



PLANNING AND ZONING Cerro Gordo County Courthouse

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cgcounty.org/planning

SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 21-1

Hearing Date: November 30, 2021

Applicant

Midwest Construction
1601 S Taft Avenue
Mason City, IA 50401

Owner

Brad Whitman
1121 44th Street
Des Moines, IA 50311

Property Address: 15257 Pascal Street

Brief Legal Description: Lot 3, Block 6, PM Park

Zoning: R-3 Single Family Residential

Background

The applicant is requesting special exceptions to allow for the construction of a 12'x10' sunroom addition to the rear side of the existing single-family dwelling (See Figures 1 & 2). The applicant is requesting relief as summarized in the table below from the applicable requirements.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Sunroom addition	15' rear yard setback 8' separation from shed	30' rear yard setback (11.6-C) 10' minimum separation distance between detached structures (6.9-A)

*See Figure 3

FINDINGS OF FACT

1. Brad and Estela Whitman are the owners of the subject property, located on Lot 3, Block 6, PM Park.
2. Midwest Construction is the applicant on behalf of the owners.
3. The property is zoned R-3 Single Family Residential.
4. The proposed sunroom addition is located 15' from the rear lot line and 8' from the existing shed.
5. The required rear yard setback for a principal structure is 30' in the R-3 District.
6. The minimum separation for detached structures is 10' within residential districts.
7. The application was filed on November 2, 2021 with the Planning and Zoning Office.

ANALYSIS

The Board of Adjustment is provided the power to grant a 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 addition is 15' from the rear lot line and 8' from the existing shed. The required rear yard setback for a principal structure is 30' in the R-3 District. The minimum separation for detached structures is 10' within residential districts. 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 addition is to be attached to the existing single-family dwelling, which is a principle permitted principal use in the R-3 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 subject property is 40'x80' in size. No addition would be able to be constructed to the existing dwelling without a special exception or variance being granted otherwise under the current setback rules for the property (30' front yard setback, 6' north side yard setback, 12.5' south side yard setback on corner lots, 30' rear yard setback). Sunrooms of a similar size are fairly 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.

The practical difficulty is entirely due to the small size of the lot and no available space to build otherwise. The only reasonable location to construct an addition is on the rear side of the dwelling as a result. It appears substantial justice would be done to allow for an addition that is similar to other houses in the neighborhood. The standard appears to be met.

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

The rear side of the house is the only available location for any further construction without unreasonably encroaching within required setbacks or creating a safety hazard at the intersection of Pascal Street and Southshore Drive. The standard appears to be met.

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

The proposed sunroom addition is similar and fairly common to other dwellings in the neighborhood. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

The proposed addition is unlikely to have any foreseeable negative impacts to the surrounding neighborhood.

Staff Conclusions and Recommendation

Staff recommends approval of the request. All standards of review appear to have been met, and there are no foreseeable negative impacts as a direct result of the proposed addition.

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 Midwest Construction 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 Midwest Construction for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Exception Application
- Exhibit 3: Site plan
- Exhibit 4: Structural design and elevation drawings
- Exhibit 5: Aerial photo of site

**Midwest Construction for Brad Whitman
15257 Pascal Street**

Figure 1

Looking at the existing dwelling



November 15, 2021, J. Robbins

Figure 2

Looking at the location of the proposed addition



November 15, 2021, J. Robbins

Figure 3
Looking north along the rear lot line



November 15, 2021, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 11/9/21

Date Set for Hearing 11/30/21

Case Number: 22-1

Applicant Name: Midwest Construction & Supply, Inc. Phone: 641-424-4717 E-Mail: andy@mwcinc.com

Mailing Address: 1601 S. Taft Ave., Mason City, Iowa 50401

Property Owner Name: Brad Whitman Phone: 515-681-4725 E-Mail: N/A

Property Owner Address: 15257 Pascal St., Clear Lake, Iowa 50428

Property Description (Not to be used on legal documents): Parcel # 052243500200 Township Clake

Property Address: 15257 Pascal St., Clear Lake, Iowa 50428 Zoning: R-3

Brief Legal Description:

L3 BLK6 PM PARK

Project Description

Building a 12x10 studio sun room on existing slab

Decision Date: 11/2/21

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

Rear yard set back is 15'. 30' is required. Room will be 8' from shed.

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

- Sun room will improve property value of the home
- There was a structure there at one point; we would be building on the existing slab and would not exceed the size of what was previously there.
- It will also improve the look of the neighborhood
- There are many other residents that have similar additions to their home in that area
- We tried to design the room to be attached on other parts of the home, but there was no other practical location.
- Due to the size and shape of the lot this would be the best location for the project
- The new sun room is not impeding on other properties

I am the Owner Contract Purchaser Other (Explain)

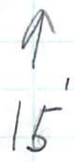
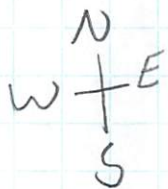
Project Manager

_____ 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; that the application and plan are true and contain a correct description of the proposed building, lot, work, and use to which the structure is to be placed if a special exception is granted. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

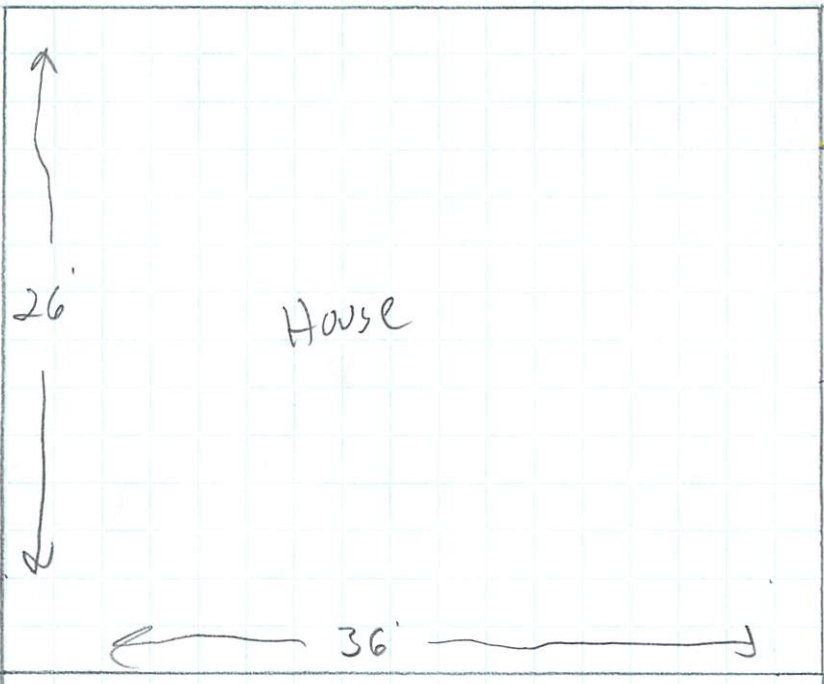
Applicant Signature Andy L

Date 11/02/2021



New 3 Season Room

← 19' →



House

26'

← 36' →



← 10' →

12'

← 15' →



Existing Concrete Patio

13'

Driveway

Pascal St. E

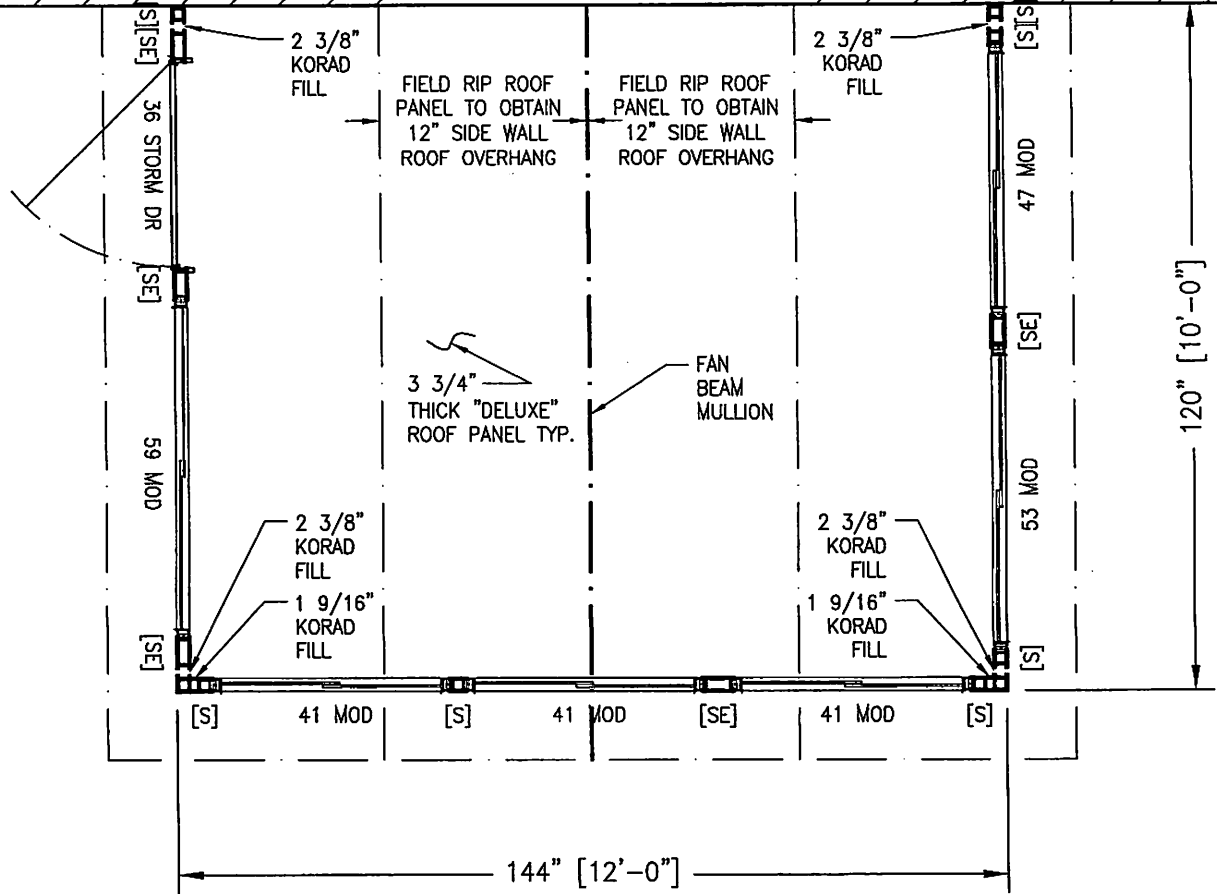
Brad & Estera Whitman
15257 Pascal St.
Clear Lake, IA 50428



← 80' →

South Shore Dr.

EXISTING BUILDING



NOTE: ROOF PANELS AS SHOWN REFLECT A NON-PITCH ADJUSTED ROOF O.H. OF 12" PLUS GUTTER TYP.

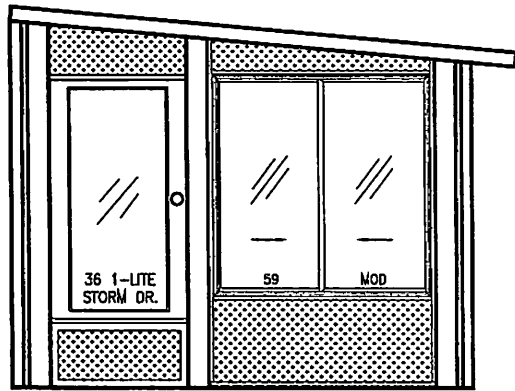


1125 BERA IND. PKWY.
 BERA, OH 44017
 PH: (440) 239-9100
 FAX: (440) 239-1812
 TOLL FREE: (800) 824-7988
 E-MAIL: jmc@joycemfg.com

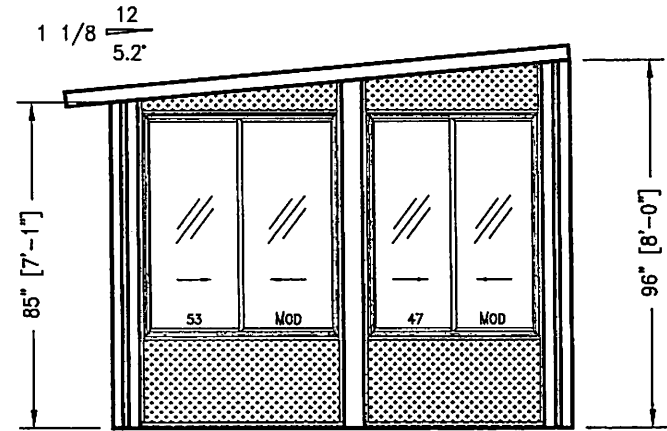
DEALER NAME: MIDWEST CONSTRUCTION	
CUSTOMER NAME: WHITMAN	
JOYCE ORDER #: 202105785	
DRAWN BY: GP	CHECKED BY: WAC
SCALE: 3/8" = 1' - 0	DATE: 07/27/21

LSR 2000 MODULAR ROOM FLOOR PLAN			
REV.	DATE	BY	COMMENT

SHEET:
A - 1
1 OF 2



LEFT SIDE



RIGHT SIDE



FRONT

- NOTES: 1) DIMENSIONS ARE FROM FINISHED FLOOR LINE.
 2) ROOM VIEWED FROM OUTSIDE LOOKING IN.
 3) ALL WD "BUCK" HT'S ARE 58 1/2".
 4) ALL KW'S BENEATH WD'S ARE 23" HT.
 5) FIN. FLR. TO WINDOW OPENING IS 25 1/8".

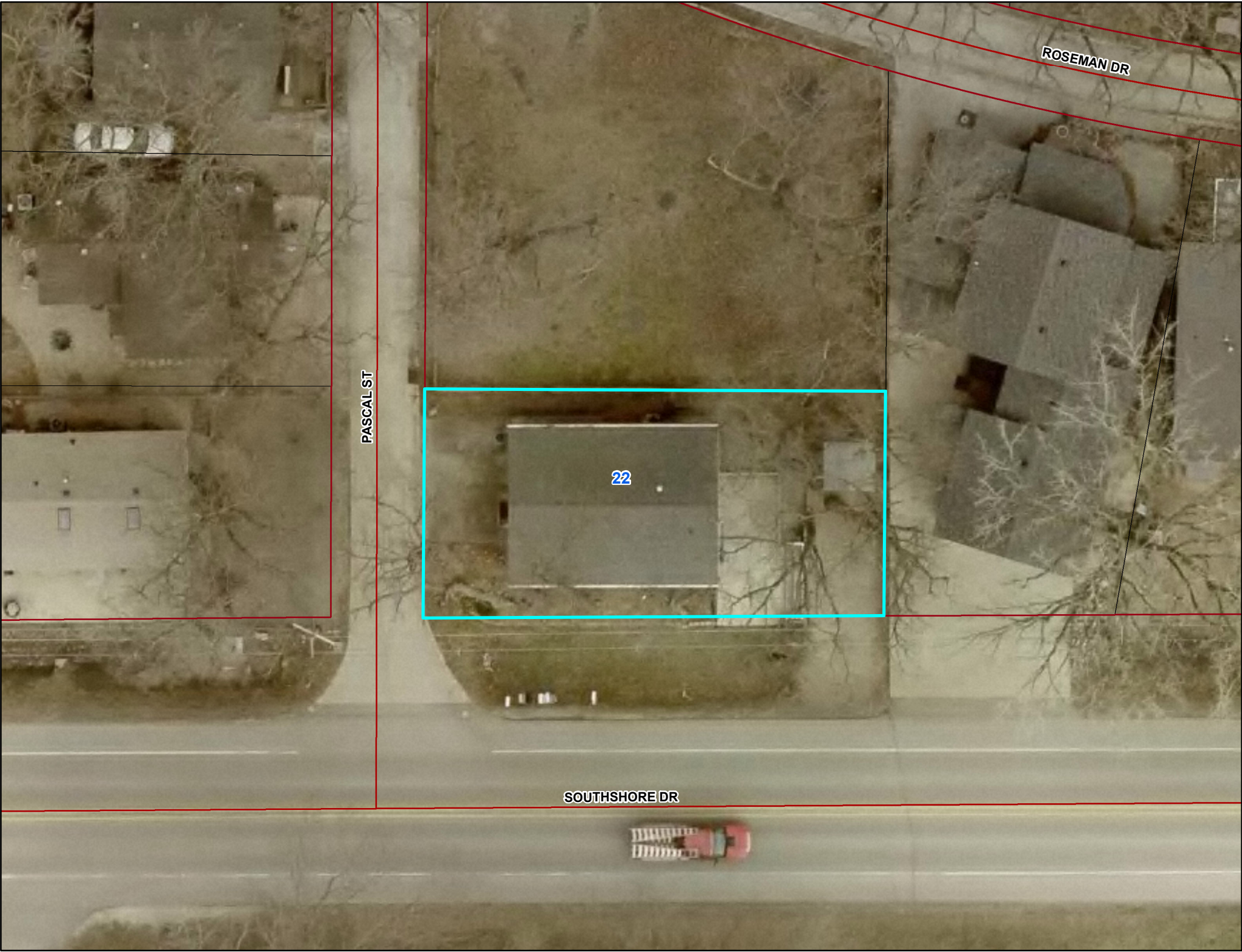


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DEALER NAME: MIDWEST CONSTRUCTION	
CUSTOMER NAME: WHITMAN	
JOYCE ORDER #: 202105785	
DRAWN BY: GP	CHECKED BY: WAC
SCALE: 1/4" = 1' - 0	DATE: 07/28/21

LSR 2000 MODULAR ROOM ELEVATION			
REV.	DATE	BY	COMMENT

SHEET:
A-2
2 OF 2



ROSEMAN DR

PASCAL ST

22

SOUTHSHORE DR