

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 3-28-18

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Lisa V. Mortens
(NAME)

OF 3303 SW Timberline Drive, Ankeny, IA 50023
(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 3-21-18 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 96 N Township.

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

District Maps. Legal description of the property is: Lot Two (2) in S.J. Clausen's subdivision of the East one-third (1/3) of Lot one (1) in section twenty-one (21) in Township ninety-six (96) North. Range Twenty-Two (22) west of the Fifth P.M. and Lot "A" in Tanglefoot. A subdivision in 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.
We are proposing to tear down our current cabin and replace it with a one story, walkout basement home, with a deck. We are requesting a variance to the setback requirement on the east side. We fall into the category of a corner lot, but our home will be set far back from the intersection of Dogwood and 240th since our lot is 197 feet deep on that side. 14992 Dogwood is comprised of "two lots". The lakeside half of the property is lot 2. The street side half of the property is Lot A. The street side lot A is 6 feet wider on the east where the property line juts out. We would be 13 feet from the east lot line on the back half of the property.

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 Lisa V. Mortens

OFFICE USE ONLY

Date Filed 3/29/18 Case Number 18-36
Date Set for Hearing 4-24-18 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.

Lisa V. Mortens

Applicant(s) _____

Type of Variance Requested Variance to a zoning district requirement

1. The land in question cannot yield a reasonable use for the following reasons:
This is a corner lot, but it is a very deep lot (197 ft deep on the side where the variance is required). The new house (which will be 7 feet from the lot line, as normally required) will not come close to the corner of the intersection of Dogwood and 240th. The new house plans ~~align the new structure in a similar position on the East side of the lot as the current house.~~
The expanded area to the south will be 13 feet from the east property line due to an increase in size of the back half of the lot.

2. What is unique about this property compared to other properties in the vicinity?
This lot is 93 feet deeper than the lot to the east, but similar in size with the lot to the west

3. Explain how the variance will fit in with the character of the area (i.e., size, height, scale, etc.):
The new house will improve the character of the area. We are tearing down a small cabin and replacing it with a new custom home, that will have a first floor and a walk out lower level. The materials will be a significant upgrade to our current construction. We will maintain a similar position of 7 feet from the lot line on both sides. The current garage is 7 feet from the west property line, and the current house is 7 feet from the east property line. The new house will be 7 feet from the east and west property line, but due to a 6 foot increase in lot width on the east side when transitioning from lot 2 (lake front half of property) and lot A (street side half of property) the new structure on lot A will be 13 feet from the east property line. The new construction will extend approx. 20 feet further to the south, but that new area will be 13 feet from east property line.

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

14992 Dogwood is comprised of "two lots". The lakeside half of the property is lot 2. The street side half of the property is Lot A. The street side lot A is 6 feet wider on the east where the property line juts out. The home is only now being proposed to be built where it partially extends onto the back half of the lot.

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

The required setback for a corner lot is 12.5 feet. The part of the house & deck located in Lot 2 (lakeside and not on a corner) will be 7 feet from the east lot line and the part of the house located in Lot A will be 13 feet from the east lot line.

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

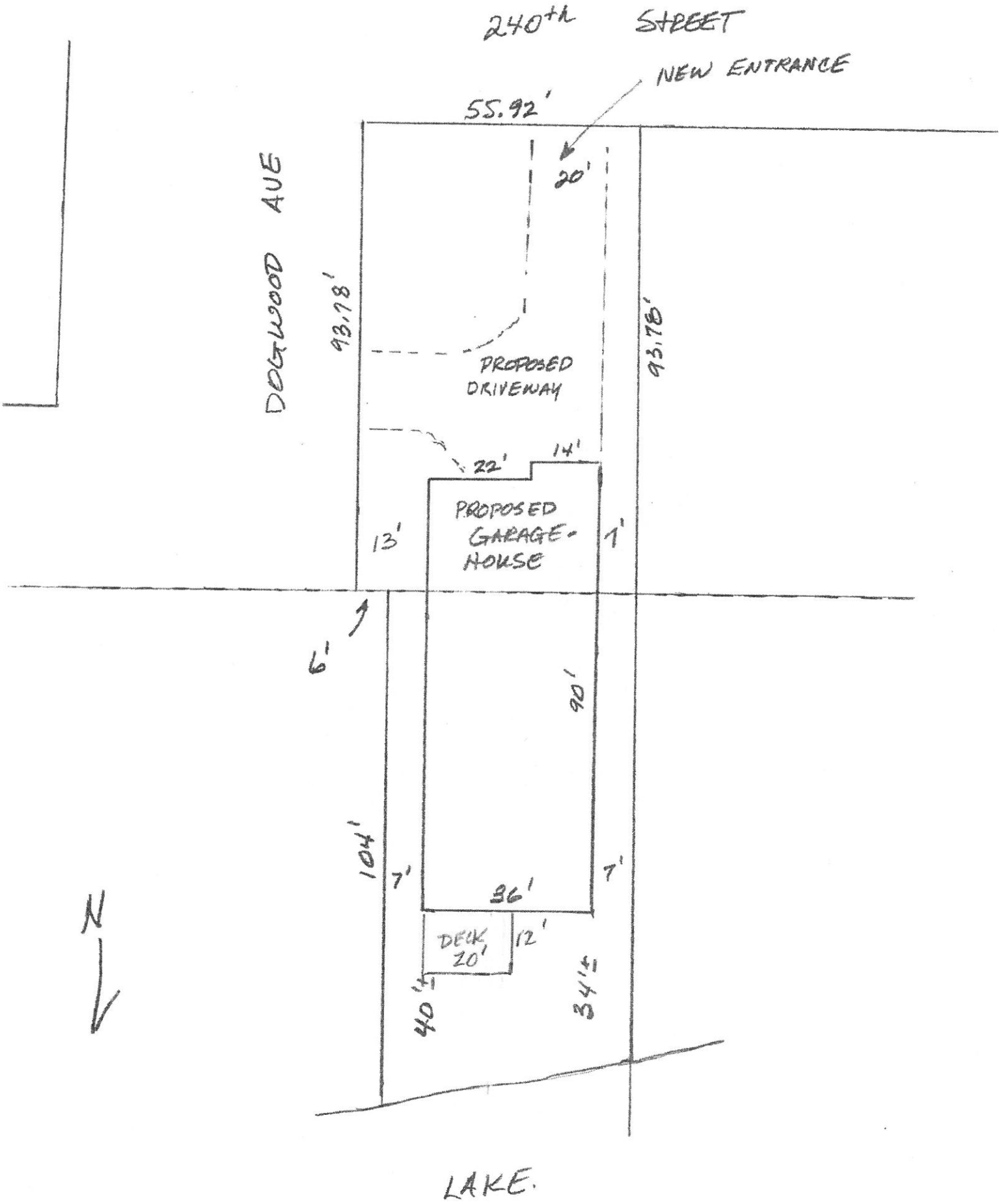
The location of the house is so far back from the street corner that it will have no impact on the intersection.

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

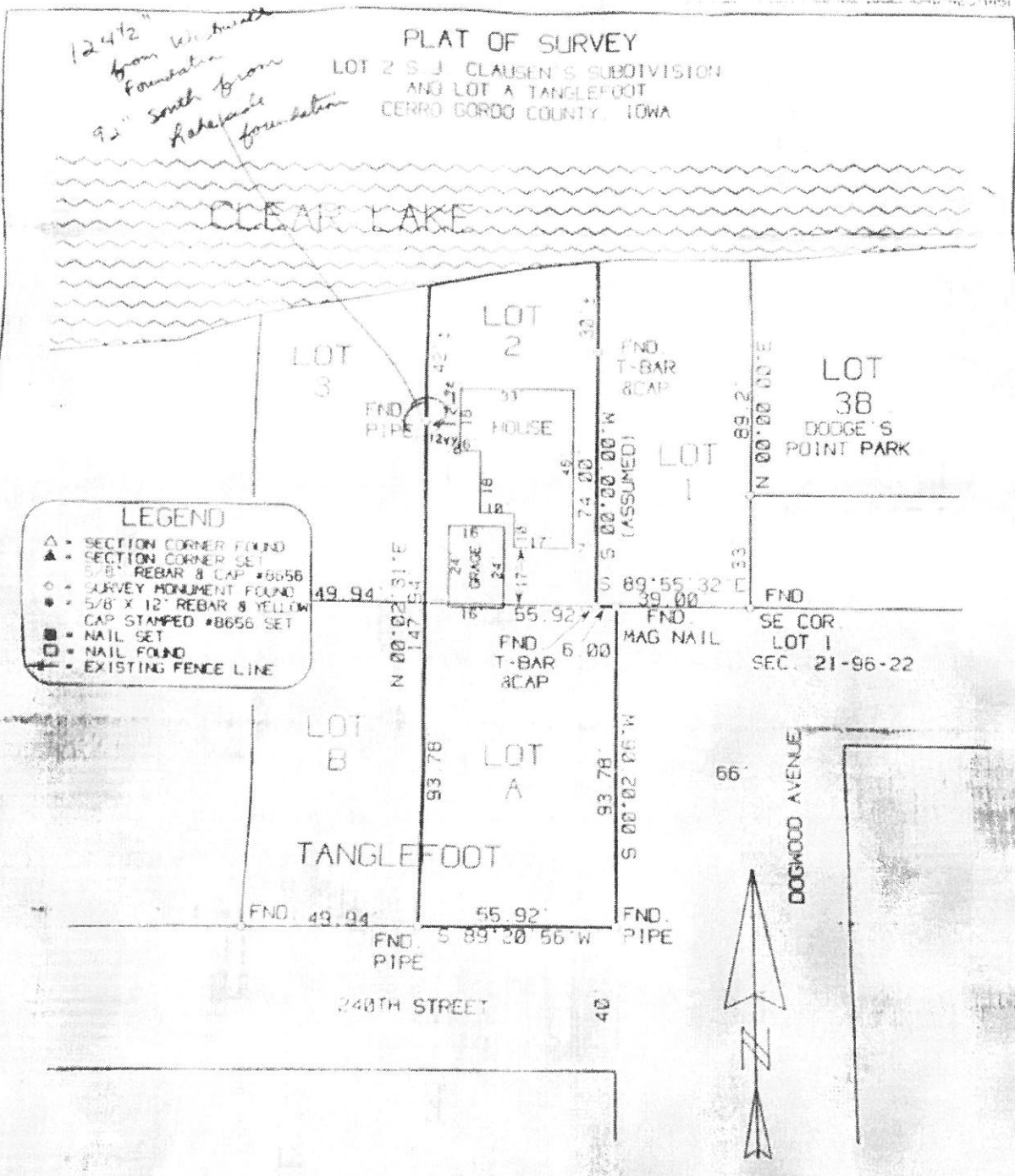
Due to the placement of the house on the lot there will be no public health or safety risks.

I, Lisa V. Mortens certify that

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



From: Lisa Vaughn Mortens lvmortens@gmail.com
 Subject: 14992 Doogwood Survey
 Date: Jul 26, 2017, 1:35:55 PM
 To: Lisa Mortens LVMortens@gmail.com



SURVEY DATE: OCTOBER 30 2002
 SURVEY FOR: LISA MORTENS
 LEGAL DESCRIPTION:
 LOT TWO (2) IN S. J. CLAUSEN'S SUBDIVISION OF THE EAST ONE-THIRD (1/3) OF LOT ONE (1) IN SECTION TWENTY-ONE (21) IN TOWNSHIP NINETY-SIX (96) NORTH RANGE TWENTY-TWO (22) WEST OF THE FIFTH P.M., AND LOT "A" IN TANGLEFOOT, A SUBDIVISION IN CERRO GORDO COUNTY, IOWA.

Case No. 18-36
Lisa Morten (14992 Dogwood Avenue)

Figure 1

Looking at the existing house and detached garage



April 6, 2018, J. Robbins

Figure 2

Looking at the existing deck



April 6, 2018, J. Robbins

Figure 3

Looking north along the east side property line along the side of the existing house



April 6, 2018, J. Robbins

Figure 4

Looking south along the east side property line along the side of the existing deck



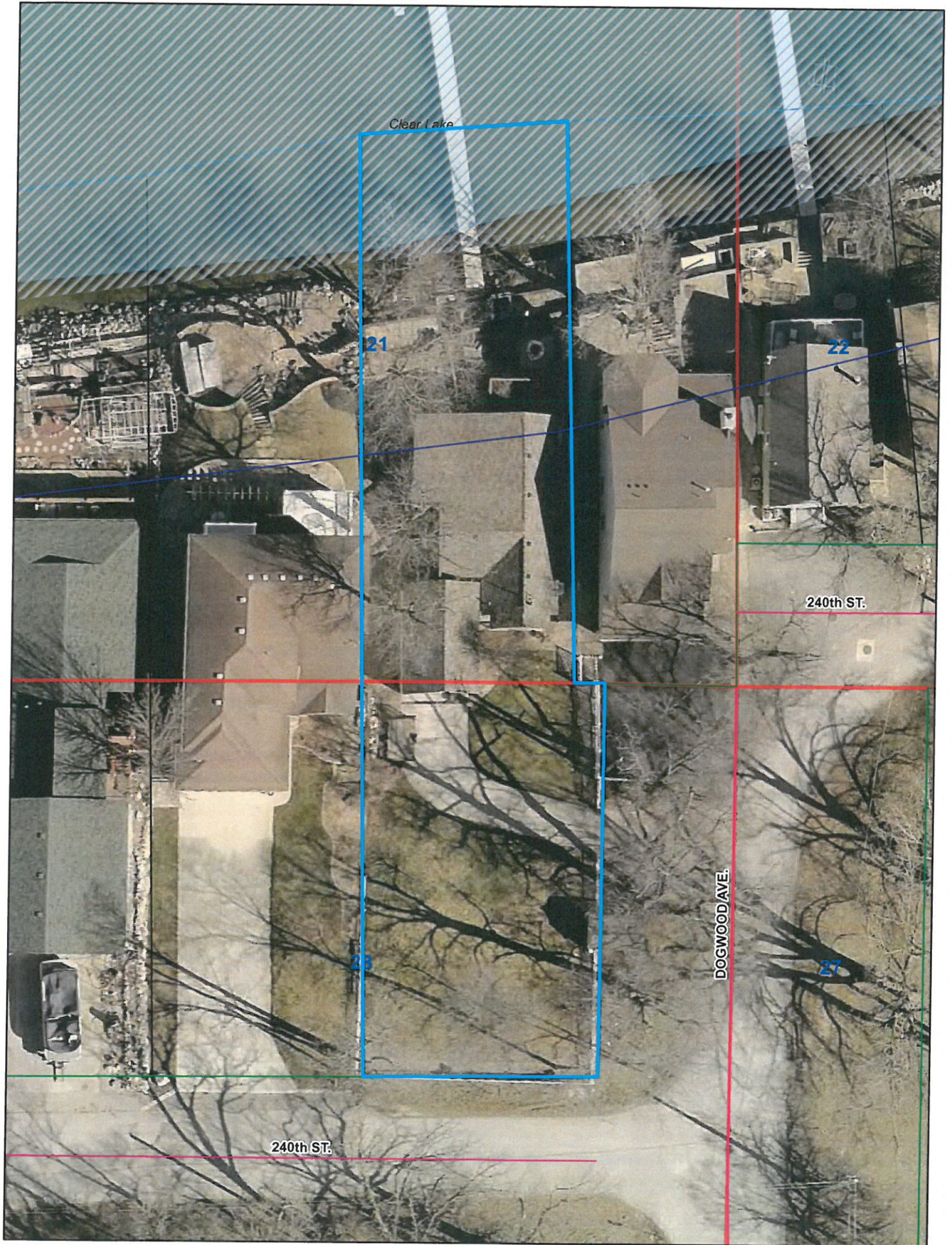
April 6, 2018, J. Robbins

Figure 5

Looking at the large front yard and front setback of the house from 240th Street



April 6, 2018, J. Robbins



Clear Lake

21

22

240th ST.

DOGWOOD AVE.

23

27

240th ST.