



For Office Use Only:  
Application No.: BOA 17-02  
Date Received: 01/18/2017  
**RECEIPT NO. 552250\***  
**\* ATTACHED**

### CITY OF JOHNSTON

Date: 1-15-17

#### APPLICATION FOR VARIANCE

**CITY OF JOHNSTON  
COMMUNITY DEV. DEPT.**  
DATE REC'D: 01/18/2017  
CASE NO.: BOA 17-02

IS HEREBY REQUESTED BY:

<u>Jerry Towers</u>			
NAME/FIRM/CORPORATION			
<u>8540 NW Beaver Dr.</u>	<u>Johnston</u>	<u>IA</u>	<u>50131</u>
STREET	CITY	STATE	ZIP
<u>(515) 270-1070</u>			
PHONE	FAX		
<u>jerrytj1@mchsi.com</u>			
EMAIL			

FOR PROPERTY LOCATED AT: 8540 NW Beaver Dr. Johnston, IA

LEGALLY DESCRIBED AS: Lot 6 Whispering woods Estates

DESCRIBE THE VARIANCE SOUGHT: 4' variance to the 10' sideyard setback  
on the North property line.

BASIS FOR VARIANCE SOUGHT:

Will the land in question yield a reasonable return without a variance being granted? see attached

Is the hardship unique to your property and not a general condition of the neighborhood? See attached

Will granting the variance alter the character of the surrounding area? See attached

State why you feel the variance should be granted: See attached

COMMUNITY DEV. DEPT.  
CITY OF JOHNSTON  
NOTES

PRIMARY CONTACT, IF DIFFERENT FROM APPLICANT:

Same  
NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_  
EMAIL \_\_\_\_\_

Signature of Appellant: \_\_\_\_\_

With application, please include filing fee:

In residential and agricultural zones..... \$ 60.00  
In all other zoning districts..... \$ 100.00

The application should also include all background information needed. If you have oversized sheets (larger than 11"x17"), please submit 10 copies of each.



**Will the land in question yield a reasonable return without a variance being granted?**

I'm not really sure how to approach this question, as it is very much open to interpretation. From a functional standpoint; that being the utility of the property and our enjoyment thereof, I will argue that the home no longer provides us with a "reasonable return." Entering our retirement years and taking on new hobbies, we are in need of a workshop area for these hobbies. As no current area of the house lends itself well to this function we would like to construct a third stall attached garage for such purposes, thus giving us the function and utility we desire.

On the other hand, if one interprets "reasonable return" to be strictly monetary, then it would be more difficult to argue I couldn't sell the house for a reasonable price.

**Is the hardship unique to your property and not a general condition of the neighborhood?**

The property is "unique" in that its topography is steeper than most of the other properties in the neighborhood, and it also sits at the lowest point. Water run-off is therefore more of a concern for our property than others. This caused the home to be situated much closer to one property line than the other for two reasons. First, the home needed to be placed away from the main water run off (south property line) to prevent water leaking into the basement. Second, due to the low overall elevation of the lot in relation to those around us, there were limited areas to place the septic system and have it pass the engineering (percolation) specifications. Absent these facts, the home would have been placed more to the middle of the lot, and I would not need to seek the variance.

**Will granting the variance alter the character of the surrounding area?**

No. The addition to the home necessitating the request for variance is a third-stall garage. It will be built to the same standards, using the same materials as the existing structure.

**State why you feel the variance should be granted:**

I understand the necessity for setbacks, and would not be requesting the variance if I felt it was outside the spirit of the law. The way my lot is situated, the side for which I am requesting the variance adjoins the back side of my neighbors lot. Their home is situated to the front of their lot, thereby affording ample room between the two structures; nearly three times the distance between the homes sitting side by side in our neighborhood.

My wife and I very much enjoy our neighborhood and the greater Johnston community, and would like to remain in the home that I built with my father and grandfather some 25 years ago. However, without the added utility of the addition, we will be faced with the tough decision of whether or not to move.

I have informed my neighbors of my intent with regard to seeking the variance and constructing a third-stall garage. All have communicated they have no objection to my plans, and some, including my immediate neighbors on either side, actually encouraged the idea.

Thank you for your consideration.

# North Elev



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03/10/2016



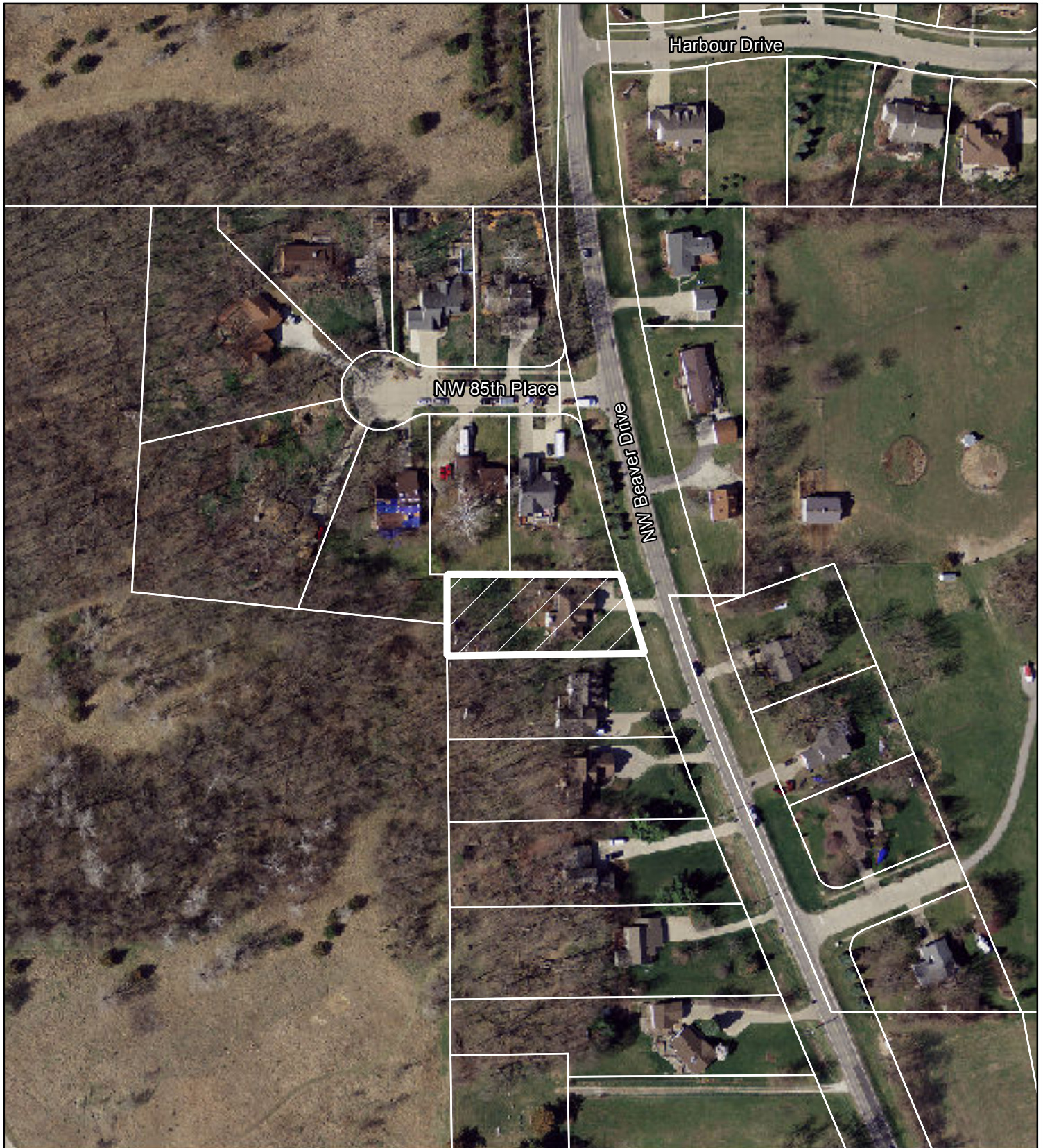
# 8540 NW Beaver - Front Elevation



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# 8540 NW Beaver Drive Vicinity Map

*Johnston*



0 55 110 220 330 440  
Feet



# 8540 NW Beaver Drive Vicinity Map

*Johnston*



0 15 30 60 90 120  
Feet