

**APPLICATION/APPEAL FORM**

[For Completion by All Applicants]

Date Nov. 8, 2018

TO: ZONING BOARD OF ADJUSTMENT  
CERRO GORDO COUNTY, IOWA

I (WE), David & Jane Kurns  
(NAME)

OF 3430 NW 75<sup>th</sup> Place, Ankeny, IA 50023  
(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 11-8-18 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 26 of Clear Lake Township.  
The property affected is zoned R-4 according to the Cerro Gordo County Zoning District Maps. Legal description of the property is: 5644-D Southshore Dr., Anchor Inn, Units 445

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

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

Extending existing deck to edge of house;  
Extending a portion of deck by 3 feet to lake;  
Adding stairs between homes to be shared  
Adding canopy roof over a portion of deck

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 \_\_\_\_\_



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**OFFICE USE ONLY**

Date Filed 11-13-18

Case Number 19-116

Date Set for Hearing 11-27-18

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) David & Jane Kurns ; Heather & Jeff Martin  
Type of Variance Requested Setback variance (neighbor co-applicants)

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

The current setback requirements would impair these improvements to the safety and access from the deck down, and to both neighbors.

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

This home is one of 6 units that are part of the Anchor Inn, and is a condominium HOA. Ours is one of two that face Clear Lake.

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

The variance will fit in with the decks of other units, and provide stairs to access decks of 2 units. The character of the deck and scale are similar to others.

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

The units currently sit 3 feet from the property's back. The deck or stairs will not encroach on the 3 feet of setback.

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

The space between units (for the stairs) is approximately 10 feet. The deck extension will be closer to the lake but not impair sightlines for any neighbor.

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

Stairs will allow access and safety to 2 units. The deck expansion is in similar space and character to other units and will improve usability of the deck and value of the home.

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

It will be built in accordance with all building laws and codes. The stairs will make both decks safer for us and neighbors.

I, David Jenkins certify that

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

## LEGAL DESCRIPTION

APARTMENT NO. 4 AND AN UNDIVIDED 1/6 INTEREST IN THE COMMON ELEMENTS IN ANCHOR INN CONDOMINIUM. SAID CONDOMINIUM DECLARATION BEING FILED IN BOOK 130, PAGE 485 THEREOF ON SEPTEMBER 25, 1981, IN THE OFFICE OF THE RECORDER OF CERRO GORDO COUNTY, IOWA, AND WHICH APARTMENT IS LOCATED ON THE REAL ESTATE DESCRIBED AS A TRACT OF LAND 100 FEET IN WIDTH EXTENDING FROM THE SHORE OF CLEAR LAKE TO LAKE SHORE DRIVE AND WHICH IS ADJACENT TO AND ON THE SOUTHEASTERLY SIDE OF LOTS 6 AND 11 IN BLOCK 13 IN OAKWOOD PARK AND THE VACATED ALLEY BETWEEN SAID LOTS 6 AND 11 IN BLOCK 13 IN OAKWOOD PARK EXCEPT A STRIP OF SAID TRACT 10 FEET IN WIDTH IMMEDIATELY ADJACENT TO SAID LOTS 6 AND 11 AND SAID VACATED ALLEY EXTENDING THE FULL LENGTH FROM THE SHORE OF CLEAR LAKE TO LAKE SHORE DRIVE, ALL IN GOVERNMENT LOT 2 IN SECTION 26, TOWNSHIP 96 NORTH RANGE 22 WEST OF THE 5TH P.M., AND A TRACT OF LAND COMMENCING AT THE SOUTHERLY CORNER OF LOT 11 IN BLOCK 13 IN OAKWOOD PARK ADDITION TO CERRO GORDO COUNTY, IOWA; THENCE SOUTH 57°30' EAST 17.88 FEET ALONG THE FORMER RIGHT-OF-WAY LINE OF SAID OLD HIGHWAY 106 AND LAKE SHORE DRIVE TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 57°30' EAST ALONG SAID OLD RIGHT-OF-WAY LINE 108.30 FEET; THENCE SOUTH 66°30' WEST 49.66 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF EXISTING COUNTRY ROAD; THENCE ON A CURVE TO THE LEFT WHICH IS CONCAVE TO THE SOUTHWEST WITH A CENTRAL ANGLE OF 2°00', A RADIUS OF 2876 FEET AND A CHORD WHICH BEARS NORTH 58°55' WEST 99.39 FEET ALONG SAID EXISTING RIGHT-OF-WAY LINE, AN ARC LENGTH OF 99.40 FEET, THENCE NORTH 66°30' EAST 31.77 FEET TO THE POINT OF BEGINNING

**Case No. 19-16**  
**Dave and Jane Kurns/Heather and Jeff Martins (5644D/E Southshore Drive)**

***Figure 1***

Looking at Kurn's existing condominium



November 14, 2018, J. Robbins

***Figure 2***

Looking at the rear side of Kurn's condominium



November 14, 2018, J. Robbins

**Figure 3**

Looking at the proposed point of connection for the decks between the two condominiums



November 14, 2018, J. Robbins

**Figure 4**

Looking at the proposed location of the steps



November 14, 2018, J. Robbins

**Figure 5**

Looking southwest along the southeast side lot line



November 14, 2018, J. Robbins

**Figure 6**

Looking southeast along the rear lot line



November 14, 2018, J. Robbins



**Figure 7**

Looking northeasterly along the southwest building line of the Kurn's and Martins' condominiums



November 14, 2018, J. Robbins

**Figure 8**

Looking at the north corner of the existing deck



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**Figure 9**

Looking toward the lake from the southwestern-most point of the common area



November 14, 2018, J. Robbins

**Figure 10**

Looking northwest along the rear property line toward the condominium across the common area



November 14, 2018, J. Robbins



LAKEVIEW DR.

SOUTH SHORE DR.

Clear Lake

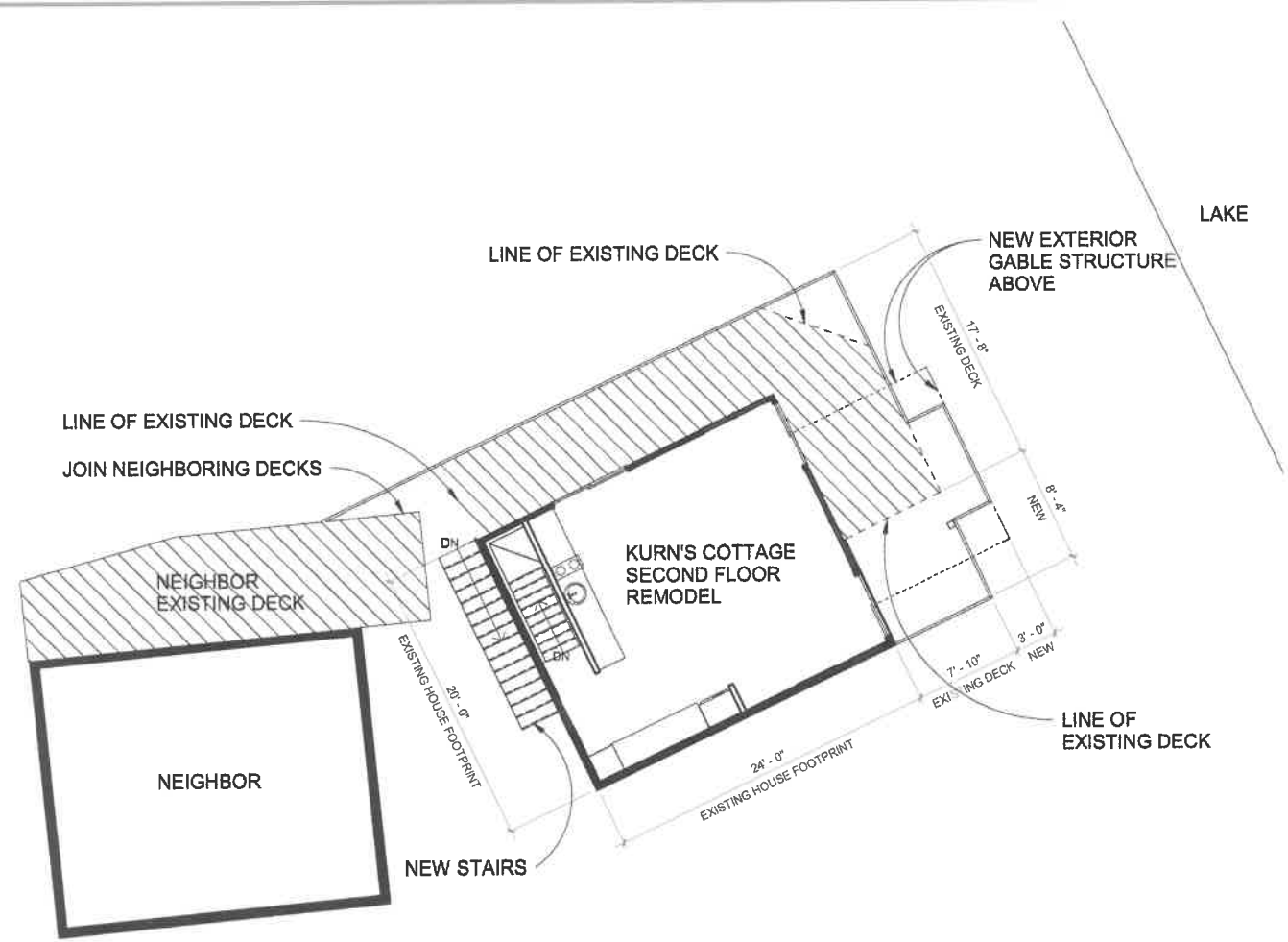
26

Dave and Jane Kurns  
**Kurns Cottage Renovation**

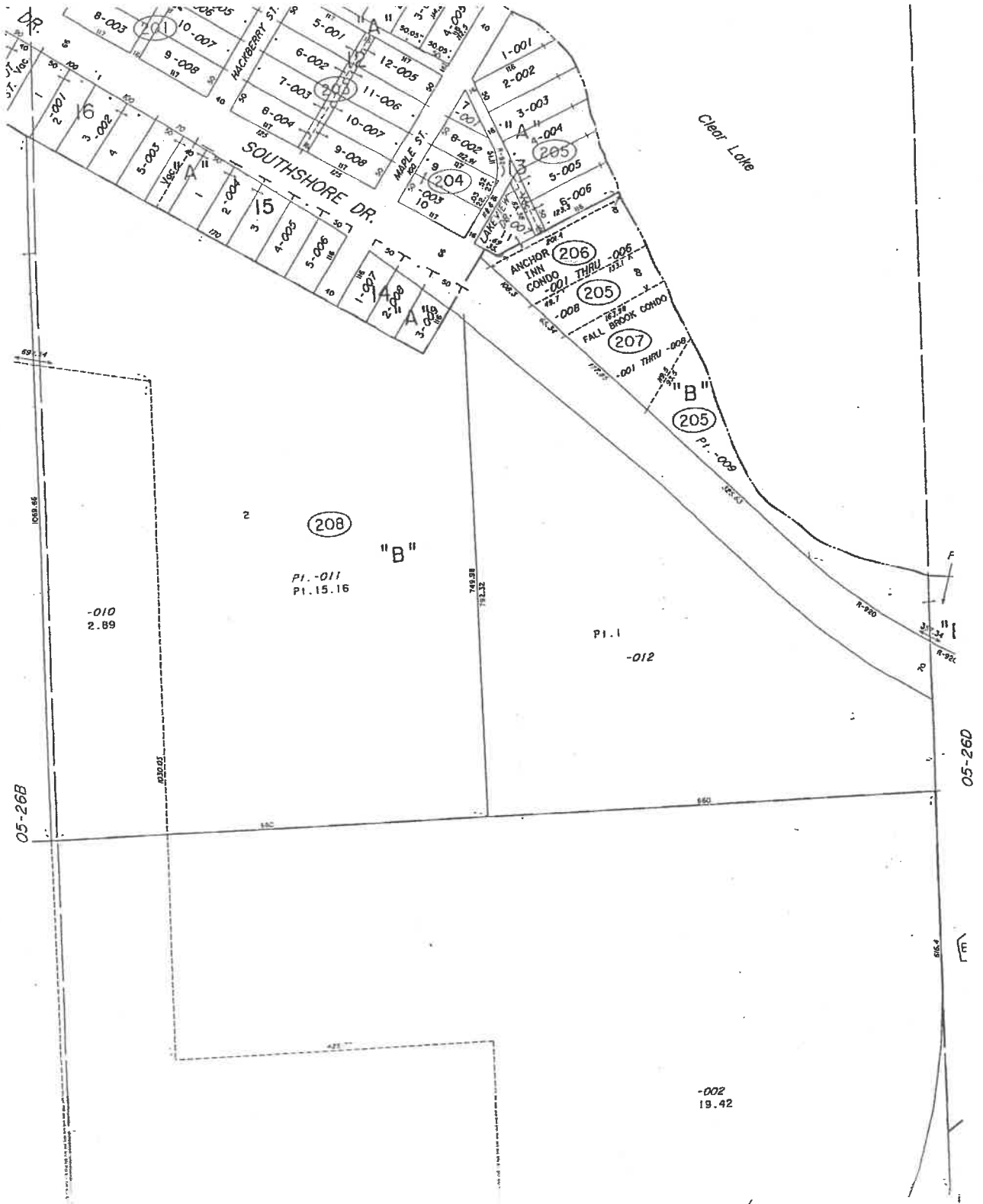
5644 D SOUTHSHORE DRIVE  
 Clear Lake, IA

**PRELIMINARY**  
 NOT FOR  
 CONSTRUCTION  
 11.05.18

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DRAWN BY: A.J.M./K.J.H.
REVISIONS
PROJECT # <b>18029</b>
SITE PLAN
<b>A101</b>
1 OF 1



**1 SITE PLAN**  
 1/8" = 1'-0"



SCALE 1" = 100'

5-26C

05-R

CLEAR LAKE TWP.

W. 1/2 N.E. 1/4 SEC. 26 T.96N. R.22W.

