



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 24-16

Hearing Date: October 29, 2024

Staff Contact: Michelle Rush, Assistant Zoning Administrator

Applicant:

Richard Kolb
Kolb Homes LLC
2109 SW Westwood St
Ankeny, IA 50023

Owner:

Richard & Rhonda Goode
1075 NE 51st Ave
Des Moines, IA 50313

Property Address: 15370 Lambert Dr., Clear Lake, IA 50428

Brief Legal Description: Lot 5, Block 9, PM Park, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

The applicant proposes to remove the existing 24'x60' dwelling that was built in 1930 and construct a new 30'x62.6' dwelling on the lot. The application originally requested a 4' east side yard setback which is reflected in the special exception application; the site plan was updated on October 14, 2024. According to our files, a variance was granted in 2000 for an addition to be 9.8' from the front lot line. The proposed new dwelling will be 7.6' from the front lot line. The side yard setbacks of 6' and the rear yard setback of 30' will be met. The applicant also owns the vacant lot to the west of this parcel.

SPECIAL EXCEPTION REQUEST		
Structure	Request(s)	Requirement(s)
30'x62.6' dwelling	7.6' front yard setback	14.8' front yard setback average

FINDINGS OF FACT

1. Richard Kolb – Kolb Homes LLC is the contractor on the proposed project.
2. Richard & Rhonda Goode are the owners of the subject property.
3. The property is zoned R-3 Single Family Residential District.
4. The proposed dwelling will be 7.6' from the front lot line.
5. A 14.8' front yard setback average is required in the R-3 District.
6. The application was filed on September 30, 2024 with the Planning & Zoning Office.
7. An updated site plan was received on October 14, 2024

ANALYSIS

The Board of Adjustment is provided the power to grant special exceptions under Section 24.4(A)(2) of the Zoning Ordinance. The Board may grant special exceptions to bulk standards of the ordinance if, in its judgement, the standards established in Section 24.4(A)(2)(a) are met. In its review, the Board may attach certain conditions to any special exception granted in order to observe the spirit of the Zoning Ordinance and Comprehensive Plan and mitigate any potential impacts that may directly result from the requested special exception.

Discussion of Standards of Review

- 1. Strict compliance with the standards governing setback, frontage, height, or other bulk provisions of this ordinance would result in a practical difficulty upon the owner of such property and only where such exception does not exceed 50 percent of the particular limitation or number in question.***

The proposed dwelling will be 7.6' from the front lot line, which is further than 50 percent of the respective 14.8' front yard setback average. All other setbacks in the R-3 Single Family Residential District are met. Strict compliance with the front yard setback would not appear to result in a practical difficulty upon the owner.

- 2. The exception relates entirely to a permitted use (principal, special, or accessory) classified by applicable district regulations, or to a permitted sign or off-street parking or loading areas accessory to such a permitted use.***

A single-family dwelling is a principal permitted use in the R-3 District. The standard appears to be met.

- 3. The practical difficulty is due to circumstances specific to the property and prohibits the use of the subject property in a manner reasonably similar to that of other property in the same district.***

The lot is as deep (100') and wide (42.3') which is similar to other lots in the neighborhood. There is a 30' rear yard setback requirement and a 14.8' front yard setback requirement, per the average of front yard setbacks within 200'. There does not appear to be a practical difficulty specific to the lot itself. The standard does not appear to be met.

- 4. A grant of the special exception applied for, or a lesser relaxation of the restriction than applied for, is reasonably necessary due to practical difficulties related to the land in question and would do substantial justice to an applicant as well as to other property owners in the locality.***

The existing house sits 3' from the east side lot line; the proposed dwelling will meet the 6' side yard requirement in the R-3 District.

The existing house is 9.8' from the front lot line. The applicant is requesting a 7.6' front yard setback which is greater than half of the 14.8' front yard setback average as stated above. Granting the front yard request helps maintain the 30' rear yard setback and view of the lake.

The land in question does not have an apparent practical difficulty. The standard does not appear to be met.

5. *Such practical difficulties cannot be overcome by any feasible alternative means other than an exception.*

The applicant would like to have an attached single stall garage with zero entry into the house and no steps. A front yard exception would be needed to construct the 13.3' deep garage and maintain the 30' rear yard setback. The existing dwelling is already close to the front lot line. The desire of a property owner for a structure specific to their preference does not necessarily equate to no other feasible alternative. The standard does not appear to be met.

6. *Relief can be granted in a manner that will not alter the essential character of the locality.*

The proposed dwelling will not alter the character of the neighborhood. Of the 7 lots along Lambert Drive with structures, four are 2-story dwellings, Lot 3 is a single-story condo building, and the lot immediately to the east is a single story. The applicant is proposing a single-family dwelling with a single car garage. The property line is about 12 to 14 inches off the roadway. The requested front yard setback of 7 feet-6 inches would not alter the character of the neighborhood, however it leaves a short line of sight to the street. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

The existing house sits closer to Lambert Drive than any other dwellings on the north side of the road except for the dwelling at the east end at 15396 Lambert Drive. The proposed dwelling does fit within the character of the neighborhood. The dwelling will be 3' further from the east lot line than the existing dwelling. The 30' rear yard setback and side yard setbacks will be maintained. The view of the lake will not be altered by the proposed construction. Vehicles backing out of the garage would have a short space to view vehicle or pedestrian traffic on Lambert Drive.

Staff Conclusions and Recommendation

Of the six standards, two have been met. Multiple definitions of "practical difficulty" appear to have in common some unique aspect of the land in question. Staff recommends the Board of Adjustment review the findings as related to the six criteria set out above from the Code. There are no foreseeable negative impacts as a direct result of the proposed new dwelling.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested special exception subject to any conditions as deemed necessary by the Board.
2. Grant relief less or different from the requested special exception.
3. Deny the requested special exception.

The following motions are provided for the Board’s consideration:

Provided motion of approval:

- I move to adopt the staff report as the Board’s findings and to approve the special exceptions as requested by Kolb Homes LLC for Richard & Rhonda Goode, subject to the following conditions:
 1. All construction shall comply with the site plan submitted with the application.
 2. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.

Provided motion of denial:

- I move to adopt the staff report as the Board’s findings and to deny the special exception as requested by Kolb Homes LLC for Richard & Rhonda Goode for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures 1-7 photos
- Exhibit 2: Special Exception Application and Site Plan
- Exhibit 3: Parcel Highlight

Figure 1 – View of existing dwelling from Lambert Drive



Figure 2 – Looking at proposed front building line NOTED BY THE WHITE MARKS AT THE CORNERS ON THE CEMENT. The ORANGE marks do not mean anything related to zoning



Figure 3 – Looking at location of front lot line pin



Figure 4 – Looking along west lot line. The proposed new dwelling would be in line with the white mark at the corner on the cement and will be 7.6' from the front lot line



Figure 5 – Looking east showing the front of the proposed dwelling to the front lot line.



Figure 6 – looking east from the vacant lot to the west owned by the applicant.



Figure 7 – looking from the lake (the rear) along the east property line



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 9-30-24 Date Set for Hearing 10-29-24
Case Number:

Applicant Name: Richard Kolb
Kolb Homes LLC Phone: 515-681-7494

E-Mail: kolbrichard52@gmail.com

Mailing Address: 2109 SW Westwood St.
Ankeny Iowa 50023

Property Owner Name: Richard and Rhonda Goode Phone: 515-249-7988
E-Mail:

rhondagoodle@mchsi.com
Property Owner Address:

1075 NE 51st Ave
Des Moines Ia 50313

Property Description (Not to be used on legal documents): Parcel # 0522430050 Township Clearlake

Property Address: 15370 Lambert Dr Clearlake
Zoning: R-3

Brief Legal Description: L 5 BLK 9 PM PARK

Project remove existing house and build new home
Description to accommodate 2 bedrooms and a single car garage
Decision Date: -

Special Exception(s) Requested (As cited on results from denied Zoning Permit Application). Request exceptions for the side yard set back to 4' from 6' and the front yard set back to 7' 4" from 14'.8

Criteria Justifying Special Exception under Standards for Review (You may add more details in the Additional Information) Lot with set backs just doesn't accommodate a modest 2 bedroom house with a single car garage.

I am the General Contractor for the owners
Owner
Contract Purchaser
Other (Explain)

of

the property affected.

I, the applicant, being duly sworn, depose and say that I am the owner, or that I am authorized and empowered to make affidavit for the owner, who makes the accompanying application; that the application and plan are true and contain a correct description of the proposed building, lot, work, and use to which the structure is to be placed if a special exception is granted. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

Applicant Signature Richard Kolb
Date 9/30/24

SPECIAL EXCEPTION APPEAL

ADDITIONAL INFORMATION

Please provide any additional details below needed to fully address the standards for review and any potential impacts to the immediate vicinity that may directly result from the special exception requested.

I noticed that the plan didnt make the 50% of the front yard set back so I will shrink the garage by 1" so that it will be with-in the 50% I have attached a site plan and foundation plan with the changes

Clear Lake

42

100

6'

30

6'

49' - 3"

15370
Lambert Dr

67' 6"

1000

100

6'

13' - 3"

6'

24'

7' 6"

40'

Lambert Dr

Clear Lake

052243000800

052243000700

052243000600

052243000500

052243000400

052242900000

052243400100

40

7

76.45

100

6

30

40

16

5

42.3

22

4

9

42.3

LAMBERT DR

R-2

42.3

145.8

8

103.4

42.3

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