



PLANNING AND ZONING
Cerro Gordo County Courthouse

220 N Washington Ave
 Mason City, IA 50401-3254
 cgcounty.org/planning

(641) 421-3075
 (641) 421-3110
 plz@cgcounty.org

SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 12-14

Hearing Date: May 31, 2022 ~

Staff Contact: John Robbins, Planning and Zoning Administrator

Applicant

Owner

Jacqueline Wood
 2206 Ironwood Court
 Ames, IA 50014

Same

Property Address: 4859 Abbott Drive

Brief Legal Description: Lot 5 & north half of Lot 6, Block 4, PM Park

Zoning: R-3 Single Family Residential

Background

Ms. Woodin proposes to have an addition to the existing deck that extends 32” onto the north and east sides of the existing deck, which construction began before a permit was issued (See Figure 1). The addition to the deck brings the north line even with the existing steps. The decking was replaced on the existing deck to improve aesthetics, and railings were added to improve safety for the family. The lot is classified as a corner lot due to Abbott Drive and Carey Street being adjacent on two sides, turning at the northeast corner of the lot.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Deck addition	9.25’ street-side yard setback	12.5’ street-side yard setback on corner lots (11.6-D)

*See Figures 2 & 3

FINDINGS OF FACT

1. Jacqueline Woodin is the owner of the subject property, located on Lot 5 and the north half of Lot 6, Block 4, PM Park.
2. The property is zoned R-3 Single Family Residential
3. The proposed deck is 9.25’ from the north street-side lot line.
4. A 12.5’ street-side yard setback is required on corner lots in the R-3 District.
5. The application was filed on April 29, 2022 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 shed is 9.25' from the north street-side lot line. A 12.5' street-side yard setback is required on corner lots the R-3 District. The request does not exceed 50 percent of the respective requirement. The standard appears to be met in part.

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 deck is a part of a single family home, which is a principle 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 classified as a corner lot due to Abbott Drive and Carey Street being adjacent on two sides, turning at the northeast corner of the lot. As a result, a 12.5' street-side yard setback is required on the north side of the lot where a 6' side yard setback would otherwise be required. While the ordinance does not prevent the use of a deck in totality, the unique placement of the lot on a one-way street and its corner lot status prevents what otherwise would be permitted in the district, as a more typical 6' setback requirement would be met. 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 due to the unique position of the lot on a one way street and corner lot status. A 6' side yard setback would otherwise be required instead of a 12.5' street-side yard setback. No safety concerns are being created as a result of the proposed deck addition, as no visibility issues are being created at the corner. The standard appears to be met.

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

Potentially, additions to the deck could be added to the south side as well as what is proposed to the east within requirements while still accomplishing the intent of the expansion. The proposed addition evens the north line of the deck with the existing steps. While other alternatives are available, the proposed addition to the north is the only location that provides the space for access to the deck from the main entrance of the house. Arguably, that makes the proposed addition to the north the only alternative to overcome that aspect of the practical difficulty. The standard appears to be met in part.

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 altered as a result of the proposed deck addition. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

There are no foreseeable negative impacts due to the proposed deck addition.

Staff Conclusions and Recommendation

Five of the six standards are fully met. The standard regarding feasible alternatives is met in part—or at least in staff’s opinion is met in spirit of the intent of the Zoning Ordinance. Staff recommends the special exception request be approved as requested.

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 Jacqueline Woodin, 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 Jacqueline Woodin for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

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

Figure 1
Looking at the deck



May 3, 2022, J. Robbins

Figure 2
Looking easterly along the north lot line



May 3, 2022, J. Robbins

Figure 3

Looking westerly along the north lot line



May 3, 2022, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 4/24/22 Date Set for Hearing 5/31/22 Case Number: 22-14

Applicant Name: Jackie Woodin Phone: 515-231-0078 E-Mail: woodinj4as@gmail.com

Mailing Address: 2206 Ironwood Ct. Ames, Iowa 50014

Property Owner Name: Jackie Woodin Phone: 515-231-0078 E-Mail: woodinj4as@gmail.com

Property Owner Address: 2206 Ironwood Ct. Ames, Iowa 50014

Property Description (Not to be used on legal documents): Parcel # 05-22-432-500-00 Township Clark

Property Address: 4859 Abbott Drive Zoning: Residential R-3

Brief Legal Description: L 5 & N 1/2 L 6 BLK 4 PM Park

Project Description Deck + Replace side yard chain link fence = black chain link. Side yard deck recovered - no change in size. Original deck recovered and added 32 inches to width. Decision Date:

Special Exception(s) Requested (As cited on results from denied Zoning Permit Application) Proposed deck is 9.25' from north street side yard setback. A 12.5' street-side yard setback on corner lots in the R-3 district

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

- 1. No change was made in setback distance. Original deck was extended 32" width not changing north street setback which does not exceed 50% of particular limitation. The east side has a 22' foot setback even with the 32 inch extension.
2. The existing deck was recovered with composite decking and will continue to be used as a deck.

I am the [X] 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 Jackie Woodin Date 4/27/2022

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.

3. The north side set back is on a small hill which removes it more from the street keeping it safe and is similar distance to surrounding homes.

4. There is still generous green space between house and street and on fence side.

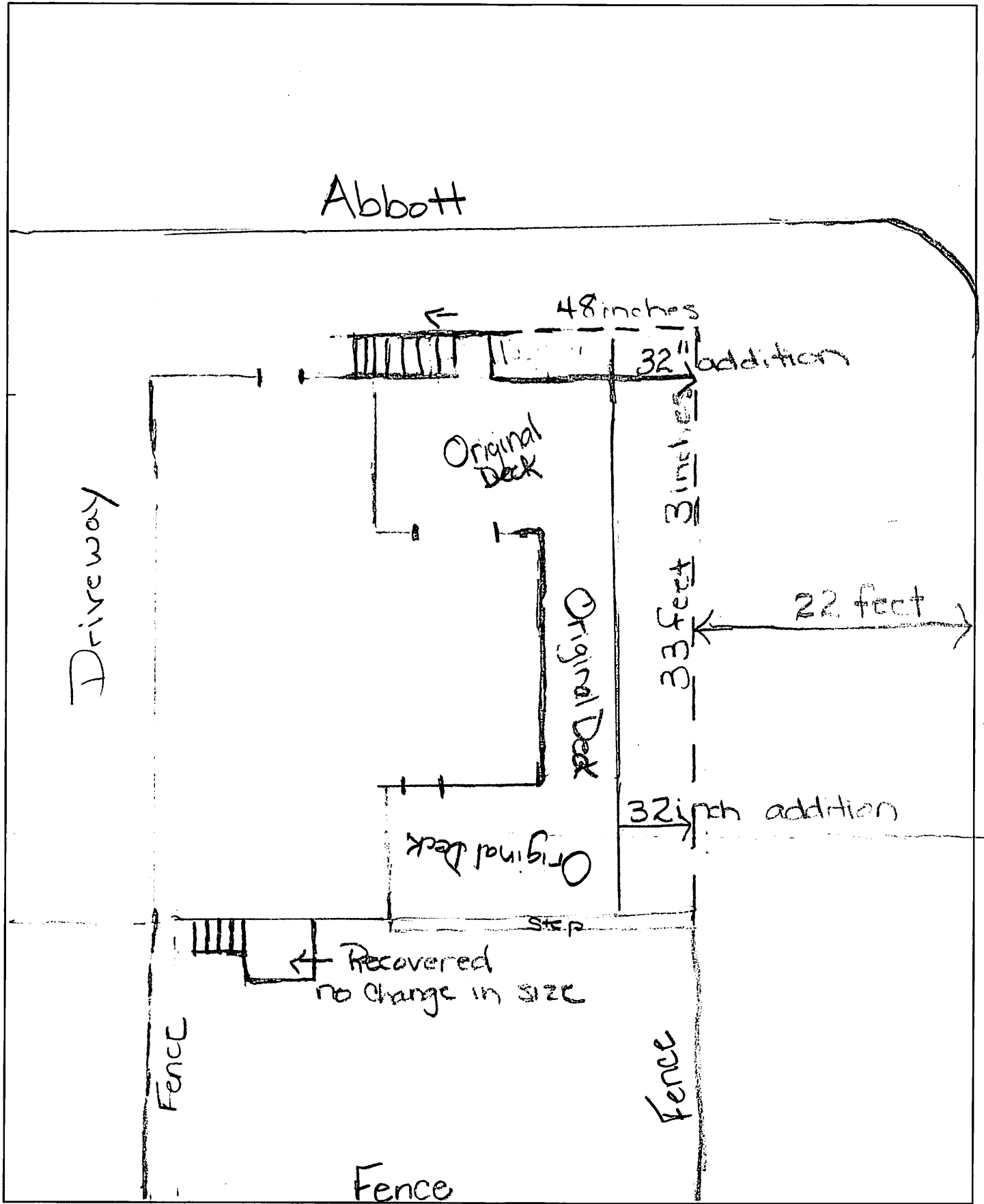
5. No public utilities are in the area.

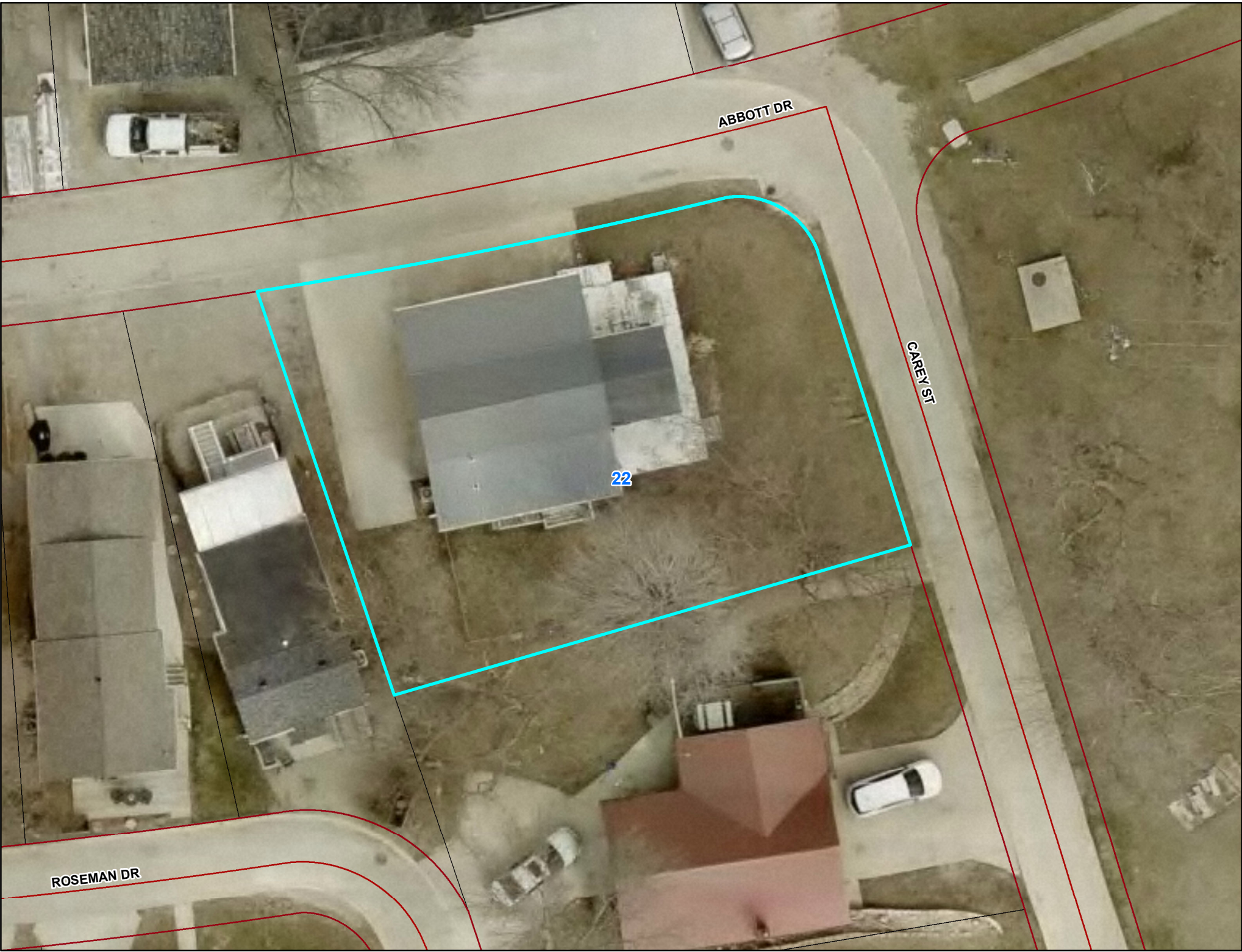
6. The deck did not have railing which I felt was very unsafe for my 11 grandchildren and made it difficult to contain my dog in the yard. The 32" was added to make a safe walking distance from side to side of sunparch and still allow for some seating.

7. Since the deck was already in place and we were just recovering it adding 32" does not make a substantial difference in the property. The main difference is in safety and appearance. The ~~originally~~ deck was in desperate need of paint and was rather an eye sore. The railing not only provides safety but the entire project is a great improvement to the property and neighborhood. I'm sure the neighbors would agree.

Thank you for your time and consideration

Site Plan:





ABBOTT DR

CAREY ST

ROSEMAN DR

22