

# 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](http://www.ci.marshalltown.ia.us)

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**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 refer to the attached deadline and meeting schedule. Attendance at all meetings is required.** The complete application with fee must be submitted by 5:00 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 5:30 PM on a Thursday following a Council meeting 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 first and 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

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

Property Address:	
Owner or Agent:	
Mailing Address (owner or agent):	
Phone (owner or agent):	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
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:	Date:
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