

June 3, 2020

To the Cerro Gordo County Board of Adjustments,

First of all, thank you for reviewing my application for a special use permit. As a fellow public servant of the citizens of this county, I appreciate your time, efforts, and wisdom in dealing with the zoning laws that exist for the public good. I am the sole owner of a 40-acre parcel located in Bath Township in Cerro Gordo County. The street address of this parcel is **18325 195th St., Mason City, Iowa**. The property itself has been in my family's care for over 50 years. My grandfather, after whom I was named, farmed and milked cows on the property for decades. Long ago he constructed a solidly built structure to house his combine, tractors, and farm equipment on the north side of the property. The existing building possesses a solid concrete foundation with 2 x 6 studded walls, and is approximately 70 feet long and 40 feet wide.

Presently, I reside on the acreage with my wife and three children who are nearing adulthood. My parents are both retired and close to 70 years old. It is my desire to construct a secondary, one-bedroom dwelling within the existing building that was previously used to shelter machinery. The sole purpose of secondary dwelling is to either shelter my elderly parents or one of my own children if the need arises. The second dwelling would only be used by a person or persons within our immediate family. The dwelling would be approximately 33 feet by 40 feet, most of which would already be contained in the original footprint or enclosure of the existing building. The dwelling would also utilize the already existing driveway access to the property.

I do not believe the construction of this proposed secondary dwelling would adversely affect the character of the neighborhood, traffic flow, or any other matter related to public health or safety. The proposed dwelling would exist within a building that has already been on our property for years, and we live on a rural mile section of road, only occupied by one other farm residence 1/2 mile away. We simply desire to convert an existing ag-building to be a secondary dwelling/shop to accommodate those in our immediate family.

Thank You for your time,

Lewis Bram

Cerro Gordo County, IA



6/3/2020, 7:00:10 PM

- Tax Parcels
- Clear Lake
- Green: Band_2
- Parcel Points
- 2019 Imagery
- Blue: Band_3
- Red: Band_1



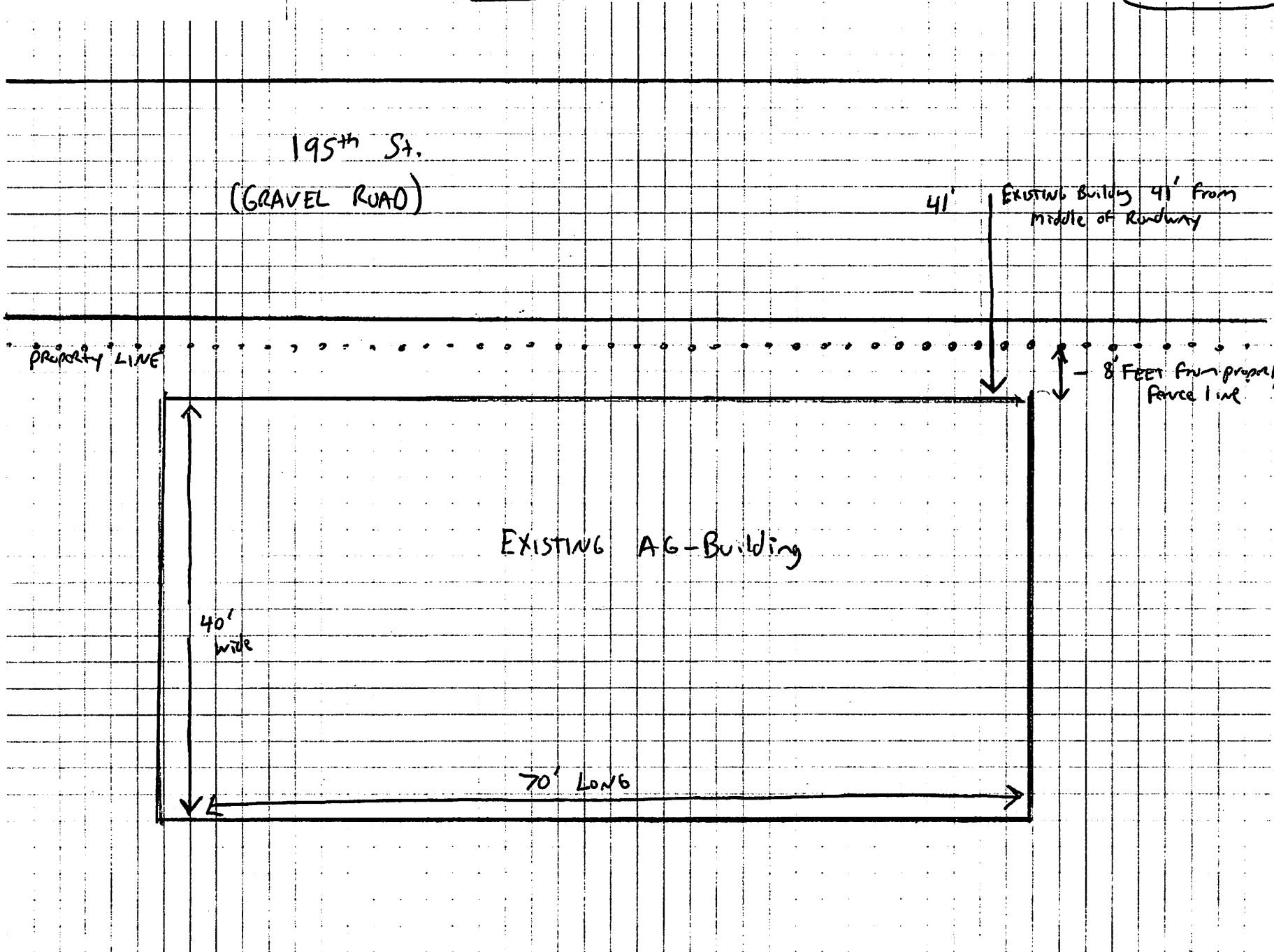
Cerro Gordo County GIS, Iowa DNR, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Cerro Gordo County GIS Assessor, and Mason City Assessor, Cerro Gordo County

LEWIS BRAM

NORTH

proposed building site

DIAGRAM 1



SOUTH

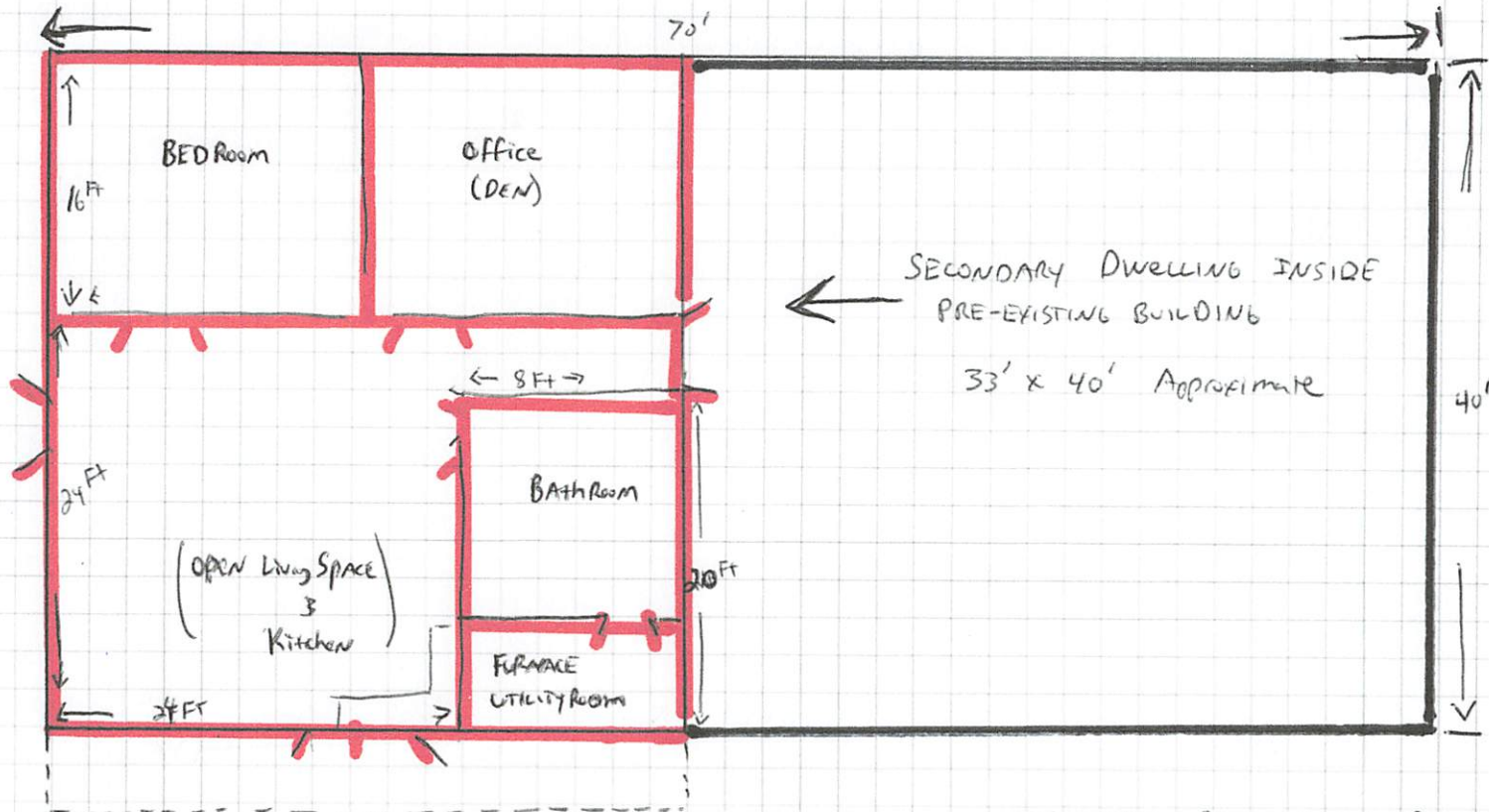
LEWIS BRAM

(NORTH)

DIAGRAM 2

ROADWAY (195th St)

PROPERTY LINE



8 FT x 32 FT
Cement PAD for
Deck with overhanging roof

SECONDARY DWELLING INSIDE
PRE-EXISTING BUILDING
33' x 40' Approximate

PROPOSED SECONDARY DWELLING
(Single Story)

**Case No. 20-34
Lewis Bram (18325 1905th Street)**

Figure 1

Looking at the existing machine shed in which the proposed dwelling will be built



June 8, 2020, J. Robbins

Figure 2

Looking at the interior west half of the existing machine shed proposed to be converted to a dwelling



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Figure 3
Looking at the existing house



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Figure 4
Looking east along the front lot line.



June 8, 2020, J. Robbins

Cerro Gordo County Planning & Zoning Staff Report SPECIAL USE

Case No.: Case No. 20-34	Date of Application: June 4, 2020
Use Request: 20.2(HH) Second dwelling	Owner: Lewis Roy Bram
Current Zoning: A-1 Agricultural	Petitioner: Lewis Roy Bram
Address: 18325 195 th Street Mason City, IA 50401	Size of Special Use: 33'x40'
Legal: SW¼, Section 13, Bath Township	Size of Parcel: 40 acres
	Hearing Date: June 30, 2020

BACKGROUND INFORMATION:

1) PURPOSE OF SPECIAL USE REQUEST -

Lewis Roy Bram (Bram) is proposing to install a second approximately 33'x40' dwelling for immediate family members (parents or children). The west half of an existing machine shed will be converted for proposed second dwelling (See Figures 1 & 2). There is an existing home on the property, in which Bram lives with his wife and three children (See Figure 2). The Zoning Ordinance allows 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). No farmland will be taken out of production to accommodate the second dwelling.

2) EXISTING LAND USE AND ZONING CLASSIFICATION OF PROPERTY –

The property has an existing house and several farm buildings (See Figure 3).

The remainder of the property is used as cropland or pastureland. The property is zoned A-1 Agricultural.

3) LAND USE AND ZONING CLASSIFICATION OF SURROUNDING PROPERTY -

All surrounding property is zoned A-1 Agricultural and in agricultural production. There are existing acreages just to the southwest of the property at 10318 Raven Avenue and a ¼-mile to the east at 18658 195th Street.

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 dwelling will be used for single family use. The potential residents of the proposed second dwelling are Bram's parents or children, depending on need at any given time. 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. No farmland will be taken out of production.

There are existing acreages just to the southwest of the property at 10318 Raven Avenue and a ¼-mile to the east at 18658 195th Street.

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

The proposed house does not significantly change the existing or future uses of the property (See Figure 3). Bram and his family already use the property as a homestead. Single-family dwellings are a common use in the rural areas of Cerro Gordo County, and this will continue the use.

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

The proposed house has no significantly greater impact on the area than the existing farming operations and residential uses already occurring on the property (See Figure 3). A second dwelling on the same parcel generally means twice the use of water and septic impacts a single-family home would normally have. 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. Bram will be able to utilize the existing well and is currently talking with CG Public Health about wastewater needs and requirements.

There are minimal foreseeable negative impacts to the surrounding area or the community as a whole. The visual impact will be negligible, as the current 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) -

195th Street is a gravel-surfaced road. Single family dwellings typically generate 8-10 vehicular trips per day. The gravel surfaced road is likely suitable for the limited increase of traffic.

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

There is no floodplain nearby. The site is not near any drainage district or public drainage structures.

The new dwelling will utilize existing private water. Bram is currently discussing wastewater requirements with CG Public, as a new septic system will be needed for the second dwelling. 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.

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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 195th Street, which carries approximately 25 vehicles per day. Only a nominal increase, if any, in traffic is anticipated as a result of the proposed second dwelling.

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. No farmland or use will be changed as a result of the special use.

A second dwelling for family 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 -**

This property lies in a rural agricultural area of the county. The Comprehensive Plan designed this area for continued agricultural use.

Policy 3.2.1 of the plan discourages non-farm development in agricultural areas where efficient farming practices will be hindered. The proposed dwelling will not alter agricultural production in the area since it will be on the existing building site. Policy 4.1.6 encourages proposed non-farm residential development to locate on small lots, or cluster developments that may provide centralized water and wastewater systems and that are located within coordination/cooperation areas and near hard surfaced roads. A rural residential use on an existing building site is an expected and permitted use in the A-1 District, nor can two dwellings on a building site of this size be considered a cluster development. Two dwellings on an existing building site is not discouraged by the Comprehensive Plan with applicable performance standards. The new dwelling will utilize on-site water and wastewater systems.

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 dwelling will be occupied by Bram’s immediate family—either his parents or children (See Figures 1 & 2). 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 house 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 front yard setback is 8’. The existing machine shed in which the proposed second dwelling will be located is a grandfathered, non-conforming structure. The existing non-conforming setback will not be exacerbated as a result of the special use.**
- B. Each side yard width, twenty-five (25) feet. **This requirement will be met.**
- C. Rear yard depth, thirty (30) feet. **This requirement will be met.**

MISCELLANEOUS REQUIREMENTS

- Minimum parcel size is 10 acres. **The property is 40 acres in size.**
- **If approved, filing a Zoning Permit Application with the Planning and Zoning Office for review prior to construction should be made a condition of the Special Use Permit.**
- Section 6.2 states, "Except as hereinafter specified, ... no building or part thereof or other structure shall be ... enlarged or altered except in conformity with the regulations herein specified for the District in which it is located.

"However, a building that is nonconforming, *as to yard requirements only*, may be enlarged or added to providing the particular yard requirement in question is not reduced beyond the existing yard dimension and a variance is received from the Board of Adjustment." **The dwelling itself will be within the existing dimensions of the legally non-conforming structure. However, Bram proposes to construct a deck and canopy roof off the south side of the building. This does not exacerbate the existing non-conforming setback. The proposed addition will be 2' within the required 50' front yard setback. The Board, at its discretion, may grant a variance as a condition of the Special Use Permit, since it does not lessen the existing setback.**

- 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 proposed house's minimum dimension is 33'.**
- 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 second dwelling's dimensions are 33'x40' (1,320 sq ft), which meets this requirement.**
- 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. **There are no detached structures within 10 feet of the proposed second house location.**

STATUTORY REQUIREMENTS:

Additional requirements under Iowa Code pertain to the special use applied for:

Any required permits for onsite wastewater treatment and the well must be obtained from CG Public Health prior to issuance of a Zoning Permit. The Health Department will require a new septic system be installed for the proposed new dwelling. The proposed new dwelling will utilize the existing well.

STAFF ANALYSIS AND RECOMMENDED ACTION:

The existing building has a close setback of only 8' from the right-of-way line of 195th Street (See Figures 1 & 4). I have some concern regarding potential damage to the structure from snow throw from plows and flying rocks from vehicles passing by. The existing vegetation clearly protects the building from potential damage. It would be reasonable to have a condition that no windows be installed and no vegetation be removed on the north side of the dwelling. Requiring a Zoning Permit Application to be filed with the Planning and Zoning Office should be made a condition of the Special Use Permit with a required inspection upon completion.

The residents of both houses will be immediate family members. To ensure environmental health regulations are met, required permits from the Health Department should also be made a condition of approval. The 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 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 Lewis Roy Bram and members of the immediate family. Only a member of the Bram's 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 aforementioned family occurs. Any transfer of ownership of either dwelling to a person outside of the aforementioned 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. Upon the completion of construction of the dwelling, Bram shall contact the Zoning Administrator to schedule an inspection to ensure compliance with this permit. Required permits or authorizations shall be issued by CG Public Health prior to issuance of a Zoning Permit.
8. The second dwelling shall use the existing driveway access to the property. No separate access is permitted.
9. No windows shall be installed on the north side of the dwelling. For the purpose of providing protection from snow throw and flying projectiles form the roadway, no vegetation shall be removed from the north side of the dwelling except for necessary trimming and maintenance.

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 construction of a second dwelling, and further, that the grant of the application be made effective immediately and on the condition that Lewis Roy Bram 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 – June 18, 2020



195TH ST

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