



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 22-10

Hearing Date: March 29, 2022

Applicant

Owner

Derrick & Bethany Benner
4219 Berry Hills Road
Cedar Falls, IA 50613

Same

Property Address: 15281 6th Street

Brief Legal Description: Lots 215-217, Clear Lake Methodist Camp

Zoning: R-3 Single Family Residential

Background

The Benners propose to construct a 10'x12' storage shed to the east of the existing house (See Figure 1). Being bounded by two streets on opposite sides to the north and south, the lot is considered a through lot by the Zoning Ordinance, where both sides are treated as front yards (See Figures 2 & 3). The lot is also considered a corner lot due to the private right-of-way owned by the Bell Harbor Homeowner's Association to the east side of the property (See Figure 4).

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Shed	*6.25' east street-side yard *5' separation between shed and house	*12.5' street side yard setback on corner lots (11.6-D) *10' minimum separation between detached structures (6.9-A)

*See Figures 5 & 6

FINDINGS OF FACT

1. Derrick and Bethany Benner are the owners of the subject property, located on Lots 215-217, Clear Lake Methodist.
2. The property is zoned R-3 Single Family Residential.
3. The proposed shed is located 6.25' from the east street-side lot line and 5' from the existing house.
4. A 12.5' street-side yard setback is required in the R-3 District. The Zoning Ordinance requires a minimum separation of 10' between detached structures.
5. The application was filed on February 28, 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 proposed shed is 6.25' from the east street-side lot line. A 12.5' street-side yard setback is required in the R-3 District.

The proposed shed is 5' from the existing house. The Zoning Ordinance requires a minimum separation of 10' between detached structures.

Both requests do 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.

Storage shed are a permitted accessory use in the R-3 District when there is an principal building (i.e. dwelling). 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 lot consists of three platted lots that have all been combined into one. It is considered a through due to being bounded by streets on opposite sides to the north and south (See Figures 4 & 5). Article 6.15 of the Zoning Ordinance requires both sides to be treated as front lot lines. Section 6.9(A) prohibits accessory structures from being placed between the front building line and the front lot line. This prevents any proposed shed from being located to north or south of the house, leaving the only feasible location for a shed to be to the side of the house (See Figures 2 & 3).

The lot is pie shaped and becomes narrower the further north the lot goes. The lot is also considered a corner lot due to the private right-of-way status of the path on the east side of the lot (See Figure 4). This creates a stricter setback as a result of the lot status. The shed would not be able to fit within to the standards of review for special exception on the west side of the house (See Figure 7). This leaves the only feasible location for a small storage shed to the east side of the house.

Small storage sheds are common throughout the neighborhood. Due to the nature of the lot as through lot and corner lot and positioning of the house, there is no alternative feasible location for a shed. 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.

Due to the previously described details of the lot, the practical difficulty is entirely due to the unique conditions of the lot. Generally, allowing for some minimum storage for lawn equipment in the neighborhood is preferred so lots do not have junk issues arise. The standard appears to be met.

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

Due to the details of the lot, there is no feasible alternative location for a storage shed. The standard appears to be met.

Relief can be granted in a manner that will not alter the essential character of the locality.

Storage sheds are a common accessory use in the neighborhood. There will be no change to the character of the area as a result.

Discussion of Potential Impacts to Immediate Area

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

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 Derrick and Bethany Benner, 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 deny the special exception as requested by Derrick and Bethany Benner for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

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

Figure 1

Looking at the proposed location for the shed



March 14, 2022, J. Robbins

Figure 2

Looking at the front yard (5th Street side)



March 14, 2022, J. Robbins

Figure 3

Looking at the rear yard (6th Street side)



March 14, 2022, J. Robbins

Figure 4

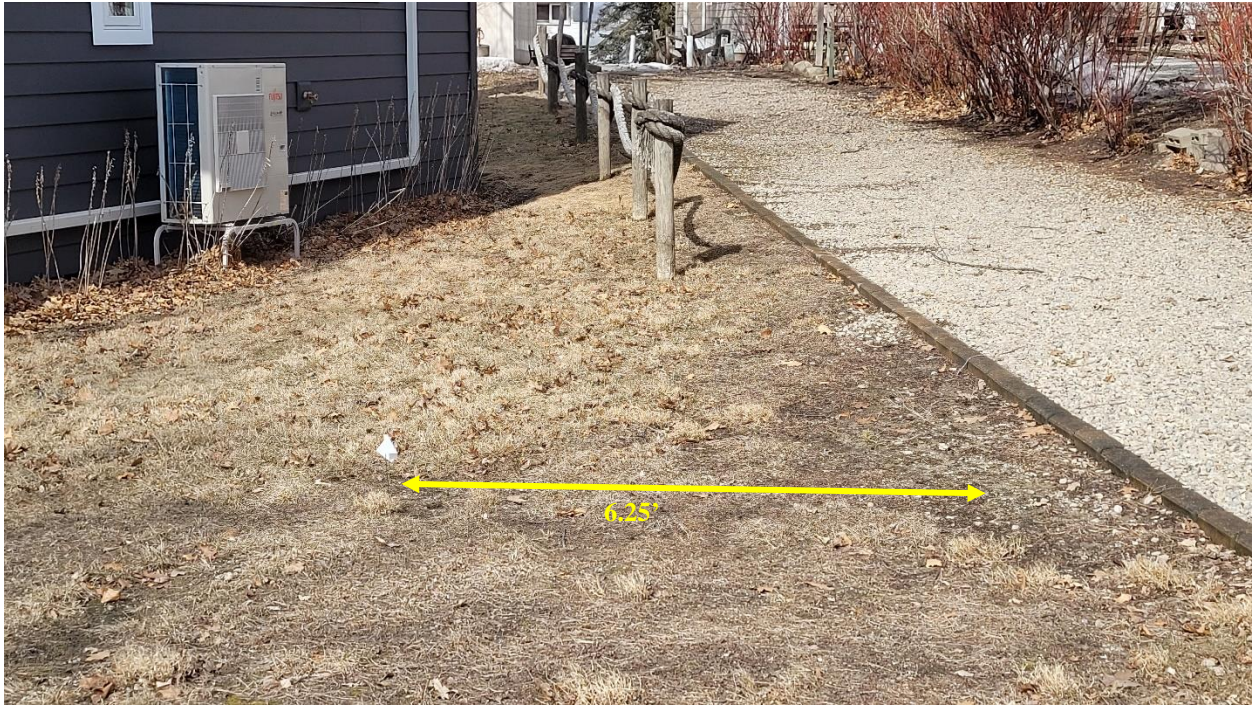
Looking along the private right-of-way owned by Bell Harbor along the east property line



March 14, 2022, J. Robbins

Figure 5

Looking northwesterly along the east side lot line



March 14, 2022, J. Robbins

Figure 6

Looking at the separation between the deck and proposed shed



March 14, 2022, J. Robbins

Figure 7

Looking along the west side of the house



March 14, 2022, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed _____

Date Set for Hearing _____

Case Number: _____

Applicant Name: Derrick & Bethany Benner **Phone:** (319)243-8393 **E-Mail:** derrick.benner@gmail.com

Mailing Address: 4219 Berry Hill Rd Cedar Falls, IA 50613

Property Owner Name: Derrick & Bethany Benner **Phone:** (319)243-8393 **E-Mail:** derrick.benner@gmail.com

Property Owner Address: 15281 6th St. Clear Lake, IA 50428

Property Description (Not to be used on legal documents): Parcel # 052241001300 Township CLAKE

Property Address: 15281 6th St. Clear Lake, IA 50428 Zoning: R-3

Brief Legal Description:

L'S 215-216-217 METHODIST CAMP

Project Description

Decision Date: _____

Storage shed measuring 10' by 12' and not to exceed 14' tall to the highest point (to match the roof pitch of the house) on Lots 215 and 216

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

Requesting special exception for no less than 50 percent of the required 10' separation from the house and 12.5' setback from the east lot line. The proposed shed would have 5' separation from the dwelling and 6.25' set back from the east lot line.

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

- The shed would meet the 30' setback requirement from the front lot line. We are asking for a special exception for the required 10' separation from the house and the 12.5' setback from the east lot line since our lot is considered a corner lot. The proposed location of the shed would have 5' separation from the house and 6.25' setback from the east lot line.
- An accessory structure (shed) should be permitted
- Our property is unique as it is a through lot with a street on each side as well as a right of way to the east side of the property. With the house being addressed on 6th street, we are unable to place a shed between the house and the front lot line. The right of way also calls for a larger setback. The shape of our lot(s) prevents us from locating an accessory structure elsewhere as we would not be able to meet the required setbacks or seek a special exception for 50 percent of those setbacks.
- Sheds are very common in our neighborhood. We need the shed for storage to keep the property looking clean and tidy so items such as lawncare items aren't stored out in the open.

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 _____

Date 2/28/22

SPECIAL EXCEPTION APPEAL

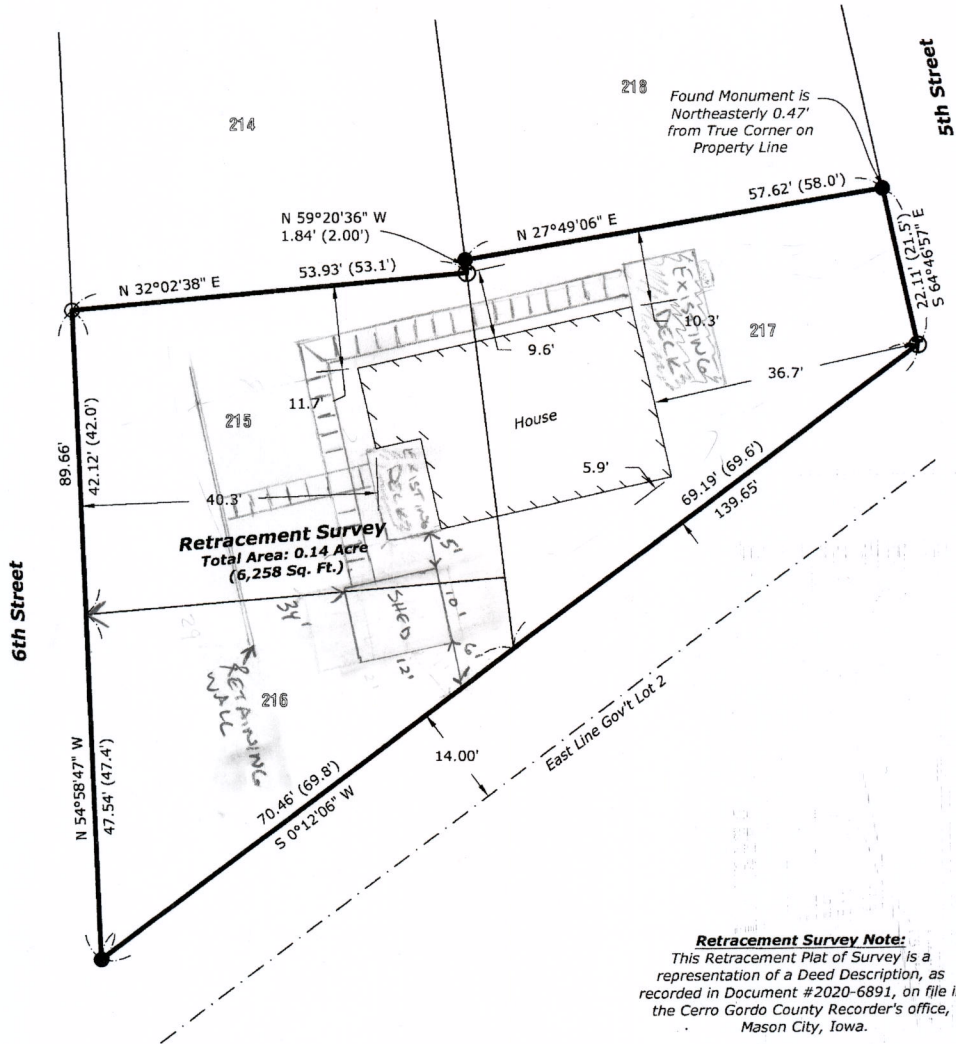
ADDITIONAL INFORMATION

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.

- As explained above, there is not another feasible location for the placement of the shed based on the property layout and the requirements of the bulk provisions.
- As mentioned before, sheds are very commonplace in our neighborhood. Adding a shed to our property would have no impact on the rest of the neighborhood. The proposed shed would be constructed to the likeness of the existing house. The roof shingle siding, gutters, doors and windows will match the house.

Retracement Plat of Survey

Retracement Survey of Lots 215, 216, & 217 in Clear Lake Methodist Camp, Cerro Gordo County, Iowa.

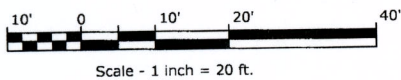


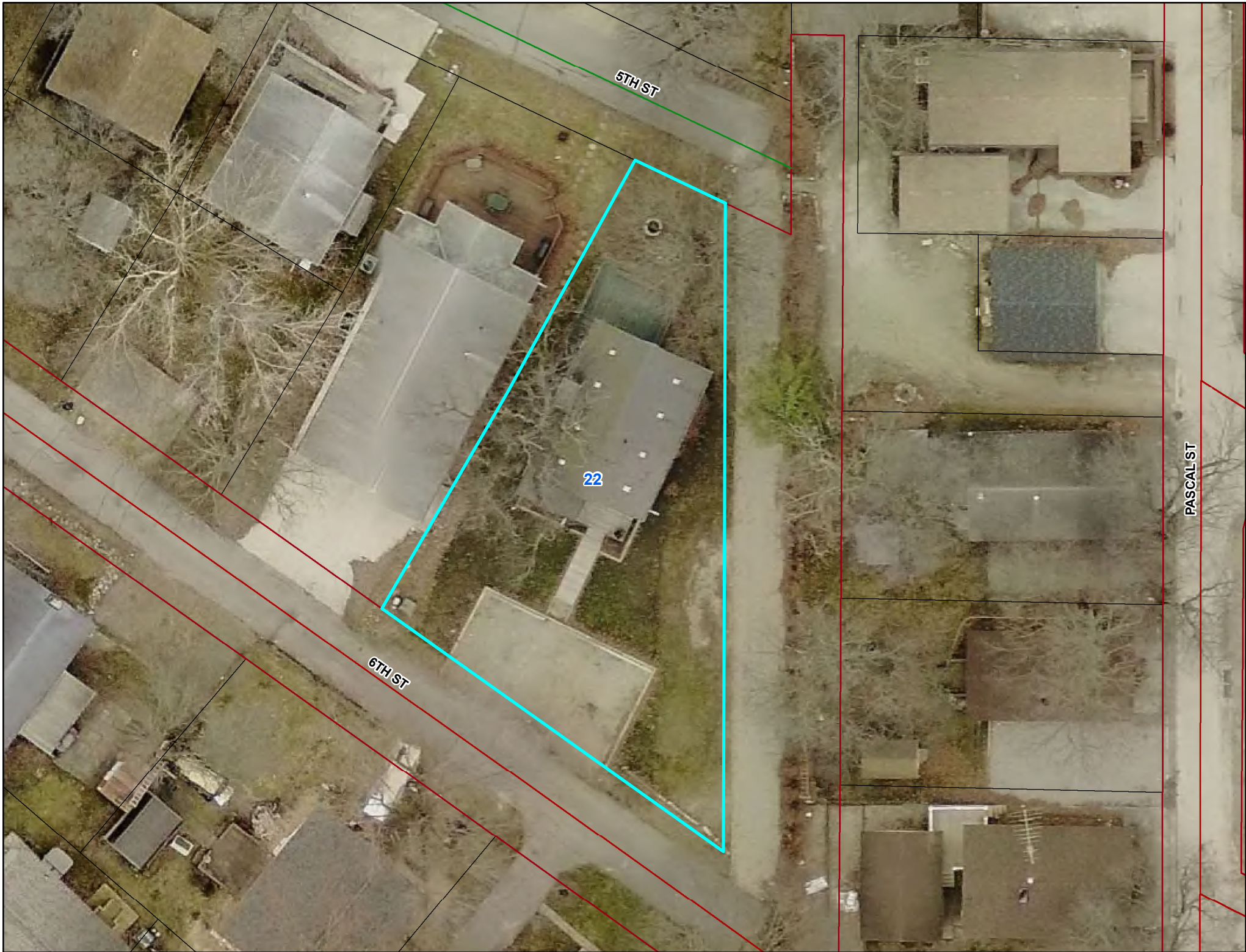
Retracement Survey Note:
This Retracement Plat of Survey is a representation of a Deed Description, as recorded in Document #2020-6891, on file in the Cerro Gordo County Recorder's office, Mason City, Iowa.

References are hereby made to the Recorded Documents as indicated on this Plat of Survey.

LEGEND

▲	= Section Corner Found
⊙	= Set 5/8"Ø Rebar w/BPC PLS 24510
●	= Fd. 5/8"Ø Rebar
◆	= Fd. 1/2"Ø Rebar w/Welded Washer
■	= Fd. 1/2"Ø Iron Pin
L	= Fd. Angle Iron
★	= Fd. MAG Nail
⊠	= Fd. Cut "X"
T	= Fd. T-Bar
⊕	= Fd. T-Bar w/SSC 13644
⊖	= Fd. T-Bar w/SSC 5543
—	= Survey Boundary Line
RPC, YPC, OPC, BPC	= Red, Yellow, Orange, Blue Plastic Cap (0.00')
(0.00')	= Recorded Dimension





5TH ST

22

6TH ST

PASCAL ST