



PLANNING AND ZONING

Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 21-2

Hearing Date: November 30, 2021

Applicant

Owner

Darrell & Kathryn Cobeen
15326 Oakwood Avenue
Clear Lake, IA 50428

Same

Property Address: Not assigned

Brief Legal Description: Lots 19 & 20, Block 1, Bayside, & Lot 21, Block 10, Crane & Hills

Zoning: R-3 Single-Family Residential

Background

The applicant is requesting special exceptions to allow for the construction of a 38'x56' single-family dwelling. The property is currently undeveloped (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)
Dwelling	22' rear yard setback 5.25' side yard setback	30' rear yard setback (11.6-C) 6' north side yard setback (11.6-B)

*See Figures 3-6

FINDINGS OF FACT

1. Darrell & Kathryn Cobeen are the owners of the subject property, located on Lots 19 & 20, Block 1, Bayside, & Lot 21, Block 10, Crane & Hills.
2. The property is zoned R-3 Single Family Residential.
3. The proposed dwelling is located 22' from the rear lot line and 5.25' from the north side lot line.
4. The required rear yard setback for a principal structure is 30' in the R-3 District.
5. The required side yard setback is a minimum of 6' in the R-3 District.
6. 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 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 22' from the rear lot line and 5.25' from the north side lot line. The required rear yard setback for a principal structure is 30' in the R-3 District. The required side yard setback for a principal structure is a minimum of 6' in the R-3 District. 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.

A single-family dwelling is a principal permitted 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 lot is two contiguous parcels under the applicant's ownership, being 104' deep and 55.8' wide. The request for a relaxation of the north side yard setback is due to the specific width of the two lots, due to the southern parcel being over four feet narrower than similarly platted lots in the subdivision. It is also a corner lot that has a 12.5' street-side yard setback requirement from the right-of-way of Lee Street, providing less area to build than otherwise allowed.

However, the lot is just as deep as other lots in the neighborhood. There is a 30' rear yard setback requirement and a 25.2' front yard setback requirement, per the average of front yard setbacks within 200'. There does not appear to be a practical difficulty in this aspect of the lot itself.

The standard appears to be partially 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.

As the previous standard is partly met due to a practical difficulty resulting from the lot width and corner lot setback standards, a lesser relaxation of the restrictions requested would appear to be justified under this standard. This standard appears to be met.

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

A smaller dwelling could be constructed and meet setback and minimum dwelling size requirements. This standard does not appear to be met.

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

Single-family homes of similar sizes are prevalent in the neighborhood. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

The applicant states that a garage would help to keep cars off the street during the busy summer months. The neighborhood gets especially busy during that time period around Independence Day and Labor Day. Reducing the need for street parking would help to reduce traffic congestion in the immediate area.

The lot currently has a sloped grade that gets lower toward the northwest corner of the property (See Figures 1 & 6). The construction of a new dwelling will require a significant amount of fill that will further raise the grade. Any approval should include a condition that run-off from the dwelling should be directed toward Oakwood Avenue and Lee Street away from neighboring structures.

The dwelling has no other foreseeable negative impacts to the neighborhood. It is otherwise within the character of the neighborhood and will present no safety concern for traffic at the intersection.

Staff Conclusions and Recommendation

Of the six standards, four have been met, and one has partially been met in staff's opinion. Some relief appears to be justified as a result. In particular, the lot width and the property's nature as a corner lot with further setback standards appears to cause such practical difficulty.

The applicant states a 24'-deep garage is needed to properly park their vehicles and to accommodate a couple appliances. Double garages are typically 18' wide. The provided floor plan shows a 32'-wide garage. The type of construction the applicant would like is generally built in 8' sections. Reducing the depth of the house to 48' would meet the rear yard setback requirement, leaving a 24'x24' area for the garage without altering the other portions of provided floor plan. This would allow for the typical 18' wide double garage and additional space for appliances. Beyond that, the additional space appears to be more of a convenience

than a need, although the floor plan could be altered within the structure to allow for more garage space if desired. The additional 8' of the dwelling within the required rear yard setback appears to be unnecessary.

As a result, staff recommends alternative 2 below—a grant of special exception less than was requested. Specifically, staff recommends approval of the requested 5.25' north side yard setback and a denial of the requested 22' rear yard setback, subject to the provided conditions to help mitigate potential impacts from the dwelling.

BOAR-D 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 recommended by staff:

- I move to adopt the staff report as the Board's findings and to approve a special exception for a 5.25' north side yard setback and deny a special exception for a 22' rear yard setback as requested by Darrell & Kathryn Cobeen, subject to the following conditions:
 1. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office. Before a permit is issued, the applicant shall provide an updated site plan and floor plan that conforms to this decision. All construction shall comply with said updated site plan.
 2. All water runoff from the dwelling shall be directed toward Oakwood Avenue or Lee Street away neighboring properties.

Provided motion of approval:

- I move to adopt the staff report as the Board's findings and to approve the special exceptions as requested by Darrell & Kathryn Cobeen, subject to the following conditions:
 3. All construction shall comply with the site plan submitted with the application.
 4. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.
 5. All water runoff from the dwelling shall be directed toward Oakwood Avenue or Lee Street and not toward neighboring properties.

Provided motion of Denial:

- I move to adopt the staff report as the Board's findings and to deny the special exceptions*-/ as requested by Darrell & Kathryn Cobeen for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

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

Darrell & Kathryn Cobeen
Lot 19 & 20, Block 1, Bayside, & Lot 21, Block 10, Crane & Hills

Figure 1

Looking at the subject property from Oakwood Avenue



November 15, 2021, J. Robbins

Figure 2

Looking west-northwest at the subject property from the intersection of Oakwood Avenue and Lee Street



November 15, 2021, J. Robbins

Figure 3
Looking north along the rear lot line



November 15, 2021, J. Robbins

Figure 4
Looking south along the rear lot line



November 15, 2021, J. Robbins

Figure 5
Looking west along the north side lot line



November 15, 2021, J. Robbins

Figure 6
Looking east along the north side lot line



November 15, 2021, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 11/02/21 Date Set for Hearing 11/30/21 Case Number: 22-2

Applicant Name: Darrell + Kathryn Cobeen Phone: 641-583-2969 E-Mail: kcobeen41@gmail.com
Mailing Address: 15-326 Oakwood Ave. Clear Lake, IA 50428
Property Owner Name: Darrell + Kathryn Cobeen Phone: 641-583-2969 E-Mail: kcobeen41@gmail.com
Property Owner Address: 15-326 Oakwood Ave. Clear Lake, IA 50428
Property Description (Not to be used on legal documents): Parcel # 05-23-310-017 Township Lake
Property Address: not assigned Zoning: R-3
Brief Legal Description: L 19 BLK 1 Bayside / L 19 BLK 1 Bayside / L 19 BLK 1 Bayside / L 19 BLK 1 Bayside / L 19 BLK 1 Bayside / L 19 BLK 1 Bayside / L 19 BLK 1 Bayside / L 19 BLK 1 Bayside / L 19 BLK 1 Bayside

Project Description

1 Story House

Decision Date: 11/2/21

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

The proposed house is 22' from the rear lot line.
The proposed house is 5.25' from the interior side lot line.

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

- (1) We are asking for an additional 9" on the width of the house because making special size rafters will add to the cost.
- (2) The add length will give us a better garage for our two vehicles, since parking on our street is not always possible.

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; 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 Kathryn Cobeen

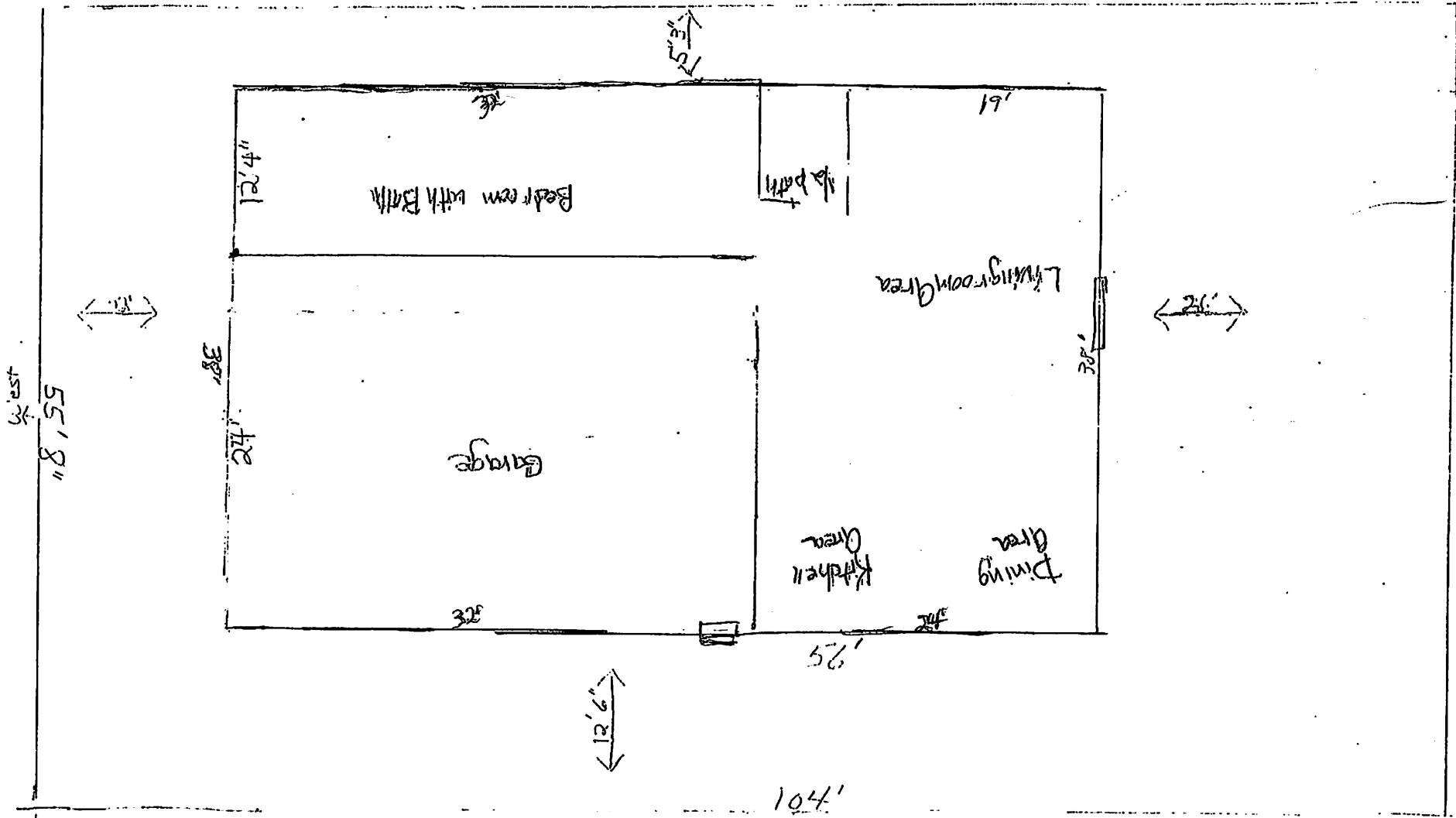
Date Nov. 09, 2021

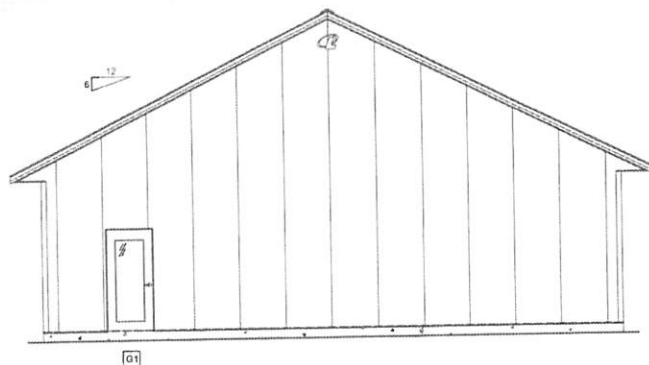
Darrell and I are in our 80's now and we bought these 2 lots years ago to have a place to build our retirement house. They are located on the corner of Oakwood and Lee Street in a block we have lived in almost 14 years. Its very important to us, because of our age, that we have a one story home with no steps and 40" wide doors. The house also needs to be low maintenace. I also want the house to fit in well with the neighborhood. The last three house built on this street are valued at over \$300,000. I don't think the neighbors would appreciate a cabin being built in that spot.

Because I have lived on this street, I know that you can not count on having a parking space on the street. This block ends at less than a half block from the old Rity's boat launch. In the summer the streets are filled with empty boat trailers and pick-up trucks. And in the middle of winter it would be nice to put our pick-up truck and car inside out of the snow. My contractor says a garage needs to be 24' deep for a pick-up. The 24' deep for a garage, the walls take up another 20" leaving a width of 12' 4" for the bedroom with bath. The length of the building allows for a double garage and a place for the washer, dryer,

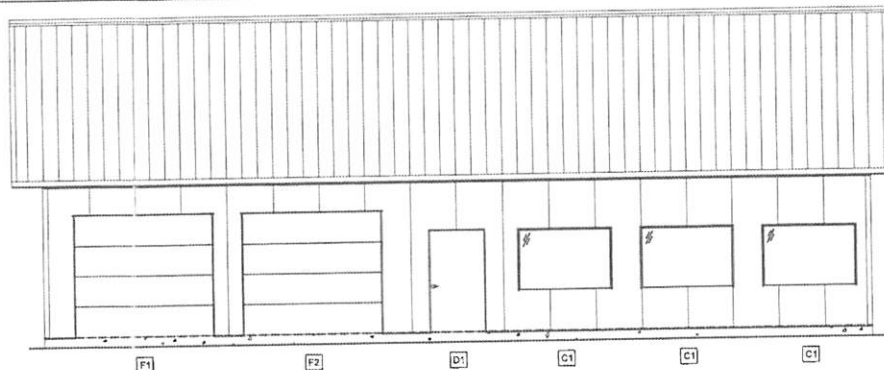
winter storage and a freezer. The other half of the building would be an open space for kitchen, dining room + living room.

We do not plan on changing the topographical condition of the lot or surroundings. The corner lot creates a 12'6" set back instead of 6' giving us a lot less space to work with.

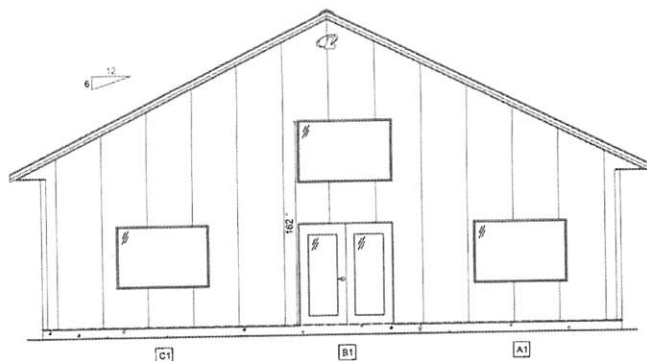




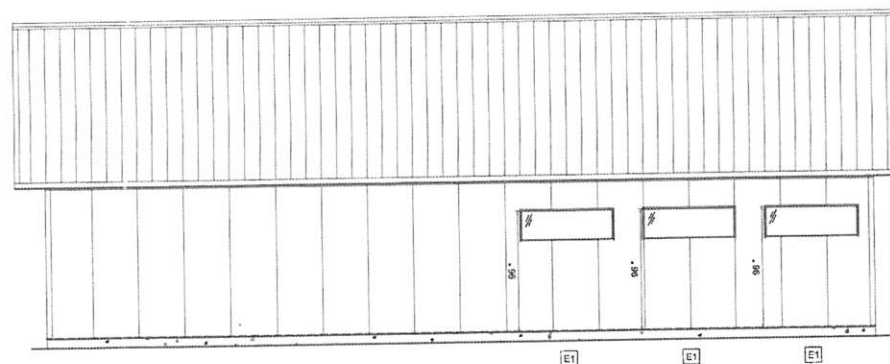
A2 ENDWALL 1 ELEVATION



B2 SIDEWALL 1 ELEVATION



C2 ENDWALL 2 ELEVATION



D2 SIDEWALL 2 ELEVATION

OPENING SCHEDULE ☐

ID	MODEL	NOMINAL
A1	WINDOW - FBO	72x48
B1	WALKDOOR - FBO	72x80
C1	WINDOW - FBO	72x48
D1	WALKDOOR - FBO	42x80
E1	WINDOW - FBO	72x24
F1	8' HIGH OVERHEAD DOOR OPENING	108x80
F2	8' HIGH OVERHEAD DOOR OPENING	108x80
G1	WALKDOOR - FBO	36x80



DEALER INFO.

K-Van Construction Company Inc
515 Cadet Road
Iowa Falls, IA 50126

CUSTOMER INFO.

Kathy Cobeen
1111 2nd Ave Ssss
Clear Lake, IA 50428

BUILDING DESCRIPTION

38'-0" x 54'-1" x 10'-0"
Uni-Frame Not Embedded
QP082621

Customer Approval

(Initials)
DATE:

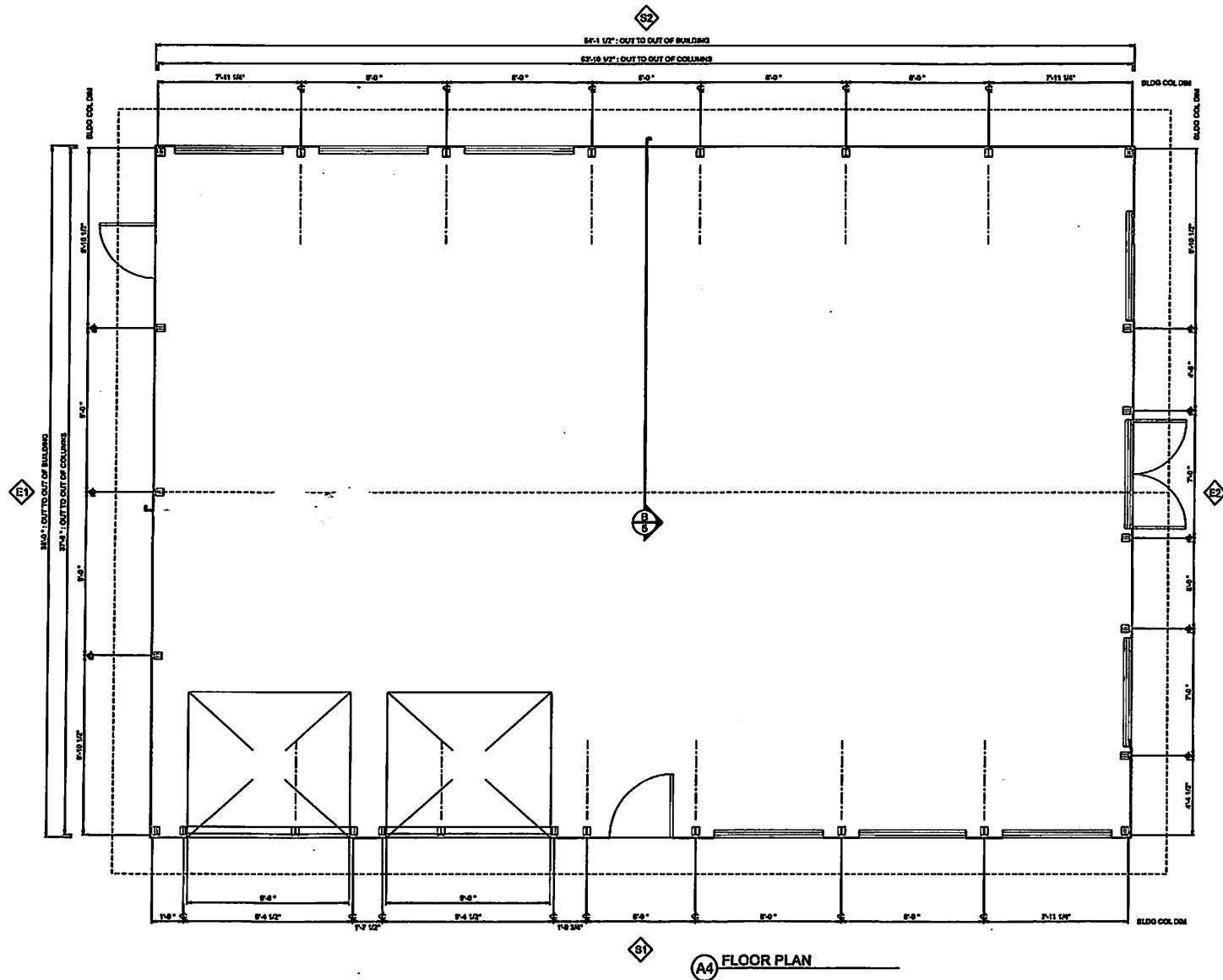
Bldg Direction



(Mark North)

PROJ: E02S-12030-02-00
PROPOSAL DRAWINGS ONLY

Not Intended for Construction Purposes
The information presented in this drawing is based on a preliminary design using the input provided. The final design is subject to Lester Engineering review.
* NOT TO SCALE *



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OAKWOOD AVE

LEE ST

23