



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 23-11

Hearing Date: May 30, 2023

Staff Contact: John Robbins, Planning and Zoning Administrator

Applicant

Troy Losee
24328 210th Street
Rockford, IA 50468

Owner

Patrick & Rachel Faga
3133 NW 85th Place
Ankeny, IA 50023

Property Address: 2215 245th Street

Brief Legal Description: Lots 2 & 3, Block 5, Ventura Heights

Zoning: R-3 Single Family Residential

Background

The applicant proposes to construct a 25.5'x14' second story bedroom addition and install a foundation under the existing first story of the same portion of the house (See Figure 1). The existing foundation under the remainder of the house will be repaired as needed. The proposed addition will be constructed within the existing footprint of the house.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
House addition	6.2' rear yard setback	30' rear yard setback (11.6-C)

*See Figures 2 & 3

FINDINGS OF FACT

1. Patrick J. and Rachel M. Faga are the owners of the subject property.
2. Troy Losee is the applicant for the request on behalf of the owners.
3. The property is zoned R-3 Single Family Residential.
4. The proposed house is 6.2' feet from the rear lot line.
5. A 30' rear yard setback is required in the R-3 District.
6. The application was filed on April 17, 2023 with the Planning and Zoning Office.

ANALYSIS

The Board of Adjustment is provided the power to grant special exception under Article 6.2 of the Zoning Ordinance. The Board may grant special exception to an existing non-conforming building setback under the ordinance if, in its judgement, the standards established in Article 6.2 and the remaining standards under 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

Article 6.2 (Existing non-conforming building setback): The particular setback requirement in question is not reduced beyond the existing yard dimension if closer than 50 percent of the applicable setback requirement and all other standards established under Section 24.4(A)(2)(a) of this ordinance are satisfied.

The existing house has a legally non-conforming setback. The proposed addition will be within the existing footprint of the house and have the same setback (6.2') as the existing rear yard setback of the structure (See Figures 2 & 3). 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 dwelling is a principle permitted use in the R-3 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 proposed addition is intended to improve and maintain the rear portion of the house to install a foundation and second story addition. There is also an existing detached garage on the west half of the property, which prevents any reasonable addition from being constructed on the west side of the house within the requirements of the ordinance. The proposed addition is within the existing footprint of the house, and the depth of the lot, like most lots in the neighborhood, limits an average-sized-house from being constructed within front or rear yard setback requirements. 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 is related to the positioning of existing buildings and the depth of the lot as described in the previous standard. Generally, maintenance of the structure is need and intended with the installation of a foundation while also allowing for the second story addition. The standard appears to be met.

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

Any additions to the house are limited by the position of the existing detached garage or already being close to lot lines. Building upwards is the only feasible alternative for an addition. 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 addition will not alter the character of the neighborhood. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

There are no foreseeable negative impacts from the proposed addition. It will be constructed within the existing footprint of the house and will not alter the landscape.

Staff Conclusions and Recommendation

All standards of review appear to be met. Staff recommends approval as requested.

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 Troy Losee on behalf of Patrick and Rachel Faga, 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 Troy Losee on behalf of Patrick and Rachel Faga for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Exception Application
- Exhibit 3: Site plan
- Exhibit 4: Floor plans and renderings
- Exhibit 5: Aerial photo of site

Figure 1

Looking at the portion of the house that the second-story addition and foundation install are proposed



April 18, 2023, J. Robbins

Figure 2

Looking east along the rear lot line (the rear lot line is just behind the fence)



April 18, 2023, J. Robbins

Figure 3

Looking west along the rear lot line (the rear lot line is just behind the fence)



April 18, 2023, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 4/17/23

Date Set for Hearing 5/30/23

Case Number: 23-11

Applicant Name: Troy Losee Phone: 641-430-8284 E-Mail: troyloseeconstruction@gmail.com

Mailing Address: 24328 210th St., Rockford, IA 50468

Property Owner Name: Pat Faga Phone: 515-291-0492 E-Mail: rpfaga@gmail.com

Property Owner Address: 3133 NW 85th Pl., Ankeny, IA 50023

Property Description (Not to be used on legal documents): Parcel # 05-20-306-002-00 township Clear Lake

Property Address: 2215 245th St., Ventura, IA 50482 Zoning: R-3

Brief Legal Description:

Lots 2 and 3 of Block 5 of Ventura Heights.

Project Description

Decision Date: 4/17/23

Removal of rear bedrooms (25.5' x 14') followed by construction of new two-story build using same 25.5' x 14' footprint as removal.

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

The existing structure is set back from the rear lot line by 6.2' which was previously permitted. Current zoning requirements include a 15' rear lot set back. New construction will result in same 6.2' setback as currently exists.
Criteria Justifying Special Exception under Standards for Review (You may add more details in the Additional Information)

See Attached "Criteria Justifying Special Exception Under Standards for Review"

I am the Owner Contract Purchaser Other (Explain) Contractor
_____ 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 Troy Losee

Date 4/17/23

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.

Adjacent properties on both sides exhibit the same non-compliance with current day zoning rear yard setback requirements.

Proposed construction will be in keeping with adjacent property structures. Traffic, access and utility use will not differ from what currently exists.

Criteria Justifying Special Exception Under Standards for Review

The existing structure, previously permitted many years ago, does not meet current zoning requirements for rear yard setback. Proposed new construction will cover the same footprint as the existing structure, so rear yard setback will not change. As such, a special exception is requested.

The granting of the special exception is necessary to permit the improvement proposed.

Proposed construction will not encroach neighboring properties. In addition, there will be no impacts to dust creation, drainage, glare, traffic, odors, noise, safety or any other issues that might be applicable to the approval of this special exception request.

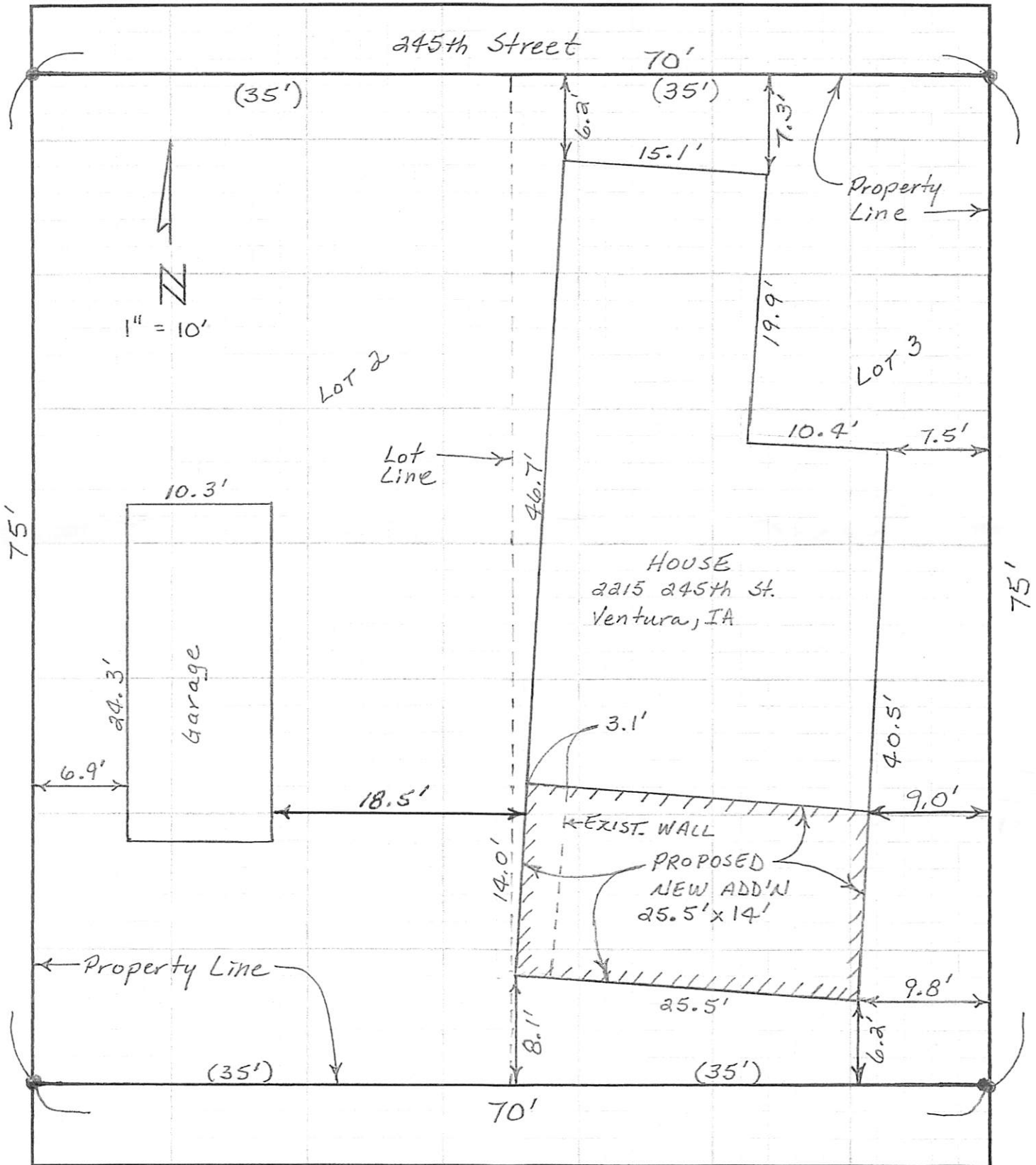
PROJECT # 001

PROJECT Pat Faga - Home Add'n - SITE PLAN

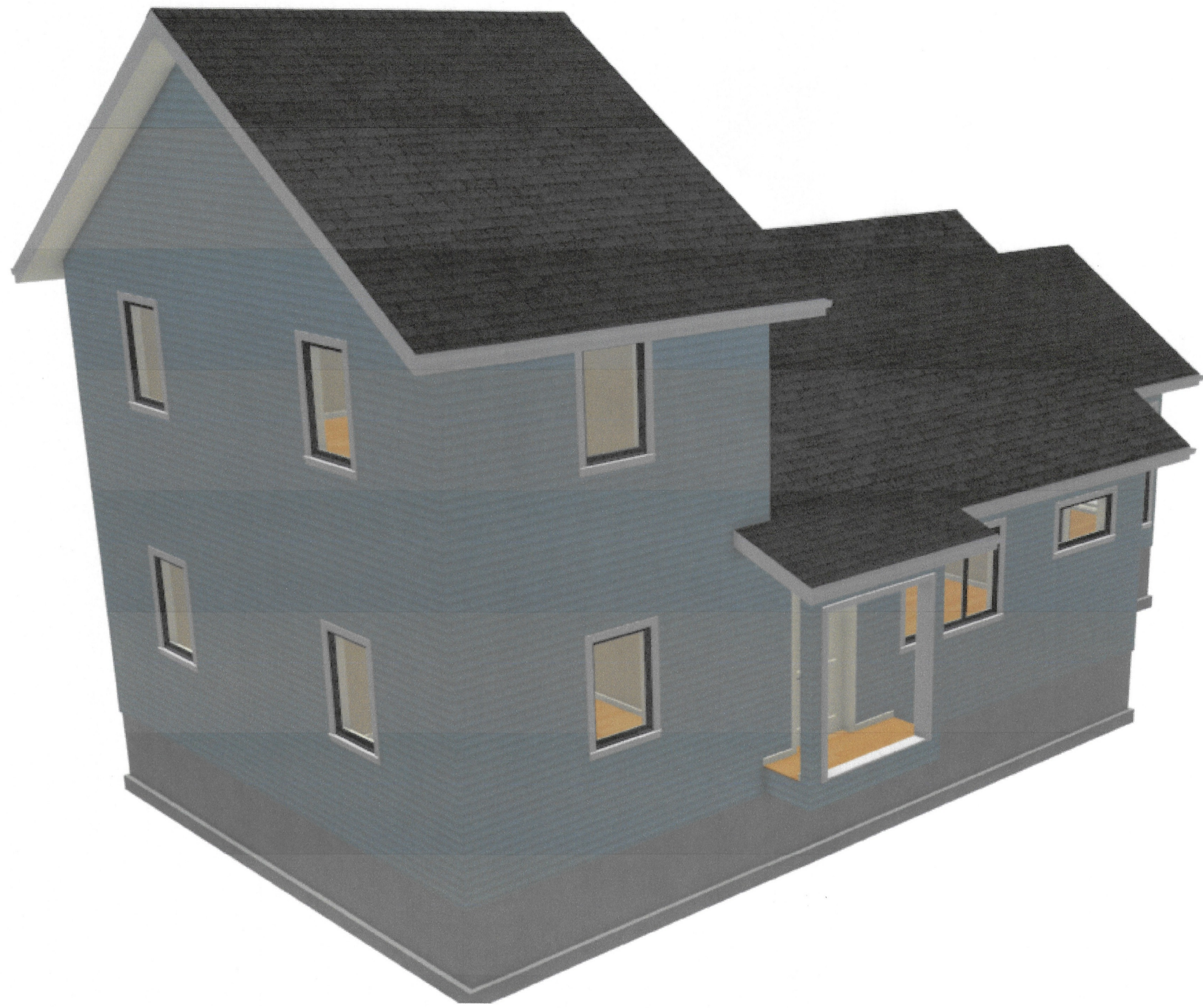
PREPARED BY Troy Losee Const. DATE 4/10/2023

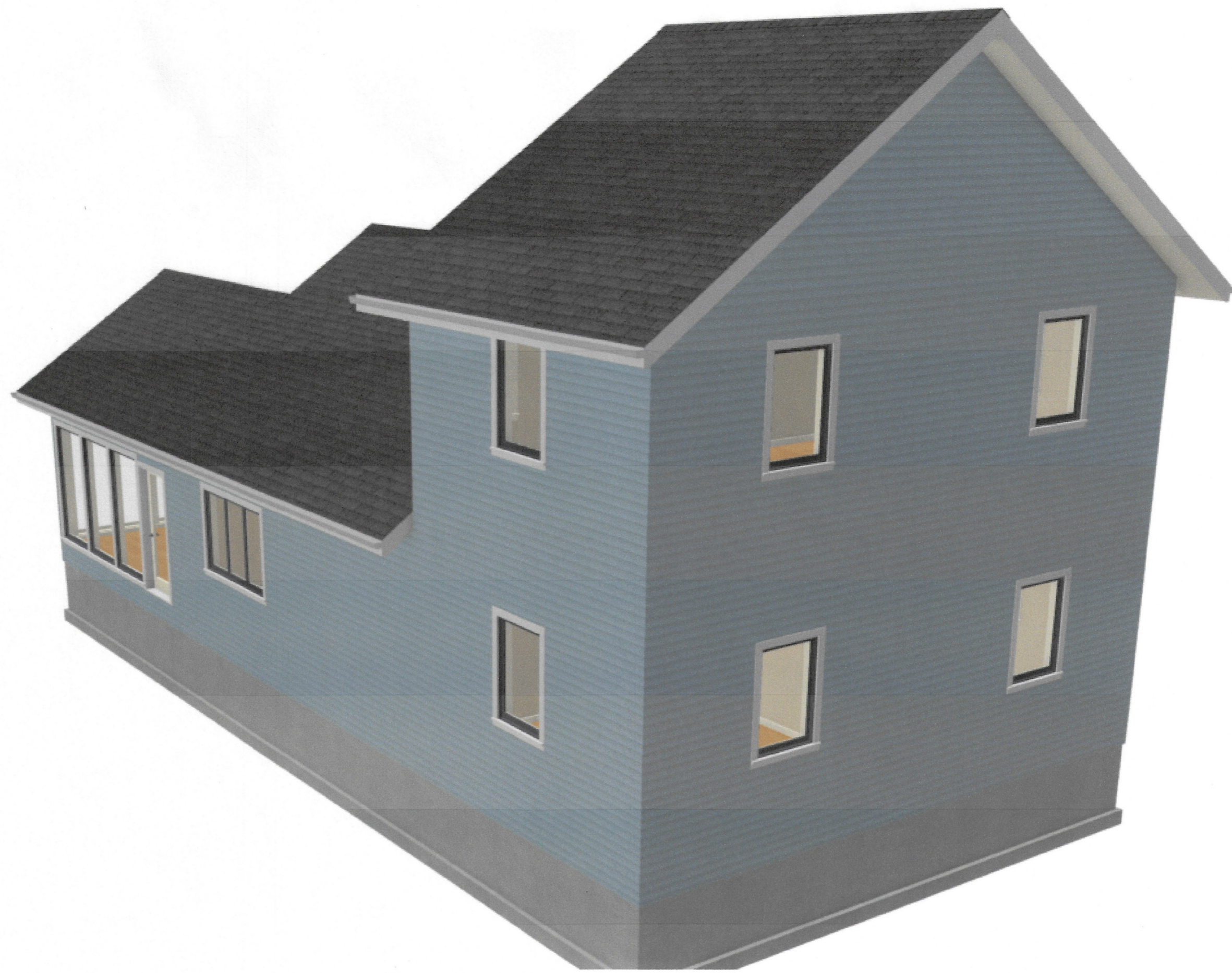
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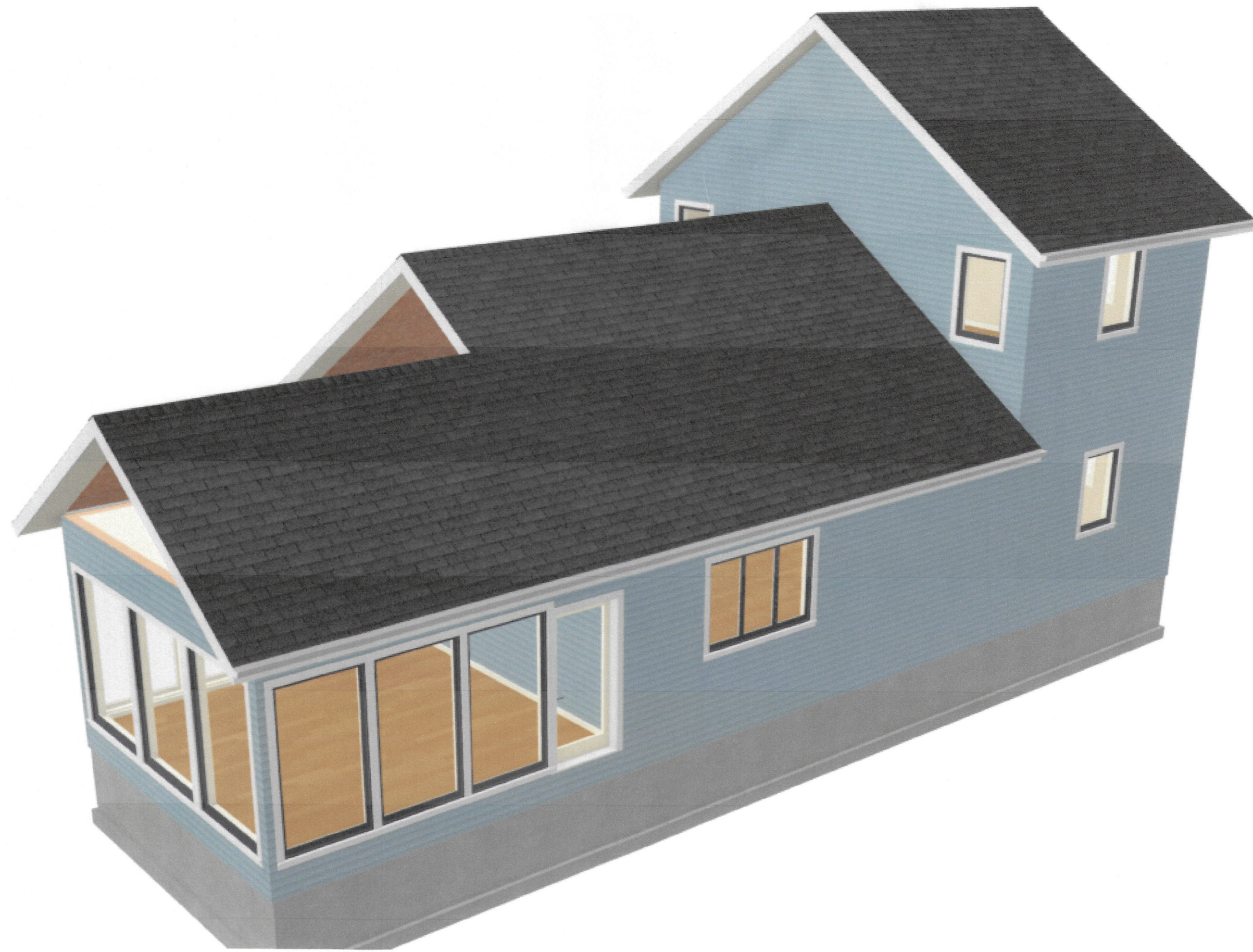
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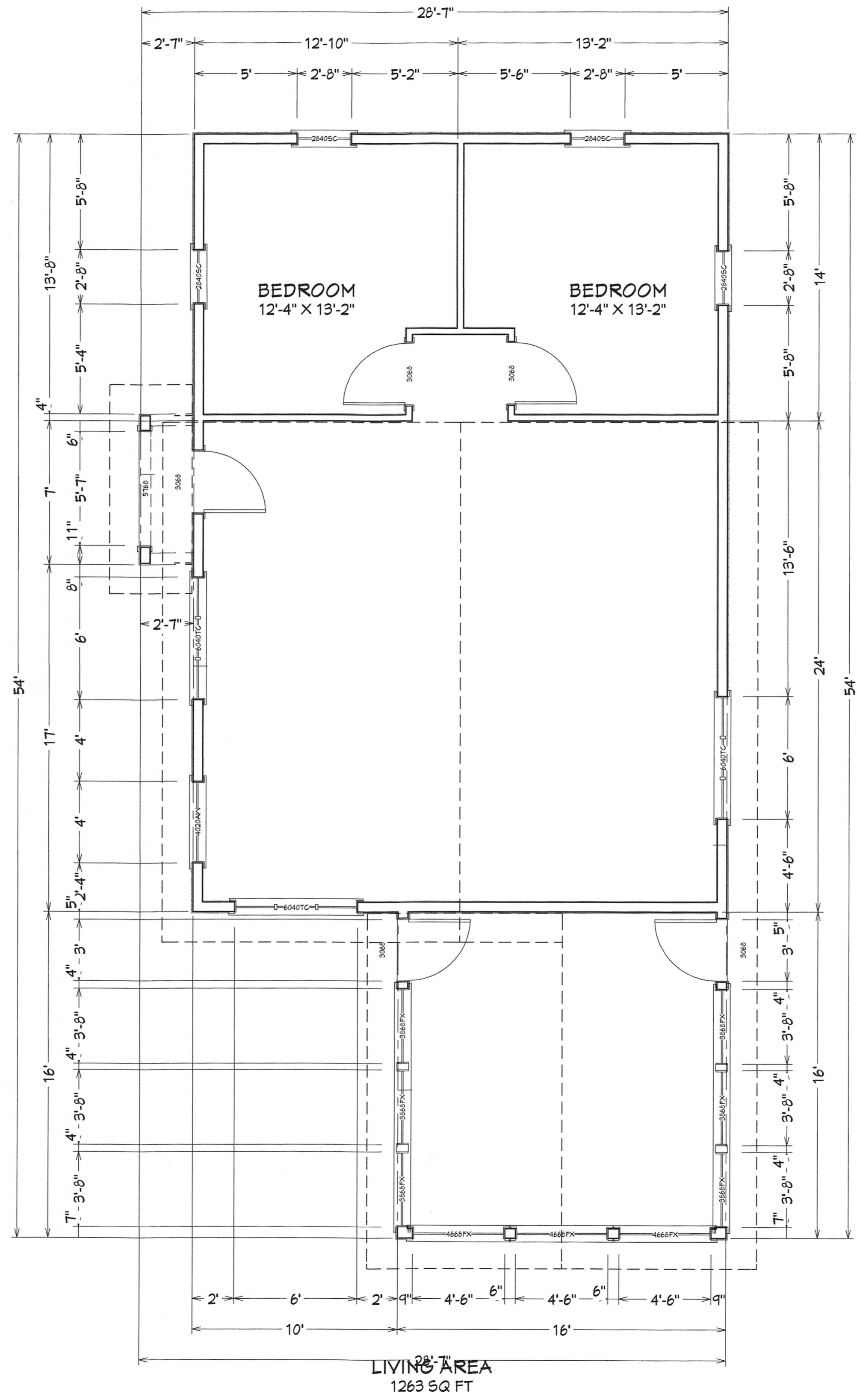
SITE PLAN







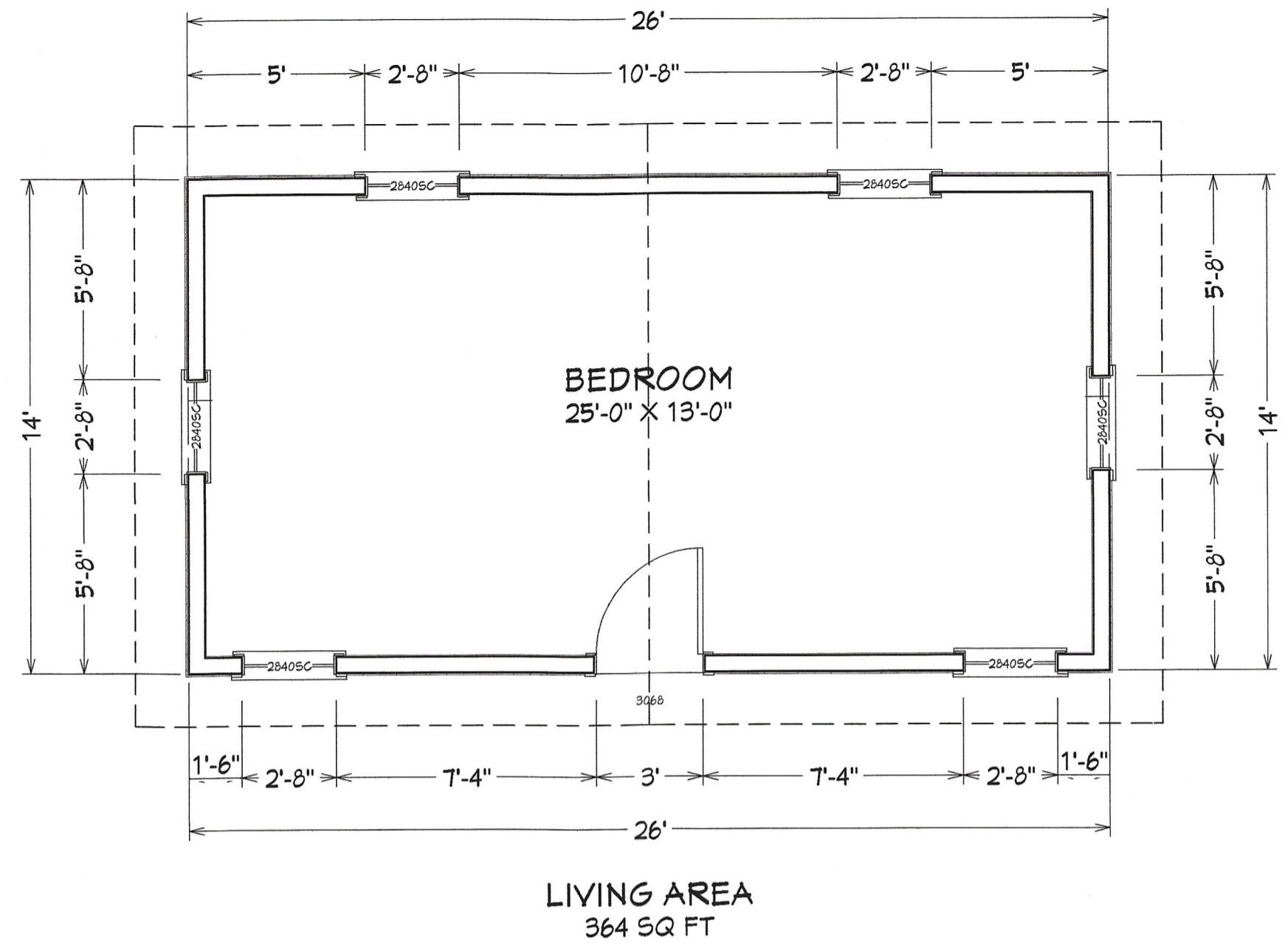




BEDROOM
12'-4" X 13'-2"

BEDROOM
12'-4" X 13'-2"

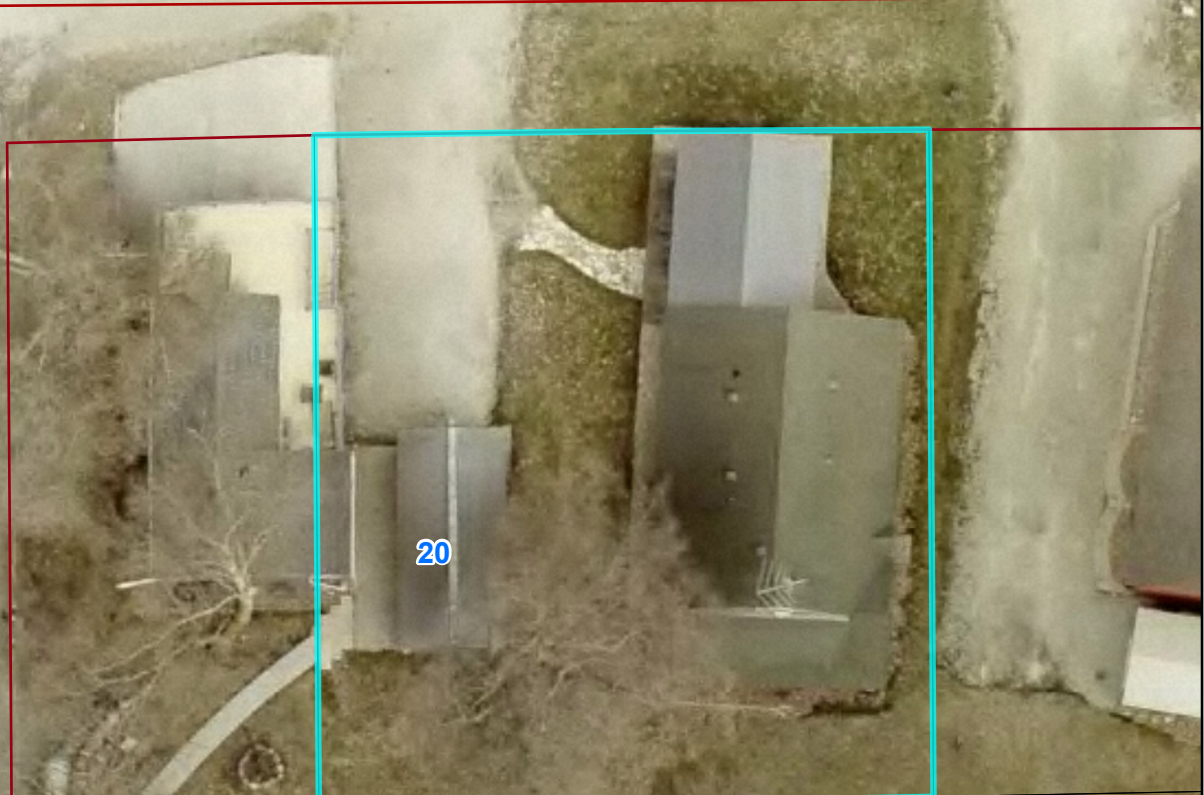
LIVING AREA
1263 SQ FT





245TH ST

245TH ST



20

BAYBERRY AVE



244TH ST