

Cerro Gordo County Planning & Zoning Staff Report SPECIAL USE

Case No.: Case No. 19-27	Date of Application: April 4, 2019
Use Request: 20.2(HH) Second dwelling on a farm	Owner: Dean and Jody Yezek
Current Zoning: A-1 Agricultural	Petitioner: Dean and Jody Yezek
Address: 22881 Vine Avenue Plymouth, IA 50464	Size of Special Use: 16'x66'
Legal: NW¼, NW¼, Section 15, Falls Township	Size of Parcel: 40 acres
	Hearing Date: April 30, 2019

BACKGROUND INFORMATION:

1) PURPOSE OF SPECIAL USE REQUEST -

Dean and Jean Yezek (Yezeks) are proposing to install a second agricultural, 16'x66' dwelling (mobile home) on their property (See Figure 1). The new mobile home will replace an existing mobile home on the property, which is not in a good living condition (See Figure 2). The existing mobile home was installed in 1973. The Yezeks will live in the proposed second dwelling. There is also an existing home in which the applicants' son Mike and his family live (See Figure 3). Mike conducts the farming operations for the family. The Zoning Ordinance allows only one dwelling per parcel in the A-1 Agricultural District. However, the ordinance permits second dwellings for a member of the immediate family or farm workers on property zoned A-1 with a Special Use Permit under Section 20.2(HH).

2) EXISTING LAND USE AND ZONING CLASSIFICATION OF PROPERTY –

The property has an existing house on the property in which the Yezeks' son and his family currently live (See Figure 3). The Yezeks live in the existing mobile home, which the proposed second dwelling will replace (See Figure 2). There are also several farm structures located on the building site.

The remainder of the property is used to raise crops. The property is zoned A-1 Agricultural.

3) LAND USE AND ZONING CLASSIFICATION OF SURROUNDING PROPERTY -

All surrounding property is zoned A-1 Agricultural. There are three acreages to the west and northwest of the property: 21951 320th Street (west); 23108 Vine Avenue (northwest); and 23097 Vine Avenue (north) respectively. All of the remaining surrounding land is in agricultural production.

There is a significant floodplain to the west of Vine Avenue.

GENERAL FINDINGS:

1) HARMONY AND ACCORD WITH GENERAL PRINCIPLES AND PROPOSALS OF ZONING ORDINANCE -

The stated purpose of the Zoning Ordinance is to promote public health, safety, morals, comfort, and general welfare. It is also intended to conserve property values, encourage the most appropriate use of land, facilitate the adequate but economical provision of public improvements, and provide the social and economic advantages that result from an orderly planned use of land.

The proposed dwelling should not be a detriment to public health, safety, or other goals of the Zoning Ordinance. The new house will be used for single family use. The residents of the proposed ag-dwelling already live on the

property and are the applicants. The proposed special use does not change the use of the property and should not result in any negative impacts to neighbors than what already exists.

The nearest residence is located across Vine Avenue at 21951 Vine Avenue, just northwest of the site.

2) COMPATIBILITY OF USE WITH APPEARANCE AND ESSENTIAL CHARACTER OF AREA -

The proposed mobile home does not change the existing or future uses of the property (See Figure 1). The Yezeks already use the property as a homestead, and two homes already exist onsite (See Figures 2 & 3). Single-family dwellings are a common use in the rural areas of Cerro Gordo County.

3) IMPACT ON EXISTING AND FUTURE USES, VICINITY, AND COMMUNITY AS A WHOLE -

The proposed mobile home has no significantly greater impact on the area than the existing farming operations and residential uses already occurring on the property. There are already two dwellings on the property, so no change in use of water or wastewater facilities will occur as a result. Any necessary well or wastewater treatment permits for the new dwelling required by the Health Department should be made a condition of the Special Use Permit.

There are minimal foreseeable negative impacts to the surrounding area or the community as a whole. The visual impact will be negligible, as the use of the property is for ag-residential purposes.

4) ADEQUACY OF PUBLIC SERVICES (i.e., highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools) -

Vine Avenue (County Road S62) is a paved road. A paved road is ideal for single family dwelling development.

Law enforcement protection is provided by the Cerro Gordo County Sheriff's Department. Fire protection is provided by the Plymouth Fire Department. Emergency Medical Services are provided by both the Plymouth Fire Department and Mason City Fire Department. There should not be a significant increase in demand for either service if the Special Use Permit is approved.

The nearest mapped floodplain area is over 300 feet from the acreage on the west side of Vine Avenue, which is Rock Falls Creek. None of the property is located within a floodplain. The site is not near any drainage district or any drainage structures.

The new dwelling will utilize existing private water and wastewater systems. Nonetheless, obtaining any necessary well or wastewater treatment permits for the new house required by the Health Department should be made a condition of the Special Use Permit. Electric service is already served to the site.

There will not be an impact on schools.

5) PUBLIC COST FOR ADDITIONAL PUBLIC FACILITIES AND SERVICES -

The proposed dwelling should not result in additional costs to the public. No additional public facilities or services are likely to be needed.

6) **POTENTIAL DETRIMENTS TO PERSONS, PROPERTY, OR GENERAL WELFARE (i.e., excessive traffic, noise, smoke, fumes, glare, or odors) -**

The homestead is accessed off of Vine Avenue, which carries 310 vehicles per day. No change in traffic is anticipated since the Yezeks currently live on the property.

No smoke, fumes, glare, or odors are anticipated to be created by the use.

7) **COMPATIBILITY AND CONSISTENCY WITH THE INTENT AND PURPOSE OF THE ZONING DISTRICT -**

The Zoning Ordinance intends that property in the A-1 District remain in agricultural use when possible. The proposed use is consistent with this purpose and continues the existing agricultural uses occurring on the property.

A second dwelling for family and operators of the farm is consistent with the permitted uses in the A-1 Agricultural District. It is a special use that has been granted many times by the Board in the past.

8) **COMPATIBILITY WITH COUNTY COMPREHENSIVE PLAN -**

There are four statements in the Agricultural and Farming section of the Comprehensive Plan that are applicable to this proposed use.

Policy 3.1.1: This policy statement discourages the development of agricultural soils for non-farm uses. The proposed Special Use is a farm use in essence and is in line with this policy.

Policy 3.1.2: This policy says that the Corn Suitability Rating (CSR) is to be applied as a factor for the review of any development affecting agricultural soils. No soils in agricultural production will be impacted by the special use. While the location of the second dwelling has a CSR of 72, the county GIS system shows the site has been used as a building site since at least 1930.

Policy 3.1.3: Similar to policy 3.1.2, this policy states other factors besides CSR are to be applied to development affecting agricultural soils. Again, the proposed special use will not impact any farming operations.

Policy 3.1.4: This policy encourages the use of farming techniques and soil conservation practices to protect top soil and prevent degradation to water resources. The proposed new mobile home will utilize existing well and wastewater facilities. Any permits required by the Health Department should be made a condition of the Special Use Permit.

COMPLIANCE WITH ADDITIONAL ARTICLE 20 REQUIREMENTS:

Additional requirements for the special use requested are as follows. Ordinance provisions are in normal type. Staff comments are in **bold**:

20.2 SPECIAL USES

HH. Second dwelling on a farm for someone in the immediate family or a full-time farm employee. A-1 District. **The Zoning Ordinance defines “Immediate Family” as, “Father, mother, brother, sister, son, daughter – related by blood or marriage or adoption.” The proposed mobile home will be occupied by the Yezeks (See Figure 1). Their son, who conducts the farming activities, and his family live in the existing house (See Figure 3). The property is zoned A-1.**

ZONING DISTRICT REQUIREMENTS:

Requirements of the zoning district for which the proposed special use is to be located are as follows. Ordinance provisions are in normal type. Staff comments are in **bold**:

7.5 HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty five (35) feet. **The proposed mobile home will be one story and not exceed the maximum permitted height.**

7.6 YARD REQUIREMENTS

Each lot shall have the front, side and rear yards not less than the depths or widths following:

- A. Front yard depth, fifty (50) feet. **The proposed mobile home is set back 177 feet from the front lot line (See Figure 1)**
- B. Each side yard width, twenty-five (25) feet. **The proposed side yard setbacks are over 500 feet.**
- C. Rear yard depth, thirty (30) feet. **The proposed rear yard setback is well over 1,000 feet.**

MISCELLANEOUS REQUIREMENTS

- Minimum parcel size is 10 acres. **The property is 40 acres in size.**
- **A Zoning Permit Application is on file in the event the Special Use Permit is approved. However, the project likely qualifies ag-exempt from such Zoning Requirements per state law if the Special Use.**
- Section 6.19 states, "The minimum dimension of the main body of the dwelling unit shall not be less than twenty-two (22) feet. **The width of the house is 16 feet. If the project qualifies as ag-exempt, it would be exempt from this requirement. However, the mobile home will need to meet minimum standards to qualify as a single family dwelling under the Zoning Ordinance. These are as follows.**
 - 1. **It has received a HUD certificate in accordance with 42 U.S.C. Section 5415;**
 - 2. **It is not constructed or equipped with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site which does not have wheels or axles permanently attached to its frame or body;**
 - 3. **It does not have a vehicular certificate of registration; and**
 - 4. **It is taxed as real property by the assessor.**
- Section 6.20 requires the minimum ground floor coverage area of a single story dwelling to be 720 square feet of usable space. **The proposed mobile homes dimension is 16'x66', which is 1,056 square feet.**
- Section 6.9 of the Zoning Ordinance requires a 10' separation between the principal structure and all accessory structures as well as between all accessory structures. **The proposed mobile home will be about 30 feet from the nearest detached structure (See Figure 4).**

STATUTORY REQUIREMENTS:

Additional requirements under Iowa Code pertain to the Special Use applied for:

Any required permits for on-site wastewater treatment and the well must be obtained from the Cerro Gordo County Department of Public Health prior to issuance of a Zoning Permit.

STAFF ANALYSIS AND RECOMMENDED ACTION:

I find this to be an appropriate location for a second dwelling. Although the project is likely ag-exempt and the proposal appears to meet all minimum requirements, I would still recommend requiring a Zoning Permit Application to be filed with the Planning and Zoning Office be made a condition of the Special Use Permit. The residents of both houses will be immediate family members and be involved with the farming operations on the property. To ensure environmental health regulations are met, required permits from the Health Department should also be made a condition of approval. This proposal is generally in line with the goals of the Comprehensive Plan.

RECOMMENDED CONDITIONS TO BE MET IF POSITIVE VOTE BY BOARD OF ADJUSTMENT:

Note: In granting a Special Use Permit, the Board of Adjustment may attach conditions which it finds are necessary to carry out the purpose of the Zoning Ordinance, in conformance with what is provided in Article 20 of the Zoning Ordinance, and where reasonable and necessary may increase the required lot or yard, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, and require screening and landscaping to reduce noise and glare and maintain the property in character in keeping with the surrounding area. Special uses shall ordinarily comply with the standards of the district concerned for principal uses which are permitted therein, except as modified by the Board of Adjustment in granting a Special Use Permit.

The following conditions are recommended:

1. This Special Use Permit may be reviewed at any time in the future upon the request of the applicants 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.
3. It is contemplated that from time to time during the operation of a second farm dwelling, 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 use 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 is granted solely to Dean and Jody Yezek and members of the immediate family. Only a member of the Yezeks' immediate family, as defined by the Zoning Ordinance, shall occupy either dwelling. One of the two dwellings shall be removed or the property subdivided if the occupation of either dwelling by a person outside of the immediate family occurs. Any transfer of ownership of either dwelling to a person outside of the immediate family shall require the same.
7. A Zoning Permit Application shall be applied for and a Zoning Permit granted by the Zoning Administrator for new construction or development on this property, prior to construction. Necessary permits or authorizations shall be issued by the Cerro Gordo County Department of Public Health prior to issuance of a Zoning Permit.
8. The second dwelling shall use the existing access to the property. No separate access is allowed.
9. The second dwelling, being a mobile home, shall meet all standards to qualify as a single family dwelling as defined by the Cerro Gordo County Zoning Ordinance.

QUESTIONS & COMMENTS:

Proposed motion for approval of application: To adopt the staff report as the Board's findings and to grant the application, subject to the conditions recommended by staff and as modified by the Board of Adjustment, for the placement of a second farm dwelling, and further, that the grant of the application be made effective immediately and on the condition that Dean and Jody Yezek 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.

Proposed motion for denial of application: To adopt the staff report as the Board's findings and to deny the application for the reasons stated in the staff report as well as for the following reasons: **[STATE ADDITIONAL REASONS FOR DENIAL, IF ANY]**. Said reasons for denial shall be stated in the official transcript and minutes of the Board of Adjustment, and shall be made in writing to the applicant in letter form by the Board's secretary.

Prepared by:
John Robbins
Planning and Zoning Administrator
Final Draft date – April 17, 2019

04-13-100-001-06

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 4-2-19

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Dean + Jody YezeK
(NAME)

OF 22881 W:ve Ave Plymouth, Iowa 50464
(MAILING ADDRESS)

respectfully request that a determination be made by the Board of Adjustment on this Application/Appeal based on the letter written by the Zoning Administrator dated _____ for the reason that it was a matter which, in his/her opinion, should come before the Board of Adjustment.

This Application/Appeal is: (Please Check One)

- A Variance to a Zoning District requirement where there are unusual conditions or circumstances which cause a hardship when the provisions of Zoning are strictly applied.
- A Special Use listed in Article 20.2 of the Zoning Ordinance upon which the Board is required to act under the Ordinance.
- An Appeal where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.

The property affected is located in Section 15 of Falls Township.

The property affected is zoned A-1 according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is: _____

I am the Owner Contract Purchaser Other (Explain) _____
_____ of the property affected.

Describe what you are proposing to do on the property affected.

We plan to replace old Mobile Home
with a new one (Mobile Home)

I (We) grant permission to the Planning & Zoning staff and Board of Adjustment members to enter onto the above described property for purposes of review.

I (We) further state that if this request is granted, I (We) will proceed with the actual construction in accordance with the purposes herein stated and any conditions and/or requirements the Board of Adjustment may stipulate.

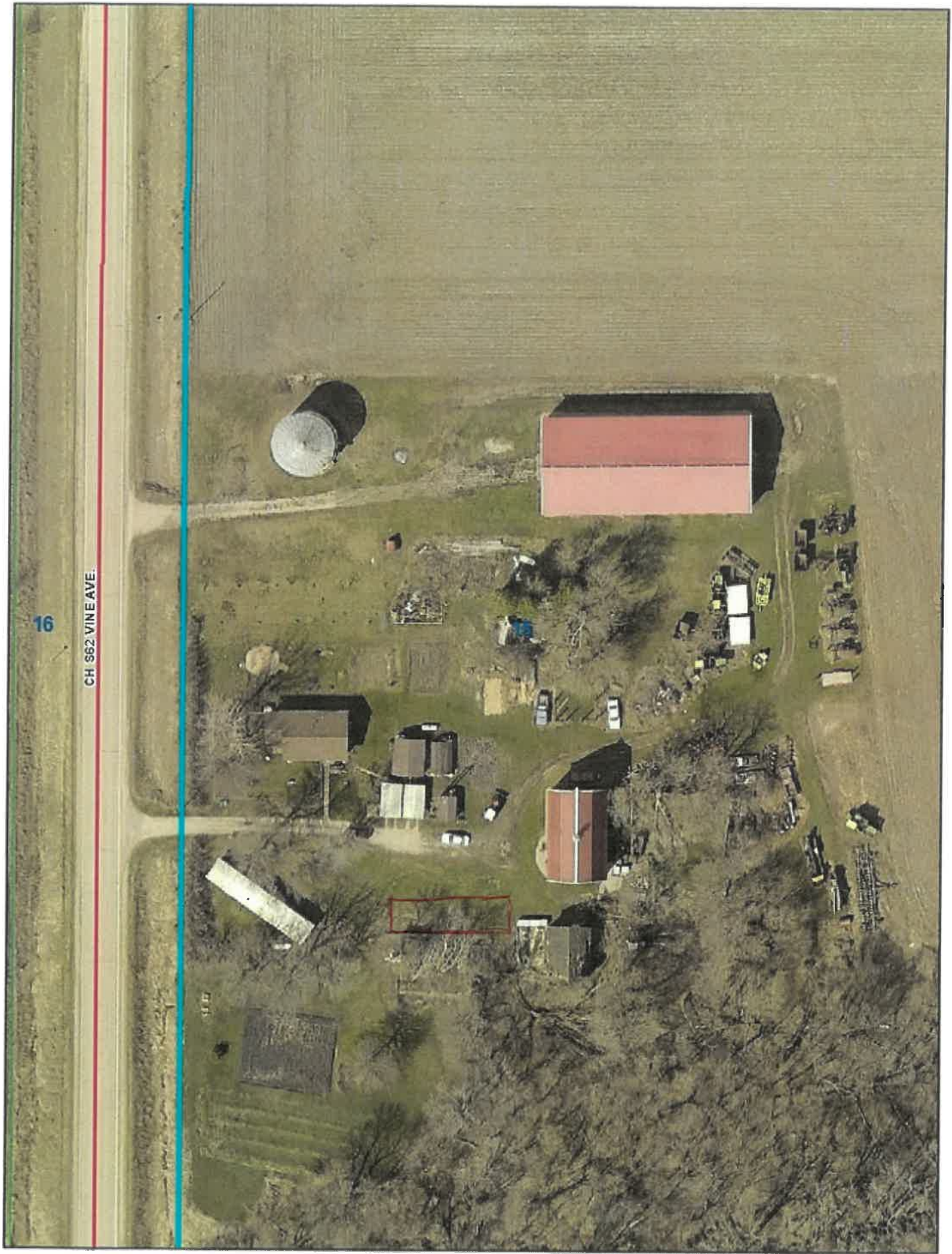
Signature of Applicant Debra A. Yezek Jody M. Yezek

OFFICE USE ONLY

Date Filed 4-4-19 Case Number 19-27
Date Set for Hearing 4-30-19 Fee Paid _____
Application/Appeal was Granted Denied Tabled

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CH. S62 VINE AVE.



4-3-19 Dean + Jody Yezeck

The present home we are living in was purchased in 1973. It is not in good living conditions. Due to the water damage and mold.

We are at an age where we don't feel safe in this home. Flooding is weak and we could be at risk for falling because of the fact.

Our son Mike and his family live in the house on the farm.

Mike rents our land and has for the last 12 years. Mike is in the young farmer program. He also strip tills the land, that is a no till way of farming.

Sight for new home will be cleared up and prepared for it.

Sight is marked in red on photo enclosed.

Dean + Jody Yezeck

155th Street

PI-3-4

The present house was built in
1875 and is a good example of
the Queen Anne style in its
simplicity and beauty.

The house is on a large lot and
has a fine view of the city. It is
well kept and would be a good
investment for the future.

One of the main features of
the house is the large
front porch which is
well finished. The house
is in a quiet neighborhood
and is a good way of
living.

Light is abundant for the
ground floor.

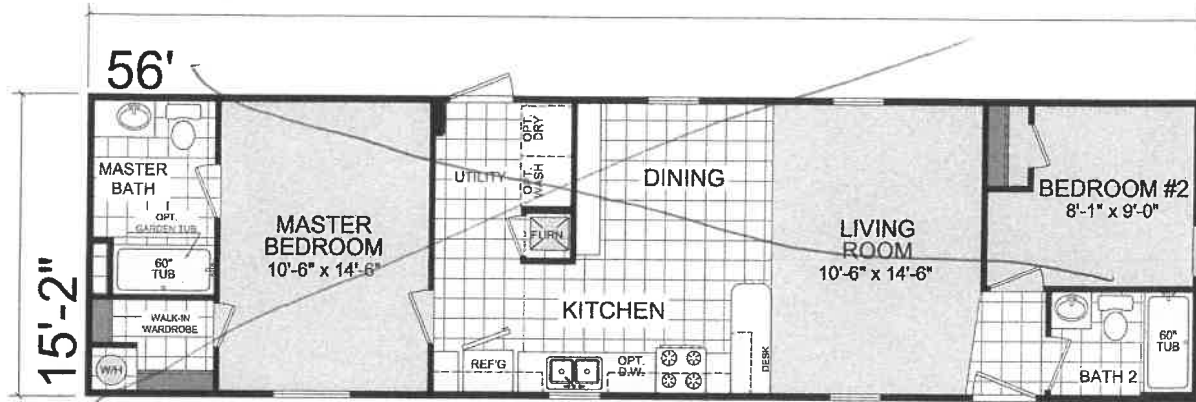
Light is abundant in the
ground floor.

Light is abundant in the
ground floor.

1660-205

Dutch Diamond

16' x 56'
2 bed-2 bath
849 sq. ft.

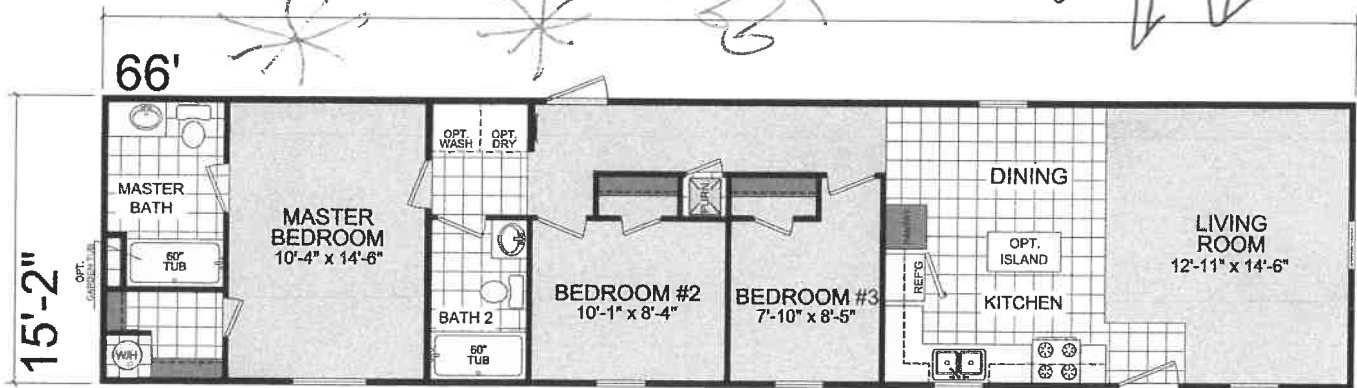


1670-205

Dutch Diamond

16' x 66'
3 bed-2 bath
1001 sq. ft.

*This is home
we are getting*



1670-209

Dutch Diamond

16' x 66'
2 bed-2 bath
1001 sq. ft.



**Case No. 19-27
Dean and Jody Yezek (22881 Vine Avenue)**

Figure 1

Looking at the location of the proposed second dwelling



April 12, 2019, J. Robbins

Figure 2

Looking at the existing mobile home.



April 12, 2019, J. Robbins

Figure 3

Looking at the existing house on the property



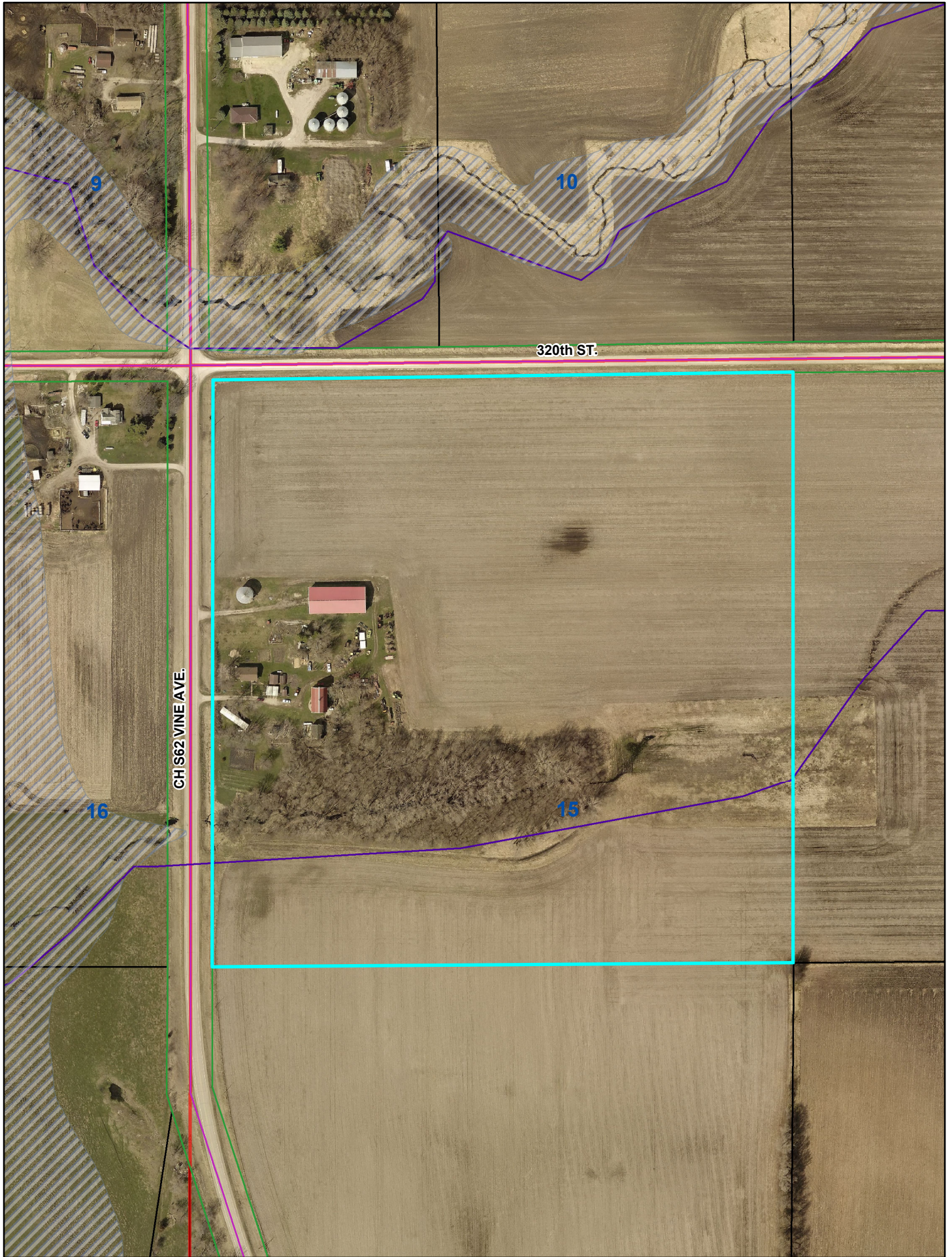
April 12, 2019, J. Robbins

Figure 4

Looking at the separation between the propose mobile home location and the nearest structure (corners marked with yellow line)



April 12, 2019, J. Robbins



9

10

320th ST.

CH S62 VINE AVE.

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