



PLANNING AND ZONING
Cerro Gordo County Courthouse

220 N Washington Ave
Mason City, IA 50401-3254
cgcounty.org/planning

(641) 421-3075
(641) 421-3110
plz@cgcounty.org

SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 22-4

Hearing Date: February 22, 2022

Applicant

Owner

Richard Kolb
2109 SW Westwood Street
Ankeny, IA 50023

Same

Property Address: 15288 6th Street

Brief Legal Description: Lot 206 & southeasterly half of Lot 207, Clear Lake Methodist Camp

Zoning: R-3 Single Family Residential

Background

Mr. Kolb proposes to construct an 8'x12' addition to the existing deck (See Figure 1). Note on the site plan that there is a second 4'x12' deck addition crossed off. This was a part of a previous proposal that is not being considered in this request.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Deck addition	26' rear yard setback	30' rear yard setback (11.6-C)

*See Figure 2

FINDINGS OF FACT

1. Richard Kolb and Keri Farrell-Kolb are the owners of the subject property, located on Lot 206 and the southeasterly half of Lot 207, Clear Lake Methodist Camp.
2. The property is zoned R-3 Single Family Residential.
3. The proposed deck addition is located 26' from the rear lot line
4. The required rear yard setback is 30' in the R-3 District.
5. The application was filed on January 17, 2022 with the Planning and Zoning Office.

ANALYSIS

The Board of Adjustment is provided the power to grant special exception under Section 24.4(A)(2) of the Zoning Ordinance. The Board may grant special exception 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

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 deck addition is 26' from the rear lot line. A 30' rear yard setback is required in the R-3 District (See Figure 2). The standard appears to be met.

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 residential deck is a permitted use in the R-3 District and typical in the neighborhood. The standard appears to be met.

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.

Lots in Clear Lake Methodist Camp are among the smallest lots in the county and typically require some sort of variance or exception to build almost any structure. With the existing locations of the dwelling and deck, the only available location to construct a deck expansion that meets the 50 percent standard for special exception is along the northwest side of the house. Decks are common in the neighborhood. The standard appears to be met.

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 practical difficulty relates entirely to the size of the lot, particularly between the front rear lot line, and would be necessary for a deck or deck addition of useable size in virtually any location on the lot. Decks of a similar size are common in the neighborhood. The request appears to meet all other standards otherwise and maintains the use of space similarly to the neighborhood as a whole. The standard appears to be met.

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

There is no other practical location to construct a deck addition, given the location of the existing dwelling and deck. The standard appears to be met.

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

The proposed deck addition is similar to other decks in the neighborhood. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

There are no foreseeable negative impacts resulting from the proposed deck addition.

Staff Conclusions and Recommendation

Staff recommends approval of the request. All standards of review appear to be met.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested special exception subject to any condition 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 exception as requested by Richard Kolb, 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 Richard Kolb for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Exception Application
- Exhibit 3: Site plan
- Exhibit 4: Aerial photo of site

Figure 1

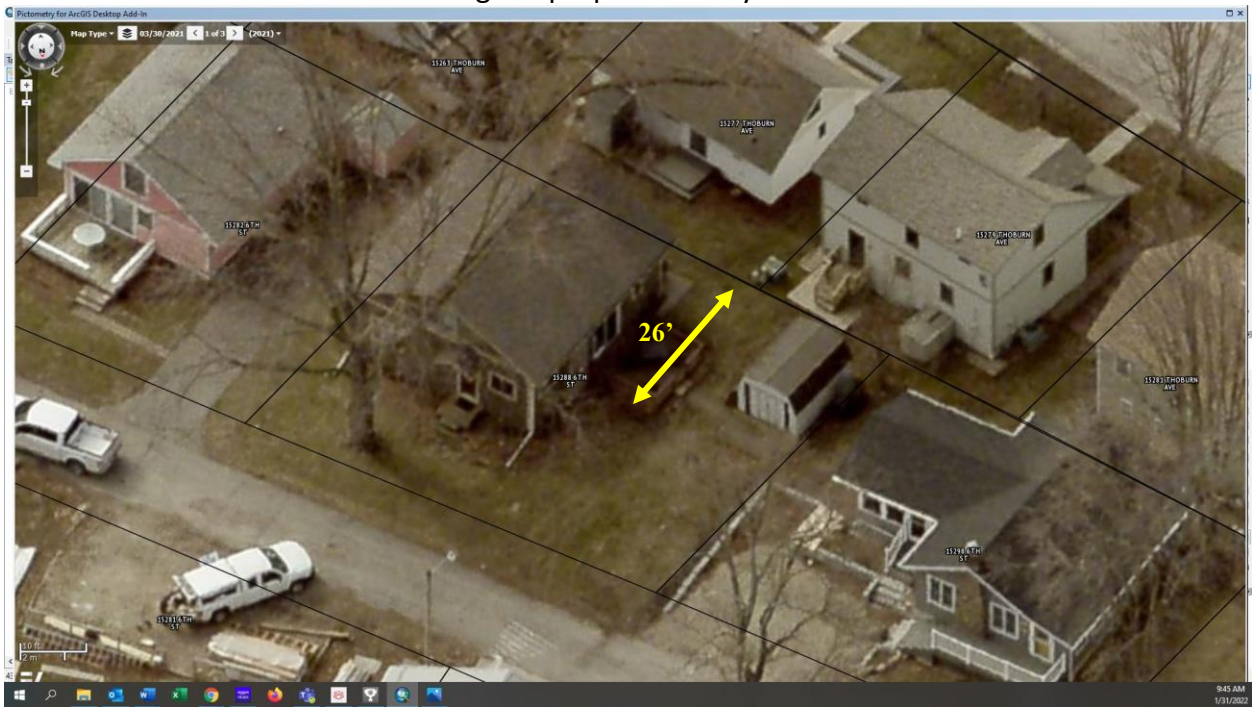
Looking at the proposed location for the deck addition



January 27, 2022, J. Robbins

Figure 2

Illustrating the proposed rear yard setback



January 27, 2022, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 1/17/22 Date Set for Hearing 2/22/22 Case Number: 22-4

Applicant Name: Richard Kolb Phone: 515-681-7494 E-Mail: rkkolb@ncsi.com
 Mailing Address: 2109 SW Westwood St. Ankeny Ia 50023
 Property Owner Name: Richard Kolb Phone: 515-681-7494 E-Mail: rkkolb@ncsi.com
 Property Owner Address: 2109 SW Westwood St. Ankeny Ia 50023
 Property Description (Not to be used on legal documents): Parcel # _____ Township 96 North
 Property Address: 15288 6th St. Clear Lake Ia. Zoning: R-3

Brief Legal Description:
Quarter SE, Section 22, Township 96 North, Range 22 West
Lots 204 + 1/2 of Lot 207 Clearlake Methodist Camp

Project Description **Decision Date:** 10/21 11/27/22
Addition to deck

Special Exception(s) Requested (As cited on results from denied Zoning Permit Application)

request that the rear yard set back be overlooked to allow us to build a larger deck.

Criteria Justifying Special Exception under Standards for Review (You may add more details in the Additional Information)

The current deck is not large enough to accommodate our family.

I am the 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 12/30/21

Rich Kolb

515-681-7494

rkkolb@mchsi.com

15288 6th St.



1/2 lot 267

66.0'

29.5'

29'

Proposed Deck All new

8'

8'

Existing House

6.0'

15'

4'

4'

10'

10'

4'

4'

2'

2'

2'

2'

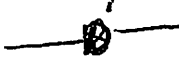
32'

10'

4'

32'

29'



Sheds

12'
16'

8'

100'



6TH ST

22

THORBURN AVE