

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 6-16-20

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), MICHAEL + TRACEY FOSSEY
(NAME)

OF 15370 BAYBERRY AVENUE, VENTURA, IA 50482
(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 5-28-20 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 CLEAR LAKE Township.

The property affected is zoned R-2 SINGLE FAMILY RESIDENTIAL according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is:
A PORTION OF OUTLET A, VENTURA HEIGHTS

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 PLANNING TO BUILD A DOUBLE GARAGE NORTH OF
THE EXISTING HOUSE AND A 3-SEASONS ROOM WEST OF
THE EXISTING HOUSE.

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 Michael Yoney

OFFICE USE ONLY

Date Filed 6/18/20 Case Number 21-1
Date Set for Hearing 7/28/20 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) Michael & Tracey Fossey

Type of Variance Requested A Variance to a Zoning District requirement

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

I want to replace the current single garage with a double garage.

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

This property is larger than most properties in the vicinity. The garage and 3-seasons room will not take up a large percentage of the square footage of the property

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

The attached garage addition is not any larger than other garages in the vicinity.

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

The current single garage is sitting 19 feet from the property line. The new double garage will be sitting 17 feet from the property line.

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

The current single garage is sitting 19 feet from the property line. Though it has been around for decades, it probably violates the 25 feet street-side yard setback. The new double garage will be sitting 17 feet (instead of the required 25 feet) from the property line. I am requesting 2 more feet from what is currently there.

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

This construction will fit in with the other buildings in the vicinity. It will not stick out or be unique from other buildings in Ventura Heights. There is a recently constructed garage on a corner lot across 243rd street that does not meet the 25 feet street-side setback.

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

The attached garage addition is setback over 60 feet from Bayberry Avenue. This will allow vehicles traveling on either Bayberry Avenue or 243rd Street safe visibility for negotiating this intersection.

Michael Yoney

certify that

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

Case No. 21-1
Michael & Tracey Fossey (15370 Bayberry Avenue)

Figure 1
Looking at the existing garage



July 1, 2020, J. Robbins

Figure 2
Looking at the proposed location for the 3-seasons room



July 1, 2020, J. Robbins

Figure 3

Looking west at the front side of the existing garage (stake is north side of proposed garage)



July 1, 2020, J. Robbins

Figure 4

Looking west along the north side lot line



July 13, 2020, J. Robbins

Figure 5

Looking at the proposed area for the driveway west of the proposed garage



July 1, 2020, J. Robbins

Figure 6

Looking at the proposed new location for the LP tank



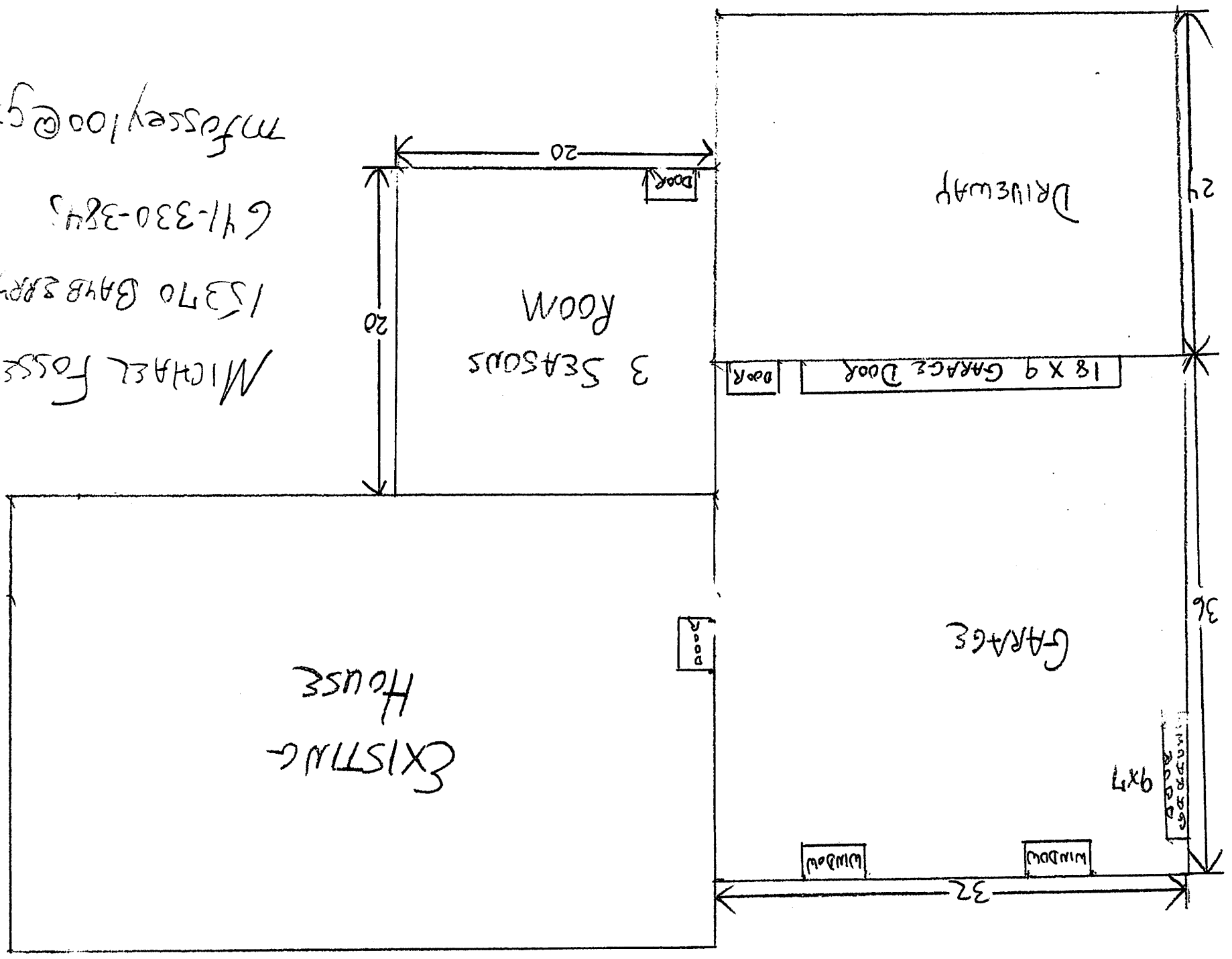
July 13, 2020, J. Robbins

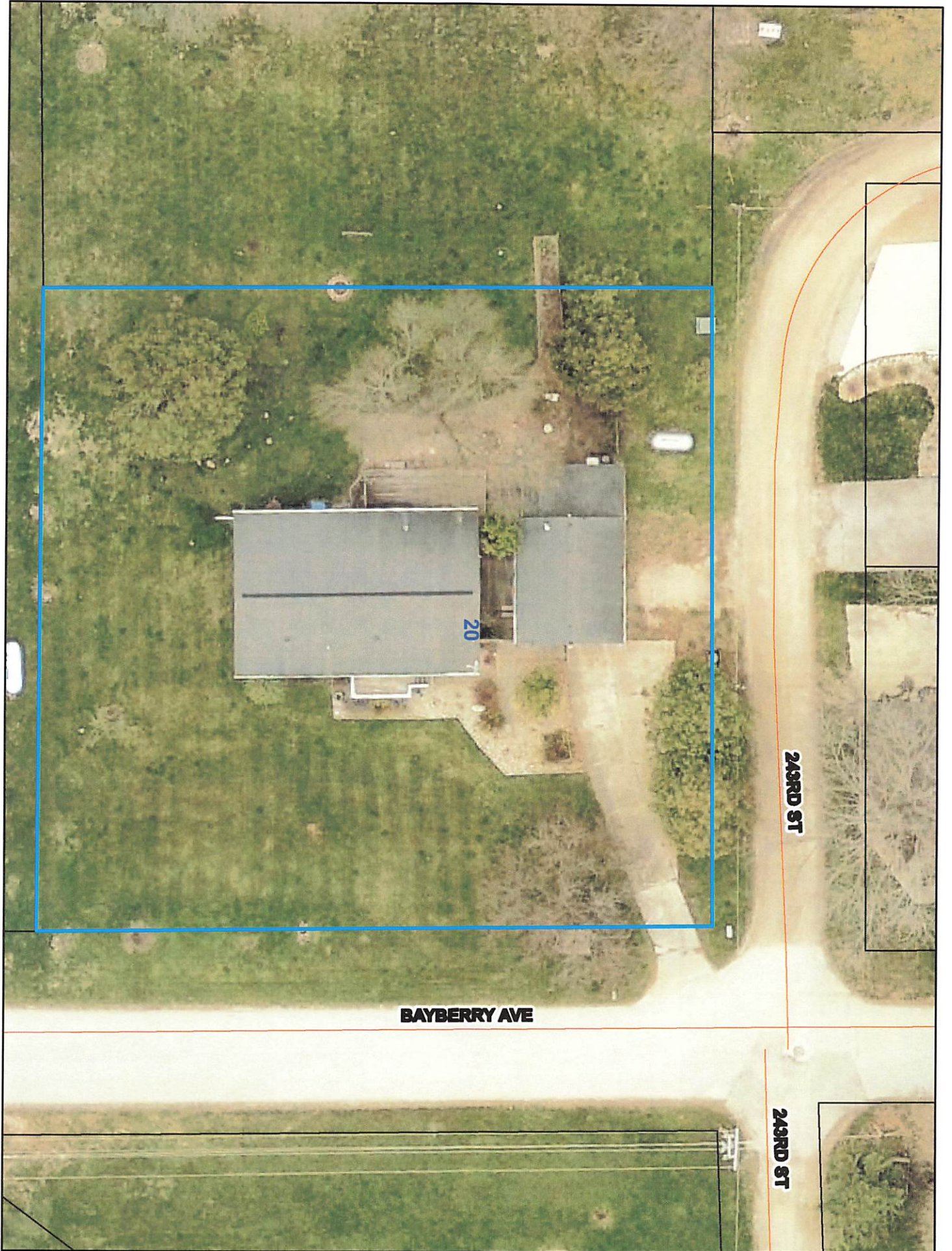
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641-330-3845

15370 BARBERSHAW AVE

MICHAEL FOSSEY





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249RD ST

BAYBERRY AVE

249RD ST