



## PLANNING AND ZONING

### Cerro Gordo County Courthouse

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January 15, 2021

TO:              Cerro Gordo County Board of Adjustment

FROM:          John Robbins

SUBJECT:      Next Meeting – *Tuesday, January 26, 2021; 4:00 p.m.; Board Room*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, January 26, 2021 at 4:00 p.m. in the Board Room at the Courthouse**. The Board will be considering three variance requests and one 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#

#### CASES

1.      Case No. 21-25                      K&K Construction for Brad Seibert                      14998 Walnut Street (Lot 10, Block 10, Oakwood Park)

#### Zoning

R-3 Single Family Residential

#### Background

The applicant proposes to construct a 25'x35' detached garage primarily used for storage and is also proposed to include bathroom facilities (See Figure 1). The proposed garage is 10' from the existing deck (See Figure 2).

<b>VARIANCE REQUEST*</b>		
<b>Structure</b>	<b>Request(s)</b>	<b>Requirement(s)</b>
Detached garage	875 square feet area  Include bathroom facilities	375 square feet maximum coverage area (25% of required rear yard)(6.9-B) Prohibits bathroom facilities in detached accessory structures (6.9-A)

Property Details

The property is a typical size in the neighborhood. An alley runs to the middle of the block from which the proposed garage will be accessed.

Analysis

While there is an existing reasonable residential use, the proposed garage will be in line with other garages within the block (See Figure 3). The proposed garage will be consistent with the character of the block as a result.

The Zoning Ordinance prohibits bathroom and sleeping facilities within detached accessory structures as a deterrent to building a second dwelling on a single parcel in single family residential districts. In the past, the Board has approved variances for bathrooms in detached accessory structures with conditions attached to prevent a second dwelling. While a variance is technically not justified for the bathroom, the impact is not great. Attaching a condition prohibiting sleeping quarters within the structure would be consistent with the Board’s past decisions.

Recommendation

1. Approve a coverage area variance for the garage to be no larger than 875 square feet in size.
2. Approve a variance for the garage to include bathroom facilities with a condition that sleeping quarters are prohibited.

2. Case No. 21-26 Ron Laudenburg for David and Mary Ann Amend  
15310 Pascal Street (Lots 10, Block 1, PM Park)

Zoning

R-3 Single Family Residential

Background

The applicant proposes to raise the foundation of the existing 22’x40’ house by 2’ and add a second story (See Figures 1 & 2). The proposed addition will be constructed within the existing footprint of the existing house. The requested rear yard setback variance is measured to the closest point of the entryway on the west side of the house.

<b>VARIANCE REQUEST*</b>		
<b>Structure</b>	<b>Request(s)</b>	<b>Requirement(s)</b>
Addition	4’ rear yard setback	30’ rear yard setback

\*See Figure 3

Property Details

The existing house sits on a roughly 40’x80’ lot (The lot is up to 90 feet +/- in depth along the west property line with how the shoreline runs.). The lot sits at the dead end of Pascal Street, which becomes a public access to the lake. Since the street side is on the east side of the

property, it is considered the front side for setback purposes, which is atypical for a lake lot as the front side of a lake lot is typically opposite the lake side. While there is an existing reasonable residential use of the lot, the small lot size and atypical orientation of the lot prevents any further improvements or reconstruction without a variance.

Analysis

The existing house was originally constructed in 1948 and has not been altered since, except for routine maintenance such as siding and roofing. The proposed improvements will be constructed within the existing footprint of the house. With the atypical lot orientation, the west side of the lot is where the 4’ rear yard setback variance is being requested; it would typically be treated as a side yard setback on a lake lot. I am analyzing the request as if the west side lot line was a side yard as a result.

The request will not significantly alter the neighbors’ view to the lake (See Figures 4 & 5). The existing house sits further from the lake than the adjacent house to the west, and the northwest-southeast orientation of the shore inevitably causes houses to the east to sit further south. With the proposed second-story addition, the house will be similar in size to nearby lake lot houses within the neighborhood. While there is an existing reasonable residential use of the property, the improvements will allow the Amends to ensure there is sound upkeep of the house. There is an arguable hardship to at least approve the variance request for the foundation to ensure the that it\ is in good condition. I have no concern with a second story addition since it will be in line with the character of nearby lake lots.

Recommendation

1. Approve a rear yard setback for the foundation/addition to be no closer than 4’.

2. Case No. 21-27 Brent and Julie Kuntz NW¼ of the NW¼, Section 27, Clear Lake Township (across from 4036 240<sup>th</sup> Street)

Zoning

R-3 Single Family Residential

Background

The Kuntzes’ propose to construct a 30’x48’ accessory building with a pole building-style construction. The lot is currently vacant with no structures (See Figure 1). The only current use is a gravel parking area at the front of the property. The intent of the proposed building is for storage of a pontoon, vehicles, and lawn equipment and a home office. They own the residence across 240<sup>th</sup> Street to the north.

<b>VARIANCE REQUEST*</b>		
<b>Structure</b>	<b>Request(s)</b>	<b>Requirement(s)</b>
Accessory building	-Accessory building before a principle building  -1,440 sq ft coverage area for all detached accessory structures  -Includes bathrooms in accessory structure	-Requires a permit for a principle building to be issued prior to an accessory building (6.24) -Detached structures may take up to 25% of the required rear yard on residential properties (345 sq ft). (6.9-B) -Bathroom facilities are prohibited in detached accessory buildings (6.9-A)

### Property Details

The lot sits vacant with no existing structures (See Figure 1). While the lot is somewhat narrow (44.2'), it is also deep (140'). The applicants note that they own the lot at (4036 240<sup>th</sup> Street), and, in the application, seem to treat them as one lot. Under the Zoning Ordinance, they are separate lots because they are separated by a street. The lot itself is not preventing the construction of a dwelling within the rules.

### Analysis

There are several detached garages within the neighborhood (See Figures 2-4). The proposed size of the building is out of character with the neighborhood. The largest detached garage that has been approved in the general vicinity of the property is 24'x32' in size at 4081 Southshore Drive. The Board has limited the size of garages in the past due to character concerns such as this.

Secondly, the proposed construction is a pole building-style structure. The applicant describes the building character as "styled in a modern farmhouse way." The application included a character example with the application and is in your packets. While the Zoning Ordinance does not set specific design standards, the structure could set a precedent altering the character of the neighborhood. The neighborhood is more akin to an urban residential area.

The Zoning Ordinance itself is not preventing a reasonable use of the property. The applicants would be able to construct a dwelling within the requirements without a variance; the size of the lot would permit a roughly 32'x80' dwelling without any variances needed, including with a larger attached garage for storage purposes. Guidance from Iowa State University Extension says granting variances should be granted due to unique circumstances, not alter the essential character of an area, and allow a reasonable residential use for the purpose of the zoning district.

The Board has typically approved variances only if there is no significant impact, but the proposed building presents the aforementioned character concerns. I recommend that the Board does not approve any variance that would be out of character with the neighborhood. Limiting any approved garage to an area of 30'x35' would be more consistent with the vicinity and be generous for garages in the neighborhood. The pole building-style construction is also out of character and is typically associated with farm uses. You would have the option to table the request to allow the Kuntzes to submit an alternate proposal that addresses the character concerns. As proposed, I would recommend denial of the request.

### **ANNUAL REVIEW**

#### **3. Heartland Asphalt      20503 240<sup>th</sup> Street**

Heartland Asphalt is up for its annual review, which is a condition stipulated in the Special Use Permit. A staff report for the annual review has been attached for Board members to review.