



PLANNING AND ZONING

Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 22-15

Hearing Date: May 31, 2022

Staff Contact: John Robbins, Planning and Zoning Administrator

Applicant

Steve & Mary Richardson
15335 Bayside Court
Clear Lake, IA 50428

Owner

Same

Property Address: 15335 Bayside Court

Brief Legal Description: Lot 7, Bayside Court

Zoning: R-3 Single Family Residential

Background

The Richardsons propose to construct a 13'x17' deck on the rear side of the existing house (See Figure 1). They hope to have a gathering space where family and friends can come together outside. They prefer a raised deck that is even with the porch so that no steps are needed to go from the house to the deck. The lot is bounded by streets on opposite sides, so the rear yard of the property is also treated as a front yard under the Zoning Ordinance.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Deck	14'-5" rear yard setback	22'-9" rear yard setback, per average of setbacks within 200' on through lot (6.11 & 6.15)

*See Figures 2 & 3

FINDINGS OF FACT

1. Steven and Mary Richardson are the owners of the subject property, located on Lot 7, Bayside Court.
2. The property is zoned R-3 Single Family Residential.
3. The proposed deck is 14'-5" from the rear lot line.
4. A 22'-9" rear yard setback is required, per the average of setbacks within the block within 200'. As a through lot, the rear side of the lot is treated as a front yard under the Zoning Ordinance.
5. The application was filed on May 3, 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 front side of the lot is occupied by a driveway and existing landscaping. The side yards do not have enough available space to accommodate a deck of a reasonable size. There is a practical difficulty due to lack of available area for a deck.

The proposed shed is 14'-5" from the rear lot line. A 22'-9" rear yard setback is required, per the average of setbacks with the block within 200'. As a through lot, the rear side of the lot is treated as a front yard under the Zoning Ordinance. The request does not exceed 50 percent of the respective requirement. 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 single family home is a principal permitted use in the R-3 District, and a residential deck and gathering space is incidental to a residential use. 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.

As a through lot, the treatment as a front yard on either street side of the house limits the ability to construct any additional improvements to the property. No matter where a deck or patio may be proposed on the lot, a literal enforcement of setback requirements would not be met for a reasonably sized deck. Throughout the block, the gathering space or recreational areas for a patio or deck in Bayside Court are routinely on the Bayside Avenue side of the block, so the request is similar in nature to properties in the vicinity. 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.

As aforementioned, due to its status as a through lot and limitation for any additional structures, there is no location where a reasonably sized deck could be constructed without a

relaxation to setback requirements. The Zoning Ordinance does not intend to prevent this type of accessory use which is incidental to the residence on a residential property and so would not create an undesirable result for the neighborhood. The standard appears to be met.

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

As aforementioned, due to its status as a through lot and limitation for any additional structures, there is no alternative location where a reasonably sized deck could be constructed without a relaxation to setback requirements. 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 is similar to several in the neighborhood and will not change the character of the vicinity. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

There are no foreseeable negative impacts due to the proposed deck.

Staff Conclusions and Recommendation

Staff recommends the special exception request be approved as requested. 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 Steve and Mary Richardson, 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 Steve and Mary Richardson for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

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

Figure 1
Looking at the location of the proposed deck



May 3, 2022, J. Robbins

Figure 2
Looking south along the rear lot line



May 3, 2022, J. Robbins

Figure 3
Looking north along the rear lot line



May 3, 2022, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 5/3/22

Date Set for Hearing 5/31/22

Case Number: 22-15

Applicant Name: Steve & Mary Richardson Phone: 712-830-6263 E-Mail: smrich0314@hotmail.com

Mailing Address: 15335 Bayside Ct, Clear Lake, IA 50428

Property Owner Name: Steve & Mary Richardson Phone: SAME E-Mail: SAME

Property Owner Address: SAME

Property Description (Not to be used on legal documents): Parcel # 052331601400 Township Clake

Property Address: 15335 Bayside Ct, Clear Lake 50428 Zoning: _____

Brief Legal Description:
Lot 7 Bayside Ct Subdivision

Project Description Addition of 13'x17' Deck attached to our home. Decision Date: _____

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

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

See attached.

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 Mary Richardson

Date 4/29/2022

SITE PLAN

Reason for Special Exception:

- Home located between the streets of Bayside Court & Bayside Avenue.
- Front of home faces Bayside Court. Majority of front is taken up by driveway.
- Side yard is too narrow for a deck due to boundary lines.
- Rear yard is only 31'5" from the curb to the house itself. It is 26'11" from the pin to the house.
- 3 other neighbors that are on the same side of the cul de sac have existing patios/decks or fences beyond what we are asking.
- We want to be able to enter the deck directly from our covered porch without having to go down steps. Thus a raised deck would be necessary.

Request:

- Addition of a 13' x 17' deck attached to the rear of the home. The only entry will be from the covered porch area that runs east & west on the south side of our home.
- Base will be built out of treated lumber. The flooring will be out of Trex (easy maintenance wood alternative). Railing will be a stainless cable railing system.
- The design will be similar to what one of the neighbors already has.

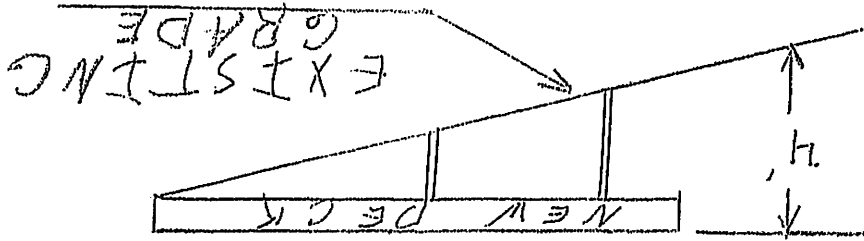
Thank you for your consideration of this request.

STEVE & MARY
RICHARDSON

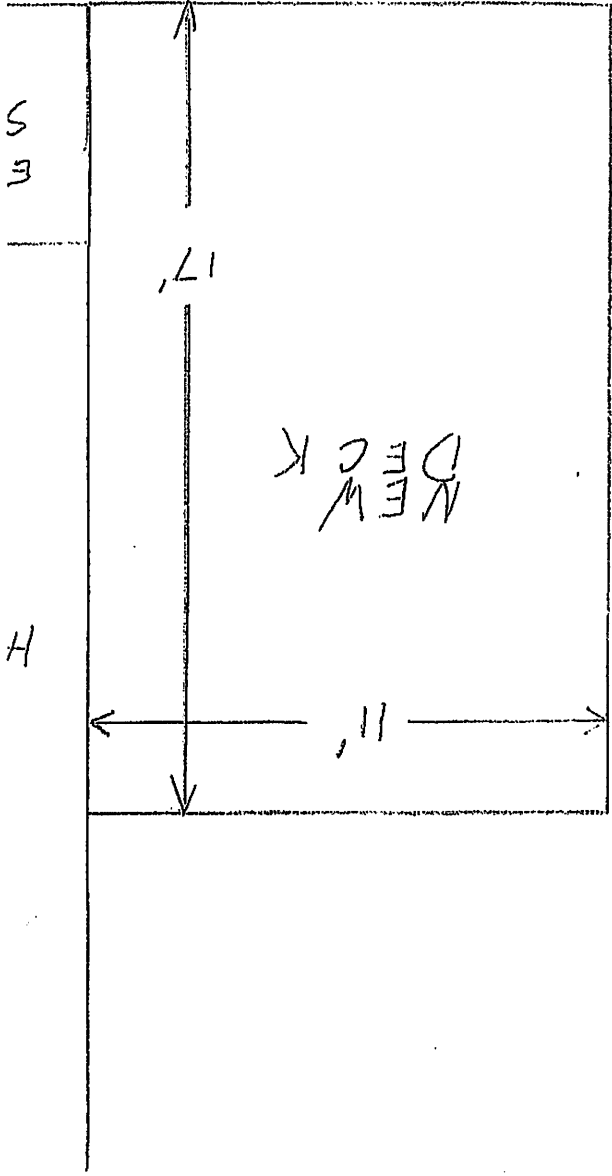
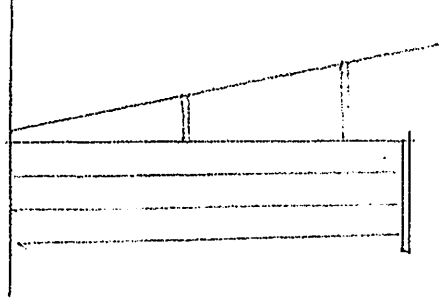
15335 BAYSIDE CT
CLEAR LAKE IA

DECK PROJECT

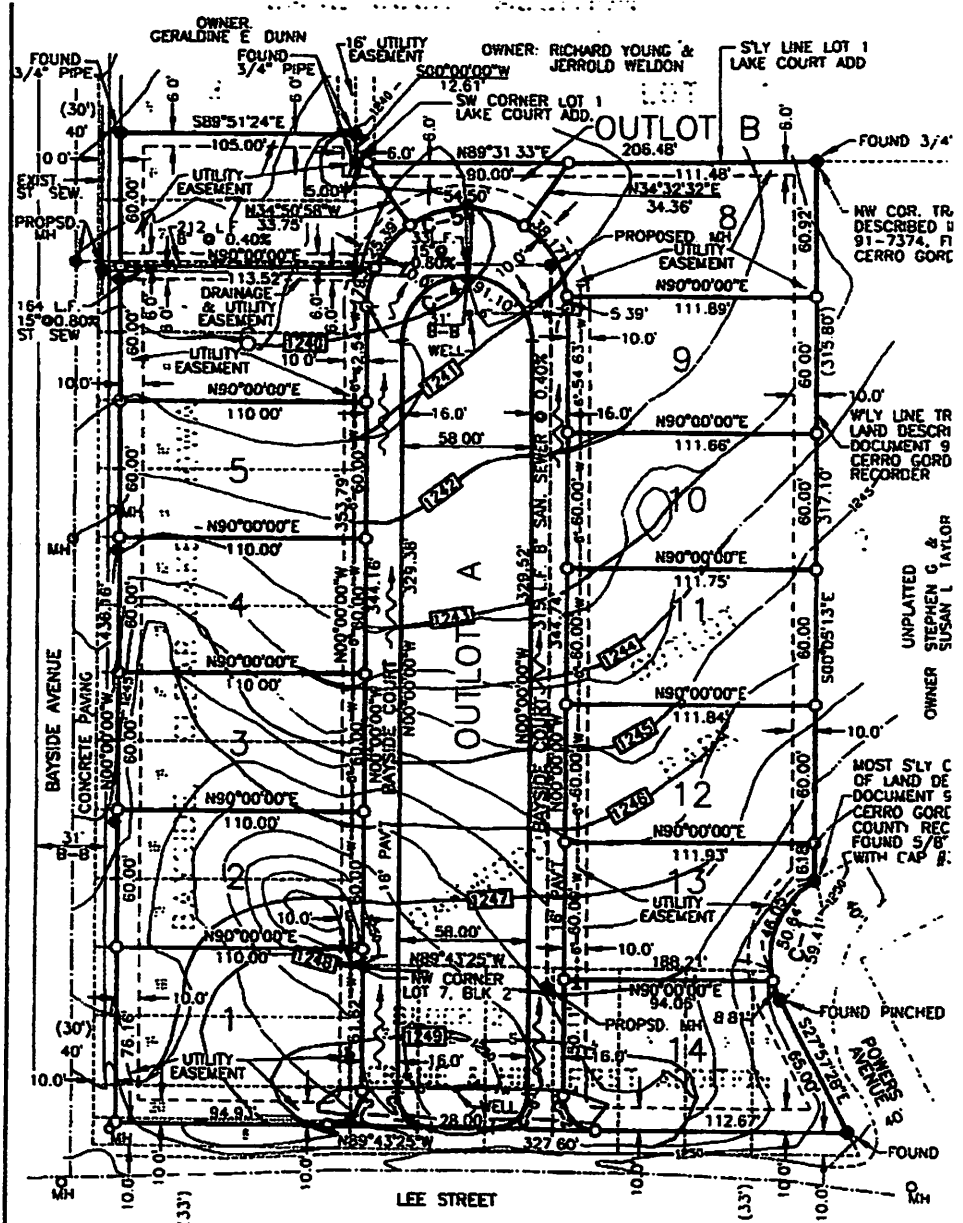
SIDE VIEW



There will be
some sort of
alternative
cover under
deck.



STEUP
 Mary
 Richardson
 15335
 Bayside Ct
 Clear Lake
 IA
 50428



PREPARED BY:

WHKS & CO.

ENGINEERS PLANNERS ARCHITECTS LAND SURVEYORS
 1412 6th STREET S.W. P.O. BOX 1487 MASON CITY, IOWA 50402-1487
 515-433-8371

NOTES

- 1) THIS TRACT OF LAND IS LOCATED IN THE SW 1/4 OF SEC. 23-96-22
- 2) THE WLY LINE OF BLOCK 3, BAYSIDE IS ASSUMED TO BE AN 00°00'00\"/>

