



PLANNING AND ZONING

Cerro Gordo County Courthouse

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November 13, 2020

TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, November 24, 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, November 24, 2020 at 4:00 p.m. in the Board Room at the Courthouse**. The Board will be considering two variance requests and a request to amend a Special Use Permit.

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#

OLD BUSINESS

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 Board continued this request from the October 27th hearing. The Board was uncomfortable making a decision without the applicant being present to answer questions.

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 feet 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.

NEW BUSINESS

1. Case No. 21-23 Ron Laudenburg for David & Janel Hanson
15340 Dodge Avenue (Lots 6, Block 7, Dodges Point Park)

Zoning

R-3 Single Family Residential

Background

The applicants propose to construct a 16'x16' three-season porch on the rear side of the existing house. The proposed porch will replace a portion of the existing deck (See Figure 1).

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
Porch	5.5' side yard	6' side yard (11.6-B)

*See Figure 2

Property Details

The property is a typical size for properties in the west part of Dodges Point Park. The lot is accessed via a driveway across the unimproved lot to the north, which the applicants own under a different deed name. The east side of the lot has historically been treated as the front and is here, making the variance requested for a side yard setback.

Analysis

The proposed porch will meet the rear line of the existing deck and will extend toward the along the south building line of the house (See Figures 2 & 3). The irregular shape gets somewhat narrower as it approaches the lake. The proposed porch would otherwise meet requirements. While there is an existing reasonable residential use of the property, the proposed porch will not impede views to the lake or have any foreseeable negative impacts (See Figure 3 & 4).

Recommendation

1. Approve a south side yard setback variance for the porch to be no closer than 5.5'.

2. Case No. 21-24 Martin Marietta 19378 245th Street (NW¼, Section 19, Portland Township)

Martin Marietta is proposing an amendment to its existing Special Use Permit originally granted on December 19, 2017 for its expanded quarry operations in Portland Township. A copy of the Special Use Permit and site plan are included in your packets for reference. The request specifically proposes to amend Conditions 14 and 15 regarding the installation of required berms to coincide with the beginning of operations of material extraction and processing and stockpiling activities. Martin Marietta proposes the following language:

14. A variance is hereby granted for material extraction to occur as close as 100 feet from the right-of-way of 250th Street as shown on the site plan. Berms as shown and described along the right-of-way lines along 250th Street and Spruce Avenue shall be fully established within 4 years of ~~final approval of the Special Use Permit~~ **the initiation of mining activity**. Any portion of said berm shall be fully established prior to any material extraction occurring directly south of its respective place.
15. Berms along the western and southern boundaries of the proposed stockpile area as shown on the site plan shall be fully established within 6 years **following the initiation of stockpiling activity**. If mining activity ever becomes visible from 245th Street, the applicant shall install screening in the form of a berm or a vegetative buffer as may be necessary so that material extraction is not visible from 245th Street.

The proposed language adds phrases as highlighted in red above in regard to the time in which berms must be installed (See Figure 1). It does not materially change the special use. No change to the site plan or operations are proposed. As a result, no other conditions of the Special Use Permit will be affected by the proposed changes. Topsoil and overburden will still be used to construct the berms and remain onsite for the purposes of reclamation at the end of the life of the quarry. I confirmed that no quarrying or stockpiling activity has begun within the permitted area (See Figures 2 & 3).

The intention for the conditions pertaining to berms and screening are to mitigate the typical impacts from quarry operations, mainly buffering for the visual, noise, and dust impacts associated with such operations. As constructed, Conditions 14 and 15 did not account for delays in operations beginning onsite, so the proposed changes are consistent with the original intent of the conditions. As a result, I have no concerns with the proposed changes. I recommend approval of the proposed conditions as follows:

14. A variance is hereby granted for material extraction to occur as close as 100 feet from the right-of-way of 250th Street as shown on the site plan. Berms as shown and described along the right-of-way lines along 250th Street and Spruce Avenue shall be fully established within 4 years of the initiation of mining activity. Any portion of said berm shall be fully established prior to any material extraction occurring directly south of its respective place.
15. Berms along the western and southern boundaries of the proposed stockpile area as shown on the site plan shall be fully established within 6 years following the initiation of stockpiling activity. If mining activity ever becomes visible from 245th Street, the applicant shall install screening in the form of a berm or a vegetative buffer as may be necessary so that material extraction is not visible from 245th Street.