

received
6-25-18

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 06/21/2018

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Thomas Murphy & Diane Murphy
(NAME)

OF 1471 NW 122ND, Clive 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 06/18/2018 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 RANGE 22 Township.

The property affected is zoned 3 Family according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is: Lot 5, Lot 6, PM Park

I am the Owner Contract Purchaser Other (Explain) SECTION 22
Township 96 North Range 22, Lot 5, LOT 6 of the property affected.
PM PARK

Describe what you are proposing to do on the property affected.
Replace portable storage shed damaged by storm
on Monday May 28th, 2018 for storage of lawn
care tools, grill and lawn chairs.

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 Jan Murphy

OFFICE USE ONLY

Date Filed 6-25-18 Case Number 19-01

Date Set for Hearing 7-31-18 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) Thomas Murphy, Diane Murphy

Type of Variance Requested Article 24, SECTION E of Zone Ordinance

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

The lot dates back to time lots were smaller and does not have space for modern uses. The hardship cause us not to have place to store lawn equipment. We were granted this variance in 2008, Storm damage repair

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

Storm damage caused by high winds on Memorial day this year took out shed. Lot size and location to neighbour lot = smaller lot size

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

This is a replacement portable storage shed. Shed that existed before was larger and received a variance in 2008.

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

The storm damage.

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

Size of lot does not allow for space the zoning requires. The lot is too small - the shed's location is 24'-10" from rear of lot. The shed is less than 10' from house Section 6.9(A)

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

Replacement in same location of storage before storm that received a variance in 2008.

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

Its location was approved by board 2018. The storage shed has been on the same place since we bought property in 1992

I, Jim Murphy

certify that

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

**Case No. 19-01
Thomas and Dianne Murphy (4815 Roseman Drive)**

Figure 1

Looking at the proposed location to replace the previous shed



July 13, 2018, J. Robbins

Figure 2

Looking west along the rear lot line



July 13, 2018, J. Robbins

Figure 3

Looking west along the rear building line of the house



July 13, 2018, J. Robbins



ROSEMAN DR.

22

SOUTH SHORE DR.



38

38

24' 31"