



## PLANNING AND ZONING

### Cerro Gordo County Courthouse

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January 11, 2018

TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, January 30, 2018; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, January 30, 2017 at 4:00 p.m. in the Boardroom at the Courthouse**. The Board will be considering two variance requests and an item from the Zoning Administrator.

#### Variance Requests

1. Case No. 18-28      Clear Lake Sanitary District      5631 235<sup>th</sup> Street (NW¼ of the SE¼, Section 26, Clear Lake Township)

The Clear Lake Sanitary District proposes to construct a 42'x28.67' ultraviolet disinfection building for its operation as a sewage treatment plant (See Figure 1). According to the applicant, the proposed building will be in accordance to the NPDES permit issued by the EPA and Iowa DNR. A copy of the permit and any other required state or federal permits related to the structure will need to be filed with the Planning and Zoning Office as required by the Zoning Ordinance.

The District has a Special Use Permit (SUP) that was originally approved by the Board on December 15, 1994. The permit is atypical in that it was not passed by resolution. The Board approved the original master plan for the facility "as presented," but the District is subject to state and federal standards. A copy of the original staff report and approval letter is included in your packets. As a result, the application is for a variance request and is not a review of the SUP.

The proposed structure is 170 feet from the rear property line and 195 feet from the east side property line (See Figures 2-3 & aerial photograph included in packet). Article 20.2(K) of the Zoning Ordinance does not allow any part of a sewage treatment plant to be closer than 200 feet from any property line. The disinfection building was not approved with the original master plan. The proposed structure is federally mandated and essential to the continued operation of the

District, so a denial of the request constitutes a hardship under a literal interpretation of the Zoning Ordinance.

The applicant states the proposed structure has "been sited with respect to the location of the existing buildings, structures, and utilities." It is also of a similar design as the existing structures

on the property (See Figure 4). It will not be visible from 235<sup>th</sup> Street and is surrounded by fields in agricultural production. There are no foreseeable negative impacts as a result of the proposed structure as long as the District stays in compliance with state and federal rules. The Board would be hard-pressed to deny this request.

Additionally, the proposed structure is within the FEMA-designated 100-year floodplain. The District requested a base flood elevation from the Iowa DNR, and the DNR determined it to be at 1,227 feet above sea level. No state permit is required because the proposed facility is above the base flood elevation. The District has applied for a local Floodplain Development Permit with the Planning and Zoning Office. It is in general compliance with the floodplain standards in the Zoning Ordinance. If approved by the Board, the floodplain permit will also be approved and issued.

*Recommendation*

1. Approve a rear yard setback variance for the ultraviolet disinfection building to be located no closer than 170 feet to the lot line.
2. Approve an east side yard setback variance for the ultraviolet disinfection building to be located no closer than 195 feet to the lot line.

2. Case No. 18-29 RH & SH Investments 23977 Claybanks Drive (SE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub>, Section 26, Portland Township)

The applicant began reconstruction of a 30'x24' detached garage without a Zoning Certificate (See Figure 1). The previous garage was completely destroyed by a fire in March 2017. The proposed garage will maintain the footprint of the previous garage. The Board has the option to waive the \$200 administrative fee for building without a permit.

The proposed garage has a 7 foot separation distance from the house. The Zoning Ordinance requires a minimum separation distance of 10 feet between detached structures (See Figure 2).

There is a reasonable residential and agricultural use of the property. A hardship is not being created under the Zoning Ordinance if the garage is denied.

The previous garage likely existed in the location and footprint for decades without having any significant negative impacts. Using the county GIS system, I can confirm the previous garage existed at least since 2002. There is no record of complaint as a result of the previous garage. I have no concerns with the proposed garage being built in the same location.

*Recommendation*

1. Approve a separation distance variance for the garage to be no closer than 7 feet from the house.

**Item from the Zoning Administrator**

1. Country Meadow Place, LLC/Senior Housing Companies 17396 Kingbird Avenue (SE<sup>1</sup>/<sub>4</sub>, Section 11, Lake Township)

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Country Meadow Place is proposing a 142'x180' expansion, including 20 new units and a living and dining area. This will be Phase 1 of a two phase process. Country Meadow Place, LLC took over the existing Special Use Permit (SUP) when it purchased the property and took over operation of the care facility from Willow Pointe, LLC in 2013.

Condition 3 of the permit states, "Any expansion or change of use different than that specified in this permit shall require an Application for Zoning Certificate to be filed with and approved by the Board of Adjustment." It is the Board's responsibility to review the application in accordance with the conditions of the SUP and the Zoning Ordinance.

The property is zoned A-1 Agricultural. Setback requirements are as follows: 50 feet from the right-of-way line (front/east), 25 feet from each side lot line (north and south), and 30 feet from the rear lot line (west). The proposed approximately 21,504 square foot addition will meet all of the required setbacks. The proposed use is consistent with the SUP granted by the Board in 1998 and as amended in 2000 and 2002. The proposed parking area on the site plan is in general compliance with the Zoning Ordinance.

Under its agreement with the city of Mason City for connection to the city's water and sewer services, the applicant's plans will need to be reviewed for compliance with applicable building and fire codes. This review is independent of the review and decision by the Board of Adjustment.

The Clear Lake Fire Department, which provides fire protection and first responder services, and Mason City have been forwarded the opportunity to comment. Any comments received will be shared with you at the meeting on January 30<sup>th</sup>.

Based on my review, the Board of Adjustment should approve the Zoning Certificate and authorize the Zoning Administrator to issue it.