

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date May 31, 2018

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Thomas and Harmonica Haan
(NAME)

OF 15325 Bayside Court, Clear Lake, IA
(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 May 21, 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 23 of Clear Lake Township.

The property affected is zoned R3 according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is: Lot 12 and parcel "A" being part of lot 13, all in Bayside Court Subdivision, 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.

As part of a construction permit for a new attached garage, we are requesting a variance for an existing screened porch and wooden deck constructed by a previous owner. This variance would legitimize the porch and deck under the rules of the Planning and zoning Board.

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 Thomas Hoan

OFFICE USE ONLY

Date Filed 6-1-18 Case Number 18-40
Date Set for Hearing 6-26-18 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) Thomas and Harmonica Haan

Type of Variance Requested legitimizz existing structures - screened porch and wood deck

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

Our home was the first built in the Bayside Court subdivision. The owners were the ones that built the porch and deck that is in question.

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

None - same as other neighboring properties.

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

Existing screened porch is attached to home including continuous shingled roof.

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

Present owners purchased the property as it is currently and did not construct the porch or deck that is in question.

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

Screened porch and wood deck are only 15 feet from the rear of the property, not 30 feet required by the Zoning Regulations.

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

All though the porch and deck are not to Zoning regulation, they have existed for many years without objection from neighboring property owners.

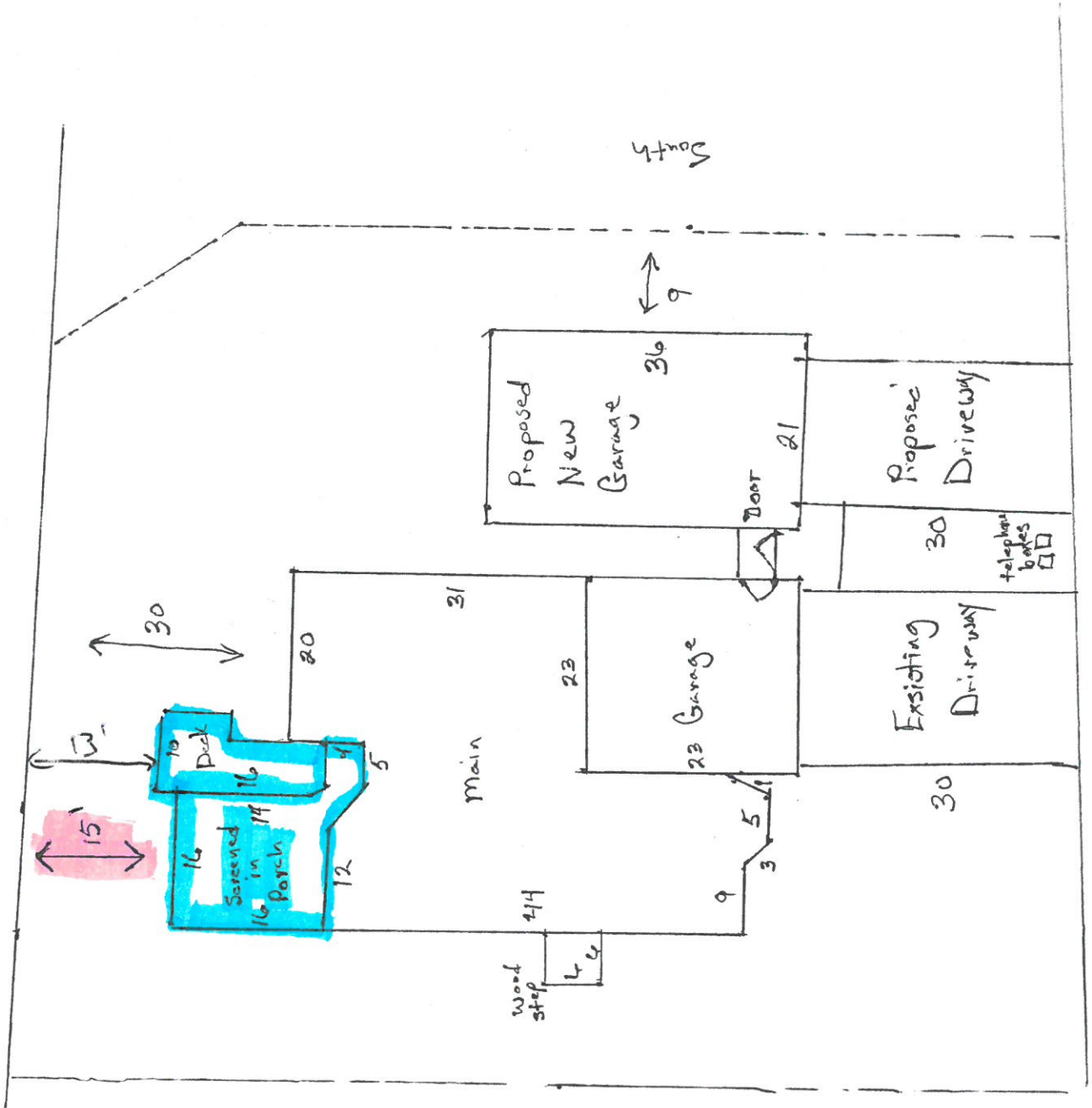
7. The variance will not impair the public health, safety and general welfare of the residents of the County for the following reasons:

The deck and porch are structurally sound and are not across the property lines to any neighbors.

I, Thomas Haan / Thomas Haan certify that

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

East

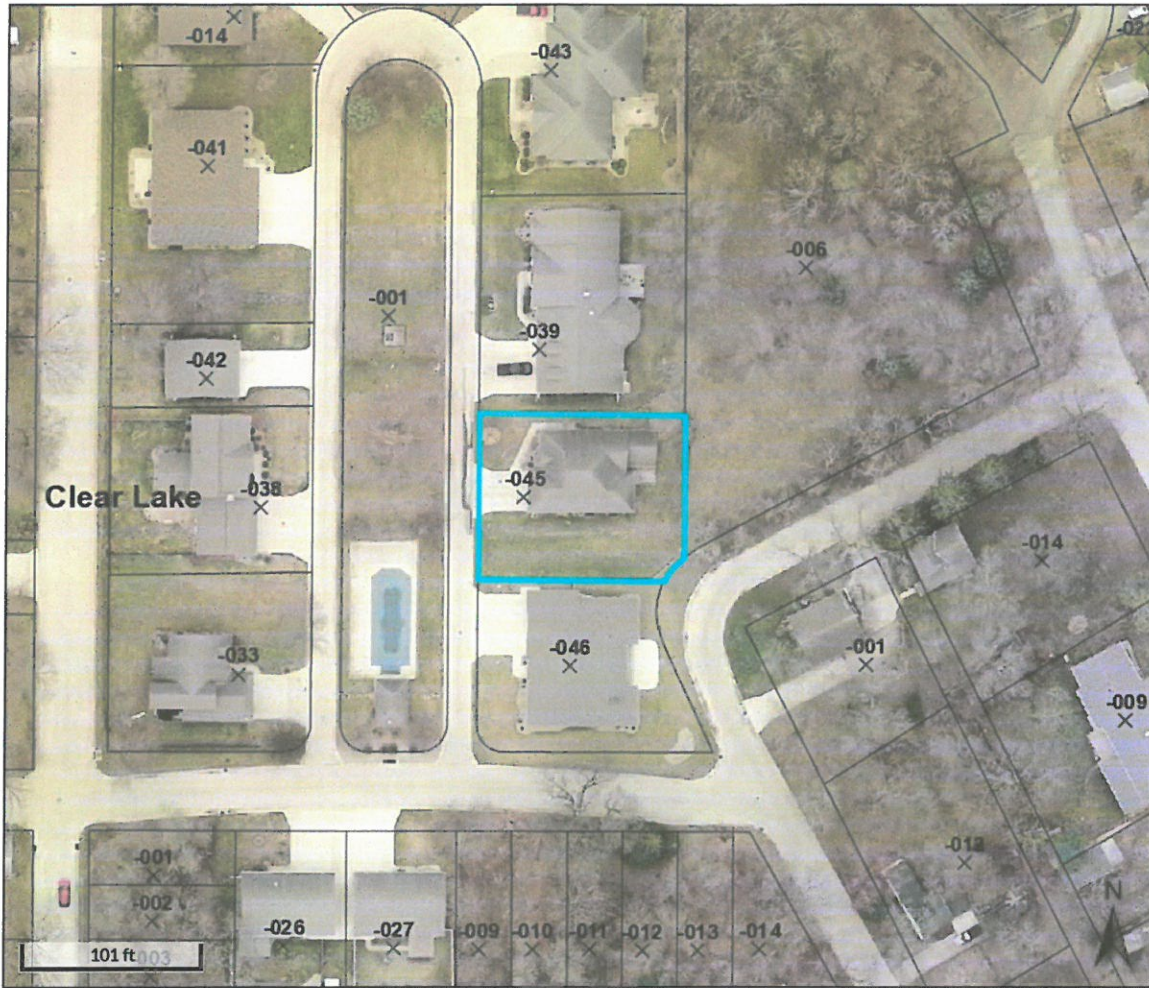


North

North

Bayside Court

East



Overview



Legend

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

Parcel ID	052331604500	Alternate ID	n/a	Owner Address	HAAN, THOMAS K
Sec/Twp/Rng	5840	Class	R		HAAN, HARMONICA J
Property Address	15325 BAYSIDE CT	Acres	n/a		15325 BAYSIDE CT
	CLEAR LAKE				CLEAR LAKE IA 50428
District	12037				
Brief Tax Description	L 12 & PCL "A" LOC IN L 13 DESC IN SURV BK 2012 PG 7002 BAYSIDE COURT SUB				
	(Note: Not to be used on legal documents)				

Date created: 5/23/2018
 Last Data Uploaded: 5/22/2018 11:50:29 PM

 **Developed by**
 The Schneider Corporation



Imagery ©2018 Google, Map data ©2018 Google 50 ft

Case No. 18-40
Thomas and Harmonica Haan (15325 Bayside Court)

Figure 1

Looking at the location of the permitted attached garage



June 13, 2018, J. Robbins

Figure 2

Looking at the porch and deck



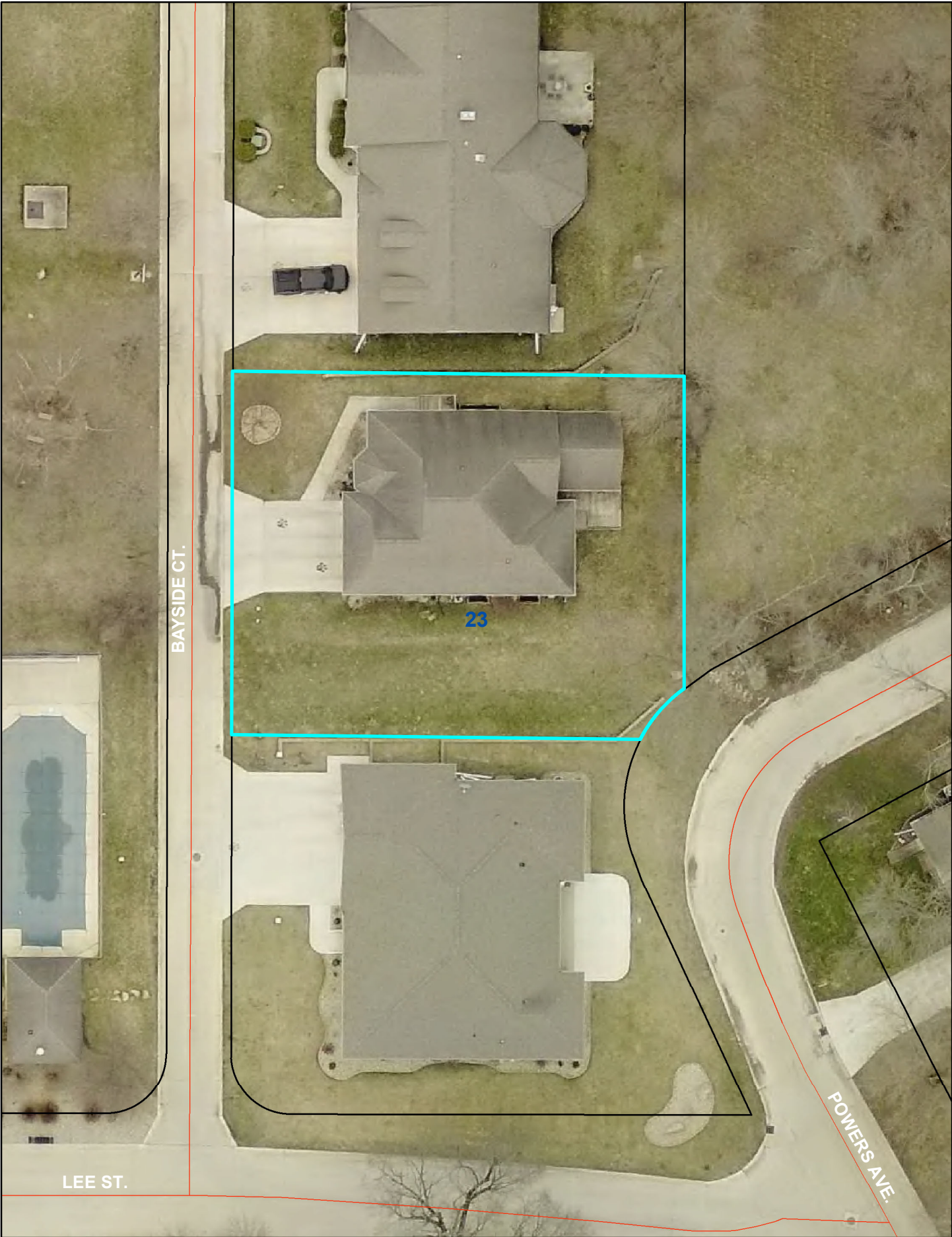
June 13, 2018, J. Robbins

Figure 3

Looking south along the rear lot line



June 13, 2018, J. Robbins



BAYSIDE CT.

23

LEE ST.

POWERS AVE.