

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) Bruce and Susan Wittern

Type of Variance Requested Request south east rear setback of 3 feet.

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

Our lots at Bell Harbor are small and unusually shaped. In an effort to fit our proposed addition on our lot we have reduced the size to 22' and have made the south east corner at a 45° angle to keep it further from the property line. It is only at the point that our structure would be so close to the edge of our property.

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

Most of the lots in our vicinity are small, however some of the cabins nearby are built on more than one lot. We own just one lot.

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date August 2, 2019

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Bruce and Susan Wittern
(NAME)

OF 1406 15th Ave. W.; Oskaloosa, Iowa 52577
(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 August 1, 2019 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 22 of 96 North Township.

The property affected is zoned R-3 according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is: SW Quarter, Section 22 Township - 96 North; Range 22 West; Lot 161 Clear Lake Methodist Camp Subdivision

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

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

We are proposing a 22' x 22' addition to our existing log cabin. The main level will be a master bedroom and the lower level (basement) will be a small garage.

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 Russ E. Witten

OFFICE USE ONLY

Date Filed _____ Case Number _____

Date Set for Hearing _____ Fee Paid _____

Application/Appeal was Granted Denied Tabled

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

It is a simple addition to our existing structure that already fits with the character of the area.

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

Our lot and the adjacent lots to the south were vacant when we constructed our existing log cabin 37 years ago.

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

Our lot is small and has an odd shape.

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

In accordance with section 3.3 it would cause us a hardship if a variance is not granted. We need to make this addition to make our cabin adequate for us to use as our primary home in retirement.

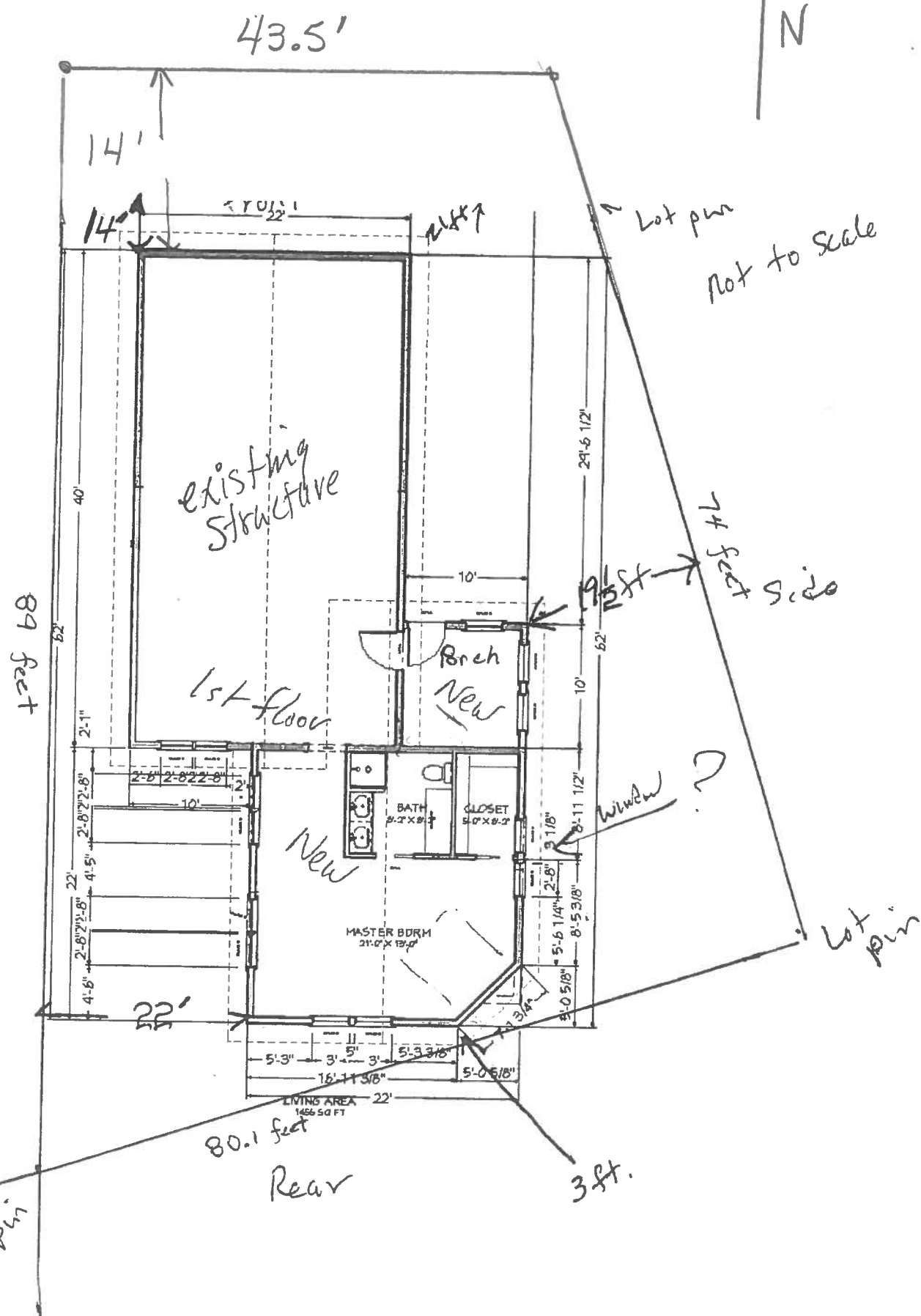
7. The variance will not impair the public health, safety and general welfare of the residents of the County for the following reasons:

The point at which the setback is most narrow is above the neighbor's garden and most of the proposed structure would be further from the property line. For our own safety we believe we need a master bedroom on our main level.

I, Rene E. Wilton certify that

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

- FIRE LANE -
Side



60.1

AC. 30.5

3rd ST.

29

40

43.5

4

22

89

161

162

69

80.1

25.1

168

169

70.5

79.4

55



PLANNING AND ZONING
Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254 Ph: (641) 421-3075
 John Robbins, Planning and Zoning Administrator Fax: (641) 421-3088
 Michelle Rush, Executive Assistant cgcounty.org/planning

ZONING PERMIT APPLICATION

Applicant Name: Bruce Wittern Phone: 641-430-6355 E-Mail: centralumsp@gmail.com
 Mailing Address: 1406 - 15th Ave West, Oskaloosa, Iowa Correspondence Preference
 Property Owner Name: Bruce + Sue Wittern Phone: 641-430-6355 E-Mail Regular Mail
 Property Owner Address: 15-331 Third Street, Clear Lake Iowa
 Contractor Name: Bob Becker Phone: 641-425-4541
 Contractor Address: 10024 160th St. Swaledale, Ia 50477
 Address where work is planned: 15-331 Third St. Clear Lake, Iowa
 Planned construction: 22' x 22' Addition on south side of existing log cabin
 To be used as: Upper level master bedroom, lower level garage
 Legal Description: Quarter _____ Section 22 Township 96 North Range 22 West
 PIN # _____ Lot(s) 161 Block _____ Subdivision Clear Lake Methodist Camp
 Dimensions of Proposed Structure (must include roof overhang and any other projections greater than 2 feet):
 Width 22 Depth 22 Height 18 Stories 1 with basement
 Distance to Proposed Structure from Lot Line:
 Front (street) 47 ft Rear 3 ft W Side 22 ft E Side 19 1/2 ft
 Projected Construction Costs: \$ 80,000 Zoning _____ Permit fee: \$ 150

Please select how you would like to receive correspondence regarding this application. If not selected, correspondence will be sent via e-mail if possible.

I, the applicant, being duly sworn, depose and say that I am the owner, or that I am authorized and empowered to make affidavit for the owner, who makes the accompanying application; that the application and plan are true and contain a correct description of the proposed building, lot, work, and use to which structure is to be placed. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

Signature Bruce E. Wittern Date July 29, 2019

NOTE: It shall be unlawful to do any grading, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure until a Zoning Certificate has been issued by the Cerro Gordo County Zoning Administrator. Failure to do so shall result in a \$200.00 fee in addition to the permit fee.

Is the property serviced by the Clear Lake Sanitary District? Yes No
 Is the property within the Environmental Resources Overlay District? Yes No

If "yes" is answered to either of the above, the applicant must first receive permit from the Clear Lake Sanitary District for sanitary disposal.

Approved by _____ Date: _____ Permit # _____

Property is served by Public Private water supply. Bell Harbor
 Property is served by Public Private sanitary sewer.

For either of the above, applicant must first receive permit from the Cerro Gordo County Health Department.

Approved by _____ Date: _____ Permit # _____

Case No. 20-08
Bruce and Susan Wittern (15331 3rd Street)

Figure 1

Looking at the existing cabin



August 14, 2019, J. Robbins

Figure 2

Looking at the proposed location for the addition



August 14, 2019, J. Robbins

Figure 3

Looking at the proposed location for the porch



August 14, 2019, J. Robbins

Figure 4

Looking easterly along the rear lot line



August 14, 2019, J. Robbins

Figure 5

A closer view looking easterly along the rear lot line



August 14, 2019, J. Robbins

Figure 6

Looking south along the east part of the property



August 14, 2019, J. Robbins

Figure 7

Looking south along the west part of the lot and private alley



August 14, 2019, J. Robbins

Figure 8

Looking southwest at the grade of the rear yard



August 14, 2019, J. Robbins

Figure 9

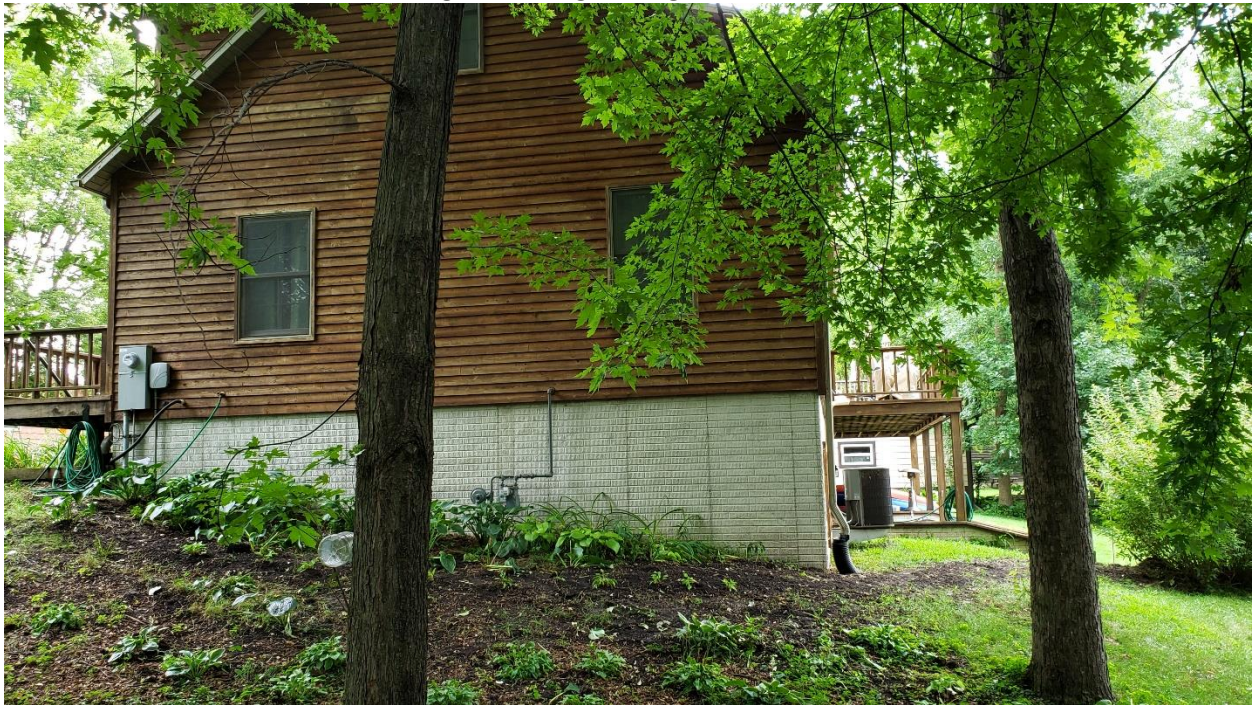
Looking at the south side of the existing cabin



August 14, 2019, J. Robbins

Figure 10

Looking at the neighboring house to the east



August 14, 2019, J. Robbins

Figure 11

Looking at the end of the drainage pipe from the neighbor's property to the east



August 14, 2019, J. Robbins

Figure 12

Looking at the originating downspout draining onto the Witterns property from the neighboring house to the east



August 14, 2019, J. Robbins

Figure 13
Looking at the house to the south



August 14, 2019, J. Robbins

