



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 24-11

Hearing Date: June 25, 2024

Staff Contact: Michelle Rush, Assistant Zoning Administrator

Applicant:

Owner:

Shayne Thorson

Same

11607 300th St.

Mason City, IA 50401

Property Address: 11607 300th St., Mason City

Brief Legal Description: N 151.5' W 575' NE1/4, Section 26, Lincoln Township

Zoning: A-1 Agricultural District

Background

The applicant proposes to construct a new 28' x 40' detached garage in the same location as the existing garage. The new garage will not meet the required side yard setback in the A-1 District. The Special Exception request is for the east side yard setback only; all other setbacks and 10' separation distance from the dwelling will be met.

SPECIAL EXCEPTION REQUEST		
Structure	Request(s)	Requirement(s)
28' x 40' new detached garage	13.8' side yard	25' side yard setback in the A-1 District

FINDINGS OF FACT

1. Shayne Thorson is the owner and applicant of the subject property.
2. The property is zoned A-1 Agricultural District.
3. The proposed detached garage will be 13.8' from the east side lot line.
4. A 25' side yard setback is required in the A-1 District
5. The application was filed on May 28, 2024 with the Planning & Zoning Office.

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

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 practical difficulty is due to the rectangular shape of the parcel and the available buildable area which is located on the east end of the parcel. A majority of the parcel is covered and surrounded by trees. While the lot is 575' in width, there is only one access into the property off of 300th St.

The proposed detached garage is 13.8' from the east side lot line, which is further than 50 percent of the required 25' side yard setback. All other setbacks in the A-1 District are met. 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 garage is an accessory permitted use in the A-1 District. 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.

The practical difficulty is primarily due to the rectangular shape of the lot and the available buildable area on the lot. The proposed garage will be located in the same area as the existing garage. To construct a larger garage on the property would not be feasible without a special exception. 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 parcel is rectangular in shape and is surrounded by trees. The buildable development space is on the east end of the parcel. The septic system is located west of the house which prevents construction in that area. They are using the same location as

the existing garage while maintaining the required 10' separation distance from the dwelling. The standard appears to be met.

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

There is no alternate feasible location for the new garage on the property. The existing driveway from 300th Streets runs right to the garage. The septic system is located west of the house. As a result, there are no other practical options. The standard appears to be met.

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

Garages are a regular feature in the A-1 District. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

There are no foreseeable negative impacts for the proposed garage. The existing driveway will be used. The parcel itself is surrounded by trees.

Staff Conclusions and Recommendation

Staff recommends approval of the request. All standards of review appear to have been met, and there are no foreseeable negative impacts as a direct result of the proposed garage.

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 exception as requested by Shayne Thorson, 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 Shayne Thorson for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures 1-6 photos
- Exhibit 2: Special Exception Application and Site Plan
- Exhibit 3: Parcel Highlight

Figure 1 – Existing garage to be replaced with 28'x40' garage



Figure 2 – looking east at proposed rear of garage



Figure 3 – looking north along east lot line – 13.8' from fence line



Figure 4 – looking south at proposed west side of garage footprint



Figure 5 – building footprint from the rear



Figure 6 – view of property from 300th Street – 50’ from front lot line



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 5/28

Date Set for Hearing 6/25/24

Case Number: 24-11

Applicant Name: Shayne Thorson Phone: 641-903-3324 E-Mail: Shaynethorson@gmail.com

Mailing Address: 11607 300Th Street, Mason City, IA 50401

Property Owner Name: Same as above Phone: _____ E-Mail: _____

Property Owner Address: _____

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

Property Address: _____ Zoning: _____

Brief Legal Description:

Project Description

Decision Date: _____

Tear down existing garage and build a new taller, deeper garage

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

Current garage is where the new garage will be built. I think the north side will be 50 feet from the property marker, if my measurements are correct. The east side will be 13 feet from the property line.

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

There is only one driveway access, which I will need to access the garage. I cannot build to the west of the house due to the septic system.

My property is rectangular so there are not many options for placement of the garage.

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; and that the information provided is true and correct and actual construction will proceed in accordance with the purposes herein stated and any conditions and/or requirements the Board of Adjustment may stipulate. The Planning & Zoning staff and Board of Adjustment members are also given permission to enter the above property in reviewing this Application.

Applicant Signature Shayne Thorson

Date 5/27/2024

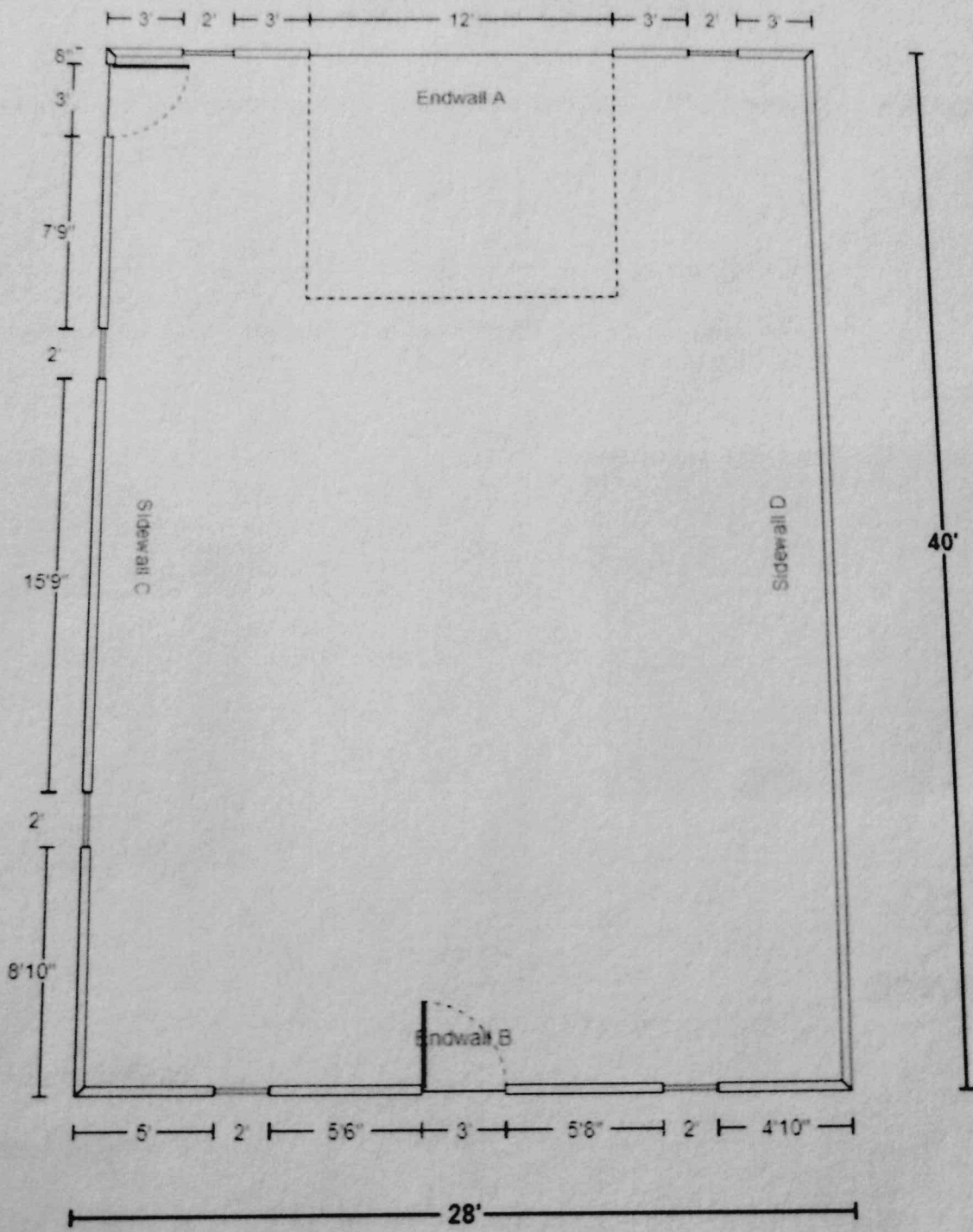
Site Plan:

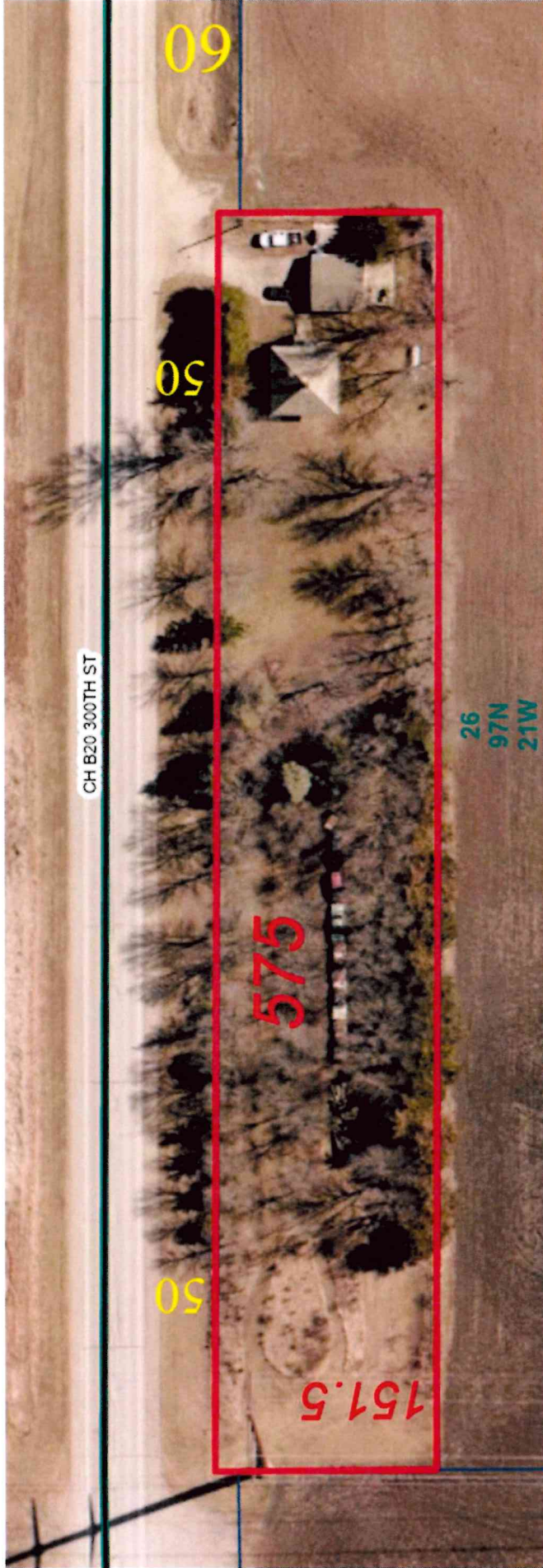


**10 ft from house, 13 ft from east
property line, 18 ft from south
property line**

ng may go up or down. Tax, labor, and delivery not included.

Engle & B
GARAGE





09

50

CH B20 300TH ST

26
97N
21W

575

50

151.5