



PLANNING AND ZONING Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254
Tom Drzycimski, AICP, Administrative Officer
John Robbins, Assistant Administrative Officer
Michelle Rush, Executive Assistant

(641) 421-3075
FAX (641) 421-3088

APPEAL INSTRUCTIONS AND PROCEDURES Zoning Board of Adjustment ~ Cerro Gordo County

Read the attached **Rules of Procedure** for the Cerro Gordo County Board of Adjustment. These rules will be complied with in all applications or appeals before the Board of Adjustment. Please do not ask for a variance in these rules as none will be given.

Ordinance sections referred to in this document may be found at www.co.cerro-gordo.ia.us under the Planning and Zoning Department. Click on Zoning Ordinance.

All forms must be typewritten or written in black ink and returned to the address listed above.

FORMS OF APPEAL (choose one):



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.

Required items for review:

- Fully completed application/appeal form (pp. 3 & 4) with necessary site plans
- Fully completed Variance Criteria Supplemental information (pp. 5 & 6)
- Six (6) copies of the property plat if the original plat filed with the Application for Zoning Certificate was drawn larger than 8½" x 14"
- \$100.00 non-refundable filing fee made payable to *Cerro Gordo County Treasurer*



Special Uses listed in Article 20.2 of the Zoning Ordinance and upon which the Board is required to act under the Ordinance.

Required items for review:

- Fully completed application/appeal form (pp. 3 & 4) with necessary site plans
- If the area to be considered is located within a flood plain, attach copy of Iowa Department of Natural Resources approval
- Written letter:
 - ✓ Describing the special use and how such building or use will affect the character of the neighborhood, traffic conditions, public utility facilities and

other matters pertaining to the public safety, public health and general welfare

- ✓ Addressing the provisions of Section 24.4(A)(2)(a-g) in the Zoning Ordinance, and
- ✓ Addressing the performance standards in the applicable subsection of Article 20.2
- Seven (7) copies of the schematic drawing
- \$175.00 non-refundable filing fee made payable to *Cerro Gordo County Treasurer*

Site plans are required for the following special uses and an additional fee of \$100.00 made payable to *Cerro Gordo County Treasurer* is required for an area of one acre or less, and \$200.00 for an area of more than one acre. Site plans shall comply with the provisions of Section 18.12(D) of the Zoning Ordinance. This fee is for site plan review only.

- Go-Kart Tracks, Racetracks, Drag strips
- Sewage Treatment Plants and Waste Stabilization Lagoons
- Public or Private Utility service
- Anhydrous Ammonia Pumping and Storage Facilities
- Wholesale Storage of Gasoline, Fuels, Oils, Flammable or Toxic Substances
- Commercial Feedlots and Confinement Operations
- Salvage Yards and/or Junk Yards
- Extraction and Primary Material Processing
- Permanent Asphalt Plants
- Mobile Home Park
- Travel Trailer Park

- Appeal an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.**

Required items for review:

- Fully completed application/appeal form (pp. 3 & 4) with necessary site plans
- Written letter describing the reasons or facts you feel the order, requirement, decision or determination was in error.
- \$175.00 non-refundable filing fee made payable to *Cerro Gordo County Treasurer*

The Applicant shall, immediately after filing the appeal paperwork, mark all corners of the lot with lath and colored flags. The Applicant shall also mark with a different colored flag the location of the addition/structure being proposed.

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 10-07-2019

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Paul & Amy Boekelman
(NAME)

OF 765 250th Street Britt, Iowa 50423
(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 Oct. 3, 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 22 of 96 North Township.

The property affected is zoned residential according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is: _____

Quarter-SW Section-22 Township-96 North Range-22 West
Lot 149 subdivision - clear lake Methodist camp

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

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

Bathroom Addition
Width 4'3" Depth 8'1" Height 9" single story

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 Paula Bachman Amy Boetelma

OFFICE USE ONLY

Date Filed 10/8/19 Case Number 20-21
Date Set for Hearing 10/29/19 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) Paul & Amy Boekelman

Type of Variance Requested The Proposed bathroom addition is 17' 10" from rear lot line. A 30' rear yard setback is required in the R-3 District.

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

The Bathroom addition will allow room for washer & dryer water heater and water softener.

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

We do not have a washer & dryer or water softener.

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

The addition will square off the back of our house, leaving an even foot print.

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

No one wanted a washer and dryer in the past

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

The proposed bathroom addition is 17'10" from rear lot line. A 30' rear yard setback is required in the R-3 district.

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

It will be an attractive addition that will flow well with the rest of the house.

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

We will be able to use our own washer & dryer instead of using our neighbors.

I, Paul Boetelman Amy Boetelman certify that

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



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- 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.

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The property affected is zoned residential according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is:

Quarter - SW Section - 22 Township - 96 North Range - 22 West
Lot 149 subdivision - clear lake Methodist Camp

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

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

Replacing storage shed damaged by hail.

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 Paul Beckman Sherry Beckman

OFFICE USE ONLY

Date Filed 10/8/19 Case Number 20-21
Date Set for Hearing 10/29/19 Fee Paid \$100
Application/Appeal was Granted Denied Tabled

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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) Paul & Amy Bockelman

Type of Variance Requested The proposed shed is 12'-6" from rear lot line. Article 6.9 of the zoning ordinance requires that the 30' rear yard setback requirement in the R-3 district be met if a detached accessory structure is less than 10' from the rear building line of the house.

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

The shed will flow well with the original foot print of the property. It will improve the appearance of the backyard.

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

Our cottage does not have a basement or garage for storage.

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

It replaces an existing structure

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

Storm damage

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

The proposed shed is 12'-6" from the rear lot line. Article 6.9 of the zoning ordinance requires that the 30' rear yard setback requirement in the R-3 district be met if a detached accessory structure is less than 10' from the rear building line of the house.

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

The shed will flow well with the original foot print of the property. It will improve the appearance of the backyard.

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

We will be able to keep the outside of our property clutter free & our outdoor items safe from the weather.

Paul Boetelma, Amy Boetelma certify that

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

**Case No. 20-21
Paul and Amy Boekelman (15383 1st Street)**

Figure 1

Looking at the proposed location of the bathroom addition



October 16, 2019, J. Robbins

Figure 2

Looking at the shed to be replaced



October 16, 2019, J. Robbins

Figure 3

Looking at the separation distance between the house and shed



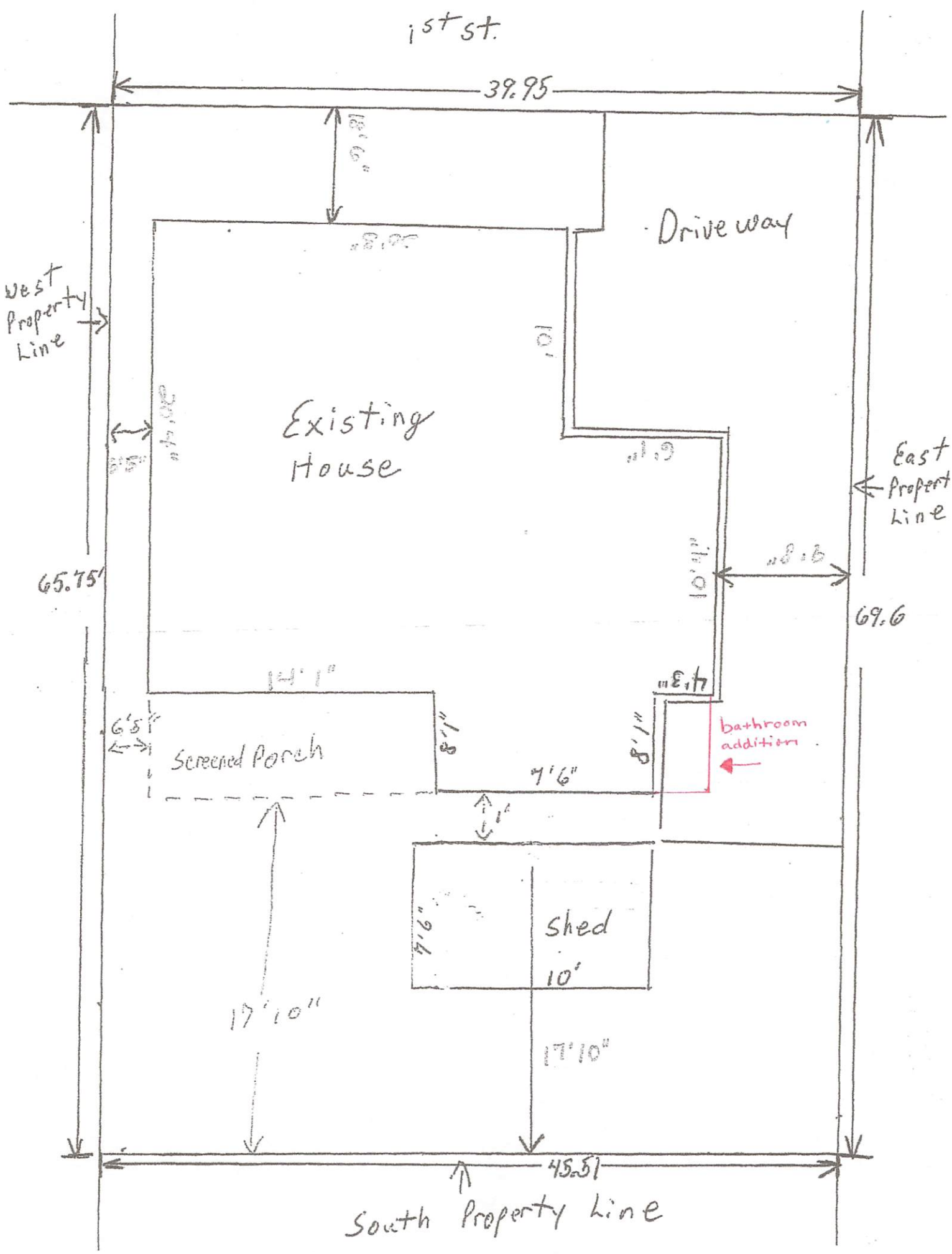
October 16, 2019, J. Robbins

Figure 4

Looking northwest along the rear long line



October 16, 2019, J. Robbins



1st st.

39.95

18'6"

Driveway

West Property Line

Existing House

East Property Line

65.75'

69.6

14'1"

Screened Porch

bathroom addition

Shed

17'10"

17'10"

45.51

South Property Line

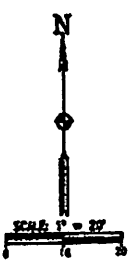
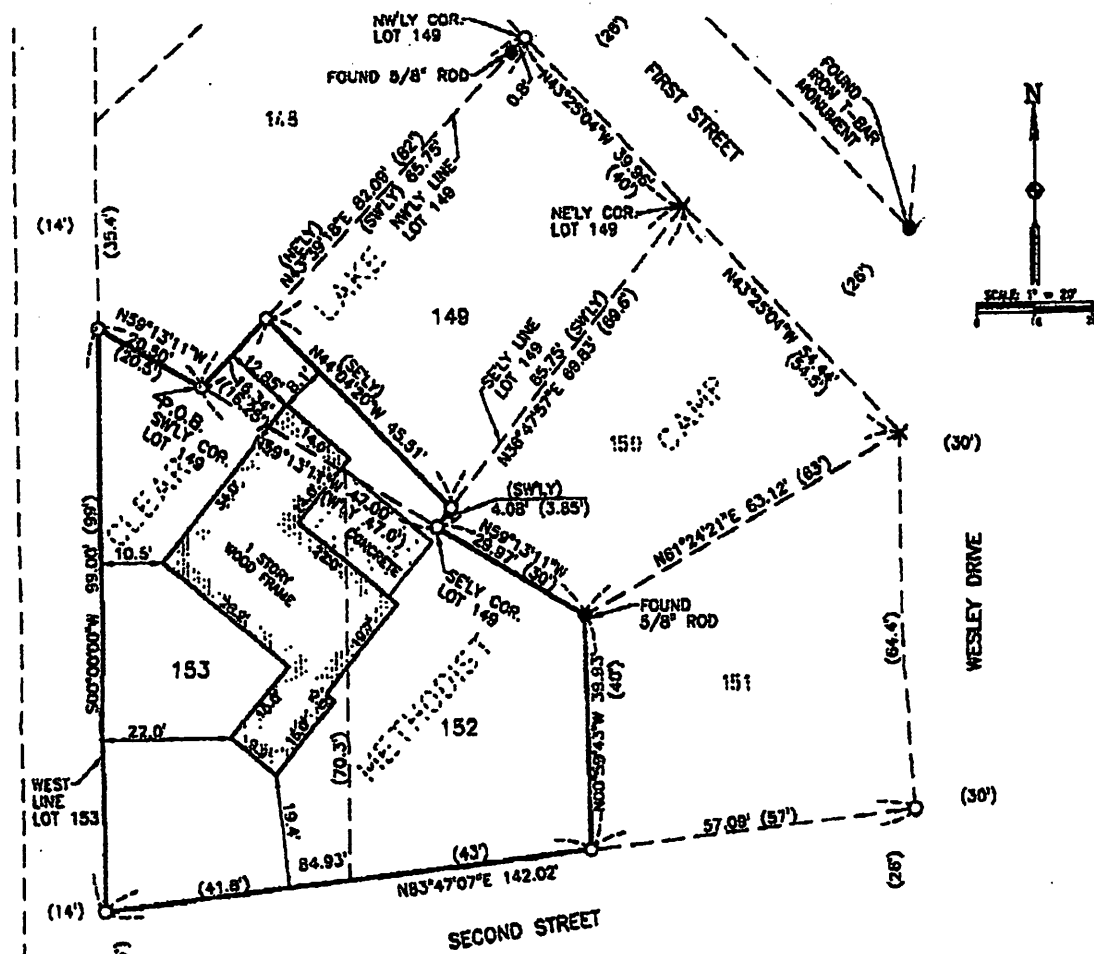
RECORDED

01 DEC 14 AM 10:00

AUD
COLLEEN PEARCE
CERRO GORDO CO.
MASON CITY, IOWA

PREPARED BY: BRIAN J. DIEHL, LS 13844 WHKS & CO. 1412 6th ST. S.W. MASON CITY, IOWA 50401 -- (641) 423-8271

PLAT OF SURVEY



- LEGEND**
- SET IRON T-BAR MON. NO. 13844
 - FOUND IRON MONUMENTS AS NOTED
 - CUT "X" RECORD

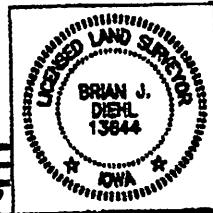
- NOTES**
- 1) THIS SURVEY IS LOCATED IN THE SW1/4 OF SECTION 22-T88N-R22W OF THE 5TH P.M., CERRO GORDO COUNTY, IOWA.
 - 2) THE WEST LINE OF LOT 153 WAS ASSUMED TO BEAR S00°00'00\"/>

DESCRIPTION OF RECORD OS-22-333-005 OS-22-333-006

Lots One Hundred Fifty-two (152) and One Hundred Fifty-three (153) and a portion of Lot One Hundred Forty-nine (149) described as beginning at the Southwesterly corner of said Lot 149 thence Northwesterly 18.25 feet along the Northwesterly line of said Lot 149, thence Southeastery to a point on the Southeastery line of said Lot 149 which point is distant 65.75 feet Southwesterly from the Northeastery corner of said Lot 149, thence Southwesterly 3.85 feet to the Southeastery corner of said Lot 149, thence Westerly 47.0 feet to the point of beginning, all in Clear Lake Methodist Camp, Cerro Gordo County, Iowa.

SURVEY REQUESTED BY:
JEREMY KINDRED
 18330 2ND STREET (METHODIST CAMP)
 CLEAR LAKE, IA 50428
 OWNER:
JEREMY KINDRED

WHKS & CO.



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Brian J. Diehl
 License number 13844.
 My license renewal date is December 31, 2007
 Sheets covered by this work: 1

1412 - 6th STREET S.W. P.O. BOX 1467 MASON CITY, IOWA 50402-1467
 641-423-8271

JOB NO. 807501

