



PLANNING AND ZONING
Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 24-19 **Hearing Date:** April 29, 2025

Staff Contact: Michelle Rush, Assistant Zoning Administrator

Applicant: Joseph D. Hawkins **Owner:** Same
18037 Yarrow Ave
Nora Springs, IA 50458

Property Address: 18037 Yarrow Ave, Nora Springs, IA 50458

Brief Legal Description: SW¼ of Section 1, Portland Township

Zoning: A-1 Agricultural District

Background

The applicant originally proposed to construct a 30'x40' accessory structure 30' from the front lot line and 8' from the detached garage on the property. The applicant filed a special exception request and an updated site plan on March 10, 2025. The new request is for a 30'x40' accessory structure with attached 10'x30' open lean-to which will be 27' from the front lot line on the north side of the driveway and will maintain the required 10' separation distance from the detached garage.

SPECIAL EXCEPTION REQUEST		
Structure	Request(s)	Requirement(s)
30'x40' Accessory building & 10'x30' lean-to	27' front yard setback	50' front yard setback is required in the A-1 District

FINDINGS OF FACT

1. Joseph D. Hawkins is the owner of the subject property.
2. The property is zoned A-1 Agricultural District.
3. The proposed accessory structure and lean-to will be 27' from the front lot line.
4. A 50' front yard setback is required in the A-1 District.
5. The Special Exception and updated site plan were filed on March 10, 2025.

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

- 1. 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.***

There is a practical difficulty due to the significant number of trees on the property, slope areas north of the detached garage and garden area and south of the dwelling, the location of existing utilities, and lack of buildable flat surface ground on the property. The proposed accessory structure will be 27' from the front lot line, which is further than 50 percent of the respective 50' front yard setback requirement. All other required setbacks in the A-1 District will be met. The standard appears to be met.

- 2. 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 proposed accessory building will be used for personal storage and hobbies which is a permitted accessory use in the A-1 District. The standard appears to be met.

- 3. 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 due to many factors on the property. The property is covered with trees. There is significant slope on the property to the north and south. The existing electrical service, well, septic tank and propane tank are north of the existing dwelling. The location of the existing dwelling and detached garage also limits the area where the building could be constructed. Accessory buildings are common in the A-1 District. The standard appears to be met.

- 4. 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 in the analysis of the previous standard, any additional detached accessory buildings would be limited to the general area where the proposed building is planned to be located. Building in the sloped areas would create the need for a significant amount of fill to be brought in. Additional cement would need to be poured to also extend the existing driveway. The request does not exceed and otherwise meets all other zoning requirements. Accessory buildings for additional storage are common in the A-1 District. This parcel is 16.7 gross acres in

size and is large enough to accommodate additional accessory structures. There are no foreseeable negative impacts if this request would be approved. The standard appears to be met.

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

As previously stated, there are a significant number of trees on the property. The land slopes to the north and to the south. Electrical service, the well, septic tank and propane tank are north of the house. There is no alternate feasible location for the proposed building on the property. As a result, there are no other practical options. The standard appears to be met.

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

The proposed building will not alter the character of the neighborhood. The front of the property is lined with trees on both sides of the driveway. There will be trees between the proposed building and Yarrow Avenue. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

The proposed building is unlikely to have any foreseeable negative impacts.

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 building and lean-to.

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 by modifying 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 exceptions as requested by Joseph Hawkins, subject to the following conditions:
 1. All construction shall comply with the updated site plan submitted on March 10, 2025.
 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 Joseph Hawkins for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures 1-6 photos
- Exhibit 2: Special Exception Application March 10, 2025
- Exhibit 3: Updated Site Plan March 10, 2025
- Exhibit 4: Proposed building
- Exhibit 5: Parcel Highlight

Figure 1 – Looking north along front lot line (Yarrow Ave) at row of trees



Figure 2 – Looking south along front lot line at row of trees & slope area south of the dwelling



Figure 3 – Looking north behind existing detached garage at slope of land



Figure 4 – Looking west from the house at slope area to the south of the dwelling



Figure 5 - looking east at propane tank located north of the dwelling.



Figure 6 – looking at garden and sloped area east of the detached garage and north of the dwelling



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 5-10-25

Date Set for Hearing 4-29-25

Case Number: _____

Applicant Name: Joseph D. Hawkins Phone: 319 560-6135 E-Mail: johawk@netins.net

Mailing Address: 18037 Yarrow Ave Nova Springs, IA 50458

Property Owner Name: Same Phone: same E-Mail: same

Property Owner Address: Same

Property Description (Not to be used on legal documents): Parcel # 08013000020 Township PORTLAND

Property Address: Same Zoning: A-1

Brief Legal Description: SW 1/4 01-96-19 W RR

Project Description

Decision Date: _____

Erect 30'x40' Accessory Building for general usage, hobbies, and storage

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

(from application) 1. Proposed building will be less than 50' from front lot line.

2. <NO LONGER APPLICABLE> Proposed building will be more than 10' from other structure

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

< FROM STANDARDS FOR REVIEW >

- PRACTICAL DIFFICULTY: alternate locations for building are NOT practical due to topography (significant inclines), location of utilities (electrical, well, septic), and proximity to the house and the driveway.

50% LIMITATION: requested exception does NOT exceed 50% of the setback limitation

- PERMITTED USE: permit is for an ACCESSORY building

< CONTINUED ON NEXT PAGE >

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

Joseph D. Hawkins

Date

3/10/2025

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.

< STANDARD FOR REVIEW - CONTINUED FROM FIRST PAGE >

• CIRCUMSTANCES SPECIFIC TO PROPERTY :

- Topography - proposed building location in only flat area available that is in near proximity to the house and the drive way. Other flat areas would impact the utilities to the house (specifically underground water and electrical lines).

NOTE : The electrical line coming into the property passes overhead of the proposed building location. My electrical contractor anticipates that Alliant Energy would require it to be moved. His quote is to include effort to move the transformer to the area of the lot and move the electrical service to the back (roadside) of the proposed building. Electricity would then be trenched between the proposed building and the drive way to make connection at the present service to the house and unattached garage.

- PRACTICAL DIFFICULTIES : The proposed is reasonable given the explanations above.

OTHER PROPERTY OWNERS : There is NO anticipated impact to other property owners. Approximately 20' of trees will remain between the building and the road.

- FEASIBLE ALTERNATIVE MEANS : The only alternative means would require significant fill and excavation which would NOT be feasible due to significant expense.

- ESSENTIAL CHARACTER : Shop buildings similar to the proposed building are plentiful on neighboring properties. I would not expect the proposed building to impact the essential character of the area at all.



NO LONGER EXCEPTION:
CHANGED FROM
ORIGINAL APPLICATION

12'X24" OPEN
LEAN-TO

10'X30" OPEN
LEAN-TO

10.94

**PROPOSED
BUILDING
30'X40'**

29.95

29.97

40.11

27.6

**REQUESTED
EXCEPTION**

PROPANE TANK

ELECT
SVC

WELL

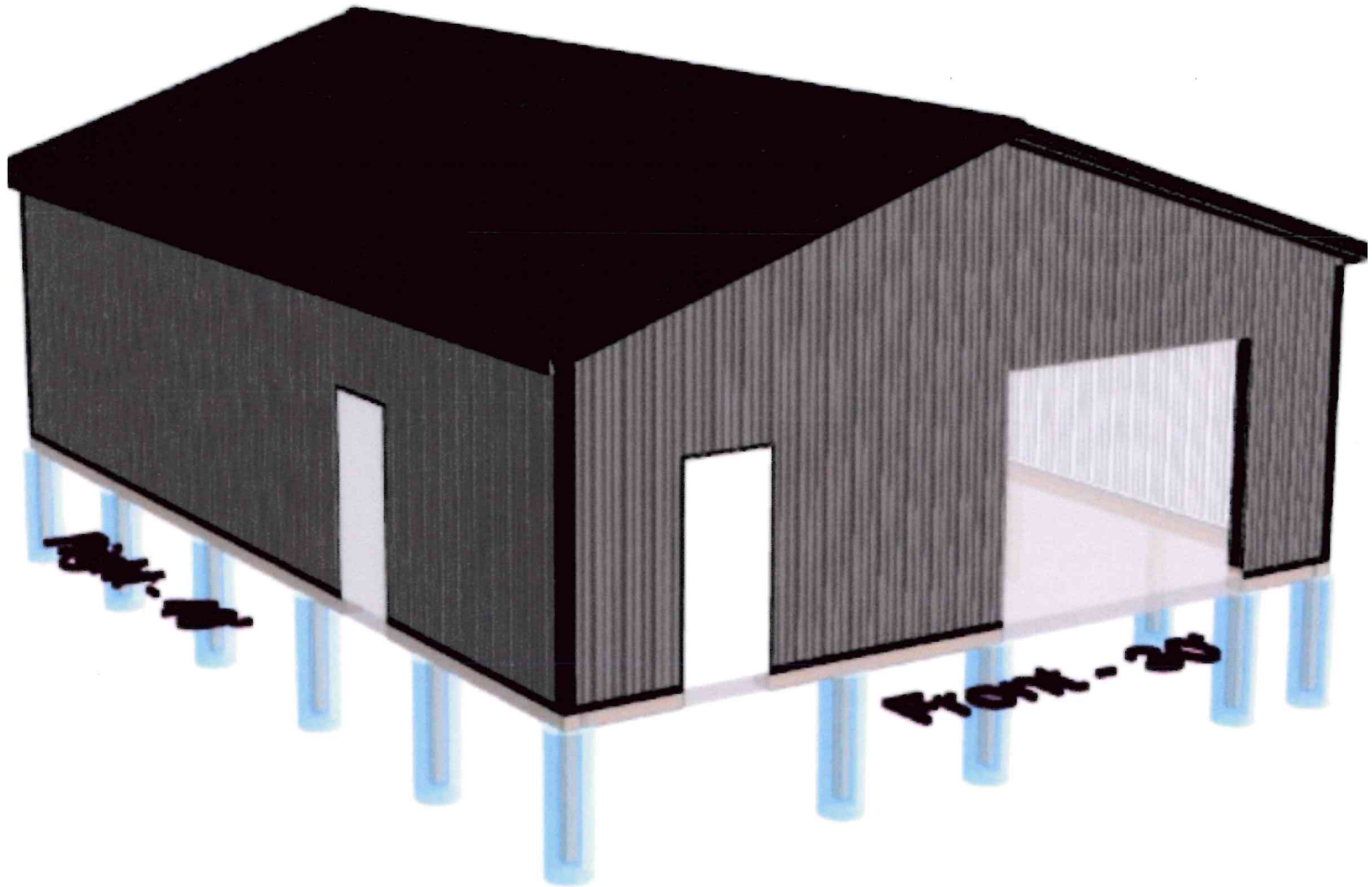
SEPTIC TANK

080130000200

18037 YARROW AVE

SLOPE







080250100200

080130000100

080130000400

080130000300

080150100100

080130000200

080240000300

PAR A

080240000800

080240000700

YARROW AVE

080130000500

081250100100 081210000300

879.12

081210000100

747.78

081120000500