

### **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.: 24-02 Hearing Date: January 30, 2024

**Staff Contact**: Michelle Rush, Zoning Assistant

<u>Applicant</u> <u>Owner</u>

Andy Meyer, Bergland & Cram

Christopher M Klitgaard

115 S Delaware Avenue

Mason City, IA 50401

Christopher M Klitgaard

2046 Rochester Court

Iowa City, IA 52245

**Property Address:** 15358 5<sup>th</sup> Street

Brief Legal Description: Lot 48 & 48A, Clear Lake Methodist Camp

**Zoning:** R-3 Single Family Residential

### **Background**

The applicant proposes to replace the existing house with a new 2.5-story house (See Figure 1). The property sits off the intersection of 5<sup>th</sup> Street and Asbury Drive in the Bell Harbor neighborhood on a lake lot.

SPECIAL EXCEPTION REQUEST*						
Structure	Request(s)	Requirement(s)				
House	9'-2.5" front yard setback	18.4' front yard setback (6.11)				
	3' west & east side yard setback	6' side yard setback (11.6-B)				
	24' rear yard setback	30' rear yard setback (11.6-C)				

<sup>\*</sup>See Figures 2-6

### **FINDINGS OF FACT**

- 1. Christopher M. Klitgaard is the owner of the subject property.
- 2. Andy Meyer with Bergland and Cram is applying on behalf of the owner.
- 3. The property is zoned R-3 Single Family Residential.
- 4. The proposed house is 9'-2.5" from the front lot line, 3' from the west and east side lot lines, and 24' from the rear lot line (high water mark of Clear Lake).
- 5. An 18.4' front yard setback is required, per the average of front yard setbacks within 200'. A 6' side yard setback and a 30' rear yard setback are required in the R-3 District.
- 6. The application was filed with the Planning and Zoning Office on December 12, 2023.

### **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 depth of the lot is about 70'. Factoring in setback requirements, this only permits a house with a minimum width that does not meet the 22' standard for the size of a dwelling. An exception is likely needed to build house at all on the lot. The proposed setbacks are equal to 50 percent of the requirement for the front and side yards and further than 50 percent of the requirement for the rear yard. 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 practical difficulty is primarily due to the short depth of the lot, preventing a house to be built within minimum requirements. The proposed house is roughly consistent with the general size of houses in the 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.

As aforementioned, the depth of the lot prevents a reasonably sized house to be constructed onsite and is a borderline hardship. The standard appears to be met.

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

A house can only be built with an exception being granted and would otherwise be prohibited under the zoning standards. The standard appears to be met.

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

There will be no change to the character of the area as a result of this request. The standard appears to be met.

### <u>Discussion of Potential Impacts to Immediate Area</u>

There are no foreseeable negative impacts from the proposed house. The proposed house will improve views to the lake for neighbors because the house will be further from the lakeshore. Even though the proposed house is closer to the road, it will not create a safety hazard for traffic or be unreasonably close to the street.

### **Staff Conclusions and Recommendation**

The proposed house appears to meet all six standard of review. Staff recommends approval.

### **BOARD DECISION**

The Board of Adjustment may consider the following alternatives:

### **Alternatives**

- 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 Andy Meyer on behalf of Christopher Klitgaard 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 Andy Meyer on behalf of Christopher Klitgaard for the following reasons:

[STATE REASONS FOR DENIAL]

### **EXHIBITS**

• Exhibit 1: Figures

• Exhibit 2: Special Exception Application

• Exhibit 3: Site plan, renderings, and diagrams

• Exhibit 4: Aerial photo of site

**Figure 1**Looking at the location of the proposed house



December 20, 2023, J. Robbins

Figure 2
Looking westerly along the front lot line



December 20, 2023, J. Robbins

Figure 3
Looking easterly along the front lot line



December 20, 2023, J. Robbins

**Figure 4**Looking northerly along the west side lot line



December 20, 2023, J. Robbins

Figure 5
Looking northerly along the east side lot line



December 20, 2023, J. Robbins

**Figure 6**Looking westerly along the rear lot line



December 20, 2023, J. Robbins

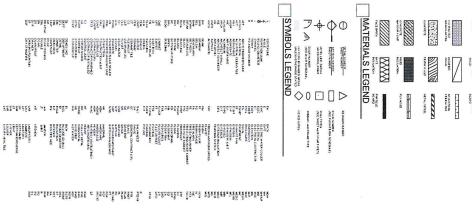
### **SPECIAL EXCEPTION APPEAL**

### **APPLICATION**

Date F	iled	Date Set for Hearin	g Case	Number:
Applicant Name:	ANDY MEYER		Phone: 641.423.6349	E-Mail: ANDYM@BERGLANDANDCRAM.COM
Mailing Address:	115 S DELAWARE AV	E, MASON CITY, IA		
Property Owner Na	me: CHRIS KLITGA	ARD	Phone: 319.621.7249	E-Mail: CHRIS.KLITGAARD@GMAIL.COM
Property Owner Ad	dress:2046 ROCHE	STER CT, IOWA CITY	/, IA, 52245	
Property Description	n (Not to be used on leg	al documents): Parcel	# 052240302400	Township 001
Property Address: 1	5358 5TH ST, BELL H	ARBOR, CLEAR LAK	Œ, IA	Zoning: RESIDENTIAL, R-3
HIGH WATER LIN	HT (48) AND LOT FOR IE OF CLEAR LAKE A CATED IN SECITON T	ND FORTY-EÌGHŤ (4	8), ALL IN THE CLEAR LA	L ESTATE LYING BETWEEN THE KE METHODIST CAMP, CLEAR B) NORTH, RANGE TWENTY-TWO
Project Description NEW SINGLE FA	MILY RESIDENCE AP	PROXIMATELY 3,500		Decision Date: TH TANDEM STALL GARAGE.
ALLOWANCE TO 3'0" FT ON THE 'S SHARED ACCES	D BUILD 9' - 2 1/2" FRO WEST SIDELOT, AND SS HOA LOT.	OM FRONT YARD (ST 3'0" ON THE EAST S	ning Permit Application) TREET) PROPERTY LINE, SIDELOT FROM PROPERT OU may add more details in th	
SIMILAR OR A VARIANCE AC THE EAST AN MAINTAINS A 5'-9" SETBACK	VERAGE IN SIZE COMDATES THE D WEST SIDES. T 5'-0" SIDEYARD S CASIDE FROM TH	TO OTHER NEW GARAGE PROJE HE REMAINDER ETBACK AND TH IE CHIMNEY PRO	OF THE WEST SIDE	GHBORHOOD. THE DE YARD SETBACK ON DE THE HOME HE EAST MAINTAINS A IDE IS 9' 2 1/2" TO
I am the 🔲 Owner	Contract Purc	haser Other (Exp		R'S REPRESENTATIVE
who makes the accom with the purposes here Board of Adjustment n	panying application; and th ein stated and any co <mark>n</mark> lition	that I am the owner, or the at the information provide s and/or requirements to be	at I am authorized and empowerd d is true and correct and actual c Board of Adjustment may stipula property in reviewing this Applica	ed to make affidavit for the owner, onstruction will proceed in accordance ate. The Planning & Zoning staff and ation. Date 12.12.23

# CHRIS KLITGAARD RESIDENCE

# 15358 5TH ST CLEAR LAKE, IOWA



ARCHITECTU

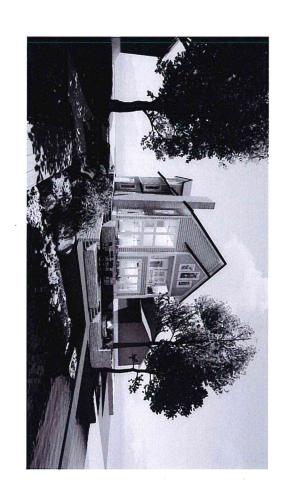
ARCHITECTU

ARCHITECHA

ARCHIT

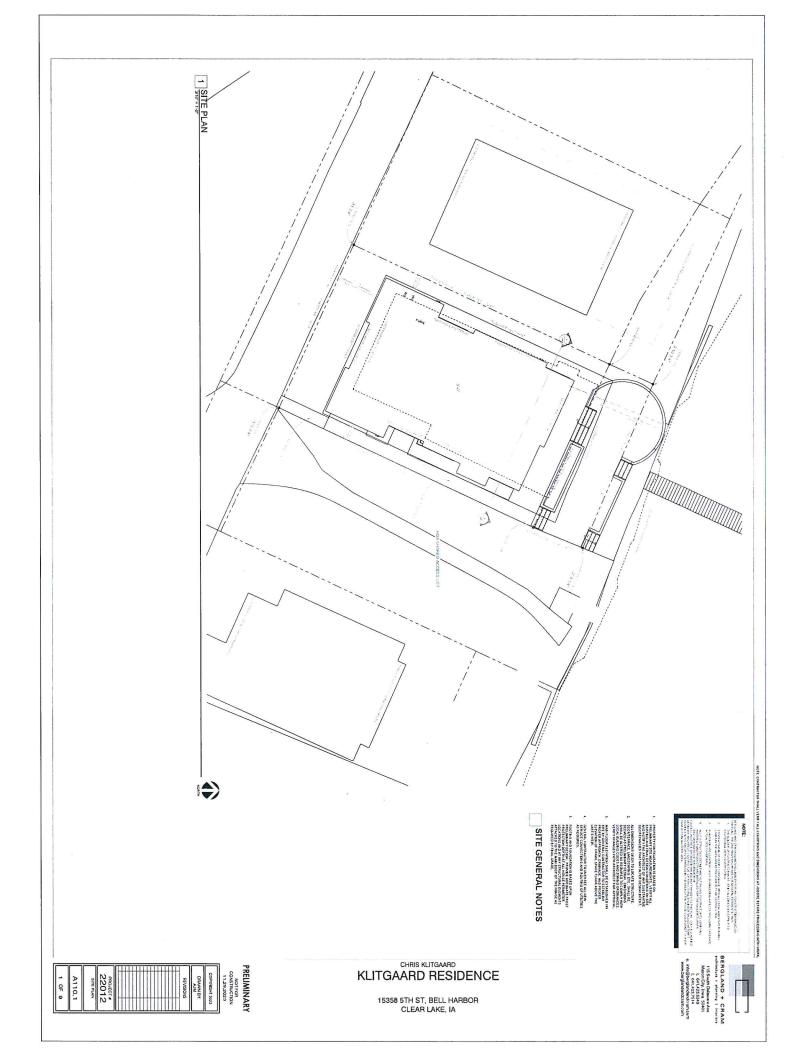


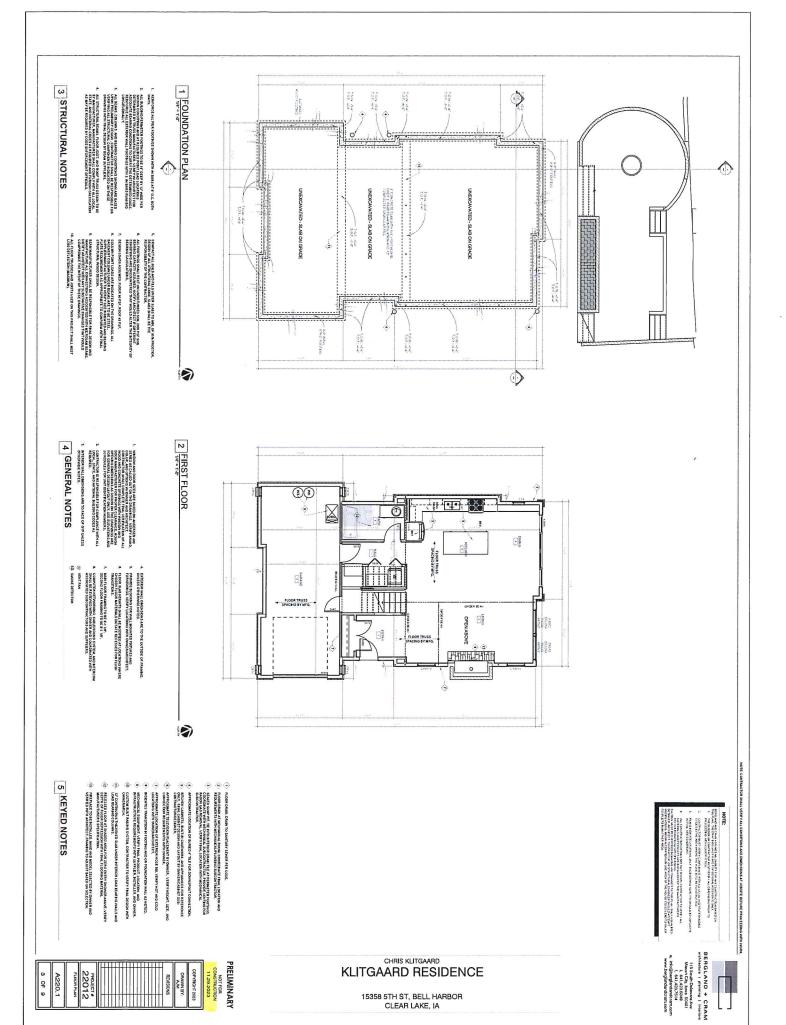
우용소축·수,축수수도난통 청·전수론,경류증품 소문통 소소로링스스도보드로, 로프로스노스 고프론스스트리스드드트트로 'Auditation' (1915)



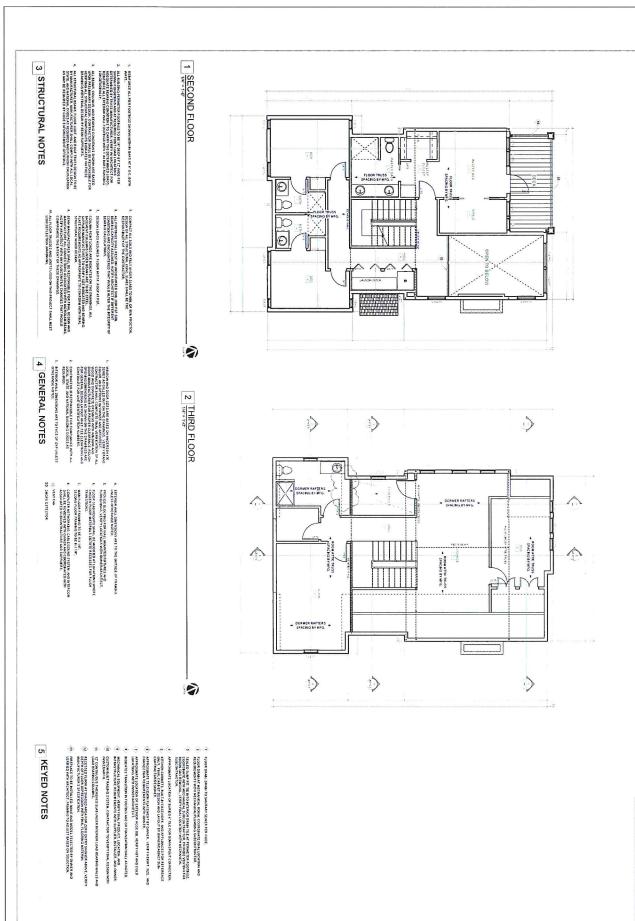
CHRIS KLITGAARD
KLITGAARD RESIDENCE

15358 5TH ST, BELL HARBOR CLEAR LAKE, IA





15358 5TH ST, BELL HARBOR CLEAR LAKE, IA



PRELIMINARY
NOTFOR
CONSTRUCTION
11.29.2023

COPPRIGHT 2023

DRAWN BY
AJM

A220.2

PROJECT # 22012

CHRIS KLITGAARD
KLITGAARD RESIDENCE

15358 5TH ST, BELL HARBOR CLEAR LAKE, IA

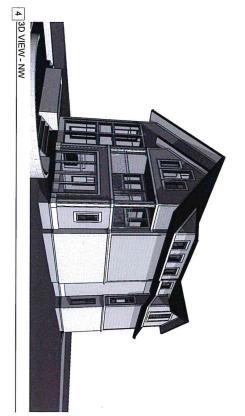
BERGLAND + CRAM
problecture | planning | lastilors
| 1.55 such Deleaser Ave
| Mazon City, Jone 59-01 |
| 1.61 (2.528)
| 1.61 (2.528)
| 6. into@levelphotocom.com
| howelphotocom.com

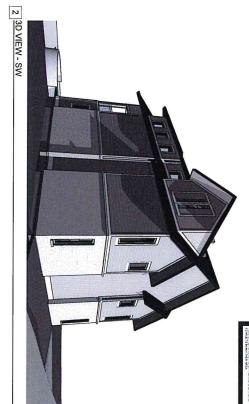
RESIDENCE MANUFACTOR BY COME HAVE CHITMALL LEGAL AND STATE BLACE CRESS FOR ANY AND STATE BLACE CRESS FOR ANY CONTRACT CRESS FOR CRESS FOR ANY CONTRACT CRESS FOR CRESS FOR ANY CONTRACT CRESS FOR CR

NOTE CONTRACTOR SHALL VERBY ALL CONDITIONS AND DIMENSIONS AT JOSSITE BEFORE PROCEEDING WITH WORK,

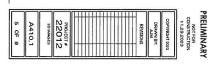












CHRIS KLITGAARD
KLITGAARD RESIDENCE

15358 5TH ST, BELL HARBOR CLEAR LAKE, IA

