

**APPLICATION/APPEAL FORM**

[For Completion by All Applicants]

Date Sept. 2, 2019

TO: ZONING BOARD OF ADJUSTMENT  
CERRO GORDO COUNTY, IOWA

I (WE), Ken Truka  
(NAME)

OF 21966 Owl Ave Mason City, IA 50401  
(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 Aug 29, 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 21 of Lime Creek Township.

The property affected is zoned A-2 according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is: Lot 2, Freeman Preserve

**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) Ken Truka

Type of Variance Requested Change side yard setback to 10'

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

There is a ravine that separates my property  
from my neighbors (Cadena's)

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

Same as above

**Case No. 20-15  
Ken Truka (21966 Owl Avenue)**

***Figure 1***

Looking at the proposed location for the garden shed



September 6, 2019, J. Robbins

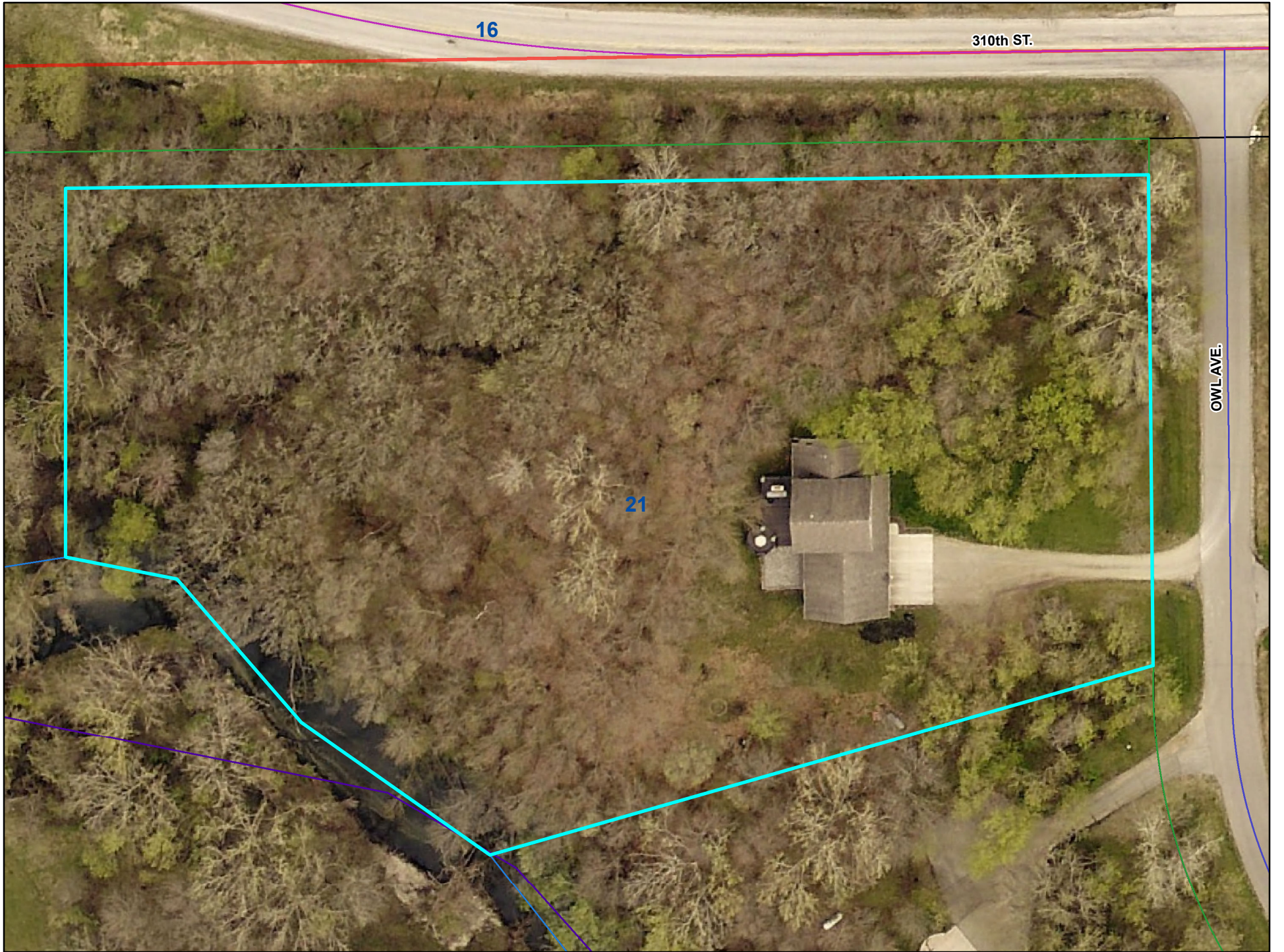
***Figure 2***

Looking westerly along the south side lot line



September 6, 2019, J. Robbins





16

310th ST.

21

OWL AVE.