

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 8/1/2019

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Larry & Julie Abben
(NAME)

OF 7322 Hudson Heights Hudson IA 50643
(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 7/30/19 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 Clear Lake Township.

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

District Maps. Legal description of the property is: Lot 5 Block 1 Pine Park

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

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

15' x 12' Sunroom addition on the back of the
property.

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 Larry & Julie Allen

OFFICE USE ONLY

Date Filed 8/2/16

Case Number 20-09

Date Set for Hearing 8/27

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) Larry & Julie Ulten

Type of Variance Requested Rear Yard Setback, Minimum Separation Distance between structures.

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

lot size is 40'x70'. Current restrictions do not allow for any expansion to the home. Also does not allow distance of 10' between ~~home~~^{opening} proposed addition & storage shed.

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

It is the smallest residence on the street at 512 sq feet.

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

The proposed addition will not exceed the width or height of the current home. It will not extend farther into the rear yard than other residences on the street - Specifically, 15282 Pascal, 15266 Pascal, 15258 Pascal.

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

Small lot size. Property was built in 1911. Size of property does not accommodate modern lifestyle causing hardship for current owner.

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

- ① Does not allow for rear expansion.
 - ② Does not allow adequate distance between proposed addition and shed (storage) on property.
- Precedence - 15282 Pascal St - Only 7' between home & rear garage. 15266 Pascal - 7' between house & shed

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

Proposed addition will not exceed other properties size or additions on the street. It will not obstruct views or cause hardship for adjacent properties.

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

Proposed size will not affect other neighbor's enjoyment of their property.

I, Larry & Julie Allen certify that
all of the above statements are true to the best of my knowledge and belief.

**Case No. 20-09
Larry and Julie Ubben (15290 Pascal Street)**

Figure 1

Looking at the existing cabin



August 14, 2019, J. Robbins

Figure 2

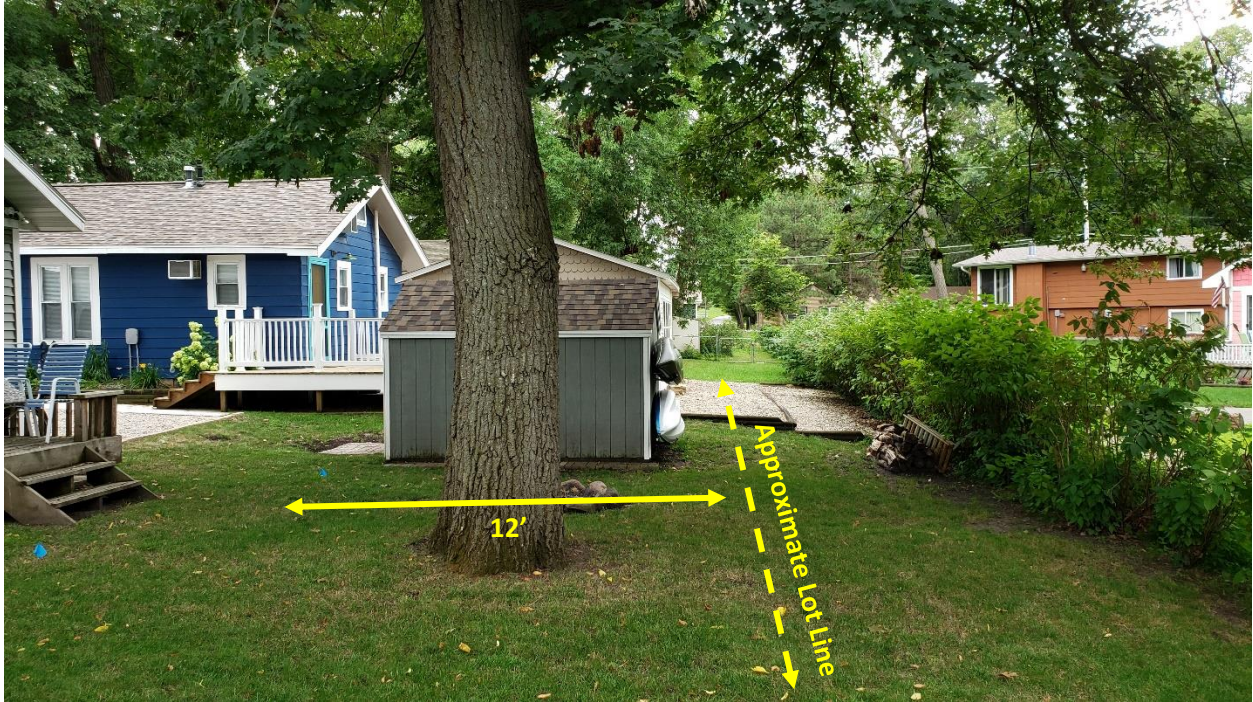
Looking at the proposed location for the sunroom addition



August 14, 2019, J. Robbins

Figure 3

Looking south along the rear lot line



August 14, 2019, J. Robbins

Figure 4

Looking at the separation distance between the existing shed and proposed location for the sunroom addition



August 14, 2019, J. Robbins

Figure 5

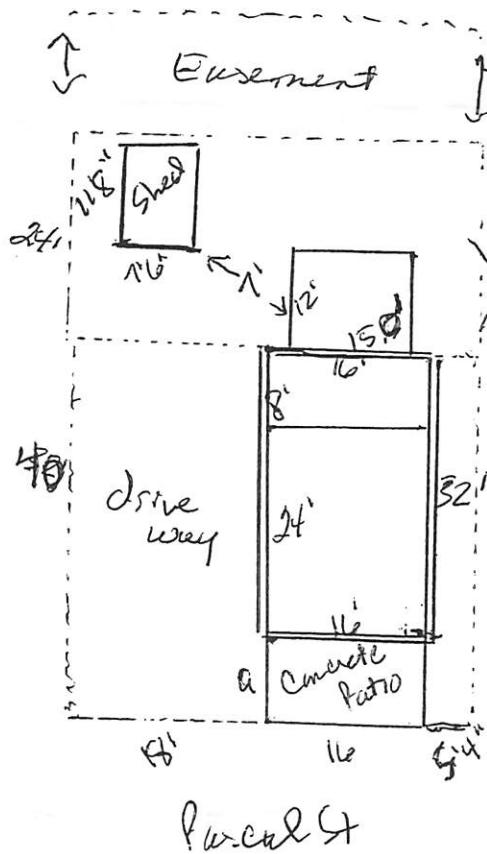
Looking north along neighboring rear building lines



August 14, 2019, J. Robbins

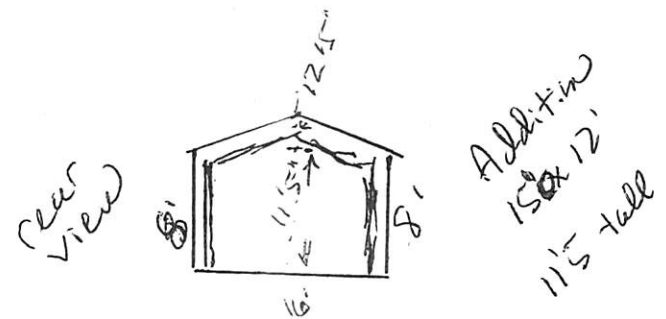


Parcel #
05 224 2600600
Larry & Julie Ells
15290 Pascal St
Clear Lake IA



Proposed addition
15'8" x 12'

3 Season Room
1 story





ABBOTT DR.

PASCAL ST.

ROSEMAN DR.

6th ST.

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