



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 23-22

Hearing Date: November 28, 2023

Staff Contact: Michelle Rush, Assistant Zoning Administrator

Applicant:

Prairieland Homes
2610 Northridge Pkwy, Ste 107
Ames, IA 50010

Owner:

Dan Wilson
1602 Ada Hayden Rd
Ames, IA 50010

Property Address: 3930 240th St, Clear Lake, IA 50428

Brief Legal Description: W½ of Lot 4 & all of Lot 5, Tanglefoot

Zoning: R-3 Single Family Residential

Background

Danny Wilson requested a dwelling addition including a new grill patio, sunroom, and deck on the lakeside of the house, a second story addition, and a new carport on the west side of the garage. The dwelling additions were approved except for the carport that did not meet the front yard setback average of 26'.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Carport/Garage reconstruction/2 nd story attic storage	15'-1¼" front yard setback	26' front yard setback, per average of setbacks within 200' (6.11)

*See Figures

FINDINGS OF FACT

1. Danny W. Wilson is the owner of the subject property.
2. Prairieland Homes is applying for the request on behalf of the owner.
3. The property is zoned R-3 Single Family Residential.
4. A 15'-1¼" front yard setback is required, per the average of front yard setbacks within 200'.
5. The application was filed on October 31, 2023

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 proposed carport, garage reconstruction, and attic storage are 15'-1¼" from the front lot line, which is further than 50 percent of the requirement. A 26' front yard setback is required, per the average of front yard setbacks within 200'. 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. 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 applicant intended to keep the original house and garage and construct the proposed carport as an addition, along with an already permitted new grill patio, new sunroom and deck on the rear (lake) side of the house and second story addition. Upon beginning work, the contractor discovered, that most of the existing house was rotten or not up to code—necessitating almost a full reconstruction of the house. As a result, the proposed garage reconstruction and attic storage was added to this special exception request. The proposed front yard setback request is equal to the original front yard setback of the original house. Reconstruction is needed due to safety concerns. As a result, 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 condition of the original house was only discovered as a result of beginning construction for the purpose of the already-permitted, new grill patio, new sunroom and deck and second story addition upon removal of portions of the rear wall of the house. This created the situation based on existing circumstances of the original house and being made for safety reasons. The standard appears to be met.

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

The request is being made to preserve as much material from the original house as possible. As much of the underlying structure of the walls of the original house for the first story were retained as possible. To do this, the applicant is keeping the proposed garage reconstruction within the footprint of the original 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.

The character of the neighborhood will not be changed as a result of this request. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

The proposed garage reconstruction—and for the vast majority of the house—is being made due to shoddy construction of the original house, which is a safety matter. This will prevent a potentially disastrous situation had the original house remained in place as it was. Otherwise, there are no foreseeable negative impacts from the request.

Staff Conclusions and Recommendation

All standard 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 Prairieland Homes on behalf of Dan Wilson, 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 Prairieland Homes on behalf of Dan Wilson for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

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

Figure 1

Looking at the location of the proposed carport and garage reconstruction



November 15, 2023

Figure 2

Looking west along the front lot line



November 15, 2023