



PLANNING AND ZONING Cerro Gordo County Courthouse

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November 16, 2018

TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, November 27, 2018; 4:00 p.m.; Board Room*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, November 27, 2018 at 4:00 p.m. in the Board Room at the Courthouse**. The Board will be considering a Special Use Permit request, four variance requests, and follow-up review..

Cases

1. Case No. 19-11 Michele Roth on behalf of FTC Tower Co. west of 15507
140th Street (NE ¼ of the NW ¼, Section 16, Geneseo Township)

Michele Roth, on behalf of FTC Tower Co., has submitted an Application for a Special Use Permit for a new communication tower. 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.

2. Case No. 19-14 Mason City Red Rower, Inc. 10997 265th Street (Lots 1
& 2, Benton's Addition)

Red Power proposes to install a 3'x6' illuminated sign. Including the supporting structure, it will be 28 feet tall. The proposed sign has a black background with large yellow letters, spelling "DRAGO." It will be illuminated from within but will not feature any flashing lights or changing images (See Figure 1).

The proposed sign will be the sixth sign on the property, including three existing freestanding signs and two existing building mounted signs (See Figures 2-5). The Zoning Ordinance permits one sign for every 150 feet of road frontage. The property has approximately 720 feet of road frontage, allowing for four (4) signs under the ordinance.

The proposed sign will only be two (2) feet from the right-of-way line from 265th Street (See Figure 6). The Zoning Ordinance requires a setback of 25 feet from the right-of-way line where there is no frontage road.

As proposed, the sign will be more than 90 feet from the travelled portion of Highway 122. Since no flashing lights or changing images are proposed for the sign, I have no concerns for the sign to be a distraction or safety issue for passing drivers. The installation of a frontage road is unlikely at this point, as the requirement was removed from the subdivision years ago.

Recommendation

1. Approve a front yard setback variance for the sign to be no closer than two (2) feet from the right-of-way from 265th Street.
2. Approve a variance for the total number of signs on the property not to exceed five (5).
3. This approval shall be subject to the following conditions:
 - The sign shall not overhang the south right-of-way line of Iowa Highway 122.
 - Any deviation from the sign as approved by the Board of Adjustment shall require a new Application for Outdoor Advertising be filed with the Planning and Zoning Office.
 - If a frontage road is ever constructed, Red Power, its successors and assigns, shall move the sign at its own expense.

3. Case No. 19-15 Anthony Helderfer 6201 Southshore Drive (Government Lot 1 in the NW¹/₄, Section 25, Clear Lake Township)

Mr. Helderfer proposes to construct a 72'x200' house with an 8'x40' porch (See Figure 1 & 2). The house portion is proposed to be 40'x72'. The proposed construction also includes three attached garages/workshops—two 30'x72' and 100'x72' respectively. The property recently suffered a fire, and the house was destroyed (See Figure 3).

The northwest corner of the proposed house/porch is 27 feet from the front lot line. The southwest corner of the proposed house is 39 feet from the front lot line. A 50-foot front yard setback is required in the A-1 District (See Figures 4-6).

The proposed house is 12 feet from both the east and west side lot lines. A 25-foot side yard setback is required in the A-1 District (See Figure 7 & 8).

The proposed house is 10 feet from the rear lot line. A 30-foot rear yard setback is required in the A-1 District (See Figure 9 & 10).

As the house was destroyed, there is currently no residential use of the property (See Figure 3). Mr. Helderfer is entitled to a reasonable use of the property, which generally is considered a house or one of the principle permitted uses allowed in the A-1 District. As proposed, the house and attached garage/workshop takes up most of the usable area of the 0.58-acre lot. The Board would be justified to limit its size.

While the residential neighborhoods of the south shore are to the west, the lot is isolated and unlikely to cause any impacts to neighbors. None of the adjacent lots are developed—to the north: Clear Lake State Park; east: farmland; south and west: abandoned golf course/wetlands (See Figures 11-13).

The largest impact from the proposed house is aesthetic in nature. As a result, the house will be apparent for passing drivers (See Figure 14 & 15). The applicant states many of the existing trees are dead and need removal, so he plans to install replacement vegetation. A line of

evergreen trees along the right-of-way line of Southshore Drive would mitigate the visual impact.

My biggest concern with the proposal is in regard to the character of the lot. While isolated, the proposed house and garage/workshop will take up the vast majority of the lot. The lot is fairly shallow for depth, front to back, for the A-1 District, as this is a grandfathered piece and has existed for decades. A literal interpretation of the rules leaves approximately a 35-foot width for the house. Otherwise, there is ample space west to east. I recommend limiting the size of the request for length and granting variances to an extent on the front and rear lot lines for character considerations.

Recommendation

1. Deny the requested side yard setback variance requests.
2. Approve a rear yard setback for the house to be no closer than 10 feet.
3. Approve a front yard setback for the house to be no closer than 40 feet.
4. This is approved with the condition that a line of evergreen trees is installed along the right-of-way line of Southshore Drive.

4. Case No. 19-16 Dave and Jane Kurns/Heather and Jeff Martins
5644-D/E Southshore Drive (Units 4 & 5, Anchor Inn Condominiums)

The Kurns and Martins propose to construct various deck extensions as shown on the enclosed site plan and a 10'-10"x8'-6" canopy roof off the rear side of Kurn's existing condominium as shown on the enclosed site plan (See Figures 1 & 2). One of the deck extensions is proposed to connect Martin's condominium, neighboring adjacent to the southwest on the parcel (See Figure 3). Additionally, a set of steps is proposed between the two condominiums (See Figures 3 & 4).

The proposed deck is 3 feet from the southeast side lot line. A 10-foot side yard setback is required in the R-4 District (See Figure 5).

The proposed canopy roof is 5 feet from the southeast side lot line. A 10-foot side yard setback is required in the R-4 District (See Figure 5).

The proposed deck and canopy roof are 20 feet from the rear lot line. A 30-foot rear yard setback is required in the R-4 District (See Figure 6).

There is a reasonable residential use of the property. Denial of the deck will not create a hardship under the Zoning Ordinance. The applicants state the improvements will improve the safety of the deck. The proposed steps will allow direct access to the second story of both condominiums.

As a R-4 Multi-Family Residential District, the largest consideration is for any impact to the immediate neighbors on the lot. The proposed improvements should have nominal impacts to the immediate vicinity. The point of connection between the condominiums will not encroach past the existing footprint of the deck into any common areas (See Figures 3-4 & 7). The proposed deck extension on the north corner of the Kurn's condominium will not extend further southwest or toward the lake than the existing deck (See Figure 8). While the deck and the canopy roof are proposed to be partially constructed 3 feet closer to the lake, there will not be a significant impact to view to the lake (See Figures 6 & 9-10).

There is likely to be an impact of the view to the lake for the neighbors on the adjacent lot to the southeast, especially with the construction of the canopy roof (See Figure 6). The Board would

be justified to limit the requested variance, and I recommend minimizing the request to encroach no further into the required rear yard setback than the existing building line of the deck as a result.

Recommendation

1. Approve a southeast side yard setback variance for the deck to be no closer than 3 feet.
2. Approve a southeast side yard setback variance for the canopy roof to be no closer than 5 feet.
3. Approve a rear yard setback variance for the deck and canopy roof to be no closer than 23 feet with the condition that the canopy roof has no greater than a 1-foot overhang from the rear side of the existing deck.

5. Case No. 19-17 Matt Kuppinger/David Witzig and Katherine Seger
1050 Fair Meadow Drive (Lot 22, Fair Meadows Addition)

The applicants propose to construct a 12'x18' shed behind the existing attached garage (See Figures 1 & 2). The northeast building line of the shed is proposed to be roughly in line with the southwest building line of the attached garage.

The proposed shed is 7 feet from the southwest side lot line. A 25-foot side yard setback is required in the R-1 District (See Figure 3).

Denial of the shed will not reduce the reasonable use of the property. The lot is large, providing plenty of area to construct the shed within the rules of the ordinance. However, the shed is consistent with the character of the area and will have no foreseeable impact on the neighbor to the southwest. The shed will be fairly isolated from other structures despite encroachment into the required side yard setback. The shed will be similar to the shed on the adjacent lot (See Figure 4).

Recommendation

1. Approve a southwest side yard setback variance for the shed to be no closer than 7 feet.

Items from the Zoning Administrator

6. Gene Baker's Salvage Yard (B-20 Auto Parts) 7600 300th Street

The Board considered Gene Baker's Salvage Yard (B-20 Auto Parts) for its annual review on March 27, 2018. During a site review on Thursday, March 12, 2018 and the subsequent review by the Board, it was noted Mr. Baker was out of compliance with a few of the conditions of his Special Use Permit. The Board gave Mr. Baker until June 30, 2018 to bring the salvage yard into compliance. The Board instructed me to do a site inspection after that date to review the status of the property. A follow-up site review was conducted on July 18, 2018.

The Board reviewed my follow-up report on July 31, 2018. It was determined that Mr. Baker made significant improvements but was still out of compliance. Due to the progress made, the Board extended the deadline for Mr. Baker until September 14, 2018 to bring the salvage yard into compliance. Follow-up site inspections were conducted on September 21, 2018 and November 8, 2018. A staff report with the results of the inspection has been attached for Board members to review.