



PLANNING AND ZONING
Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 23-15

Hearing Date: July 25, 2023

Staff Contact: Michelle Rush, Zoning Assistant

Applicant

Erica Stortz
821 NE Canterbury Drive
Ankeny, IA 50021

Owner

Same

Property Address: 5048 Southshore Drive

Brief Legal Description: Lot 8, Block 7, Crane and Hills

Zoning: R-3 Single Family Residential

Background

Stortz proposes to construct a 20'x9.5' canopy roof over the existing deck (See Figure 1). As can be seen in Figure 1, Stortz constructed the canopy roof prior to a Zoning Permit being issued. It is proposed to be used as a sunbreak.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Canopy roof	8' front yard setback 4' west side yard setback	15.5' front yard setback, per average of setbacks within 200' (6.11) 6' side yard setback (11.6-B)

*See Figures 2 & 3

FINDINGS OF FACT

1. Erica Stortz is the owner of the subject property.
2. The property is zoned R-3 Single Family Residential.
3. The proposed canopy roof is 8' from the front lot line and 4' from the west side lot line.
4. A 15.5' front yard setback is required, per the average of front yard setbacks within 200'. A minimum 6' side yard setback is required in the R-3 District.
5. The application was filed on June 20, 2023 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.

Stortz desires to have a sunbreak over the existing deck, which already was issued a variance in 2018 due to the size of the lot. The proposed front yard setback of 8' is further than 50 percent of the required 15.5' front yard setback average requirement. The proposed 4' west side yard setback is also further than 50 percent of the required 6' side yard setback requirement. 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.

The canopy roof is considered a part of the existing single family house, which is a principle 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 lot is 30' wide. No house could be built without a variance or exception and also meet the minimum 22'-width required for a dwelling under Article 6.19 of the Zoning Ordinance. Additionally, due to the existing location of the house, the deck is generally closer to the right-of-way of South Shore Drive than most dwellings within the block, so the practical difficulty is objectively due to circumstances occurring on the property. 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 difficult is due to the lot's width and positioning of the house. A canopy roof would not otherwise be permitted without an exception as requested. The existing deck was granted variance in 2018. The proposed canopy roof is similar in its functionality and would otherwise be a feature that is otherwise permissible. The request will not have significant impact to neighboring properties. The standard appears to be met.

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

The only location that makes sense for a covered roof is over the deck, so there does not appear to be any feasible alternatives. The standard appears to be met.

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

Covered decks and patios are a common feature in residential neighborhoods. The character of the neighborhood will not be altered as a result of the proposed canopy roof. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

There are no foreseeable negative impacts from the proposed canopy roof. The existing deck it sits over has existed without incident or complaint since it was constructed in 2018.

Staff Conclusions and Recommendation

All standards of reviews appear to be met. Staff recommends approval as requested.

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 Erica Stortz, 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 Erica Stortz 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 location of the proposed canopy roof



July 5, 2023, J. Robbins

Figure 2

Looking east along the front lot line



July 5, 2023, J. Robbins

Figure 3

Looking north along the west side lot line



July 5, 2023, J. Robbins

Spec Equip
ZONING DECISION APPEAL

APPLICATION

Date Filed 6-20-23

Date Set for Hearing 7-25

Case Number: 23-15

Applicant Name: Erica Stortz

Phone: 515-451-3414

E-Mail: dustin Q
midwestcountertops.net

Mailing Address: 821 NE Canterbury Pl. Ankeny IA

Property Owner Name: _____

Phone: _____

E-Mail: _____

Property Owner Address: _____

Property Description (Not to be used on legal documents): Parcel # 052330500520 Township Clarke

Property Address: 85048 Southshore Dr Zoning: R-3

Brief Legal Description:

L 8 BLK 7 Crane + Hills 1st Add to Oakwood Park

Decision Date: 6/14/23

Summary of decision being appealed (Please reference applicable documentation)

Sunbreak on permitted deck doesn't meet requirements due to property lines being too close to each other.

Justification to reverse decision (You may attach a separate sheet if preferred or needed)

Sunbreak is inside dimensions of permitted deck. Adds property value and doesn't impact neighbors view

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. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

Applicant Signature *Erica Stortz*

Date 6/15/23

Site Plan:



CLARK ST

23

SOUTHSHORE DR

