



PLANNING AND ZONING

Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254

John Robbins, Planning and Zoning Administrator

Michelle Rush, Executive Assistant

(641) 421-3075

plz@cgcounty.org

cgcounty.org/planning

March 15, 2019

TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, March 26; 4:00 p.m.; Board Room*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, March 26, 2019 at 4:00 p.m. in the Board Room at the Courthouse**. The Board will be considering two variance requests and two Special Use Permit requests.

Cases

1. Case No. 19-22 Joshua Ward 14869 300th Court (NE¹/₄ of the NE¹/₄, Section 29, Lime Creek Township)

Joshua Ward has submitted an Application for a Special Use Permit for a second agricultural dwelling. 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. 19-23 Matthew Steding 2436 242nd Street (Lot 3, Block 18, Ventura Heights)

Mr. Steding proposes to construct a 15'x24' deck (See Figure 1) on the rear side of a yet-to-be completed house and deck, which were approved by the Board in February 2018. The former cabin has since been removed (See Figure 2). The proposed deck will be several steps down from the already approved deck and includes a set of steps leading down to the lake along the east side of the deck.

The project also includes a 3'-tall retaining wall along the east lot line to replace a wood piling retaining wall that is in disrepair and a 4' tall retaining wall for bank stabilization (See Figures 3-5). Both of the walls encroach into the 30'-wide public access running to the lake along the east lot line (See Figure 6). The applicant has received permits from the County Engineer's Office in order to construct the retaining walls within the right-of way of the access. Overall, the retaining walls are not a part of the variances requested.

The proposed deck is 3 feet from the west side lot line. A 6-foot interior side yard setback is required in the R-3 District (See Figure 7).

The proposed deck, including the steps leading to the lake, is 3 feet from the east side lot. A 12.5-foot street-side yard setback is required in the R-3 District (See Figure 3 & 8).

The proposed deck is 20 feet from the rear lot line. A 30-foot rear yard setback is required in the R-3 District (See Figure 9).

With the approval of a new house and deck previously, there will arguably be a reasonable use of the property once constructed. The proposed deck will be in approximately the same location as the existing deck (See Figure 1). The proposed deck will be somewhat lower in height (approximately 6 feet tall at the closest point to the lake) and have an improved west side yard setback as the existing deck (See Figures 5 & 7). This should improve the view from the patio for the neighboring property to west in comparison to when the recently removed cabin was still there (See Figure 5). Overall, replacing the existing deck will maintain the character of the lot and improve its aesthetics with some minor improvements to non-conforming setbacks.

Recommendation

1. Approve an interior side yard setback for the deck to be no closer than 3 feet.
2. Approve a street-side yard setback for the deck and steps to be no closer than 3 feet.
3. Approve a rear yard setback variance for the deck to be no closer than 20 feet.

3. Case No. 19-24 Dan Pulis 4573 Asbury Drive (Lot 87, Clear Lake Methodist Camp)

The Pulises propose to construct a 32'x38' second story addition on the back half of the existing structure (See Figure 1). The existing building is one of the original structures for the historical Clear Lake Methodist Camp that used to occupy the land of the Bell Harbor neighborhood. The applicants plan to remodel the structure into a livable dwelling. All improvements are proposed to be within the existing footprint of the building.

The proposed addition is 7.3 feet from the rear lot line. A 30-foot rear yard setback is required in the R-3 District (See Figure 2).

Arguably, it is questions whether there is an existing reasonable use of the property. The applicant states that improvements to the existing building are necessary to make the structure livable, (See Figure 1). The structure has been sitting vacant for many years. Structural improvements are likely needed to be able to make the structure usable for residential purposes.

A literal enforcement of the ordinance would only result in a house that is about 30'x16' in area. This makes doing any improvements to the property virtually impossible. A house of this size will be of a similar size to others in the neighborhood and so will fit within the character of the neighborhood. Additionally, there has been no record of complaint regarding this structure.

Recommendation

1. Approve a rear yard setback variance for the addition to be no closer than 7.3 feet.

4. Case No. 19-25 William Dewey 11091 210th Street (NW¼ of the NW¼, Section 11, Mount Vernon Township)

William Dewey has submitted an Application for a Special Use Permit for a travel-trailer park. 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.