

APPLICATION/APEAL FORM
[For Completion by All Applicants]

Date 8/21/2019

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Gary & Linette Heydt
(NAME)

OF 15198 Evergreen Ave Clear Lake, IA
(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 8/16/2019 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 23 of Clear Lake Township.

The property affected is zoned R3 according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is: L3 RePlat L1 P&g 1st Subdivision

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

Describe what you are proposing to do on the property affected.
Build a garage next to a
Barn that I we are renovating
to be our primary residence

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 Gary Hest

OFFICE USE ONLY

Date Filed _____ Case Number _____

Date Set for Hearing _____ Fee Paid _____

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) Gary & Linette Heydt
Type of Variance Requested seperation distance

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

By moving the garage closer to the barn/house it would allow us to be able to access the rear yard of our property without encroaching on the neighbors property. In the future it may allow for another lot to be formed.

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

~ smaller lot zoning transitioning into larger lots and area going into ag.

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

There is a 3 stall garage on lot 2 of the same subdivision.

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

The Barn is currently being renovated into a house so there was no garage needed before.

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

Allow easier access to the ~~back~~ ^{back} yard.

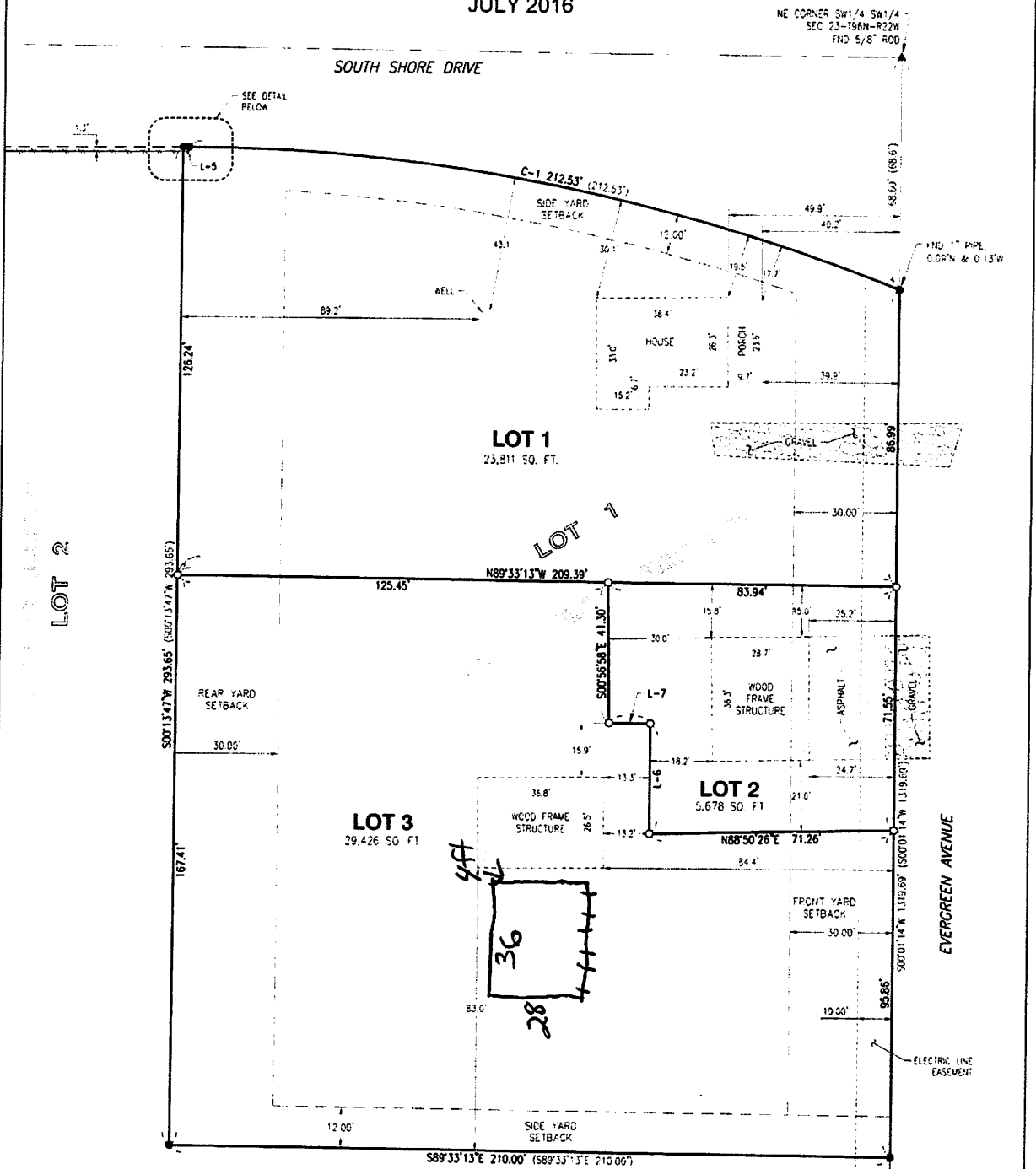
6. The variance is in accord with the purposes and intent of the Zoning Ordinance and Comprehensive Plan for the following reasons:

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

I, Gary Hoyt certify that

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

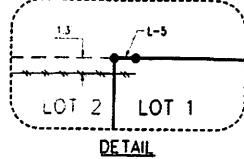
**FINAL PLAT
REPLAT OF LOT 1
P & J FIRST SUBDIVISION
CERRO GORDO COUNTY, IOWA
JULY 2016**



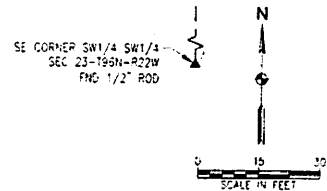
CURVE TABLE				
CURVE #	BEARING	RADIUS	L	CHD BRNG
C-1	22°33'01"	540.00'	212.53'	211°16'
	(22°33'01")	(540.00')	(212.53')	(211°16')

LINE TABLE		
LINE #	BEARING	LENGTH
L-5	N89°38'43"E	1.74'
	(N89°38'43"E)	(1.74')
L-6	S00°01'14"W	32.25'
L-7	S89°11'11"E	12.00'

LOT 2



BRIAN J. DIEHL, P.L.S.
LAND SURVEYING SERVICES
 10 SUMAC
 MASON CITY, IA 50401
 641-512-8004
 brianjdiehlpls@gmail.com



**Gary and Linette Heydt
15198 Evergreen Avenue**

Figure 1

Looking at the proposed location for the detached garage



August 30, 2019, J .Robbins

Figure 2

Looking at barn currently being converted to a dwelling



August 30, 2019, J .Robbins

Figure 3

Looking at the 4' separation distance between the existing dwelling and proposed detached garage



August 30, 2019, J .Robbins

