



## PLANNING AND ZONING

### Cerro Gordo County Courthouse

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November 21, 2018

TO: Cerro Gordo County Planning and Zoning Commission

FROM: John Robbins

SUBJECT: Next Meeting – *Thursday, December 6, 2018; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **Thursday, December 6, 2018 at 4:00 p.m., in the Boardroom at the Courthouse**. You will be considering a rezoning request and a petition to vacate a platted public street.

1. Lyle Miller      5946 100<sup>th</sup> Street

The subject 4.46-acre parcel, located in the SE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub>, Section 35, Grimes Township, is being separated from the surrounding cropland. Since the property will be less than 10 acres, a rezoning from A-1 to A-2 is being requested by the applicant.

The property contains a house, 4 grain bins, 2 large machine sheds, and several sheds and accessory structures (See Figure 1). The existing house is 16 feet from the front lot line (See Figure 2). The southernmost shed is 15 feet from the front lot line (See Figure 3). A 50-foot front yard setback is required in the A-2 District. If the buildings are ever removed, they would not be permitted to be constructed in the same location.

The house and the closest shed have a separation distance of 4'-3" (See Figure 4). The same shed and the detached garage have a separation distance of 7'-4" (See Figure 5). The two east grain bins have a separation distance of 5'-9" between each other (See Figure 6). The two north grain bins have a separation distance of 3'-6" between each other (See Figure 7). The Zoning Ordinance requires a minimum separation distance of 10 feet for detached structures.

The parcel is surrounded by fields in agricultural production. The fields to the west and north of the acreage can be accessed west of the acreage from Thrush Street.

The rezoning request is in general compliance with the comprehensive plan: it is an existing building site, there are no access issues, and no land will be taken out of agricultural production. I recommend the request be forwarded to the Board of Supervisors for approval with the non-conforming structures noted.

This case pertains to a 15-foot wide public access to Clear Lake running between Lots 9 and 10 of S.J. Clausens and R.S. Young's Replat Subdivision (See Figures 1-4). As shown on the plat, Parcel Letter 'A' is proposed to be conveyed to Mr. Pappajohn on Lot 10 of S.J. Clausens and R.S. Young's Replat Subdivision and Lot 11 of Young's Subdivision. Parcel Letter "B" is proposed to be conveyed to the Kortsha's on Lot 9 of S.J. Clausens and R.S. Young's Replat Subdivision.

There is a partial encroachment from both properties into the right-of-way of the public access. From Mr. Pappajohn's property, a portion of the deck or railroad-ties cross the existing property line into the access (See Figure 5). From the Kortsha's property, a portion of the deck and stairs on the east side of the house also encroach into the public access (See Figure 6). Vacating the right-of-way of the public access would rectify the encroachments, though the non-conforming status of the structures will remain regarding side yard setback requirements.

There appears to be some conflict with the past replat of S.J. Clausens and R.S. Young's Replat Subdivision, as discussed in Note 5 of the plat. However, the plat is consistent with an unrecorded survey from 1974 as well as the discussion in Note 5. After discussing with the Engineer's Office, they are confident the survey is accurate and stated they have no concerns. There is no county interest in maintaining the public access as a right-of-way. I am expecting written comment from the Engineer's Office and will share any further comment received at the hearing.

Since the public access serves no purpose to the county as a right-of-way, there is no reason why the adjacent property owners should not be the beneficiaries of the vacation. I recommend the petition be forwarded to the Board of Supervisors for approval.