



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 24-12 **Hearing Date:** July 30, 2024

Staff Contact: Michelle Rush, Assistant Zoning Administrator

Applicant: Luke Humburg Construction PO Box 293 Ventura, IA 50482	Owner: Dennis & Cheryl Whitehurst 19772 Dogwood Ave Clear Lake, IA 50428
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Property Address: 19772 Dogwood Ave, Clear Lake, IA 50428

Brief Legal Description: NE1/4 of Section 33, Grant Township

Zoning: A-1 Agricultural District

Background

The applicant proposes to construct a 5' breezeway and 30'x30' attached garage on the north side of the existing dwelling. The house and proposed attached garage will be connected by the proposed breezeway and new roof along the front of the house. The garage will not meet the required front yard setback in the A-1 District. The Special Exception request is for the front yard setback only; all other setbacks will be met.

SPECIAL EXCEPTION REQUEST		
Structure	Request(s)	Requirement(s)
5' breezeway & 30'x30' attached garage	34' front yard setback	50' front yard setback in the A-1 District

FINDINGS OF FACT

1. Dennis & Cheryl Whitehurst are the owners of the subject property.
2. Luke Humburg Construction is applying for a special exception on behalf of the Whitehursts
3. The property is zoned A-1 Agricultural District.
4. The proposed attached garage will be 34' from the front lot line.
5. A 50' front yard setback is required in the A-1 District
6. The application was filed on July 30, 2024 with the Planning & Zoning Office.

ANALYSIS

The Board of Adjustment is provided the power to grant special exceptions under Section 24.4(A)(2) of the Zoning Ordinance. The Board may grant special exceptions 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 attached garage will be 34' from the front lot line, which is further than 50 percent of the required 50' front yard setback. All other setbacks in the A-1 District are met. 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 garage is an accessory permitted use in the A-1 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 practical difficulty is primarily due to the location of the existing house and deck on the parcel which are closer to the front lot line than the proposed breezeway and attached garage. The improvements/addition would not be able to be completed without a special exception. As a result, 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.

If the proposed garage addition is required to be constructed 50' from the front lot line, the construction would interfere with a buried cable service line which could potentially require the line to be moved. The proposed breezeway and garage addition allows a safer and more feasible way for present and future homeowners to enter and exit the residence. The standard appears to be met.

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

As stated above, the existing house and deck are closer to the front lot line than the proposed breezeway and attached garage. There are no other possible options for the house addition without moving utilities, septic, and changing the driveway layout. As a result, there are no other practical options. The standard appears to be met.

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

The character of the neighborhood will not be changed as a result of this request. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

The proposed breezeway and garage addition is unlikely to have any foreseeable negative impacts. The existing driveway will be utilized. The additional garage space allows for parking of their vehicles inside out of the weather for protection and safety.

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 garage.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested special exception subject to any conditions 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 Luke Humburg Construction on behalf of Dennis & Cheryl Whitehurst, 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 Luke Humburg Construction on behalf of Dennis & Cheryl Whitehurst for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures 1-4 photos
- Exhibit 2: Special Exception Application and Site Plan
- Exhibit 3: Parcel Highlight

Figure 1 – Existing house from Dogwood Avenue



Figure 2 – looking north at house and existing deck



Figure 3 – looking south at house and existing deck



Figure 4 – location of proposed breezeway and attached garage on north side of house



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 6-28-24

Date Set for Hearing 7-30-24

Case Number: 24-12

Applicant Name: Luke Humburg Phone: 641-430-9908 E-Mail: Humburgconst@gmail.com

Mailing Address: P.O Box 293 Ventura, IA 50482

Property Owner Name: Dennis Whitehurst Phone: 641-430-6629 E-Mail: whitehuc@ctel.net

Property Owner Address: 19772 Dogwood Ave

Property Description (Not to be used on legal documents): Parcel # 01332000040 Township _____

Property Address: 19772 Dogwood Ave Zoning: _____

Brief Legal Description:

Project Description

Decision Date: _____

Dwelling addition:

30' x 30' garage addition with roof trusses connecting to existing house for covered porch/patio area.

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

Proposed attached garage will be 34' from the front lot line. A 50' front yard setback is required in the A-1 district.

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

The proposed attached garage is in compliance with all regulations of the planning and zoning department except front setback from the property line. If the proposed exception is not granted the garage would sit back 50' instead of 34' from the property line and would not be able to be built and connect to the house in a visual or proper manner.

The principal use of the added space would be for a covered parking area attached to the house so property owners can park vehicles out of the weather elements for protection and safety while going to and from their home.

This exception is necessary to compliment the way the house was built on the property. The house sits back 32' from the property line, which is under the regulated 50' front setback length. The proposed garage would be 34' from property line connecting to the existing house making it visually appealing from every direction. If not granted and would have to be built back further, the buried cable service line would cause problems and potentially have to be moved.

(See additional information)

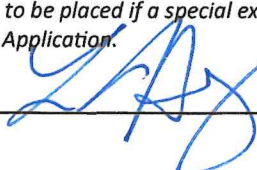
I am the Owner Contract Purchaser Other (Explain)

CONTRACTOR BUILDING ADDITION

_____ 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



Date

6/28/24

SPECIAL EXCEPTION APPEAL

ADDITIONAL INFORMATION

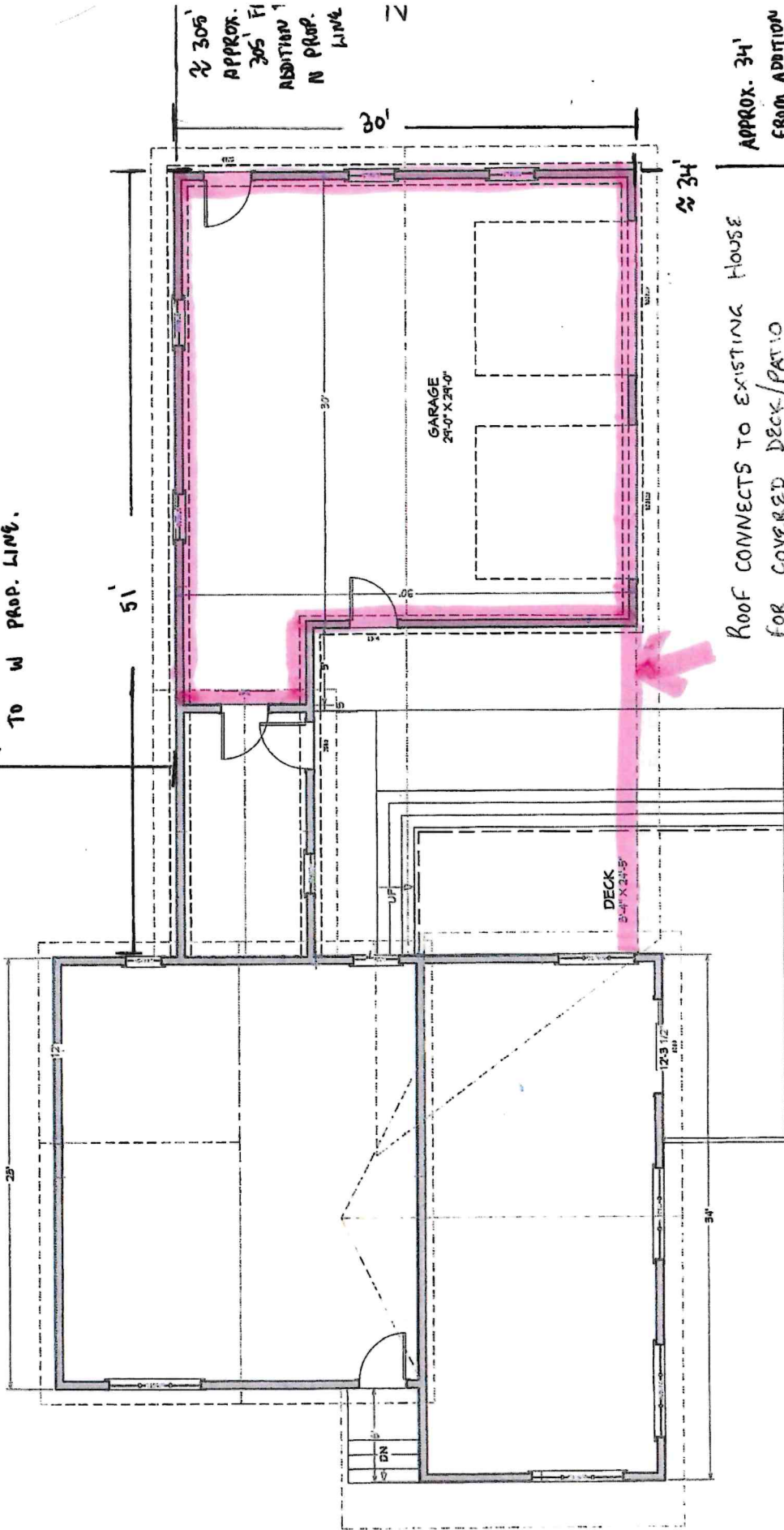
Please provide any additional details below needed to fully address the standards for review and any potential impacts to the immediate vicinity that may directly result from the special exception requested.

The proposed exception if granted will allow a safer way for present and future homeowners to enter and exit their residence in a dry stable environment. There is no other possible options to add on a garage to the residence without moving utilities, septic, and re doing the complete driveway layout. If granted in the proposed way, it will allow the driveway and land to function as it is not resulting in any drainage or general land changes. This exception does not have any impact on neighbors; and will not cause any dust, drainage, glare, traffic, odors, noise, safety, or other potential impacts as a direct result of being granted.

14114 WINDY AVE.
CLEAR LAKE, IA 50428

ADDITION 30x30 GARAGE w/ 5' BREEZEWAY

~ 875'
APPROX. 875' FROM ADDITION
TO W PROP. LINE.



~ 305'
APPROX. 305' FT
ADDITION 1
N PROP.
LINE

APPROX. 34'
FROM ADDITION
TO E PROP.
LINE.

ROOF CONNECTS TO EXISTING HOUSE
FOR COVERED DECK/PATIO

~ 90'

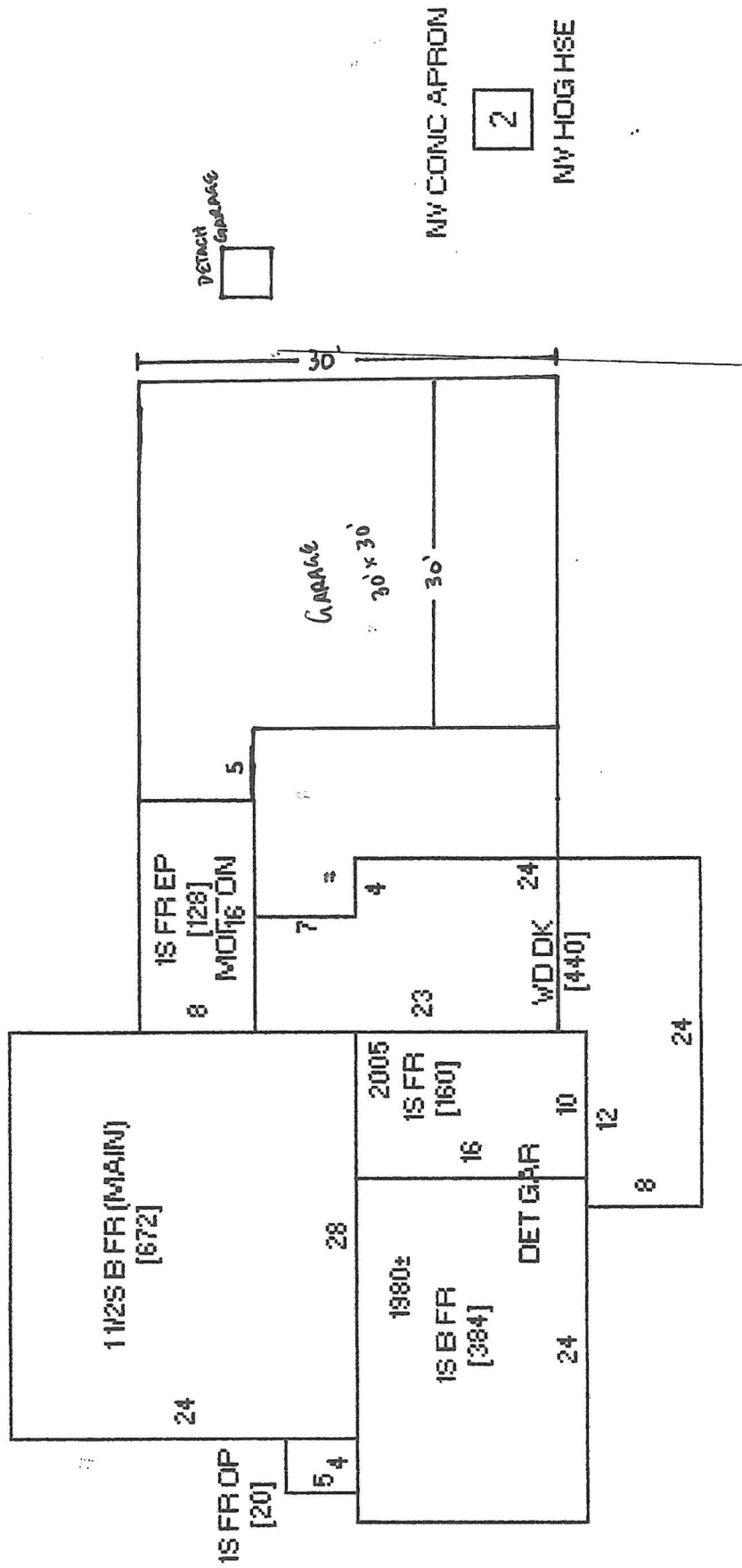
APPROX. 90' FROM ADDITION
TO SOUTH PROPERTY LINE

LIVING AREA
1351 SQ FT

19772 DOGWOOD AVE.
CLARE LAKE, IA 50428

3
STLUTL

4
SHED







DOGWOOD AVE