



## PLANNING AND ZONING

### Cerro Gordo County Courthouse

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July 20, 2018

TO:            Cerro Gordo County Board of Adjustment

FROM:        John Robbins

SUBJECT:    Next Meeting – *Tuesday, July 31, 2018; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, July 31, 2018 at 4:00 p.m. in the Boardroom at the Courthouse**. The Board will be considering two variance requests and two items from the Zoning Administrator regarding inspections for existing Special Use Permits.

#### Variance Requests

1.	Case No. 19-01	Thomas and Dianne Murphy	4815 Roseman Drive (Lot 5, Block 6, PM Park)
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The Murphys propose to replace a 5'x3' portable shed located on the rear side of the existing cabin (See Figure 1). The previous shed was damaged during a storm event earlier this summer.

The proposed shed is 24'-10" from the rear lot line. The lot is considered a "through lot" because there are streets abutting the front and rear lot lines (Roseman Drive and South Shore Drive). The Zoning Ordinance requires that the 30-foot minimum front yard setback be maintained from both the front and rear lot lines (See Figure 2).

The proposed shed is less than 10 feet from the house. Section 6.9(A) of the Zoning Ordinance requires at least a 10-foot separation distance between detached structures (See Figure 3).

For legally non-conforming structures, Article 6.4(B) of the Zoning Ordinance otherwise allows these structures to be repaired up to 50 percent of the fair market value without a variance. Since the shed is being replaced, this provision does not apply in this circumstance. The Board of Adjustment previously approved similar variances for the previous shed in 2004.

Mr. Murphy already has a reasonable residential use of the property without the shed. The lot is typical for PM Park. However, the small lot sizes make it difficult to comply with current

Zoning Ordinance requirements. The lot is 87 feet deep on the west side and 79.9 feet on the east.

The placement of the existing house makes it impossible to comply with the ordinance requirements. If this were not a through-lot, the shed could be moved to meet the required setbacks. The shed has very little impact on nearby properties. It sits further back on the lot than the neighbor's garage to the west (See Figure 2). It does not have an impact on properties to the east. I do not see a need to move the shed further from the house, thereby reducing the utility of the rear yard.

*Recommendation*

1. Approve a rear yard setback variance for the shed to be no closer than 24'-10".
2. Approve a minimum separation distance variance for the shed to be less than 10 feet from the rear side of the house.

2. Case No. 19-02 Darron and Julie Jones 5380 Lakeview Drive (Lot 0, Block 7, Oakwood Park)

The Joneses propose to construct a new house on the existing foundation on the property. The new house is proposed to connect to the existing garage (See Figure 1). They propose to reconstruct the garage's roof and northeast wall, which will add 2 feet in width to the garage. Additionally, they would like to construct a new 8-foot wide deck extending off the rear side of the house at the main level (See Figure 2).

The proposed house is 8 feet from the street side lot line. A 12.5-foot street-side yard setback is required in the R-3 District (See Figure 3).

The proposed partial garage reconstruction is 3.5 feet from the front lot line. A 21.2-foot front yard setback is required, per the front yard setback average of properties within 200 feet (See Figure 4).

The proposed partial garage reconstruction is 1.5 feet from the interior side lot line. A minimum 6-foot interior side yard setback is required in the R-3 District (See Figure 5).

There is an existing reasonable residential use of the property. Denying the construction of a new house does not create a hardship under the Zoning Ordinance. A remodel of the existing house is possible under the existing rules.

The Board granted similar variances pertained to the proposed garage for a garage reconstruction on February 23, 2016 for a previous owner. For that approval, the Board maintained the existing front yard setback and approved a 3-foot interior side yard setback variance, thereby pushing the garage further from the lot line, and limited the size of the proposed garage at the time to a 30'x23' footprint. Those improvements were never constructed. The Board also approved an 8-foot street-side yard setback variance for a deck (See Figure 3).

The proposed house is virtually the same size as the existing one (See Figure 1). The difference is the connection to the garage. I do not have any concerns regarding the character or the potential for blocked views to the lake due to the proposed house.

Due to the proximity to the adjacent neighbors to the southeast (Tabatabai), I have somewhat of a concern regarding the overhang and drainage issues resulting from the reconstructed roof (See

Figure 5). The Zoning Ordinance prohibits any structures from overhanging the property line. I recommend that the overhang from the roof be limited to 1 foot and be equipped with gutters.

There is a drainage structure and line running along the shared property line with the Tabatabais (See Figure 6). The Joneses should be cognizant of this, so no damage occurs during construction.

#### *Recommendation*

1. Approve a street-side yard setback variance for the house to be no closer than 8 feet.
2. Approve a front yard setback variance for the partial reconstruction of the attached garage to be no closer than 3.5 feet.
3. Approve an interior side yard setback variance for the partial reconstruction of the attached garage to be no closer than 1.5 feet with the condition that the overhang of the roof is no more than 12 inches and includes gutters.

#### **Items from the Zoning Administrator**

##### **3. Chad Valvoda's Salvage Yard 11558 Partridge Avenue**

Tom Newman's Salvage Yard is up for a 2-year review, which is a condition stipulated in the Special Use Permit. The salvage yard does not include auto wrecking and salvage. A site review was conducted on Friday, July 13, 2018 to satisfy this condition. A staff report for the review has been attached for Board members to review.

##### **4. Gene Baker's Salvage Yard (B-20 Auto Parts) 7600 300<sup>th</sup> Street**

The Board considered Gene Baker's Salvage Yard (B-20 Auto Parts) for its annual review on March 27, 2018. During a site review on Thursday, March 12, 2018 and the subsequent review by the Board, it was noted Mr. Baker was out of compliance with a few of the conditions of his Special Use Permit. The Board gave Mr. Baker until June 30, 2018 to bring the salvage yard into compliance. The Board instructed me to do a site inspection after that date to review the status of the property. A follow-up site review was conducted on July 18, 2018. A staff report with the results of the inspection has been attached for Board members to review.