



PLANNING AND ZONING

Cerro Gordo County Courthouse

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TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, October 30, 2018; 4:00 p.m.; Board of Supervisor's Office*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, October 30, 2018 at 4:00 p.m. in the Board of Supervisor's Office at the Courthouse.** The Board will be considering two variance requests.

Variance Requests

1. Case No. 19-11 Michele Roth on behalf of FTC Tower Co. west of 15507
140th Street (NE ¼ of the NW ¼, Section 16, Geneseo Township)

THIS CASE HAS BEEN POSTPONED UNTIL THE NOVEMBER MEETING.

2. Case No. 19-12 Thurston and JoAnn Lamberson 4808 Abbott Drive
(Lot 6, Block 2, PM Park)

The Lambersons propose to construct a wrap-around deck with two levels on the rear side around a house currently under construction, approximately 32'-4"x12' on the rear side of the house and 42'x3'-11" on the west side of the house (See Figures 1 & 2). On September 25, 2018, the Board granted variances for a new house to be constructed in roughly the same footprint as the recently removed house on the property (See Figure 1-4). The proposed decks will be roughly a similar footprint as the since-removed decks (See Figure 3 and enclosed deck diagrams).

The proposed decks are 13'-10" from the rear lot line. A 30-foot rear yard setback is required in the R-3 District (See Figures 5 & 6). Please note the proposed spiral staircase is not included for the rear yard setback measurement, as specified by definition in the Zoning Ordinance.

The proposed decks are 3'-9" from the east side lot line. A 6-foot side yard setback is required in the R-3 District (See Figures 7 & 8).

The proposed decks about the west side lot line. A 6-foot side yard setback is required in the R-3 District (See Figures 9 & 10).

The previously approved house was originally designed with the intention of reconstructing the decks in a similar footprint as the recently removed decks. While the Zoning Ordinance is not causing a hardship and the house will provide a reasonable use, the topography of the site and size of lot causes some limitations for construction.

The recently removed deck along the west side of the house, which was a reconstruction of yet another previous deck as indicated in the property file, actually crossed the property line to virtually about the neighboring house (See Figure 11). The house to the west was constructed with a 1'-6" setback from the shared property line. According to the site plan and diagrams, the proposed deck will not cross the property. With the most recent revision of the proposed deck design, there will be a partial improvement along the west property line, since it will not cross the property or include the previous steps footprint on the rear of the house (See Figure 11-12 and enclosed deck diagrams). Any construction on the neighboring property would require a separate Zoning Permit to be issued to the neighbor.

The proposed decks will be roughly in line with the decks or rear house lines of the adjacent properties (See Figures 12 & 13). Visibility to the lake will be improved due to removal of vegetation and trees. (See Figures 1, 12, & 14).

The Board has a history of limiting side yard setback variances, especially on lake lots. The Board would be justified in limiting this request. For example, the Board could approve a 3'-11" west side yard setback variance for the deck to be in line with the already approved house under construction. A regrading along the west side of the house and a simple set of steps following the grade could alleviate concerns for outside access to the lake. However, if the Board feels the topography causes extraordinary circumstances regarding such access (See Figure 10), I would recommend the Board attach a condition that the deck is constructed entirely on the Lambersons' property. I recommend approval of the rear and east side yard setback variances as requested.

3. Case No. 19-13 Frank Hanig Lots 1 & 2, Block 2, Cartersville

Mr. Hanig proposes to construct a 40'x56' cold storage building. The existing structure, located on Lot 1, will be removed, and the proposed storage building will take its place (See Figure 1).

The proposed building covers an area of 2,240 square feet. The Zoning Ordinance permits a maximum coverage area for accessory structures up to 25 percent of the required rear yard in residential districts, which is 750 square feet for the lot.

A principle building must be constructed prior to an accessory building as required by Article 6.24 of the Zoning Ordinance.

Despite being within an R-3 Single Family Residential District, the character of the area is rural residential in nature. While denying the structure would not create a hardship under the Zoning Ordinance, Mr. Hanig is a part of the ownership of the property and lives on the property to the south (See Figure 2). The lots are being treated as separate because Mr. Hanig is not listed as the deeded owner of the property. Individual utility buildings are a regular occurrence in the neighborhood and are in line with the existing character of the neighborhood (See Figure 3). All required setbacks and minimum separation distances for detached structures will be met.

Recommendation

1. Approve a coverage area variance for the storage building to be no larger than 2,240 square feet in size.
2. Approve a variance for an accessory structure to be constructed prior to a principle building.