



## PLANNING AND ZONING Cerro Gordo County Courthouse

220 N Washington Ave      Mason City, IA 50401-3254  
Tom Drzycimski, AICP, Administrative Officer  
John Robbins, Assistant Administrative Officer  
Michelle Rush, Executive Assistant

received  
5/6/18

(641) 421-3075  
FAX (641) 421-3088

### APPEAL INSTRUCTIONS AND PROCEDURES Zoning Board of Adjustment ~ Cerro Gordo County

Read the attached **Rules of Procedure** for the Cerro Gordo County Board of Adjustment. These rules will be complied with in all applications or appeals before the Board of Adjustment. Please do not ask for a variance in these rules as none will be given.

Ordinance sections referred to in this document may be found at [www.co.cerro-gordo.ia.us](http://www.co.cerro-gordo.ia.us) under the Planning and Zoning Department. Click on Zoning Ordinance.

**All forms must be typewritten or written in black ink and returned to the address listed above.**

#### FORMS OF APPEAL (choose one):



**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.**

##### Required items for review:

- Fully completed application/appeal form (pp. 3 & 4) with necessary site plans
- Fully completed Variance Criteria Supplemental information (pp. 5 & 6)
- Six (6) copies of the property plat if the original plat filed with the Application for Zoning Certificate was drawn larger than 8½" x 14"
- \$100.00 non-refundable filing fee made payable to *Cerro Gordo County Treasurer*



**Special Uses listed in Article 20.2 of the Zoning Ordinance and upon which the Board is required to act under the Ordinance.**

##### Required items for review:

- Fully completed application/appeal form (pp. 3 & 4) with necessary site plans
- If the area to be considered is located within a flood plain, attach copy of Iowa Department of Natural Resources approval
- Written letter:
  - ✓ Describing the special use and how such building or use will affect the character of the neighborhood, traffic conditions, public utility facilities and

other matters pertaining to the public safety, public health and general welfare

- ✓ Addressing the provisions of Section 24.4(A)(2)(a-g) in the Zoning Ordinance, and
- ✓ Addressing the performance standards in the applicable subsection of Article 20.2
- Seven (7) copies of the schematic drawing
- \$175.00 non-refundable filing fee made payable to *Cerro Gordo County Treasurer*

**Site plans are required for the following special uses and an additional fee of \$100.00 made payable to *Cerro Gordo County Treasurer* is required for an area of one acre or less, and \$200.00 for an area of more than one acre. Site plans shall comply with the provisions of Section 18.12(D) of the Zoning Ordinance. This fee is for site plan review only.**

- |                                                                             |                                                  |
|-----------------------------------------------------------------------------|--------------------------------------------------|
| • Go-Kart Tracks, Racetracks, Drag strips                                   | • Commercial Feedlots and Confinement Operations |
| • Sewage Treatment Plants and Waste Stabilization Lagoons                   | • Salvage Yards and/or Junk Yards                |
| • Public or Private Utility service                                         | • Extraction and Primary Material Processing     |
| • Anhydrous Ammonia Pumping and Storage Facilities                          | • Permanent Asphalt Plants                       |
| • Wholesale Storage of Gasoline, Fuels, Oils, Flammable or Toxic Substances | • Mobile Home Park                               |
|                                                                             | • Travel Trailer Park                            |

- ☐ **Appeal an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.**

Required items for review:

- Fully completed application/appeal form (pp. 3 & 4) with necessary site plans
- Written letter describing the reasons or facts you feel the order, requirement, decision or determination was in error.
- \$175.00 non-refundable filing fee made payable to *Cerro Gordo County Treasurer*

**The Applicant shall, immediately after filing the appeal paperwork, mark all corners of the lot with lath and colored flags. The Applicant shall also mark with a different colored flag the location of the addition/structure being proposed.**

## APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 3-16-18

TO: ZONING BOARD OF ADJUSTMENT  
CERRO GORDO COUNTY, IOWA

I (WE), North Iowa Cooperative  
(NAME)

OF 19856 main street, mason city, Ia 50401  
(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 3-2-18  
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 18 of Portland Township.

The property affected is zoned \_\_\_\_\_ according to the Cerro Gordo County Zoning  
District Maps. Legal description of the property is: SE 1/4 of Section 18,

T96N - R19W

I am the ☐ Owner ☐ Contract Purchaser ☒ Other (Explain) Eastern operations manager of the property affected.

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

Construct a new truck scale at the Portland location. We have a narrow piece of property and requires us being very close to the county right-of-way.

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 North Service Cooperative by Ed Paulus

**OFFICE USE ONLY**

Date Filed 3-6-18 Case Number 18-34  
Date Set for Hearing 3-27-18 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) North Iowa Cooperative

Type of Variance Requested Construct a new truck scale at Portland

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

Our property is too narrow yet we need to update  
our scale at Portland. Our old Scale needs to  
be replaced.

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

only grain elevator in Portland.

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

The new scale will set partially where the old scale sat with the new scale being larger.

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

The property has always been used for agriculture and grain elevator.

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

The old scale needs to be replaced with a new scale to meet our customers needs.

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

meeting the needs our customers.

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

The elevator has been in existence for many years and we try to maintain good neighborly relations.

I, Ed Paulsen certify that

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

**Case No. 18-34**  
**North Iowa Cooperative (19856 Main Street)**

***Figure 1***

Looking at the west half of the proposed truck scale location



March 12, 2018, J. Robbins

***Figure 2***

Looking at the east half of the proposed truck scale location



March 12, 2018, J. Robbins

**Figure 3**  
Looking at the existing truck scale



March 12, 2018, J. Robbins

**Figure 4**  
Looking southeast along the right-of-way line



March 12, 2018, J. Robbins

**Figure 5**  
Looking at the grain bins to the east of the proposed site



March 12, 2018, J. Robbins

**Figure 6**  
Looking southeast along the right-of-way line



March 12, 2018, J. Robbins

***Figure 7***

Looking at the dwelling across the Main Street from the cooperative



March 12, 2018, J. Robbins

R E S O L U T I O N

WHEREAS, petition of the Portland Co-operative Company and the Chicago Milwaukee St. Paul and Pacific Railroad was filed with the Board of Supervisors of Cerro Gordo County, and

WHEREAS, said petition requested abandonment of certain platted streets in the plat of Portland along with a portion of another street, and

WHEREAS, the Board by resolution dated May 24, 1977, did set a hearing on portions of those streets for 10:00 A.M. on June 21, 1977, and

WHEREAS, procedures for vacation prescribed by Chapter 306 Code of Iowa have been duly executed;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors this 21st day of June, 1977, that the following described streets as platted be abandoned as public streets and that the right of way be returned to the underlying property title holders:

- 1) in the Plat of the Town of Portland, Iowa, that part of Mill Street which extends northerly from the northerly boundary of the right-of-way of Main Street to the southerly boundary of the right-of-way of Chicago, Milwaukee, St. Paul & Pacific Railroad Company;
- 2) in the Plat of the Town of Portland, Iowa, that part of Portland Avenue which extends northerly from the northerly boundary of the right-of-way of Main Street to the southerly boundary of the right-of-way of Chicago, Milwaukee, St. Paul & Pacific Railroad Company;
- 3) in the Plat of the Town of Portland, Iowa, the northerly seven (7) feet of Main Street from the east line of said Plat to the westerly line of Block Two (2);
- 4) the northerly seven (7) feet of Lot Two (2) in the Auditor's Subdivision of Lot Two (2) in the Auditor's Subdivision of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Eighteen (18) in Township Ninety-six (96) North, Range Nineteen (19) West of the Fifth P.M.

Adoption of the foregoing resolution moved by Supervisor James E. Bahnsen and seconded by Supervisor Howard M. Oehlert. Motion carried, vote thereon resulting as follows:

AYES: Supervisors Howard M. Oehlert, James E. Bahnsen and Ambrose Cahalan

NAYS: None

Resolution declared adopted this 21st day of June, 1977.



County Auditor

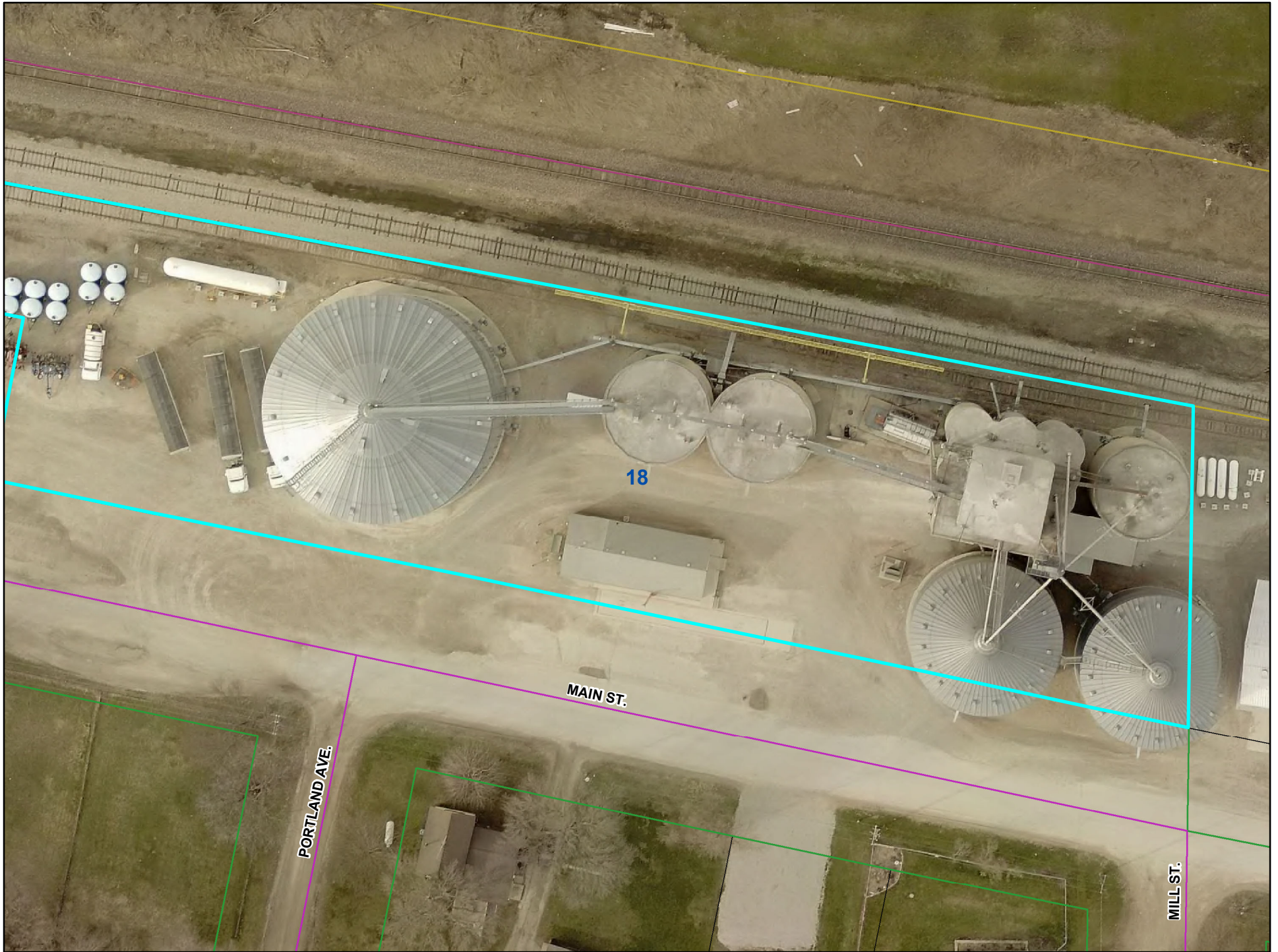
*Ambrose Cahalan*  
Chairman, Board of Supervisors



STATE OF IOWA

10172  
JUN 29 1977  
2:13 o'clock  
and recorded in  
book 109 page 51  
JEANNE L. ARGOS  
Recorder - Cerro Gordo County

Book 109 Page 51



18

MAIN ST.

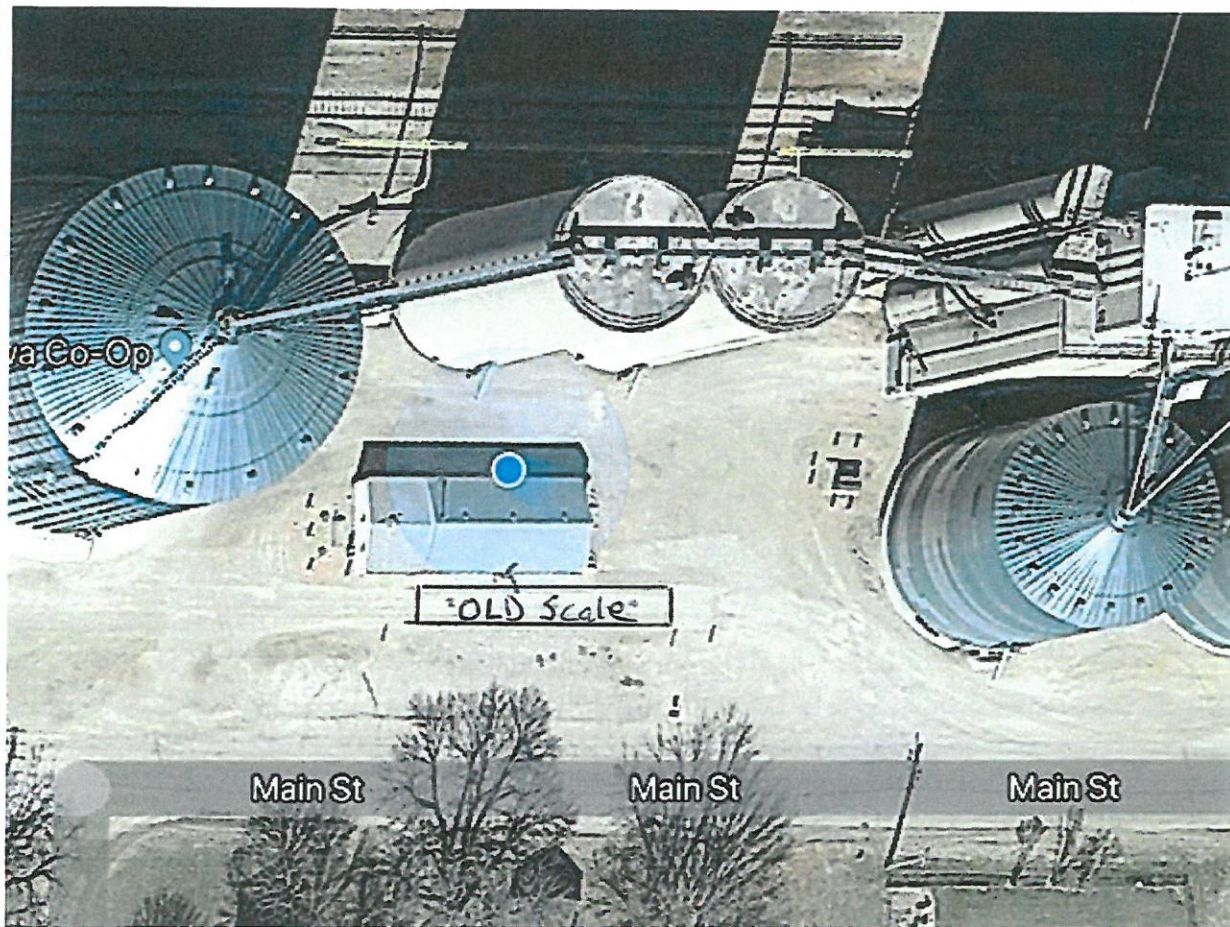
PORTLAND AVE.

MILL ST.

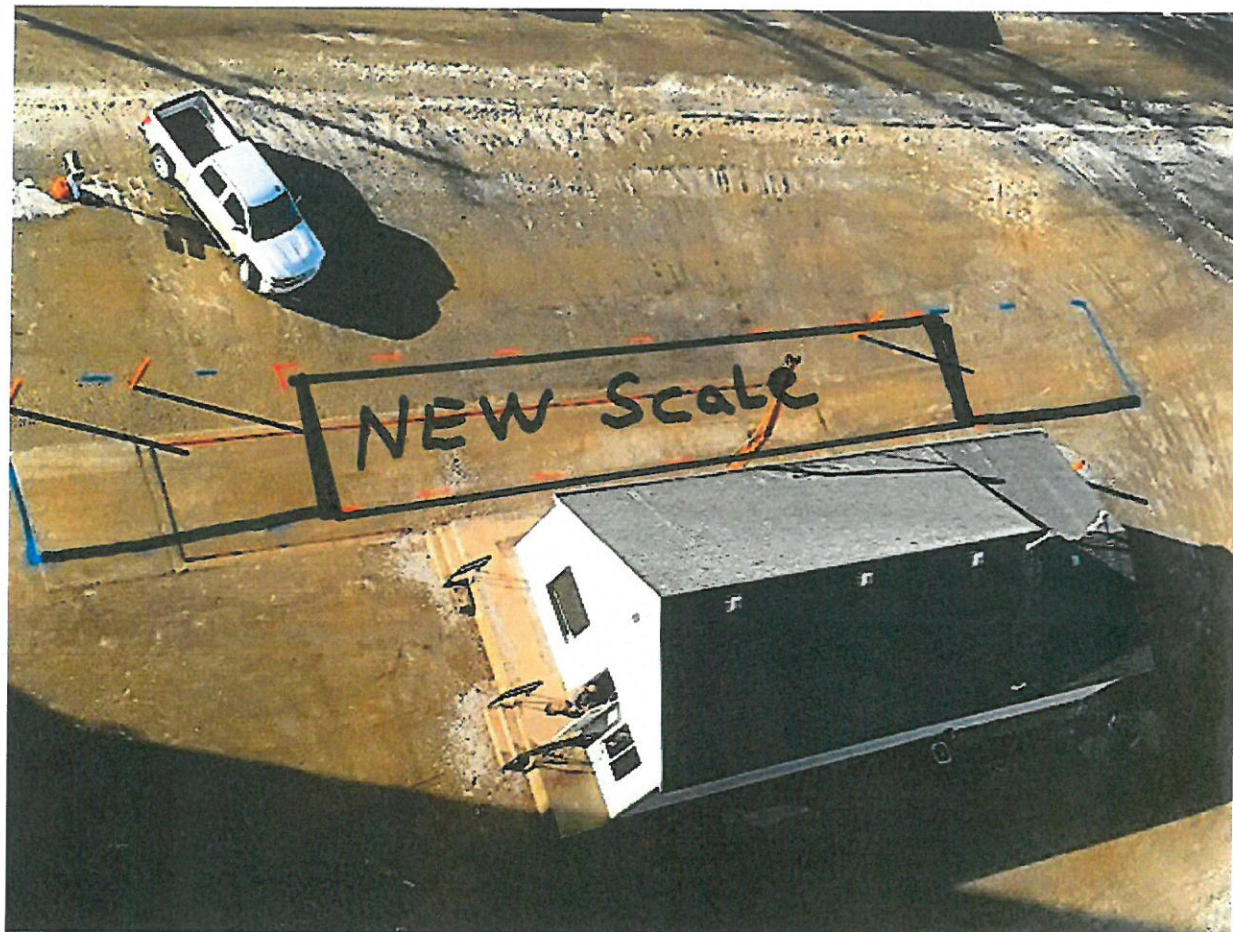
## Ed Paulus

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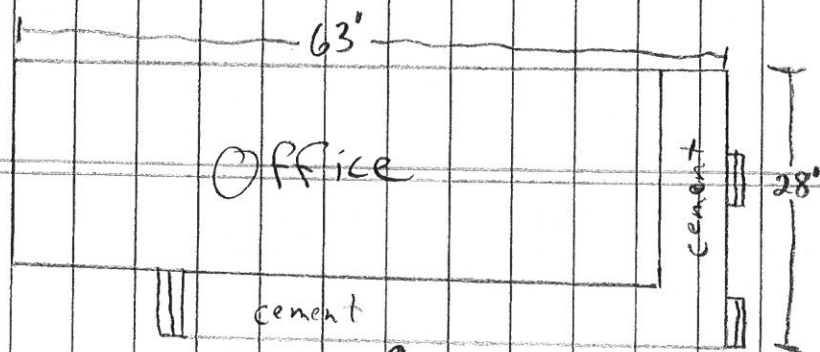
**From:** Ed Paulus <pauluse@nicoop.com>  
**Sent:** Monday, February 26, 2018 2:27 PM  
**To:** Paulus Ed  
**Subject:** Portland scale



Sent from Ed's iPad



Sukup  
Bin



33'

Approach

SCALE

Approach

46'

Tin  
Can

2'

25'

75'

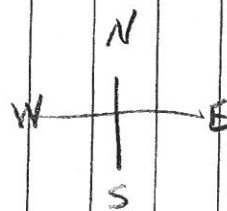
25'

1'

Right  
of  
way

Right  
of  
way

Road





16150 MILL  
ST

