

# Cerro Gordo County Planning & Zoning Staff Report SPECIAL USE

---

<b>Case No.:</b> Case No. 19-29	<b>Date of Application:</b> April 29, 2019
<b>Use Request:</b> 20.2(HH) Second dwelling on a farm	<b>Owner:</b> Kody and Vanessa Trampel
<b>Current Zoning:</b> A-1 Agricultural	<b>Petitioner:</b> Kody and Vanessa Trampel
<b>Address:</b> 9561 Apple Avenue Klemme, IA 50449	<b>Size of Special Use:</b> 60'11.5"x84'-2"
<b>Legal:</b> SW¼, NW¼, Section 19, Union Township	<b>Size of Parcel:</b> 11.15 acres
	<b>Hearing Date:</b> May 28, 2019

---

**BACKGROUND INFORMATION:**

**1) PURPOSE OF SPECIAL USE REQUEST -**

Kody and Vanessa Trampel (Tramples) are proposing to install a second agricultural, 60'11.5"x84'-2" dwelling on their property (See Figure 1). There is an existing home on the property, in which one of their a grandmothers will be living (See Figure 2). 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). Some farm land will be taken out of production to accommodate the new house, though this is currently pastureland.

**2) EXISTING LAND USE AND ZONING CLASSIFICATION OF PROPERTY –**

The property has an existing house and several farm buildings (See Figure 2-5).

The remainder of the property is used to raise crops. The property is zoned A-1 Agricultural.

**3) LAND USE AND ZONING CLASSIFICATION OF SURROUNDING PROPERTY -**

All surrounding property is zoned A-1 Agricultural and in agricultural production

There is a significant floodplain to the north of the acreage along Galls Creek, which the new house will not affect (See Figure 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. The residents of the proposed ag-dwelling already live on the property and are the applicants. The proposed special use does not change the use of the property and should not result in any negative impacts to neighbors than what already exists. While there will be some farmland taken out of production, the new house is a farm dwelling.

There are no nearby residences.

**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 (See Figures 1-5). The Trampels 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 farm dwelling.

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

The proposed house has no significantly greater impact on the area than the existing farming operations and residential uses already occurring on the property (See Figures 2-5). A second dwelling on the same parcel generally means twice the use of water and septic impacts a single-family home would normally have. Any necessary well or wastewater treatment permits for the new dwelling required by the Health Department should be made a condition of the Special Use Permit. There is currently no legally permitted septic system on the property, so the Health Department will require that the existing system be evaluated.

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 use of the property is for ag-residential purposes.

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

Apple 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 is provided by the Ventura Fire Department. Emergency Medical Services are provided by Garner Ambulance. There should not be a significant increase in demand for either service if the Special Use Permit is approved.

The nearest mapped floodplain area is over 100 feet from the proposed house site, north of the acreage, which is Galls Creek. None of the property, except for a small portion in the northeast corner of the property, is located within a floodplain. The site is not near any drainage district or public drainage structures.

The new dwelling will utilize existing private water and wastewater systems. Nonetheless, 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. There is currently no legally permitted septic system on the property, so the Health Department will require that the existing system be evaluated.

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.

1

**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 Apple Avenue, which carries 20 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. While a small portion of cropland, will be taken out of production, it will still be used for agricultural purposes as a farm dwelling.

A second farm dwelling for family and operators of the farm 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.

8) **COMPATIBILITY WITH COUNTY COMPREHENSIVE PLAN -**

There are four statements in the Agricultural and Farming section of the Comprehensive Plan that are applicable to this proposed use.

**Policy 3.1.1:** This policy statement discourages the development of agricultural soils for non-farm uses. The proposed Special Use is a farm use and is in line with this policy.

**Policy 3.1.2:** This policy says that the Corn Suitability Rating (CSR) is to be applied as a factor for the review of any development affecting agricultural soils. The small portion of farmland to be taken out of production is considered highly productive with a CSR of over 80. The proposed second house is a farm dwelling and will only take about 1 acre of land out of production.

**Policy 3.1.3:** Similar to policy 3.1.2, this policy states other factors besides CSR are to be applied to development affecting agricultural soils. Again, the proposed special use will be an agricultural use.

**Policy 3.1.4:** This policy encourages the use of farming techniques and soil conservation practices to protect top soil and prevent degradation to water resources. The proposed new house will utilize private well and wastewater facilities. Any permits required by the Health Department should be made a condition of the Special Use Permit.

**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 house will be occupied by the Trampels’ (See Figure 1). A grandmother of theirs will live in the existing house, which is an acceptably close relation as an immediate family member—despite not being listed in the definition (See Figure 2). 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 one 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 front yard setback is over 200 feet.**
- B. Each side yard width, twenty-five (25) feet. **The closest proposed side yard setback is 25 feet.**
- C. Rear yard depth, thirty (30) feet. **The proposed rear yard setback is over 600 feet.**

**MISCELLANEOUS REQUIREMENTS**

- Minimum parcel size is 10 acres. **The property is 11.15 acres in size.**
- **If approved, filing a Zoning Permit Application with the Planning and Zoning Office for review prior to construction should be made 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 proposed house’s minimum dimension is over 60 feet.**”
- Section 6.20 requires the minimum ground floor coverage area of a single-story dwelling to be 720 square feet of usable space. **The proposed second house’s dimensions are 60’11.5”x84’-2””, which meets this requirement.**
- Section 6.9 of the Zoning Ordinance requires a 10’ separation between the principal structure and all accessory structures as well as between all accessory structures. **There are no detached structures within 10 feet of the proposed second house location.**

**STATUTORY REQUIREMENTS:**

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

Any required permits for on-site wastewater treatment and the well must be obtained from the Cerro Gordo County Department of Public Health prior to issuance of a Zoning Permit. The Health Department will require a new septic system be installed for the proposed new house, and that the septic system of the existing house be evaluated for requirements as well due to its age.

**STAFF ANALYSIS AND RECOMMENDED ACTION:**

I find this to be an appropriate and mostly practical location for a second dwelling on the site (See Figure 1). Other locations would likely necessitate the removal of existing buildings (See Figures 2-5). Although the project may qualify as agriculturally exempt and the proposal appears to meet all minimum requirements, I would still recommend requiring a Zoning Permit Application to be filed with the Planning and Zoning Office be made a condition of the Special Use Permit. The residents of both houses will be acceptably close relations as immediate family members and be involved with the farming operations on the property. To ensure environmental health regulations are met, required permits from the Health Department should also be made a condition of approval, along with requiring a site evaluation of the existing septic system. 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 insure 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 Kody and Vanessa Trampel and members of the immediate family, including grandparents. Only a member of the Trampels' immediate family, as defined by the Zoning Ordinance and including grandparents, 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 aforementioned family occurs. Any transfer of ownership of either dwelling to a person outside of the aforementioned family shall require the same.
7. A Zoning Permit Application shall be applied for and a Zoning Permit granted by the Zoning Administrator for new construction or development on this property, prior to construction. Necessary permits or authorizations shall be issued by the Cerro Gordo County Department of Public Health prior to issuance of a Zoning Permit. The Trampels shall contact the Health Department to have a site evaluation conducted for the existing wastewater system.
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 Dean and Jody Yezek 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:  
**John Robbins**  
**Planning and Zoning Administrator**  
**Final Draft date – May 10, 2019**

**Case No. 19-29**  
**Kody and Vanessa Trampel (9561 Apple Avenue)**

***Figure 1***

Looking at the location of the proposed second agricultural dwelling



May 9, 2019, J. Robbins

***Figure 2***

Looking at the existing house



May 9, 2019, J. Robbins

**Figure 3**  
Looking at the existing barn



May 9, 2019, J. Robbins

**Figure 4**  
Looking at the central existing farm building



May 9, 2019, J. Robbins

**Figure 5**

Looking at the southerly existing farm building



May 9, 2019, J. Robbins

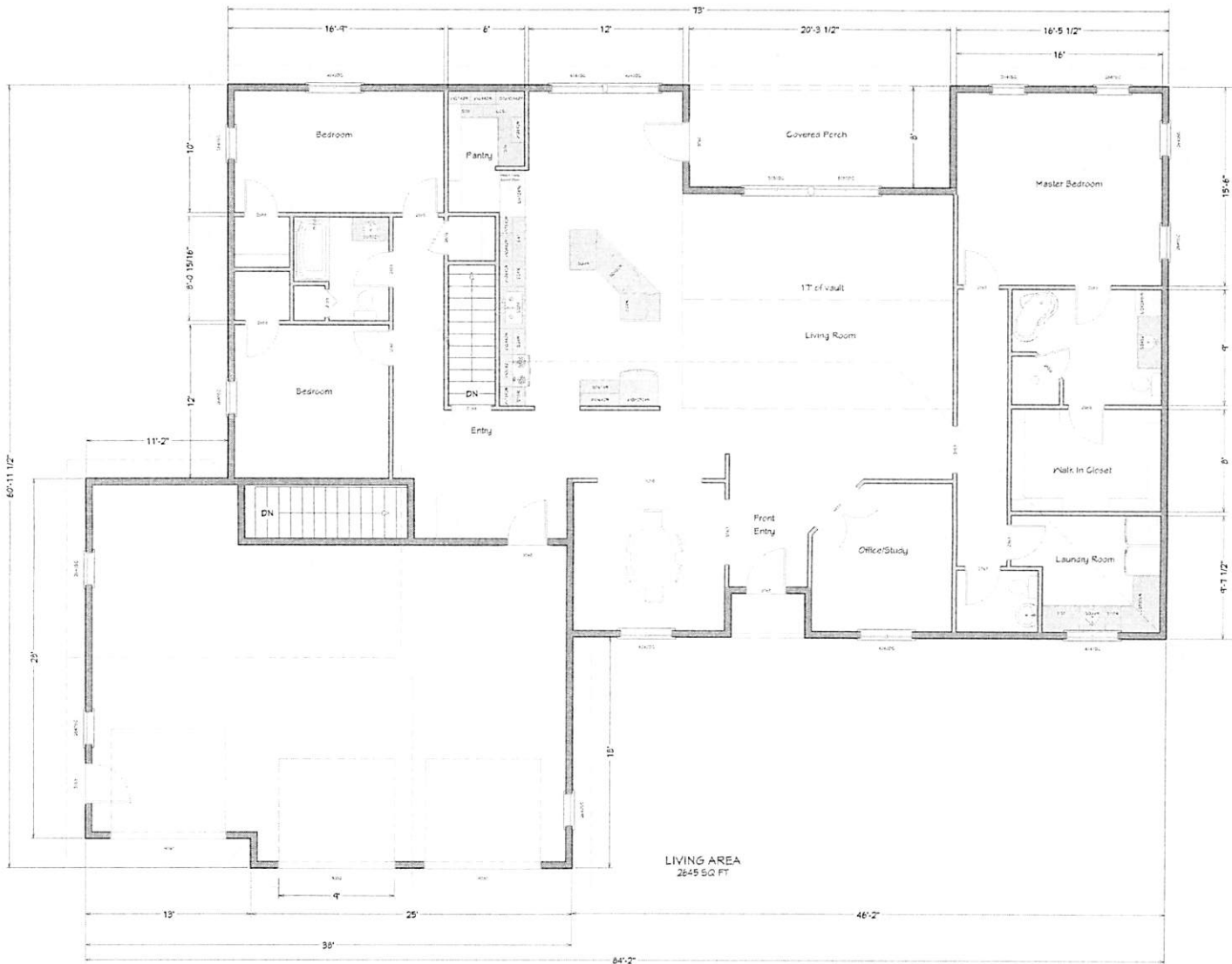


Kody & Vanessa Trampel plan to build a new home on our farm, with grandma (LeeAnn Kurtz) living in the other house. Grandma also owns the surrounding property.

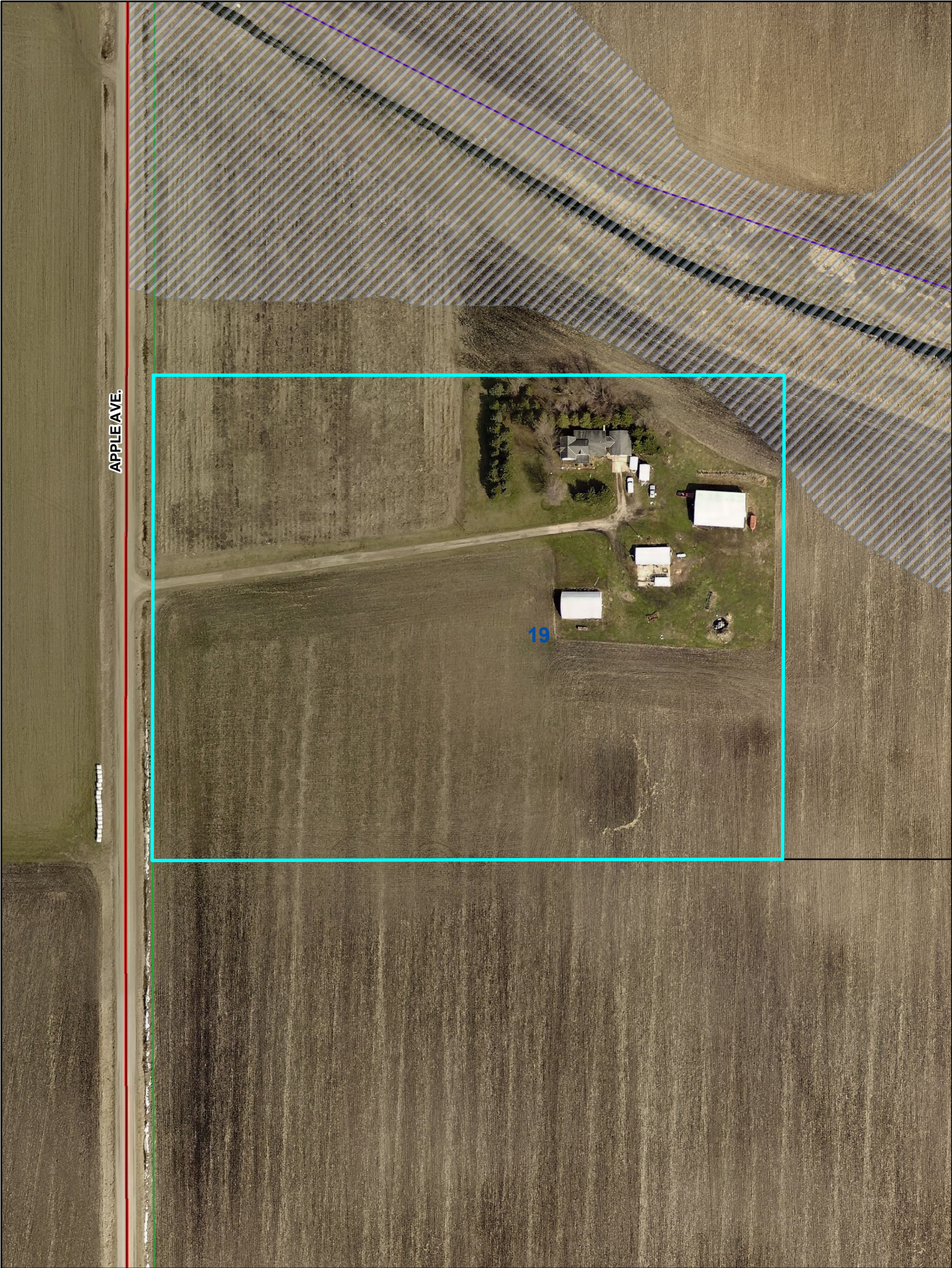
During the 19th century, the  
British Empire expanded its  
influence (and power) worldwide  
in part due to the fact that  
they had a superior military







DRAWN BY: Brady	* Check These drawings for applicable codes in your area	These drawings have been designed by an experienced drafter, not an Architect. It has been prepared using the information that was	<b>BRADY JUHL Residential Drafting</b>	DRAWING FOR:
DATE PRINTED 4/15/19	* Check with local building department about permits * Have builder field verify all measurements	Provided by you the customer. Please contact with your contractor and your local building officials to determine if the drawings meet State and Local Building codes. The floors, bearing, and engineered trusses should be manufactured by qualified individuals to determine	<b>&amp; Blue Prints</b> BradyJuhl Garner IA	Kody & Vanessa Trampel
	* These workable drawings have been drawn by a drafter	If structural requirements are being met. We assume no responsibility for any problems that may arise from construction errors of defective products.	641-512-1398	<b>SCALE</b> " = 1 FOOT



APPLE AVE.

19