



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 23-13

Hearing Date: June 27, 2023

Staff Contact: Michelle Rush, Zoning Assistant

Applicant

Jed H. & Lisa K. Vorba
5840 Southshore Drive
Clear Lake, IA 50428

Owner

Same

Property Address: 5840-B Southshore Drive

Brief Legal Description: Condo Unit

Zoning: R-4 Multi-Family Residential

Background

The applicants propose to re-construct the existing cabin (See Figure 1). It is in need of a proper foundation and major repairs. The applicants opted to reconstruct the dwelling instead of a more expensive remodel. The dwelling will be re-attached to the existing well house.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Dwelling	5' west side yard setback 8.6' separation from south dwelling 686.25 square feet residential area in dwelling unit	10' side yard setback (12.6-B) 10' minimum separation between detached buildings (6.9-A) 720 square feet minimum residential area for single story dwelling (6.20-A)

*See Figure 1-3

FINDINGS OF FACT

1. Jed H. and Lisa K. Vorba are the owners of the subject property.
2. The property is zoned R-4 Multi-Family Residential.
3. The proposed house is 5' from the west side property line. It is 8.6' from the dwelling to the south. It is 686.25' square feet in area.
4. A 10' side yard setback is required in the R-4 District. A 10' minimum separation distance is required between detached buildings. A minimum area of 720 square feet is required for a single-story dwelling.
5. The application was filed on June 7, 2023 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 existing cabin is aging and in need of major repair or replacement. The property is limited virtually to the existing location of the existing cabin due to the remainder of the lot being occupied by other dwelling units, parking, or is near the lake.

The proposed dwelling is 5' from the west side lot line where a 10' minimum side yard setback is required in the R-4 District. It will maintain the existing separation of 8.6' from the dwelling to the south (It will reconnect to the existing well house.). A minimum separation distance of 10' is required between detached buildings. It will be 686.25 square feet in size for the residential space of the proposed dwelling where a minimum 720 square feet in area is required for the residential space of a single-story dwelling. All of the respective proposals are equal or do not exceed 50% the respective bulk requirement. 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.

Multiple dwelling units on the same lot are a permitted principal use in the R-4 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 space on the lot has been maximally utilized. There are dwellings and a parking area that take up all practically usable space, and no dwelling unit should be located near the lake that would block views or not meet setback requirements. The proposed dwelling is similar in nature to other dwellings located on nearby lots in the R-4 District. 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.

As described above, there is no practical place to relocate the dwelling. The dwelling unit is in need of major repair, and permitting the re-construction in the same location would be a fair result so long as all other standards of review are met. The standard appears to be met.

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

The proposed location is the only sensible place to rebuild due to the nature of the practical difficulty. 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 dwelling is identical in character as the existing cabin (See Figure 1). The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

There are no foreseeable negative impacts as a result of the proposed dwelling. The existing cabin is in disrepair and in need of improvements or reconstruction.

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 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 Jed H. and Lisa K. Vorba 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 Jed H. and Lisa K. Vorba for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Exception Application
- Exhibit 3: Site plan
- Exhibit 4: Floor plan and rendering
- Exhibit 5: Plat of survey
- Exhibit 6: Aerial photo of site

Figure 1
Looking at the existing cabin



June 8, 2023, J. Robbins

Figure 2
Looking northerly along the west side lot line



June 8, 2023, J. Robbins

Figure 3

Looking between the subject dwelling unit and adjacent dwelling unit to the south



June 8, 2023, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed _____

Date Set for Hearing _____

Case Number: _____

Applicant Name: Jed & Lisa Vorba Phone: 641-512-4123 E-Mail: jedvorba@gmail.com

Mailing Address: 5840 South Shore Drive Clear Lake, Iowa 50428

Property Owner Name: Jed & Lisa Vorba Phone: 641-512-4123 E-Mail: jedvorba@gmail.com

Property Owner Address: 5840 South Shore Drive

Property Description (Not to be used on legal documents): Parcel # 05-26-230-002-00 Township Clear Lake

Property Address: 5840 South Shore Drive Condo B Zoning: R-4

Brief Legal Description:

Project Description

Decision Date: _____

Dwelling - replace existing structure including wood deck. It will be used as a residence.
The address is 5840 South Shore Drive - Condo B

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

- 1) West Side Lot
- 2) Minimum Separation
- 3) Minimum Setback Footage for Dwelling

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

- 1) Less than 50% for all requirements
- 2) Dwelling - permitted
- 3) Only place - replacing existing - Main structure - Foundation - Livable
- 4) Fair result - ... approved for similar else -
- 5) No where else to go ... location ...
- 6) Multi-family - No change -

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 Jed H. Vorba

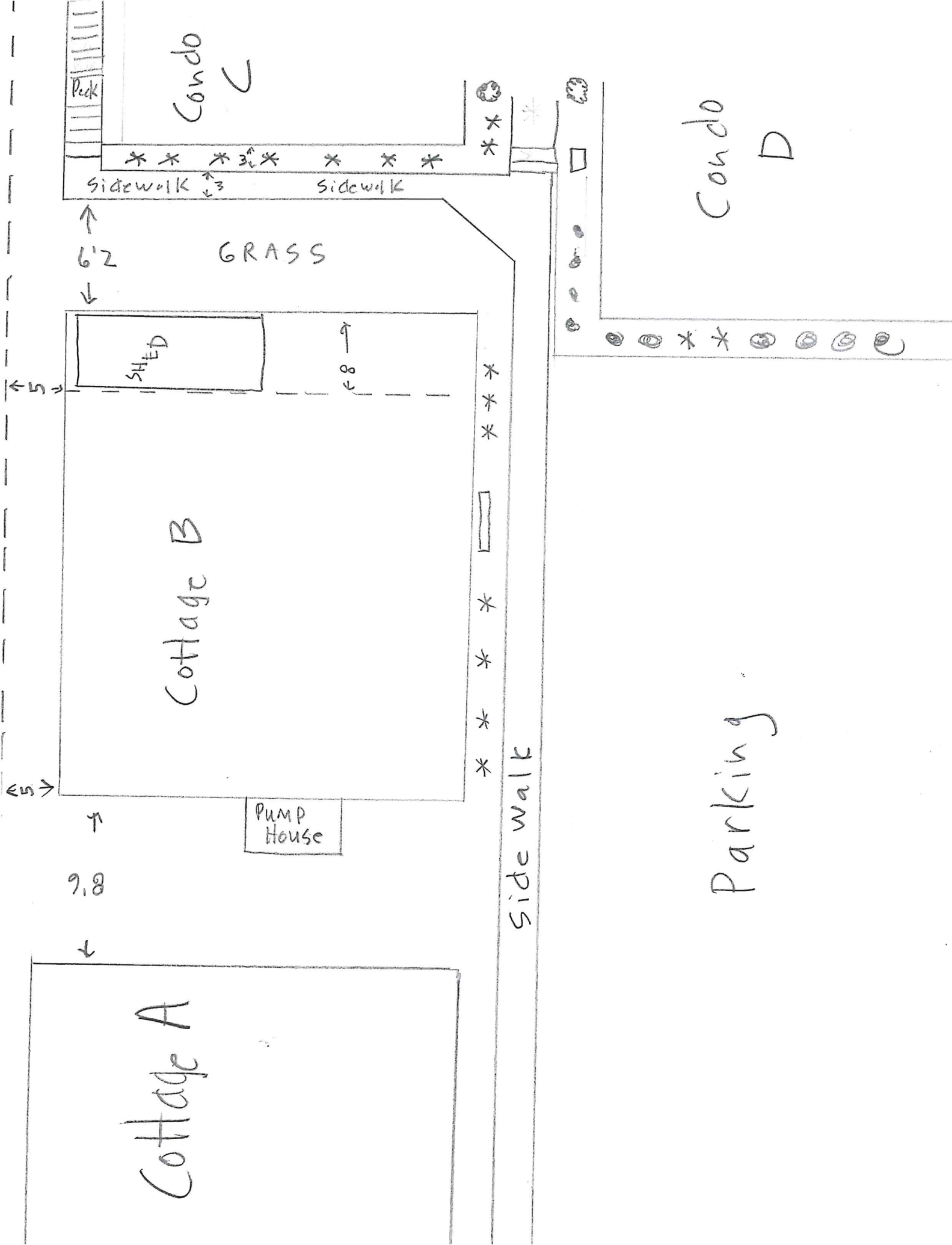
Date June 7, 2023

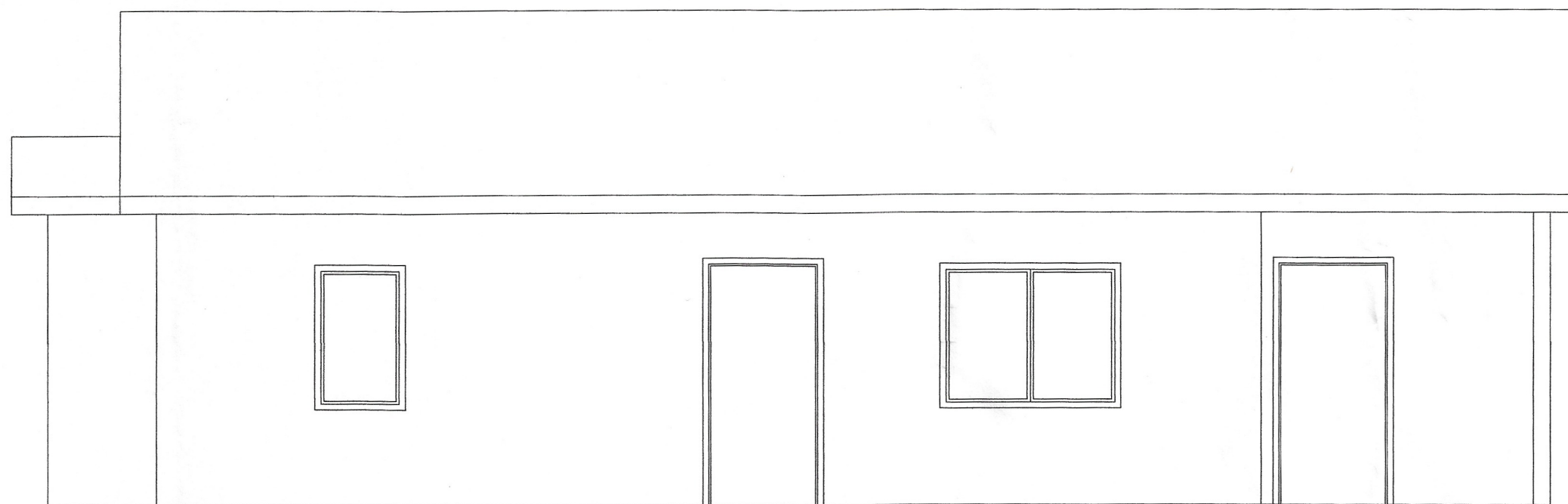
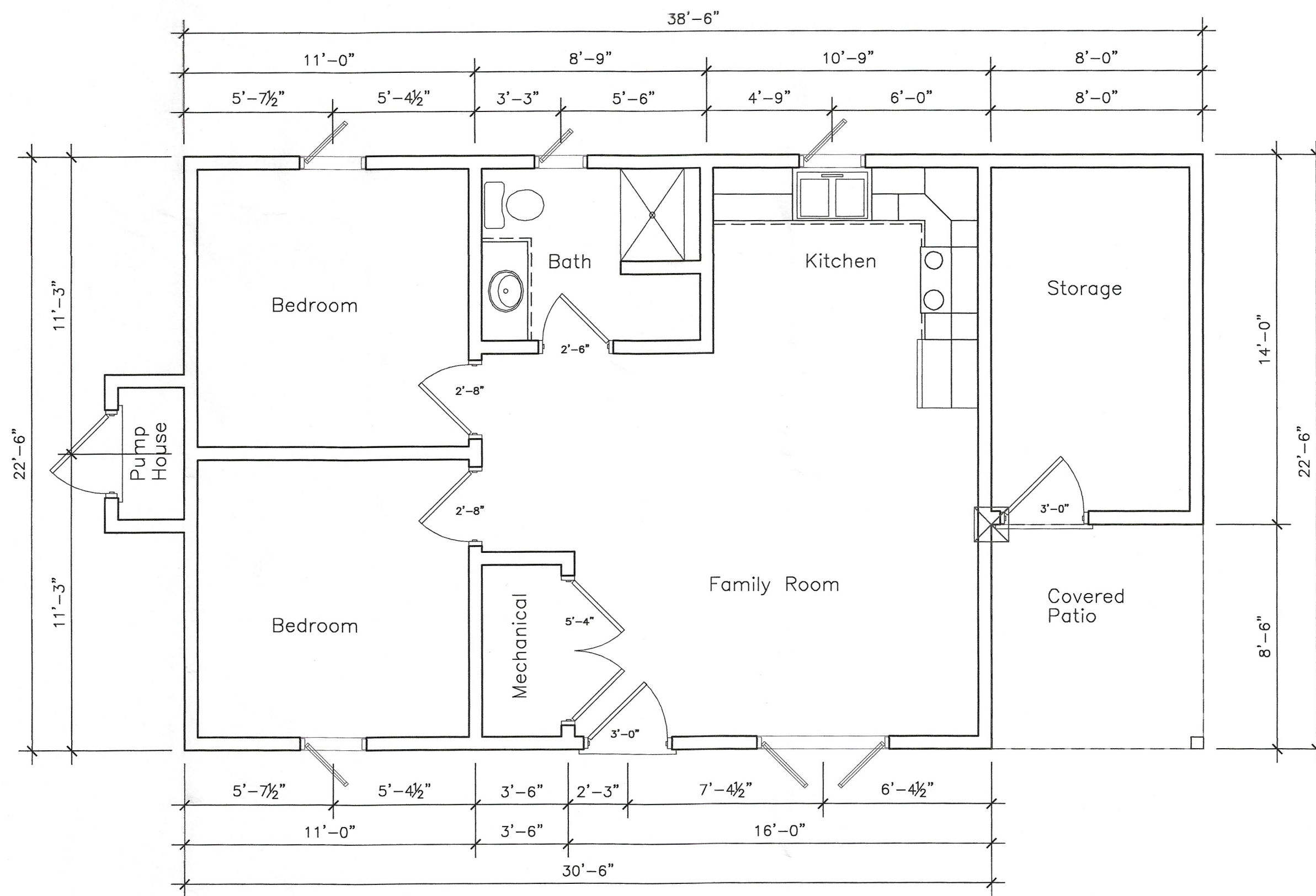
Special Exception

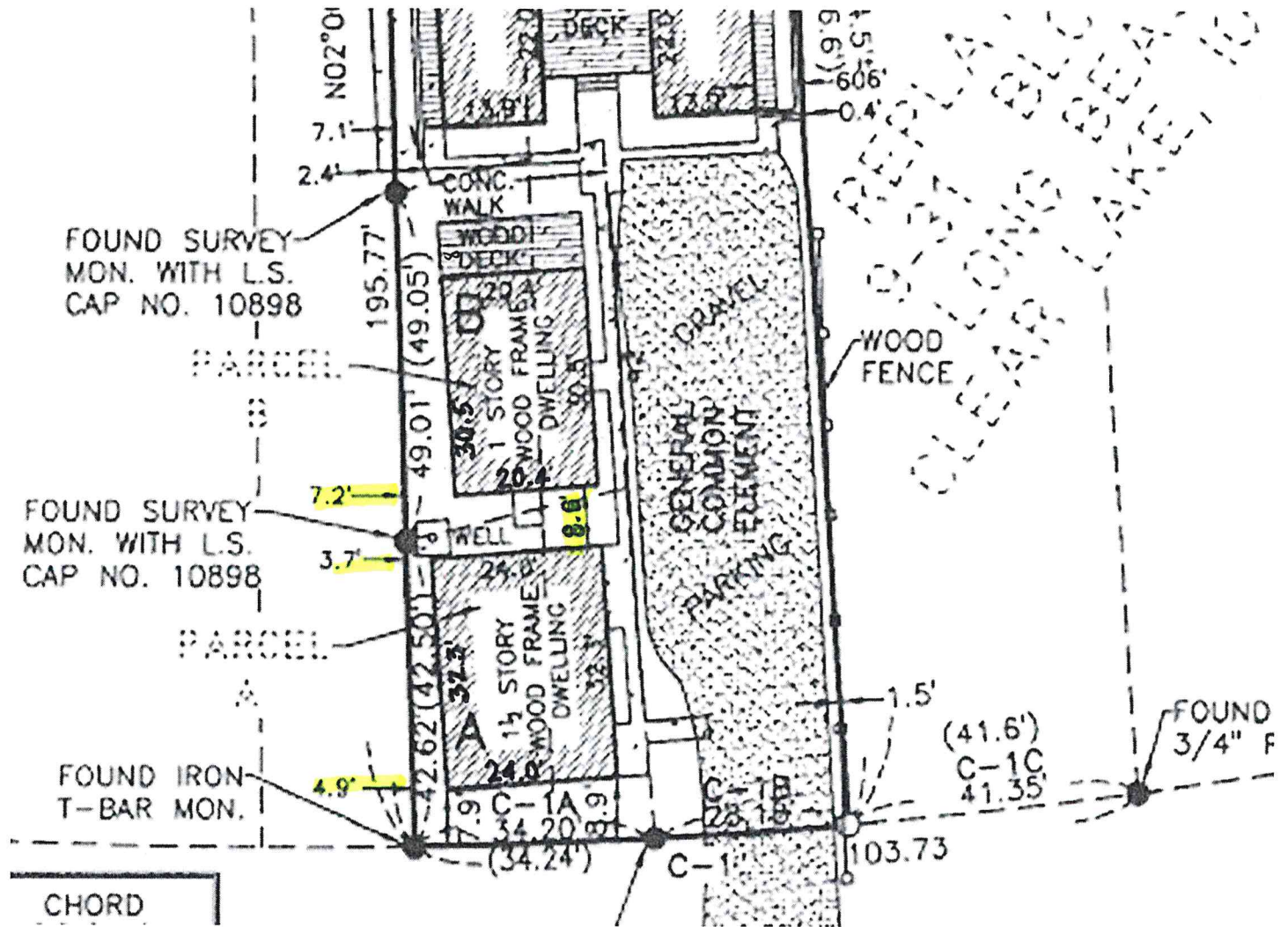
1) The current condo (B) is presently 7.2 from the west side lot line. We would like to increase to 5 feet from the west lot line. (Condo A is presently 5 feet from the west lot line and not only would this improve the aesthetics, it would allow for straight lines of both condos.

The current condo (B) is presently 8.6 from Condo A — we would not be changing that distance. We are keeping that the same

- 2) No interference or changing parking / entrance / road usage
- 3) We are replacing existing structure that is falling apart
- 4) We need to use residence to live
- 5) Replacement needed to overcome adversity
- 6) Character of south shore will remain intact







AUD

Colleen Perca, Cerro Gordo County Recorder

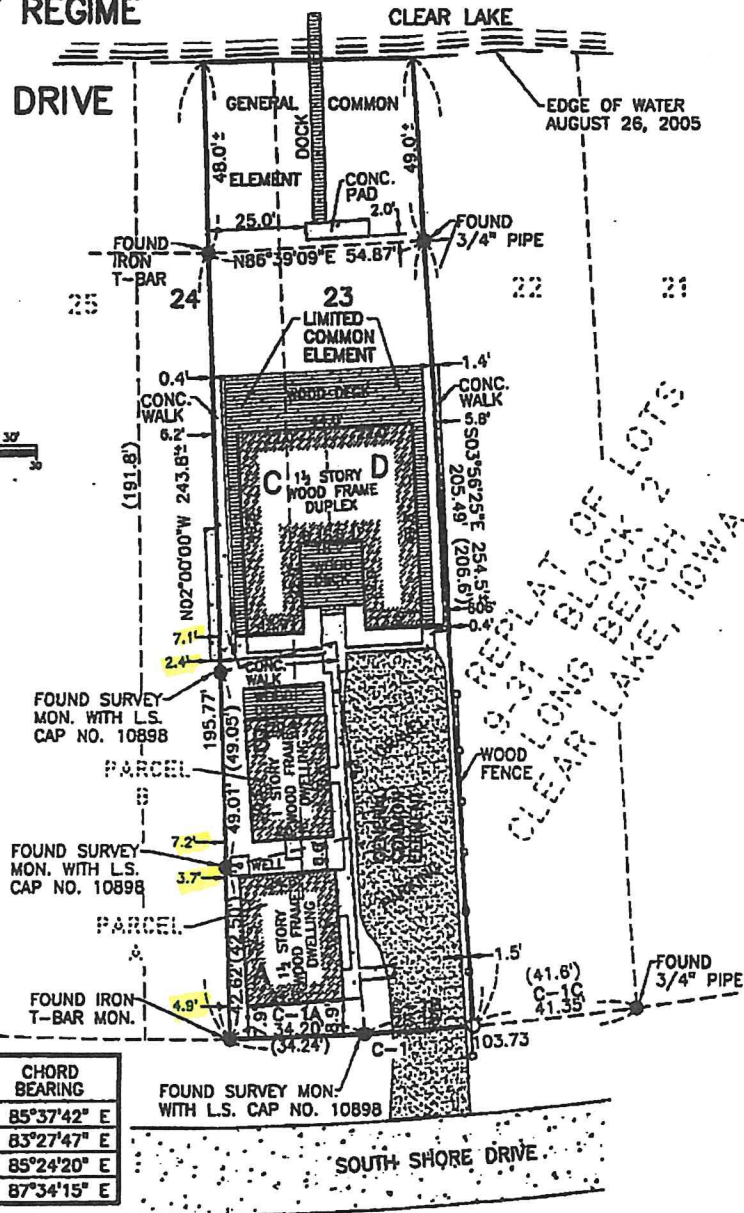
PREPARED BY: BRIAN J. DIEHL LS 13644 WHKS & CO. 1412 6th ST. S.W. MASON CITY, IOWA 50401 --- (641) 423-8271

PLAT OF SURVEY
HORIZONTAL PROPERTY REGIME
SITE PLAN
5840 SOUTH SHORE DRIVE

- LEGEND**
- SET IRON T-BAR MON. NO. 13644.....○
 - FOUND IRON MONUMENT AS NOTED.....●
 - RECORD.....()
 - CONCRETE.....[Pattern]
 - GRAVEL.....[Pattern]



- NOTES**
- 1) THIS SURVEY IS LOCATED IN THE NE1/4 SECTION 26-T89N-R22W OF THE 5TH P.M., CERRO GORDO COUNTY, IOWA.
 - 2) BEARINGS WERE BASED ON PLAT OF SURVEY OF RECORD FILED SEPTEMBER 21, 1998 IN BOOK 88 PAGE 9315 IN THE OFFICE OF THE CERRO GORDO COUNTY RECORDER.
 - 3) TOTAL AREA OF SURVEY....14331± SQ. FT.
 - 4) DATE OF SURVEY AUGUST 26, 2005.



CURVE TABLE

CURVE	Δ	RADIUS	ARC LENGTH	CHORD	CHORD BEARING
C-1	06°27'37"	920.00'	103.73'	103.68'	S 85°37'42" E
C-1A	02°07'48"	920.00'	34.20'	34.20'	S 83°27'47" E
C-1B	01°45'18"	920.00'	28.18'	28.18'	S 85°24'20" E
C-1C	02°34'31"	920.00'	41.35'	41.35'	S 87°34'15" E

DESCRIPTION OF RECORD 05-26-226-007

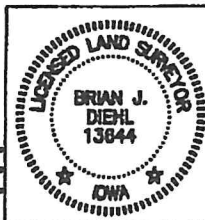
Lot Number Twenty-Three (23) and the Southeasterly One-Half (SE 1/2) of Lot Number Twenty Four (24) in the Replot of Lots Nine (9) to Thirty-One (31) inclusive of Block Two (2) in Long Beach, Clear Lake, Iowa, as the same is laid out and platted on a portion of Lot One (1) in the Northwest Quarter (NW1/4) of Section Twenty-Five (25) and a portion of Government Lot One (1) in Section Twenty-Six (26) all in Township Ninety-Six (96) North, Range Twenty-Two (22) West of the Fifth P.M., in Cerro Gordo County, Iowa.

SURVEY REQUESTED BY:
 MR. LEO BAKER
 5840 SOUTH SHORE DRIVE
 CLEAR LAKE, IOWA 50428

PROPRIETORS:
 LEO M. BAKER & ANN PHILLIPS BAKER
 AS TRUSTEES FOR BAKER FAMILY LIVING TRUST
 AND CRAIG L. CASLAVKA

WHKS & CO.

ENGINEERS PLANNERS LAND SURVEYORS
 1412 - 6th STREET S.W. P.O. BOX 1487 MASON CITY, IOWA 50402-1487
 641-423-8271



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Brian J. Diehl
 Brian J. Diehl
 License number 13644
 My license renewal date is December 31, 2005
 Sheets covered by this sheet 1



26

SOUTHSHORE DR