

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date June 20, 2019

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), James Van Dyke,Carolynn Van Dyke, Robert Van Dyke +
(NAME) Van Dyke Grandchildren Trust
OF 1608 N. Carroll St. Carroll IA. 51401 (Jim's address)
(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 June 14, 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 25/26 of 96 Township. R 22 W

The property affected is zoned _____ according to the Cerro Gordo County Zoning District Maps. Legal description of the property is: Lot 1 Block 2 in Long Beach, Clear Lake, Cerro Gordo County, Iowa

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

Describe what you are proposing to do on the property affected,
_____ *Replace existing deck on lake* _____
_____ *front side with wider deck as wide as* _____
_____ *the screened in porch.* _____

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 *James McKeage for all owners*

OFFICE USE ONLY

Date Filed *4/20/19* Case Number *20-02*
Date Set for Hearing *7/30/19* 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) James Van Dyke, Carolyn Van Dyke, Robert Van Dyke and
Van Dyke Grandchildren Trust
Type of Variance Requested side yard setback on NE side next to public
right-of-way sufficient to build
our new deck

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

Our old, old house was built very close
to road or right-of-way making it impossible
to rebuild anything on that NE side where
zoning requires 12.5' setback.

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

We're not really a "corner lot" except
by legal definition so where others can
have a 3' setback sideyard, we
need a 12.5' setback - impossible
on a lake lot of 38' wide.

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

It will cause no change in the overall appearance of the neighborhood - except improvement in appearance. We will stay line of sight on lake front side.

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

Size of lake front lots + construction probably over 100 years ago of the original home, close to right-of-way.

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

Normal side yard setbacks of 3' could be met but not 12.5' "corner lot" setback.

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

No change to neighborhood.

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

NO change to neighborhood

[Signature] _____ certify that
all of the above statements are true to the best of my knowledge and belief.

Case No. 20-02
James, Carolyn, and Robert Van Dyke (5996 Southshore Court)

Figure 1

Looking at the existing deck



July 8, 2019, J. Robbins

Figure 2

Looking southwest at the depth of the existing deck



July 8, 2019, J. Robbins

Figure 3

Looking southeast along the northeast side lot line



July 8, 2019, J. Robbins

Figure 4

Looking toward the lake along the public access



July 8, 2019, J. Robbins

Figure 5

Looking southwest from near the rear building line of the Van Dyke property



July 8, 2019, J. Robbins

Figure 6

Looking southerly at the view to the lake from the adjacent property to the northeast



July 8, 2019, J. Robbins

Figure 7

Looking northerly at the view to the lake from the adjacent property to the southwest



July 8, 2019, J. Robbins

INDEX LEGEND

LOCATION:
LOT 1 BLOCK 2 IN LONG BEACH, CLEAR LAKE, CERRO GORDO COUNTY, IOWA

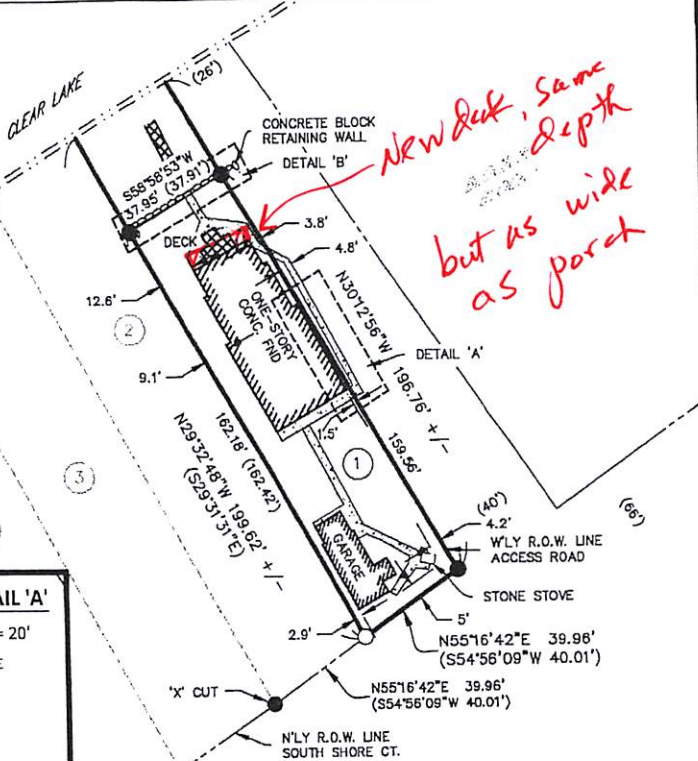
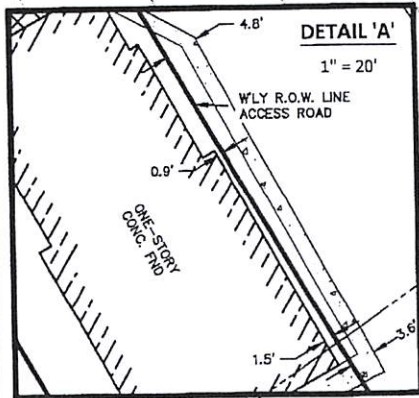
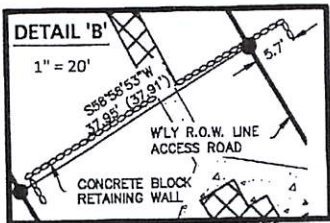
PROPRIETOR:
CAROLYNN VAN DYKE
JAMES R. VAN DYKE
ROBERT F. VAN DYKE
VAN DYKE GRANDCHILDREN
TESTAMENTARY TRUST

SURVEY REQUESTED BY:
JIM VAN DYKE

SURVEYOR COMPANY:
STARK SURVEYING INC.
1822 S. TAFT AVE.
MASON CITY, IOWA, 50401
PHONE: 641-423-7847

RETURN TO:
BENJAMIN STARK
1822 S. TAFT AVE.
MASON CITY, IOWA, 50401

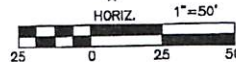
RETRACEMENT PLAT OF SURVEY



AREA CALCULATIONS
TOTAL AREA.....7,662 +/- SQ. FT.

DESCRIPTION OF RECORD

LOT ONE (1) IN BLOCK TWO (2) IN LONG BEACH, CLEAR LAKE, CERRO GORDO COUNTY, IOWA.



LEGEND

- △ SET SECTION CORNER AS NOTED (P.O.C.) POINT OF COMMENCEMENT
- SET 1/2" REBAR 24" LONG YPC 23709 (P.O.B.) POINT OF BEGINNING
- FOUND 5/8" ROD MONUMENT UNLESS NOTED
- ▲ FOUND SECTION CORNER AS NOTED (65) LOT NUMBER
- × CUT 'X'
- (0.00") RECORD MEASUREMENT

SURVEYOR'S NOTES:

- 1) THE EASTERLY LINE OF LOT 1 BLOCK 2 IN LONG BEACH, CLEAR LAKE, CERRO GORDO COUNTY, IOWA IS ASSUMED TO BEAR N20°31'31"W FOR THE PURPOSE OF THIS SURVEY.

DOCUMENTS USED FOR THIS SURVEY:
PLATS: DOC. #2014-6386
DEED: DOC. #2013-522

DATE SURVEYED	6-20-19
SCALE:	AS SHOWN
PROJECT NO.:	19255
DRAWN BY:	BVS
CHECKED BY:	BVS
SHEET	1 of 1



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

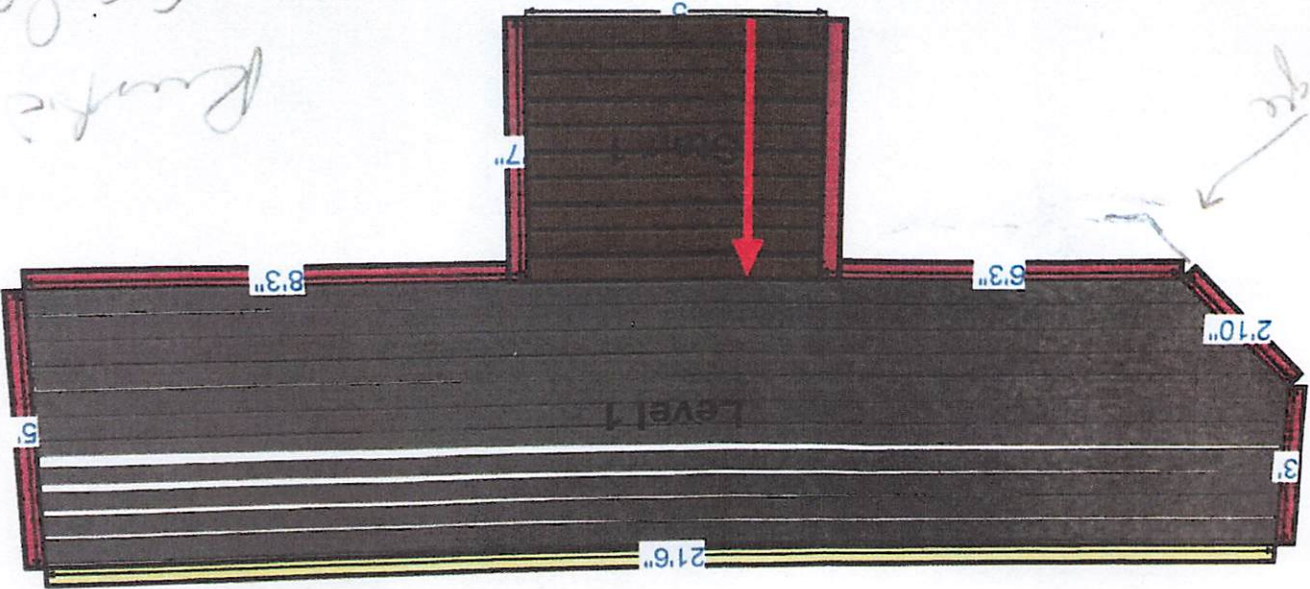
Benjamin Stark 6-18-19
Benjamin Stark Date

License number 23709 Sheets covered by this seal: 1
My license renewal date is December 31, 2019

STARK SURVEYING INC.

Railing

*Rear
Cedar*



Scene Height





Clear Lake

26

25

FINCH AVE.

SOUTHSHORE CT.