



PLANNING AND ZONING Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254
Tom Meyer, Zoning Administrator
Michelle Rush, Assistant Zoning Administrator

(641) 421-3075
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CORRECTED RESOLUTION 19-25 – STAFF REPORT

SUMMARY OF REQUEST

Case No.: 19-25

Hearing Date: April 30, 2019

Staff Contact: Michelle Rush, Assistant Zoning Administrator

Applicant:

Owner:

William A. Dewey
11091 210th St
Rockwell, IA 50469

Same

Property Address: 11091 210th St, Rockwell, IA 50469

Brief Legal Description: A 7.11-acre parcel located in Section 11, Mount Vernon Township

Zoning: A-2 Agricultural Residence District

Background

On April 30, 2019, William A. Dewey was granted a Special Use Permit by the Board of Adjustment to establish a travel trailer park under Article 20.2(Q) of the Zoning Ordinance on his property. Resolution 19-25 was approved by the Board of Adjustment on May 28, 2019. (See Resolution 19-25)

Our office was notified by Laird Law Firm on October 2, 2024 of an error in the real estate described in the Special Use Permit. The Special Use Permit was inadvertently placed on a 5.41-acre parcel located in Section 9 of Portland Township on property not owned by Mr. Dewey. (See correspondence from Laird Law Firm).

A corrected resolution with the updated legal description is attached. (See Corrected Resolution 19-25)

Staff Conclusion and Recommendation

Staff recommends approval of Corrected Resolution 19-25.

BOARD DECISION

Provided motion of approval:

- Motion to Approve Corrected Resolution 19-25.

Prepared by Michelle Rush, 220 North Washington Ave., Mason City, IA 50401, (641)421-3021
Return to Michelle Rush, 220 North Washington Ave, Mason City, IA 50401, (641) 421-3021

RESOLUTION 19-25

WHEREAS, William A. Dewey is the owner of the following described real estate, to-wit:

A 5.41-acre parcel located in part of the Southeast Quarter of the Northeast Quarter of Section 9, Township 96 North, Range 19 West of the 5th P.M., Cerro Gordo County, Iowa, and

WHEREAS, William Dewey has applied to the Board of Adjustment established by the Zoning Ordinance of Cerro Gordo County, Iowa, for a special use permit to establish a travel trailer park on the property which is zoned A-2 Agricultural Residence, in accordance with Article 20.2(Q), and

WHEREAS, said real property is located in the A-2 Agricultural Residence District under the Cerro Gordo County Zoning Ordinance, and

WHEREAS, said property is located within an area that will not conflict with future growth as designated on the Comprehensive Development Plan of Cerro Gordo County, Iowa, and

WHEREAS, said permit can be granted in keeping with the nature of the neighborhood, and the spirit of the Ordinance will be preserved, and

WHEREAS, a public hearing was held on March 26, 2019 and April 30, 2019, as required by law.

NOW THEREFORE, BE IT RESOLVED by the Board of Adjustment of Cerro Gordo County, Iowa, that the Application of William Dewey on the above described tract of land be granted a Special Use Permit as requested subject to the following regulations and/or conditions:

1. The special use permit may be reviewed at any time in the future upon the request of the applicant or a majority of the Board of Adjustment members.
2. The provisions and/or regulations shall be minimum requirements and wherever the requirements of any other lawfully adopted rules, regulations or ordinances are at a variance, the most restrictive shall govern.

William Dewey

April 30, 2019

3. It is contemplated that from time to time during the operation of a travel trailer park, that conditions may arise which are not covered by the terms of this permit and which cannot be anticipated. In the event such conditions do arise, the Board of Adjustment of Cerro Gordo County, Iowa, may impose additional regulations to meet any new conditions. In addition, if said facility should, at any time, be operated in any manner which violates the rules and regulations of any federal or state regulatory agency, then the Board of Adjustment may impose such other conditions so as to insure compliance with such rules and regulations.
4. This permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of Adjustment of Cerro Gordo County, Iowa, under the terms of this permit.
5. County representatives shall have the right to enter the premises at any time upon notification to the permit holder for the purposes of enforcing the provisions of this Special Use Permit.
6. This Special Use Permit shall be applicable to William Dewey, successors, and assigns as well as any future owner of the travel trailer park.
7. Any other necessary permits or licenses required by federal, state, and local agencies including, but not limited to, the Iowa Department of Natural Resources or the Army Corps of Engineers shall be obtained by the applicant and current copies placed on file with the Zoning Administrator.
8. The requirement for an asphaltic concrete surface on interior drives contained in Section 20.2(Q)(1)(f) is waived. A variance is hereby granted for all interior drives to be 20 feet in width with curve widths and one-way traffic patterns as shown on the site plan. Signs shall be posted directing traffic as necessary throughout the property. It shall be the applicant's responsibility to ensure that dust from interior drives do not become a nuisance. The applicant shall apply dust control as necessary to ensure fugitive dust does not become a nuisance.
9. One or more trash receptacles with a closing lid, impermeable to birds or rodents, shall be provided in a location(s) convenient to users. At no time shall trash be visible above or outside of the receptacle. Trash shall be removed on a regular basis.
10. Use of the travel trailer park shall be limited to the period between April 15 and November 15 of each year. The ongoing storage of unoccupied mobile homes, travel trailers, campers, converted buses, motor homes, tent trailers, or similar devices is prohibited except for the storage of the applicant's personally owned travel trailer.
11. A Zoning Permit shall be required prior to the construction of any permanent structure on the property.
12. Potable water shall be provided in a method approved by the Iowa Department of Natural Resources.
13. The applicant shall file a final site plan within six months of final approval, showing the design and location of the electrical system and hookups, security lighting, dumpsters, vehicular directional signs, vegetative plantings, water distribution system, and wastewater handling. Said site plan shall be consistent with the findings and modifications as approved by the Board of Adjustment and the conditions of this Special Use Permit.
14. Security lights shall be installed at the entrance to the site and elsewhere in the travel trailer park to provide safe vehicular travel within the park.
15. The applicant shall receive all required permits from the Cerro Gordo County Department of Public Health for all well and wastewater facilities. The applicant shall remove wastewater from the site only by a method approved by the Cerro Gordo County Department of Public Health.
16. All recreational vehicles shall be located on the site for less than 180 consecutive days and be fully licensed and ready for highway use at all times as defined by the Zoning Ordinance. Permanently attached additions to any travel trailer or recreational vehicle shall be prohibited.
17. The repair or replacement of any public drainage structures shall be approved by the Cerro Gordo County Board of Supervisors prior to beginning. The request for said repair or replacement shall be made through the Cerro Gordo County Auditor's Office, consistent with the rules and procedures of

Iowa Code Chapter 468 in regard to public drainage districts. All of said repair or replacement of any public drainage structures shall be at the expense of the applicant.

18. At no time shall the applicant obstruct the water flow, or cause to take additional water flow, to the road culvert running under 210th Street (County Road B-43).
19. The applicant shall work with the County Engineer to have traffic signs installed warning driver's traversing 210th Street (County Road B-43) of turning traffic of large vehicles. The costs for the signs and installation of said signs shall be at the applicant's expense.
20. The use of all community facilities, including the game room, laundry, and any future facilities, shall be restricted to occupants of the travel trailer park only.
21. At no time shall vegetation be installed or planted, nor any structure constructed or placed within the vision clearance area as described in Article 6.31(A) of the Zoning Ordinance at the intersection of 210th Street (County Road B-43) and Killdeer Avenue. An 8-foot tall chain link fence may be constructed as shown on the site plan with the issuance of a Zoning Permit so that traffic may clearly see through said vision clearance area. Said fence shall be constructed entirely on the applicant's property.
22. A south side yard setback variance is hereby granted for Lots 2-4 and 14-16 to be no closer than 30 feet.
23. A front yard setback variance, specifically for the travel trailer spaces as required in Article 20.2(Q)(2)(d) of the Zoning Ordinance, is hereby granted for 7, 13, and 14 as shown on the site plan.
24. Parking for one additional vehicle is permitted within Lots 1-6, 9-12, 15, and 16. At no time shall any vehicle be permitted to park on the interior drives designed to traverse around the park. All other vehicles, not including travel trailers using designated lots, shall park in an alternative location designated for such purpose.
25. The applicant shall install a continuous vegetative planting of evergreen or coniferous types along the right-of-way lines of 210th Street (County Road B-43) and Killdeer Avenue behind the chain link fence as shown on the site plan to screen the park. However, said plantings shall not be installed within 25 feet of the intersection of 210th Street and Killdeer Avenue or the culvert running under 210th Street. Said plantings shall be a minimum of 6 feet in height at maturity and not overhang any public right-of-way.
26. The Zoning Administrator shall review this permit two years after the date of final approval by the Board of Adjustment. Any non-compliance shall be brought to the attention of the Board of Adjustment.
27. A front yard setback variance is hereby granted for Lot 13 to be no closer than 26 feet.

BE IT FURTHER RESOLVED this permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of Adjustment of Cerro Gordo County, Iowa, under the terms of this permit.

Motion was made by Charlie Norris on April 30, 2019, to adopt the staff report as the Board's findings and grant the application, subject to the conditions recommended by staff and as modified by the Board of Adjustment, for the establishment of a travel trailer park, and further, that the grant of the application be made effective immediately and on the condition that William Dewey shall perform all operations under the application under the specific direction of the Cerro Gordo County Zoning Administrator, consistent with the proposed conditions and recommendations approved by the Board of Adjustment, until such time as a formal resolution is drafted and adopted by the Board of Adjustment, not to exceed 60 days. Motion seconded by Steve Siemers. Roll call vote taken resulted as follows:

Marquardt-yes

Taylor-yes

Norris-yes

Siemers-yes

William Dewey

April 30, 2019

Motion to approve said Resolution on May 28, 2019, was made by Mary Ann Aslakson and seconded by Heidi Marquardt with the understanding all provisions of said Resolution, are effective retroactive to April 30, 2019. Roll call vote taken resulted as follows:

Marquardt-yes
Aslakson-yes
Taylor-yes
Norris-yes
Siemers-yes

Martha Taylor, Chairman, Cerro Gordo County,
Iowa, Zoning Board of Adjustment

ATTEST:

Michelle Rush, Secretary, Cerro Gordo
County, Iowa, Zoning Board of Adjustment



ATTORNEYS AT LAW – FOUNDED IN 1938
www.lairdlawfirm.com

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Office: (641) 423-5154
Email: gstambaugh@lairdlawfirm.com

Legal Assistants:
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Email: twubben@lairdlawfirm.com
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Toni M. Kreitzer
Email: tkreitzer@lairdlawfirm.com

October 2, 2024

Michelle R. Rush
Assistant Zoning Administrator
Cerro Gordo County Planning & Zoning
Cerro Gordo County Courthouse
220 North Washington Avenue
Mason City, Iowa 50401
SENT BY EMAIL TO mrush@cgcounty.org

**IN RE: WILLIAM A. DEWEY II
11091 210TH STREET
ROCKWELL, IOWA 50469
CERRO GORDO COUNTY RESOLUTION 19-25/
DOCUMENT NO. 2019-2596**

Michelle:

It was recently brought to our attention that the special use permit granted by the Board of Adjustment referred to a 5.41-acre tract located in SE ¼ NE ¼ 9-96-19.

We have attached a copy of each of:

1. The revised Plat of Survey dated April 12, 2012, and filed May 3, 2012, as Document No. 2012-3091, which regards a 5.41-acre tract in SE ¼ NE ¼ 9-96-19.
2. The Plat of Survey dated December 4, 2008, and filed December 12, 2008, as Document No. 2008-8691 (parcel no. 10-11-100-006-00) which regards 11091 210th Street, Rockwell, Iowa 50469.

It would appear that the Resolution referred to the wrong property.

Let's discuss whether I am correct with my initial conclusions. If I am correct, then we can discuss what corrective action would be appropriate.

Mason City Office:
11 – 4th St NE, PO Box 1567
Mason City, IA 50402-1567
Telephone: (641) 423-5154
Facsimile: (641) 423-5310

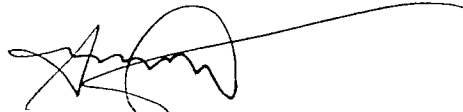
Clear Lake Office:
306 Main Ave, PO Box 187
Clear Lake, IA 50428
Telephone: (641) 357-7296
Facsimile: (641) 423-5310

Waverly Office:
94 E Bremer Ave, PO Box 808
Waverly, IA 50677
Telephone: (319) 596-1212
Facsimile: (641) 423-5310

October 2, 2024
Page 2

We look forward to working with you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Gerald M. Stambaugh', with a long horizontal flourish extending to the right.

Gerald M. Stambaugh

Attachments

cc.

William A. Dewey II
P.O. Box 102
Rockwell, Iowa 50469-0102
SENT BY EMAIL TO loudforthecloud@hotmail.com

GMS:nap:R:\Stambaugh\re\ltr\dewey.william II.5.docx

Doc. #: 2012-3091
 Type: ISUR Pages: 1
 Date: 05/03/2012 Time: 09:48 AM
 R: \$5.00 - Tr: \$0.00 - M: \$1.00 - Tc: \$1 - N: \$0
 Pymt: Check

Aud

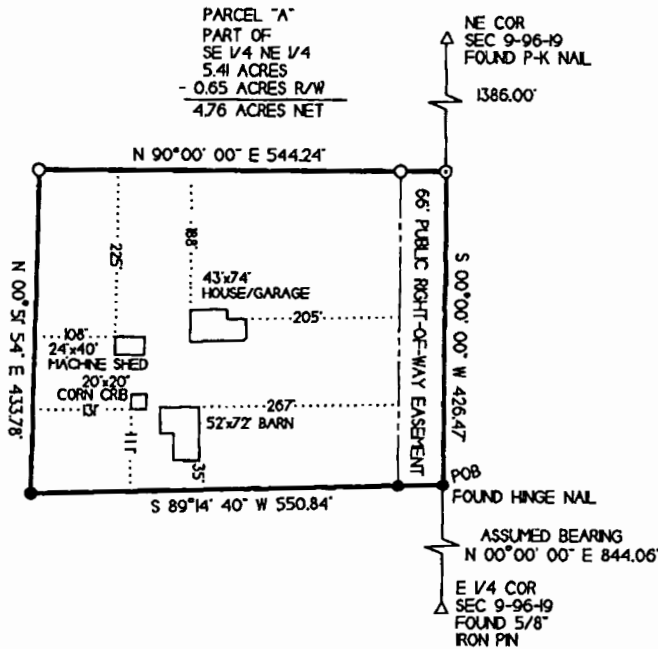
Colleen Pearce, Cerro Gordo County Recorder

PREPARED BY: KENNETH D. STARK 1622 SOUTH TAFT MASON CITY, IOWA 50401 (641) 423-7947

REVISED PLAT OF SURVEY

REPLACES CERRO GORDO COUNTY RECORDER'S DOCUMENT #201-6168

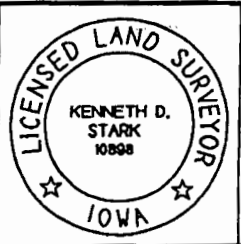
PART OF SE 1/4 NE 1/4
 SECTION 9-T96N R19W
 CERRO GORDO COUNTY, IOWA



***** DESCRIPTION *****

A PARCEL OF LAND DESIGNATED AS PARCEL "A", LOCATED IN PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 9, TOWNSHIP 96 NORTH, RANGE 19 WEST OF THE 5th P.M., CERRO GORDO COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS:
 COMMENCING AT THE EAST QUARTER CORNER (E 1/4 COR) OF SAID SECTION 9; THENCE ON AN ASSUMED BEARING N 00° 00' 00" E 844.06 FEET ALONG THE EAST LINE OF THE SAID NORTHEAST QUARTER (NE 1/4) TO THE POINT OF BEGINNING; THENCE S 89° 14' 40" W 550.84 FEET; THENCE N 00° 51' 54" E 433.78 FEET; THENCE N 90° 00' 00" E 544.24 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE S 00° 00' 00" W 426.47 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. SAID PARCEL "A" CONTAINS 5.41 ACRES INCLUDING 0.65 ACRES IN PUBLIC RIGHT-OF-WAY EASEMENT.

- SCALE 1" = 200'
- - SET 1/2" REBAR/YPC 10898
 - ⊙ - SET MAG NAIL
 - - FOUND 1/2" REBAR/YPC 10898 UNLESS NOTED
 - △ - SECTION CORNER AS NOTED
 - POB - POINT OF BEGINNING
 - YPC - YELLOW PLASTIC CAP



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY PERSONAL SUPERVISION AND THAT I AM A FULLY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Kenneth D. Stark 04-12-12
 KENNETH D. STARK DATE
 LICENSE NUMBER 10898
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2013
 PAGES OR SHEETS COVERED BY THIS SEAL: 1

Doc. #: 2008-8691
 Type: ISUR Pages: 1
 Date: 12/12/2008 Time: 08:47 AM
 R: \$5.00 - Tr: \$0.00 - M: \$1.00 - Tc: \$1 - N: \$0
 Pymt: Check

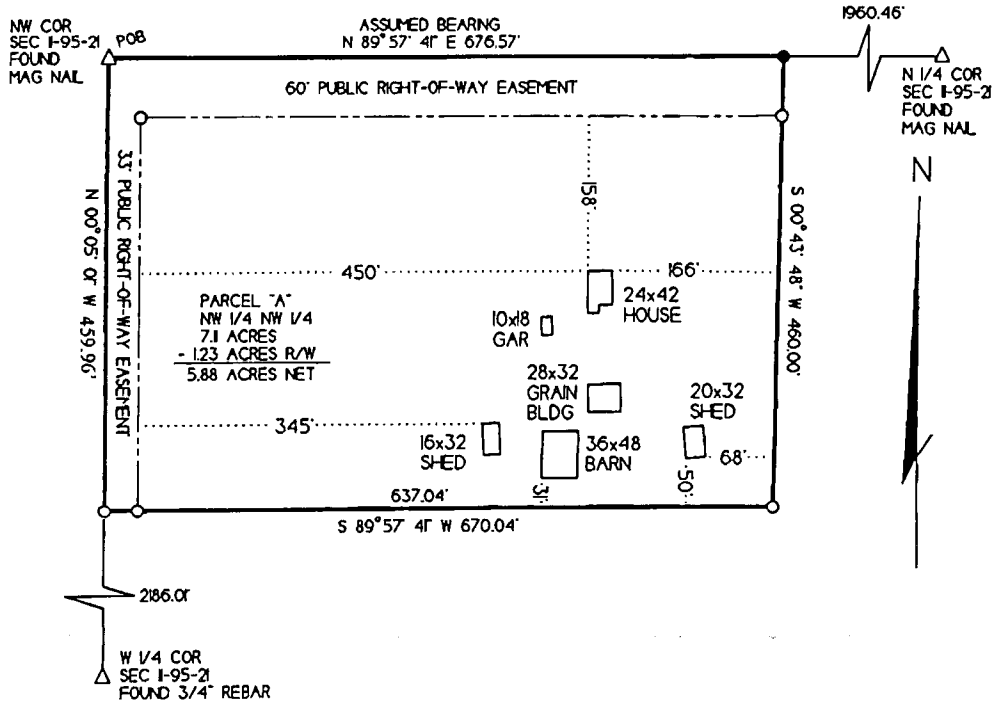
And

Colleen Pearce, Cerro Gordo County Recorder

PREPARED BY: KENNETH D. STARK 1622 SOUTH TAFT MASON CITY, IOWA 50401 (641) 423-7947

PLAT OF SURVEY

PART OF NW 1/4 NW 1/4
 SECTION 11-T95N-R21N
 CERRO GORDO COUNTY, IOWA

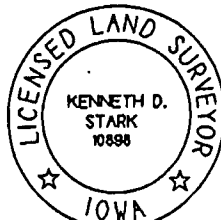


***** DESCRIPTION *****

A PARCEL OF LAND DESIGNATED AS PARCEL "A", LOCATED IN PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 95 NORTH, RANGE 21 WEST OF THE 5th P.M., CERRO GORDO COUNTY, IOWA, DESCRIBED AS:
 BEGINNING AT THE NORTHWEST CORNER (NW COR) OF SAID SECTION 11; THENCE ON AN ASSUMED BEARING N 89° 57' 41" E 676.57 FEET ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11; THENCE S 00° 43' 48" W 460.00 FEET; THENCE S 89° 57' 41" W 670.04 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER (NW 1/4); THENCE N 00° 05' 01" W 459.96 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING. SAID PARCEL "A" CONTAINS 7.11 ACRES, INCLUDING 1.23 ACRES IN PUBLIC RIGHT-OF-WAY EASEMENT.



- - SET 1/2" REBAR/YELLOW CAP 10898
- - SET MAG NAIL
- △ - SECTION CORNER AS NOTED
- POB - POINT OF BEGINNING



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Kenneth D. Stark 12-09-08
 KENNETH D. STARK DATE
 LICENSE NUMBER 10898
 MY LICENSE RENEVAL DATE IS DECEMBER 31, 2009
 PAGES OR SHEETS COVERED BY THIS SEAL: 1

Prepared by Michelle Rush, 220 North Washington Ave., Mason City, IA 50401, (641)421-3075
Return to Michelle Rush, 220 North Washington Ave, Mason City, IA 50401, (641) 421-3075

CORRECTED RESOLUTION 19-25

WHEREAS, Resolution 19-25 was approved by the Board of Adjustment on May 28, 2019 and was recorded on May 29, 2019 with the Cerro Gordo County Recorder's Office as Document No. 2019-2596, and

WHEREAS, the legal description described in Resolution 19-25 contained errors (including omissions), and

WHEREAS, the correct legal description should be described as, Parcel A located in part of the Northwest Quarter (NW¹/₄) of the Northwest Quarter (NW¹/₄) of Section 11, Township 95 North, Range 21 West of the 5th P.M., Cerro Gordo County, Iowa, as described and depicted in Plat of Survey signed December 4, 2008 and filed December 12, 2008 as Document No. 2008-8691 in the Office of the Cerro Gordo County, Iowa Recorder, and

WHEREAS, all other conditions of the Special Use Permit granted by the Board of Adjustment on May 29, 2019, shall remain in full force and effect, and

NOW THEREFORE, BE IT RESOLVED by the Board of Adjustment of Cerro Gordo County, Iowa, that the corrected legal description be approved.

Motion was made by _____ on October 29, 2024, to approve and update the corrected legal description in Resolution 19-25. Motion seconded by _____. Roll call vote taken resulted as follows:

Charlie Norris, Chairman, Cerro Gordo County,
Iowa, Zoning Board of Adjustment

ATTEST:

William Dewey

October 29, 2024

Michelle Rush, Secretary, Cerro Gordo
County, Iowa, Zoning Board of Adjustment

William Dewey

October 29, 2024