



## PLANNING AND ZONING

### Cerro Gordo County Courthouse

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April 12, 2018

TO:              Cerro Gordo County Board of Adjustment

FROM:          John Robbins

SUBJECT:      Next Meeting – *Tuesday, April 24, 2018; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, April 24, 2018 at 4:00 p.m. in the Boardroom at the Courthouse**. The Board will be considering two variance requests. Additionally, the annual review for River City Rifle are on the agenda.

1.      Case No. 18-36      Lisa Mortens      14992 Dogwood Avenue (Lot 2 and east 1/3 of Lot 1 SJ Clausens Subdivision; Lot A, Tanglefoot)

Lisa Mortens proposes to construct a 90'x36' house with an attached garage and a 12'x20' deck (See Figures 1 & 2)). She plans to remove the existing house, detached garage, and deck prior to construction.

The property is somewhat unique. It sits at the end of 240<sup>th</sup> Street at the intersection of Dogwood Avenue. As you can see in the aerial photograph included in your packets, it is similar in size to the properties to the west but extends further south than the properties to the east. As a result, the lot is considered a corner lot due to its configuration as Dogwood Avenue ends and the road turns to the east.

The proposed house and deck are 7 feet from the east side property line. A 12.5 foot street-side yard setback is required for corner lots in the R-3 District (See Figures 3 & 4).

Generally, if the lot was not a corner lot, the proposed house and deck would be compliant with the rules. The structures are significantly set back from 240<sup>th</sup> Street and do not impede the visibility of traffic in any way (See Figure 5). I have no concerns with this proposal.

*Recommendation*

1. Approve a street-side yard setback variance for the house, attached garage, and deck to be no closer than 7 feet.

2. Case No. 18-37      Todd and Alanna Engels      NE¼ of the NW¼, Section 29, Lake Township

The Engels propose to construct a 60'x40' workshop/storage building with bathroom facilities on a wooded property located on 27<sup>th</sup> Avenue South, just outside of Clear Lake city limits and adjacent to Interstate 35 (See Figure 1). No structures exist on the property. The Zoning Ordinance requires a principle building to be constructed prior to an accessory building and prohibits bathroom facilities within accessory structures.

The lot is 1.15 net acres in size and irregularly shaped. It is a legally non-conforming lot, zoned A-1 Agricultural. When it was constructed in the 1970's, Interstate 35 split this particular lot from the land to the west of the interstate. The lot is limited for development by its shape and size. While the buildable area is large enough for a residence, there may be limiting factors to build a house that meets the minimum standards of the Zoning Ordinance, such as well and wastewater facility requirements. I have requested comment from the Public Health Department. These will be shared with the Board at the public hearing.

The land has a corn suitability score of 80, which is considered highly productive. Historical aerial imagery confirms that the heavy vegetation has existed on this property since Interstate 35 was installed. The ideal use for this property would be for agricultural production, which is otherwise unlikely unless the adjacent property owner purchases it.

The Engels are entitled to a reasonable use of the property. While I do not believe a hardship is created under the ordinance, there are limitations due to the geographic realities of the lot and its somewhat secluded location next to the interstate. The existing vegetation makes a quality buffer that can be utilized to screen the use of the property.

I recommend that the Board approve the requested variances subject to the following conditions:

*Recommendation*

1. All required permits for well and wastewater facilities shall be obtained from the Public Health Department.
2. The existing trees shall be used to create a vegetative buffer along the north and east lot lines.
3. Outdoor storage of any equipment or vehicles is prohibited.
4. The Engels shall contact the Zoning Administrator within 30 days of the completion of construction to schedule an inspection to confirm the structure was built as proposed in the original Zoning Permit Application.

## **Annual Review**

### **3. River City Rifle 20935 Jonquil Avenue**

River City Rifle is up for its annual review, which is a condition stipulated in the Special Use Permit. The shooting range has not had an annual inspection in recent years, so upon this realization, a site review was conducted on Thursday, March 29, 2018 to satisfy this condition. A staff report for the annual review has been attached for Board members to review.