



PLANNING AND ZONING

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TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, August 28, 2018; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, August 28, 2018 at 4:00 p.m. in the Boardroom at the Courthouse.** The Board will be considering four variance requests.

Variance Requests

1. Case No. 19-03 Thurston and JoAnn Lamberson 4808 Abbott Drive
(Lot 6, Block 2, PM Park)

The Lambersons propose to construct a 32'-7"x59' dwelling, as shown on the site plan, to replace the existing house (See Figures 1 & 2). The site plan also shows decks, steps, and retaining walls, but a second Zoning Permit Application was also submitted to the Planning and Zoning Office. Review by the DNR is required for these structures because much of it is in the FEMA-designated 100-year floodplain. As a result, this review is being conducted only for the proposed house and not for any of the other proposed structures.

The proposed house is 3'-11" from the west side lot line. A 6-foot side yard setback is required in the R-3 District (See Figure 3).

The proposed house is 3'-9" from the east side lot line. A 6-foot side yard setback is required in the R-3 District (See Figure 4)

The proposed house is 25'-10" from the rear lot line (measured from the high-water mark of Clear Lake). A 30-foot rear yard setback is required for principle structures in the R-3 District (See Figure 5).

The applicant states that the house has become outdated. At a minimum, the house needs some repairs. During the site visit, the property owner showed me that a portion of the main level is

beginning to bow in the middle. There is an existing reasonable use of the property; however, the proposed house mostly falls in line with the existing building footprint (See Figure 1 & 2).

Most of the lake lots in this section of PM Park have second stories and have close side yard setbacks (See Figure 6). According to our records, the house to the west was approved with a 1.5-foot side yard setback in 1993, which only leaves a 5'-7" separation distance between that and the proposed house according to the site plan (See Figures 3 & 7). There is no record of complaint regarding the close distance between the two houses. It has existed in some fashion since the adjacent house was constructed.

The biggest impact will likely affect the adjacent lake properties. The view to the lake from the proposed construction will remain unchanged for properties across the street. The site plan and renderings illustrate the proposed house will be constructed roughly even with the rear building lines of the neighboring houses. The house itself will not be a cause of blocked views to the lake for the neighbors. The properties to the east and west both have decks or patios that extend beyond the Lamberson's house (See Figure 8). Views will likely be improved as result of plans to remove most of the vegetation and trees in the rear yard (See Figures 9 & 10).

Recommendation

1. Approve a west side yard setback variance for the house to be no closer than 3'-11"
2. Approve an east side yard setback variance for the house to be no closer than 3'-9"
3. Approve a rear yard setback variance for the house to be no closer than 25'-10".

2. Case No. 19-04 Albert and Suzanne Duroe 15352 Lambert Drive (Part of Lots 1 & 2, Block 9, PM Park)

The Duroes propose to construct a 24'x54' house to replace the existing house. The existing house is over 100 years old and likely needs regular maintenance (See Figure 1).

The proposed house is 13.5 feet from the front lot line. A 17-foot front yard setback is required, per the average of front yard setback within 200 feet (See Figure 2).

The proposed house is 3 feet from the southwest side lot line. A 6-foot side yard setback is required in the R-3 District (See Figure 3).

The proposed house is 4 feet from the northeast side lot line. A 6-foot side yard setback is required in the R-3 District (See Figure 4).

There is an existing reasonable residential use of the house. However, due to the age of the existing house, there may be a practical need to replace the structure (See Figure 1). A literal interpretation of the district rules only allows for an 18-foot wide house. Denying the side yard setback variance requests outright creates a hardship, as the ordinance requires a minimum width of 22 feet for dwellings.

The proposed house roughly mimics the footprint of the existing house (See Figure 1). The existing house has been in place for decades without complaint or major safety incidents. No views to the lake will be impacted as a result (See Figures 5-7).

Recommendation

1. Approve a front yard setback variance for the house to be no closer than 13.5 feet.

2. Approve a southwest side yard setback variance for the house to be no closer than 3 feet.
3. Approve a northeast side yard setback variance for the house to be no closer than 4 feet.

3. Case No. 19-05 Amanda Wilson 5226 Power Drive (Lot 10-12, Block 1, Crane and Hills)

Mrs. Wilson began constructing a deck in two sections, a 6'x24' section on the southeast side including 3'-10"-long steps and a 6'x16' section on the rear side of the house, without a Zoning Permit (See Figure 1 & 2). The Board has the option to waive the \$200 administrative fee for building without a permit.

The proposed deck is 14'-6" from the rear lot line. A 30-foot rear yard setback is required in the R-3 district (See Figure 3).

The proposed deck and steps are 5'-2" from the southeast side lot line (See Figure 4). A side yard setback equal to 10 percent of the lot width is required in the R-3 district. The lot width at the required rear yard is approximately 83' wide as measured by the County's Geographic Information System; therefore, an 8.3-foot side yard setback is required. Steps are included as a part of the setback requirement for side yards by definition in the ordinance.

There is a reasonable residential use of the property. Denial of the deck does not create a hardship under the Zoning Ordinance. While access into the home is necessary for the side entrance in which the deck provides access, a set of steps could be built within the rules.

The lot is large for this neighborhood; however, the house is located on the easternmost platted lot and has existed there for decades. This causes the distance between the steps of the deck and the neighboring garage to be close. The attached garage is only about 1-foot from the shared lot line, but I have no safety concerns as a result of the deck (See Figure 5).

Recommendations

1. Approve a rear yard setback variance for the decks to be no closer than 14'-6".
2. Approve a side yard setback variance for the decks to be no closer than 5'-2".

4. Case No. 19-06 Craig and Diane Busch 15340 Bayberry Drive (Outlot A, Ventura Heights)

The Buschs constructed a 2.5'-tall brick wall and 16'x20' deck without a Zoning Permit (See Figure 1). The Board has the option to waive the \$200 administrative fee for building without a permit. The deck and wall are 45 feet from the front lot. A 50-foot front yard setback is required in the R-2 District (See Figure 2).

There is a reasonable residential use of the property. Denying the deck and steps does not create a hardship under the Zoning Ordinance. The applicant states the deck and wall were constructed to help direct drainage away from the house.

The Buschs have a large double-lot that provides ample space to build. However, the house was built prior to when the Zoning Ordinance was adopted in 1990. It was in line with the requirements at that time. No negative impacts can be foreseen as a result of the deck and wall. The structures are in line with the existing character of the area.

Recommendation

1. Approve a front yard setback variance for the wall and deck to be no closer than 45 feet.