



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, October 29, 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, October 29, 2019 at 4:00 p.m. in the Board Room at the Courthouse**. The Board will be considering four variance requests.

1. Case No. 20-18 Gabriel Beal on behalf of Michael Tetmeyer
5190 Lakeview Drive (Lot 3, Block 1, Grandview Addition)

Mr. Tetmeyer proposes to reconstruct the 13'x15' upper deck, the 13'x14' screened porch, and the 13'x15' lower deck (See Figures 1-3). The proposed lower deck is proposed to be slimmed down to be even with the west side building line of the house. The applicant states the structures are in need of repair to keep them safe. None of the structures are proposed to be any closer to the lake.

The proposed deck reconstructions are 3.7' from the west side lot line. A 6' side yard setback is required in the R-3 District (See Figure 4).

The proposed upper deck and screened porch reconstruction are 20' from the rear lot line. The proposed lower deck reconstruction is 5' from the rear lot line. A 30' rear yard setback is required in the R-3 District (See Figures 5 & 6).

While there is an existing reasonable residential use of the property, the proposed structures are going to be constructed similarly to the existing ones. Additionally, they represent an improvement from the existing west side yard setback. The decks and porch will not be constructed any taller or closer to the lake. Any existing viewshed impediments, if any, will likely be unchanged as a result. The character of the neighborhood will also remain the same. The proposed improvements also represent a safety improvement as well. I have no concerns.

Recommendation

1. Approve a west side yard setback variance for the decks to be no closer than 3.7’.
2. Approve a rear yard setback variance for the upper deck and screened porch to be no closer than 20’ and the lower deck to be no closer than 5’.

2. Case No. 20-19 Matt and Sandra Bruinekool 4974 Lee Street (Lot 3, Block 8, PM Park)

The Bruinekools propose to complete the reconstruction of a 16’x12’ shed for which construction began without a permit (See Figure 1). The shed is meant to replace a since-removed dilapidated shed. A \$200 administrative fee is assessed for building without a permit; the Board has the option to waive the fee if deemed reasonable.

The shed is 3’ from the southeast side lot line. A 6’ side yard setback is required in the R-3 District (See Figure 2).

There is a reasonable use of the property without a shed; however, storage of a lawn equipment and other items within an enclosed building is preferred. The shed could be constructed with the same dimensions and be shifted 3’ to the northwest without the need for a variance, so the Board would be justified to deny the request. This would require the shed to be torn down and rebuilt or physically moved.

There is a large shed on the adjacent property to the northwest that slightly crosses the northwest corner of the Bruinekools’ property (See Figure 3). . With this encroachment, it creates an undesirable situation. Typically, a 6’-10’ separation distance between detached structures is recommended so that there is a reasonable distance to prevent fire jump, drainage issues, or other matters. The proposed location is preferable for this reason, while also representing an aesthetic improvement.

Recommendation

1. Approve an east side yard setback variance for the shed to be no closer than 3’.

3. Case No. 20-20 John and Lori Rogers NE¼ of the NE¼, Section 30, Clear Lake Township)

The Rogers are proposing to build a 54’x84’’ workshop building for a home office on his property (See Figure 1). The Rogers plan to install bathroom facilities in the building (See included building floor plan). Article 6.9(A) of the Zoning Ordinance specifically prohibits bathroom facilities in accessory buildings in residential or agricultural districts.

The building and property can still be reasonably used if there is no bathroom in the building. The Zoning Ordinance is not preventing the reasonable use of the property, as the Zoning Permit Application for the house has been approved. The applicants would not need a variance to build the workshop building without the bathroom.

The provision against bathrooms in accessory buildings is in place is to prevent multiple dwellings from being built on single lots. The building will not be used for dwelling purposes and is in line with the intent of the Zoning Ordinance. There should be no detrimental effects due to the inclusion of bathroom facilities, so long as the proper permits are sought through the Cerro Gordo County Health Department.

Additionally, a workshop building fits with the rural character of the surrounding area. The inclusion of bathroom facilities will not detract from the rural nature of neighboring properties.

Recommendation:

1. Approve a variance for the inclusion of bathroom facilities in the workshop building with the condition the building shall not be used as a dwelling and also receives the required permits from the Cerro Gordo County Health Department.

4. Case No. 20-21 Paul and Amy Boekelman 15383 1st Street (Lot 149, Clear Lake Methodist Camp)

The Boekelmans propose to construct a 4'-3"x8'-1" bathroom addition and a reconstruction of the 10'x7.5' shed on the rear side of the house (See Figures 1 & 2). The applicants state that the addition will allow for them to install a washer and dryer, water heater, and a water softener. The proposed shed will replace the existing shed, which has been damaged by hail.

The proposed addition is 17'-10" from the rear lot line. A 30' rear yard setback is required in the R-3 District (See Figure 2).

The proposed shed is 12.5' from the rear lot line and has a 1' separation distance from the house. Article 6.9 of the Zoning Ordinance requires a minimum 10' separation between detached structures and 3' rear yard setback for accessory structures (See Figure 3 & 4).

Like most lots in the Clear Lake Methodist Camp, this property is small and cannot accommodate a shed or other improvement without a variance. There is a reasonable residential use of the property without a shed or addition. Without a basement or other storage area, the Boekelmans do not have any other space for storage without a shed. Storage of lawn maintenance equipment is preferable to being left outside.

The shed needs replacement after being damaged from severe weather. The existing shed had the same type of variance granted by the Board in 2008 and has existed without complaint since then. I do not have any concerns to allow the same sized shed to replace it.

The proposed addition will square off the back corner of the house. It will meet the required side yard setback. Because of the lot size, a literal enforcement of the Zoning Ordinance will always require a variance from the rules. I likewise do not have any concerns with the small addition, which has no foreseeable negative impacts to neighbors.

Recommendation

1. Approve a rear yard setback variance for the bathroom addition to be no closer than 17'-10".
2. Approve a separation distance variance for the shed to be no closer than 1' from the dwelling.