



PLANNING AND ZONING

Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254

John Robbins, Planning and Zoning Administrator

Michelle Rush, Executive Assistant

(641) 421-3075

plz@cgcounty.org

cgcounty.org/planning

April 17, 2019

TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, April 30; 4:00 p.m.; Board Room*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, April 30, 2019 at 4:00 p.m. in the Board Room at the Courthouse**. The Board will be considering some old business, a variance request, two Special Use Permit requests, and three annual reviews.

Old Business

1. Case No. 19-25 William Dewey 11091 210th Street (NW¼ of the NW¼, Section 11, Mount Vernon Township)

The Board heard this case originally at last month's meeting on March 26, 2019. During the hearing, there were concerns that there may be requirements pertaining to wetlands in regard to the proposed pond at the northwest corner of the property. The Board decided to table the request in order for further research to be done.

I was able to get in contact with the local National Resources Conservation Service (NRCS) office in Mason City and the district office at Rock Island for the Army Corps of Engineers.

The pond in question does not apply to the requirements of the NRCS. The pond project would only apply if existing wetlands were converted for use in the project or to farmland.

The Army Corps of Engineers has different types of requirements and definition for "wetland." The Corps requires that Dewey apply for a "wetland delineation" to make a determination as to whether a permit is required. This will include a site visit for its purposes.

Based on the findings of my research, it is not necessary to adjust any conditions or add additional requirements within the Special Use Permit. Condition 7 of the permit requires Dewey to obtain any required permits from other agencies. It is Dewey's responsibility to ensure he is in compliance with the Corps' requirements.

Additionally, I have adjusted some language in the recommended conditions reflecting the discussion of last month's hearing. I have enclosed a copy of my previous staff report, and figures, and a copy of the site plan to refresh your memory on this case. All adjusted language of the recommended conditions is contained therein.

I have added the Army Corps of Engineers as an agency explicitly listed in Condition 7. Dust control provisions have been added to Condition 8. The requirement for Dewey to provide bathroom facilities onsite has been removed from Condition 15 based on comments of the Health Department during the previous hearing. I have also added Condition 27 granting a front yard setback variance of 26 feet for Lot 13.

New Business

1.	Case No. 19-26	Rodney Carlson	7175 275 th Way (Lot 5, Oakridge 1 st Addition)
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Mr. Carlson proposes to construct a 14'x20' shed on the east side of the existing house (See Figure 1). The lot is bounded by three streets with all street-abutting lot lines of equal length, which qualifies as both a corner lot and through lot (See Figures 2-4). For zoning purposes, the front yard is interpreted as the shortest lot line abutting a street or the side "which obviously is the front by reason of the prevailing custom of other buildings in the block." Because all lot lines are of equal length, the orientation of the house to the southeast, and the primary access of the property is by the driveway from the east, I interpret the front yard to be on the east side of the property, accessed from 275th Way.

The proposed shed is 3 feet from the front lot line. A 50-foot front yard setback is required in the R-1 District. Additionally, the Zoning Ordinance prohibits accessory structure from being located between the front building line of a principle building (house) and the front lot line in residential districts (See Figure 5).

The lot presents some practical difficulties in locating a storage shed. There is a hill and a leech field located to north of the house, which cannot have a structure located on it for its purposes (See Figure 6). Additionally, the entirety of the southeast yard is between the front building line of the house and the front lot line (See Figure 7). The ordinance is creating a need for a variance in this case. It is preferable to have storage within an enclosed structure than outside.

An alternative location for the shed could possibly be to the southwest of the house, but a variance might possibly be needed there as well. Sheds like this are common in residential neighborhoods. I do not have any character or safety concern, as the right-of-way of 275th Way is significantly wide; however, the Board would be justified to limit the variance request if it feels necessary. The shed will have a nominal visual impact to the neighbor across the street to the east (See Figure 8).

Recommendation

1. Approve a front yard setback variance for the shed to be no closer than 3 feet.

2. Case No. 19-27 Dean and Jody Yezek 22881 Vine Avenue (NW¼ of the NW¼, Section 15, Falls Township)

Dean and Jody Yezek submitted an Application for a Special Use Permit for a second agricultural dwelling. The Special Use Permit request has been reviewed by Staff. A staff report for the Special Use Permit with accompanying photos, supplemental materials, and recommendations has been attached for Board members to review.

2. Case No. 19-28 Richard and Deidra Rattay 18323 280th Street (NE¼ of the NW¼, Section 1, Mason Township)

Richard and Deidra Rattay submitted an Application for a Special Use Permit for a special event venue. The Special Use Permit request has been reviewed by Staff. A staff report for the Special Use Permit with accompanying photos, supplemental materials, and recommendations has been attached for Board members to review.

Annual Inspections

1. Tom Newman's Salvage Yard 7393 Killdeer Avenue

Tom Newman's Salvage Yard is up for its annual review, which is a condition stipulated in the Special Use Permit. The salvage yard includes auto wrecking and salvage. A site review was conducted on Friday, April 12, 2019 to satisfy this condition. A staff report for the annual review has been attached for Board members to review.

2. Gene Baker's Salvage Yard (B-20 Auto Parts) 7600 300th Street

Gene Baker's Salvage Yard (B-20 Auto Parts) is up for its annual review, which is a condition stipulated in the Special Use Permit. The salvage yard includes auto wrecking and salvage. A site review was conducted on Friday, April 12, 2019 to satisfy this condition. A staff report for the annual review has been attached for Board members to review.

3. River City Rifle 20935 Jonquil Avenue

River City Rifle is up for its annual review, which is a condition stipulated in the Special Use Permit. A site review of the shooting range was conducted on Monday, April 8, 2019 to satisfy this condition. A staff report for the annual review has been attached for Board members to review.