

APPLICATION/APPEAL FORM
[For Completion by All Applicants]

Date 6/27/20

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), DAVID DUCHENE
(NAME)

OF 1005 GATEWAY BLVD, WAVERLY, IA
(MAILING ADDRESS) 50677

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 6/26/20 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 23 of Clear Lake Township.

The property affected is zoned R-3 according to the Cerro Gordo County Zoning District Maps. Legal description of the property is: _____

lots 32, 33 and 34 in Block 2
in Baxsino
Parcel 052331101100


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

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

BUILD GARAGE FOR PERSONAL USE

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 7/1/20 Case Number 21-3

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) DAVID DUCHENE

Type of Variance Requested LOT LAND & DISTANCE TO HOME

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

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

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

SAME AS SOME NEIGHBORS
WHO HAVE DETACHED GARAGES

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

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

LOT LINE 9 FOOT - REQUESTING 7 FEET
HOUSE TO GARAGE 9 FOOT - REQUESTING
7 FEET

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

HOME LOT - RESIDENTIAL LIVING

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

NO HEALTH PROBLEMS, NO SAFETY
OR GENERAL WELFARE ISSUES

 certify that

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

Case No. 21-3
David Duchene (15386 Bayside Avenue)

Figure 1

Looking at the proposed location of the garage



July 1, 2020, J. Robbins

Figure 2

Looking at the proposed location of the garage from Bayside Avenue



July 1, 2020, J. Robbins

Figure 3

Looking west along the north side lot line



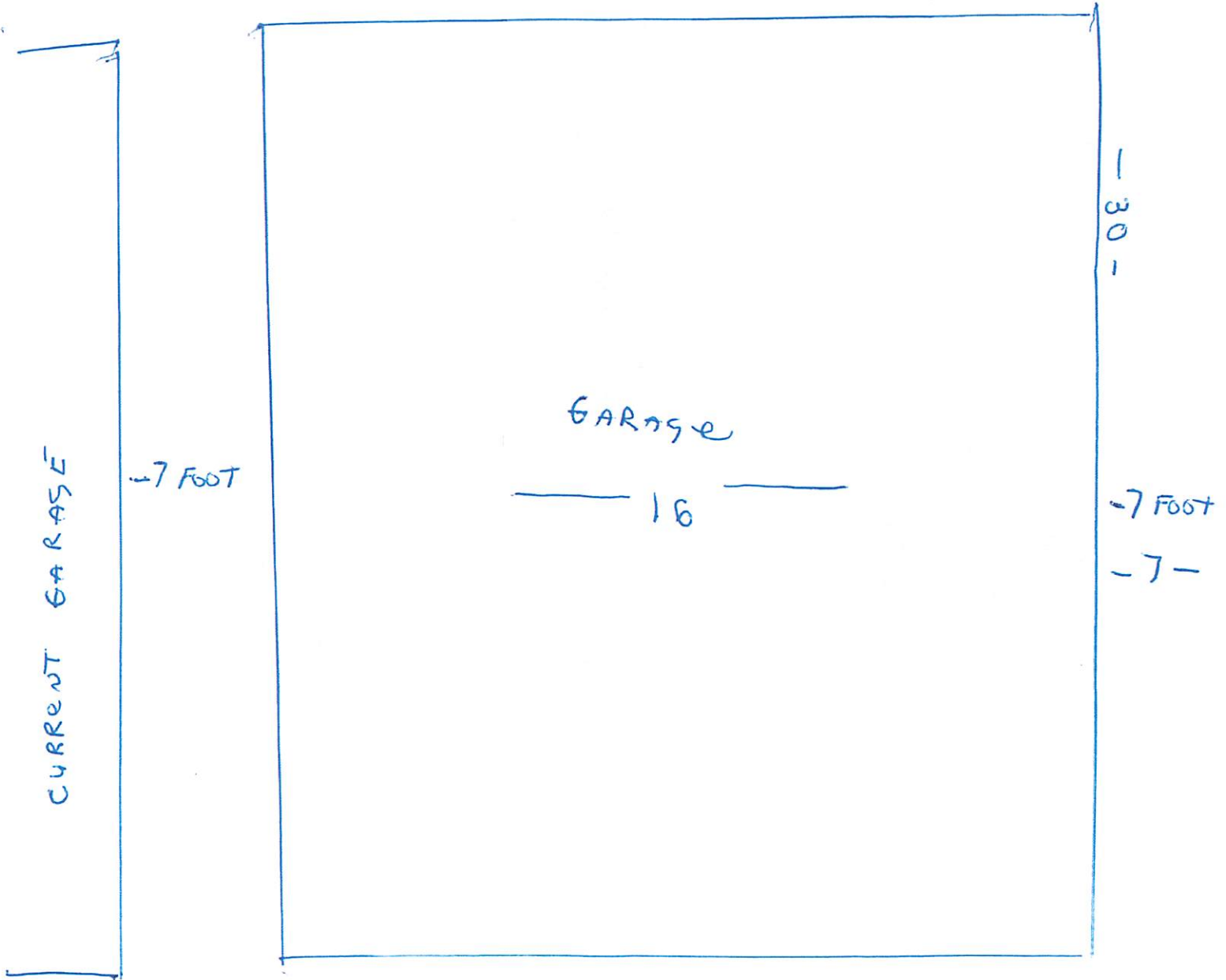
July 1, 2020, J. Robbins

Figure 4

Looking east at the separation distance between the house and proposed garage

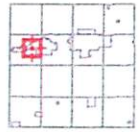


July 1, 2020, J. Robbins





Overview



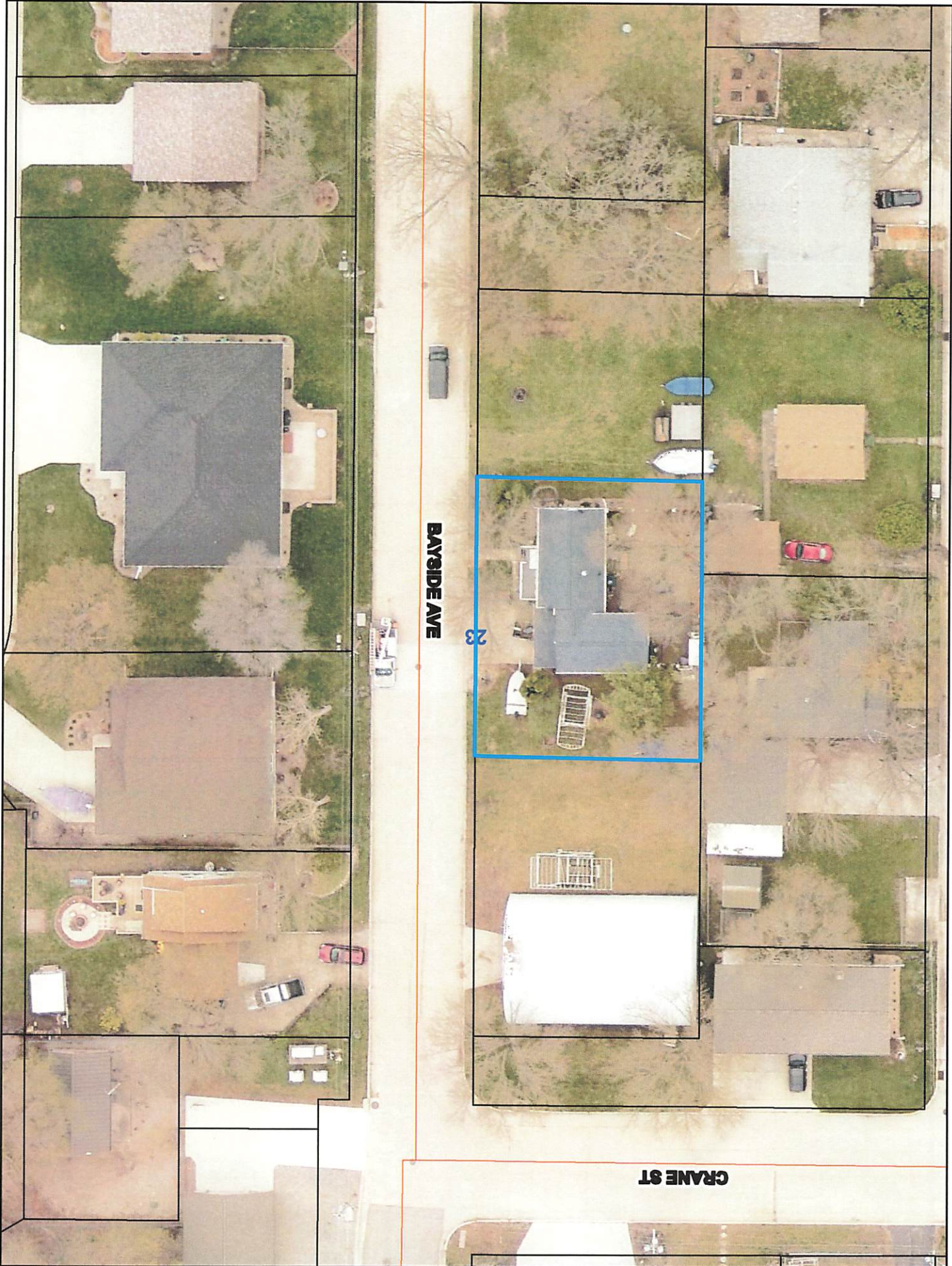
Legend

- Roads
- Parcels
- Corporate Limits
- Section
- Political Township

Date created: 6/29/2020
 Last Data Uploaded: 6/29/2020 12:12:07 PM

Developed by  Schneider
 GEOSPATIAL

0523316041



BAYSIDE AVE

23

CRANE ST

Robbins, John

From: Daniel Ries <dries@cghealth.com>
Sent: Monday, July 13, 2020 11:09 AM
To: Robbins, John; J.D Sliger
Subject: RE: 15386 Bayside Avenue

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Questions? Call 3-HELP.

John,

Chapter 49 (Iowa well construction rules) which our ordinance mirrors as it relates to this topic states:

49.6(4) Relation to buildings. The well shall be located so that no building interferes with reasonable access for cleaning, treatment, repair, testing, inspection and other maintenance. Wells shall not be located in basements.

This is based on construction of a new well, so this situation is a little different in that the well already exist. The rule does not reference an exact distance, that is why I would suggest he have a well professional look at his plans. Hope this help....



**PUBLIC
HEALTH**
healthier together

Daniel Ries | Senior Environmental Health Specialist

2570 4th St SW, Ste. 1 | Mason City, IA 50401
email: dries@cghealth.com | **website:** www.cghealth.com
phone: 641-421-9338



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From: Robbins, John <jrobbins@cgcounty.org>
Sent: Monday, July 13, 2020 10:56 AM
To: Daniel Ries <dries@cghealth.com>; J.D Sliger <jsliger@cghealth.com>
Subject: RE: 15386 Bayside Avenue

What is a good separation typically for a well from a building?

John Robbins
Planning and Zoning Administrator
Cerro Gordo County
jrobbins@cgcounty.org
Office: (641) 421-3075

From: Daniel Ries <dries@cghealth.com>
Sent: Monday, July 13, 2020 10:55 AM
To: Robbins, John <jrobbins@cgcounty.org>; J.D Sliger <jsliger@cghealth.com>
Subject: RE: 15386 Bayside Avenue

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John,

I spoke with David Duchene a week or two ago regarding the proximity of the well to the proposed garage. I am concerned about the ability for a well company to access the well for future maintenance and repairs. If a submersible pump needs to be pulled, they often will use a truck mounted hoist that may need clearance around and above the well to make that feasible. When I spoke with David, I suggested he contact a well contractor to see if they had concerns, based on his planned location of the proposed garage, for doing maintenance and repair work.



Daniel Ries | Senior Environmental Health Specialist

2570 4th St SW, Ste. 1 | Mason City, IA 50401
email: dries@cghealth.com | **website:** www.cghealth.com
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From: Robbins, John <jrobbins@cgcounty.org>
Sent: Monday, July 13, 2020 10:04 AM
To: Daniel Ries <dries@cghealth.com>; J.D Sliger <jsliger@cghealth.com>
Subject: 15386 Bayside Avenue

Good morning, Dan and JD,

Mr. David Duchene has applied for a variance for some setbacks for a proposed detached garage at the subject address. The well is only about 1' from the rear side of the proposed garaged (photo attached). Please provide comment regarding any concerns or feasibility of this project in relation to the well. The hearing is July 28th at 4 pm. Please provide comment prior to that date to share with the Board.

Thank you,

John Robbins
Planning and Zoning Administrator
Cerro Gordo County
jrobbins@cgcounty.org
Office: (641) 421-3075