



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.: 23-14

Hearing Date: June 27, 2023

Staff Contact: Michelle Rush, Zoning Assistant

Applicant

Lavern Dahl
16489 245th Street
Mason City, IA 50401

Owner

Same

Property Address: 16489 245th Street

Brief Legal Description: Lot 15, Northco Acres

Zoning: R-2 Single Family Residential

Background

The applicant (owner) suffered a total destruction of the storage building by a tornado in 2022. He proposes to rebuild the 24'x38' accessory building in the same footprint as the structure that was lost (See Figure 1). The Board of Adjustment previously approved a variance for the 2,256 square feet maximum coverage area for all detached accessory building, including the area of the destroyed building, in July 2000 (See Figures 1-3).

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Detached accessory building	2,256 square feet total coverage area for all detached accessory buildings	1,380 square feet maximum coverage area for detached accessory buildings (Maximum of 25% of required rear yard area in residential districts)(6.9-B)

*See Figures 1-3

FINDINGS OF FACT

1. Lavern S. and Tanya G. Dahl are the owners of the subject property.
2. The property is zoned R-2 Single Family Residential.
3. The proposed accessory building is 912 square feet in size, making the total coverage area of 2,256 square feet in area for all detached accessory buildings.
4. Section 6.9-B of the Zoning Ordinance permits a maximum coverage of 25% of the required rear yard for accessory buildings in residential districts. A maximum coverage area of 1,380 square feet is permitted on the property (30 rear yard setback requirement x 184' lot width x 25%)
5. The application was filed on June 13, 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 previous storage building was completely destroyed by a 2022 tornado event. It had been used as a legally non-conforming building for storage as approved by the Board of Adjustment in July 2000. The applicant could not otherwise be rebuilt due to the maximum coverage area requirement for accessory buildings due to a “force majeure” event or “act of God.”

The proposed reconstruction would result in a 2,256 square foot coverage area for all detached accessory buildings. The maximum coverage area requirement for the lot is 1,380 square feet. This exceeds the requirement by 876 square feet, which exceeds the requirement by 63 percent. The standard does not appear 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.

A storage building is an accessory permitted use in the R-2 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 requirement does not necessarily pertain to the physical characteristics of the property; however, the standard allows consideration of exceptional situations. In this instance, there was an extreme weather event that destroyed a legally non-conforming building that was previously granted variance for the maximum coverage area requirement by the Board of Adjustment. The requirement does not prevent the use of the property in a manner that is normally permitted in the R-2 District, as the owners have a large double garage and storage shed constructed within the strict rules of the ordinance. The standard appears to be met in part.

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 an extreme weather event that affected this specific property last year. The requested exception takes up a total area of 2,256 square feet. The neighborhood is transitional in character from residential to the west to industrial to the east, so machine sheds and larger detached garages are a regular feature within the vicinity (See Figure 4). The requested exception would allow for a somewhat larger accessory building than the 50% standard above and is consistent with the neighborhood's existing character. The standard appears to be met.

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

The two existing detached accessory buildings take up an area of 1,344 square feet. With a maximum coverage area requirement of 1,380 square feet being permitted on the lot, this only allows for an additional 36 square feet of area being permitted for any additional detached accessory buildings. No practical additional area could feasibly be constructed without an exception. 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 accessory building is similar in size or smaller compared to detached garages/accessory building generally around the east part Northco Acres and Bowers Acres and is similar in character (See Figure 4). Reconstructing the building would not alter the character of the neighborhood. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

The destroyed storage building existed without incident or complaint for over 20 years. There are no foreseeable negative impacts as a result of the proposed building.

Staff Conclusions and Recommendation

Four of the six standard of review are met. One is met in part, and one is not met by a strict interpretation of the requirement in question. The third standard allows the Board to consider exceptional circumstances—this case being an extreme weather event that destroyed the owner’s storage building. So staff recommends that these particular circumstances are carefully weighed in its consideration of the request.

Generally, the goal of the Zoning Ordinance and county Comprehensive Plan is to bring properties more into compliance with its rules over time. The maximum coverage area to meet the first standard for an exception of not exceeding the requirement by 50% would be a total 2,070 square feet in area. The requested 2,256 square feet area for all detached accessory buildings exceeds the standard by 187 square feet, which is 63% above the requirement. While the Board would be justified to deny this request by not meeting all standards of review, the amount in excess of the standard is arguably nominal in practical terms, considering the exceptional situation of this particular case. Staff recommends approval as requested as a result of the circumstances and negligible exceeding of the first standard taken in light of that fact.

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 Lavern S. and Tanya G. Dahl, 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 Lavern S. and Tanya G. Dahl 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 location of the proposed accessory building reconstruction



June 14, 2023, J. Robbins

Figure 2

Looking at the detached garage near the house



June 14, 2023, J. Robbins

Figure 3

Looking at the storage shed



June 14, 2023, J. Robbins

Figure 4

Looking at the large machine shed located on the adjacent property to the east



June 14, 2023, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 6/13/23 Date Set for Hearing 6/27/23 Case Number: 23-14

Applicant Name: LAVERN DAHL Phone: 424-3545 E-Mail: —

Mailing Address: 16489 245th ST

Property Owner Name: LAVERN DAHL Phone: SAME E-Mail: —

Property Owner Address: _____

Property Description (Not to be used on legal documents): Parcel # 072232700200 # 22 Township MASON # 22

Property Address: 16489 245th ST. Zoning: R-2

Brief Legal Description: L15 NORTHCO ACRES

Project Description **Decision Date:** _____

garage to be rebuilt on existing cement
24138

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

garage was destroyed by the 2022 tornado we want to
rebuild it on same foundation

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

we have two classic cars that were stored in
this garage plus two antique cars. the cars are
in being repaired and we need to put them
back under cover. Our daily cars are currently
parked outside. you approved this garage in
2000/Aug by special Exception, Nothing has changed

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 Lavern S. Dahl Date 6-13-23

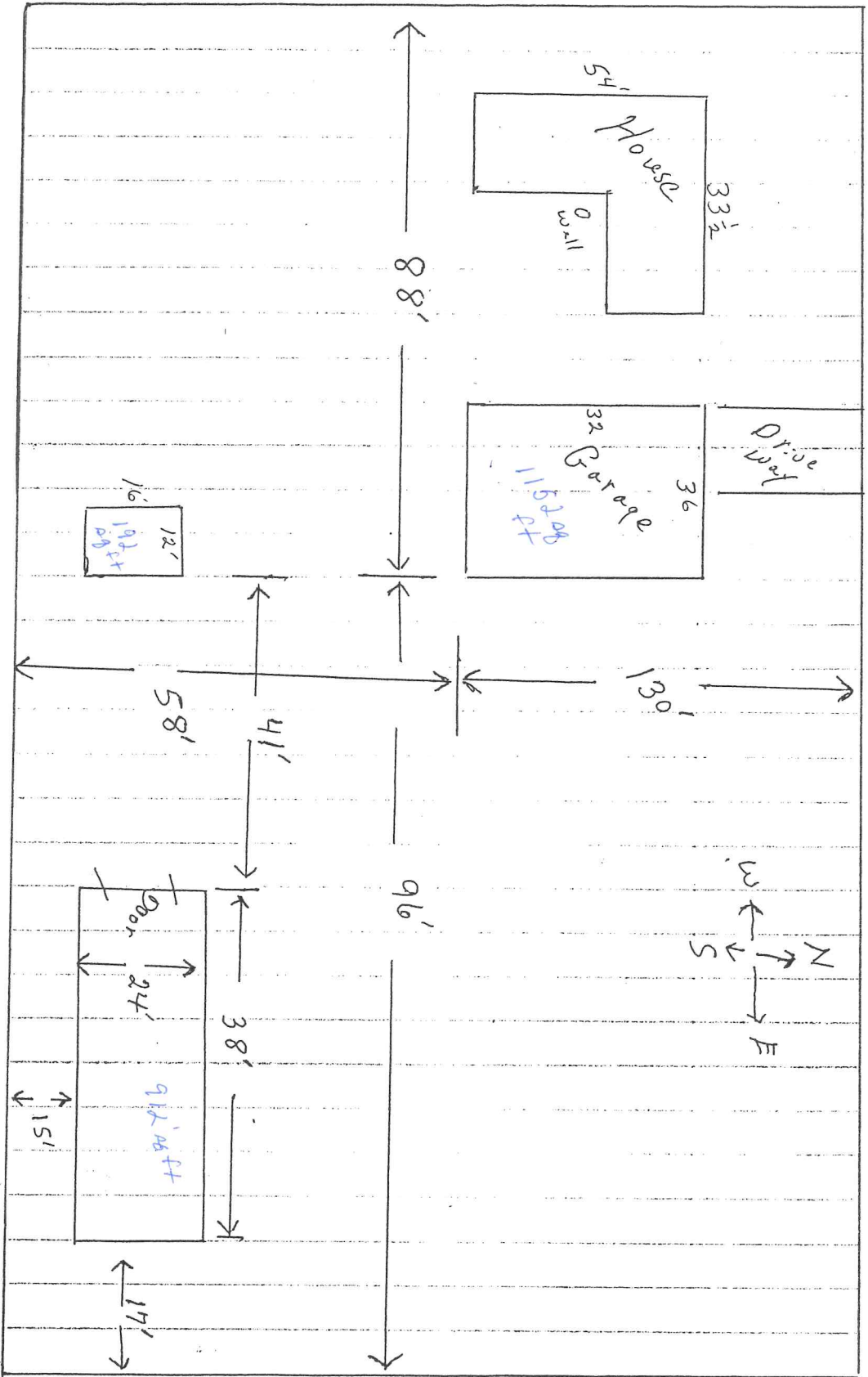
SPECIAL EXCEPTION APPEAL

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.

- # 1 coverage area is close to the 50% coverage area
- 2 accessory structure are permitted
3. difficulty is due to garage being destroyed size remains the same.
4. garage was granted before in 2000
5. size of garage is necessary to store classic cars indoors
- 6 This will not alter the character of neighborhood surrounding owners has larger buildings

245 st



OPEN Field

CH B35 245TH ST

22

