



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
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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

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date Januar30, 2018

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Victor T. and Tricia B. Garry
(NAME)

OF 1109 Country Club Road North, Algona, IA 50511
(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 _____ 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 R3 according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is: Lots 94 & Easterly 18' of 93
in Clear Lake Methodist Camp, Cerro Gordo County, Iowa

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

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

Raise the existing 30 x 28' structure and build a pressure treated wood foundation for a new full 30' x 28' basement. The existing structure will be placed back on new foundation & will be approximately three feet higher than the existing structure. The front overhang will be replaced with a new 6' x 6' overhang. A 16' x 20' deck is being requested to add to the structure on west side. The grade of the property will not be adjusted to
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.

alter the water flow on adjacent properties.

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 Vivian T. Garry

OFFICE USE ONLY

Date Filed 2-1-18 Case Number 18-31

Date Set for Hearing 2-22-18 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) Victor T. & Tricia B. Garry

Type of Variance Requested Front, Back, & Side Set Back

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

The current wood foundation has significant rot and the property is settling. Adding a basement allows for a proper, secure foundation and additional living space and storage.

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

It is very similar to many properties in the Bell Harbor area.

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

Many properties in Bell Harbor are consistent with the setback of this property. There have been multiple recent approved applications similar to this one to better the property and the Bell Harbor area

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

This is a new Request.

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

Zoning requires a 30' Rear yard setback - this structure is approximately 14' 8" from yard. We are wanting to add a deck which is also 14' 8" from the back setback. Also, we are wanting to add a front overhang to enhance property value which is approximately 2' over the front setback.

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

The enforcement of the Rear setback would result in unnecessary hardship. The adding of a deck and overhang should not have negative impact on the neighbors. Bell Harbor Building Association has granted our project requests.

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

The majority of this variance change is in foundation repair and improvements to the structure in the current setbacks of the property.

J. T. G.

certify that

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



January 26 2018

Victor Garry

1109 N Country Club Road

Algona, Iowa 50511

RE: Project Request for 4629 Asbury Drive Bell Harbor Homeowners Association

Mr. Garry,

The Property Committee and Board have approved your project request for adding a basement and a deck to the above property in Bell Harbor. This approval is subject to all proper permits and approval from Cerro Gordo County. If your plans change, a new project request must be submitted before any work is to be completed.

Thank You,

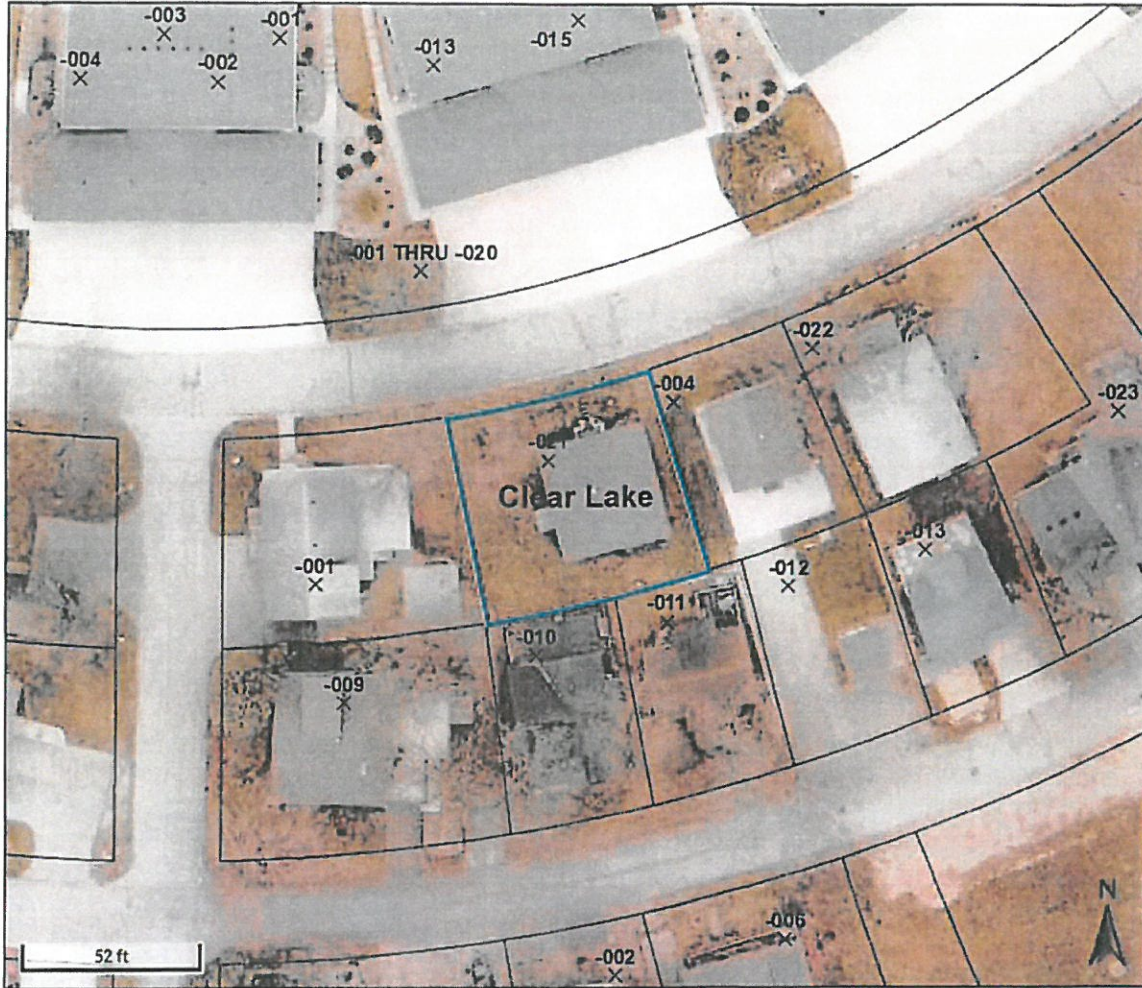
A handwritten signature in black ink, appearing to read 'Jon Wiese', is written over the 'Thank You,' text.

Jon Wiese

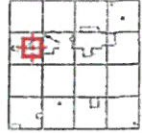
Manager

Bell Harbor Homeowners Association





Overview




Legend

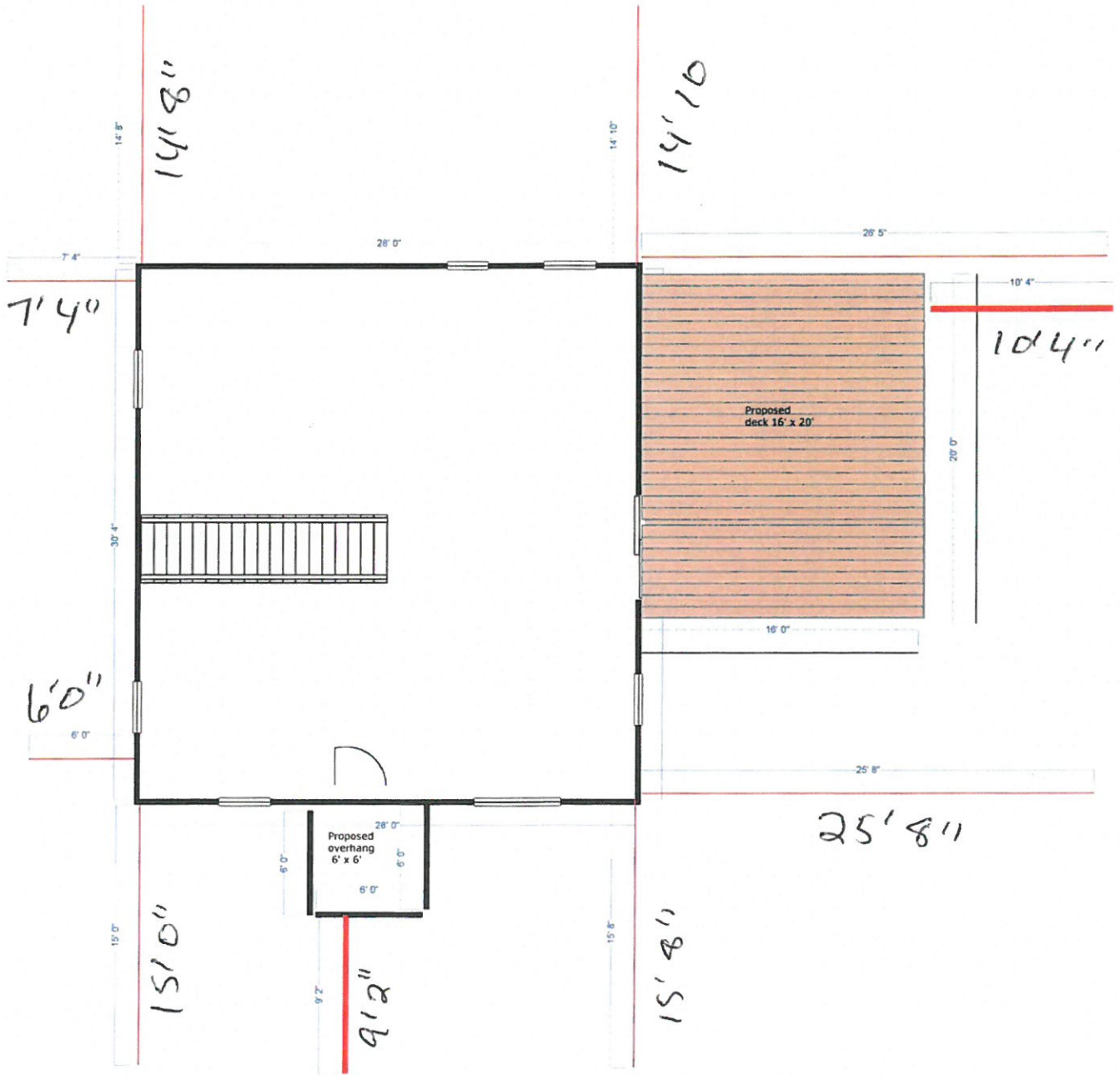
- × Parcel Point
- Parcels
- Corporate Limits
- Political Township

Parcel ID	052241302100	Alternate ID	n/a	Owner Address	GARRY, VICTOR T
Sec/Twp/Rng	5895	Class	R		GARRY, TRICIA B
Property Address	4629 ASBURY DR	Acreage	n/a		1109 N COUNTRY CLUB RD
	CLEAR LAKE				ALGONA IA 50511
District	12037				
Brief Tax Description	ELY 18' L 93 & ALL L 94 METHODIST CAMP				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 1/11/2018
 Last Data Uploaded: 1/11/2018 7:17:19 PM

 Developed by
 The Schneider Corporation

Distance to Property Lines
4629 Asbury Drive, Clear Lake, Iowa



Asbury Drive

North
↓



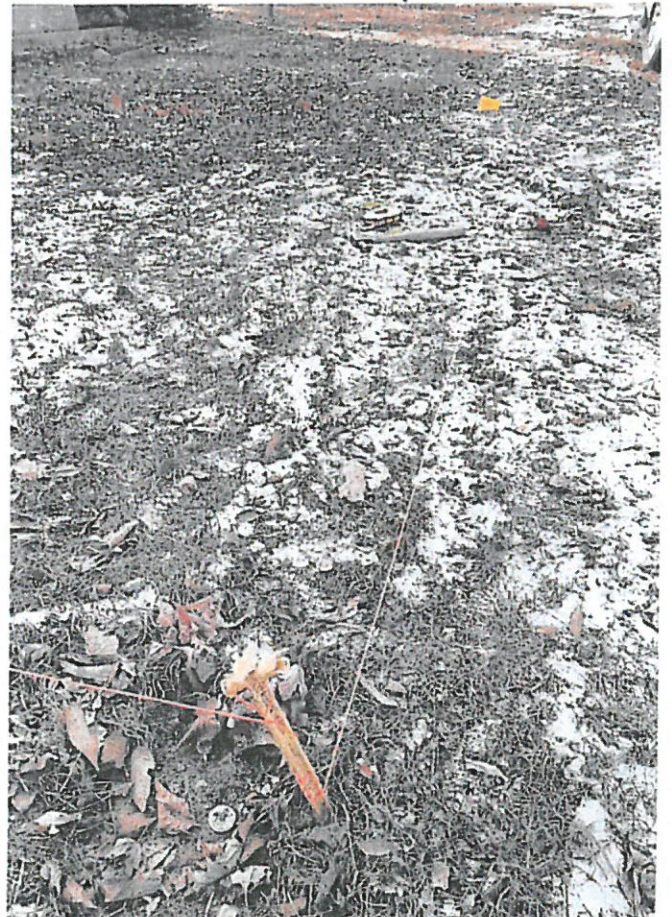
SW Pin looking East



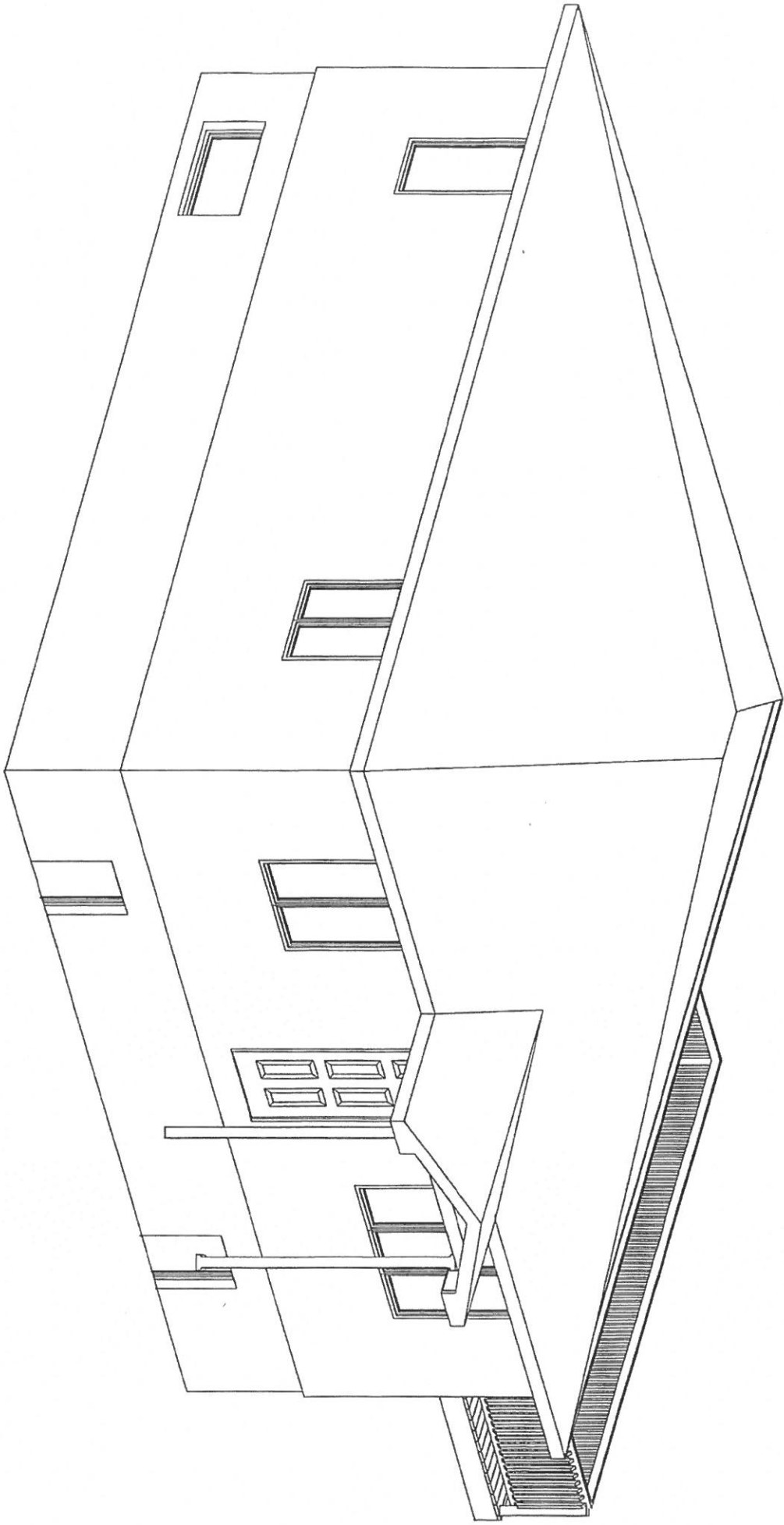
NW Pin looking East

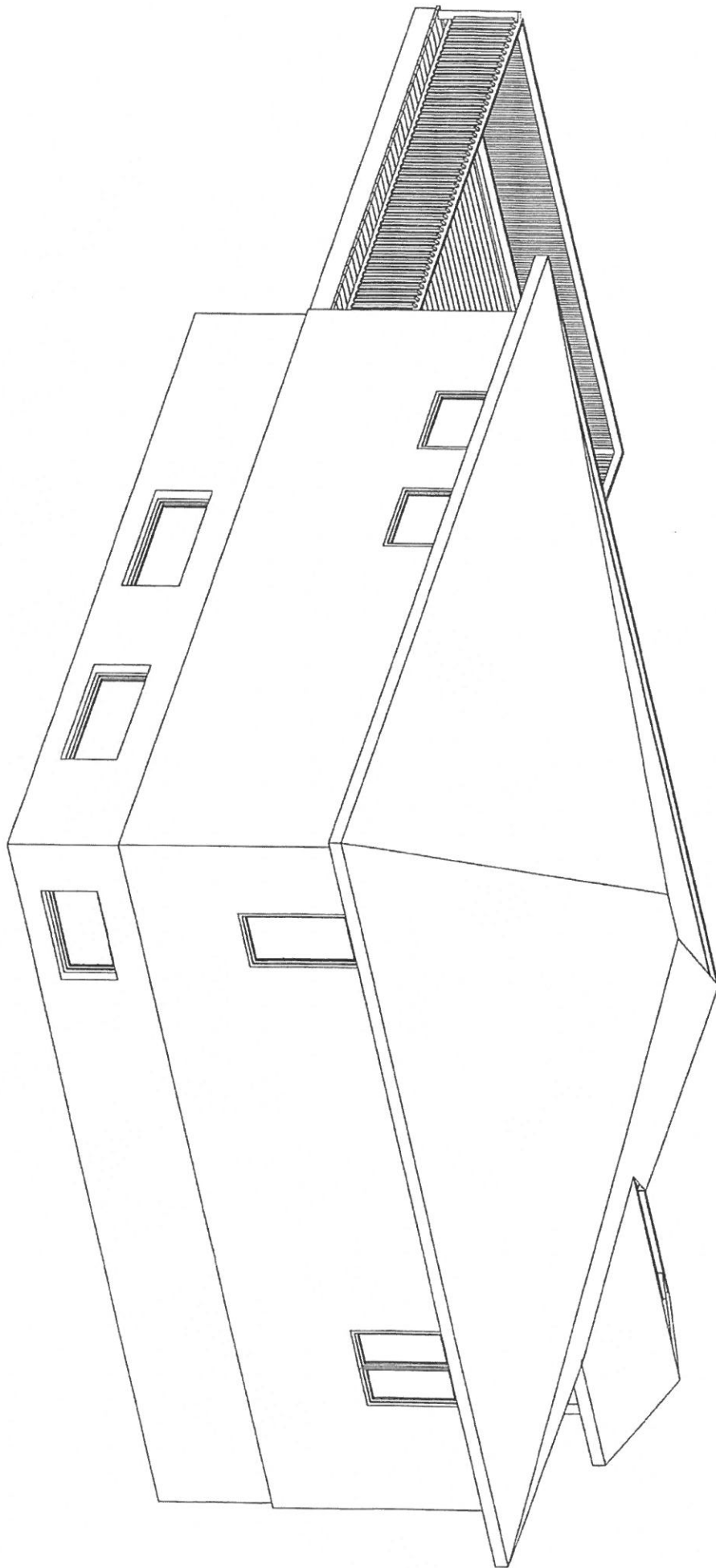


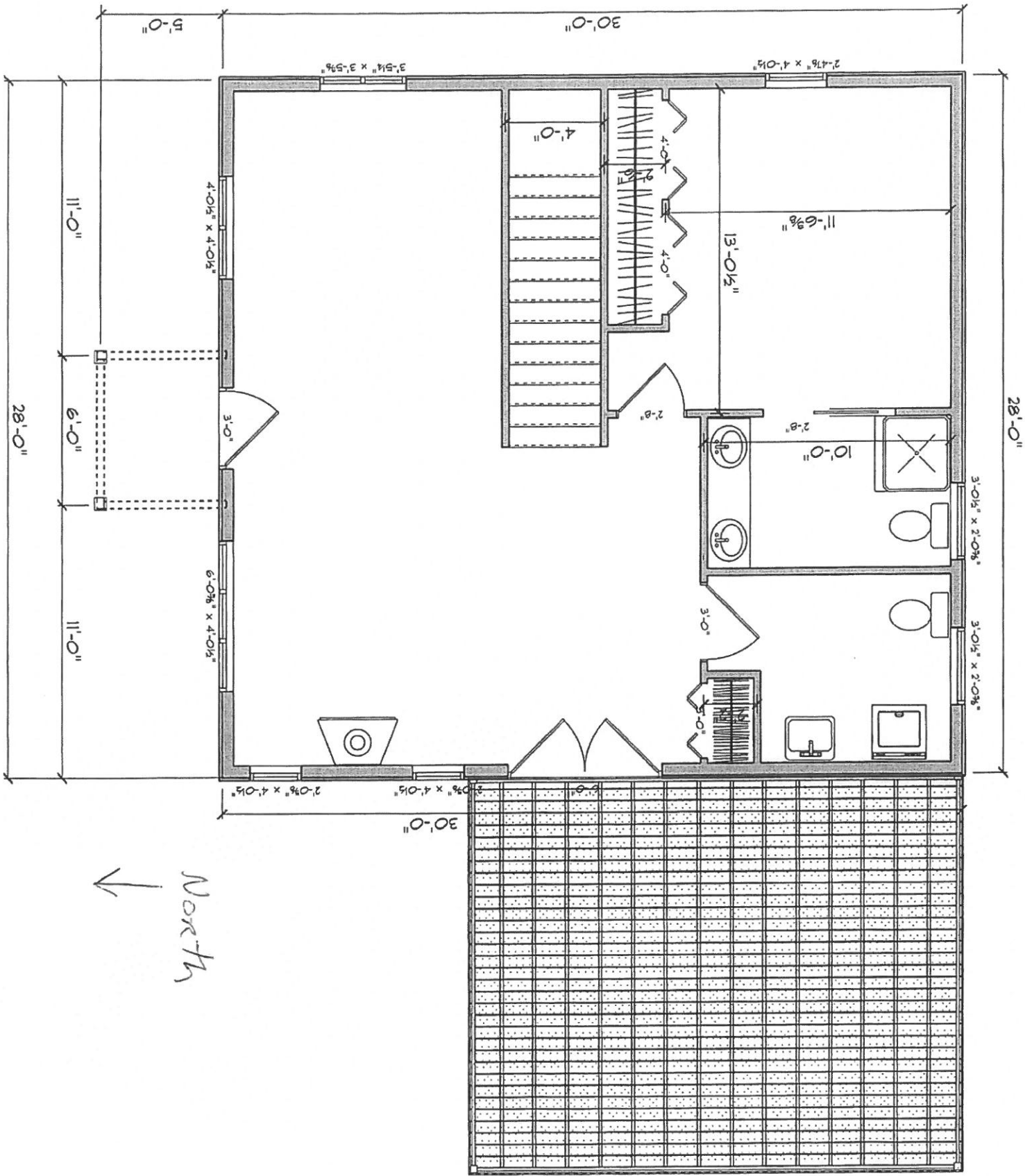
NE Pin looking South



NW Pin looking South







North
↑

**Case No. 18-31
Victor Garry (4629 Asbury Drive)**

Figure 1

Looking at the existing house



February 7, 2018, J. Robbins

Figure 2

Looking at the proposed location of the deck (the red lines give a rough visualization of the deck)



February 7, 2018, J. Robbins

Figure 3

Looking at an exposed portion of the wooden foundation underneath the front door



February 7, 2018, J. Robbins

Figure 4

Looking westerly along the rear lot line with the east corner of the house on the right side of the photo



February 7, 2018, J. Robbins

Figure 5

Looking easterly along the rear lot line with the west corner of the house on the left side of the photo



February 7, 2018, J. Robbins

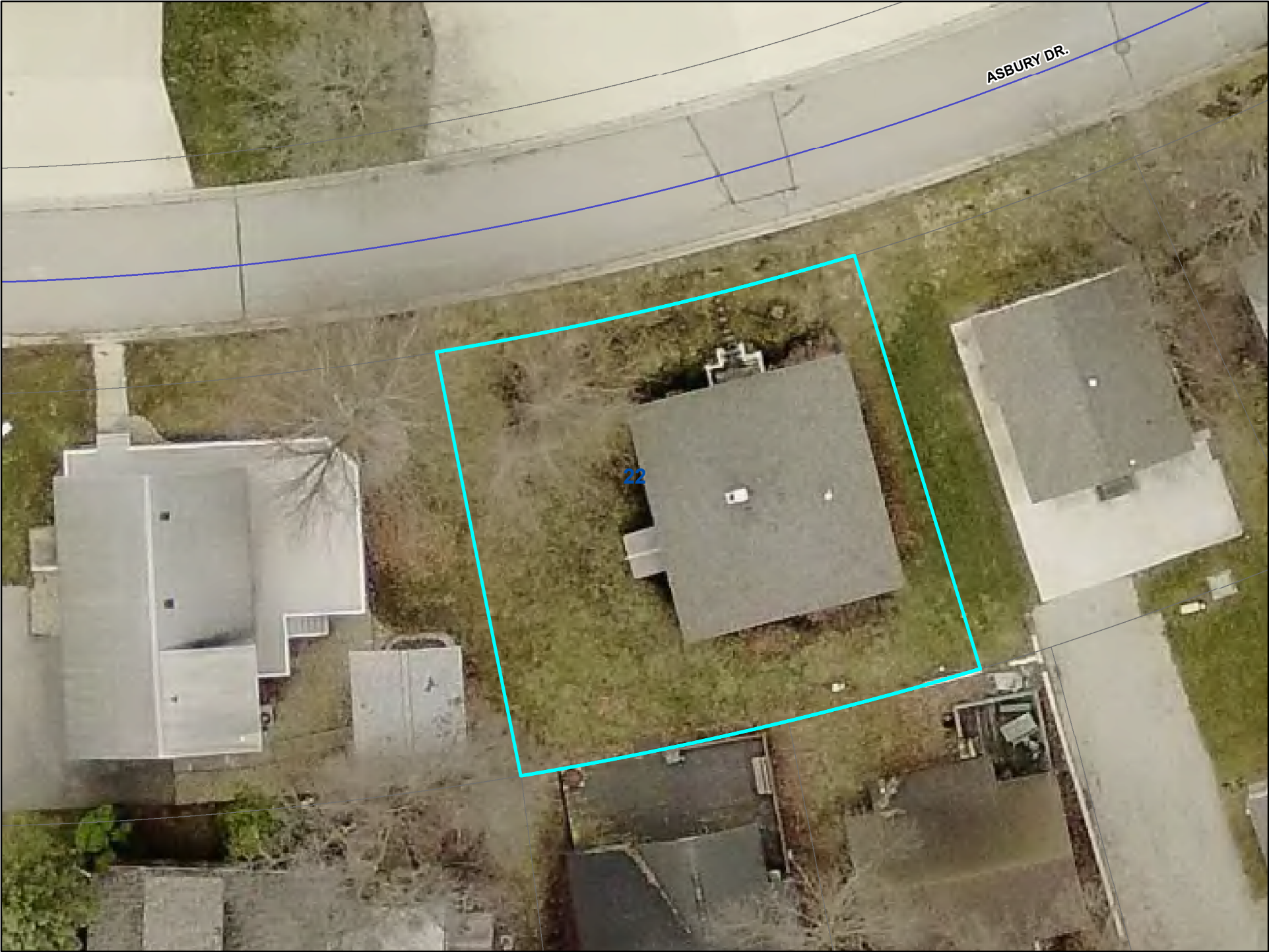
Figure 6

Looking westerly along the front line



February 7, 2018, J. Robbins





ASBURY DR.

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