

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 8-6-18

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Amanda Wilson
(NAME)

OF 5226 Powers Ave. Clear Lake IA 50428
(MAILING ADDRESS)

respectfully request that a determination be made by the Board of Adjustment on this Application/Appeal based on the letter written by the Zoning Administrator dated 8-1-18 for the reason that it was a matter which, in his/her opinion, should come before the Board of Adjustment.

This Application/Appeal is: (Please Check One)

- A Variance to a Zoning District requirement where there are unusual conditions or circumstances which cause a hardship when the provisions of Zoning are strictly applied.
- A Special Use listed in Article 20.2 of the Zoning Ordinance upon which the Board is required to act under the Ordinance.
- An Appeal where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.

The property affected is located in Section 23 of Clear Lake Township.

The property affected is zoned _____ according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is: Lts 10-12, Block 1,
Crane & Hills

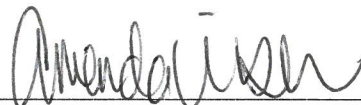
I am the Owner Contract Purchaser Other (Explain) _____
_____ of the property affected.

Describe what you are proposing to do on the property affected.

I would like to place a deck on the side and
rear of the house located at 5226 Powers Ave.
The deck would allow access to the residence and
the power meter for the energy company.

I (We) grant permission to the Planning & Zoning staff and Board of Adjustment members to enter onto the above described property for purposes of review.

I (We) further state that if this request is granted, I (We) will proceed with the actual construction in accordance with the purposes herein stated and any conditions and/or requirements the Board of Adjustment may stipulate.

Signature of Applicant 

OFFICE USE ONLY

Date Filed 8-7-18 Case Number 19-05

Date Set for Hearing 8-28-100 Fee Paid \$100

Application/Appeal was Granted Denied Tabled

VARIANCE CRITERIA SUPPLEMENTAL INFORMATION

Cerro Gordo County Zoning Board of Adjustment

[For completion by Variance Applicants Only]

This attachment is intended to supplement the Appeal to the Board of Adjustment Application for requests for variances. This attachment shall be submitted as a part of and attached to the Appeal Application and serve to enable the Board to make fair and equitable decisions. Failure to complete this form in its entirety may result in postponing the request until adequate information is submitted.

The Board of Adjustment shall authorize upon appeal, in specific cases, such variance from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

The Applicant shall be held responsible to provide adequate evidence that the literal enforcement of the Ordinance will result in unnecessary hardship. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the provisions of the Ordinance, the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.

The Board shall ensure that their decision shall not be contrary to the public interest, that the spirit of the Ordinance shall be observed, and substantial justice done.

Applicant(s) _____

Amanda Wilson

Type of Variance Requested _____

1. The land in question cannot yield a reasonable use for the following reasons:

The area was already used as an entrance
for the residence and is not large enough to
park a vehicle and is too shaded to grow grass. The
deck would allow a level entrance to the house due
to the house being raised off the ground

2. What is unique about this property compared to other properties in the vicinity?

Our house sits on a slight slope in the yard and
requires steps to enter the rear door. The deck would allow
a place for the kids to enjoy out of the dirt. This lot
is unusually wider than others in the area so our side
lot line set back is a lot wider. There is also no access
to the rear of the lot because the alley is vacated.

3. Explain how the variance will fit in with the character of the area (i.e., size, height, scale, etc.):

It will fit in because most other residences in the area have decks off the rear and sides of the house. The proposed deck is not ~~very~~ large and will add to the aesthetic of our house.

4. The need for the variance cannot be attributed to the present or past property owner for the following reasons:

~~the~~ Not Applicable

5. The Zoning Ordinance requirements have resulted in a need for a variance for the following reasons:

The proposed deck is too close to the rear lot line per the zoning code and the stairs on the southeast side are too close to the property line on the side.

6. The variance is in accord with the purposes and intent of the Zoning Ordinance and Comprehensive Plan for the following reasons:

It's not changing the character of the residential neighborhood.

7. The variance will not impair the public health, safety and general welfare of the residents of the County for the following reasons:

The proposed plan is completely on my property and does not restrict anyone access to these properties. The deck will also be safer for my family than the immediate stairs outside the door.

I, Amanda Fish certify that

all of the above statements are true to the best of my knowledge and belief.

**Case No. 19-05
Amanda Wilson (5226 Powers Avenue)**

Figure 1

Looking at the deck along the side of the house



July 13, 2018, J. Robbins

Figure 2

Looking at the location for the rear deck section



August 8, 2018, J. Robbins

Figure 3

Looking east along the rear lot line (approximate lot corner marked by red line)



August 8, 2018, J. Robbins

Figure 4

Looking northeast along the southeast side lot line



August 8, 2018, J. Robbins

Figure 5

Looking southeast along the shared southeast side lot line at the garage on the adjacent property



August 8, 2018, J. Robbins



23

POWERS AVE.

CLARK ST.

POWERS AVE.

