



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

June 19, 2020

TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, June 30, 2020; 4:00 p.m.; Board Room*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, June 30, 2020 at 4:00 p.m. in the Board Room at the Courthouse**. The Board will be considering four variance requests and one Special Use Permit request. You will notice a new format for the staff report; I will ask for your feedback at the meeting. I intend it to be straight-forward and easy to read.

If you have concerns with attending in person due to COVID-19, the option to attend the hearing via teleconference will be made available. Social distancing will be practiced. You may join via teleconference by calling the phone number below and enter the Conference ID when prompted. Please let me know if you have any questions about this.

Conference phone: (641) 421-3113

Conference ID: 3044#

NEW BUSINESS

1. Case No. 20-32 Meints Construction Builders for Rusticove
5496 Southshore Drive (Lots 28 & 29, Block 2, Long Beach)

Zoning

R-4 Multi-Family Residential

Background

The owners of Rusticove propose to reconstruct the existing decks on the property—a main floor deck on the rear side, a second story deck also on the rear side, and a deck on the east and one on the west side of the existing building (See Figures 1-3). The decks are intended to be replaced due to deterioration. Two air-conditioning units sit under each of the side decks. Drainage from waterspouts/gutters directs water from under the side decks to the north toward the lake. The paved concrete along the side of the building provides a funnel so that water does not impact the adjacent neighbors (See Figure 4 & 5).

The Board of Adjustment approved variances in 2002 as the side decks are currently constructed. The side decks were originally constructed without a permit prior to approval, so the Board approved the 1.6' east side yard setback variance reluctantly at the time since it was closer than the typical 3' limits the Board usually follows. Since, at the time, the way the deck was constructed made an improvement in the drainage and the neighbors had no issue with it, the Board decided not to make the property owner remove the decks.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement
Rear side deck	3.9' west side yard 4.6' east side yard	10' side yard (12.6-B)
West side deck	4.3' west side yard	10' side yard (12.6-B)
East side deck	1.6' east side yard	10' side yard (12.6-B)

*See Figures 4-7

Property Details

The property consists of two combined-platted lots that are between 80'-90' wide altogether. As a result, the lot is much larger than the lots in the vicinity. The existing building consists of four privately owned condos.

Analysis

The decks have existed in their current location for a couple decades without complaint (See Figures 1-3). Of the four setback variances that will be needed to reconstruct the decks as proposed, one is beyond the typical 3' threshold the Board typically observes except in rare circumstances. The east side deck is only 1.6' from the lot line (See Figure 6). While I would normally recommend the Board deny such a request due to the fact there is an existing reasonable residential use, the decks are clearly deteriorating and in need of replacement. The current configuration provides good drainage and aesthetic improvement by covering the air-conditioning units. If denied, an alteration to the deck I believe would actually create a worse situation for the neighbors to the east by possibly altering the existing drainage, so I think approval is warranted due to the situation.

Recommendation

1. Approve side yard setback variances for the rear decks to be no closer than 3.9' from the west side lot line and 4.6' from the east side lot line.
2. Approve a west side yard setback variance for the west side deck to be no closer than 4.3'.
3. Approve an east side yard setback variance for the east side deck to be no closer than 1.6'.

2. Case No. 20-33 Randy Miller 16516 245th Street (Lots 33 & 34, Bowers Acres and additional property in the NW¼, Section 22, Mason Township)

Zoning

R-2 Single Family Residential

Background

Mr. Miller proposes to construct a 74'x64' storage building with a 8'x20' canopy roof attached to replace the existing building currently located onsite (See Figure 1). Including the proposed building, the combined area for all detached accessory structures, factoring in all existing accessory structures to remain (See Figure 2) or be removed, would total 5,292 square feet.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement
Storage building	5,292 sq ft coverage area for all detached accessory structures	Detached structures may take up to 25% of the required rear yard on residential properties (1,447.5 sq ft). (6.9-B)

Property Details

The property is a combined four platted lots located at the edge of the Bowers Acres Subdivision. Altogether, it is similar in size to other lots in the vicinity. It sits in a transitional area just outside of the city limits of Mason City with zoning being R-2 Single Family Residential to the west, C-2 General Commercial to the north, and M-2 Heavy Industrial to the east.

Analysis

There is an existing reasonable residential use of the property. However, all adjacent lots have similarly sized accessory buildings, so the request is in line with the character of the area (See Figures 3-5). The rules for detached accessory structures limit the ability to construct large accessory buildings, and it is common to find similar structures in transitional neighborhoods. There is significant existing vegetation that buffers the property that the building will largely be unnoticeable from neighboring lots.

Recommendation

1. Approve a coverage area variance for the combined area of all detached accessory structures to be no larger than 5,292 square feet.

3. Case No. 20-34 Lewis Roy Bram 18325 195th Street (NW¼, Section 13, Bath Township)

Mr. Bram has submitted an Application for a Special Use Permit for a second dwelling for immediate family members on an agriculturally zoned property. The Special Use Permit request has been reviewed by Staff. A staff report for the Special Use Permit with accompanying supplemental materials and recommendations has been attached for Board members to review.

4. Case No. 20-35 Dan & Mary Burgmeier 5910 Southshore Drive (Southwesterly half of Lot 14 and Lot 15, Block 2, Long Beach)

Zoning

R-3 Single Family Residential

Background

The Burgmeiers propose to construct a 7'-tall fence 12' from the front lot line on their property (See Figure 1). The fence is proposed to be 12' in length, as it is more of a screen than a traditional fence. It is intended to screen the view of a well house on the adjacent property to the east (See Figure 2).

VARIANCE REQUEST*		
Structure	Request(s)	Requirement
Fence	7' height	Max height of 3' within the required front yard on residential lake lots (6.31-B-1)

Property Details

The property is similar to neighboring lots and is not influential to this particular request.

Analysis

There is an existing reasonable residential use of the property. The lot sits adjacent to the intersection of Southshore Drive and Southshore Court. The lot is not a corner lot, so requirements for not building within the 25'-vision-triangle are not applicable. The positioning of the lot is well out of the way of any traffic site lines and does not create any safety concerns at the intersection (See Figures 3-5).

The proposed fence is only 12' in length and will not be purposed as a traditional fence. The impact to neighbors is nominal, and it is difficult to foresee any negative impacts as a result of the proposed fence. The only other note I have is that the posts that were preinstalled are actually 8.5' in height, so if the Burgmeiers are not planning on shortening the posts, the Board will need to consider an 8.5' height variance instead of the requested 7' height.

Recommendation

1. Approve a height variance for the fence to be no taller than 7'.

5. Case No. 20-36 Kirk and Katherine Paulson SW¼, Section 35, Lime Creek Township

Zoning

A-1 Agricultural

Background

The Paulsons propose to construct a 40'x72' Morton building on the subject property. The property is currently undeveloped and currently used for crops and woodland. The Paulsons intend to construct a house relatively soon but would like to build the proposed accessory building beforehand.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement
Morton building	Construct accessory building prior to a principle building	Principle building permit issued prior to an accessory building permit being issued (6.24)

Property Details

The property is about 20 acres in size and much larger than most lots within the vicinity. Most nearby properties are used for single family residential purposes. This property is unique in its size and use. The subject parcel extends all of the way to Quince Avenue and opens up as it extends west behind the residential properties. Additionally, the Paulsons also own the remainder of the farm field, which is located within the incorporated city limits of Mason City.

Analysis

The proposed accessory building meets all requirements of the Zoning Ordinance except that a permit has not been issued for a principle building. The Paulsons have expressly discussed with me regarding plans to build a house soon after the proposed building. This request would otherwise not require a variance if the order of construction was reversed. I do not have any concerns with the request in light of the plans the Paulsons have discussed with me.

Recommendation

1. Approve a variance for an accessory building to be constructed prior to a principle building.

ITEM FROM THE ZONING ADMINISTRATOR

1. Alexander Crippin 20688 Poplar Avenue (Section 27, Lime Creek Township)

Mr. Crippin proposes to construct an 90'-tall tower, including antennas, to enhance television and internet reception on the subject property (See Figures 1-3). The use is a permitted accessory use incidental to residential use, which is allowed in the A-1 District. The proposed location for the tower is located out of the FEMA-designated special flood hazard area.

Under Article 6.27 of the Zoning Ordinance, towers permitted in the subject zoning district may be erected at a height as approved by the Board of Adjustment. This is one of several provisions within the Zoning Ordinance that requires special approval by the Board for Zoning Permit Applications, which are typically reviewed by the Zoning Administrator.

The proposed tower meets all required setbacks of the A-1 District (See Figure 4). As shown on the included site plan, the proposed tower is 39' from the north side lot line. The ordinance does not establish special setback requirements for towers permitted as an accessory use beyond those required in the zoning district.

The proposed tower at potential peak height is 90'. There is significant vegetation on all sides of the property, so the tower will be screened well, including from the nearest house to the north and east from Poplar Avenue (See Figures 5 & 6).

I do not have any major concerns as a result of the request. Mr. Crippin has also included a letter from the owners of the adjacent property to the north stating they have no concern with the proximity of the tower to their property. The closest structure is Mr. Crippin's house, which is about 230' away from the proposed location of the tower. Typically, engineered fall zones of towers are designed to be less than the total height. I do not see any issue with approving a height in the range of about 90', accounting for antennas.