

APPLICATION/APPEAL FORM
[For Completion by All Applicants]

Date June 26, 2020

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Greg and Cynthia Hoover
(NAME)

OF 7067 Lynwood Court, Johnston, IA 50131
(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 June 24, 2020 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 _____ of CLAKE Township.

The property affected is zoned residential according to the Cerro Gordo County Zoning District Maps. Legal description of the property is: 5078 Southshore Drive

Lots 4-5, Block 7, Crane and Hills 1st Addition to
Oakwood Park

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

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

Construct a 4 foot fence according to the included diagram.
We have young grandchildren and pets. The traffic
on Southshore Drive is very busy and a majority do not adhere to
the 35mph speed limit! This is needed to keep the little ones safe!

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 Cynthia S. Hoover Greg Hoover

OFFICE USE ONLY

Date Filed 7/7/20 Case Number 21-4
Date Set for Hearing 7/28/20 Fee Paid \$200
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) Greg and Cynthia Hoover
Type of Variance Requested Construct a fence in front yard.

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

We cannot utilize the front yard without constantly worrying about the children being so close to heavy, often speeding traffic!

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

Property's main yard space is on the front side of the home, which is right next to Southshore Drive. The traffic is very heavy, and unfortunately many do not adhere to the 35mph speed limit.

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

The fence will fit aesthetically with our property, and will not look out of place with the rest of the area. Our neighbor to the East also has a chain link fence, and has given us written permission to attach to their structure if needed.

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

It is our desire to put the fence in place due to our family needs. It has nothing to do with any previous owners.

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

The proposed fence is within the "required front yard". This is a "through lot", so there are unique circumstances in order to fully utilize it.

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

The fence will be well kept, and will be installed according to the parameters allowed by the plan (for our lot) keeping in mind the current guidelines in place are quite dated, and we believe should/should be reviewed and updated.

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

The structure will be only on our property, and it will enhance the safety, rather than impair, anyone who is on our property, as well as the surrounding properties.

Christina J. Powell Greg Weaver certify that
all of the above statements are true to the best of my knowledge and belief.



RIVER CITY FENCE COMPANY
153 Fifteenth Street SW
MASON CITY, IOWA 50401
641-423-6980
rivercityfence.com
rivercityfence@jumpgate.net

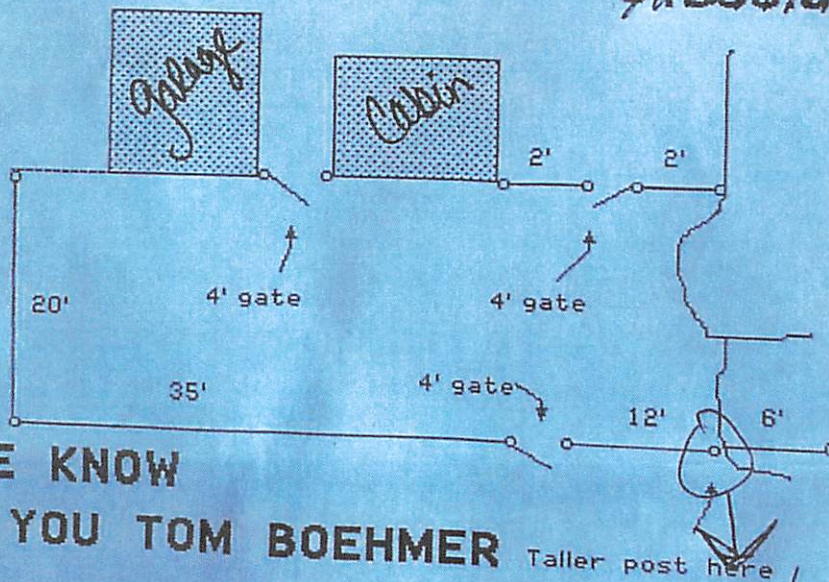
JOB SKETCH

Cindy and Greg Hoover
5078 South Shore Drive
Clear Lake, IOWA 50428
1-515-473-4294

85' - 48" 8 GA. FINISH BLACK EXTRUDED (2" Mesh) KK SPECTRA CHAIN LINK FABRIC F

4' TALL BLACK VINYL COATED CHAIN LINK FENCE WITH THREE GATES -- \$2491.95

~~4' TALL BRONZE MONTAGE MAJESTIC ORNAMENTAL FENCE WITH THREE GATES -- \$4856.59~~



LET ME KNOW
THANK YOU TOM BOEHMER

22 1/2 ft from bush line drive.
Post will be placed at the edge of existing landscape retaining wall.

Case No. 21-4
Greg & Cindy Hoover (5078 Southshore Drive)
Figure 1
Looking at the front yard from Southshore Drive



July 10, 2020, J. Robbins

Figure 2
Looking northwesterly from the front lot line toward Southshore Drive



July 10, 2020, J. Robbins

Figure 3

Looking northeasterly from the front lot line toward Southshore Drive



July 10, 2020, J. Robbins

Figure 4

Looking east along the front lot line

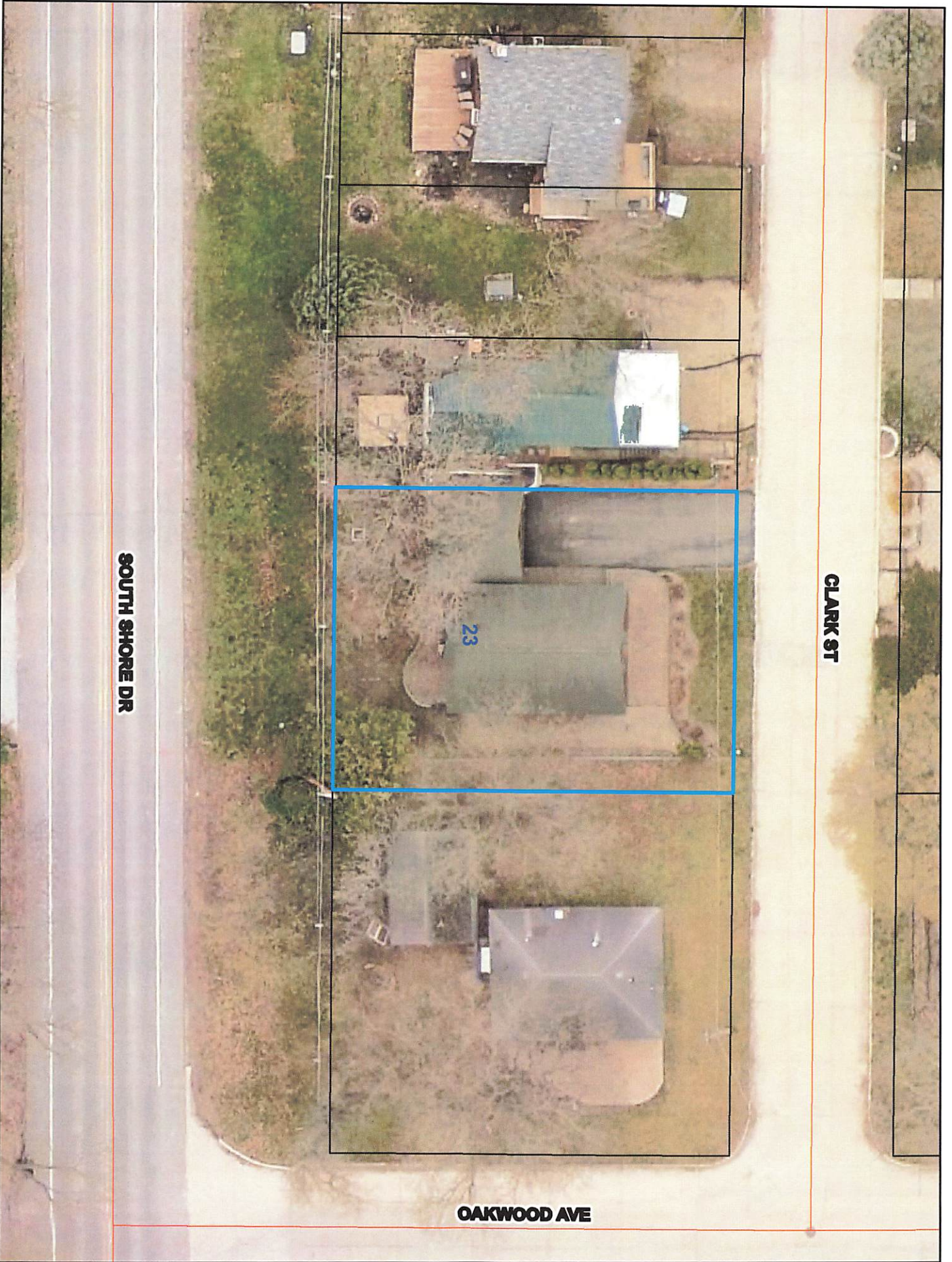


July 10, 2020, J. Robbins

Figure 5
Looking west along the front lot line



July 10, 2020, J. Robbins



SOUTH SHORE DR

CLARK ST

OAKWOOD AVE

23