

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 9-5-2019

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Ted + Terri Hammes
(NAME)

OF 2172 246th St, Ventura Heights, Ia
(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 1, 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 20 of Clear Lake Township.

The property affected is zoned R3 according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is: _____

Lot 16 - Block 4 - Ventura Heights

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) Ted & Terri Hammes

Type of Variance Requested Set back

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

Answers to 1-7 on separate typed sheets

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

Applicants: Ted & Terri Hammes

Type of Variance Requested: Setback

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

The width of the lot is only 30 ft. wide so the cabin has limited expansion potential. Because of this, we tried to make use of what we had to improve the safety, looks & accessibility without negatively infringing on our neighbors.

2. What is unique about this property? Explain how the variance will fit in with the character of the area (i.e., size, height, scale, etc.):

When a lot of the cabins in Ventura Heights were built and because of the small lot sizes they had to work with, it is our understanding there were few guidelines, consequently, lot line setbacks were not paid attention to. A lot of the cabins are already out of compliance as was ours before we did anything. For example, our neighbors to the west and east are currently considerably closer to our cabin than the required 6 ft. setback.

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

- a) The deck setback on the west side has not been changed. The new set of stairs was constructed on 3 ft. of the old deck.
- b) Of the 7 cabins/houses on that stretch of the lake, ours is the smallest one. Every one of these 7 has a deck, most larger than ours so the size, height & scale fit in nicely with the others in the area.
- c) Nobody's view of the lake has been altered and no safety hazards have been created but fire safety accessibility to the back of the lake has been greatly enhanced with the walkway addition.

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

Because of the aforementioned small lot size, we were trying to make the most efficient use of what we had without negatively infringing on the views of our neighbors.

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

The roof extension and walkway to the east was constructed to make it easier to enter the cabin. I received a permit to raise the cabin approximately 2 ft. due to the 6 ft. basement height. When we did this, it raised the main entrance to the south so it is hard for my mother, other elderly people and handicapped individuals to enter. The canopy and walkway solves this issue and will be more convenient of an entry for our later retirement years. As previously noted, the west side setback has not changed from the width of where the old deck was.

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

The deck and walkway, along with the other planned exterior siding improvements will fit nicely for the purpose of improving the safety, appearance and ultimately the property value of the rest of the lake properties in Ventura Heights.

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

a) It does not impair any of our neighbor's views of the lake.

b) As a former volunteer firefighter of 20 years, I know it does not create a fire hazard and in fact, increase the accessibility of the back side of the lake properties because firefighters will be able to get to the fire quicker, easier & safer using the walkway rather than the previous old, steep, unsafe stairways.

c) There were 2 sets of steep, iron stairs. A previous visitor had stepped through a crack in one of them and severely injured his leg. We eliminated both sets of these unsafe stairs and installed 1 set which will have proper rails for improved all around safety.

I, Teed Hammes & Judy Hammes certify that
all of the above statements are true to the best of our knowledge and belief.

**Case No. 20-16
Ted and Terri Hammes (2172 246th Street)**

Figure 1

Looking at the canopy roof that was constructed without a permit



September 6, 2019, J. Robbins

Figure 2

Looking at the deck that was constructed without a permit



September 6, 2019, J. Robbins

Figure 3

Looking south along the west side lot line



September 6, 2019, J. Robbins

Figure 4
Looking south along the east side lot line



September 6, 2019, J. Robbins

Figure 5

Looking at the view to the lake from the adjacent property to the west



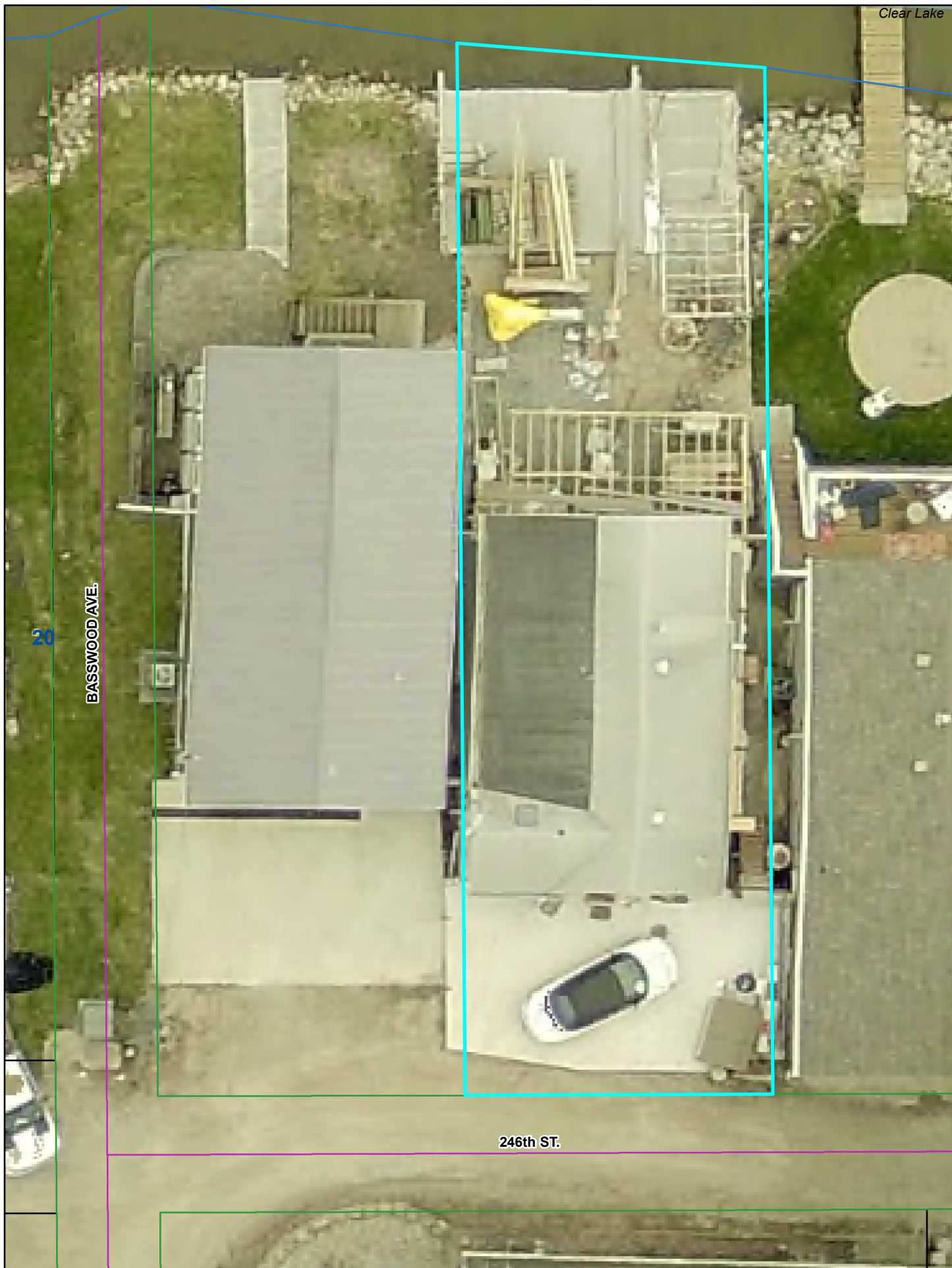
September 6, 2019, J. Robbins

Figure 6

Looking at the view to the lake from the adjacent property to the east



September 6, 2019, J. Robbins



BASSWOOD AVE.

20

246th ST.

