



PLANNING AND ZONING
Cerro Gordo County Courthouse

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July 16, 2020

TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, July 28, 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, July 28, 2020 at 4:00 p.m. in the Board Room at the Courthouse.** The Board will be considering seven variance requests and a follow-up to an annual review.

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. 21-1 Michael Fossey 15370 Bayberry Avenue (A portion of Outlot A, Ventura Heights)

Zoning

R-2 Single Family Residential

Background

The Fosseys propose to construct a 32’x36’ attached garage to replace the existing detached garage and a 3-season room (See Figures 1 & 2). The proposed detached garage would be 2’ closer to the 243rd Street than the existing garage (See Figure 3). The proposed 3-seasons room meets requirements and could be approved separately otherwise.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
Attached garage	19’ north side yard	25’ side yard on corner lot (10.6-D)

*See Figures 4

Property Details

The property is larger than lots to the north and a similar size to lots to the south, so it is somewhat transitional in nature. The lots is a corner lot, which creates a 10' larger setback requirement for the street-side yard setback.

Analysis

The proposed garage sits 2' closer to 243rd Street than the existing garage. The potential for impact to traffic is nominal. The proposed garage is well out of the 25'-vision triangle and will have no impact to visibility at the intersection of 243rd Street and Bayberry Avenue. The proposed garage is of a similar size and character as garages in the vicinity on similarly sized lots.

The site plan shows a new 24'-wide driveway to the west of the garage from 243rd Street. An LP tank for home heating of the house sits about 10' from the northwest corner of the existing garage, and a large bush sits in the way, along with a small electrical box (See Figure 5). All required driveway permits and any other approvals, such as removing vegetation in the public right-of-way, should be a condition of approval. The Fosseys will relocate the LP tank to by the trash enclosure, which is further than 10' from the proposed garage (See Figure 6). The bush sits on the property outside of the right-of-way so can be removed without issue. However, the Alliant electrical box sits in the way of the proposed driveway, so it would reasonable to limit the width of the driveway to prevent interference with the box.

Recommendation

1. Approve a north side yard setback variance for the garage to be no closer than 13'.
2. The variance is approved with the following conditions:
 - a. All required driveway permits and approvals are received from the County Engineer's Office.
 - b. The width of driveway shall be no wider than 20' or proper approvals are received from Alliant Energy to adjust the location of the electrical box.
 - c. The garage is separated a minimum of 10' from the LP tank and meets all requirements of the state fire code.

2. Case No. 21-2	Larry and Karen Welder	2186 243 rd Street (Lot 28, Block 3, Ventura Heights)
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Zoning

R-3 Single Family Residential

Background

The Welders propose a 10'x12' storage addition to the existing cabin, which will replace the current storage area (See Figure 1). The proposed addition will be attached to the existing cabin.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
Storage addition	3' north side yard 9'-10" rear yard	6' side yard (11.6-B) 30' rear yard (11.6-C)

*See Figures 2 & 3

Property Details

The property is an original, 30'-wide platted lot. It is also a corner lot. Although the property is addressed off of 243rd Street, by definition under the Zoning Ordinance, the front side is the narrowest street-adjacent side of the lot.

Analysis

There is an existing reasonable residential use of the property. The size of the lot would allow for a 11.5'x15' dwelling under a literal enforcement of the ordinance. As a result, any improvement or replacement of the dwelling would necessitate a variance from the rules. The proposed storage addition meets the street-side yard setback and is roughly within a few feet of the adjacent rear building line on the neighboring property to the north. As a result, I have no safety or character concerns.

Recommendation

1. Approve a north side yard setback variance for the addition to be no closer than 3'.
2. Approve a rear yard setback variance for the addition to be no closer than 9'-10".

3.	Case No. 21-3	David Duchene	15386 Bayside Avenue (Lots 32-34, Block 2, Bayside)
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Zoning

R-3 Single Family Residential

Background

Mr. Duchene proposes to build a 16'x30' detached garage to the north of the existing house, (See Figures 1 & 2). The proposed garage will be used for personal storage.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
Detached garage	7' north side yard 7' separation from house	9' side yard--10% of lot width (11.6-B) 10' separation distance (6.9-A)

*See Figures 3 & 4

Property Details

The property is comprised of three platted lots and has a 90' lot width. It is a similar size to other parcels in the immediate area, though lot sizes vary in the neighborhood.

Analysis

There is an existing reasonable residential use of the property. The proposed garage would likely be used for storage of Mr. Duchene's boat. The garage does not exacerbate any existing front or rear yard setback, and generally, a 6' or greater side yard setback is considered sufficient. There are also many similar sized garages in the vicinity.

The proposed garage will likely need a new driveway, so requiring Mr. Duchene to obtain a driveway permit from the Engineer's Office is a reasonable condition (See Figure 2). The proposed garage is about 1' from the existing wellhead (See Figure 1). CG Public Health has provided and has recommended to Mr. Duchene that he consults a well installer to ensure there will be enough separation from the proposed garage. It would also be reasonable for the Board to limit the size of the garage to ensure a minimum separation from the well. CG Public Health agreed that a 3' separation distance would be reasonable. A 28' depth for the proposed garage would still keep the garage deep enough for storing any vehicles Mr. Duchene may want to park

within the structure. Mr. Duchene told me via e-mail that the 1' separation is fine for the installer if there is no overhang, though a larger separation seems prudent to provide less encroachment for access to the well.

Recommendation

1. Approve a north side yard setback variance for the garage to be no closer than 7'.
2. Approve a separation distance variance for the garage to be no closer than 7' from the house.
3. These variances are approved with the condition that all requirements of the Engineer's Office and CG Public Health are met and that the garage is no larger than 16'x28' to create a separation distance of 3' between the garage and well.

4. Case No. 21-4 Greg and Cynthia Hoover 5078 Southshore Drive
(Lots 4-5, Block 7, Crane and Hills)

Zoning

R-3 Single Family Residential

Background

The Hoovers propose to install a 4'-tall chain link fence around their front yard along Southshore Drive (See Figure 1-3). The proposed fence will connect to the existing fence running along the east side lot line (See Figure 4)—this is on the adjacent property whose owner was also a signatory/co-applicant on the Zoning Permit Application. The Hoovers state that the purpose of the fence is to provide safety for their children due to the heavy traffic running along Southshore Drive.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
Fence	Fence to be located in required front yard to lot line	Fences prohibited within required front yard in residential districts (6.31-B-1)

*See Figures 1 & 4-5

Property Details

The property is comprised of two platted lots and has a 60' lot width. It is also a through lot, having streets on opposite sides. The south side of the property is considered the front side because this is how the entire block has historically been treated.

Analysis

The Zoning Ordinance does not permit fences within the required front yard of residential lots. On this lot, the average of setbacks within 200' creates a front yard setback requirement of 17', which would only allow for 3' of area south of the garage for any fences. On this property, the front yards are used more like a traditional rear yard. The Hoovers desire to fence in the yard for safety purposes.

The proposed fence will not have any foreseeable impact to traffic. Additionally, chain link fences are in line with the character of the area. I have no concerns as a result of the request.

Recommendation

1. Approve a variance for a 4'-tall chain link fence to be located within the required front yard.

5. Case No. 21-5 George Jessen 4144-A Southshore Drive (Lot 27, except northeasterly 16' and Lot 28, Block 10, Dodge's Point Park)

Zoning

R-3 Single Family Residential

Background

Mr. Jessen proposes to construct a 12'x34' 4-season room addition and addition to the existing deck with a screened porch (See Figures 1 & 2). The proposed deck and screened porch addition meet all requirements.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
4-season addition	6' side yard	7.5' side yard-10% of lot width (11.6-B)

*See Figures 3

Property Details

The property is larger than most lots in the immediate area. This is partially because of how it sits along the curve of Southshore Drive. The property is somewhat pie-shaped and irregular in that it gets narrower as the property gets closer to the lake.

Analysis

There is an existing reasonable residential use of the property. Typically, a 6' setback is sufficient to ensure there is enough separation between structures on adjacent lots. In this case, the lot is irregularly shaped and creates a closer setback as the property gets closer to the lake. There are no structures on the adjacent property to the southwest that the proposed 4-season room addition would encroach upon (See Figures 1 & 3). Additionally, the proposed 4-season room addition would not block any views to the lake, as the additions will be roughly in line with the rear building line of the adjacent property to the northeast.

Recommendation

1. Approve a southwest side yard setback variance for the porch to be no closer than 6'.

6. Case No. 21-6 Countryside Builders, LLC for Scott and Kathryn Nelson
11122 Killdeer Avenue (SE ¼ of the SE ¼, Section 10, Mount Vernon Township)

Zoning

A-1 Agricultural

Background

The Nelsons propose to construct a 40'x70' addition to an existing accessory building (See Figures 1 & 2). During the Zoning Permit Application review, it was noted by CG Public Health that they were unaware of the bathrooms in the existing accessory building and that there was no record of a septic permit on file. Using historical aerial photography, I noted that the building was constructed about 10 years ago by the previous owners without a Zoning Permit. The existing building must be legitimized under the Zoning Ordinance, so the applicant has included the existing 30'x60' accessory building as a part of the application. The bathrooms in the building will also require a variance.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
Accessory building Addition	Include bathrooms in accessory structure 31' front yard	Bathroom facilities are prohibited in detached accessory buildings (6.9-A) 50' front yard (7.6-A)

*See Figure 3

Property Details

The property is 13.53 acres in size and is a fairly typical lot in the rural areas of the county. The majority of the lot is taken up by a large pond on the west half and a drainage area on the south third of the property, limiting any additional development to the immediate building site.

Analysis

The existing building was constructed by previous owners without a permit 10 years ago, so the status of it is beyond the control of the Nelsons. The building will be legitimized under the Zoning Ordinance once a permit is issued. However, it would be appropriate to have a condition for the existing building to meet the requirements of CG Public Health.

The tree line and slope to the west of the existing accessory building make any development that direction impractical. Machine buildings such as this are typical in the rural areas of the county. There are no foreseeable negative impacts to neighbors or safety as a result of the proposed addition.

Recommendation

1. Approve a variance for the accessory building to include bathroom facilities.
2. Approve a front yard setback variance for the addition to be no closer than 31'.
3. These variances are approved with the condition that all requirements of CG Public Health are met.

7. Case No. 21-7 Dodge Court, LLC 15349 Dodge Avenue (Portions of Lots 9-12, Block 4, Dodge's Point Park)

Zoning

R-3 Single Family Residential

Background

The applicant proposes to build a 17'x51' addition to the existing utility building for the purpose of storing an RV (See Figures 1 & 2). The existing building sits near the side of the lot, and the addition would be constructed over an existing concrete pad.

VARIANCE REQUEST		
Structure	Request(s)	Requirement(s)
Accessory addition	2,595 sq ft coverage area for all detached accessory structures	Detached structures may take up to 25% of the required rear yard on residential properties (975 sq ft). (6.9-B)

Property Details

Dodge Court, LLC owns the parcel in which the utility building sits and the lot with the house to the north. Since the dwelling is accessed from the north, the south of the lot is considered the

rear side. The two parcels are similar in size to adjacent property in Dodge's Point Parks but generally larger than those in Bell Harbor and Dodge's Point Park.

Analysis

While there is an existing reasonable residential use of the property, the orientation of the lot limits the size of detached accessory structures to a smaller size than how the specific parcel on which the existing utility building sits would otherwise. If the front side was from Dodge Avenue, the detached accessory building could be as large as 1,387.5 square feet in size.

The proposed addition meets all setback requirements. Detached accessory structures have a 3' rear yard setback requirement in residential districts (See Figure 3). The size of the lot provides enough separation from neighboring lots that it does not encroach too closely to neighboring structures, and it does not impede access into the adjacent lot to the south. Additionally, the building is well screened from neighboring properties from existing vegetation. I do not have any concerns as a result.

Recommendation

1. Approve a coverage area variance for the combined area of all detached accessory structures to be no larger than 2,595 square feet.

ITEM FROM THE ZONING ADMINISTRATOR

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

The Board considered Gene Baker's Salvage Yard (B-20 Auto Parts) for its annual review on March 31, 2020. The Board gave Mr. Baker until June 30, 2020 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 13, 2020. A staff report with the results of the inspection has been attached for Board members to review.