



PLANNING AND ZONING

Cerro Gordo County Courthouse

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TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, August 27, 2019; 4:00 p.m.; Board Room*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, August 27, 2019 at 4:00 p.m. in the Board Room at the Courthouse.** The Board will be considering five variance requests.

1. Case No. 20-06 Brian Smith 21787 280th Street (NE¼, Section 4, Portland Township)

Mr. Smith proposes to construct a 35'-10"x9' deck on the front side of the existing house (See Figure 1). The proposed deck is 42.7' from the front lot line where a 50' front yard setback is required in the A-2 District (See Figure 2).

While the deck could be built on the rear side of the house within the rules (See Figure 3), the proposed deck does not present any safety or character concerns. Decks are a common feature in the rural areas of the county, and the proposed deck will maintain a significant distance from the road (See Figure 4).

The current setback of the house is at the closest setback possible within the rules at 50', so no additions on the front side to the house would otherwise be possible. The deck will only have a nominal impact to the area.

Recommendation

1. Approve a front yard setback variance for the deck to be no closer than 42.7'.

2. Case No. 20-07 Ryan Lahner 16455 Lark Avenue (NW¼ of the SW¼, Section 13, Lake Township)

Mr. Lahner proposes to construct a 60'x80' warehouse to be used for the storage of electric motors, tools, and materials (See Figures 1 & 2). The building is proposed to be located 55' from the east property line (See Figure 3). While this meets the district setback requirement, all

buildings in the M-2 Heavy Industrial District are required to be a minimum 100' from any non-industrial district.

The applicant points out that the location is appropriate to avoid the leech field to the north (See Figure 3). Additionally, warehouses such as this typically need large separation for drives for trucks or forklifts to maneuver (See Figures 5 & 6). Another location would likely be impractical and hinder business operations. The new warehouse will allow for Mr. Lahner to remove an existing dilapidated accessory structure and improve aesthetics of the property (See Figure 7).

The site is somewhat isolated except for industrial operations to the north from the Iowa Traction Railroad and Alter Trading Corporation (formerly Behr Steel). The nearest residence is more than 1,600' to the east; the proposed building will not be noticeable to the residence, as significant vegetation exists along the west side of the acreage.

The warehouse will have a similar aesthetic to the existing buildings onsite. A warehouse typically does not emit strong odors, smoke, or other impacts that other permitted uses in the M-2 District typically have. The building is unlikely to influence the surrounding agricultural field operations (See Figure 8). The proposed location is also preferable due to being located further from Lark Avenue and 255th Street (County Road B-35), which creates less visual impact.

Recommendation

1. Approve a separation distance variance for the warehouse building to be no closer than 55 feet to the neighboring A-1 District.

3. Case No. 20-08 Bruce and Susan Wittern 15331 3rd Street (Lot 161, Clear Lake Methodist Camp)

The Witterns propose to add a 22'x22' addition and a 10'x10' porch to the existing cabin on the property (See Figures 1-3). The lower level will have an attached garage. The addition will contain a master bedroom and bathroom on the main floor of the cabin.

The proposed addition is 3' feet from the rear lot line. A 30' rear yard setback is required in the R-3 District (See Figures 4 & 5).

Arguably, there is an existing reasonable residential use of the property with the existing cabin. The applicant states that having a master bedroom on the main floor would be important for the safety of living on the property year-round. During a phone conversation, the applicant told me a small bedroom exists on the main floor with an additional loft bedroom above.

The lot itself is small and irregularly shaped, akin to most lots in the subdivision. A literal enforcement of the Zoning Ordinance would not allow for a usable addition to the existing cabin. The grade of the lot goes downhill from northeast to southwest (See Figures 6-8). The grade allows the proposed addition to have two levels (See Figures 1 & 9).

The downspout from the neighbor to the east drains onto the Witterns' property, which empties at the southeast corner of the proposed addition (See Figures 5 & 10-12). According to the applicant, a contractor installed the drainage pipe as it is without knowledge of either neighbor. The Zoning Ordinance does not have specific drainage standards regulating the pipe, but it can

be a consideration by the Board regarding the request. This is otherwise a private property matter between neighbors.

The proposed addition is close to the dwelling to the south, particularly for this block (See Figures 5 & 13). With the proximity to the house to the south and the drainage issue, the Board would be justified to limit the requested setback variance. A bigger bedroom is more a matter of convenience than necessity. Additionally, there is space on the east side of the cabin and still meet the side yard setback requirement of 9' (10 percent of the lot width measured at the required rear yard).

I would recommend that the Board approve a rear yard setback variance that is not closer than 6' to the lot line. This will take the addition out of the drainage area and provide further separation between houses. At that distance, the Wittrens will still have space for a double garage, which are on average 16'-18' wide.

Recommendation

1. Approve a rear yard setback variance for the house addition to be no closer than 6'.
2. This variance is approved with the condition that the Wittrens file an amended site plan consistent with this approval and meets all other setback requirements prior to the issuance of a Zoning Permit.

4. Case No. 20-09 Larry and Julie Ubben 15290 Pascal Street (Lot 5, Block 1, PM Park)

The Ubbens propose to construct a 15'x12' sunroom addition to the existing cabin (See Figures 1 & 2). The proposed sunroom addition will be 12' from the rear lot line where a 30' rear yard setback is required in the R-3 District (See Figure 3). Also, the addition is proposed to be located 7' from the existing shed, but the Zoning Ordinance requires a minimum 10' separation distance between detached structures (See Figure 4).

Small lot sizes in PM Park make variances commonly necessary for virtually any improvement in the subdivision. The zoning rules would only allow for a 10'x28' residence, which does not meet the minimum width for a dwelling in the ordinance. The Board would be hard-pressed to deny the request as a result. The existing cabin is somewhat small compared to other residences along the block. I do not have any safety or character concerns, as the proposed addition would bring the rear building line to be more consistent along the block (See Figures 3 & 5).

Recommendation

1. Approve a rear yard setback variance for the sunroom addition to be no closer than 12'.
2. Approve a separation distance variance for the sunroom addition to be no closer than 7' from the shed.

5. Case No. 20-10 Jeff Pate 5524 Southshore Drive (Lot 9, Block 11, Oakwood Park)

Mr. Pate proposes to construct a 24'x30' detached garage and a 6'-tall privacy fence running along the perimeter of the property southeast of the house currently being constructed on the property (See Figures 1-3). The original application was denied based on the following:

1. The proposed garage is 6 feet from the southwest street-side lot line. A 12.5' street-side yard setback is required on corner lots in the R-3 District (See Figure 4).
2. The proposed garage and fence are within the required 25-foot vision triangle. Article 6.31(A) of the Zoning Ordinance prohibits construction above the height of 2.5 feet in the area described as:

“That area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines.”

3. Article 6.9 of the Zoning Ordinance prohibits detached accessory structures from being located between the dwelling and the front lot line. The proposed garage is in this area. On corner lots, the ordinance defines the front yard as the shortest street-adjacent lot line.
4. The proposed fence is located within the required front yard (See Figures 5 & 6). Article 6.31(B)(1) of the Zoning Ordinance prohibits fences to be located within the required front yard of residential districts. The required front yard setback is 5.4', which equals the average of front yard setbacks within 200'.
5. Article 6.9 of the Zoning Ordinance permits accessory structures to take up to 25 percent of the required rear yard area. The required rear yard equals the lot width (50') multiplied by the rear yard setback requirement (30'), which equals 1,500 square feet—25 percent of which is 375 square feet. The proposed 720 square feet detached garage exceeds this requirement by 345 square feet.

The Board approved variances for the house currently being constructed on December 19, 2017. As a result, there is a reasonable residential use (or will be upon completion) of the property. However, there are some rules that prevent any further buildings being built and makes the lot unique in the neighborhood, namely the rule that prevents accessory structures from being built between the front building line and the front lot line. As a corner lot, the narrow lot line running along a street is defined as the front.

The proposed garage is consistent with the character and size of garages in the subdivision. Having storage space is also preferable so that items such as mowers and other equipment are not stored outside. The historic and current layout of the property necessitates a variance to accommodate this goal.

However, the County Engineer and I have a concern for visibility for traffic at the intersection of Hackberry Street and Southshore Drive. The hedges and any further structures built within the required 25' vision triangle as described above cause significant safety issues (See Figure 7). The hedges impede the view to the northwest for vehicles turning onto Southshore Drive and hides turning vehicles at the intersection for traffic coming from the northwest (See Figures 3 & 8-9). Though the hedges have existed for a long time, the County Engineer strongly recommends that visibility at the intersection be improved. I recommend requiring removal of the hedges as a condition of any approval.

As a result, the requirements for building within the 25' vision triangle should be upheld. The proposed garage can be moved approximately 19' to the southwest to outside of the vision triangle and still meet the 10' minimum separation distance requirement from the house.

Recommendation

1. Approve a street-side yard setback variance for the detached garage to be no closer than 6'.
2. Approve a coverage area variance for the detached garage to be no larger than 720 square feet in area.
3. Approve a variance for the detached garage to be located between the front building line of the dwelling and the front lot line.
4. The above variances are approved with the following conditions:
 - a. Mr. Pate shall remove all hedges located within the 25' vision triangle as described in the staff report.
 - b. Mr. Pate shall file a final amended site plan, consistent with this Board of Adjustment approval, to the Zoning Administrator prior to the issuance of a Zoning Permit.
5. Deny a front yard setback variance for the privacy fence to be located within the required front yard.
6. Deny a variance for the garage and privacy fence to be located within the 25' vision triangle as described in the staff report.