



## PLANNING AND ZONING

### Cerro Gordo County Courthouse

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March 15, 2018

TO:              Cerro Gordo County Board of Adjustment

FROM:          John Robbins

SUBJECT:      Next Meeting – *Tuesday, March 27, 2018; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, March 27, 2017 at 4:00 p.m. in the Boardroom at the Courthouse**. The Board will be considering a Special Use Permit review and two variance requests. Additionally, the annual reviews for B-20 Auto Salvage and Thomas Newman's salvage yard are on the agenda.

1.      Case No. 18-33      Behr Iron and Metal/Alter Trading Corporation      12050 State Street (Block 5, Traction Park at Emery)

Behr Iron and Metal, owned by Alter Trading Corporation, has submitted an Application for a Special Use Permit review of the existing permit to add appliance de-manufacturing and recycling as a use into the permit. The Special Use Permit request has been reviewed by Staff. A staff report for the Special Use Permit with accompanying photos, supplemental materials, and recommendations has been attached for Board members to review.

2.      Case No. 18-34      North Iowa Cooperative      19856 Main Street (Lots 1-8, Block 3, Portland)

The North Iowa Cooperative proposes to install a new 14'x125' truck scale to replace the existing one onsite (See Figures 1 & 2). The applicant states the current truck scale is in need of replacement (See Figure 3). The new scale is raised approximately 2 feet off the ground and treated as a general structure under the Zoning Ordinance.

The proposed scale is approximately 2 feet from the right-of-way line (ROW)/lot line off Main Street (See Figure 4). A 50 foot front yard setback is required in the M-1 District. The aerial photograph highlighting the parcel on which the scale is proposed shows the grain bins to the east as crossing the ROW (See Figure 5). The GIS system is incorrectly showing the ROW line in this instance. The GIS system has a record for an 80 foot ROW for Main Street; however, the

northern 7 feet of ROW was vacated in 1977. A copy of the resolution for the street vacation is included in your packets. The property record reflects the vacation and has the grain bins to the east with just under a 1 foot setback (See Figure 6).

The property is particularly narrow for such a use. The requirements of the Zoning Ordinance limits the operation significantly due to the nature of the lot. There is an arguable reasonable commercial use of the property, though a case may be made for practical difficulty, as a truck scale is an essential aspect to the business with limited space for a scale with enough room for trucks to pull into the property.

The cooperative is across the street from a residential neighborhood. A house, also owned by the North Iowa Cooperative, is located directly across Main Street from the scale site (See Figure 7). The 73 foot ROW, accounting for the street vacation, helps create significant space for regular truck traffic, though the impact of the facility will remain the same as before. There has been no record of complaint as the result of the existing scale. The new scale will maintain an existing use.

Main Street sees limited traffic overall. No change in the number of trucks entering the applicant's property can be foreseen as a result of replacing the truck scale. There will likely no changes in operations of the facility itself or activity of the neighborhood as whole.

### *Recommendation*

1. Approve a front yard setback variance for the truck scale to be no closer than 2 feet.

3. Case No. 18-35 Tyler and Ashley Cooper/The Rustic Barn Venue 24064 250<sup>th</sup> Street (SW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>, Section 13, Portland)

The Coopers are proposing to construct a 50'x18' canopy roof over the deck, which is attached to the northeast machine shed, and an archway over the driveway, which may be up to 25 feet tall (See Figures 1 & 2). The Coopers were granted a Special Use Permit in October 2017 for the Rustic Barn Venue. These structures are proposed for the purposes of the special use.

The proposed canopy roof is 6 feet from the decorative classic car. A 10 foot minimum separation distance is required for detached structures (See Figure 3).

The proposed archway is 12 feet from the right-of-way line/lot line (See Figure 4). A 25 foot side yard setback is required in the A-2 District (See Figure 5).

There is a reasonable residential use of the property. It is arguable that the structures already granted with the Special Use Permit is sufficient for the special event venue on the property. The proposed structures are for the purpose of adding additional aesthetic appeal to the property and cover from the rain over the deck.

The proposed canopy roof will be constructed over the deck that was approved with the Special Use Permit (See Figures 1 & 3). The Board granted a similar variance for the deck. There is no safety concerns as a result of the request. It will likely extend the life of the deck and improve safety as a result.

The proposed archway is located near a powerline running along the north side of 250<sup>th</sup> Street (See Figures 4-6). This is somewhat concerning for if a high wind event would damage the structure. However, the Cerro Gordo County Emergency Management Director was provided

the opportunity to comment, stating that the archway will not be tall enough to impact the powerline. I have an additional concern simply for the potential of the archway to obstruct the right-of-way in emergency situations and would encourage the Board to approve a setback further from the right-of-way. The archway also needs a minimum 12 to 14 foot clearance for emergency vehicles.

The archway represents a potential aesthetic improvement to the property. It maintains the rural character of the area and will make the site more visible for people attending events.

### *Recommendation*

1. Approve a separation variance for the canopy roof to be no closer than 6 feet from the decorative classic car.
2. Approve a side yard setback variance for the archway to be no closer than 17 feet with the condition that the archway has a minimum clearance of 14 feet.

### **Annual Reviews**

#### **4. Tom Newman's Salvage Yard 7393 Killdeer Avenue**

Tom Newman's Salvage Yard is up for its annual review, which is a condition stipulated in the Special Use Permit. The salvage yard includes auto wrecking and salvage. A site review was conducted on Thursday, March 12, 2018 to satisfy this condition. A staff report for the annual review has been attached for Board members to review.

#### **5. Gene Baker's Salvage Yard (B-20 Auto Parts) 7600 300<sup>th</sup> Street**

Gene Baker's Salvage Yard (B-20 Auto Parts) is up for its annual review, which is a condition stipulated in the Special Use Permit. The salvage yard includes auto wrecking and salvage. A site review was conducted on Thursday, March 12, 2018 to satisfy this condition. A staff report for the annual review has been attached for Board members to review.