



## 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

July 18, 2019

TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, July 30, 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, July 30, 2019 at 4:00 p.m. in the Board Room at the Courthouse**. The Board will be considering two variance requests.

1. Case No. 20-01 Simpleray 19258 220<sup>th</sup> Street (SW ¼, Section 36, Portland Township)

Simpleray (contractor) proposes to construct a 266'x8' ground-mounted solar array on the property of Kevin and Susan Rentz (See Figures 1 & 2). The array will be located east of the house adjacent to a heavily wooded area, just north of the neighboring farm field (See Figure 3).

The proposed solar array will be 10 feet from the lot line. A 50-foot front yard setback is required in the A-1 District (See Figure 4).

A solar array is considered an accessory structure under the Zoning Ordinance that is not necessary to have a reasonable use of the property. The lot has an irregular shape and is almost entirely covered in trees (See Figure 3). Immediately within the wooded area to the north, there is a steep grade, which is typically not conducive solar development. The propose location for the solar array is likely most ideal site for this type of development on the property.

While having a large footprint, the solar array has only a nominal impact to neighboring properties. It will have no effect to any farming operations of the corn field to the south. The county has a history of supporting renewable energy, so I find this proposal to be beneficial to the community.

#### *Recommendation*

1. Approve a front yard setback variance for the solar array to be no closer than 10 feet.

2. Case No. 20-02 James, Carolyn, and Robert Van Dyke  
5996 Southshore Court (Lot 1, Block 2, Long Beach Addition)

The Van Dykes propose to replace the existing deck with a new 21.5'x5' deck and a set of steps. The deck will be the width of the screened porch at the rear side of the house (See Figure 1). The depth of the deck will be the same distance from the house as the existing deck (See Figure 2).

The proposed deck is 3.8 feet from the northeast side lot line. A 12.5-foot street-side yard setback is required on corner lots in the R-3 District (See Figure 3). The lot sits along a public access to the lake, which is considered a corner lot under the Zoning Ordinance (See Figure 4).

The house was constructed quite close to the side lot line but tiers further from the right-of-way line with each section as it gets closer to the lake (See Figure 3). The existing deck is old and in a deteriorating condition (See Figure 1). Eventually, maintenance or replacement will be necessary for the deck at some point in the future. Access to the house is necessary to have a reasonable use of the house. To have the deck run the width of the screened porch is not necessarily needed. However, the 3-foot minimum setback that the Board historically upholds for variance requests is maintained in this request (See Figure 3).

The proposed deck will not be closer to the lake than the existing deck (See Figure 2). The rear building line is roughly even with the adjacent house to the northeast across the public access. The rear building line of the house to the southwest sits a bit further from the lake than the subject property's rear building line (See Figure 5). Views to the lake will not be significantly impacted as a result of the proposed deck (See Figure 6 & 7). The proposed deck is consistent with the character of the neighborhood.

#### *Recommendation*

1. Approve a northeast street-side yard setback for the deck to be no closer than 3.8 feet.

3. Case No. 20-03 Anthony and Beth Jackson 4821 Roseman Drive (Lot 7, Block 6, PM Park)

The Jacksons propose to construct an 11'x15' utility shed on the rear side of their property (See Figure 1). The utility. The proposed shed is 5 feet from the rear lot line. The lot is considered a "through lot" because there are streets abutting the front and rear lot lines (Roseman Drive and South Shore Drive). The Zoning Ordinance requires that the 30-foot minimum front yard setback be maintained from both the front and rear lot lines (See Figure 2).

The Jacksons already has a reasonable residential use of the property without the shed. The lot is typical for PM Park, roughly 44'x75' in area. The small lot size with the existing house makes it impossible to comply with the ordinance requirements for any accessory structure. If this were not a through-lot, the shed would otherwise meet the required setbacks.

The proposed shed will have little impact on nearby properties. No structures exist on the property to the west, and the location meets all other setback, separation distance, and coverage area requirements. The wide right-of-way of Southshore Drive also prevents any safety issues for traffic.

*Recommendation*

1. Approve a rear yard setback variance for the shed to be no closer than 5 feet.

4. Case No. 20-04 James and Wanda Wold/William and Candra Engstler  
15389 Crane Street (Lots 4-6, 27-29, Block 9, Crane and Hills)

The applicants constructed a 50'x35' pitched roof over the existing structure and a 50'x3.5' canopy roof on the front side the previous year without a Zoning Permit (See Figures 1 & 2). The structure is a multi-family residential building, originally constructed in 1969, and is considered a legally non-conforming structure grandfathered under the Zoning Ordinance. The roof additions were added for maintenance purposes to direct rain water and minimize water leaks into the building.

The pitched roof and canopy roof were constructed at the same setbacks of just inches on the northeast side lot line, and the pitched roof was built 18.2 feet from the rear lot line. A 6-foot side yard setback and a 30-foot rear yard setback are required, respectively, in the R-3 District (See Figures 3 & 4).

As a non-conforming structure, the Zoning Ordinance permits a non-conforming building to be added onto regarding setbacks only with a variance granted by the Board of Adjustment so long as no setbacks go beyond the existing yard dimension. Additionally, the ordinance also states that any building with a non-conforming use cannot be structurally altered unless required by law. Under state law, a legally non-conforming use must be allowed to continue if it is not expanded or detriment to public safety.

Clearly, the adding of a pitched roof does not represent an expansion of the use. The purpose for adding the pitched roof and canopy are for long term maintenance, which arguably improves safety of the structure. It is difficult to foresee a significant impact on neighboring properties. I believe the Board would be hard-pressed to deny the request.

*Recommendation*

1. Approve a side yard setback variance for the pitched roof and canopy roof to be less than 1-foot.
2. Approve a rear yard setback variance for the pitched roof to be no closer than 18.2 feet.

5. Case No. 20-05 Jesse Petersen 18749 150<sup>th</sup> Street (NW¼ of the NE¼,  
Section 12, Geneseo Township)

Mr. Petersen proposes to construct a 65'x144' machine shed near the southeast corner of the acreage (See Figure 1). The stated need for the location is to provide as much room on the relatively small building site for the maneuverability of large machinery and trucks.

The proposed machine shed is 7 feet from the east side lot line. A 25-foot side yard setback is required in the A-2 District (See Figure 2).

Large Morton-style machine buildings are common in the rural areas of the county and are necessary for farming operations. This location is likely the only feasible location for such a large building on the relatively small area, particularly considering the layout of the property.

It is difficult to foresee the proposed building having any impact on the neighboring farm field or agricultural operations. The building is in line with the character of the area.

*Recommendation*

1. Approve a side yard setback variance for the machine shed to be no closer than 7 feet.