

APPLICATION/APEAL FORM

[For Completion by All Applicants]

Date August 5, 2019

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Jeffrey W. Pate
(NAME)

OF 735 32nd Street Des Moines, IA 50312
(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 31, 2019 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 Lot 9, Block 11 Oakwood Park 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: Lot 9, Block 11, Oakwood Park
Subdivision Commonly known as 5524 South Shore Drive
Clear Lake, IA 50428

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

Describe what you are proposing to do on the property affected.
Construct a garage no greater than 24' x 30' and install
a privacy fence the perimeter of the lot no greater than 6'
tall.

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 Jeffrey W. Pato

OFFICE USE ONLY

Date Filed 8/7/19 Case Number 20-10
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) Jeffrey W. Pate

Type of Variance Requested Unusual conditions or circumstances

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

N/A

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

The home on this property is situated on the NW corner of the lot which is considered the rear of the plat while most homes in this area are situated on the East side of the lot. There is no land in the rear lot to place a garage

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

Properties in the subdivision do have external structures (garage or shed). Variance are common in the subdivision to accommodate the unique nature of lots and ~~their use~~ their use.

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:

Historically the ~~west~~ East end of the lot has served as the side yard -vs- the front yard as the plat map defines it. Historically a 6' privacy fence and hedge have existed on the property and exist today.

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

The proposed structures will not reduce or change visibility when entering Hackberry from South Shore Drive or when entering ~~South~~ South Shore Drive from Hackberry.

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

The proposed structures do not change the current levels of visibility when entering Hackberry from South Shore Drive or when entering South Shore Drive from Hackberry.

I, Jeffrey W. Peto certify that
all of the above statements are true to the best of my knowledge and belief.

Case No. 20-10
Jeff Pate (5524 Southshore Drive)

Figure 1

Looking at the hedge near the intersection of Hackberry Street and Southshore Drive



August 14, 2019, J. Robbins

Figure 2

Looking at the visibility of the intersection for turning traffic with the hedges present



August 14, 2019, J. Robbins

Figure 3

Looking at the intersection from Southshore Drive with the hedges present



August 14, 2019, J. Robbins

Figure 4

Looking at the proposed location of the garage on the amended site plan



August 14, 2019, J. Robbins

Figure 5
Looking northeast along the front lot line



September 10, 2019, J. Robbins

Figure 6
Looking northwest along the street-side lot line



September 10, 2019, J. Robbins

Figure 7

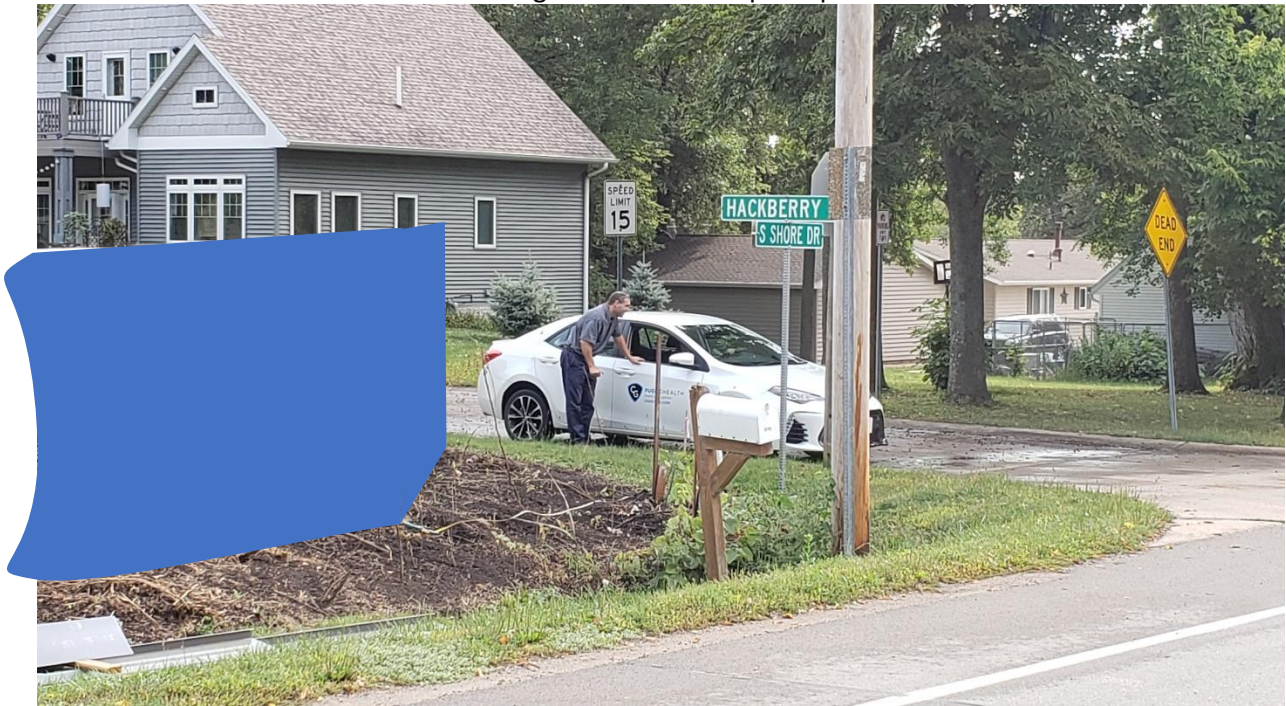
Looking at the visibility for turning vehicles at the intersection with a rough imitation of how the fence might block views superimposed



September 10, 2019, J. Robbins

Figure 8

Looking at the visibility from Southshore Drive at the intersection with a rough imitation of how the fence might block views superimposed



September 10, 2019, J. Robbins

Figure 9
Looking northwest along the northeast side lot line



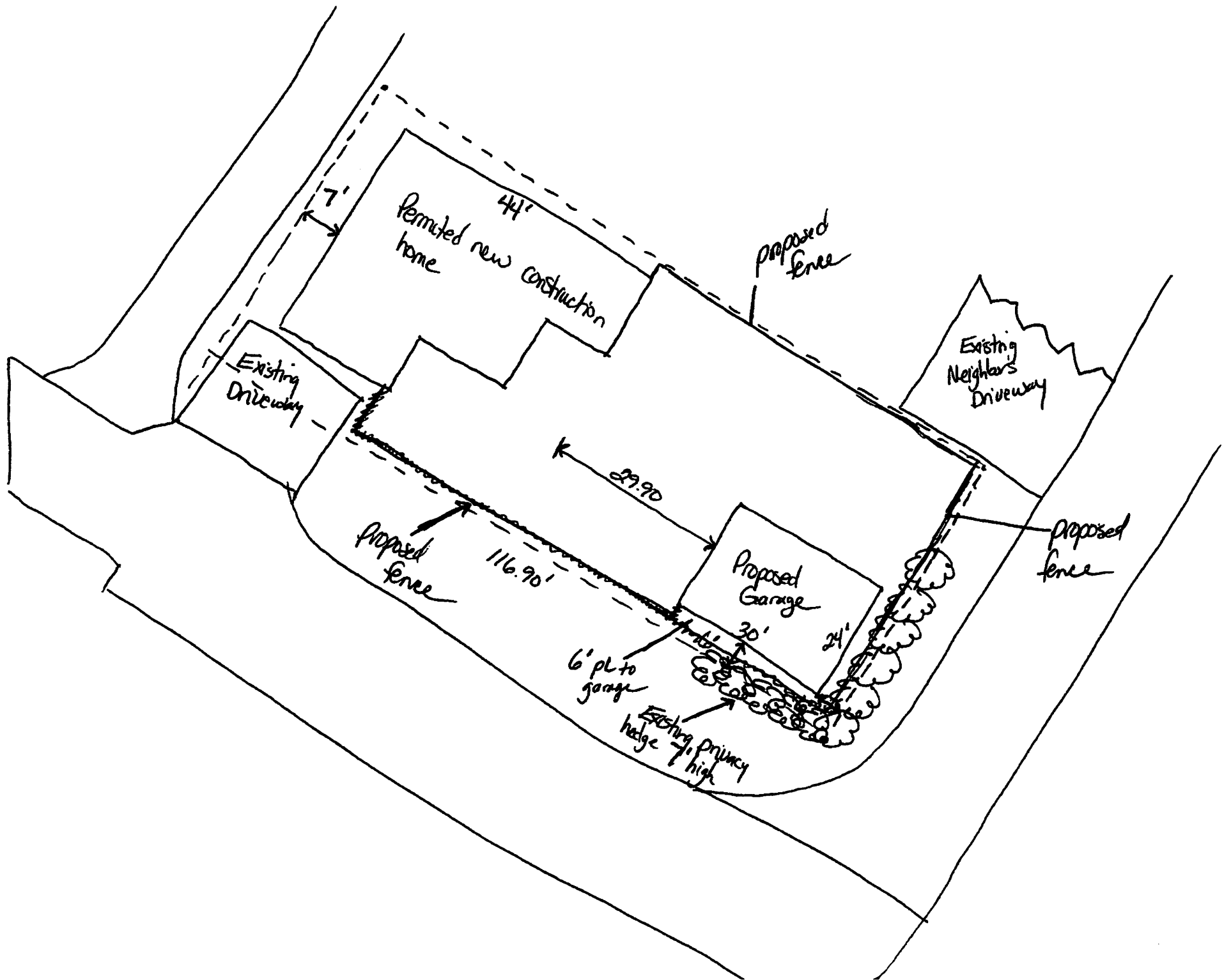
September 10, 2019, J. Robbins



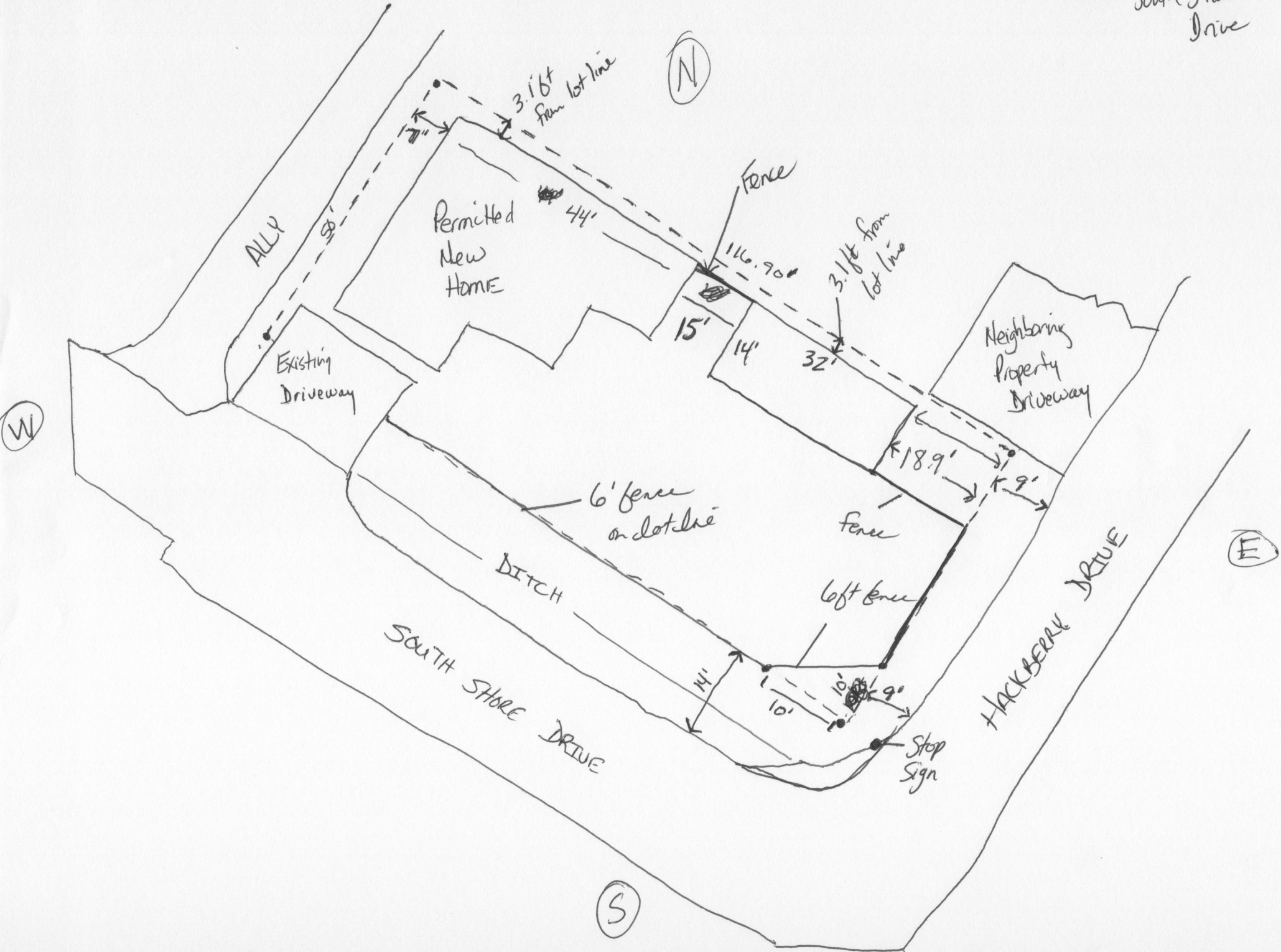
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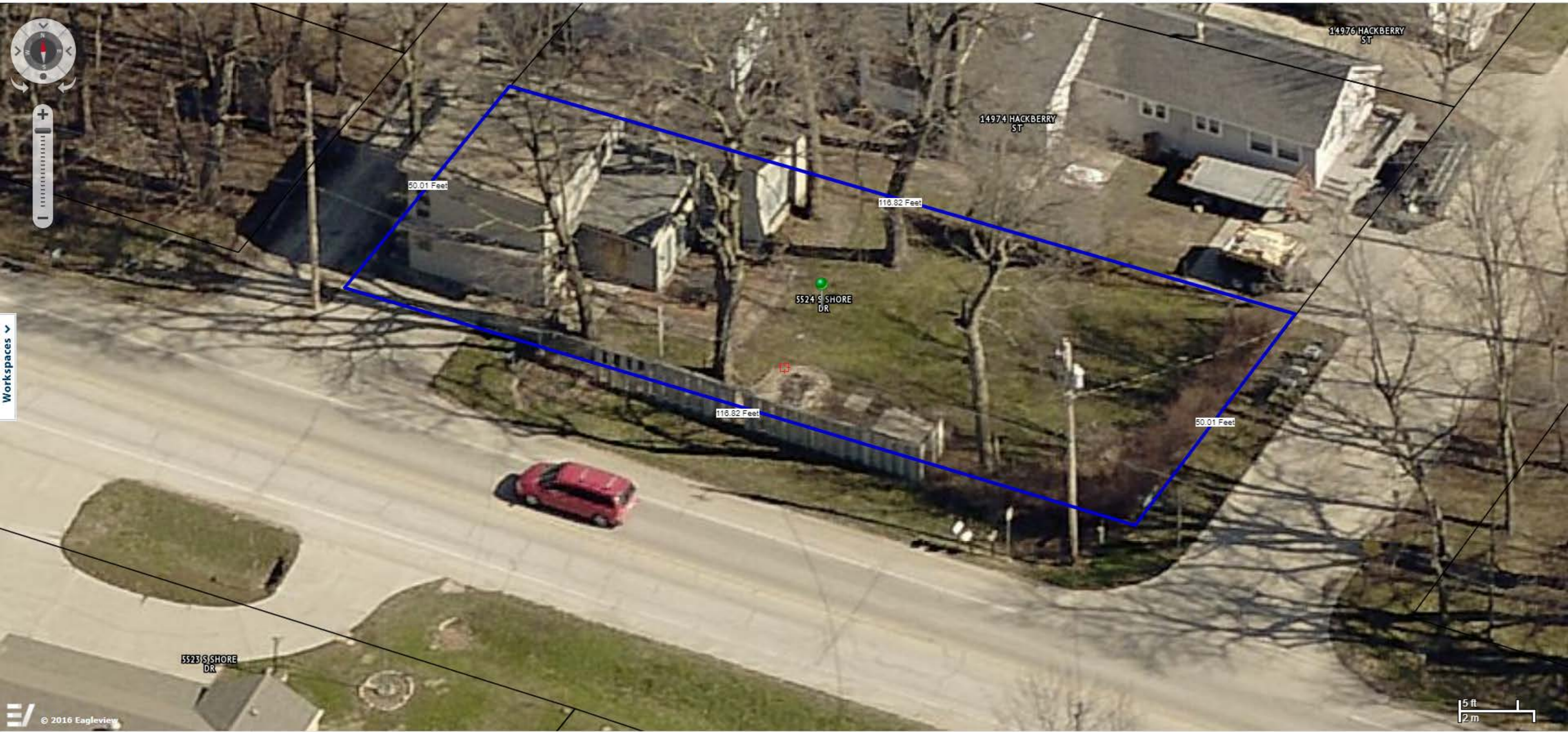
SOUTH SHORE DR.

HACKBERRY ST.



5524 South Shore Drive





Map navigation controls: compass, zoom in (+), zoom out (-), and zoom slider.

Workspaces v