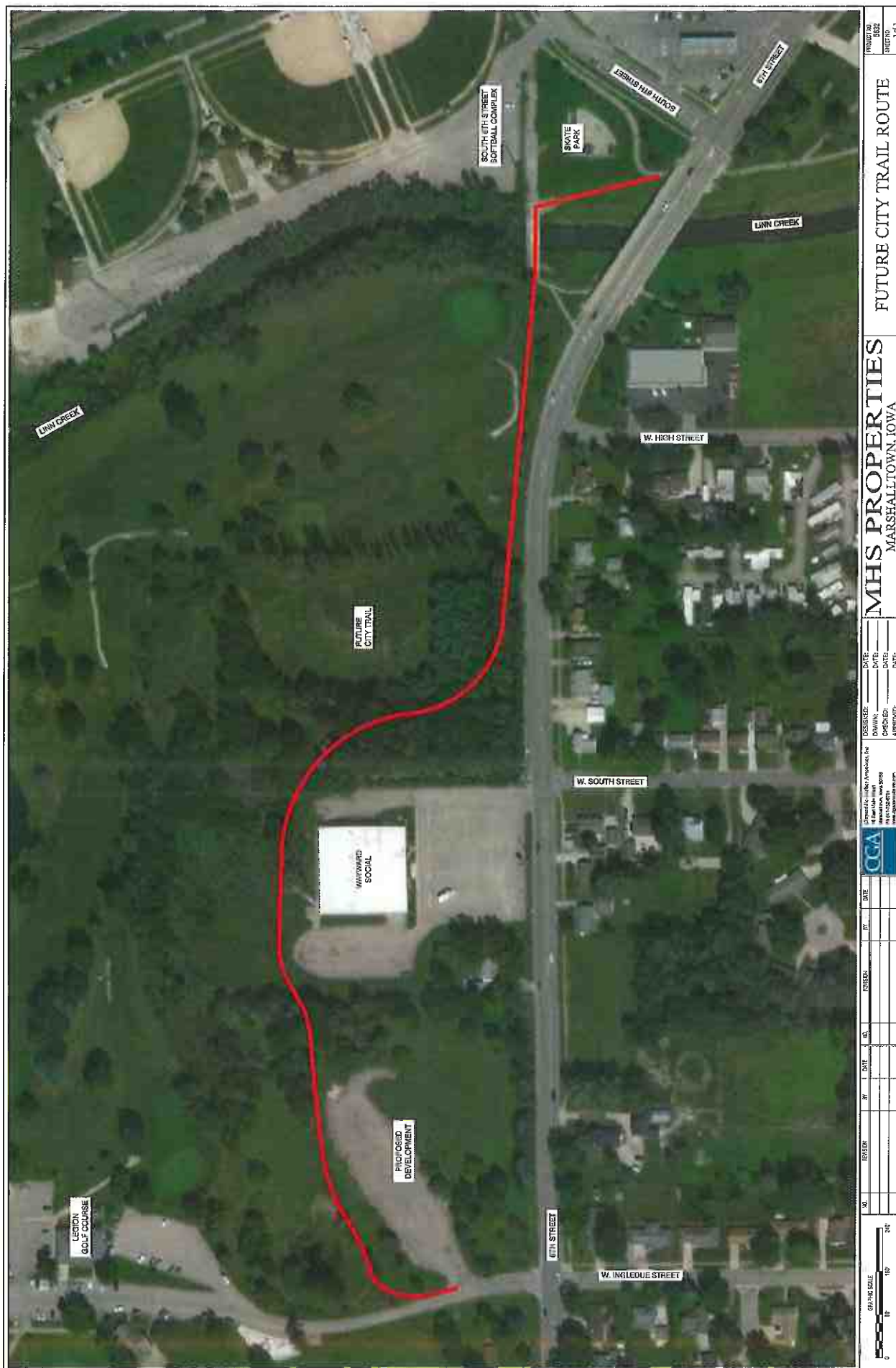
PICTURE B





PICTURE D





Unique Doc ID: 1295247
Recorded: 11/18/2016 at 9:10:04.227 AM
Fee Amount: \$17.00
Revenue Tax: \$143.20
Marshall County, Iowa
Deanne Raymond - Recorder
Doc. Number: 201600006297

1203 South 6th Street

WARRANTY DEED
(CORPORATE GRANTOR)

Prepared by & Return to: Norma J. Meade, 26 S 1st Ave. Suite 302, Marshalltown, IA 50158,
641-752-4271

Taxpayer Information: MHS Properties, L.L.C., 610 Elmwood Drive, Marshalltown, IA 50158

For the consideration of One Dollar(s) and other valuable consideration **Frank Lewis Glick Post No. 46, The American Legion**, a corporation organized and existing under the laws of IOWA does hereby convey to **MHS Properties, L.L.C.** the following described real estate in **MARSHALL County, Iowa:**

Commencing at the Northeast corner of the fractional Section Three in Township Eighty-three North, Range Eighteen West of the Fifth P.M., Marshall County, Iowa, and extending South Four Hundred feet along the East line of said Section Three and the center line of South Sixth Street, Marshalltown, Iowa, as the point of beginning; thence South along the east line of said Section Three and the center line of South Sixth Street 523.23 feet, the center line of West Ingledue Street projected; thence Westerly along the center line of the road entrance to the American Legion Golf Course and the American Legion Post Home a distance along said road of approximately Five Hundred Fifty-three feet to a point 542.66 feet straight West of the center line of South Sixth Street and on the North-South line nine inches East of light pole at the East edge of Legion Post Home parking lot; thence North from center line of said road parallel with and 542.66 feet West of the center line of South Sixth Street a distance of 587.23 feet to a point Four Hundred feet from the North line of said Section Three; thence East parallel to the North line of said Section Three a distance of 542.66 feet to the point of beginning,

NOW KNOWN AS:

Parcel "A" in the Northeast Fractional Quarter (NE fr. 1/4) of the Northeast Fractional Quarter (NE fr. 1/4) of Section 3, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, shown in Document No. 2006-00000210

The corporate entity is currently in existence and the officers are authorized to execute ~~the~~ deed of conveyance.
this

the real estate by title in fee simple; that it has 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 it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated: November 3rd, 2016

Frank Lewis Glick Post No. 46, The American Legion

GRANTOR

BY: Randall Kessler
Randall Kessler, Commander

GRANTOR

BY: Paul Heckman
Paul Heckman, Adjutant

STATE OF IOWA, COUNTY OF MARSHALL:

This record was acknowledged before me this 3rd day of November, 2016 by Randall Kessler as Commander of Frank Lewis Glick Post 46, The American Legion.



Jeff Heiden
Signature of Notary Public

STATE OF IOWA, COUNTY OF MARSHALL:

This record was acknowledged before me this 3rd day of November, 2016 by Paul Heckman as Adjutant of Frank Lewis Glick Post 46, The American Legion.



Jeff Heiden
Signature of Notary Public

MARSHALLTOWN

I O W A

TO: Board of Adjustment

FROM: Michelle Spohnheimer, Housing & Community Development Director

DATE: April 17, 2018 – Meeting Date

Sidewalk Deferment – 1203 S. 6th Street – MHS Properties

MHS Properties is requesting a sidewalk deferment for the property at 1203 S. 6th Street where proposed housing development is planned. The area was recently rezoned to TN – Traditional Neighborhood. The owner is proposing to extend a trail system through the property further to the West as shown in the application. They are requesting a sidewalk deferment related to sidewalk along S. 6th Street.

Zone:	TN-Traditional Neighborhood	
Use:	Proposed Residential	
Comprehensive Plan:		Rural Residential Low Density Residential Commercial Golf Course The lot in question is labeled as golf course.

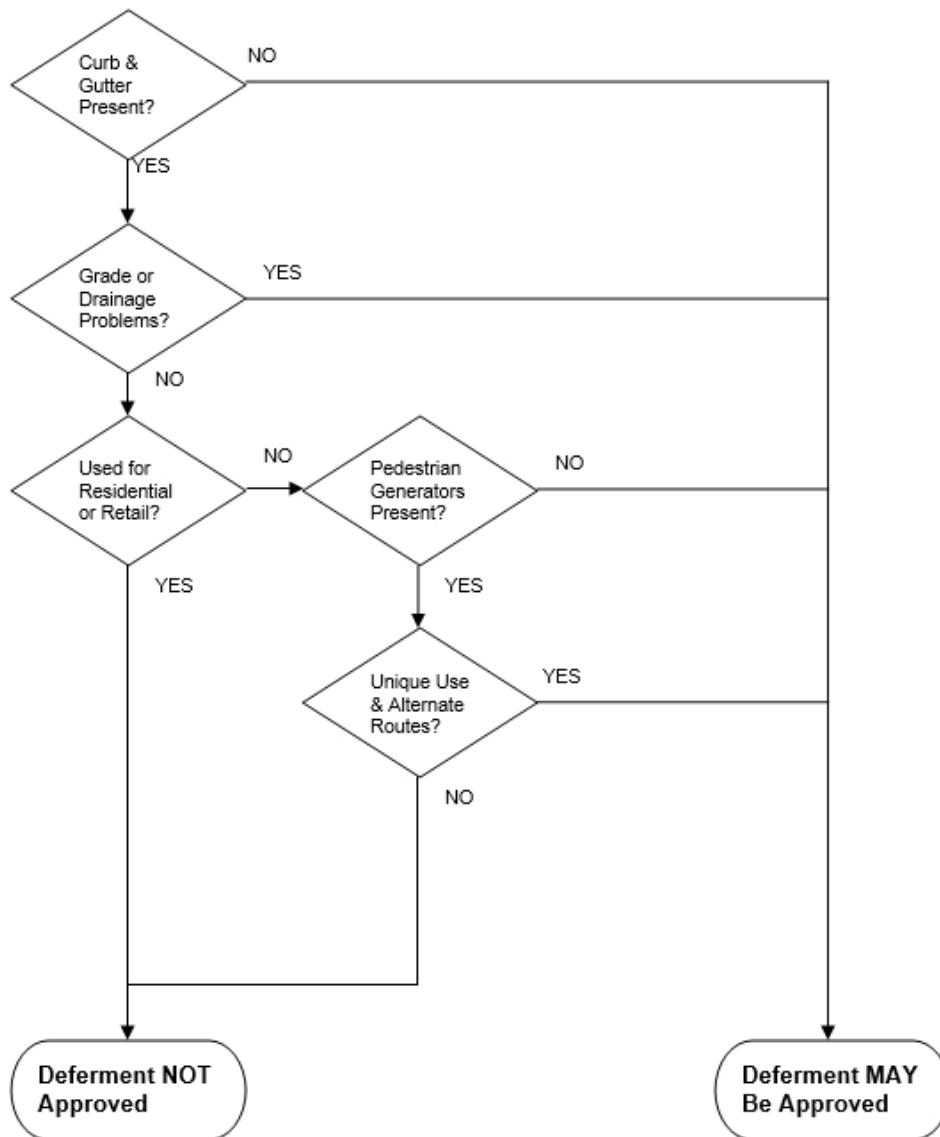
Sec. 26-45. Deferments of Sidewalk

a.) The construction of a sidewalk, as required by Section 26-44 may be deferred for a specified period of time in a given instance, if recommended by the Plan and Zoning Commission, and upon the findings and decision of the Board of Adjustment. Deferments are not favored and shall only be approved where specific conditions warrant it, and in addition the following conditions are met:

- 1.) Where the location of the proposed sidewalk is not adjacent to a street which has or will have curb and gutter; or
- 2.) Where the location of the proposed sidewalk has grade and drainage problems which would significantly interfere with the construction of the sidewalk at that location; or
- 3.) Where the location of the proposed sidewalk is on non-residential or non-retail property adjacent to an existing street with curb and gutter, and grade and drainage problems would not significantly interfere with the construction of its sidewalk at that location, and the following conditions are met:
 - i.) No pedestrian generators exist in this location; or
 - ii.) The unique use of the property in conjunction with sidewalks or bike paths near the location allow for alternate pedestrian routes, unless the proposed sidewalk is needed to connect area residential property to other sidewalks in the area.
- 4.) In residential areas where there is curb and gutter, but there is no existing or proposed sidewalk within 360 feet, and there are hardships in constructing a sidewalk such as extensive landscaping, interference with existing structures or utilities (unless the City agrees to pay for the cost of relocating the utility) or severe grading requirements. For purposes of this section, a water stop located within the proposed sidewalk area is not considered to be interference with an existing utility.

5.) The above exceptions or conditions enumerated in (3) above supporting a deferment shall not be applicable to support a deferment, if a proposed sidewalk at the location supported the need to connect other residential property to other sidewalks in the area.

6.) The above exceptions or conditions enumerated in (3) above supporting a deferment shall not be applicable to support a deferment to override the sidewalk requirements when a major or minor street where a deferment is sought is installed in conjunction with an improved street or a proposed improved street.



Recommendation: On April 12th the plan Zoning Commission recommended approval of the deferment to the Board of Adjustment. The flow chart can be used as a guide in determining eligibility for the deferment along with any other information the Board finds relevant to the area.

4/12/18
4/12/18 BSA

SNT Trucking Inc.
720 South 12th Avenue
Marshalltown, Iowa 50158

City of Marshalltown
36 North Center Street
Marshalltown, Iowa 50158

March 22, 2018

Re: City of Marshalltown Sidewalk Deferment Application

Dear Plan & Zoning Commission,

Please find attached our Sidewalk deferment form, a Google Earth image of the 1902 East Anson property of which we are filing for, and a layout plan from Clapsaddle-Garber showing this properties future addition.

Under current city code, the SNT trucking warehouse requires a sidewalk because a proposed addition will increase the value of the property by more than 50% of its current value. We do not dispute this improvement. We seek a Sidewalk Deferment under Section 26-45 for the following reasons:

Section 26-45 (3.i) discusses the lack of pedestrian generators. The SNT trucking warehouse property is in an industrial zone east of 18th Avenue. It's business is to provide Just-in-Time service to a local manufacturing company. This requires commercial trucks to enter and leave the property on an hourly basis. SNT creates no pedestrian traffic nor are there pedestrian generators in the area. None can be built in this area in the near future as each nearby property is filled with a similar industrial use. To the north is a cul-de-sac which prohibits any pedestrian connections. On this cul-de-sac is a parking lot for a local school bus provider and a training facility for Alliant Energy. Both of these properties have large vehicles coming and going several times per day. To the immediate east is property owned by Alliant Energy. There are no pedestrian generators on this site. Continuing east, Anson street dead-ends into a corn field. No pedestrian generators exist at this location. Should Anson Street be developed and retail, office, or restaurants be built, SNT would agree that a sidewalk would be necessary.

Section 26-45(3.ii) discusses alternate routes for pedestrians. As mentioned above, there are no pedestrian generators in the immediate area. The closest pedestrian generator is west across 18th Avenue, which is the busiest truck route in Marshalltown. There are no current ways to safely cross 18th Avenue and walk down Anson Street to arrive at the SNT property. No other properties in the area have sidewalks. If or when this area may be upgraded, SNT would agree to install sidewalks at that time.

For these reasons, we feel a Sidewalk Deferment should be granted by the Plan & Zoning Commission and Board of Adjustment.

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: <i>1902 East Anson Street</i>	
Owner or Agent: <i>Jeff L Hughes</i>	
Mailing Address (owner or agent): <i>720 South 12th Avenue Marshalltown</i>	
Phone (owner or agent): <i>641-753-2145</i>	Fax (owner or agent): <i>641-752-4799</i>

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
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):

Owner or Agent Signature: <i>Jeff Hughes</i>	Date: <i>3-22-18</i>
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SNT Warehouse

Legend

- 1902 E Anson St
- Iowa International Raceway
- Scott Manufacturing, LLC

1902 E Anson St

SNT ADDITION

Google Earth



500 ft

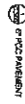
TRAFFIC CONTROL NOTES

1. ALL TRAFFIC CONTROL DEVICES SHALL BE PLACED, DIRECTED, MAINTAINED, AND REMOVED BY THE CONTRACTOR IN ACCORDANCE WITH THE ILLINOIS AND CITY OF MARSHALLTOWN TRAFFIC CONTROL DEVICES ACT.

GENERAL LAYOUT NOTES

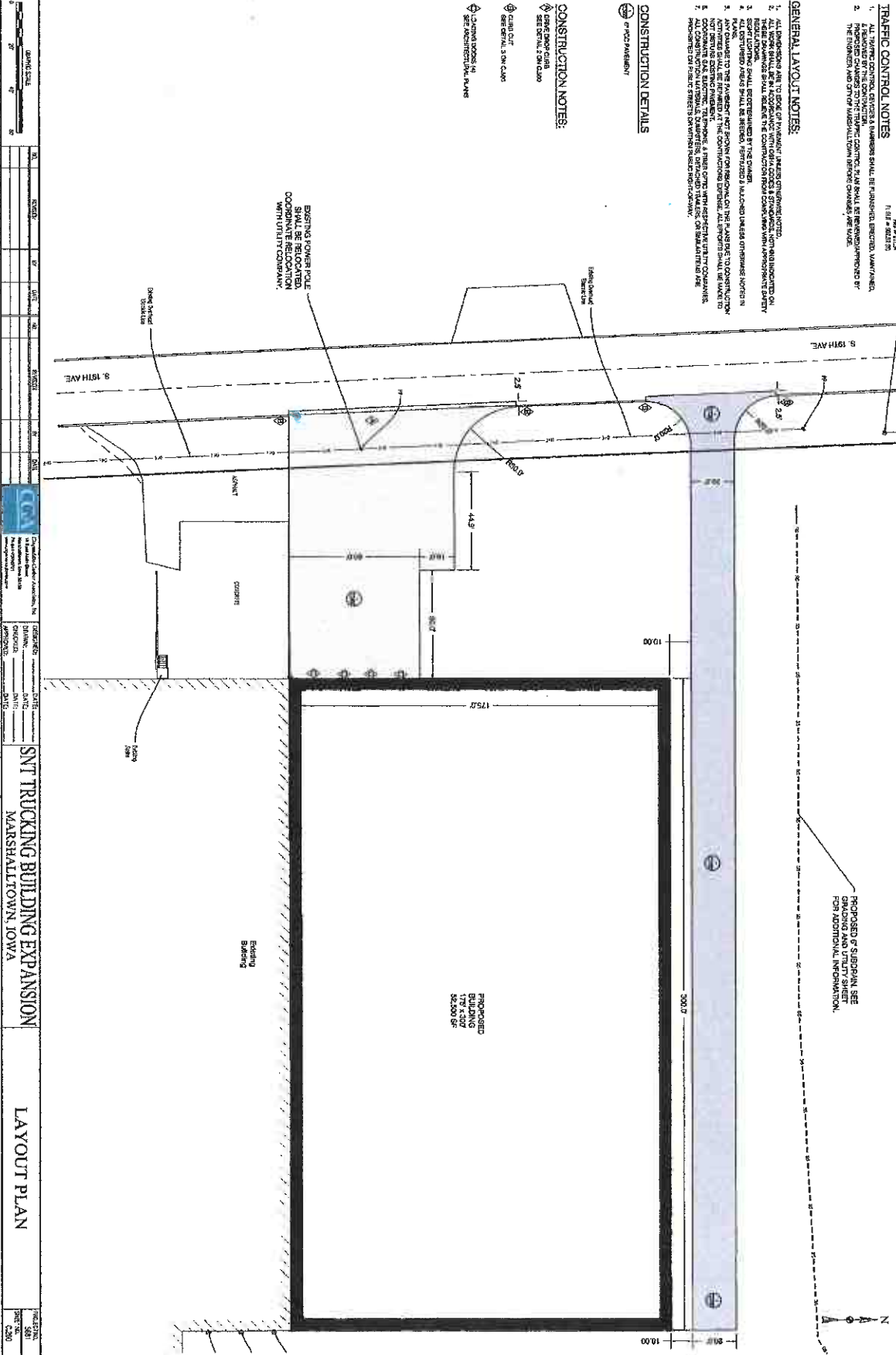
1. ALL DIMENSIONS ARE TO FACE OF PAVEMENT UNLESS OTHERWISE NOTED.
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CONSTRUCTION DETAILS



CONSTRUCTION NOTES

- 1. ALL DIMENSIONS ARE TO FACE OF PAVEMENT UNLESS OTHERWISE NOTED.
- 2. ALL DIMENSIONS ARE TO FACE OF PAVEMENT UNLESS OTHERWISE NOTED.
- 3. ALL DIMENSIONS ARE TO FACE OF PAVEMENT UNLESS OTHERWISE NOTED.
- 4. ALL DIMENSIONS ARE TO FACE OF PAVEMENT UNLESS OTHERWISE NOTED.
- 5. ALL DIMENSIONS ARE TO FACE OF PAVEMENT UNLESS OTHERWISE NOTED.
- 6. ALL DIMENSIONS ARE TO FACE OF PAVEMENT UNLESS OTHERWISE NOTED.
- 7. ALL DIMENSIONS ARE TO FACE OF PAVEMENT UNLESS OTHERWISE NOTED.



SNT TRUCKING BUILDING EXPANSION
MARSHALLTOWN, IOWA

LAYOUT PLAN

DATE: 08/11/2010
BY: [Signature]



Doc ID: 003099360003 Type: LAN
Kind: WARRANTY DEED
Recorded: 10/02/2012 at 09:35:23 AM
Fee Amt: \$1,853.20 Page 1 of 3
Revenue Tax: \$1,831.20
Marshall County Iowa
Dawn Williams County Recorder
File **2012-00005862**

\$22.00

WARRANTY DEED
(CORPORATE GRANTOR)
THE IOWA STATE BAR ASSOCIATION
Official Form No. 104
Recorder's Cover Sheet

Preparer Information: (name, address and phone number)

Curtis A. Ward, 11 E. Church Street, Suite 202, Marshalltown, IA 50158, Phone: (641) 752-6413

Taxpayer Information: (name and complete address)

Hughes Properties L.L.C., 311 Orchard Drive, Marshalltown, IA 50158

Return Document To: (name and complete address)

Box * Curtis A. Ward, 11 E. Church Street, Suite 202, Marshalltown, IA 50158, Phone: (641) 752-6413

Grantors:

BBi Realty, Inc., by Craig R. Hoyt, President

Grantees:

Hughes Properties, L.L.C.

Legal Description: See Page 2

Document or instrument number of previously recorded documents:

Curtis A. Ward

WARRANTY DEED
(CORPORATE GRANTOR)

For the consideration of One and no/100----- Dollar(s) and other valuable consideration, BBI Realty, Inc., a corporation organized and existing under the laws of Ohio does hereby Convey to Hughes Properties, L.L.C. the following described real estate in Marshall County, Iowa:

Lot 5 in Block 1 of M.I.P. 5th Addition to Marshall, Marshall County, Iowa

The Corporation hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has 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 it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated: 8 / 30 / 12

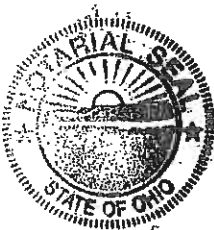
BBI Realty, Inc., a(n) Ohio corporation

By 
Craig R. Hoyt, President

By _____

STATE OF OHIO, COUNTY OF Franklin

This instrument was acknowledged before me on August 30, 2012, by Craig R. Hoyt, as President, of BBI Realty, Inc., who stated that as such officer he is authorized by the Board of Directors to execute this document to convey real estate, and has done so as his and its voluntary act and deed.



SHARON L. HUHN
Notary Public
In and for the State of Ohio
My Commission Expires
February 2, 2014

Sharon L. Huhn
_____, Notary Public

MARSHALLTOWN

I O W A

TO: Board of Adjustment

FROM: Michelle Spohnheimer, Housing & Community Development Director

DATE: April 17, 2018 – Meeting Date

Sidewalk Deferment – 1902 E. Anson St. – SNT Trucking

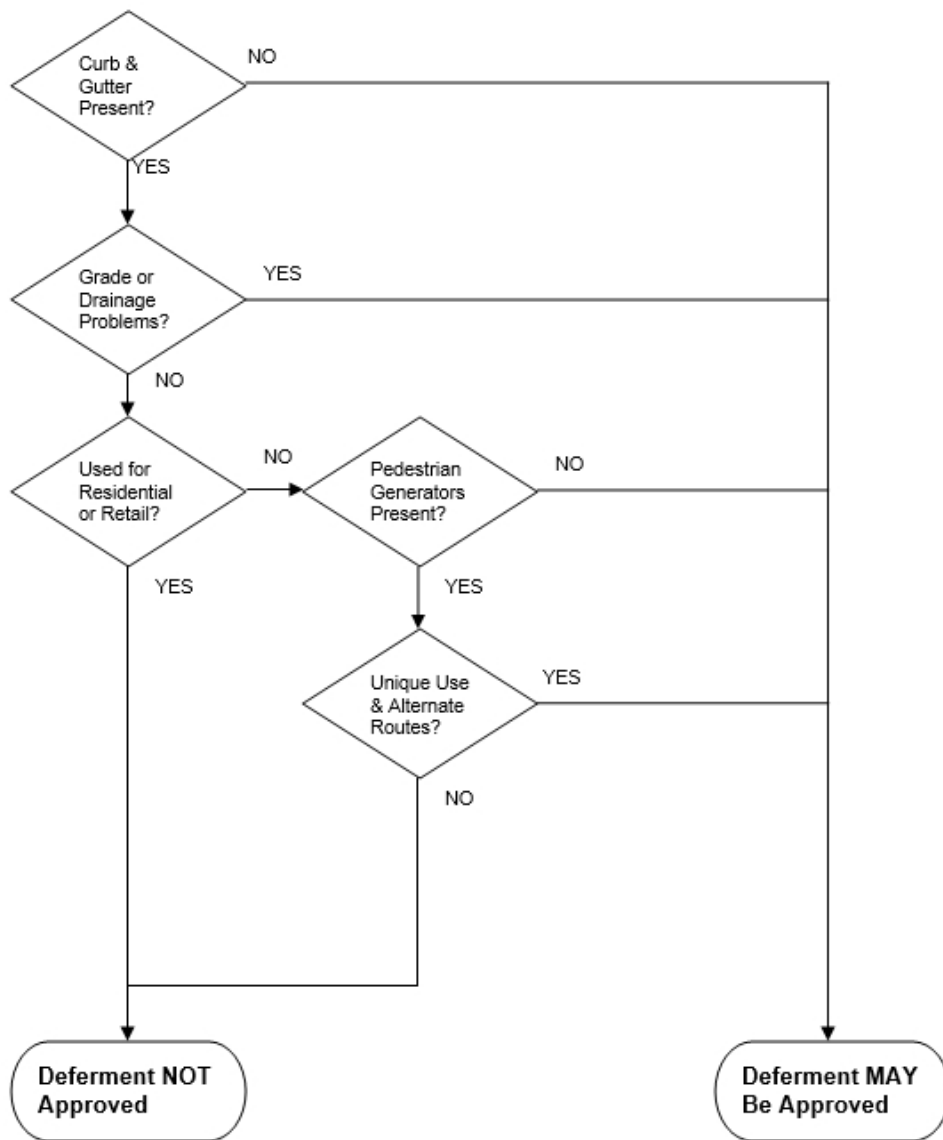
SNT Trucking is located at 1902 E. Anson Street and owned by Hughes Properties LLC. They are requesting a sidewalk deferment for the property at 1902 E. Anson Street where they are proposing an addition to their existing building. They are requesting a sidewalk deferment related to sidewalk along E. Anson Street and S. 19th Avenue.

Zone:	M-2 Heavy Industry
Use:	Proposed Residential
Comprehensive Plan:	Heavy Industrial

Sec. 26-45. Deferments of Sidewalk

a.) The construction of a sidewalk, as required by Section 26-44 may be deferred for a specified period of time in a given instance, if recommended by the Plan and Zoning Commission, and upon the findings and decision of the Board of Adjustment. Deferments are not favored and shall only be approved where specific conditions warrant it, and in addition the following conditions are met:

- 1.) Where the location of the proposed sidewalk is not adjacent to a street which has or will have curb and gutter; or
- 2.) Where the location of the proposed sidewalk has grade and drainage problems which would significantly interfere with the construction of the sidewalk at that location; or
- 3.) Where the location of the proposed sidewalk is on non-residential or non-retail property adjacent to an existing street with curb and gutter, and grade and drainage problems would not significantly interfere with the construction of its sidewalk at that location, and the following conditions are met:
 - i.) No pedestrian generators exist in this location; or
 - ii.) The unique use of the property in conjunction with sidewalks or bike paths near the location allow for alternate pedestrian routes, unless the proposed sidewalk is needed to connect area residential property to other sidewalks in the area.
- 4.) In residential areas where there is curb and gutter, but there is no existing or proposed sidewalk within 360 feet, and there are hardships in constructing a sidewalk such as extensive landscaping, interference with existing structures or utilities (unless the City agrees to pay for the cost of relocating the utility) or severe grading requirements. For purposes of this section, a water stop located within the proposed sidewalk area is not considered to be interference with an existing utility.
- 5.) The above exceptions or conditions enumerated in (3) above supporting a deferment shall not be applicable to support a deferment, if a proposed sidewalk at the location supported the need to connect other residential property to other sidewalks in the area.
- 6.) The above exceptions or conditions enumerated in (3) above supporting a deferment shall not be applicable to support a deferment to override the sidewalk requirements when a major or minor street where a deferment is sought is installed in conjunction with an improved street or a proposed improved street.



Recommendation: On April 12th the plan Zoning Commission recommended approval of the deferment to the Board of Adjustment. The flow chart can be used as a guide in determining eligibility for the deferment along with any other information the Board finds relevant to the area.