



PLANNING AND ZONING Cerro Gordo County Courthouse

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VARIANCE STAFF REPORT

SUMMARY OF REQUEST

Case No.: 23-8

Hearing Date: April 25, 2023

Staff Contact: John Robbins, Planning and Zoning Administrator

Applicant

John T. Jones Construction Company
2213 7th Avenue N
Fargo, ND 58102

Owner

Clear Lake Sanitary District
5631 235th Street
Clear Lake, IA 50428

Property Address: 14825 Cedar Avenue

Brief Legal Description: Tract of land in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 28, Clear Lake Township

Zoning: A-1 Agricultural

Background

The Clear Lake Sanitary District proposes to install improvements at its lift station facilities on Cedar Avenue to update and replace existing equipment (See Figure 1). A portion of the Districts fenced in area is located within the public right-of-way of Cedar Avenue (See Figure 2). The county Zoning Ordinance does not provide specific exception for utility infrastructure from general setback requirements, so a variance is being requested to allow for the proposed lift station improvements. The proposed improvements are necessary to ensure proper upkeep of the District's sanitary sewer system.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
Lift station facilities	1.76' front yard setback 5.69' south side yard setback 18.69' rear yard setback	50' front yard setback (7.6-A) 25' side yard setback (7.6-B) 30' rear yard setback (7.6-C)

*See Figures 2-4

FINDINGS OF FACT

1. The Clear Lake Sanitary District is the owner of the subject property.
2. John T. Jones Construction Company is the applicant on behalf of the owner.
3. The property is zoned A-1 Agricultural.
4. The proposed structures are 1.76' from the front lot line, 5.69' from the south side lot line, and 18.69' from the rear lot line.
5. A 50' front yard setback, 25' side yard setback, and a 30' rear yard setback are required in the A-1 District.
6. The application was filed on March 22, 2023 with the Planning and Zoning Office.

ANALYSIS

The Board of Adjustment is provided the power to grant variance under Section 24.4(A)(3) of the Zoning Ordinance. The Board may grant variance from the provisions of the ordinance where, in its judgement, a literal enforcement of the rules will result in an unnecessary hardship as established by the standards in Section 24.4(A)(3). In its review, the Board may attach certain conditions to any variance 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 variance.

Discussion of Standards of Review

The lot is 60' wide and 50' deep, 3000 square feet in area. Under the current standards of the A-1 District, no buildings or structures would be able to be constructed without a variance. The lift station provides essential wastewater sewer service to the residents of Clear Lake, Ventura, and the unincorporated areas of the south shore. Improvement are needed to keep the lift station facilities maintained. There are no specific exceptions written into the Zoning Ordinance, so a variance is needed. There is a clear hardship with this request. The circumstance is unique to the property and will maintain the character of the area.

Discussion of Potential Impacts to Immediate Area

The requested variances will maintain existing essential wastewater sewer services to the area. It will have a positive benefit to the community.

Staff Conclusions and Recommendation

All standards of review appear to be met. Staff recommends approval as requested

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

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

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 variance as requested by John T. Jones Construction Company on behalf of the Clear Lake Sanitary District, 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 variance as requested by John T. Jones Construction Company on behalf of the Clear Lake Sanitary District for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

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

Figure 1
Looking at the site of the proposed improvements



April 5, 2023, J. Robbins

Figure 2
Looking north along the front lot line



April 5, 2023, J. Robbins

Figure 3

Looking east along the south side lot line



April 5, 2023, J. Robbins

Figure 4

Looking south along the rear lot line



April 5, 2023, J. Robbins

VARIANCE APPEAL

APPLICATION

Date Filed 3/22/23 Date Set for Hearing 4/25/23 Case Number: 23-8

Applicant Name: John T. Jones Construction Co. Phone: 701-232-3358 E-Mail: colline@jtjconst.com

Mailing Address: 2213 7th Ave N - Fargo ND 58102

Property Owner Name: Clear Lake Sanitary District Phone: 641-357-2019 E-Mail: Mhanson@clearlakesd.o

Property Owner Address: 5631 235th St - Clear Lake IA 50428

Property Description (Not to be used on legal documents): Parcel # 052820200100 Township CLAKE

Property Address: N/A 14825 Cedar Ave Zoning: A - 1

Brief Legal Description:

BEG PT ON E HWY R/W LINE 402.6' N & 33' E OF SW COR NW NE
28-96-22; TH N ON R/W 60'; TH E AT RIGHT ANG TO SAID R/W 50';
TH S PARA TO SAID R/W 60'; TH W 50' TO POB

Project Description

Decision Date: 3/8/23

Wastewater Treatment Facility Improvements

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

1. The proposed structure is less than 50' from the front lot line. A 50' front yard setback is required in the A-1 District.
2. The proposed structure is 4.5' from the south side lot line. A 25' side yard setback is required in the A-1 District.

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

The parcel containing lift station no. 3 is 60' by 50', therefore the setbacks described above cannot be achieved. A variance is required to replace the existing structure.

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 CPE _____

Date 3/10/23



CEDAR AVE

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