

**APPLICATION/APEAL FORM**  
[For Completion by All Applicants]

Date 1/27/18

TO: ZONING BOARD OF ADJUSTMENT  
CERRO GORDO COUNTY, IOWA

I (WE), Matt Steding and Emily Steding  
(NAME)

OF 4403 SW Goodwin St., Ankeny, IA 50023  
(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 1/26/18 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 20 of 96N Township.

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

District Maps. Legal description of the property is: L3 B1K18 Ventura HG-TS  
Parcel ID - 052033100300

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 respectfully proposing to tear down the  
existing structure and rebuild in its place a  
new home measuring 21' by 48' with an attached 6'  
deck on the north side of the home.

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 Matt Stalling Emily Stalling

**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) Matt and Emily Steding

Type of Variance Requested To respectfully move the current 6 foot side lot setbacks to 3 feet.

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

Given the current side lot setback of 6 feet on the west and 12 feet on the east, we are left with an unrealistic buildable width of 12 feet.

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

The property in question is technically classified as a corner lot due to the public land located to the east side of the lot. This forces an even greater side lot setback of 12 feet to the east.

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

The neighboring home built to the west of the lot in question appears to have been built with a 5 foot side setback. The proposed home will fit in perfectly with similar heights and lengths when compared to neighboring homes.

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

The present or past property owner has in no documented form modified or altered the appearance of the lot conditions. This is confirmed by the professional documented survey completed by Ryken Engineering Jan. 26, 2018

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

Current ordinance requires a 6 foot side lot setback on the west property edge, and a 12 foot side setback on the east edge. This leaves an unrealistic 12 foot width for the new structure to be constructed.

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

The proposed variance is in accord based on the concurred opinion that by scaling the 24 foot wide proposed structure to current regulations and lot size, a realistic 5 foot side setback would be appropriate.

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

The proposed variance will provide for more than our sole benefit. By granting this request, the proposed structure will only add to the beauty of historic Ventura Heights. Public health and safety will not be compromised in any way by following strict local and state building codes.

Matt Stading certify that

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

**Case No. 18-32  
Matt and Emily Steding (2436 242<sup>nd</sup> Street)**

***Figure 1***

Looking at the front side of the existing cabin



February 7, 2018, J. Robbins

***Figure 2***

Looking at the west side of the existing cabin



February 7, 2018, J. Robbins

**Figure 3**

Looking north along the west side lot line (corner of lot marked by stake)



February 7, 2018, J. Robbins

**Figure 4**

Looking north at the 30 foot wide public access neighboring the property to the east



February 7, 2018, J. Robbins

**Figure 5**

Looking north along the east side lot line (corner of lot marked by stake)



February 7, 2018, J. Robbins

**Figure 6**

Looking west toward the cabin near the rear property line (reference pins marks by stakes)



February 7, 2018, J. Robbins

**Figure 7**  
Looking at the neighboring house to the west



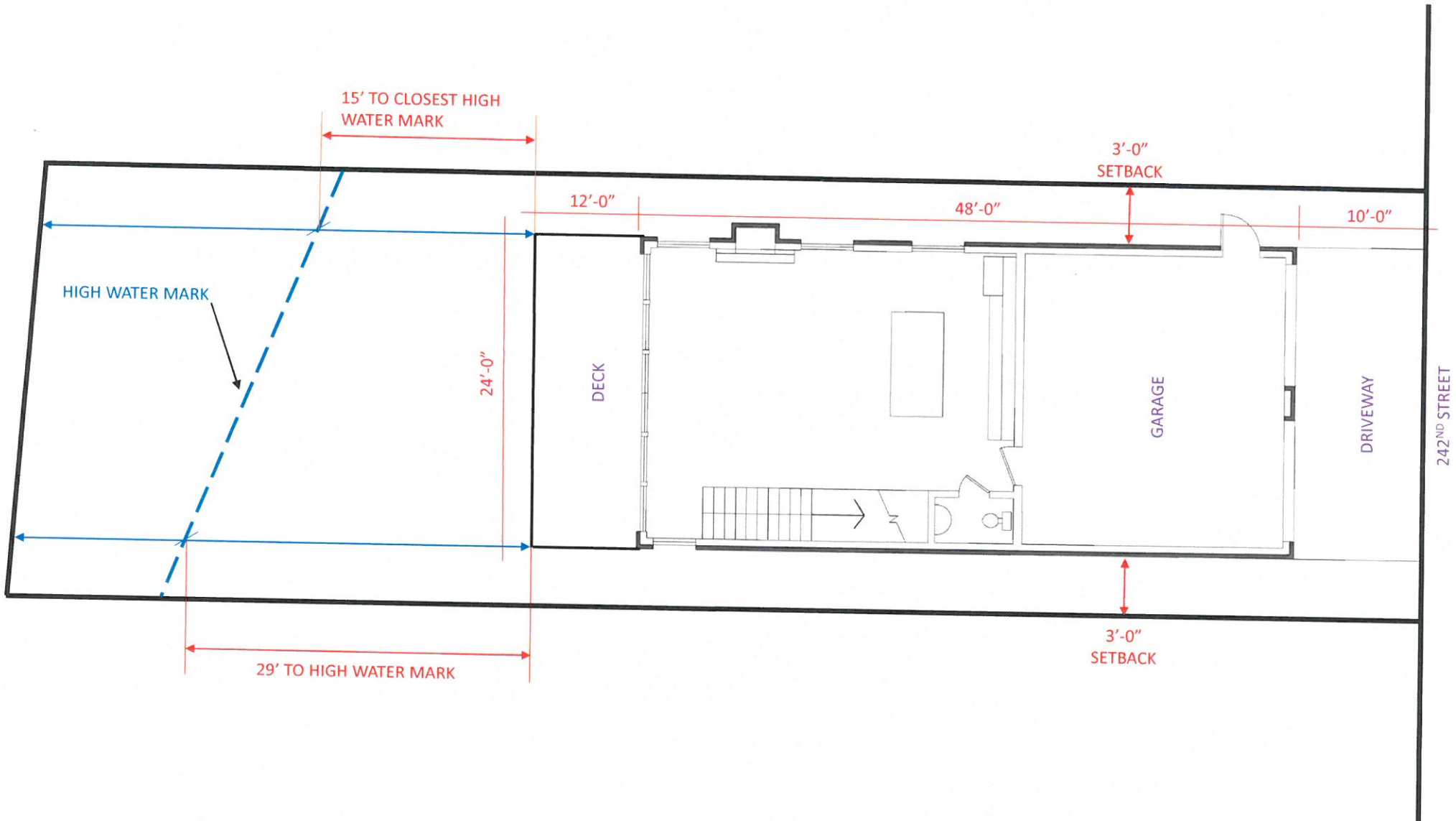
February 7, 2018, J. Robbins

**Figure 8**  
Aerial photo showing the lake side (rear) of the mentioned properties



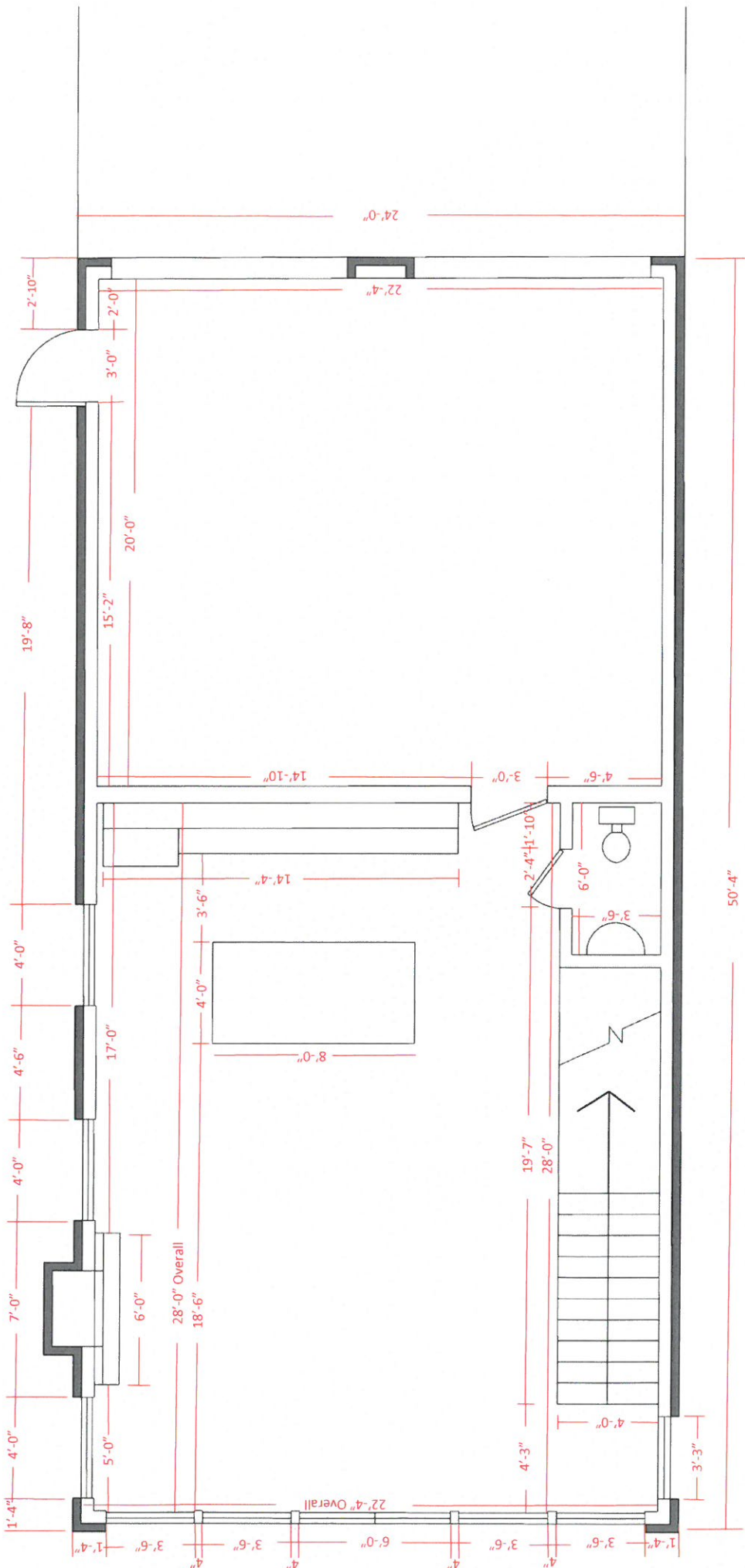
February 8, 2018, J. Robbins

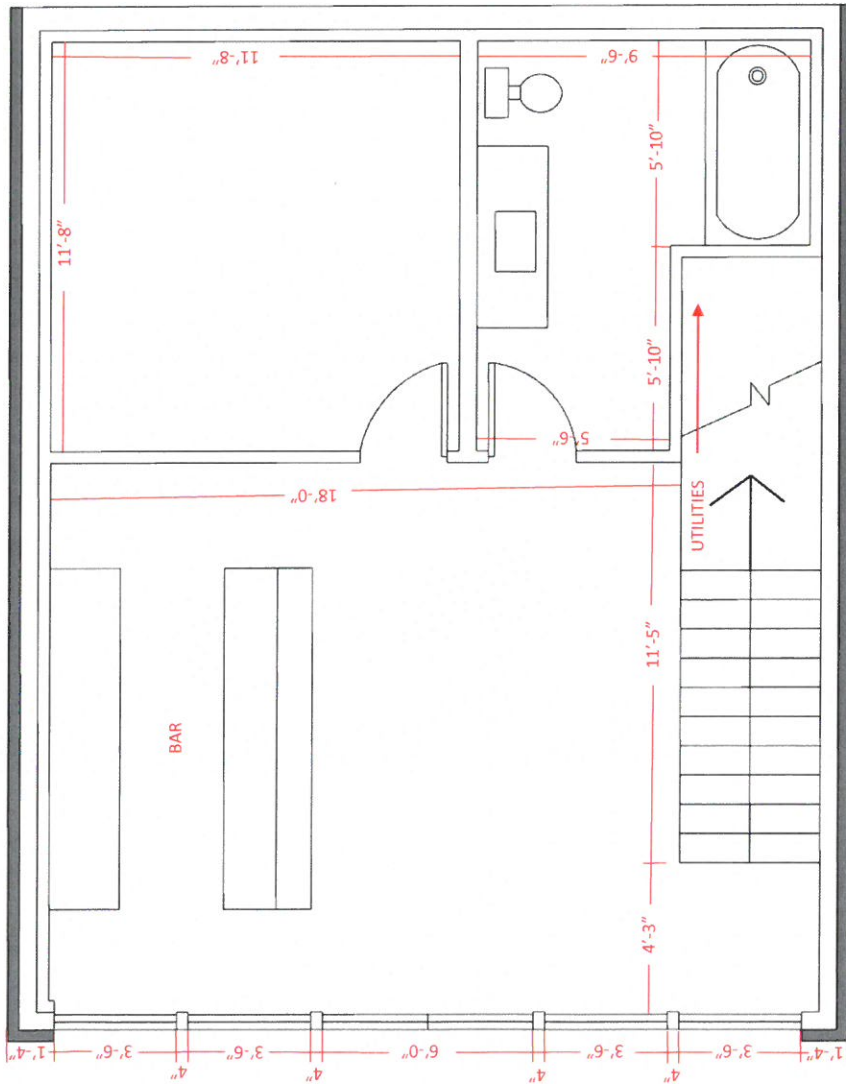




242<sup>ND</sup> STREET



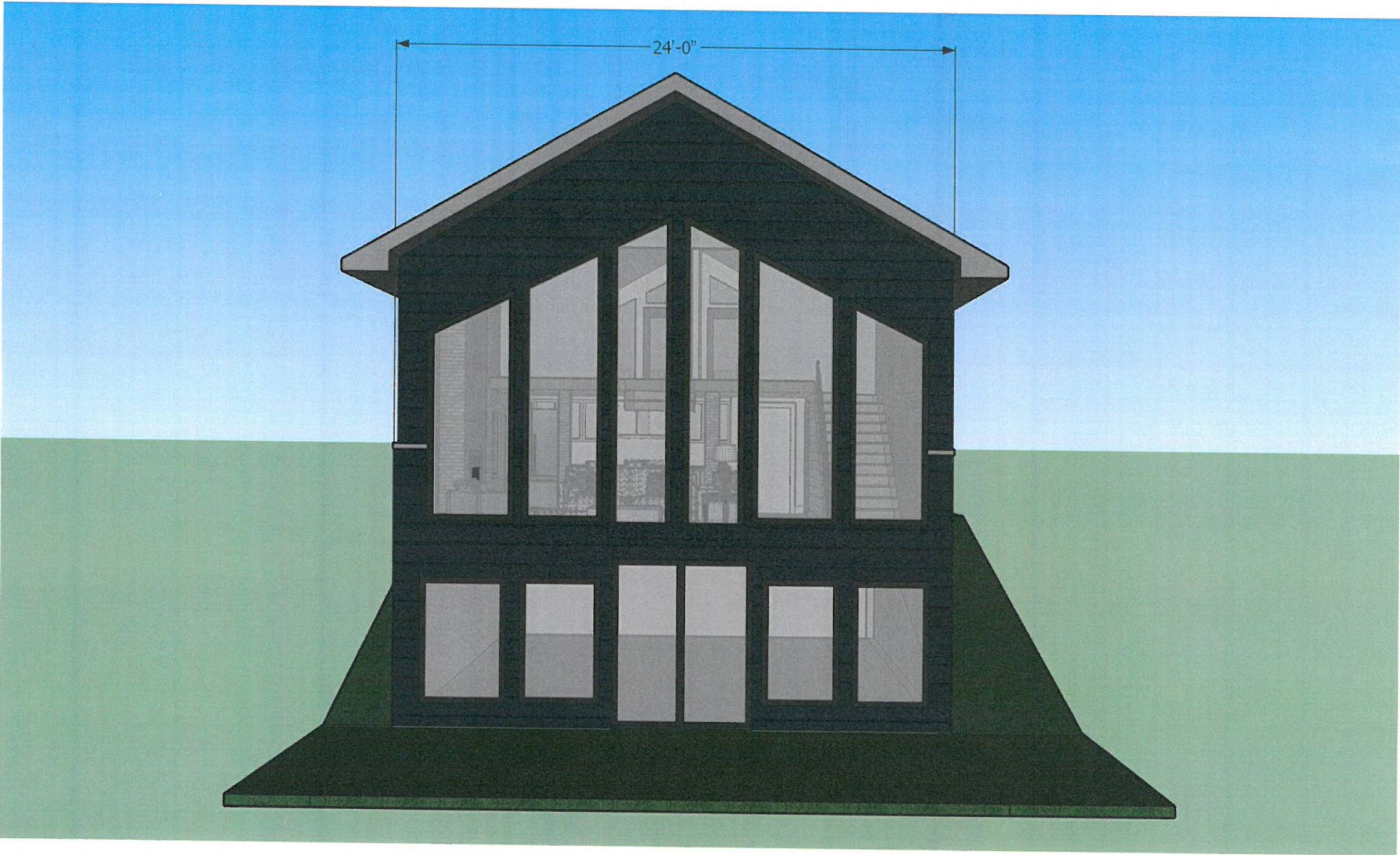


















15 ft  
2 m

2451 242ND ST



Clear Lake

20

242nd ST.