



## PLANNING AND ZONING Cerro Gordo County Courthouse

220 N Washington Ave      Mason City, IA 50401-3254      (641) 421-3075  
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John Robbins, Assistant Administrative Officer  
Michelle Rush, Executive Assistant

### 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](http://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

other matters pertaining to the public safety, public health and general welfare

- ✓ Addressing the provisions of Section 24.4(A)(2)(a-g) in the Zoning Ordinance, and
- ✓ Addressing the performance standards in the applicable subsection of Article 20.2
- Seven (7) copies of the schematic drawing
- \$175.00 non-refundable filing fee made payable to *Cerro Gordo County Treasurer*

**Site plans are required for the following special uses and an additional fee of \$100.00 made payable to *Cerro Gordo County Treasurer* is required for an area of one acre or less, and \$200.00 for an area of more than one acre. Site plans shall comply with the provisions of Section 18.12(D) of the Zoning Ordinance. This fee is for site plan review only.**

- Go-Kart Tracks, Racetracks, Drag strips
- Sewage Treatment Plants and Waste Stabilization Lagoons
- Public or Private Utility service
- Anhydrous Ammonia Pumping and Storage Facilities
- Wholesale Storage of Gasoline, Fuels, Oils, Flammable or Toxic Substances
- Commercial Feedlots and Confinement Operations
- Salvage Yards and/or Junk Yards
- Extraction and Primary Material Processing
- Permanent Asphalt Plants
- Mobile Home Park
- Travel Trailer Park

- Appeal an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.**

Required items for review:

- Fully completed application/appeal form (pp. 3 & 4) with necessary site plans
- Written letter describing the reasons or facts you feel the order, requirement, decision or determination was in error.
- \$175.00 non-refundable filing fee made payable to *Cerro Gordo County Treasurer*

**The Applicant shall, immediately after filing the appeal paperwork, mark all corners of the lot with lath and colored flags. The Applicant shall also mark with a different colored flag the location of the addition/structure being proposed.**

**APPLICATION/APEAL FORM**

[For Completion by All Applicants]

Date 03/05/2019

TO: ZONING BOARD OF ADJUSTMENT  
CERRO GORDO COUNTY, IOWA

I (WE), Matthew Steding  
(NAME)

OF 4403 SW Goodwin Street 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 03/01/2019 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 20 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: SW 1/4 of Section 20,  
96 N, R 22 W.

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

Describe what you are proposing to do on the property affected.  
I am proposing to build a 15' x 24' detached lower deck, along with a 4' retaining wall crossing onto the public access to the east, as well as another 3' retaining wall separating my property from the public access to the east.

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 Matthew Stodding

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**OFFICE USE ONLY**

Date Filed \_\_\_\_\_ Case Number \_\_\_\_\_

Date Set for Hearing \_\_\_\_\_ Fee Paid \_\_\_\_\_

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) Matthew Steding

Type of Variance Requested Unusual conditions which cause hardship. I am requesting to lift the current property setback limits.

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

The west property line has a 6 foot side yard setback and the east property line has a 12.5 foot side yard setback. The lot is only 30 feet wide.

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

The homes on the neighboring properties all have structures built within 3 feet of their properties line and due to the property setbacks on my property this is impossible to accomplish.

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

It will match the neighboring properties and improve the value of the Ventura Heights area.

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

This is completely a side yard + rear yard setback issue and has nothing to do with the present or past landowners.

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

Due to the extreme setbacks on the proposed lot location.

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

It matches the surrounding area and brings value to the neighborhood.

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

The property is at a location that will not impact health or safety of the general welfare. It will only add to the value and improve the area of Ventura Heights.

I, Matthew Storing certify that

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

**Case No. 19-23  
Matthew Steding (2436 242<sup>nd</sup> Street)**

***Figure 1***

Looking at the existing deck



March 8, 2019, J. Robbins

***Figure 2***

Looking at the location of the recently removed cabin



March 8, 2019, J. Robbins

**Figure 3**

Looking north along the east side lot line where the proposed location of the 3-foot tall retaining wall



March 8, 2019, J. Robbins

**Figure 4**

Looking at the existing wood pilings acting as a retaining wall along the east lot line



March 8, 2019, J. Robbins



**Figure 5**

Looking westerly from the adjacent public access at the approximate location of the proposed 4-foot tall retaining wall



March 8, 2019, J. Robbins

**Figure 6**

Looking north from 242<sup>nd</sup> Street at the 30-foot wide public access running along the east lot line



March 8, 2019, J. Robbins

**Figure 7**  
Looking north along the west side lot line



March 8, 2019, J. Robbins

**Figure 8**  
Looking north along the east side lot line



March 8, 2019, J. Robbins

**Figure 9**  
Looking westerly along the rear lot line



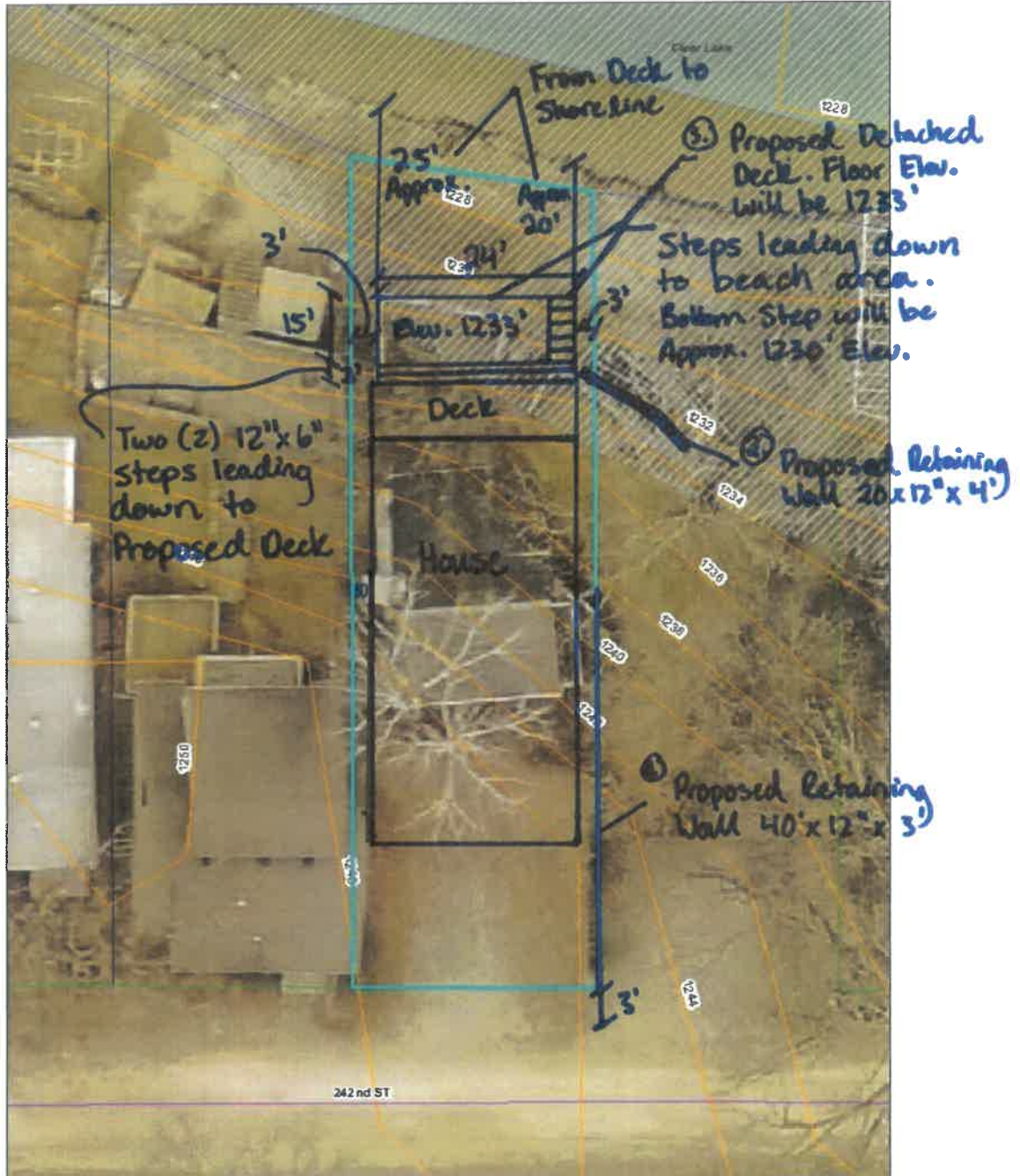
March 8, 2019, J. Robbins

**Figure 10**  
Bird's eye view aerial photo (2016) looking westerly



March 22, 2016, Pictometry Aerial Imagery

\* Proposed Deck & Retaining Wall Map  
 2436 242nd St. Ventura, IA 50482



Map #'s ①, ②, ③ Reference Dimensions on the Zoning Application.

↑  
N  
↓  
Not to Scale



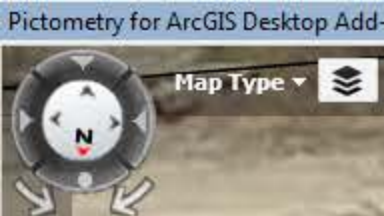
2424 242ND ST

2432 242ND ST

2436 242ND ST

2451 242ND ST

10 ft  
2 m



Map Type 03/22/2016 1 of 8 Select Date

10 ft  
2 m

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Clear Lake

20

242nd ST.