

Cerro Gordo County Planning & Zoning Staff Report SPECIAL USE

Case No: 24-09	Date of Application: April 25, 2024
Use Request: 20.2(HH) Second dwelling on a farm for immediate family	Owner: Gregory & Christy Jennings
Current Zoning: A-1 Agricultural	Petitioner: Greg & Carol Jennings
Address: 24600 Grouse Ave Fertile, IA 50434	Size of Special Use: Approx. 1800 sq. ft.
Legal: Parcel A in the NE¼ of Section 1, Grant Township	Size of Parcel: 10.08 acres
	Hearing Date: May 28, 2024

BACKGROUND INFORMATION:

1) PURPOSE OF SPECIAL USE REQUEST -

The purpose of the request is to construct an approximately 1,800 square foot single story dwelling on the property for Gregory Jennings's parents who have recently retired. The Zoning Ordinance allows only one dwelling per parcel in the A-1 Agricultural District. However, the ordinance permits second dwellings for a member of the immediate family or farm workers on property zoned A-1 with a Special Use Permit under Section 20.2(HH).

2) EXISTING LAND USE AND ZONING CLASSIFICATION OF PROPERTY –

The property has an existing dwelling, in which the property owners, Gregory & Christine Jennings reside in, a detached garage, silo, feed barn, above-ground pool, and 2 smaller accessory buildings. The remainder of the property is mainly low lying and covered with trees. The property is zoned A-1 Agricultural.

3) LAND USE AND ZONING CLASSIFICATION OF SURROUNDING PROPERTY -

All surrounding property is zoned A-1 Agricultural. The majority of the land is in agricultural use. Gregory Jennings is also the contract purchaser of Parcel B from the Matthew J. Broghammer Trust which surrounds his property to the north, west, and a portion to the south. The Matthew J. Broghammer Trust still owns Parcel C. (See Exhibit 1)

GENERAL FINDINGS:

1) HARMONY AND ACCORD WITH GENERAL PRINCIPLES AND PROPOSALS OF ZONING ORDINANCE -

The stated purpose of the Zoning Ordinance is to promote public health, safety, morals, comfort, and general welfare. It is also intended to conserve property values, encourage the most appropriate use of land, facilitate the adequate but economical provision of public improvements, and provide the social and economic advantages that result from an orderly planned use of land.

The proposed dwelling should not be a detriment to public health, safety, or other goals of the Zoning Ordinance. The new house will be used for single family use, and the new residents on the property are immediate family members. The proposed special use does not change the use of the property and should not result in any negative impacts to neighbors. No farmland will be taken out of production to construct the second dwelling.

2) COMPATIBILITY OF USE WITH APPEARANCE AND ESSENTIAL CHARACTER OF AREA -

The proposed house does not significantly change the existing or future uses of the property. The Jennings already use the property as a homestead. Single-family dwellings are a common use in the rural areas of Cerro Gordo County, and this will be a second dwelling on a farm.

3) IMPACT ON EXISTING AND FUTURE USES, VICINITY, AND COMMUNITY AS A WHOLE -

The proposed house will have no significantly greater impact on the area than the existing activity and dwelling on the property. A second dwelling on the same parcel generally means twice the use of water and septic impacts a single-family home would normally have. The Special Use Permit application states the dwelling will be served by a private well. Any necessary well or wastewater treatment permits for the new house required by the CG Public Health should be made a condition of the Special Use Permit.

There are minimal foreseeable negative impacts to the surrounding area or the community as a whole. The visual impact will be negligible, as the current property has multiple trees on the property.

4) ADEQUACY OF PUBLIC SERVICES (i.e., highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools) -

Grouse Avenue is a gravel-surfaced road. Single family dwellings typically generate 8-10 vehicular trips per day. The gravel surfaced road is likely suitable for the limited increase of traffic.

Law enforcement protection is provided by the Cerro Gordo County Sheriff's Department. Fire protection and Emergency Medical Services are provided by Fertile Fire Department/EMT and Mason City Fire Department. There should not be a significant increase in demand for either service if the Special Use Permit is approved.

The site is not in a floodplain or a drainage district.

The new dwelling will utilize private water and wastewater systems. Obtaining any necessary well or wastewater treatment permits for the new house required by the Health Department should be made a condition of the Special Use Permit. The existing well on the property was tested in 2015. It was safe at that time for bacteria, nitrates, and arsenic, but did have 6 ppb (parts per billion) arsenic, still below the MCL (maximum contaminant level) of 10 ppb. This is something worth keeping an eye on. Based on records, the well is a well pit which is no longer allowed for new construction but common for older wells. CG Public Health has no concerns with sharing the existing well between the two dwellings. If at some point, the occupants of the two dwellings were not related, it may be advisable to have a written well agreement. Electric service is already served to the site.

There will not be an impact on schools.

5) PUBLIC COST FOR ADDITIONAL PUBLIC FACILITIES AND SERVICES -

The proposed dwelling should not result in additional costs to the public. No additional public facilities or services are likely to be needed.

6) POTENTIAL DETRIMENTS TO PERSONS, PROPERTY, OR GENERAL WELFARE (i.e., excessive traffic, noise, smoke, fumes, glare, or odors) -

The homestead is accessed off of Grouse Avenue, which carries 80 vehicles per day. Only a nominal increase in traffic is anticipated as a result of the proposed second dwelling.

No smoke, fumes, glare, or odors are anticipated to be created by the use.

7) **COMPATIBILITY AND CONSISTENCY WITH THE INTENT AND PURPOSE OF THE ZONING DISTRICT -**

The Zoning Ordinance intends that property in the A-1 District remain in agricultural use when possible. The second dwelling will not impact any agricultural operations. The proposed house will not take any crops out of production.

A second dwelling for immediate family members is consistent with the permitted uses in the A-1 Agricultural District. It is a Special Use that has been granted many times by the Board in the past.

COMPLIANCE WITH ADDITIONAL ARTICLE 20 REQUIREMENTS:

Additional requirements for the special use requested are as follows. Ordinance provisions are in normal type. Staff comments are in **bold**:

20.2 SPECIAL USES

HH. Second dwelling on a farm for someone in the immediate family or a full-time farm employee. A-1 District. **The Zoning Ordinance defines “Immediate Family” as, “Father, mother, brother, sister, son, daughter – related by blood or marriage or adoption.” The proposed new dwelling will be occupied by Gregory Jennings parents. The property is zoned A-1.**

ZONING DISTRICT REQUIREMENTS:

Requirements of the zoning district for which the proposed special use is to be located are as follows. Ordinance provisions are in normal type. Staff comments are in **bold**:

7.5 HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet. **The proposed house will be single story and not exceed the maximum permitted height.**

7.6 YARD REQUIREMENTS

Each lot shall have the front, side and rear yards not less than the depths or widths following:

- A. Front yard depth, fifty (50) feet. **The proposed house is set back significantly from the road and easily meets this requirement (See Exhibit 2 - Site plan submitted with the Special Use Permit Application).**
- B. Each side yard width, twenty-five (25) feet. **The proposed side yard setbacks are over 200 feet.**
- C. Rear yard depth, thirty (30) feet. **The proposed rear yard setback is approximately 300 feet.**

MISCELLANEOUS REQUIREMENTS

- Minimum parcel size is 10 acres. **The property is 10 acres in size.**
- **Requiring a Zoning Permit Application be filed with the Planning and Zoning Office should be a condition of the Special Use Permit.**
- Section 6.19 states, “The minimum dimension of the main body of the dwelling unit shall not be less than twenty-two (22) feet. **The width of the dwelling will be confirmed with the property owner.**
- Section 6.20 requires the minimum ground floor coverage area of a single-story dwelling to be 720 square feet of usable space. **The second dwelling is proposed to be 1,800 square feet.**

STATUTORY REQUIREMENTS:

Additional requirements under Iowa Code pertain to the Special Use applied for:

Permits for on-site wastewater treatment and the well must be obtained from the CG Public Health prior to issuance of a Zoning Permit.

Any new driveways to access the house will require an access permit from the County Engineer's Office. According to the Special Use Permit, the existing driveway will be used for the second dwelling.

STAFF ANALYSIS AND RECOMMENDED ACTION:

I find this to be an appropriate location for a second dwelling. The residents of both houses will be immediate family members. Although the property is not used for agricultural purposes, the impact is nominal to the surrounding area and the neighboring property. The development or developing on existing building sites is preferable to taking farmland out of production. I recommend requiring a Zoning Permit Application be filed with the Planning and Zoning Office be made a condition of the Special Use Permit. To ensure environmental health regulations are met, required permits from CG Public Health should also be made a condition of approval. This proposal is generally in line with the goals of the Comprehensive Plan.

RECOMMENDED CONDITIONS TO BE MET IF POSITIVE VOTE BY BOARD OF ADJUSTMENT:

Note: In granting a Special Use Permit, the Board of Adjustment may attach conditions which it finds are necessary to carry out the purpose of the Zoning Ordinance, in conformance with what is provided in Article 20 of the Zoning Ordinance, and where reasonable and necessary may increase the required lot or yard, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, and require screening and landscaping to reduce noise and glare and maintain the property in character in keeping with the surrounding area. Special uses shall ordinarily comply with the standards of the district concerned for principal uses which are permitted therein, except as modified by the Board of Adjustment in granting a Special Use Permit. **The following conditions are recommended:**

1. This Special Use Permit may be reviewed at any time in the future upon the request of the applicants or a majority of the Board of Adjustment members.
2. The provisions and/or regulations shall be minimum requirements and wherever the requirements of any other lawfully adopted rules, regulations or ordinances are at a variance, the most restrictive shall govern.
3. It is contemplated that from time to time during the operation of a second farm dwelling, that conditions may arise which are not covered by the terms of this permit and which cannot be anticipated. In the event such conditions do arise, the Board of Adjustment of Cerro Gordo County, Iowa, may impose additional regulations to meet any new conditions. In addition, if said use should, at any time, be operated in any manner which violates the rules and regulations of any federal or state regulatory agency, then the Board of Adjustment may impose such other conditions so as to ensure compliance with such rules and regulations.
4. This permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of Adjustment of Cerro Gordo County, Iowa, under the terms of this permit.
5. County representatives shall have the right to enter the premises at any time upon notification to the permit holder for the purposes of enforcing the provisions of this Special Use Permit.
6. This Special Use Permit is granted solely to Gregory & Christine Jennings and members of the immediate family. Only a member of the Jennings' immediate family, as defined by the Zoning Ordinance, shall occupy either dwelling. One of the two dwellings shall be removed or the property subdivided if the occupation of either dwelling by a person outside of the immediate family occurs. Any transfer of ownership of either dwelling to a person outside of the immediate family shall require the same.
7. A Zoning Permit Application shall be applied for and a Zoning Permit granted by the Zoning Administrator for the new dwelling before any construction continues or begins. Necessary permits or authorizations shall be issued by the CG Public Health prior to issuance of a Zoning Permit.
8. The second dwelling shall use the existing driveway access to the property. No separate access is permitted.

QUESTIONS & COMMENTS:

Proposed motion for approval of application: To adopt the staff report as the Board's findings and to grant the application, subject to the conditions recommended by staff and as modified by the Board of Adjustment, for the placement of a second farm dwelling, and further, that the grant of the application be made effective immediately and

on the condition that Gregory & Christine Jennings shall perform all operations under the application under the specific direction of the Cerro Gordo County Zoning Administrator, consistent with the proposed conditions and recommendations approved by the Board of Adjustment, until such time as a formal resolution is drafted and adopted by the Board of Adjustment, not to exceed 60 days.

Proposed motion for denial of application: To adopt the staff report as the Board's findings and to deny the application for the reasons stated in the staff report as well as for the following reasons: **[STATE ADDITIONAL REASONS FOR DENIAL, IF ANY]**. Said reasons for denial shall be stated in the official transcript and minutes of the Board of Adjustment, and shall be made in writing to the applicant in letter form by the Board's secretary.

Prepared by:
Michelle Rush
Assistant Zoning Administrator
Final Draft date – May 17, 2024



GROUSE AVE



EXHIBIT A

010120000800

010120000700

02061000030

PAR A

GROUSE AVE

010120000900

PAR C



SPECIAL USE PERMIT

APPLICATION

Date Filed 4-25-24 Date Set for Hearing 5-28-24 Case Number: 24-09

Applicant Name: Greg Jennings Phone: 641-430-8421 E-Mail: gregajennings@yahoo.com
 Mailing Address: 23308 Gull Ave Clear Lake Iowa 50428
 Property Owner Name: Gregory + Christy Jennings Phone: 641-231-1501 E-Mail: gcjennings@wctatel.net
 Property Owner Address: 24600 Grouse Ave Fertile IA. 50434 wctatel.me
 Property Description (Not to be used on legal documents): Parcel # 010120000700 Township Grant
 Property Address: 24600 Grouse Ave Fertile IA 50434 Zoning: Q-1
 Brief Legal Description: Building a house for retired parents
Second dwelling on a farm for immediate family

Special Use Description: Please provide a general description of the proposed special use.

Roughly a 1,800 sq ft home
Single story easy access.

*Attach all required items listed in the application checklist, including written operator's statements, site plan, filing fee, and all other materials required to be submitted with this application

I am the Owner Contract Purchaser Other (Explain) Mother of property owner
_____ 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 the accompanying application; and that the information provided is true and correct, and actual construction, as applicable, and operation of the proposed special use will proceed in accordance with the purposes herein stated on the application and all submitted materials. I further agree to 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 Carol Jennings Date 4-25-24

- 1) Dwellings are harmonious with the zoning ordinance
- 2) The construction will not change the essential character of the area
- 3) The use will not be hazardous or disturbing it will be an improvement to the property
- 4) Dwelling will be served by private well
We will be using existing driveway
- 5) There will be no cost to the public
- 6) N/A
- 7) The use is consistent with the zoning district