



PLANNING AND ZONING
Cerro Gordo County Courthouse

220 N Washington Ave
Mason City, IA 50401-3254
cgcounty.org/planning

(641) 421-3075
(641) 421-3110
plz@cgcounty.org

SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 22-17

Hearing Date: August 30, 2022

Staff Contact: John Robbins, Planning and Zoning Administrator

Applicant

Mark & Wendy Mahoney
18147 280th Street
Mason City, IA 50401

Owner

Wendy Mahoney
18147 280th Street
Mason City, IA 50401

Property Address: 18147 280th Street

Brief Legal Description: East 600', NW¼ of the NW¼, except the south 50', 01-96-20

Zoning: R-1 Single Family Residential

Background

The applicants propose to construct a 12'x24' shed to the east side of the house (See Figures 1 & 2). They intend to store lawn and snow removal equipment and a compact tractor in the proposed shed. The applicant states that there is no feasible alternative location due to the topography of the property.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Shed	12.5' east side yard setback	25' side yard setback (9.6-B)

*See Figures 3 & 4

FINDINGS OF FACT

1. Wendy Mahoney is the owner of the subject property.
2. Mark and Wendy Mahoney are the applicants for the proposed shed.
3. The property is zoned R-1 Single Family Residential.
4. The proposed shed is 12.5' from the east side lot line.
5. A 25' side yard setback is required in the R-1 District.
6. The application was filed on August 4, 2022 with the Planning and Zoning Office.

ANALYSIS

The Board of Adjustment is provided the power to grant special exception under Section 24.4(A)(2) of the Zoning Ordinance. The Board may grant special exception to bulk standards of the ordinance if, in its judgement, the standards established in Section 24.4(A)(2)(a) are met. In its review, the Board may attach certain conditions to any special exception granted in order to observe the spirit of the Zoning Ordinance and Comprehensive Plan and mitigate any potential impacts that may directly result from the requested special exception.

Discussion of Standards of Review

Strict compliance with the standards governing setback, frontage, height, or other bulk provisions of this ordinance would result in a practical difficulty upon the owner of such property and only where such exception does not exceed 50 percent of the particular limitation or number in question.

The proposed shed location is to the east of the house (See Figures 1 & 2). There is a practical difficulty and no feasible alternative due to all other locations being located between the front building line and the front lot line, on a hill, within or near a low-lying area within or near a floodplain, or near septic lines/leech field (See Figure 5-8).

The proposed shed is 12.5' from the east side lot line, which is 50 percent of the required 25' side yard setback requirement. The standard appears to be met.

The exception relates entirely to a permitted use (principal, special, or accessory) classified by applicable district regulations, or to a permitted sign or off-street parking or loading areas accessory to such a permitted use.

The proposed shed will be used for personal storage, which is a permitted accessory use in the R-1 District. The standard appears to be met.

The practical difficulty is due to circumstances specific to the property and prohibits the use of the subject property in a manner reasonably similar to that of other property in the same district.

The practical difficulty is due to the layout and topography of the lot. As listed above, there is little to no suitable alternative locations due to the layout of existing buildings, grade, trees, and floodplains. Storage sheds are common in the neighborhood. The standard appears to be met.

A grant of the special exception applied for, or a lesser relaxation of the restriction than applied for, is reasonably necessary due to practical difficulties related to the land in question and would do substantial justice to an applicant as well as to other property owners in the locality.

A possible location for a storage shed, particularly for lawncare and snow removal equipment, is limited to the proposed location. A detached accessory building is prohibited to be located between the front side of the house and the front lot line by Article 6.9 of the Zoning Ordinance (See Figure 5). There is a steep hill and trees to the east of the house, and where there is open space or open flat area there, the existing septic line and leech field are located there and

cannot be built on (See Figure 6). The hill continues behind the house toward low-lying areas in and nearby the floodplain; wet conditions around the waterbody/marshland also make any sheds behind the house unfeasible (See Figures 7-8 & site plan). The standard appears to be met.

Such practical difficulties cannot be overcome by any feasible alternative means other than an exception.

Due to the location of septic lines, buildings, trees, and floodplains, there is no feasible location for a detached accessory building of any size without an exception. The standard appears to be met.

Relief can be granted in a manner that will not alter the essential character of the locality.

Sheds are common in the neighborhood. The shed will be similar to sheds on nearby properties. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

Typically, the biggest concern with this type of request is the encroachment of buildings from neighboring properties. Since the shed is relatively small, encroachment is not a concern and will not be a significant impact to the neighbor to the east (See Figure 9).

Staff Conclusions and Recommendation

All six of the standards appear to be met. Staff recommends approval of the request.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested special exception subject to any condition as deemed necessary by the Board.
2. Grant relief less or different from the requested special exception.
3. Deny the requested special exception.

The following motions are provided for the Board's consideration:

Provided motion of approval:

- I move to adopt the staff report as the Board's findings and to approve the special exception as requested by Mark and Wendy Mahoney, subject to the following conditions:
 1. All construction shall comply with the site plan submitted with the application.
 2. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.

Provided motion of denial:

- I move to adopt the staff report as the Board's findings and to deny the special exception as requested by Mark and Wendy Mahoney for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Exception Application
- Exhibit 3: Site plan
- Exhibit 4: Aerial photo of site

Figure 1
Looking at the proposed shed location



August 5, 2022, J. Robbins

Figure 2
Looking at the house to the west of the proposed shed location



August 5, 2022, J. Robbins

Figure 3

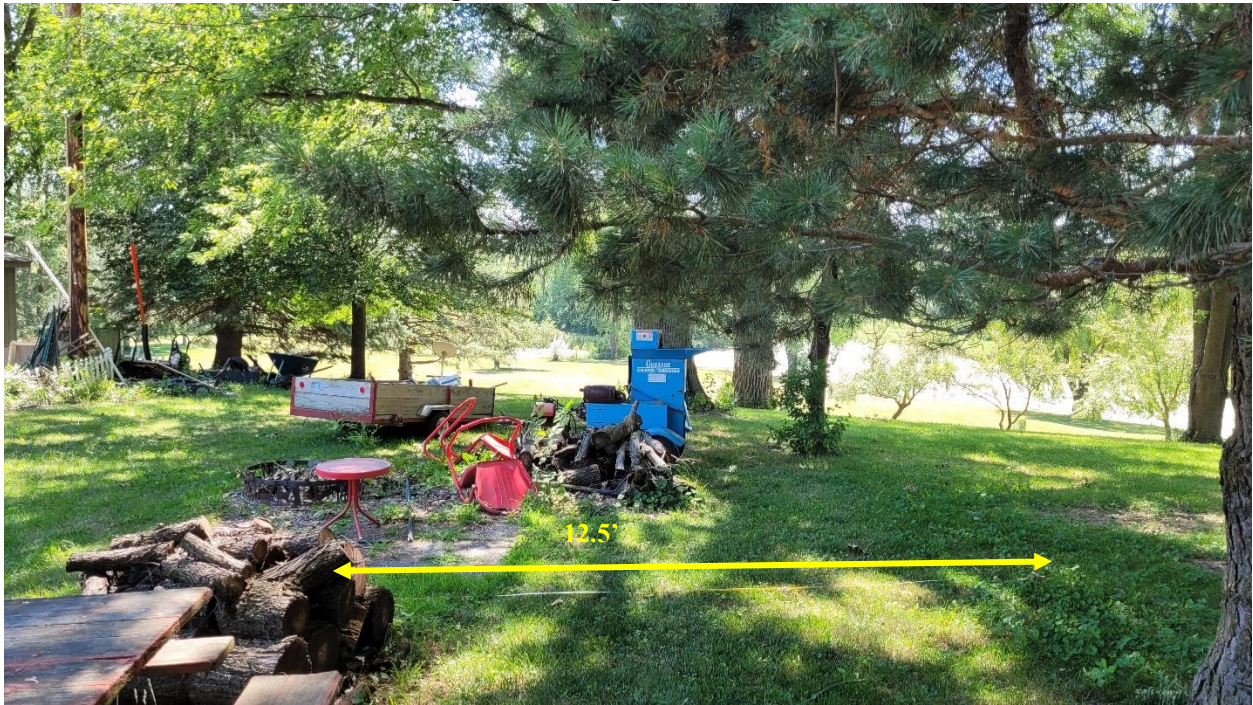
Looking north along the east side lot line



August 5, 2022, J. Robbins

Figure 4

Looking south along the east side lot line



August 5, 2022, J. Robbins

Figure 5

Looking toward the street from in front of the house



August 5, 2022, J. Robbins

Figure 6

Looking at the hill, tree lines, and septic line area to the east of the house



August 5, 2022, J. Robbins

Figure 7

Looking toward the low-lying area and floodplains behind the house



August 5, 2022, J. Robbins

Figure 8

Looking west at the area behind the house



August 5, 2022, J. Robbins

Figure 9

Looking at the house on the adjacent property to the east



August 5, 2022, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 8/4/22 Date Set for Hearing 8/4/22 Case Number: 22-17

Applicant Name: Mark + Wendy Mahoney Phone: 641-423-5134 E-Mail: doctor@anchorfamilyhealth.ca

Mailing Address: 18147 280th ST

Property Owner Name: Wendy Mahoney Phone: same E-Mail: Wendy h mahoney@gmail.com

Property Owner Address: SAME

Property Description (Not to be used on legal documents): Parcel # _____ Township _____

Property Address: 18147 280th ST Zoning: R-1

Brief Legal Description:

Project Description

Decision Date: _____

see attached

Special Exception(s) Requested (As cited on results from denied Zoning Permit Application)

Criteria Justifying Special Exception under Standards for Review (You may add more details in the Additional Information)

I am the Owner Contract Purchaser Other (Explain) _____
_____ of the property affected.

I, the applicant, being duly sworn, depose and say that I am the owner, or that I am authorized and empowered to make affidavit for the owner, who makes the accompanying application; and that the information provided is true and correct and actual construction will proceed in accordance with the purposes herein stated and any conditions and/or requirements the Board of Adjustment may stipulate. The Planning & Zoning staff and Board of Adjustment members are also given permission to enter the above property in reviewing this Application.

Applicant Signature Mark Mahoney

Date 8-3-22

SPECIAL EXCEPTION APPEAL

Mark and Wendy Mahoney

18147 280th ST

Mason City, Iowa

Project Description

12x24 foot garden shed. To be used to store a compact tractor with loader and snow blower and mower, plus other garden storage

The shed will be hidden from view by evergreen trees, and will coordinate with the architecture of the adjacent home.

Special Exceptions Requested

- 1. Strict compliance with the standards for setback from the east property line and the road would result in practical difficulty upon the owner of such property. I am requesting 12.5 feet setback from the east property line.**
- 2. The exception relates entirely to a permitted use.**
- 3. The practical difficulty is due to:**
 - a. Topographical conditions: the slope of the land prevents practical use of a shed any further setback to the south. There is no other suitable location that meets the bulk requirements.**
 - b. Surrounding: trees**
 - c. Location of the septic line.**
 - d. The hill is too steep for any winter use by vehicles except snowmobiles.**
- 4. A grant of the special exception for a lesser relaxation of the restriction is necessary due to practical difficulties related to the land and would improve the function and value of the property.**
- 5. The neighbor to the East (Jim Bossard) is in support of the proposed garden shed.**
- 6. The practice difficulties cannot be overcome by any feasible alternative means.**
- 7. This will not alter the essential character of the property or neighboring property.**

SPECIAL EXCEPTION APPEAL

Mark and Wendy Mahoney

18147 280th ST

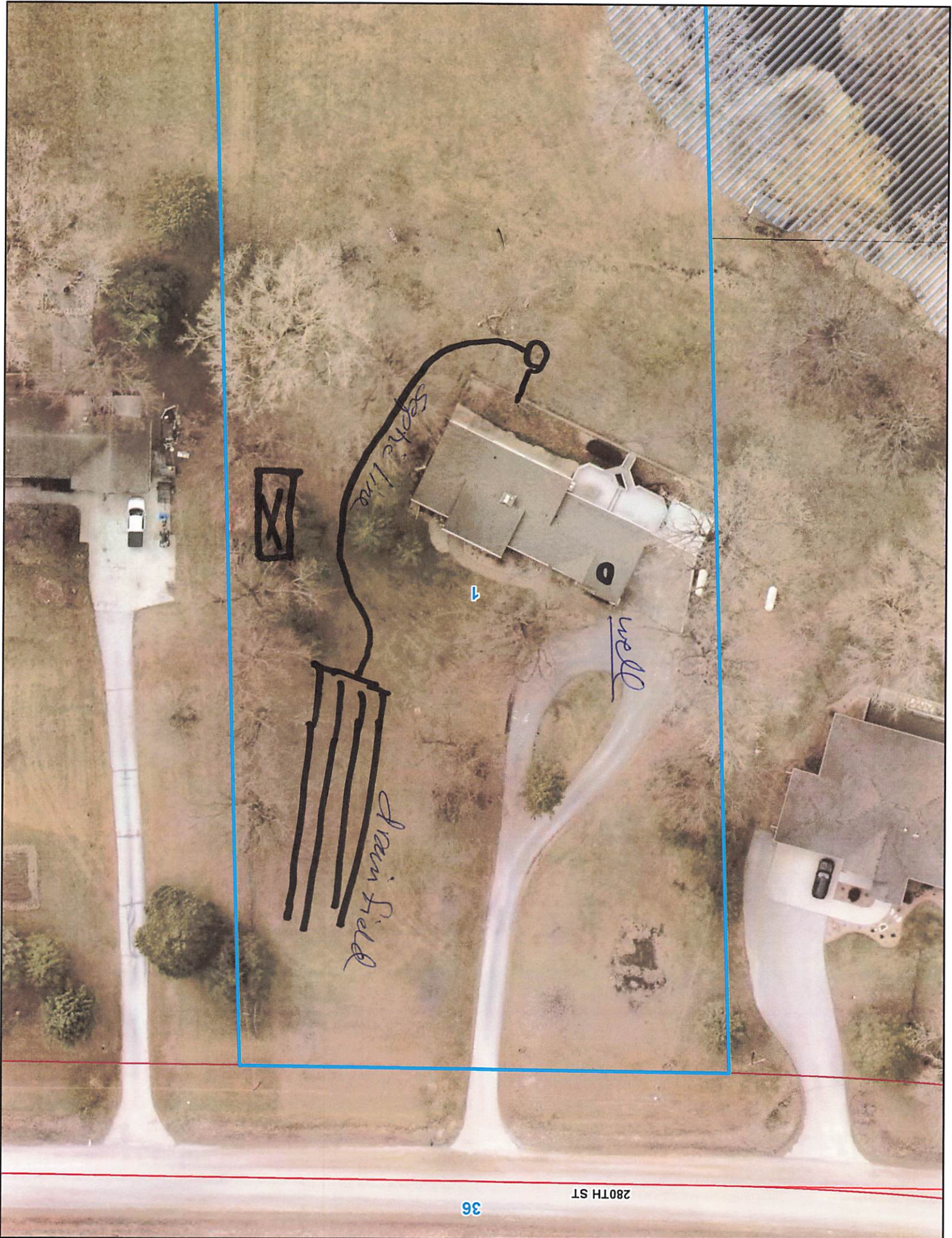
Mason City, Iowa

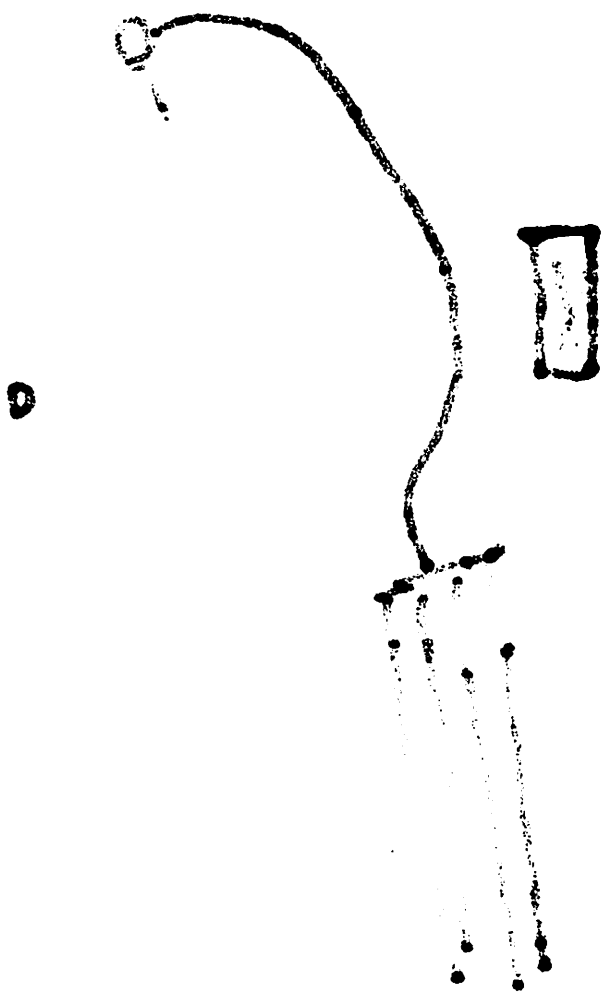
Statement from the neighbor to the East regarding the 12.5 foot setback from the lot line

I desire the garden shed project to be constructed 12.5 feet from the lot line. This will not hinder the use of nor devalue my property.

Signed Angela Bossard

Date 8/3/2022





36

280TH ST

1

