



## PLANNING AND ZONING

### Cerro Gordo County Courthouse

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May 14, 2020

TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – **Tuesday, May 26, 2020; 4:00 p.m.; Board Room**

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, May 26, 2020 at 4:00 p.m. in the Board Room at the Courthouse**. The Board will be considering three variance requests and one annual review.

If you have concerns with attending in person due to COVID-19, the option to attend the hearing via teleconference will be made available. Social distancing will be practiced. You may join via teleconference by calling the phone number below and enter the Conference ID when prompted. Please let me know if you have any questions about this.

**Conference phone:** (641) 421-3113

**Conference ID:** 3044#

#### New Business

1. Case No. 20-29 William and Lori Wreghitt 2239 245<sup>th</sup> Street  
(Lots 7-10, Block 5, Ventura Heights)

The Wreghitts propose to construct a 16'-2"x28'-2" detached garage to replace the existing garage using the foundation of the existing garage (See Figure 1). The proposed garage expands the footprint of the existing garage by 8' toward the lake (See Figure 2). It is also sitting on the existing footprint of the existing garage. There will be no overhang on the front or rear side and a 1' overhang on either side of the proposed garage.

According to the applicant, the proposed garage is 2' from the west side lot line. A 12' side yard setback is required. The R-3 District requires a minimum 6' side yard setback or 10 percent of the lot width up to a maximum of 12' (See Figure 3).

The proposed garage is 1.5' from the rear lot line. A 3' rear yard setback is required for detached accessory structures on residential lots (See Figure 4 & 5).

The property is the largest lot on the block, being a combined four lots. The lot sits at the bottom of a relatively steep hill and is hilly itself, so another location for the garage is practically unfeasible (See Figures 6 & 7). The only other possible location for a garage is between the house and the garage, which is not permitted as a required front yard (See Figure 8). The well also sits just east of the driveway (See proposed well location in included well site evaluation.).

The propane tank used for home heating is located about 3' east of the existing garage (See Figure 9). Typically, LP tanks of this size (approximately 200 gallons) should be a minimum of 10' from structures, but the garage should not be moved closer to the tank either.

Overall, the current location of the garage is the best location for the garage on the property (See Figure 1). The existing poured concrete foundation built into the hillside that the Wreghitts would like to reuse for the proposed garage provides a solid retaining wall for the hill behind the house, which helps with erosion issues (See Figures 5 & 7). The garage is at least 5' from the neighboring house to the west, and the new garage will be an aesthetic improvement. I do not have any major concerns as a result. Limiting overhangs to 1' and requiring gutters to direct storm water away from the neighboring house to the west would be reasonable conditions of approval.

### *Recommendation*

1. Approve a west side yard setback for the garage to be no closer than 2'.
2. Approve a rear yard setback for the garage to be no closer than 1.5'.
3. These variances are approved with the conditions that the garage have no projections greater than 1' and gutters are installed to direct stormwater north toward the lake.

2. Case No. 20-30 Doug Kroyman for Gregory and Alison Stockdale  
15425-B Bayside Avenue (East 26' of Lot 1, Block 2, Oakwood Park Addition)

The Stockdales propose to add an 16.5'x5.5' addition to the rear deck and reconstruct the existing stairs (See Figure 1). The application states that the proposed deck addition will not extend north beyond the existing wall, on which the existing deck is built upon and on which the proposed deck addition will be built. The applicant notes that the existing stairs are in disrepair and will have safety railings added.

The proposed steps reconstruction are 2'-1" from the west side lot line. The proposed deck addition is 3'-2" from the east side lot line. A 6' side yard setback is required in the R-3 District (See Figures 2 & 3).

The proposed deck addition is 8'-3" from the rear lot line (high water mark of Clear Lake). A 30' rear yard setback is required in the R-3 District (See Figures 4 & 5).

The lot sits between the Bayside Addition and Grandview Addition subdivisions. It is narrow (26' wide) and much deeper than neighboring lots along the lake. There is an existing reasonable use of the property with the existing house and deck, though replacement of the steps is necessary for safety and access to the lake.

The proposed steps will be about 1' wider than the existing steps and 2.'1 from the side lot line. The Board typically does not approve side yard setback variances closer than 3' except in rare circumstances. There is no reason to approve a setback closer than 3' in this case. The steps will be useable with a railing at 3' wide.

Setbacks tend to be closer to the lake on properties to the east but further from the lake to the west. This is due to the curvature of the shoreline going either direction from the Stockdales' property. (See Figures 4 & 5). The requested 8.3' rear yard setback, particularly for an elevated second story deck will somewhat impede views to the lake for adjacent properties (See Figure 6 & 7). A rear yard setback variance was approved for a deck on the adjacent property to the east in September 2019 (See Figures 1 & 8), but the approval was for a setback of 15' from the lake and is further south than Stockdales' existing deck. I recommend denial of the request for the proposed deck addition as a result and due to lack of hardship.

### *Recommendation*

1. Approve a west side yard setback variance for the steps to be no closer than 3'.
2. Deny an east side yard setback variance for the deck to be no closer than 3.2'.
3. Deny a rear yard setback variance for the deck to be no closer than 8.3'.

3. Case No. 20-31      Todd A. Peterson      4144-D Southshore Drive  
(Lot 24, Block 10, and the 16' alley between Lots 24 and 25, Block 10, Dodges Point Park)

Mr. Peterson proposes to construct a new house to replace the existing one (See Figure 1). The proposed house is 5' from the front lot line. An 11.5' front yard setback is required per the average of front yard setback within 200' of the property (See Figure 2).

The property is fairly typical of lots in the immediate vicinity. Mr. Peterson currently has a reasonable residential use of the property without replacing the existing house. A sizeable house could be constructed and meet all required setbacks, including the front yard setback. With the exception of the front yard setback, the proposed house meets all other requirements.

The property sits on a curve of Southshore Drive and is accessed by a frontage road. The proposed house will increase the existing setback by almost 60 percent, from 2.1' to 5'. Safety is less of a concern since the house is not accessed directly from Southshore Drive (See Figure 3).

Due to the curvature of the road, houses to the west are further from road and closer to the east. The proposed 5' setback is roughly in line with the front building line of the house to the west. The garage to the east was actually approved with a 6' side yard setback in 1991 but was constructed with a lesser setback without approval (See Figure 2). The proposed house is in line with previous approvals for the area by the Board.

### *Recommendation*

1. Approve a front yard setback for the house to be no closer than 5'.

### **Annual Review**

1. 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. A site review of the shooting range was conducted on Wednesday, April 15, 2019 to satisfy this condition. A staff report for the annual review has been attached for Board members to review.