



## PLANNING AND ZONING

### Cerro Gordo County Courthouse

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September 14, 2018

TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, September 25, 2018; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, September 25, 2018 at 4:00 p.m. in the Boardroom at the Courthouse**. The Board will be considering two variance requests and two Special Use Permit requests.

#### Variance Requests

1. Case No. 19-07 Dustin Stortz 5048 South Shore Drive (Lot8, Block 7, Crane and Hills)

Mr. Storz has constructed a 20'x14' deck on the south side of the existing cabin prior to filing a Zoning Permit Application (See Figure 1). The Board has the option to waive the \$200 administrative fee for building without a permit.

The deck was constructed 7 feet from the front lot line. A 21.4-foot front yard setback is required, per the average of front yard setbacks within 200 feet (See Figure 2).

The deck was constructed 5 feet from the west side lot line. A 6-foot side yard setback is required in the R-3 District (See Figure 3).

The deck was constructed 5'-9" feet from the east side lot line. A 6-foot side yard setback is required in the R-3 District (See Figure 4).

While there is currently a reasonable residential use of the property, the narrow lot width of the property and setback rules make it impossible to add any additional structures around the existing cabin, as the cabin is already close to the front yard setback requirement.

The deck is in line with the character of the neighborhood and does not present any foreseeable negative impacts as a result of its construction. The significant right-of-way area of South Shore Drive provides a significant setback from the road despite how close it is to the front lot line (See Figure 5). The front building line of the deck is roughly in between the deck of the property to

the west and the building line of the house on the property to the east (See enclosed parcel highlight).

*Recommendation:*

1. Approve a front yard setback variance for the deck to be no closer than 7 feet.
2. Approve a side yard setback variance for the deck to be no closer than 5 feet.
3. Approve a side yard setback variance for the deck to be no closer than 5'-9" feet.

2. Case No. 19-08 Lyndon Sutcliffe 21318 260<sup>th</sup> Street (SE¼ of the SW¼, Section 9, Portland Township)

Lyndon Sutcliffe has submitted an Application for a Special Use Permit for a commercial dog kennel for breeding. The Special Use Permit request has been reviewed by Staff. A staff report for the Special Use Permit with accompanying photos, supplemental materials, and recommendations has been attached for Board members to review.

3. Case No. 19-09 Paul and LuAnn Schafer 5534 Lakeview Drive (Lot 0, Block 11, Oakwood Park)

The Schafers recently installed a more secure foundation and footings for the existing wellhouse (See Figures 1 & 2). This foundation is in line with a retaining wall that was issued a permit on December 6, 2017 (See Figures 3 & 4). The original shed was constructed on a floating foundation—the original Zoning Permit issued on December 6, 2005. The application states a more stable foundation will prevent possible damage to water lines.

I noted in early August that the foundation had been installed. After a phone call with the contractor, also in early August, I allowed work to be done to install the foundation without any additional permitting with the understanding the shed would be reinstalled in the same location, the previous Zoning Permit had been issued for the retaining wall, and anything beyond that would require a new Zoning Permit Application to be filed. No administrative fee for building without a permit has been charged as a result.

However, it is unclear what the exact setback of the original wellhouse was. I informed the contractor that a Zoning Permit would be required on August 16, 2018 to confirm exact setbacks. The Board approved a variance for a 2-foot side yard setback for the original wellhouse on November 29, 2005. The confirmation letter for that approval stated, "The Well House/Storage shed may remain in the location as constructed which is between 2 and 3 feet from the side lot line...."

The foundation was installed 1.5 feet from the southeast side lot line. A 6-foot side yard setback is required in the R-3 District. The application states, "The original shed was built 1.5 from the property line." Corner lot pins were marked during the site visit, so this measurement appears to be accurate (See Figure 5).

The contractor had spoken with me before any construction took place about drainage lines, which have already been installed on Schafer's property. The lines run adjacent with the side property line from the wellhouse to the lake. With the installation of the retaining wall (See Figures 3 & 4) and new drainage tile, no foreseeable negative drainage impacts are apparent.

At a minimum, the foundation has been installed close to where the original wellhouse was constructed (See Figures 1 & 2). There is no record of complaint or negative impact after the original Zoning Permit was issued. A denial of the variance request or approving a further setback variance would require the removal of the already installed foundation.

4. Case No. 19-10 Andy and Jamie Meyer Lots 1, 2, & 4, Nelson Acres  
Subdivision

Lyndon Sutcliffe has submitted an Application for a Special Use Permit for a private airstrip. The Special Use Permit request has been reviewed by Staff. A staff report for the Special Use Permit with accompanying photos, supplemental materials, and recommendations has been attached for Board members to review.