



PLANNING AND ZONING

Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254

John Robbins, Planning and Zoning Administrator

Michelle Rush, Executive Assistant

(641) 421-3075

plz@cgcounty.org

cgcounty.org/planning

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.cgcounty.org 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"
- \$200.00 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
- \$300.00 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. An additional \$100.00 is required for each additional non-contiguous lot included with the proposed special use. 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
- Sewage Treatment Plants and Waste Stabilization Lagoons
- Public or Private Utility service
- Anhydrous Ammonia Pumping and Storage Facilities
- Wholesale Storage of Gasoline, Fuels, Oils, Flammable or Toxic Substances
- Commercial Feedlots and Confinement Operations
- Salvage Yards and/or Junk Yards
- Extraction and Primary Material Processing
- Permanent Asphalt Plants
- 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.
- \$200.00 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 January 2, 2021

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Brent and Julie Kuntz
(NAME)

OF 2104 380th St Grafton, IA 50440
(MAILING ADDRESS)

respectfully request that a determination be made by the Board of Adjustment on this December 17, 2020
Application/Appeal based on the letter written by the Zoning Administrator dated _____
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, 27 of Clear Lake Township.

The property affected is zoned Residential according to the Cerro Gordo County Zoning
District Maps. Legal description of the property is: 4036 240th St Clear Lake, IA 50428

Lot E in the replat of lots thirty-three to thirty eight inclusive in block ten in Dodge's Point Park, Cerro Gordo County, IA and
commencing at a point _____

North 89 degree 39' East 177.2 ft from the NW corner of the NW quarter of section twenty-seven in township ninety-six North,
Range twenty-two, West of the 5th PM., thence East 44.2 feet, thence South 168.4 ft, thence southwesterly along a line parallel to
South Shore Drive a distance of 46.5 feet thence North 181.9 feet to the place of the beginning.

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

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

We propose to build an accessory structure for what will be our permanent residence. The structure will allow for enclosed parking and storage for our pontoon, lawn and garden equipment and hobby vehicles - currently a 1941 Plymouth pickup. We propose a small office area where Brent can keep his toy tractor collection and allows for separation from the wife.

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 *Julie Kuntz Brent Kuntz*

OFFICE USE ONLY

Date Filed 1/5/21

Case Number 21-27

Date Set for Hearing 1/26/21

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.

Brent and Julie Kuntz

Applicant(s) _____

Type of Variance Requested

- 1) No principle building on property
- 2) Structure size does not allow required rear yard allowance
- 3) Bathroom Facilities

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

Without the requested variance, we would be unable to utilize this section of our property - over half of the total lot. The property is one lot but is separated into a North and a South Section by a road. We are unable to build an attached structure to the residence to accommodate the needed garage and storage space.

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

The lot is very narrow and long. Of particular interest is that the lot is intersected by a road i.e. 240th Street. The house is on the north (lake side) of the street and the south section has a steep embankment that extends to South Shore Drive. You would basically only see the roof of the structure when driving on South Shore Drive.

When the residence is redone, the plan is to decrease the length of the footprint of the house by four feet to allow less encroachment towards the lake and further the distance from the road to the residence.

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

The proposed structure will sit back from the road. It will be a beige color (white sand) with black windows and roof. This will blend with the new construction we plan for the residence. The height will be considerably less than the neighboring two story home and its accessory structure. Seven 3' x 4' windows along with a double row of windows on the front overhead door are planned. A mansard on the front exposure gives the building a more balanced look.

Landscaping will be done to soften the look of the structure. We have learned that long past owners, the Rhodes, were avid gardeners. In the past few years the area has been neglected. We have spent some time removing vines and overgrowth that was choking out some of the trees. Julie found a Cimicifuga plant that she saved and will replant. Transplanting the more than 30 varieties of hostas, perennials and grasses she has collected will be a labor of love. The existing gravel parking area will be replaced with a paved driveway and lawn on both sides. A front patio with adirondack chairs, potted plants and lighting will evoke a welcoming feel. Care is being taken to preserve all of the large trees on the lot. This includes an evergreen on the backside of the property that the neighbors have a fondness for.

A fish weathervane will add lake charm.

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

No improvements or changes have been made by the present or past owners. The plotting of the land, South Shore Drive and 240th Street was probably done a century ago.

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

- 1) Principle building located on the lot: The property has one lot number. There is a principal residence on the north side of the lot. The lot is intersected by a road. The zoning ordinance recognizes it as two lots.
- 2) Rear yard allowance: The proposed structure is 1440 sq feet. According to the rear yard allowance formula, which I have yet to figure out, we would only be allowed a building 345 sq feet in size. By my calculations, this would not even allow enough room for storage of a trailered 20 foot pontoon and my husbands Ford F350 pickup. A variance is needed to allow for this to be a useful building for parking, storage of vehicles, lawn equipment, boats, etc. of today's standard size.
- 3) Bathroom facilities: This is needed for sanitary reasons and is much preferred over a possible other option. Again, with the lot separated by 240th St, contiguous construction is not possible.

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

We believe the variance to allow building as proposed does meet the purpose and intent of the Planning and Zoning Ordinance and Comprehensive Plan. Certainly public health, safety, morals, comfort and general welfare are not at risk. We feel the proposed structure will improve the area. It is much preferred over the open gravel parking for a myriad of vehicles, as was the case when the property was previously rented out. The building will be set back from the road, not be obtrusive and be styled in a modern farmhouse way. The preservation and maintenance of trees along with prudent landscaping will enhance the area's aesthetic.

It would be an economic hardship if we could not use this portion of our property in a meaningful way.

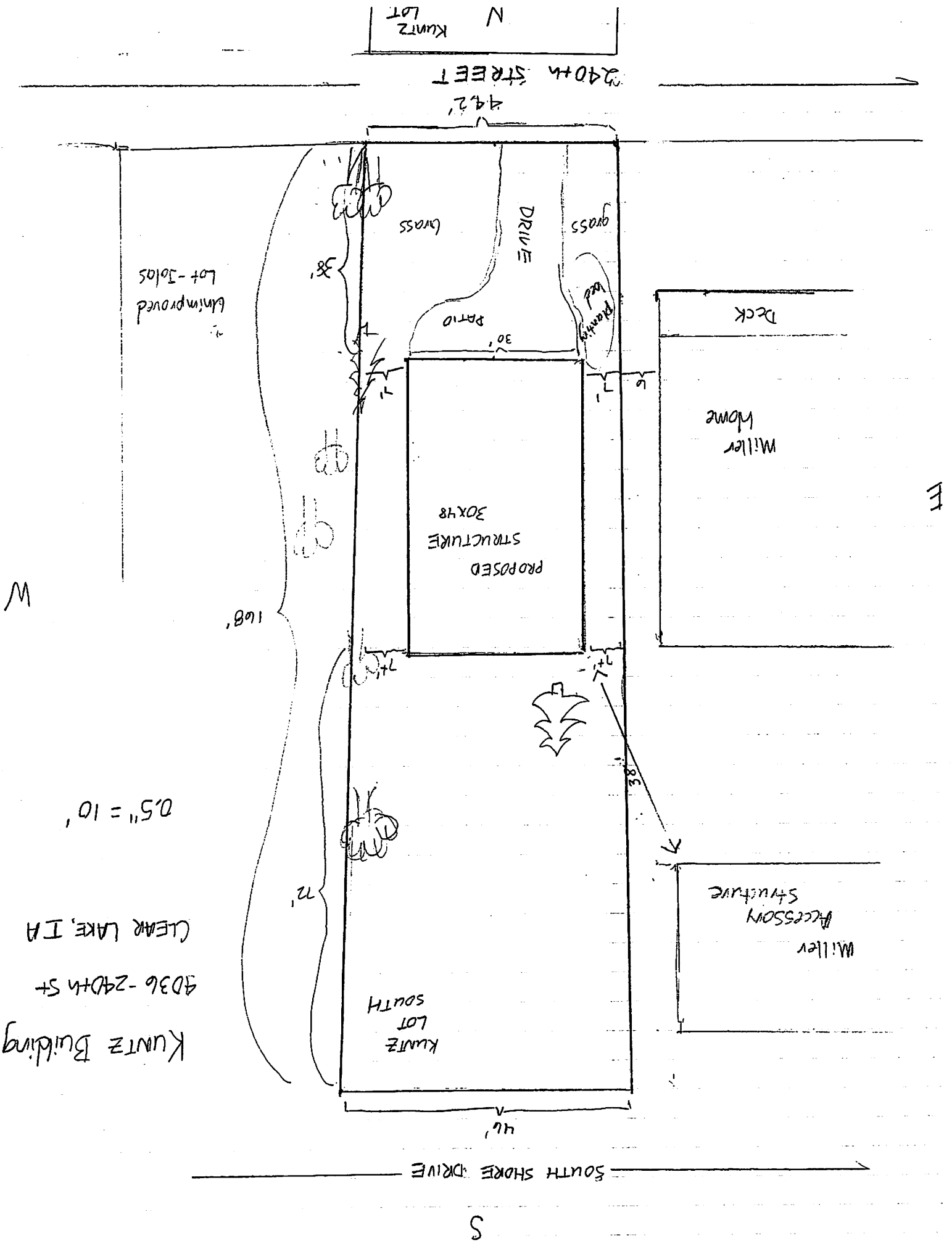
7. The variance will not impair the public health, safety and general welfare of the residents of the County for the following reasons:

The plan is for a simple garage, storage, home office space. Nothing illicit or illegal is planned. All codes will be followed. Reputable trades will be hired.

We are sensitive to the disruption that building can cause. We have spoken with the neighbors regarding our plans and our intent to be good neighbors, minimize disruption and take care of any untoward damage that may occur.

I, Julie Kuntz East Kent certify that

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



N
KUNTZ LOT

240th STREET

44.2'

Unimproved Lot - 30x105

grass

DRIVE

grass

Deck

Miller Home

30' PATIO

PROPOSED STRUCTURE
30x48

W

168'

0.5" = 10'

CLEAR LAKE, IA

4036-240th St

KUNTZ Building

KUNTZ LOT SOUTH

Miller Accessory Structure

SOUTH SHORE DRIVE

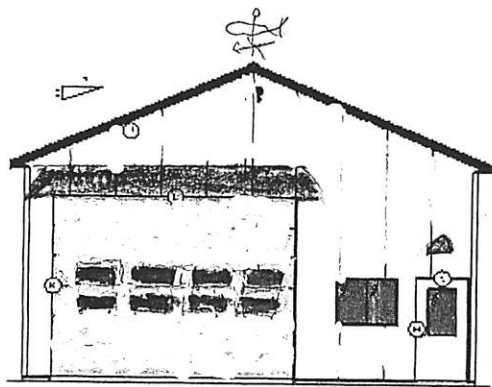
S

46'

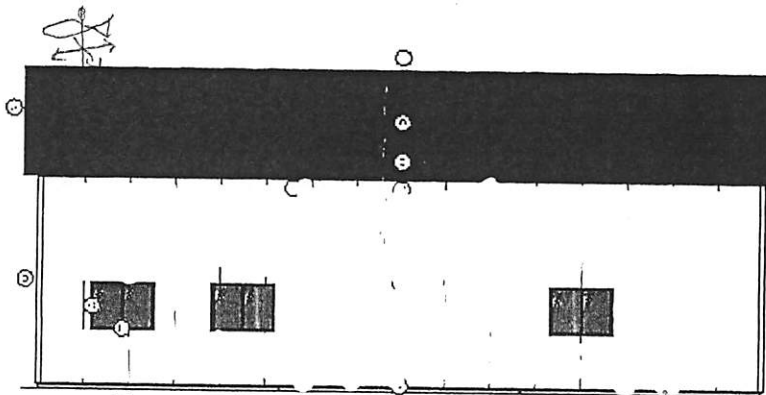
72'

38'

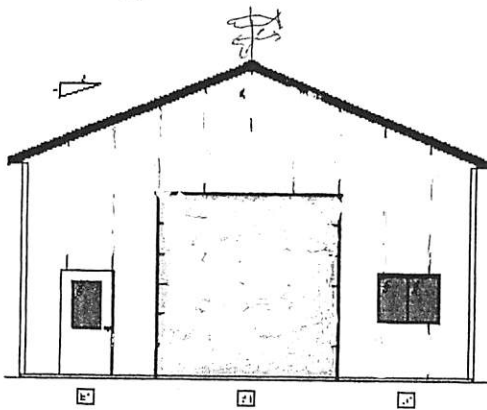
E



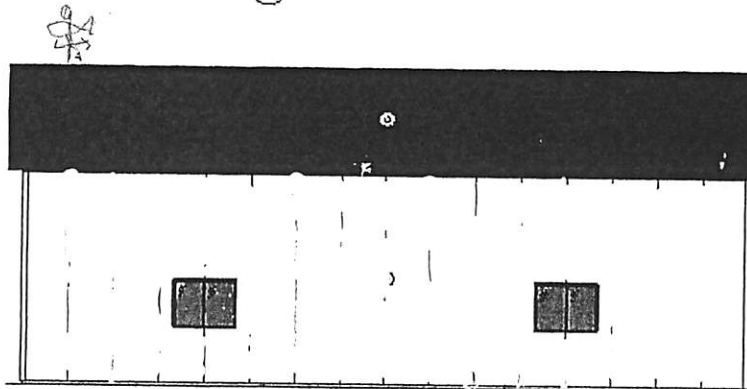
A2 ENDWALL 1 ELEVATION



B2 SIDEWALL 1 ELEVATION



C2 ENDWALL 2 ELEVATION



D2 SIDEWALL 2 ELEVATION

BUILDING COLORS

| | | | |
|--------|------|--------|------|
| ROOF | 1001 | ROOF | 1001 |
| WALL | 1001 | WALL | 1001 |
| TRIM | 1001 | TRIM | 1001 |
| DOOR | 1001 | DOOR | 1001 |
| WINDOW | 1001 | WINDOW | 1001 |
| ... | ... | ... | ... |

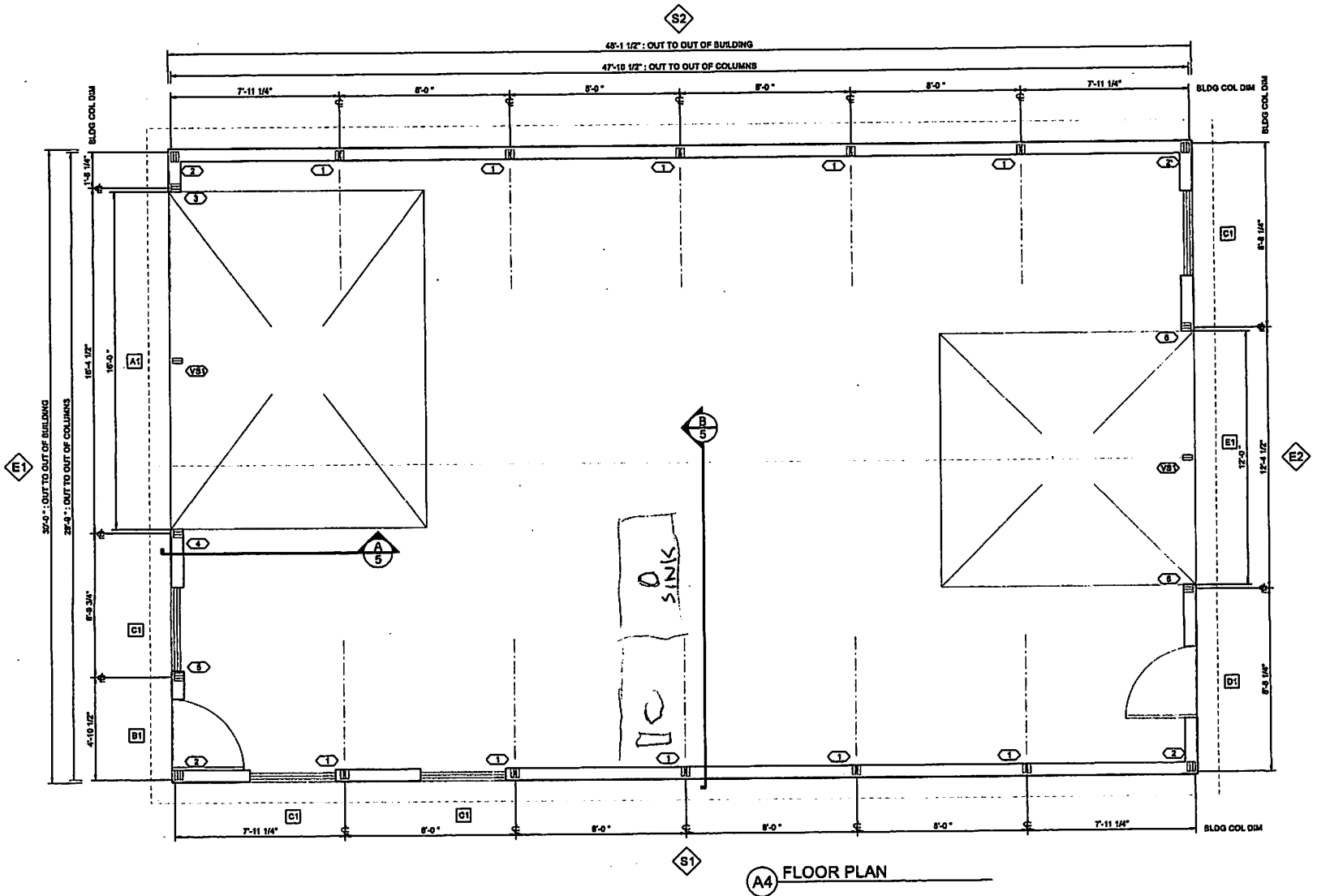
FINISH SCHEDULE

| | | | |
|------|-------------|-----|------|
| ITEM | DESCRIPTION | QTY | UNIT |
| 1 | ... | ... | ... |
| 2 | ... | ... | ... |
| ... | ... | ... | ... |

ORDER SCHEDULE

| | | | |
|------|-------------|-----|------|
| ITEM | DESCRIPTION | QTY | UNIT |
| 1 | ... | ... | ... |
| 2 | ... | ... | ... |

| | | | | | | |
|--|--|---|---|---|---------------------------|--|
| | DEALER INFO. K-Van Construction Company Inc 515 Cadet Road Iowa Falls, IA 50126 | CUSTOMER INFO. Brent Kuntz South Shore Dr. Clear Lake, IA 50428 | BUILDING DESCRIPTION 30'-0" x 48'-1" x 14'-0" Uni-Frame Embedded QP111920 | Customer Approval Date: _____ DATE | Bldg Direction | PROJ. C02S-12024-02-00 PROPOSAL DRAWINGS ONLY NOT TO BE USED FOR CONSTRUCTION THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION © 2024 |
| | This drawing is the property of Lester Buildings and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Lester Buildings. | | | | | |



A4 FLOOR PLAN

COLUMN SCHEDULE

| COL | PART | SHAPE | LENGTH | BASE | SIZE | TYP | DESIGN | ANCHOR | TYPE | BRK/RTI | DET |
|-----|--------|-------|------------|--------|------|-----|--------|----------|-------|---------|-------|
| 1 | C022 | FE88 | 14'-08"-03 | - | - | - | FF221 | (2)PH02A | - | - | FF221 |
| 2 | 089220 | FE88 | 18'-00"-00 | - | - | - | FF221 | (1)PH02A | - | - | FF221 |
| 3 | 089220 | FE88 | 20'-00"-00 | - | - | - | FF221 | (1)PH02A | - | - | FF221 |
| 4 | 089220 | FE88 | 20'-00"-00 | - | - | - | FF221 | (1)PH02A | - | - | FF221 |
| 5 | 089220 | FE88 | 18'-00"-00 | - | - | - | FF221 | (1)PH02A | - | - | FF221 |
| 6 | 089220 | FE88 | 18'-00"-00 | - | - | - | FF221 | (1)PH02A | - | - | FF221 |
| VS1 | VS1158 | FE69 | 8'-00"-00 | 1145.5 | - | - | - | - | TRUSS | - | HB880 |

OPENING SCHEDULE

| ID | MODEL | COLOR | NOMINAL | ROUGH | FRAME DET | FINISH DET |
|----|--|-------|---------|----------------|-----------|------------|
| A1 | 1 1/2" HIGH OVERHEAD DOOR OPENING | B WHI | 1825144 | - | - | - |
| B1 | 1 1/2" WALK DOOR 8'00" X 2'25/8" LITE | B WHI | 132582 | 40.3125x81.125 | KC414 | 1102355 |
| C1 | 1 1/2" WALK DOOR 11'00" X 2'25/8" LITE | B WHI | 132582 | 40.3125x81.125 | KC414 | 1102355 |
| D1 | 1 1/2" WALK DOOR 8'00" X 2'25/8" LITE | B WHI | 132582 | 40.3125x81.125 | KC414 | 1102355 |
| E1 | 1 1/2" HIGH OVERHEAD DOOR OPENING | B WHI | 1443144 | - | - | - |
| F1 | 1 1/2" WALK DOOR 8'00" X 2'25/8" LITE | B WHI | 132582 | 40.3125x81.125 | KC414 | 1102355 |



DEALER INFO.
 K-Van Construction Company Inc
 515 Cadet Road
 Iowa Falls, IA 50126

CUSTOMER INFO.
 Brent Kuntz
 South Shore Dr.
 Clear Lake, IA 50428

BUILDING DESCRIPTION
 30'-0" x 48'-1" x 14'-0"
 Uni-Frame Not Embedded
 QP082020

Customer Approval

 (Initials)
 DATE: _____

Bldg Direction

 (Mark North)

PROJ: E02S-12024-01
PROPOSAL DRAWING
 Not Intended for Construction
 The information presented in this drawing preliminary design using the input provided design is subject to Lester Engineer
 * NOT TO SCALE *

Case No. 21-27
Brent & Julie Kuntz (across the street from 4036 240th Street)

Figure 1

Looking at the proposed location of the accessory building (corners marked with yellow lines)



January 8, 2021, J. Robbins

Figure 2

Looking at the detached garage (30'x26') at 4047 240th Street (located adjacent to the east)



January 8, 2021, J. Robbins

Figure 3

Looking at the detached garage (24'x24') located west of the subject property



January 8, 2021, J. Robbins

Figure 4

Looking at the detached garage (24'x32') at 4081 240th Street



January 8, 2021, J. Robbins

These are some photos of a similar sized building and style located in an urban setting. There are grasses planted along one side. Note the mansard over the drive thru door. Ours is planned to be a beige color with black windows.

Our door will be taller



SURVEY PLAT

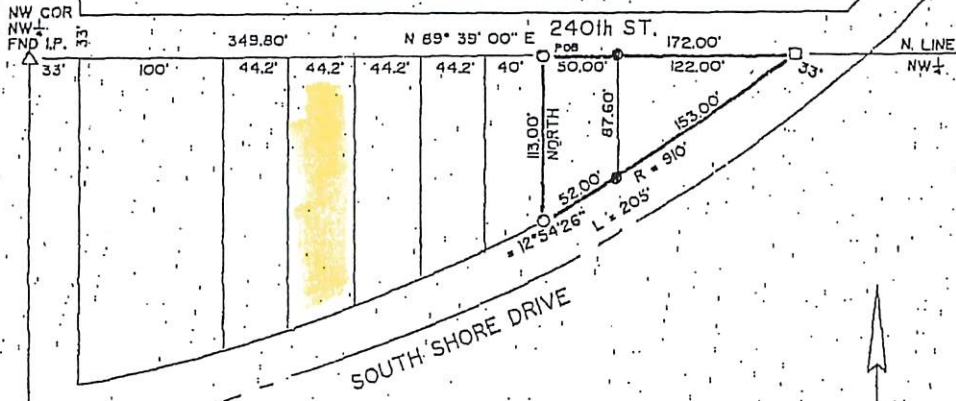
LOCATED IN
NW 1/4 SECTION 27 96-22
CERRO GORDO COUNTY, IOWA

RECORDED

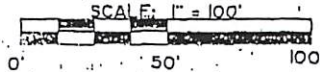
1993 FEB 24 AM 11:21
93-1339
COLLEEN PEARCE
CERRO GORDO CO.
MASON CITY, IOWA

24th
93
Feb
Kenneth W. Klein
Callen Olson

REPLAT OF LOTS 33 - 38 BLOCK 10
DODGE'S POINT PARK ADDITION



DATE SURVEYED
JANUARY 25, 1993



LEGEND

- △ = SECTION CORNER FOUND
- ▲ = SECTION CORNER SET
- = SURVEY MONUMENT FOUND
- = PIN & CAP SET #8656
- = R/W RAIL FOUND
- * = EXISTING FENCE LINE

SURVEY REQUESTED BY
NAOMI'S REALTY

SURVEY DESCRIPTION:

BEGINNING 349.80 FEET EAST OF THE NORTHWEST CORNER OF THE NW 1/4 OF SECTION 27, T 96 N, R 22 W OF THE 5TH P.M., CERRO GORDO COUNTY, IOWA; THENCE N 89° 39' 00" E, 172.00 FEET; THENCE SOUTHWESTERLY ALONG A 90.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY WITH A CENTRAL ANGLE OF 12° 54' 26", A DISTANCE OF 205.00 FEET; THENCE NORTH 113.00 FEET TO THE POINT OF BEGINNING.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS MAP, PLAT, REPORT, OR SURVEY WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNED

DATE

Robert L. Holz
ROBERT L. HOLZ, R.L.S.

1-24-93

IOWA REG. # 8656



MID-WEST LAND SURVEYORS
P. O. BOX 1352
MASON CITY, IOWA 50402-8352
(515) 423-1451

931339

SRW

P-2775

Entry 31

05-K

1/4
DODGE'S POINT PARK
REPLAT OF LOTS 33 THRU
38, BLK. 10
DODGE'S POINT PARK

05-21H

05-22F

Clear Lake

North Side
of Lot

(352)
G.L. 4
-001
6.55

05-27A

CLEAR LAKE TWP.

W. 1/2 S.W. 1/4 SEC. 22 T.96N. R.22W.

SCALE 1" = 100'

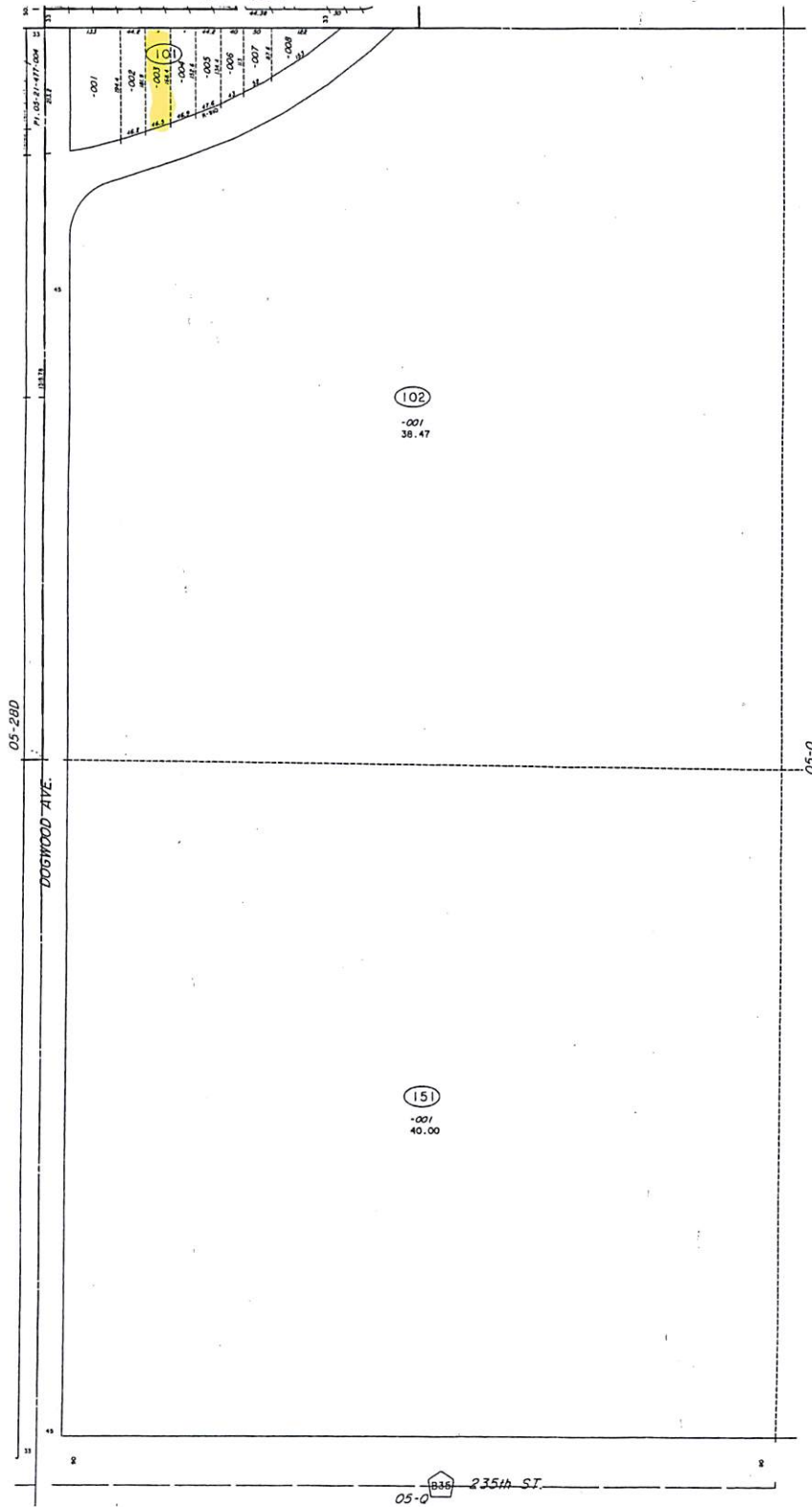
5-22E



CERRILLO-CORDO CO., IA.

South Side
of Lot

05-22E



1" = 100'

-27A

CLEAR LAKE TWP.
W. 1/2 N.W. 1/4 SEC. 27 T.96N. R.22W.



CERRO GORDO CO., IA.

DOGWOOD AVE

28

21

240TH ST

22

27

SOUTHSHORE DR

