

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date November 30, 2018

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Gregory A. and Lea Ann Sawl
(NAME)

OF 1825 W. Greenhill Rd Cedar Falls IA 50613
(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 November 27, 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 21 of T96N Township.

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

District Maps. Legal description of the property is: Lot 7 and Part of lot 8 in Young's Subdivision of the W 1/2 of lot 1 in Section 21, T96N, R22W of 5th P.M. 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.

Install a pergola atop the outdoor kitchen area that anchors on the stone corners over top to the house side and garage side. It was already installed without a permit by mistake and we would like to return it. We totally were ignorant of the permit requirement which is no excuse.

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.

We would prefer not to tear it all out.

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 *[Signature]*

OFFICE USE ONLY

Date Filed 12-21-18 Case Number 19-18
Date Set for Hearing 1-22-19 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) Gregory A & Lea Ann Sawl
Type of Variance Requested Side back set back variance

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

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

None

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

The pergola is just a top covering for a deck that was already there. It is a great use of space and shades the front from the hot summer sun which saves energy

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

N/A

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

There is no other place to put the posts for the cross beams the stone pillars are already set.

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

The structure is not an enclosed roof so it is not part of the dwelling. It is decorative in nature ~~and~~ ~~not~~

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 is ~~not~~ in the same footprint as the deck that was already in place. This pergola will not change the spirit of the neighborhood or infringe on any neighboring

Leatan Saul & Gregory H. Saul certify that

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

property rights, use, or enjoyment of their land.

Case No. 19-18
Gregory and LeeAnn Saul (3676 240th Street)

Figure 1
Looking at the pergola



January 8, 2019

Figure 2
Looking north along the west side lot line



January 8, 2019

Figure 3

Looking at the separation between the pergola and the neighboring house to the west



January 8, 2019

Clear Lake

29

240th ST.

28



