



## PLANNING AND ZONING

### Cerro Gordo County Courthouse

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October 15, 2020

TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, October 27, 2020; 4:00 p.m.; Mason City Public Library (225 2<sup>nd</sup> Street SE) – Mason City Room*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, October 27, 2020 at 4:00 p.m. in the Mason City Room at the Mason City Public Library (225 2<sup>nd</sup> Street SE)**. Please enter from the Pennsylvania Avenue entrance. The Board will be considering five variance requests, three Special Use Permit requests, and one Zoning Permit Application that requires review by the Board.

If you have concerns with attending in person due to COVID-19, the option to attend the hearing remotely via web conference will be made available. Social distancing will be practiced. **If you would like to join remotely, please contact the Planning and Zoning Office by phone at (641) 421-3075 or by e-mail at [plz@cgcounty.org](mailto:plz@cgcounty.org) by no later than 2:00 p.m. on October 26, 2020.** Please let me know if you have any questions about this.

### CASES

1. Case No. 21-15 Todd Hauser for the Fred S Hunter Trust/Anne Schafer  
5534 Lakeview Drive (Lot 0, Block 11, Oakwood Park)

#### Zoning

R-3 Single Family Residential

#### Background

The applicant proposes to build a 12'x15' shed built into the hillside bank of the lake with a patio on top over the footprint of the existing deck (See Figures 1 & 2). The existing deck is partially within the right-of-way of the adjacent public access, and the proposed shed will be 3' outside of the access (See Figure 3). The deck is in a dilapidated state and need of replacement or removal. Additionally, the applicant states that the proposed shed will aid with erosion control.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
Shed	3' street-side yard	12.5' street-side yard (11.6-D)

\*See Figure 3

Property Details

The property is a typical size in the neighborhood. It sits adjacent to the Walnut Street public access to the lake. Since the access is a public right-of-way, the lot is a corner lot under the Zoning Ordinance, which creates a larger setback requirement for the northwest side yard.

Analysis

While there is an existing reasonable residential, the existing deck is aging and dilapidated and in need of replacement due to safety concerns. It encroaches about a foot into the public access right-of-way (See Figure 3), so the proposed shed is an improvement to the existing setback. The proposed shed will be constructed into the short hillside and not surpass its height (See Figure 2), so views to the lake will not be impacted and will improve the aesthetics of the existing deck. I have no concerns as a result. However, the removal of the deck and resulting grade within the right-of-way should follow the requirements of the County Engineer's Office.

Recommendation

1. Approve a street-side yard setback variance for the shed to be no closer than 3' with the condition that removal of the deck and any work in the public access receives all required permits and approvals from the County Engineer's Office.

2. Case No. 21-16                      Brandon Diedrich for the Hibbard Family Limited Partnership                      24322 320<sup>th</sup> Street (SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>, Section 12, Falls Township)

Brandon Diedrich for the Hibbard Family Limited Partnership has submitted an Application for a Special Use Permit for a second dwelling in the A-1 District. 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.

3. Case No. 21-17                      The Quick Supply Company                      NW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub>, Section 13, Lincoln Township

Quick Supply for the has submitted an Application for a Special Use Permit for explosive storage. 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. 21-18                      Jerry Flaherty                      1009 Fair Meadow Drive (Lot 35, Fair Meadows Second 2<sup>nd</sup> Addition)

Zoning

R-1 Single Family Residential

Background

Mr. Flaherty proposes to build a 34'x40' detached garage to be used for storage (See Figure 1).

<b>VARIANCE REQUEST*</b>		
<b>Structure</b>	<b>Request(s)</b>	<b>Requirement(s)</b>
Detached garage	5' side yard	25' street-side yard (9.6-B)

\*See Figures 2 & 3

Property Details

The property is a typical size for the neighborhood. There is a small creek running along the backside of the lot that prevents any structures practicably being located toward the back of the lot (See Figure 4).

Analysis

The creek running along the rear side of the property somewhat limits where an accessory structure could practicably be located (See Figure 4). While there is not a mapped floodplain along the creek, water tends to pool significantly during heavy rainfalls at the backside of the property.

There is an existing reasonable residential use of the property, and despite the development limitations on the backside of the lot, there are alternative locations an accessory structure of the same size could be built within the rules (See Figure 5). The proposed setback is very close to the side property line for a building of this size in the R-1 District. While the Board has approved similar setback variances for small sheds in this neighborhood, they have been much smaller in size (See Figure 6). Due to the size of the garage, I recommend a setback no closer than 10' be approved.

Recommendation

1. Approve a side yard setback variance for the garage to be no closer than 10'.

5. Case No. 21-19 Rachel Baker 4579 Wesley Drive (Lot 187, Clear Lake Methodist Camp)

Zoning

R-3 Single Family Residential

Background

Ms. Baker proposes to construct a 24'x20' family room and 3'x3' entryway addition with a set of steps to the existing cabin (See Figures 1 & 2). The existing cabin is the original bunkhouse for the camp, and the applicant would like to maintain the existing structure while being able to utilize the structure for residential purposes. Approval has been received from the Bell Harbor Homeowner's Association.

<b>VARIANCE REQUEST*</b>		
<b>Structure</b>	<b>Request(s)</b>	<b>Requirement(s)</b>
Addition	9' rear yard	30'rear yard (1.6-C)

\*See Figures 3 & 4

Property Details

The property is a typical size for lots on the south side of Clear Lake Methodist Camp, which are typically small and require variances in order to be usable for a house. The lot is about 47'x81' in size and is an irregularly shaped lot. The lot is also a through lot, being sandwiched by streets on two sides.

Analysis

While there is an existing reasonable residential use of the property, the lot size limits any further development or replacing the existing cabin. The cabin itself is less than 30’ from the rear lot line, and accounting for a lesser required setback average requirement on the north side, the zoning rules would allow for a dwelling of limited size—roughly a 28’x20’ structure.

While the Board would be justified in denying the request because there is an existing residential use of the property, the proposed addition is similar to other houses in the Bell Harbor neighborhood. It is also in line with variances granted by the Board in the past. The proposed addition is not likely to have a foreseeable negative impact to the neighborhood or for traffic running along Southshore Drive. I have no concerns as a result.

Recommendation

1. Approve a rear yard setback for the addition to be no closer than 9’.

6. Case No. 21-20 Corey Nichols for DMCN Properties, LLC  
Section 24, Lincoln Township and Section 19, Lime Creek Township

Corey Nichols for DMCN Properties, LLC has submitted an Application for a Special Use Permit for mineral extraction and primary processing/quarrying. 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.

7. Case No. 21-21 Steve Kopp & Kara McMullen 16088 245<sup>th</sup> Street  
(NW ¼, Section 22, Mason Township)

Zoning

R-2 Single Family Residential

Background

Mr. Kopp and Ms. McMullen propose to widen their lot from the current 65’ width to a 78’ width by purchasing an additional 13’ from the adjacent property owner to the east (See Figure 1). The applicants would like to add the extra area to the lot to provide additional land for developable space and bring it closer to meeting lot requirements.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
N/A	78’ lot width	80’ minimum lot width (10.1)

Property Details

The current lot width is 65’, and was platted as such outside of the adjacent Bowers Acres subdivision. The lot does not meet the minimum width for the R-2 District.

Analysis

The existing 65’ lot width is legally non-conforming and was originally platted at its current size. The added 13’ from the adjacent neighbor brings the lot closer in size to neighboring lots in the vicinity and creates a lot that is closer to conforming to the minimum 80’ lot width. The adjacent lot to the east currently has a 93.25’ width and will be reduced to an 80.25’ width, maintaining conformance with the ordinance. The Board would be hard-pressed to deny this request. This request also has implications for the following case, number 21-22.

Recommendation

1. Approve a lot width variance for the lot to be no less than 78' in width.

8. Case No. 21-22 Steve Kopp & Kara McMullen 16088 245<sup>th</sup> Street  
(NW ¼, Section 22, Mason Township)

Zoning

R-2 Single Family Residential

Background

Mr. Kopp and Ms. McMullen propose to construct a 48'x98' house to replace the existing house and move the existing 24'x24' detached garage near the northeast corner of the lot (See Figures 1-3). The proposed setbacks are dependent on the approval of the lot width variance request from the previous case, number 21-21.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
House	23' front yard 4' west side yard	50' front yard (10.6-A) 15' side yard (10.6-D)
Detached garage	8' east side yard	25' street-side yard (10.6-B)

\*See Figures 4-8

Property Details

The property is a grandfathered, undersized lot that was platted prior to the current Zoning Ordinance. It is smaller than lots on the north side of 245<sup>th</sup> Street and similar in size to lots across the street. It will still be slightly too narrow under the minimum lot width after being widened by 13'.

Analysis

This analysis assumes that the lot width variance for the previous case (21-21) is approved. While there is an existing reasonable residential use of the property, the proposed house and new location for the detached garage improve setback overall on the property, particularly with the added lot width. The detached garage currently has a near 0' east side yard setback while the proposed setback on the wider lot is 8' (See Figures 7 & 8).

The front yard setback is improved from 13' (measured to the existing deck) to 23' to the proposed house (See Figure 4). The front 50' of the proposed house has a 9' west side yard setback (See Figure 9), and the proposed 4' street-side yard setback is on the rear 40' of the house (See Figures 5 & 6). However, the southwest corner of the proposed house sits borderline along the required 25'-vision triangle boundary where structures are prohibited from being constructed above 2.5' in height (See Figures 9 & 10). I recommend that the Board adjust any approved setback variances further from the intersection and lot lines adjacent to streets to ensure the house is clearly outside of that area. The additional 13' of lot width provides a spacious lot, even if somewhat undersized for the district. Adjusting the proposed setbacks a few feet from the south and west lot lines will still allow for the current design of the house while allowing for use of the existing driveway.

Moving the garage is an improvement from the existing setbacks (See Figures 7 & 8). I have no concerns with the proposed location for the detached garage as a result (See Figure 3).

Recommendation

1. Approve a front yard setback variance for the house to be no closer than 25’.
2. Approve a street-side yard setback variance for the house to be no closer than 6’.
3. Approve an east side yard setback variance for the garage to be no closer than 8’.

**ITEM FROM THE ZONING ADMINISTRATOR**

1.	Zoning Permit Application	Sanders Products, Inc.	16525 Lark Avenue (SW¼ of the SW¼, Section 13, Lake Township)
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Sanders Products, Inc. proposes to install two 22’-wide by 60’-long storage tanks and associated transload equipment for the purpose of the storage and transfer of sulfuric acid to ethanol suppliers/clients. Sanders will lease property from the Iowa Traction Railway at Traction Park (Emery) for the location (See Figure 1). The Board will be considering a Zoning Permit Application. Such a use, as determined by the Zoning Administrator, in the M-2 District requires approval from the Board of Adjustment.

The installation of storage tanks will be consistent with the current use of the property and area in general. It will be a part of the regular operations of the Iowa Traction Railway onsite. The railway also has storage tanks for the storage and transfer of liquid propane about 250’ to the east of the proposed location for the sulfuric acid tanks. The minimum separation for any structure from the liquid propane storage tanks is 75’ under the National Fire Protection Association standards, which the proposed use meets.

The proposed use will be largely unnoticeable compared to the current use of the property besides the usual truck traffic that enters the site. There are existing industrial uses to the north, east, and south, and farmland to the west. The nearest dwelling is about ½-mile to the east and will not be impacted as a result of the proposed use. As the proposed use is consistent with the property and area and there are no foreseeable negative impacts to neighbors, I recommend approval of the application.