



PLANNING AND ZONING
Cerro Gordo County Courthouse

220 N Washington Ave
 Mason City, IA 50401-3254
 cgcounty.org/planning

(641) 421-3075
 (641) 421-3110
 plz@cgcounty.org

SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 22-5

Hearing Date: February 22, 2022

Applicant

Owner

Brent and Julie Kuntz
 2104 380th Street
 Grafton, IA 50440

Same

Property Address: 4036 240th Street

Brief Legal Description: Lot E, Replat of Lots 33-38, Block 10, Dodges Point Park

Zoning: R-3 Single Family Residential

Background

The Kuntzes propose to construct a 28'x84' house to replace the existing house (See Figure 1). A 10" drainage tile along the east side lot line with an intake located in the front yard as shown on the site plan (See Figures 2 & 3).

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
House	8' front yard setback 3' west side yard setback	15' front yard setback average (6.11) 6' side yard setback (11.6-B)

*See Figures 4-6

FINDINGS OF FACT

1. Brent and Julie Kuntz are the owners of the subject property, located on Lot E, Replat of Lots 33-38, Block 10, Dodges Point Park.
2. The property is zoned R-3 Single Family Residential.
3. The proposed house is located 8' from the front lot line and 3' from the west side lot line.
4. The required front yard setback is 15', per the average of front yard setbacks within 200' of the property. A 6' side yard setback is required in the R-3 District.
5. The application was filed on January 19, 2022 with the Planning and Zoning Office.

ANALYSIS

The Board of Adjustment is provided the power to grant special exception under Section 24.4(A)(2) of the Zoning Ordinance. The Board may grant special exception to bulk standards of the ordinance if, in its judgement, the standards established in Section 24.4(A)(2)(a) are met. In its review, the Board may attach certain conditions to any special exception granted in order to observe the spirit of the Zoning Ordinance and Comprehensive Plan and mitigate any potential impacts that may directly result from the requested special exception.

Discussion of Standards of Review

Strict compliance with the standards governing setback, frontage, height, or other bulk provisions of this ordinance would result in a practical difficulty upon the owner of such property and only where such exception does not exceed 50 percent of the particular limitation or number in question.

The proposed house is located 8' from the front lot line and 3' from the west side lot line. The required front yard setback is 15', per the average of front yard setbacks within 200' of the property. A 6' side yard setback is required in the R-3 District. The standard appears to be met.

The exception relates entirely to a permitted use (principal, special, or accessory) classified by applicable district regulations, or to a permitted sign or off-street parking or loading areas accessory to such a permitted use.

A single family home is a principal permitted use in the R-3 District. The standard appears to be met.

The practical difficulty is due to circumstances specific to the property and prohibits the use of the subject property in a manner reasonably similar to that of other property in the same district.

The way the lots in the subdivision were platted creates a unique situation on the north side of the block. The front lot lines run parallel with 240th Street, which runs straight east and west. The shoreline of the lake has a southwesterly to northeasterly orientation. As a result, the depth of the lots in the block sit at an angle from 240th Street with a northwesterly to southeasterly orientation. And so the houses also sit at an angle from the street.

Due to the lot orientation in the block, the closest point of any building of a similar size as proposed will naturally sit about 10'(+/-) closer to the road from the opposite corner of the same building. Further, due to the lot orientations and natural orientation of the lake shoreline, lots to the west are less deep and lots to the east are deeper. This has created a unique situation where the existing front yard setbacks are closer to the road toward the west end of the block and further from the road toward the east end of the block. Using the average front yard setback calculation method established in the ordinance, this creates a larger average setback the further east you go where deep lots were able to meet the average front yard setback requirement.

The lot is also somewhat pie shaped, being 44' wide at the right-of-way line of 240th Street and only 36' wide at the lake shoreline. So the closer the lot gets to the lake the more of a practical difficulty occurs to be able to construct a house of a similar or of roughly average size as houses

in the immediate vicinity. The proposed house is similar in size as others in the immediate vicinity. The standard appears to be met.

A grant of the special exception applied for, or a lesser relaxation of the restriction than applied for, is reasonably necessary due to practical difficulties related to the land in question and would do substantial justice to an applicant as well as to other property owners in the locality.

The details of the lots within the block as described above is the primary reason causing the practical difficulty to construct the proposed house of similar size as the block generally. Some relaxation of the standards with an exception would help preserve the general character of the neighborhood. The proposed house will also improve the front setback from the lot line and slightly soften the contrast of front yard setbacks within the block, as the existing garage is one of the closest to the street (See Figure 4).

The proposed house is 3' feet from the west side lot line, which offsets the proposed house closer to the west side lot line than the east side lot line. A private drainage tile runs along the east side lot line from the street to the lake. There is an intake about 7' from the southeast corner of the proposed house. The intent of the requested west side yard setback exception request is to create some separation from the house to avoid potential damage to the tile.

Ideally, the house would generally be centered on the lot; however, the drainage tile does impact the positioning of the house somewhat. Staff recommended comment from the County Engineer regarding recommended separation from a drainage tile. The County Engineer recommends that a building be separated 2' feet for every 1' of depth from the tile in order to avoid damaging tile during construction and for any potentially needed future maintenance to the tile. The tile is buried roughly 2' at its deepest in locations that impact the placement of the proposed house.

As proposed, the house is about 6' from the drainage tile. This exceeds the recommended separation distance by the County Engineer, so the proposed setback could be adjusted slightly and still achieve relief of the practical difficulty without sacrificing any size to the overall house. While the existing house is only 2' from the west side lot line and the proposed west side setback is an improvement, it can be improved an additional 2' and balance encroachments on either side of the lot without sacrificing any size to the proposed house.

Some lesser relief is still necessary to maintain the character of the immediate vicinity. But balancing encroachment of the side yard setback is appropriate in this situation. This would create a 5' side yard setback from both the east and west side lot lines. The house would be separated from the drainage tile and intake by at least 4' at any point. The standard appears to be partially met, and lesser relief is appropriate due to the practical difficulty.

Such practical difficulties cannot be overcome by any feasible alternative means other than an exception.

Alternatives are only achieved by slight adjustments to the positioning of the house itself, so there are no feasible alternatives available except through lesser relief as discussed. The standard appears to be met.

Relief can be granted in a manner that will not alter the essential character of the locality.

The proposed house does not change the character of the neighborhood. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

Encroachment into side yard setbacks is a common issue with the narrow widths of lake lots within the south shore area. It is no different in the immediate vicinity. The proposed house is offset with the intention to create ample separation from the drainage tile. The needed relief from practical difficulty can be achieved with a 5’ west side yard setback and 5’ east side yard setback—centering the house on the lot—while maintaining the 4’ separation from the tile recommended by the County Engineer. This will reduce encroachment into the west side yard setback and create balanced separation between houses on adjacent lots.

The proposed house is of a similar size to those in the immediate vicinity and will be in line with the character of the neighborhood. The nature of the platted lots in the block make is difficult to establish a consistent front yard setback for the buildings therein. The proposed 8’ front yard setback for the house is similar to the adjacent lots and will help to begin to define the front building lines in the block.

As proposed, the house would have a similar rear building line on the lake side of the property. General views to the lake would not be reduced significantly (See Figures 7 & 8). However, centering the house and maintaining the request 8’ front yard setback would pull the rear building line away from the lake and slightly improve those views.

Staff Conclusions and Recommendation

All but one of the standards appear to be met in full. The one standard not met in full appears to be met in part, so staff’s opinion is lesser relief is appropriate. Staff recommends approval of special exception that grants lesser relief than requested, particularly to center the house on the lot.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested special exception subject to any condition as deemed necessary by the Board.
2. Grant relief less or different from the requested special exception.
3. Deny the requested special exception.

The following motions are provided for the Board's consideration:

Provided motion recommended by staff:

- I move to adopt the staff report as the Board's findings and to approve a special exception for a 5' west side yard setback, a 5' east side yard setback, and an 8' front yard setback regarding the request of Brent and Julie Kuntz, subject to the following conditions:
 1. The house shall be constructed with an 8' front yard setback and as otherwise approved by this Board. An undated site plan consistent with this approval and as otherwise proposed in the application shall be provided to the Planning and Zoning Office before a Zoning Permit is issued. All construction shall comply with said updated site plan.
 2. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.

Provided motion of approval:

- I move to approve the special exception as requested by Brent and Julie Kuntz, subject to the following conditions:
 1. All construction shall comply with the site plan submitted with the application.
 2. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.

Provided motion of denial:

- I move to deny the special exception as requested by Brent and Julie Kuntz for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Exception Application
- Exhibit 3: Site plan
- Exhibit 4: Floor plan
- Exhibit 5: Character rendering
- Exhibit 6: Plat of survey
- Exhibit 7: Aerial photo of site

Figure 1
Looking at the existing house



January 27, 2022, J. Robbins

Figure 2
Looking northwesterly along the east side lot line and drainage tile route



January 27, 2022, J. Robbins

Figure 3

Looking southeasterly along the east side lot line and drainage tile route



January 27, 2022, J. Robbins

Figure 4

Looking west along the front lot line



January 27, 2022, J. Robbins

Figure 5
Looking northwesterly along the west side lot line



January 27, 2022, J. Robbins

Figure 6
Looking southeasterly along the west side lot line



January 27, 2022, J. Robbins

Figure 7

Looking toward the rear yard of the adjacent property to the west from the northwest corner of the deck of the existing house



January 27, 2022, J. Robbins

Figure 8

Looking toward the rear yard of the adjacent property to the east from the northeast corner of the existing house



January 27, 2022, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 1/19/22 Date Set for Hearing 2/22/22 Case Number: 22-5

Applicant Name: Brent and Julie Kuntz Phone: 641-420-4928 E-Mail: kuntzj1961@gmail.com

Mailing Address: 2104 380th St Grafton, IA 50440

Property Owner Name: Brent and Julie Kuntz Phone: 641-420-4928 E-Mail: kuntzj1961@gmail.com

Property Owner Address: 2104 380th St Grafton, IA 50440

Property Description (Not to be used on legal documents): Parcel # _____ Township _____

Property Address: 4036 240th St Clear Lake, IA 50428 Zoning: R-3

Brief Legal Description:

Lot E, in the Replat of Lots 33-38, Block 10, Dodge's Point Park, Cerro Gordo County, IA

Project Description

Decision Date: 1/19/22

Existing dwelling will be demolished and replaced with single-family, two-story home using the same basic footprint with increased front setback and west side setback from current.

Special Exception(s) Requested (As cited on results from denied Zoning Permit Application)

- 1. Decreased minimum front (street) setback
- 2. Decreased side yard setback

Criteria Justifying Special Exception under Standards for Review (You may add more details in the Additional Information)

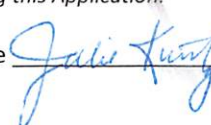

Strict compliance with the standards governing setback would result in a practical difficulty to build a home that includes a main floor bedroom and mechanical room in addition to garage, kitchen, bath, living areas and stairway. The proposed exception does not exceed 50 percent of the particular limitation.

The exception relates entirely to a permitted use as it is for a single-family residence.

The practical difficulty is due to several factors. Setback from the street in this instance is determined by averaging neighboring setbacks. Our lot is toward the middle of Buzzard's Bay and at this point 240th Street turns toward Southshore Drive and the lake shore starts to head northeasterly. The homes west of ours have lesser streetside setbacks while those further east have considerably longer lots and larger setbacks. This caused our average to require

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

I, the applicant, being duly sworn, depose and say that I am the owner, or that I am authorized and empowered to make affidavit for the owner, who makes the accompanying application; that the application and plan are true and contain a correct description of the proposed building, lot, work, and use to which the structure is to be placed if a special exception is granted. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

Applicant Signature  

Date 1/17/2022

SPECIAL EXCEPTION APPEAL

ADDITIONAL INFORMATION

Please provide any additional details below needed to fully address the standards for review and any potential impacts to the immediate vicinity that may directly result from the special exception requested.

a setback of 15 feet. Because of the shape of the lot, implementation of a 15-foot setback on the front west corner would cause the east corner of the garage to be setback about 25 feet. The narrowness of the lot does not afford us the ability to angle the garage. A ten-inch drain tile runs along the east side of our property to carry run-off from the hill out to the lake. This precludes our moving the home further east where the lot is longer. This is also the reasoning for asking for special exception for a reduced side yard on the west side. The house is located at the "pinch-point" of Buzzards Bay thus the lots are somewhat pie-shaped. It is customary for these lake homes to have lesser side-yard setbacks towards the lake.

The current house is only two feet from the west side property line. We propose increasing this side yard to the minimum acceptable three feet with the new construction.

The grant of the special exception would enable us to build our full-time retirement home that would have a first-floor bedroom. It would have the same basic footprint of the existing home with twice the current setback on the west corner and a greater than "average" setback on the east corner. Building on the same footprint, albeit one foot further east, will benefit the neighborhood by not impeding the drain tile, which we allowed the Willson's and Miller's to tie in to and benefits all neighbors "down the hill". It would also maintain the site view of the lake that the Miller's, neighbors to the south, now have.

Allowance of the special exceptions will not alter the character of the locality but rather allow it to be maintained. The west side yard will be landscaped as it is now. The use of a smaller side yard on one side of the property seems to be the norm for the area. It is also to be noted that we own the lot across the street and have ample parking available there for visitors.

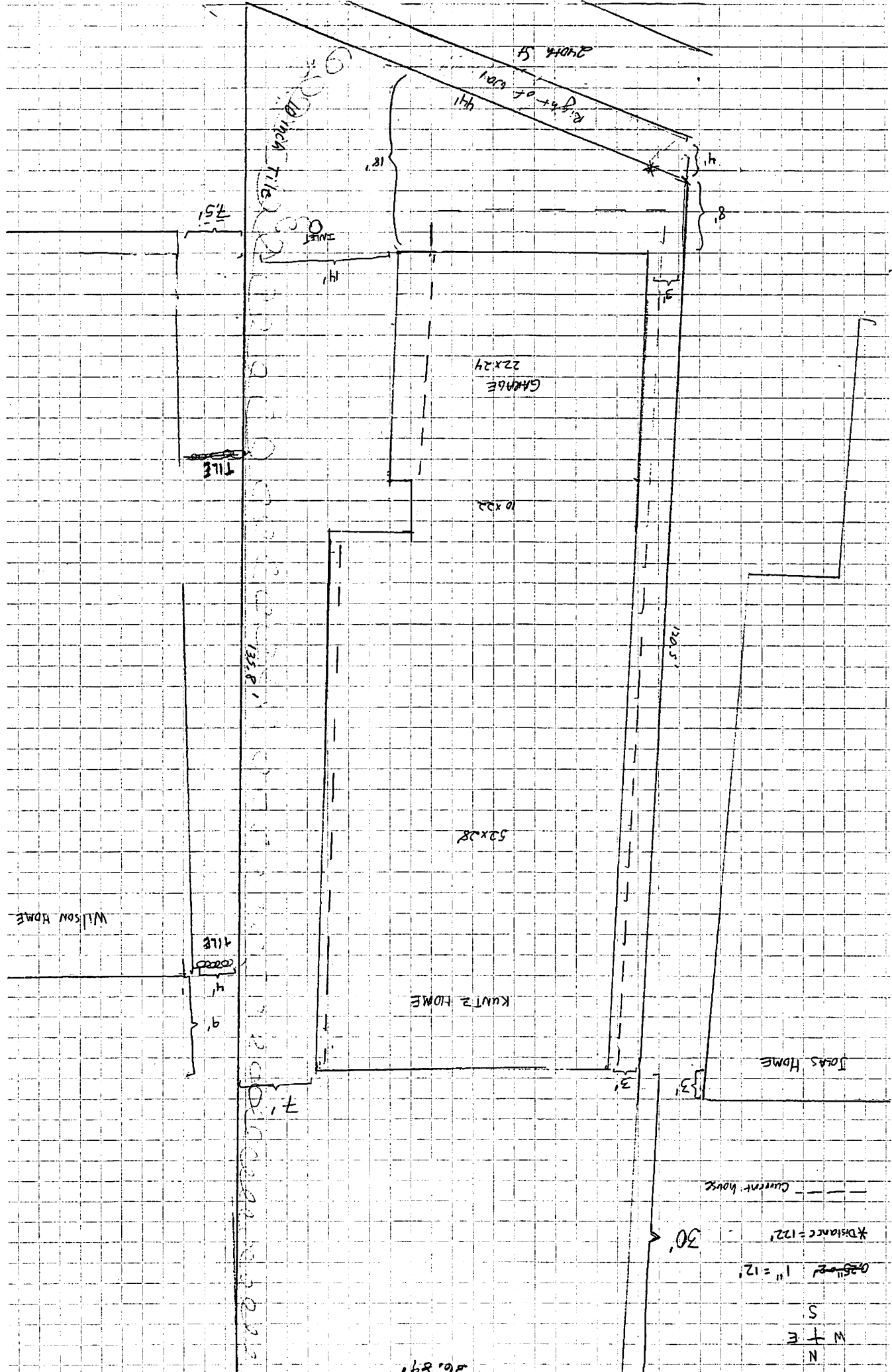
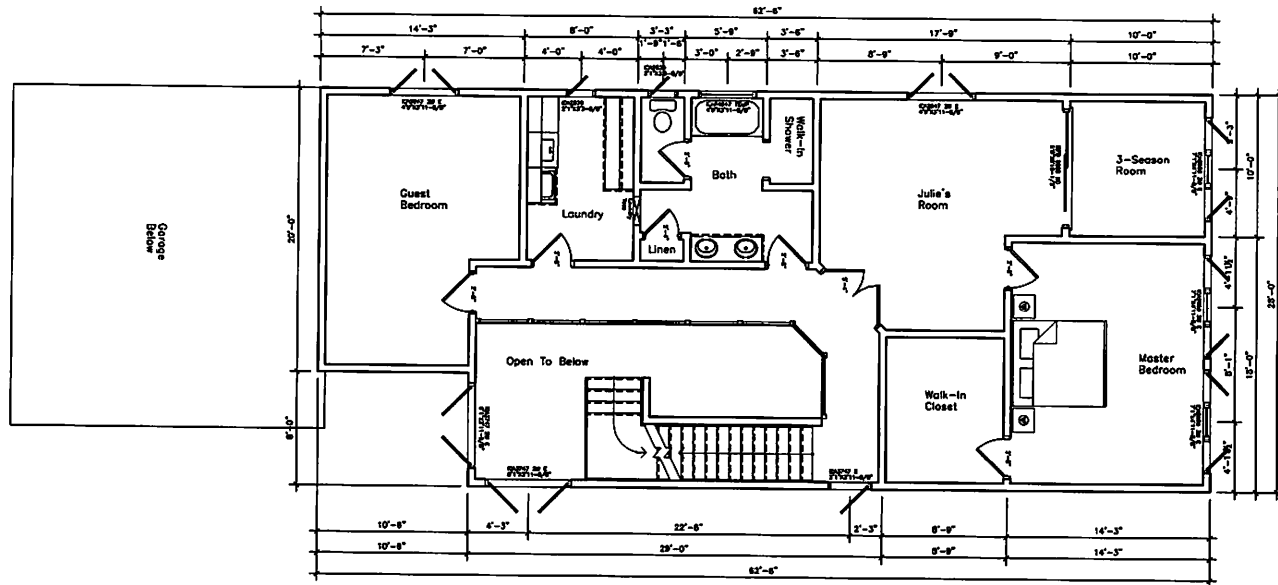
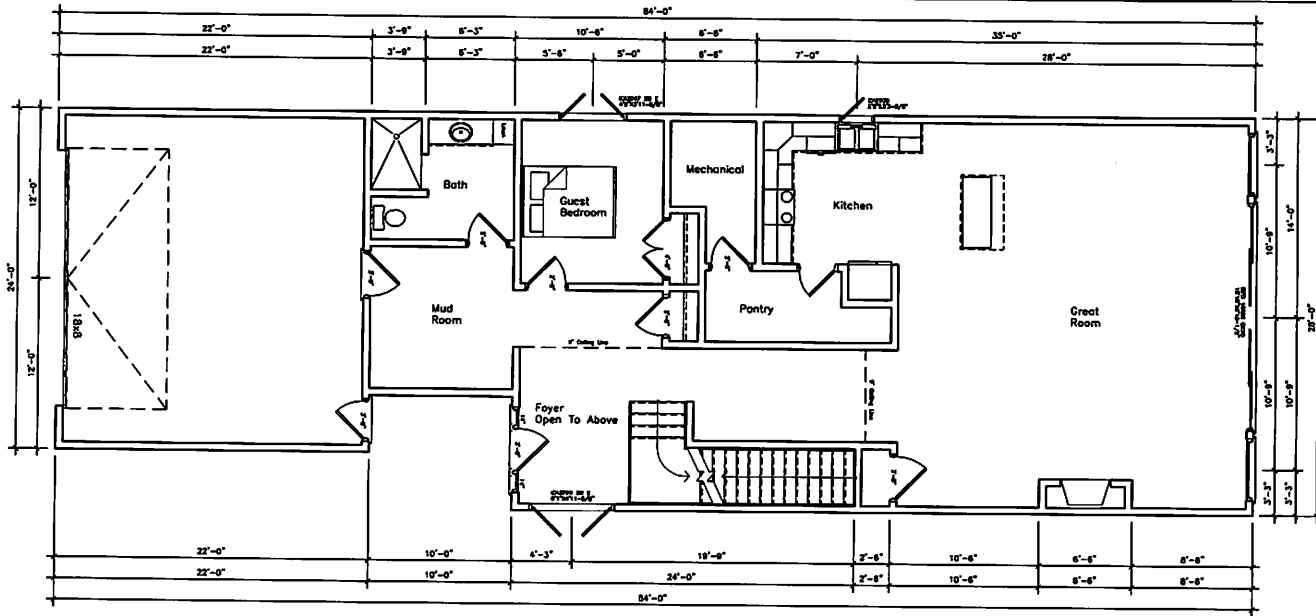


Fig. 891



Home Lumber & Builders Inc.
716 S Jefferson
Mason City, IA 50401

The drawings have been prepared by an independent professional engineer or architect for the purpose of providing a design for the construction of a building. The drawings are not to be construed as a contract or as a warranty of any kind. The drawings are the property of the architect or engineer and shall not be reproduced, copied, or distributed without the prior written consent of the architect or engineer. The drawings are to be used only for the project and site for which they were prepared.

Drawn By
Carl Bothwell

Main Floor Plan

Scale: 1/4"=1'-0"

Notes:
9" Main Floor Walls
9" Second Floor Walls

Revision Dates:
12/09/20 02/05/22

Julie & Brent Kuntz
New 2021
12/09/20



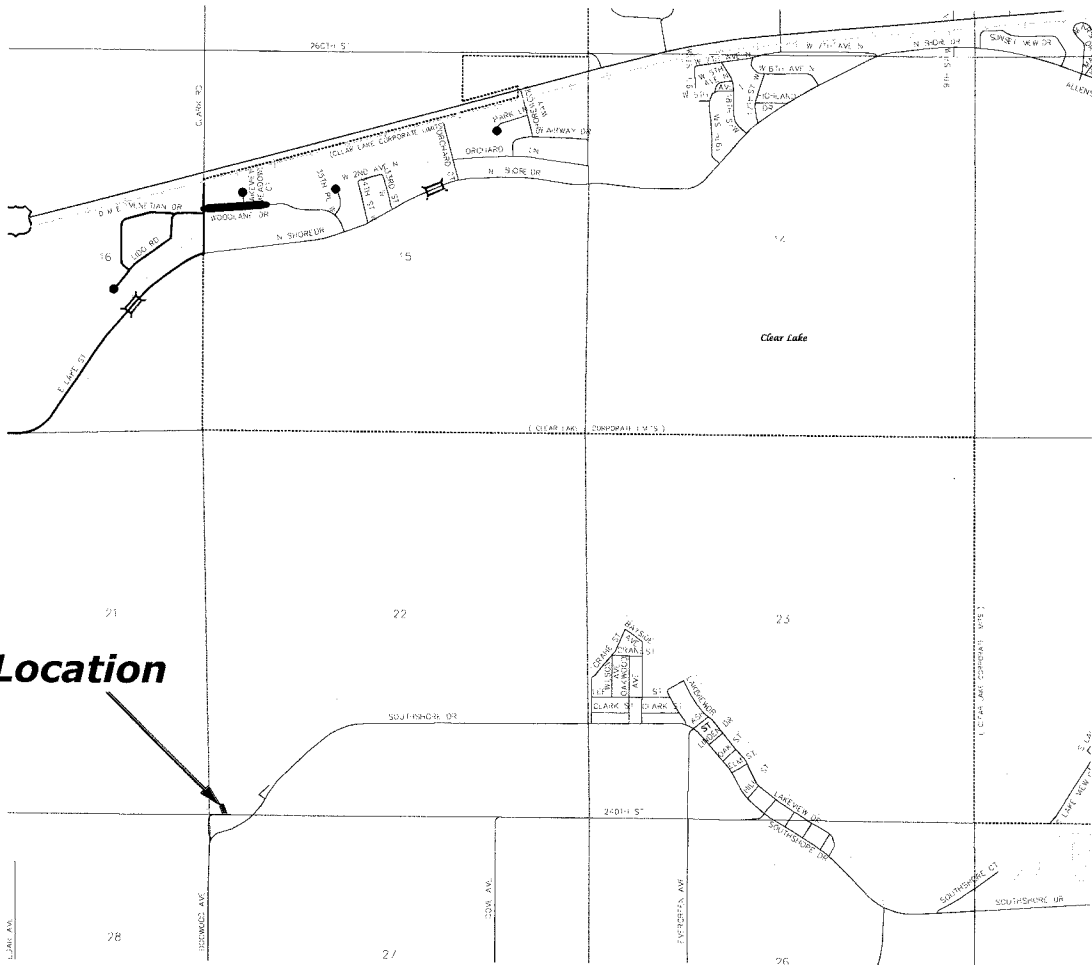
DESIGN DRAWING NOT COMPLETE AS NEED TO VERIFY SETBACKS.
THIS IS REPRESENTATIONAL PICTURE, SIDING WILL BE LP SMARTSIDE
SMOOTH PLANK AND SHAKES, COLOR STONE PEBBLE, WHITE TRIM WITH
BLACK FRAME WINDOWS.

Index Legend
Prepared by & Returned to: Mark D. McClenathan, PLS 24510
HRS, LLC - 805 Buddy Holly Place, Clear Lake IA 50428
Proprietor: Brent S. Kuntz and Julie K. Kuntz
Requested By: Julie K. Kuntz
County: Cerro Gordo
Subdivision: Replat of Lots 33-38, Block 10, Dodge's Point Park
Lot(s): E

Number: 2021-8309
BK: 2021 PG: 8309
Recorded: 10/28/2021 at 8:21:00.0 AM
County Recording Fee: \$12.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$15.00
Revenue Tax:
AnnMarie Legler RECORDER
Cerro Gordo County, Iowa

Retracement Plat of Survey

**Retracement of Lot E, in the Replat of Lots 33-38, Block 10,
Dodge's Point Park, Cerro Gordo County, Iowa.**



Survey Location



Map Not to Scale

Map Courtesy of the Iowa Department of Transportation
<http://www.iowadot.gov/maps/>

Basis of Bearing:

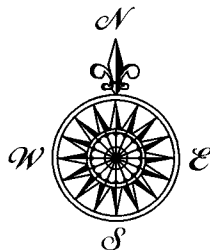
The Coordinate Basis for this survey and the subsequent Basis of Bearing is the Iowa State Plane Coordinate System North Zone (1401) Horizontal Control NAD 83 (1996), Vertical Control NAVD88 (Geoid 96C).

Control was acquired by localizing into the Cerro Gordo County GPS Control System utilizing Points 16, 22, 27, 51, 135, 136, 137, 138, 149 and 150 and projected from Point 137.
 Scale factor 1.00007348 applied.

Projection Point:
 Northing = 3,877,589.40'
 Easting = 4,937,775.86'

Notes:

See Sheet 1 for Location Map.
 See Sheet 2 for Retracement Details.



LEGEND

●	= Fd. 1/2"Ø Rebar w/YPC PLS 10898
■	= Fd. 1/2"Ø Rebar w/YPC PLS 13804
◆	= Fd. 5/8"Ø Rebar w/YPC PLS 8656
♣	= Fd. 5/8"Ø Rebar
♠	= Fd. 3/4"Ø Pipe
⊗	= Fd. 1"Ø Pin
○	= Fd. 1.25"Ø Pipe
★	= Fd. Spike
T	= Fd. T-Bar
—	= Survey Boundary Line
RPC, YPC, OPC, BPC	= Red, Yellow, Orange, Blue Plastic Cap
(0.00')	= Recorded Dimension

Survey was completed on October 15, 2021.

FB: CG 6A, Pgs. 43

KLR Project Number: 2021-365

Sheet: 1



**Herold-Reicks
Surveying**

New Hampton **Waverly** **Clear Lake**
641-394-2725 **319-483-5187** **641-231-8092**
www.hrsurveying.com



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Mark D. McClenathan Date: 10-28-21

License number 24510
 My license renewal date is December 31, 2021.
 Sheets covered by this seal: 1-2

LEGEND

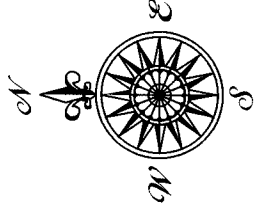
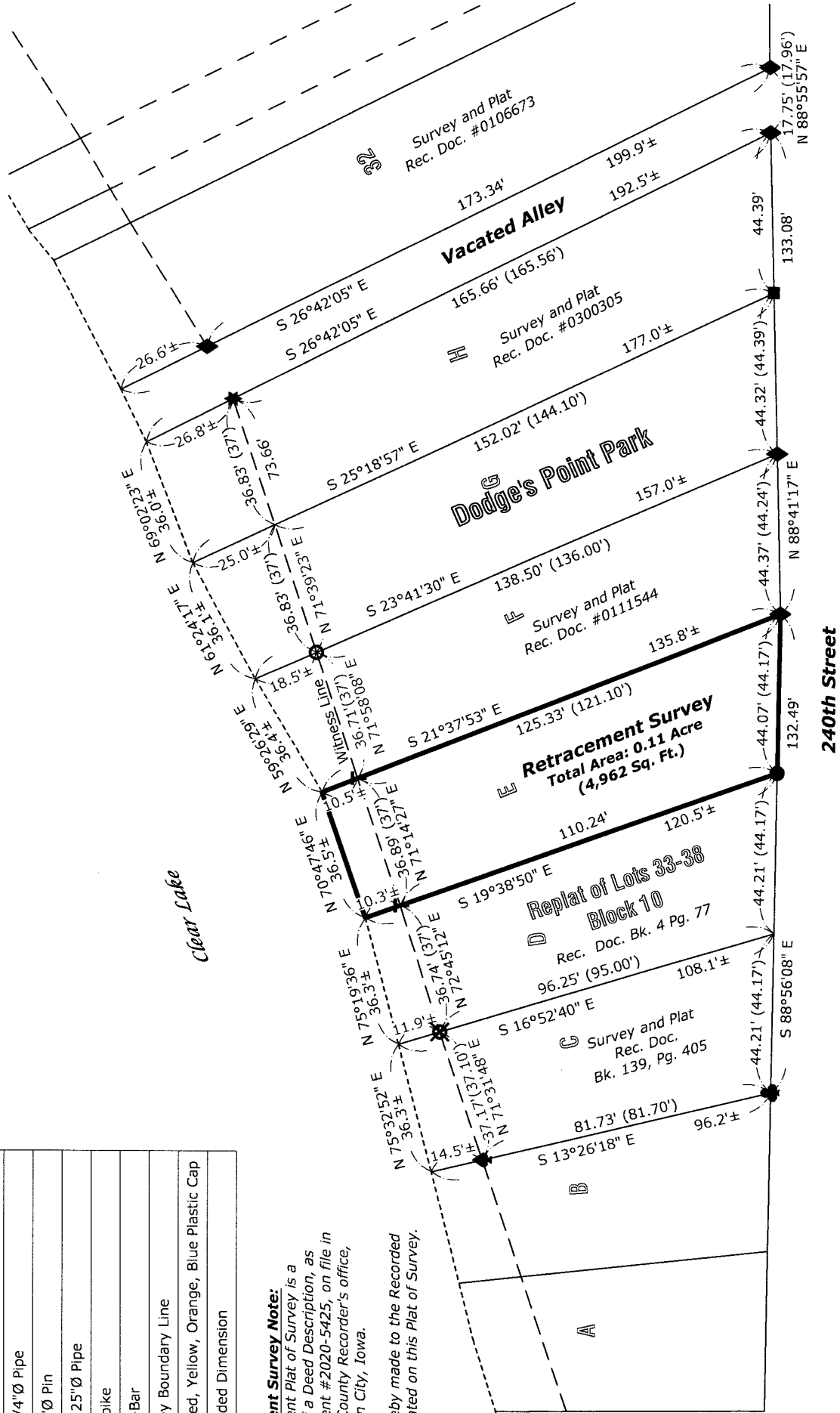
●	= Fd. 1/2"Ø Rebar w/YPC PLS 10898
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—	= Survey Boundary Line
RPC, YPC, OPC, BPC	= Red, Yellow, Orange, Blue Plastic Cap
(0.00')	= Recorded Dimension

Retracement Survey Note:
 This Retracement Plat of Survey is a representation of a Deed Description, as recorded in Document #2020-5425, on file in the Cerro Gordo County Recorder's office, Mason City, Iowa.

References are hereby made to the Recorded Documents as indicated on this Plat of Survey.

Retracement Plat of Survey

Retracement of Lot E, in the Replat of Lots 33-38, Block 10, Dodge's Point Park, Cerro Gordo County, Iowa.



Scale - 1 inch = 40 ft.



22



240TH ST



27