APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 9/22/2020

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Todd Hauser
(NAME)

OF 1211 5TH PL N. Clear Lake, IA 50428
(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 9/21/2020 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 23 of T96 N Township.
The property affected is zoned Residential (R3) according to the Cerro Gordo County Zoning District Maps. Legal description of the property is: 5534 Lakeview Dr. Clear Lake
PIN # 0523452001 00 Lot 0 - Block 11 - Oakwood Park Subdivision
SW Quarter - Section 23 - T96N - Range R22W

I am the ☐ Owner ☐ Contract Purchaser ☒ Other (Explain) Representative of The Fred Hunter Trust That owner of the property affected.

Describe what you are proposing to do on the property affected.
Remove old Deck, Build New Deck over The Top of a New Storage Shed

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 TJ

OFFICE USE ONLY

Date Filed 9/24/20 Case Number 21-15

Date Set for Hearing 10/27/20 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) Fred Hunter Trust

Type of Variance Requested Unusual Condition or Circumstances

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

The land is a very steep Hill leading To The lake shore. The shed is To be built in To The Hill ~~with~~ with The Deck Built over The Top of The Shed. There is No other use for This land.

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

The land To The west of The Property is a Public Approach To Clear Lake and cannot be built on. The variance is needed To build close To This land.

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

The Variance will NOT change the character of the Area. The New Deck will be built in the same location and height of the current Deck to be Replaced. The storage shed will be under the New Deck and cannot be seen from the surrounding properties.

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

The deck and shed will also act as a retainage structure Holding up the Hill Side. For this to work the shed and Deck must be built within 3' of the Public Approach Land.

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

The Old Deck is unsafe and aids in erosion control for the steep hill. In order to insure Safety and control erosion the New Deck and structure must be built on the same Footprint as the old Deck.

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

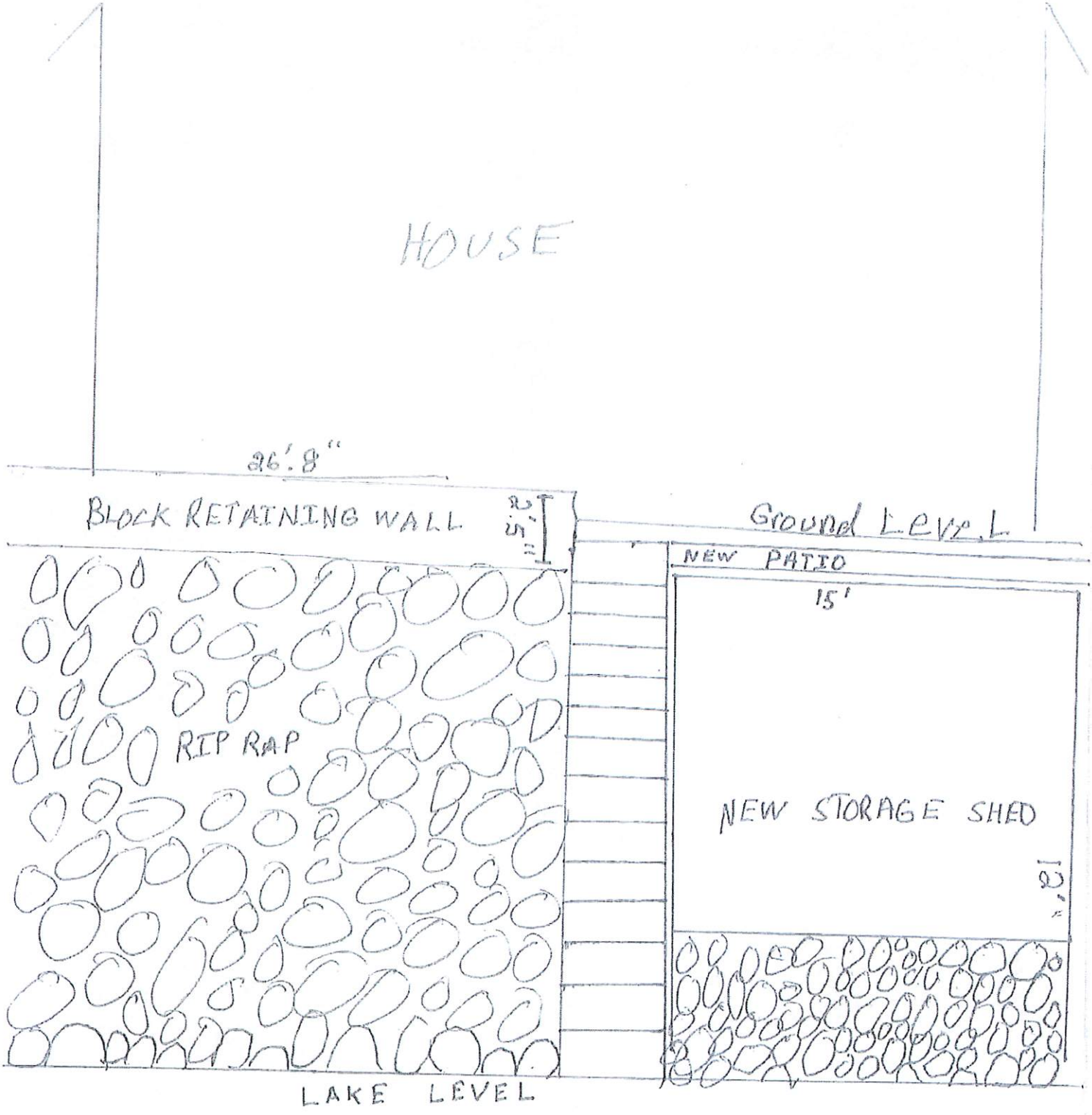
The variance will be consistent with the intent of the Ordinance.

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

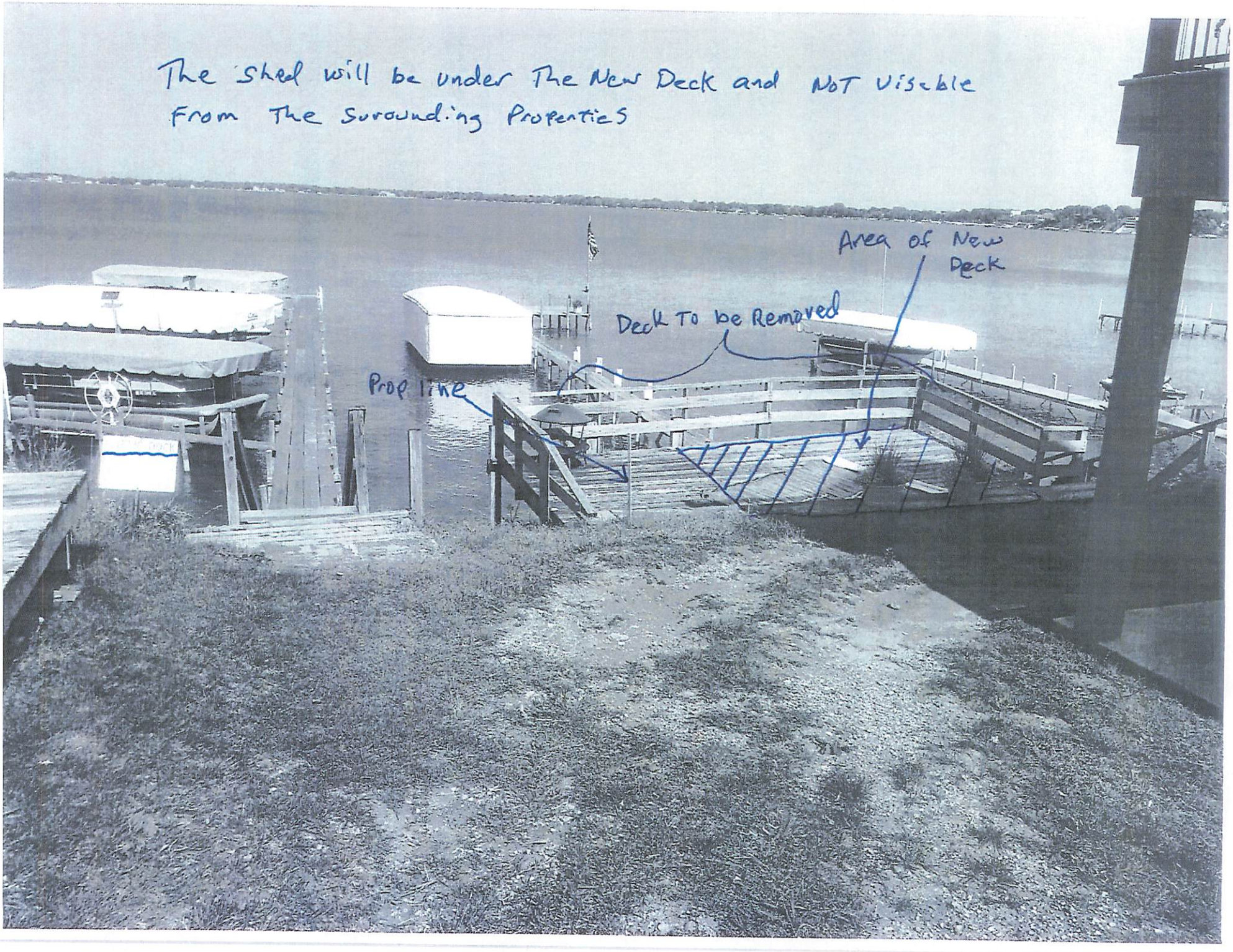
The deck and shed will be constructed to meet all current Codes.

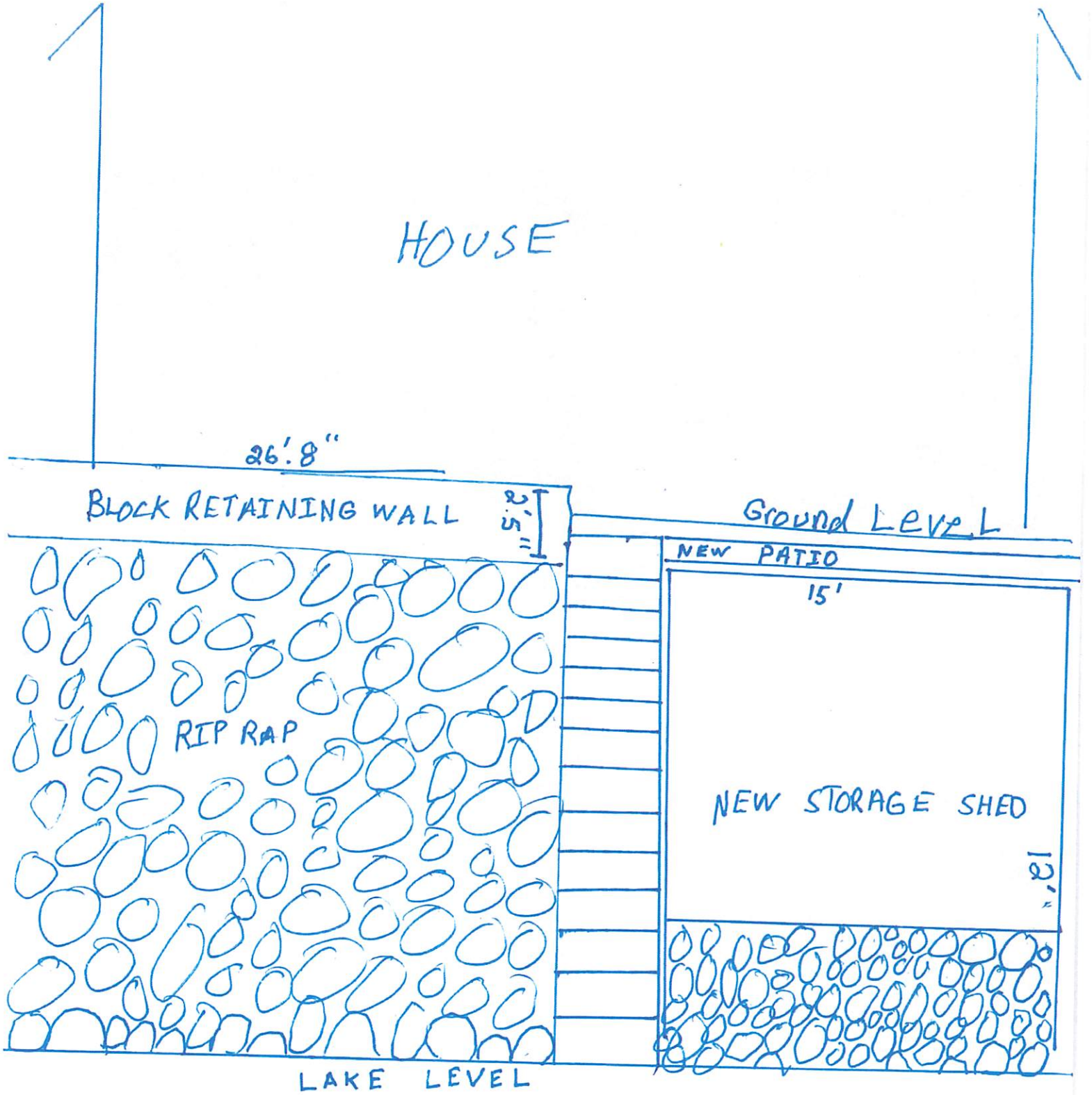
I, TJ ***certify that***

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



This in The view From The lake


The Shed will be under The New Deck and NOT Visable From The Surrounding Properties
Area of New Deck
Deck To be Removed
Prop Line


HOUSE
26'.8"
BLOCK RETAINING WALL
2'.5"
Ground Level
NEW PATIO
15'
RIP RAP
NEW STORAGE SHED
12'.
LAKE LEVEL

Google Maps 5534 Lakeview Dr

Map data ©2020 , Map data ©2020 20 ft

5534 Lakeview Dr

Clear Lake, IA 50428

Directions Save Nearby Send to your phone Share

4H6V+W2 Clear Lake, Iowa

15'

NEW Patio over NEW Storage Shed

12'

Case No. 21-15
Todd Hauser for the Fred S Hunter Trust/Anne Schafer (5534 Lakeview Drive)
Figure 1
Looking at the existing deck

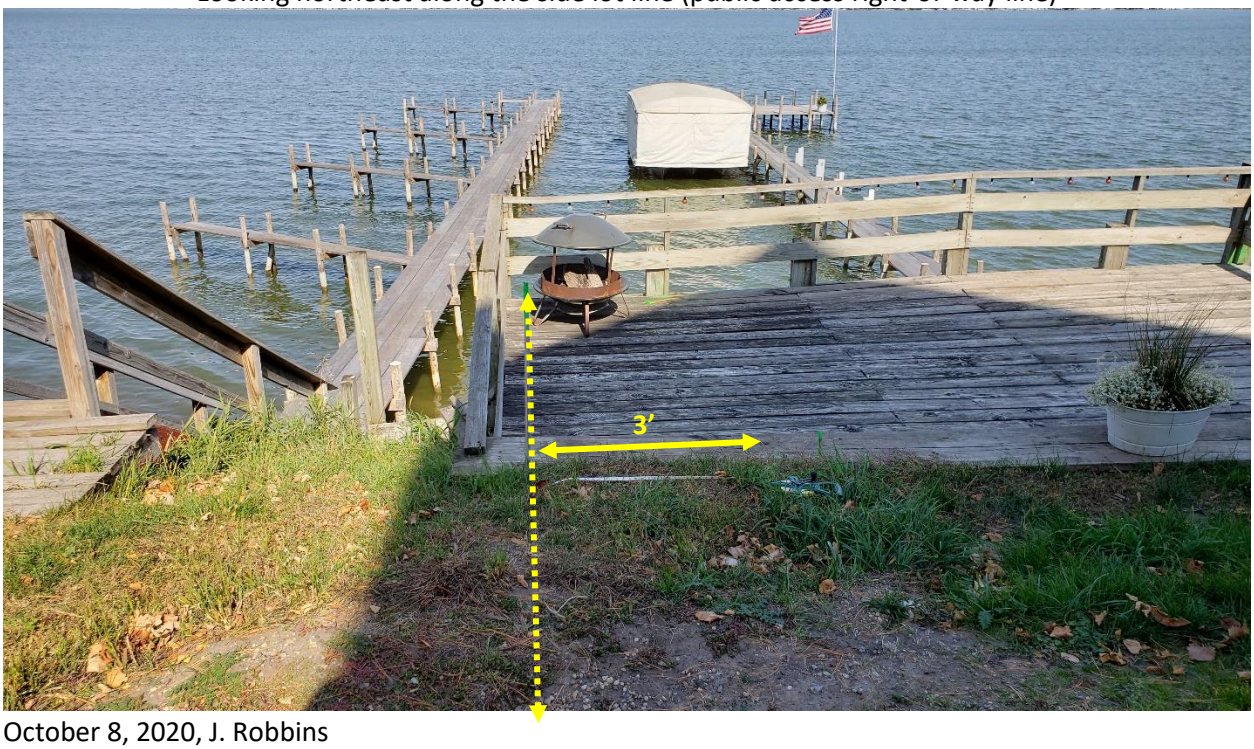
October 8, 2020, J. Robbins

Figure 2
Looking at the existing deck built into the bank

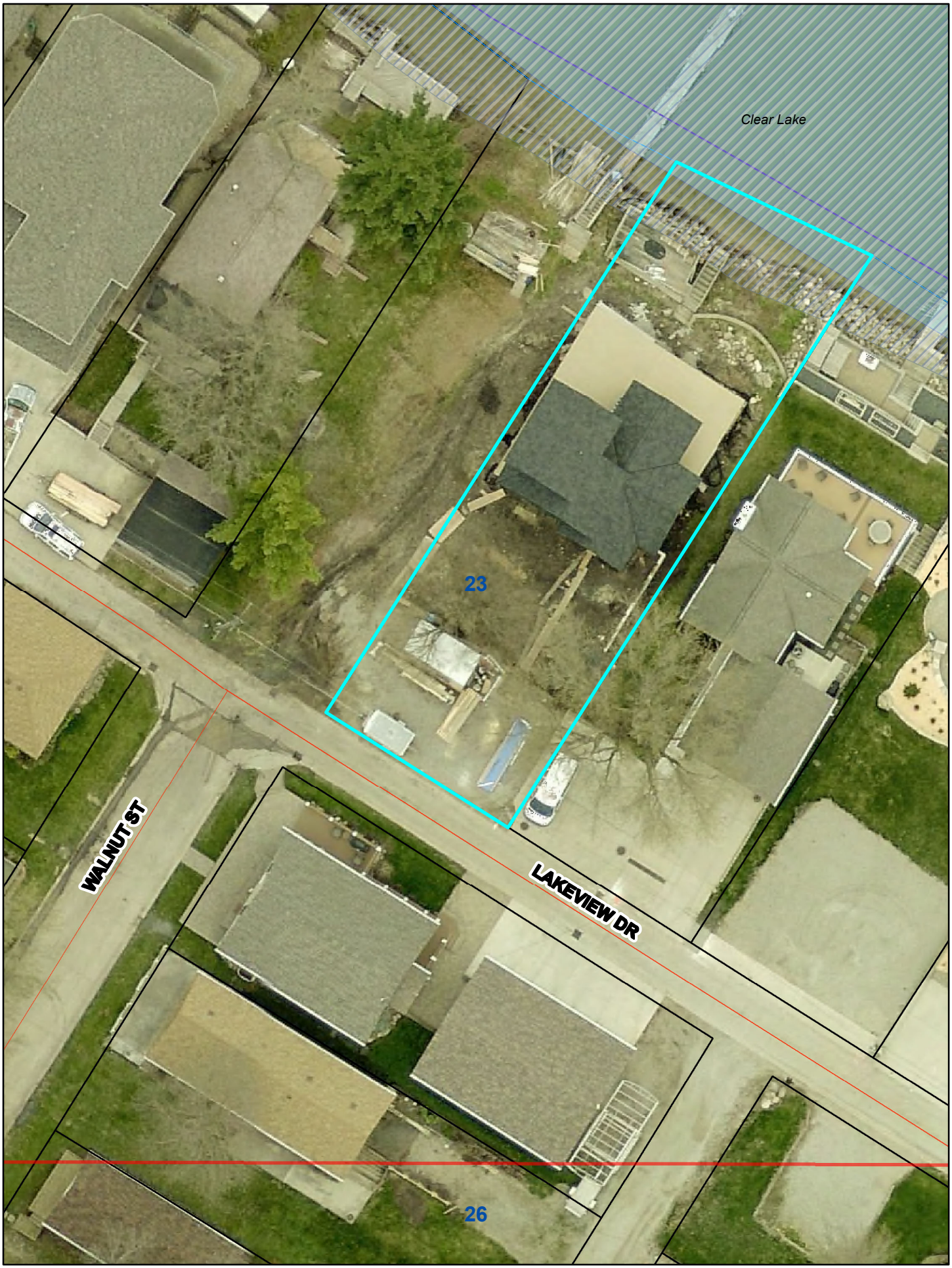
October 8, 2020, J. Robbins

Figure 3

Looking northeast along the side lot line (public access right-of-way line)



October 8, 2020, J. Robbins


Clear Lake
23
WALNUT ST
LAKEVIEW DR
26