

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 7-31-19

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Brian Smith
(NAME)

OF 21787 280th St Mason City Iowa
(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 July - 25th 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 4 of Portland Township.

The property affected is zoned A-2 according to the Cerro Gordo County Zoning District Maps. Legal description of the property is: _____


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

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

Set back Variance for Proposed Deck
9X 35'10

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 

OFFICE USE ONLY

Date Filed 7-31-19

Case Number 90-06

Date Set for Hearing 8-27-19

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) Brian Smith

Type of Variance Requested Front Yard Setback

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

House front entrance has been there for
years.

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

NA

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

Agricultural Area, no change

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

NA

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

to close to right of way

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

No change to Area.

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

NO IMPACT

I, *Ben [Signature]* certify that

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



PLANNING AND ZONING

Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254

(641) 421-3075

John Robbins, Planning and Zoning Administrator

plz@cgcounty.org

Michelle Rush, Executive Assistant

cgcounty.org/planning

July 25, 2019

Brian Smith
21787 280th Street
Mason City, IA 50401

Dear Mr. Smith:

I have completed review of a Zoning Permit Application, received July 19, 2019, for a 35'-10"x9' deck on property at 21787 280th Street, located in the NE¼, Section 4, Portland Township.

This application is denied for the following reason:

1. The proposed deck is 42'-7" from the front lot line. A 50-foot side yard setback is required in the A-2 District.

You may seek a variance from the Board of Adjustment in accordance with Article 24, "Board of Adjustment," Section E of the Zoning Ordinance, which states, "Appeals to the Board of Adjustment may be taken by any person aggrieved by my decision." **Appeals must be taken within 30 days from the date of this letter.**

I have enclosed Appeal Instructions and Procedures to appeal this decision to the Board of Adjustment. You must properly fill out and file in this office all necessary forms in accordance with these instructions and procedures. As stated, any application for appeal not filed properly will be rejected.

Please feel free to contact this office if you have any questions.

Sincerely,

John Robbins
Planning and Zoning Administrator

Enclosures: Appeal instructions and application
Board of Adjustment Rules of Procedure

Case No. 20-06
Brian Smith (21787 280th Street)

Figure 1

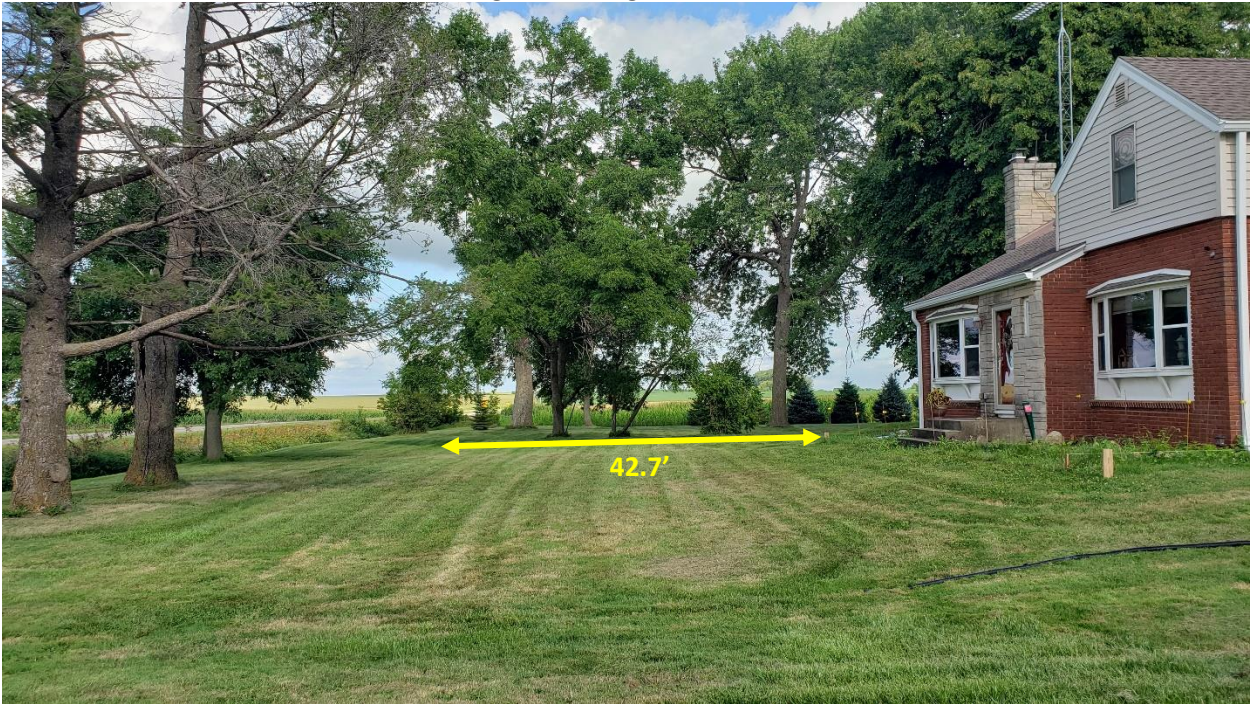
Looking at the proposed deck location



August 14, 2019, J. Robbins

Figure 2

Looking east along the front lot line



August 14, 2019, J. Robbins

Figure 3

Looking on the rear side of the house



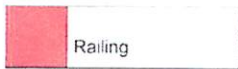
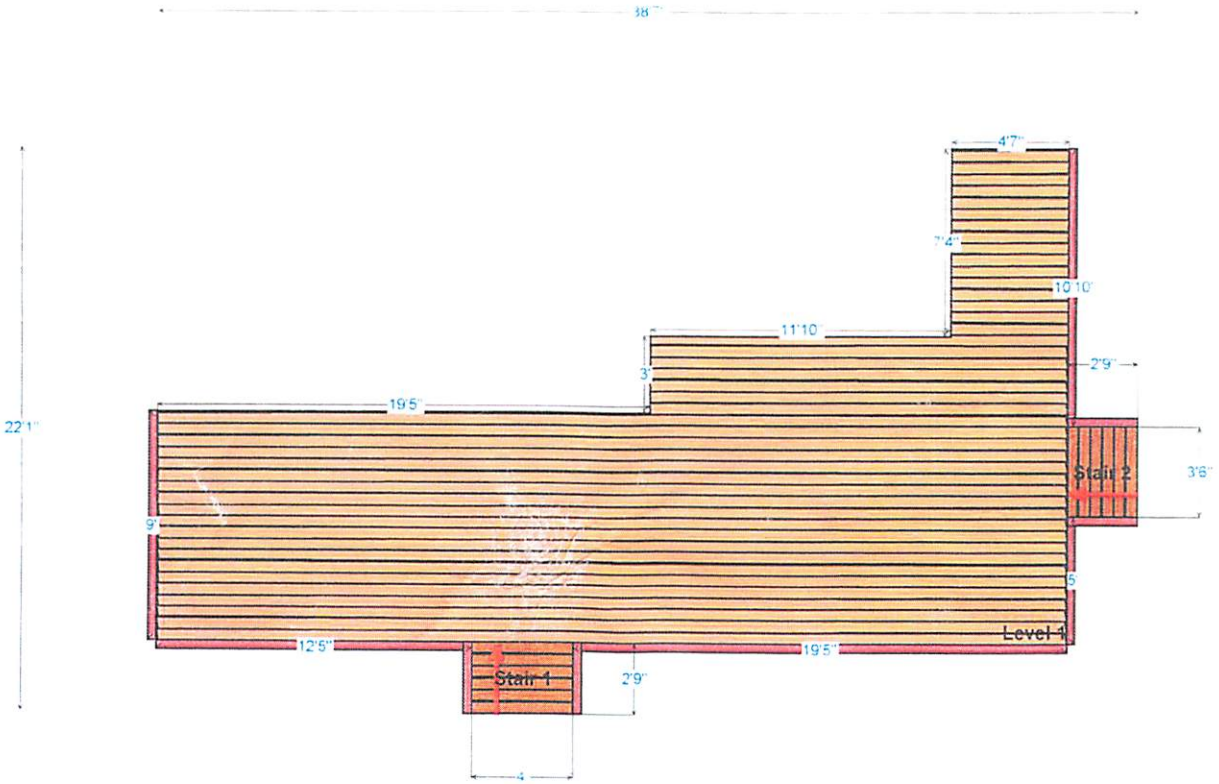
August 14, 2019, J. Robbins

Figure 4

Looking toward the road from the proposed deck location



August 14, 2019, J. Robbins



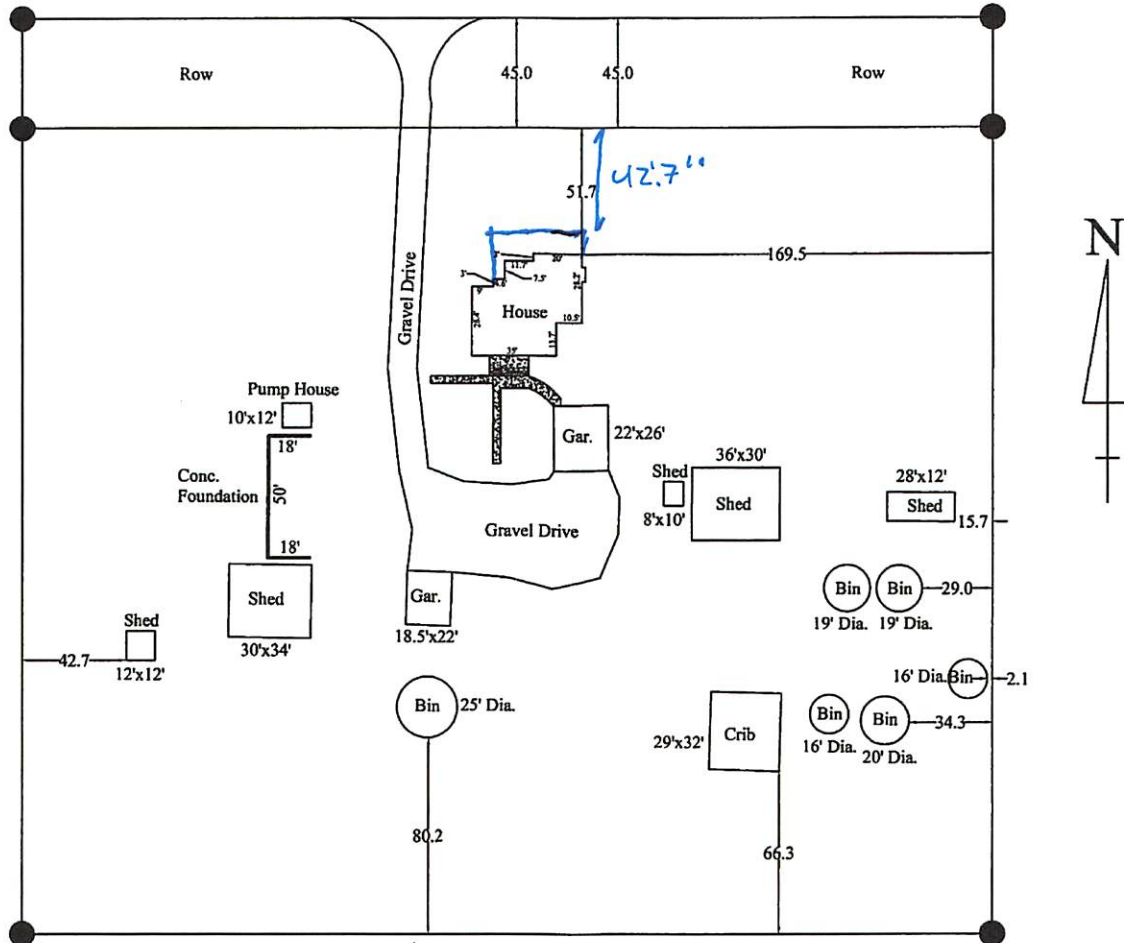
Estimated Price:

\$6,380.49

*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

Final design should be performed by a registered professional engineer to ensure all applicable building codes and regulations are met.

Site Plan Lois Marie Haas Acreage NE1/4 Sec. 4-96-19



SCALE: 1" = 60'

33

280th ST.

