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BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

To and From
Office of Planning and Zoning

Ryan Hobart, Administrator

Variance

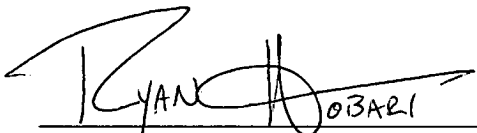
PERMIT NO: 7-25

DATE: May 16, 2025

After a properly held Public Hearing on April 1st, 2025, the Madison County Board of Adjustment hereby approves the request for a Variance to Zachary & Jenna Wray to allow for the encroachment upon the required side-yard setback of twenty-five feet. The following described real estate is that of which is involved:

Lot Thirteen (13) of Evans Rural Estates, Plat 2, a subdivision of the South Half (1/2) of the Southeast Quarter (1/4) of Section Twenty-four (24), in Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa.

This variance was approved under the provisions specified in the Zoning Ordinance for the Unincorporated Area of Madison County, Iowa.



Ryan Hobart, Secretary
Madison County
Board of Adjustment

MADISON COUNTY BOARD OF ADJUSTMENT

Application for Variance on Setback Requirements
Zachary & Jenna Wray
Date: 4/1/2025

DECISION

On April 1st, 2025, at 7:00 p.m., pursuant to the rules of procedure of the Madison County Board of Adjustment, a public hearing was held and conducted on the Application for Variance to Setback Requirements set forth in the Madison County Zoning Ordinance. The request was to allow a 10'-15' encroachment into the required twenty-five (25) foot setback to allow the applicants to construct a 40'X60' metal pole building at the residence of 3381 140th Street, Cumming, Iowa. At the hearing the Board of Adjustment reviewed the completed application form(s), relevant provisions of the Madison County Ordinances, all documents constituting the record from the Zoning Administrator, documents received from the applicant, heard the statements, remarks and comments by the Zoning Administrator and the applicant, Zackary Wray. After all the information was received and all interested parties were heard by the Board of Adjustment, the hearing was closed pursuant to the rules of procedure of the Board of Adjustment.

Following the closure of the hearing a motion was made by **Howell** to ☒approve ☐deny the Variance Application with a second by **Fiene**.

A roll call vote was conducted on the motion:

Kevin Fiene	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Fred Howell	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Mary Kathryn Bigelow	<input type="checkbox"/> Aye	<input checked="" type="checkbox"/> Nay
Dawn Archer	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
David Morford	<input type="checkbox"/> Aye	<input checked="" type="checkbox"/> Nay

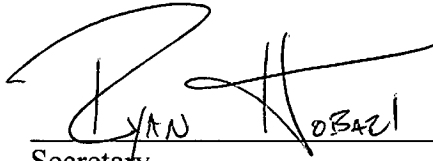
The motion was therefore ☒ Passed ☐ Denied

DECISION: By a 3 to 2 vote, the Board of Adjustment has granted a Variance allowing the proposed 40'X60' pole building to be constructed 15' from the east property line at 3381 140th Street Cumming, IA 50061.

Dated this 1st day of April 2025

Acknowledged as to Accuracy:


Chair


Secretary

Original Filed with the Secretary of the Board of Adjustment on April 1, 2025.
Original Filed with the Madison County Recorder's Office on May 16, 2025.

Written Notification of Decision sent to:

Zachary & Jenna Wray
3381 140th St.
Cumming, IA 50061

**MADISON COUNTY, IOWA
BOARD OF ADJUSTMENT
DECISION AND FINDINGS**

IN THE MATTER OF THE APPLICATION OF:

CASE NO: 7-25

ZACKARY & JENNA WRAY

PUBLIC HEARING: APRIL 1, 2025

A request to obtain a variance to the required side yard setback of 25 feet listed within the Madison County Zoning Ordinance: 3381 140th Street Cumming, Iowa 50061 in Madison County, Iowa more particularly described below.

Decision

On April 1, 2025, the Madison County Board of Adjustment approved the request to obtain a variance in the below captioned matter.

VOTE¹:	Ayes:	Fiene; Howell; Archer
	Nayes:	Bigelow; Morford
	Absent:	None
	Vote:	(3-2)

Written Findings of Fact

Case Summary: The request for a variance to the side yard setback of 25 feet listed within the Madison County Zoning Ordinance on the below captioned real estate, currently owned by Zachary & Jenna Wray.

Lot Thirteen (13) of Evans Rural Estates, Plat 2, a subdivision of the South Half (1/2) of the Southeast Quarter (1/4) of Section Twenty-four (24), in Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa

¹ Motion by Howell was phrased in the positive: to approve the application for Variance. For clarity, the votes listed here reflect "Ayes" as votes to approve the Variance and "Nayes" as votes to deny the Variance.

Public Hearing April 1, 2025: Notice of public hearing was published as required, posted on the county webpage, and posted at the Madison County Annex Building. Notices were mailed to surrounding property owners on March 18, 2025. Required notice was provided to County Offices.

Ryan Hobart, Zoning Administrator, presented the staff report. During the Staff Report Administrator Hobart stated that it is his job to uphold the ordinances of the county, and the applicant holds the burden of proof on an unavoidable hardship in order to be granted a variance. The side yard setback requirement depicted on page 7 of the Madison County Zoning Ordinance is 25 feet.

The Applicant, Zachary Wray, presented his case. Mr. Wray stated the following as proof of an unavoidable hardship:

1. His backyard is not level and has a significant drop in elevation as you traverse to the north making it difficult to locate the building north of the house.
2. There is an immense amount of landscaping on the northeast side of his house that he would have to remove if he were required to meet the setback.
3. He didn't want the proposed building south or west of the house because he doesn't want the building to be in front of the house or where the garden and septic system is located.
4. He stated this location would look the best.

Analysis/Legal Principles: While the public hearing was still open the board discussed a number of things which included, altering the building size, the building location, the letter of support by the adjoining neighbor and the financial strain placed upon the applicant. The Board reviewed the Iowa State University Extension & Outreach fact sheets for variance consideration provided to them by Administrator Hobart. The fact sheets contain valid information that should be considered when approving or denying a variance application.

After the closure of the public hearing, the Board of Adjustment granted a variance to allow the proposed building to be constructed 15 feet from the east property line by a favorable 3 to 2 vote, stating that the owner had proven an unavoidable hardship in this case.

Board of Adjustment Action on Written Findings of Fact

Date: May 14, 2025

VOTE:	Ayes:	Nayes:	Abstained:	Absent:
(Roll Call)	Archer	Bigelow	None	None
	Fiene	Morford		
	Howell			

Chair:

A handwritten signature in black ink, appearing to read "Ward J. Morford", is written over a horizontal line.