



PLANNING AND ZONING

Cerro Gordo County Courthouse

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February 9, 2018

TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Thursday, February 22, 2018; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Thursday, February 22, 2017 at 4:00 p.m. in the Boardroom at the Courthouse.** The Board will be considering three variance requests.

1. Case No. 18-30 Terry Wisner 3894 240th Street (Lot 9 & W½ of Lot 8, Tanglefoot)

Mr. Wisner is proposing to construct a 34'x13' 1st story addition to the front side of the existing garage and add a 2nd story above (See Figure 1). Extending the existing west side setback of 4.7 feet closer to the road is proposed for the addition. A 6 foot side yard setback is required in the R-3 District (See Figure 2).

There is a reasonable residential use of the property. Denying the addition does not create a hardship under the Zoning Ordinance.

The lot is typical of the neighborhood. However, a part of Camp Tanglefoot is located on the property to the west (See Figure 3). Most of the Girl Scout camp is wooded or open space. A cabin/accessory building is located on the west half of the property opposite the Wisner house. There are no concerning encroachment issues as a result of the proposed addition.

The camp has expressed its support for the project if Mr. Wisner receives approval from the Board of Adjustment (enclosed). This was in response to an earlier version of the proposed addition, which would have expanded the garage to the west property line. Mr. Wisner changed the proposal to the current one after discussing with me that the likelihood of success for a 0 foot side yard setback was unlikely given the Board's history (See Figure 2). My biggest concern is construction impacting camp operations, but as long as Mr. Wisner is mindful of the camp, such impacts should be minimal.

Mr. Wisner proposes to build the addition to be closer to the street than the current setback—to a proposed front yard setback of 21'-1". This is within the 200 foot front yard setback average requirement, which calculates to 19.3 feet (See Figure 4). Traffic is typically slow in this area. I have no safety or character concerns from this proposal.

Recommendation

1. Approve a west side yard setback variance for the garage addition to be no closer than 4.7 feet with the condition that Mr. Wisner works with Camp Tanglefoot to ensure construction has minimal impact to camp operations.

2. Case No. 18-31 Victor Garry 4629 Asbury Drive (Lot 94 & East 18 feet of Lot 93, Clear Lake Methodist Camp)

Mr. Garry proposes to install a treated wood foundation under the existing 30'x28' cabin, construct a new 6'x6' overhang over the front door, and build a 16'x20' deck on the west side of the cabin (See Figures 1 & 2). Mr. Garry states the existing wood foundation is rotting and the property is settling (See Figure 3). The cabin will be raised approximately 3 feet with a new basement as a result of the proposed foundation. The existing cabin will remain within the same footprint in which it currently sits (See Figure 1). Mr. Garry has received approval from the Bell Harbor Homeowners Association.

The proposed foundation is 14'-8" at its closest distance to the rear lot line. A 30 foot rear yard setback is required in the R-3 District (See Figure 4).

The proposed deck will be a similar distance to the rear lot line. A 30 foot rear yard setback is required in the R-3 District (See Figure 5).

The proposed 6'x6' overhang is 9'-2" from the front lot line/right-of-way line. An 11.5 foot front yard setback is required, per the average of front yard setbacks within 200 feet. All overhangs greater than 2 feet must be included in setback measurements (See Figure 6).

The foundation is in need of repair if the structure is to remain safe and properly maintained (See Figure 3). A hardship is likely being created as a result of the Zoning Ordinance. Under a literal interpretation of the ordinance, only approximately an 18.5'x31' dwelling would be allowed on this particular property, which does not meet the minimum dimension of 22 feet for a dwelling. However, denial of the deck does not constitute a hardship under the ordinance.

There is no record of complaint regarding this property. I have no concern with the proposed foundation from a safety or character standpoint. The proposed structures are an improvement for the neighborhood in contrast to letting the lot fall into disrepair.

Recommendation

1. Approve a rear yard setback variance for the cabin and new foundation to be no closer than 14'-8".
2. Approve a rear yard setback variance for the deck to be no closer than 14'-8".
3. Approve a front yard setback variance for the 6'x6' overhang over the front door to be no closer than 9'-2".

The Stedings propose to build a new 24'x60' house, including a 24'x12' deck on the rear side. The proposed house will replace the existing cabin, which has become dilapidated in appearance (See Figures 1 & 2).

The proposed house is 3 feet from the west side lot line. A 6 foot side yard setback is required in the R-3 District (See Figure 3).

The proposed house is 3 feet from the east side lot line. This lot is considered a corner lot because there is a 30 foot wide public access to the lake adjacent to the property (See Figure 4). A 12.5 foot street-side yard setback is required for corner lots in the R-3 District (See Figure 5).

The proposed deck is 15 feet from the northeast reference pin. Using on-site measurement and the county GIS system, the high water mark of Clear Lake appears to be approximately an additional 12 feet from the reference pin. A 30 foot rear yard setback is required in the R-3 District (See Figure 6). A copy of a recent survey is also included in your packets.

The proposed house has a second floor balcony projecting off the front of the house 5 feet, which is not included in the site plan. The Zoning Ordinance requires any projections extending more than 2 feet from a structure to be included in setback measurements. A 9.4 foot front yard setback is required, per the average of front yard setbacks within 200 feet of the property.

The existing cabin is in need of either major repairs or replacement (See Figure 1 & 2). A hardship is likely created under a literal enforcement of the Zoning Ordinance. Only an 11.5 foot wide dwelling would be allowed if the rules are strictly enforced.

The replacement of the existing cabin would be an improvement from an aesthetic and safety standpoint, so I have no concerns in that regard. The neighboring house to the west encroaches close to the shared property line (See Figures 3 & 7), so special consideration should be given to the west side yard setback. The requested 3 foot setback from both side lot lines is in line with the Board's history in granting variances. However, the Board would be justified in limiting the west side yard setback request.

The neighboring house to the west is set significantly further from lake than the existing cabin, so views to the lake from the house are not clear currently (See Figures 6 & 7). There is a raised patio that is just west of the existing deck (See Figure 8). The proposed house is going to be further from the lake than the existing cabin and deck, so views are likely to slightly improve as a result.

The proposed deck includes a set of steps leading to Clear Lake that was not indicated on the site plan. This is located in the FEMA-designated 100-year floodplain. To ensure that the proposed deck and steps are within state requirements, review by the Iowa DNR is needed prior to the issuance of a Zoning Permit.

Recommendations

1. Approve a west interior side yard setback variance for the house and deck to be no closer than 3 feet.
2. Approve an east street-side yard setback variance for the house and deck to be no closer than 3 feet.

3. Approve a rear yard setback variance for the deck to be no closer than 15 feet as measured from the reference pin on the site plan.
4. Approve a front yard setback variance for the second floor balcony to be no close than 5 feet.
5. These approvals are conditional that the Iowa DNR reviews the structures for state floodplain requirements prior to the issuance of a Zoning Permit and any construction taking place.