



## 907.04 VARIANCES

### A. Sidewalks

The Allentown Planning Commission will hear requests from property owners for variances from the duties to construct a sidewalk imposed by this article. The Commission may grant variances either modifying or postponing the obligation imposed by this article up to a period of ten (10) years where:

1. The character of the neighborhood is such that the installation of sidewalks would not serve any public purpose; or

2. Where unique physical conditions make the installation of sidewalks an undue hardship, and the absence of this installation would not materially affect the public safety and conveniences.

In granting a variance, the Commission may attach such reasonable conditions and safeguards as it deems necessary to protect the public safety and convenience, including the requirement that a bond be posted where appropriate.

### B. Curbs

An Appeal Committee shall be established, appointed and headed by the City Engineer consisting of a member of the Traffic Planning and Control Bureau, a member of the Police Department, a member of the Engineering Bureau, and a member of the Planning Bureau who shall hear requests from property owners for variances from the duties to construct curbing imposed by this article. The committee may grant variances either modifying or postponing the obligation imposed by this article up to a period of five (5) years where:

1. The character of the neighborhood is such that the installation of curbs would not serve any public purpose; or

2. Where unique physical conditions make the installation of curbs an undue hardship, and the absence of this installation would not materially effect the public safety and convenience.

3. In the opinion of the Appeal Committee the installation of the curb is not feasible due to lack of proper grades or where the installation of curb causes the construction or reconstruction of the entire street or alley.

In granting a variance, the committee may attach such reasonable conditions and safeguards as it deems necessary to protect the public safety and convenience, including the requirement that a bond be posted where appropriate.

### C. Responsibility of Property Owner

If a variance is granted for construction of sidewalk or curb, the property owner shall still be responsible for properly grading the area and seeding as necessary. The property owner shall be responsible for continued maintenance of the sidewalk area and shall at all times keep the area suitably passable for pedestrians as determined by the City Engineer. Materials other than grass, concrete, or brick pavers are not permitted in the public right-of-way unless special permission via a permit is granted by the City Engineer. (12484 12/2/81)