



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 22-13

Hearing Date: May 31, 2022

Staff Contact: John Robbins, Planning and Zoning Administrator

Applicant

Brian Lauterbach
5428 Lakeview Drive
Clear Lake, IA 50428

Owner

Same

Property Address: 5428 Lakeview Drive

Brief Legal Description: Southeasterly 2' of Lot 3 & all of Lot 4, Block 8, Oakwood Park

Zoning: R-3 Single Family Residential

Background

Mr. Lauterbach proposes to have a 5'x14.5' walkway addition to the existing house, which construction began before a permit was issued (See Figure 1). The walkway will be used to access the new entrance to the upstairs above the detached garage, which was previously only accessed via steps on the backside of the garage.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Walkway	9' southeast street-side yard setback	12.5' street-side yard setback (11.6-D)

*See Figure 2

FINDINGS OF FACT

1. Brian and Beth Lauterbach are the owners of the subject property, located on the southeasterly 2' of Lot 3 and all of Lot 4, Block 8, Oakwood Park.
2. The property is zoned R-3 Single Family Residential.
3. The proposed walkway is 9' from the southeast street-side lot line.
4. A 12.5' street-side yard setback is required on corner lots in the R-3 District.
5. The application was filed on April 26, 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 shed is 9' from the southeast street-side lot line. A 12.5' street-side yard setback is required in the R-3 District. The standard appears to be met in part.

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, and access to a detached accessory building is incidental to a typical residential use, which is also permitted in the 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 lot sits adjacent to a public access to Clear Lake, which is a public right-of-way. As a public throughfare, the status of the public access technically categorizes the subject property as a corner lot despite not being a finished roadway. As a result, a 12.5' street-side yard setback is required on the southeast side where a 6' side yard setback would otherwise be required.

The walkway will be used for access into the upstairs portion of the detached garage where the entrance has been added. It was previously only accessed via a set of steps on the backside of the garage. 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 practical difficulty relates entirely to the property's corner lot status. Some sort of attached walkway or steps is necessary to provide access to the new entrance that would otherwise conform to setback requirements. The standard appears to be met.

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

The only way to get access to the new entrance is via some sort of addition of steps or walkway. The standard appears to be met.

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

The character of the neighborhood will not be altered as a result of the walkway addition. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

There are no foreseeable negative impacts due to the proposed shed.

Staff Conclusions and Recommendation

Staff recommends the special exception request be approved as requested. All standards of review appear to be met.

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 of approval:

- I move to adopt the staff report as the Board's findings and to approve the special exception as requested by Brian Lauterbach, 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 adopt the staff report as the Board's findings and to deny the special exception as requested by Brian Lauterbach for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Exception Application
- Exhibit 3: Site plan
- Exhibit 4: Aerial photo of site

Figure 1
Looking at the walkway location



May 3, 2022, J. Robbins

Figure 2
Looking northeast along the southeast street-side lot line



May 3, 2022, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 4/26/22

Date Set for Hearing 5/31/22

Case Number: 22-13

Applicant Name: Brian Lauterbach

Phone: 515-460-1169

E-Mail: blauterbach79@gmail

Mailing Address: 5428 Lakeview dr. Clear Lake Iowa 50428

Property Owner Name: Brian and Beth Lauterbach

Phone: _____

E-Mail: _____

Property Owner Address: Same as above

Property Description (Not to be used on legal documents): Parcel # 052338001200 Township Clake

Property Address: Same as above Zoning: _____

Brief Legal Description:

Project Description

Decision Date: _____

Move door from North side to east side to get it to ground level. Install access walkway to get in door with railing.

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

Topographical Conditions and Surroundings.

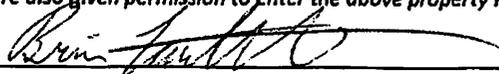
Criteria Justifying Special Exception under Standards for Review (You may add more details in the Additional Information)

Current door was elevated and had 7 steps to go up. Needed ground access so moving door was the only option. If put on south wall there would be no room to get pickup fully off street to park and still access to get in and out of door. So putting it on the east side lets me keep the truck fully off street. This is just an access walkway not a big deck for events. I had to make it long enough to set the brace post of the walkway in between the 2 garage doors below. The 5 ft wide is to give enough room to go in and out of the door and not hit railing. Also to allow if you have to move anything in and out as you have to make the turn.

I am the Owner Contract Purchaser Other (Explain) _____

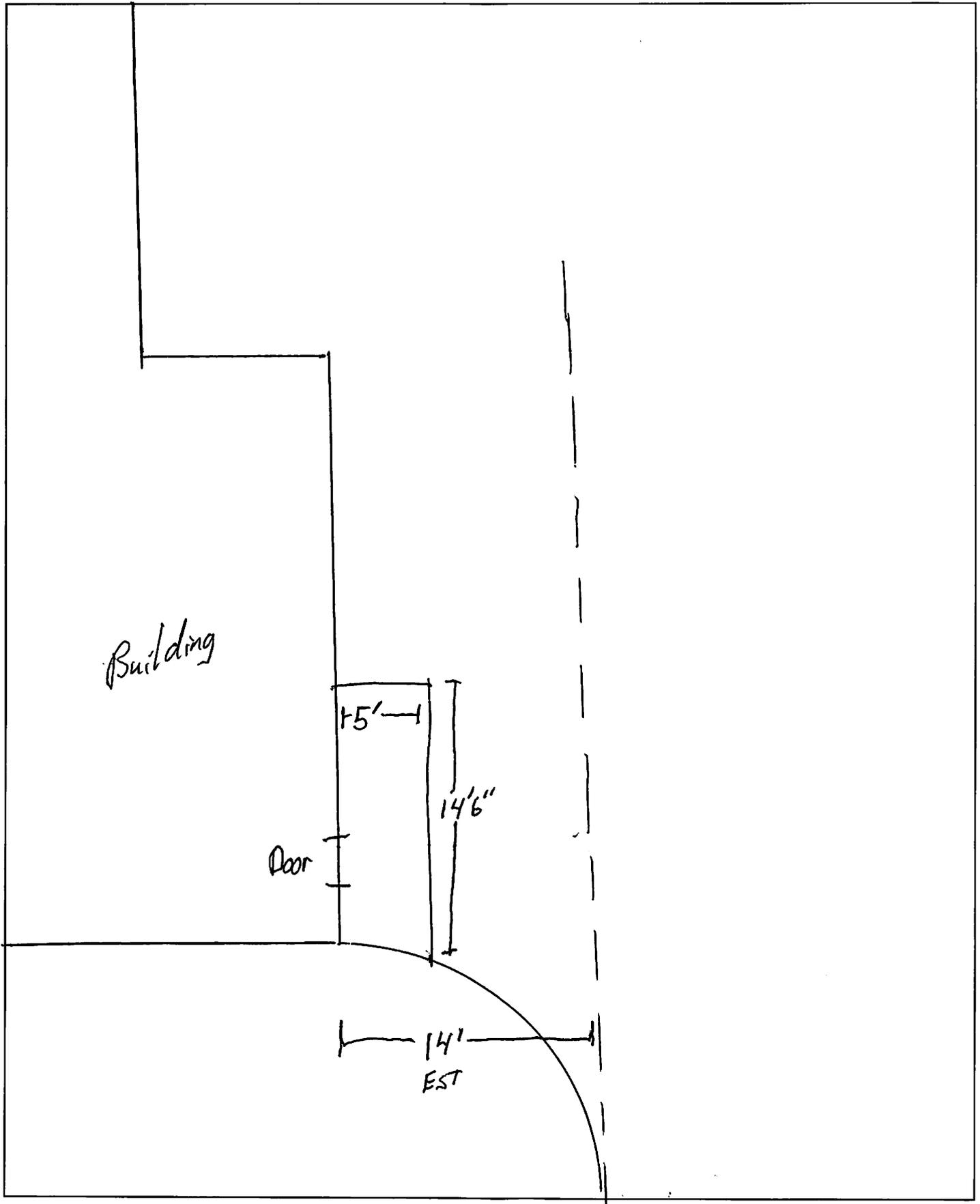
_____ of the property affected.

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; and that the information provided is true and correct and actual construction will proceed in accordance with the purposes herein stated and any conditions and/or requirements the Board of Adjustment may stipulate. The Planning & Zoning staff and Board of Adjustment members are also given permission to enter the above property in reviewing this Application.

Applicant Signature 

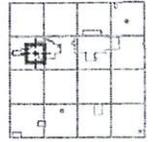
Date 4/20/22

Site Plan:





Overview



Legend

- Roads
- Parcels
- Section

walkway

Date created: 3/30/2022
Last Data Uploaded: 3/30/2022 7:53:10 AM

Developed by Schneider
GEOSPATIAL



LAKEVIEW DR

23

HILL ST