



PLANNING AND ZONING

Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254

(641) 421-3075

John Robbins, Planning and Zoning Administrator

plz@cgcounty.org

Michelle Rush, Executive Assistant

cgcounty.org/planning

APPEAL INSTRUCTIONS AND PROCEDURES

Zoning Board of Adjustment ~ Cerro Gordo County

Read the attached **Rules of Procedure** for the Cerro Gordo County Board of Adjustment. These rules will be complied with in all applications or appeals before the Board of Adjustment. Please do not ask for a variance in these rules as none will be given.

Ordinance sections referred to in this document may be found at www.cgcounty.org under the Planning and Zoning Department. Click on Zoning Ordinance.

All forms must be typewritten or written in black ink and returned to the address listed above.

FORMS OF APPEAL (choose one):



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.

Required items for review:

- Fully completed application/appeal form (pp. 3 & 4) with necessary site plans
- Fully completed Variance Criteria Supplemental information (pp. 5 & 6)
- Six (6) copies of the property plat if the original plat filed with the Application for Zoning Certificate was drawn larger than 8½" x 14"
- \$200.00 non-refundable filing fee made payable to *Cerro Gordo County Treasurer*



Special Uses listed in Article 20.2 of the Zoning Ordinance and upon which the Board is required to act under the Ordinance.

Required items for review:

- Fully completed application/appeal form (pp. 3 & 4) with necessary site plans
- If the area to be considered is located within a flood plain, attach copy of Iowa Department of Natural Resources approval
- Written letter:
 - ✓ Describing the special use and how such building or use will affect the character of the neighborhood, traffic conditions, public utility facilities and

other matters pertaining to the public safety, public health and general welfare

- ✓ Addressing the provisions of Section 24.4(A)(2)(a-g) in the Zoning Ordinance, and
- ✓ Addressing the performance standards in the applicable subsection of Article 20.2
- Seven (7) copies of the schematic drawing
- \$300.00 non-refundable filing fee made payable to *Cerro Gordo County Treasurer*

Site plans are required for the following special uses and an additional fee of \$100.00 made payable to *Cerro Gordo County Treasurer* is required for an area of one acre or less, and \$200.00 for an area of more than one acre. An additional \$100.00 is required for each additional non-contiguous lot included with the proposed special use. Site plans shall comply with the provisions of Section 18.12(D) of the Zoning Ordinance. This fee is for site plan review only.

- Go-Kart Tracks, Racetracks, Drag strips
- Sewage Treatment Plants and Waste Stabilization Lagoons
- Public or Private Utility service
- Anhydrous Ammonia Pumping and Storage Facilities
- Wholesale Storage of Gasoline, Fuels, Oils, Flammable or Toxic Substances
- Commercial Feedlots and Confinement Operations
- Salvage Yards and/or Junk Yards
- Extraction and Primary Material Processing
- Permanent Asphalt Plants
- Mobile Home Park
- Travel Trailer Park

- Appeal an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.**

Required items for review:

- Fully completed application/appeal form (pp. 3 & 4) with necessary site plans
- Written letter describing the reasons or facts you feel the order, requirement, decision or determination was in error.
- \$200.00 non-refundable filing fee made payable to *Cerro Gordo County Treasurer*

The Applicant shall, immediately after filing the appeal paperwork, mark all corners of the lot with lath and colored flags. The Applicant shall also mark with a different colored flag the location of the addition/structure being proposed.

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 3-10-2020

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Daniel & Pamela Osgood
(NAME)

OF 16403A 300th St, Mason City IA 50401
(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 3-9-2020 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 27 of Lime Creek Township.

The property affected is zoned A1 according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is: Lot 1 Subdivision of the
NE of the NW 27-97-20

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

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

New garage detached

Requesting a 19' East side yard setback

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 Donald P. Ogawa

OFFICE USE ONLY

Date Filed 3/10/20 Case Number 20-27
Date Set for Hearing 3/31/20 Fee Paid \$200
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) Daniel & Pamela Osgood
Type of Variance Requested side yard setback

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

1/2 half covered in forest

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

lot of wetland & forest and neighbor has to use our driveway to get to his property.

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

Semi Residential & Farming

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

Awkward property line

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

25 yard setback is to close the east property line

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

Semi Residential & Farming

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

Should be no negative impacts to the neighbors

I, Daniel P. Dwyer certify that

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

**Case No. 20-27
Daniel & Pamela Osgood (16403-A 300th Street)**

Figure 1

Looking at the proposed location of the detached garage



March 16, 2020, J. Robbins

Figure 2

Looking northerly along the east side lot line



March 16, 2020, J. Robbins

Figure 3

Looking at the leech field behind the house



March 16, 2020, J. Robbins

Parcel ID 032710000900
Legal Description W 150' N 600' L 1 IN SUB NE NW 27-97-20



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CH B20 300TH ST

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