



PLANNING AND ZONING

Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254

John Robbins, Planning and Zoning Administrator

Michelle Rush, Executive Assistant

(641) 421-3075

plz@cgcounty.org

cgcounty.org/planning

September 18, 2020

TO: Cerro Gordo County Board of Adjustment

FROM: John Robbins

SUBJECT: Next Meeting – *Tuesday, September 29, 2020; 4:00 p.m.; Board Room*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Board of Adjustment is scheduled for **Tuesday, September 29, 2020 at 4:00 p.m. in the Board Room at the Courthouse**. The Board will be considering four variance requests and a rehearing for a Special Use Permit.

If you have concerns with attending in person due to COVID-19, the option to attend the hearing via teleconference will be made available. Social distancing will be practiced. You may join via teleconference by calling the phone number below and enter the Conference ID when prompted. Please let me know if you have any questions about this.

Conference phone: (641) 421-3113

Conference ID: 3044#

OLD BUSINESS

1. Case No. 21-9 Jed and Lisa Vorba 5840-D Southshore Drive (Lot 23 & the west half of Lot 24, Block 2, Long Beach)

Zoning

R-4 Multi-Family Residential

Background

The Board continued this request from the August 25th hearing. The Board was uncomfortable making a decision without the Vorbas being present to answer questions.

The Vorbas propose to add an 18'x13'-11" addition to the east condominium of the existing building closest to the lake. The proposed addition is located on the southeast side of the building (See Figure 1). The Caslavkas, the owners of the attached condominium, have given their permission and support of the proposed addition. The shed located immediately south of the existing building is planned to be removed (See Figure 2).

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
Addition	5' east side yard	10' side yard (12.6-B)

*See Figure 3

Property Details

The property is larger than adjacent properties. Properties to the east are zoned R-3 Single Family Residential, and properties to the west are zoned R-4 Multi-Family Residential.

Analysis

There is an existing reasonable residential use of the property. The Zoning Ordinance permits the Board of Adjustment to approve a variance for yard requirements to enlarge a non-conforming structure if the setbacks are not exacerbated. The proposed addition will not create a lesser setback than the existing building or encroach closer to other structures. As a result, I do not have any safety or character concerns.

Recommendation

1. Approve an east side yard setback variance for the addition to be no closer than 5'.

NEW BUSINESS

2. Case No. 21-11 North Iowa Cooperative NE¼ of the SW¼, Section 19, Pleasant Valley Township

Zoning

A-1 Agricultural (pending rezoning request to M-2 Heavy Industrial)

Background

The North Iowa Cooperative proposes to construct two 128' grain bins and a 118' corn dryer with a 160' grain leg as a part of a facility expansion (See Figure 1). The applicants state that they are landlocked in the city of Thornton with no room for growth and that the new facility will allow the Cooperative to serve area farmers with a modern facility.

The 27.58-acre parcel is pending a rezoning request from A-1 Agricultural to M-2 Heavy Industrial. The Board of Supervisors will consider the request at their meeting on September 22. The Planning and Zoning Commission, at their meeting on September 3, recommended approval of the request. The Cooperative has agreed to a Conditional Zoning Agreement as a part of the rezoning (enclosed in packet).

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
Grain facilities	Grain bins 128', Corn Dryer 118', Grain leg 160' heights	50' Maximum height (17.7)

*See Figure 2

Property Details

The property is currently in agricultural production and sits adjacent to the east city limits of Thornton. The parcel sits adjacent Ingebretson County Park, though the proposed facilities are almost ¼-mile away (See Figure 2 & 3).

Analysis

Section 16.6 of the Zoning Ordinance states that, “ No building hereafter erected or structurally altered shall exceed a height of three (3) stories or forty-five (45) feet, except special consideration shall be given to the height of grain elevators and storage bins.” Section 17.3(A) regulating the M-2 District permits any use in the district as regulated in the M-1 District. Section 6.27(A) states, “Chimneys, cooling towers, elevators, bulkheads, fire towers, monuments, stacks, tanks, water towers, ornamental towers and spires, commercial radio or television towers, or necessary mechanical appurtenances may be erected to the heights approved by the Board of Adjustment.”

The impact of the proposed bins and leg will be predominantly visual. The effect will be similar to seeing grain elevators in the cities and unincorporated communities in Cerro Gordo County (See Figure 2). The immediate area does not have any tall structures, the nearest being a single-story industrial building to the northwest of the parcel. Ingebretson County Park is about ¼-mile to the west of the proposed grain facilities, so special consideration should be given for vegetative buffering along the west property line. The Conditional Zoning Agreement addresses the visual concerns and does not necessitate a condition attached to the height variance.

The Cooperative currently has a reasonable economic use of the property since it could remain in agricultural production. Also, there are number industrial uses that the property could be used for that would not exceed the district height limitation. However, the Zoning Ordinance provides an exception so that the height of grain bins and elevators may be accommodated. Because of this exception and the proposed facilities’ compliance with yard setbacks, I believe it would be difficult for the Board of Adjustment to substantiate a denial of the request. The conditions of the Conditional Zoning Agreement provide appropriate conditions for use and buffering for the proposed facilities, pending approval of the rezoning request by the Board of Supervisors.

Recommendation

1. Approve a height variance for the grain bins not to exceed 128’ in height, the corn dryer not to exceed 118’ in height, and the grain leg not to exceed 160’ in height.

2. Case No. 21-12 Graphic House, Inc for Ziegler Cat 11490 265th Street (Iowa Highway 122) (Lots 1 & 2 Woollums 1st Subdivision)

Zoning

M-1 Light Industrial

Background

Graphic House, Inc. proposes to add a 5’-1”x7’-6.5” building-mounted sign on the west half of the existing building (See Figure 1). The new sign is intended to identify a new rental service that is available.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
Sign	38’ & 97’ separation between signs	150’ minimum separation distance b/t signs in M-1 District (19.6-E-3-b-(2))

*See Figures 2 & 3

Property Details

The property is typical for lots within the subdivision.

Analysis

The proposed sign is 38’ from the existing building-mounted sign and 97’ from a freestanding sign. While there is an existing reasonable commercial use on the property, the proposed sign size and placement is similar to signs on nearby properties. The Zoning Ordinance does not differentiate between types of signs within the M-1 District, and a building-mounted sign is typically preferable to a freestanding sign. The sign should not unduly distract travelers along Iowa Highway 122. I have no concerns as a result.

Recommendation

1. Approve a separation distance variance for the sign to be no closer than 38’ and 97’ from existing signs.

3. Case No. 21-13 Catherine & Richard Young 5180 Lakeview Drive
(Lot 2, Block 1, Grandview Addition)

Zoning

R-3 Single Family Residential

Background

The Youngs propose to construct a 24’x18’ deck and screened porch addition. The proposed addition will be a remodel of the existing deck and screen porch with a 6’ extension toward the lake (See Figure 1). The applicants state that they desire to bring the building line closer in line with the immediate neighbors.

VARIANCE REQUEST*		
Structure	Request(s)	Requirement(s)
Addition	5’ west side yard 14.5’ rear yard	6’ side yard (11.6-B) 30’ rear yard (11.6-C)

*See Figures 2 & 3

Property Details

The property is similar in size to nearby properties. There are two trees on the lake side that the applicants wish to maintain and is unique to the vicinity.

Analysis

There is an existing reasonable residential use of the property. In the past couple of years, the Board has approved variances on neighboring properties for decks with similar setbacks. This request will be roughly even with neighboring building lines, so views will not be affected as a result (See Figures 4 & 5). I have no character or safety concerns.

Recommendation

1. Approve a west side yard setback variance for the addition to be no closer than 5’.
2. Approve a rear yard setback variance for the addition to be no closer than 14.5’.

Background

During the July 28, 2020 Board of Adjust meeting, you voted to review and rehear the subject Special Use Permit (SUP) of Gene Baker (B-20 Auto Salvage) (hereinafter referred to as “Baker”). In your packets, please refer to the staff reports from the March 31, 2020 and July 28, 2020 meetings for background. Also included in your packets is a map of the general permitted salvage area in which salvaged vehicles are required to be stored when not being crushed or worked on and a copy of Baker’s SUP.

Condition 7 of Baker’s SUP requires the Zoning Administrator to make an annual report to the Board of Adjustment detailing compliance with the conditions of the permit. The inspection for the annual review was conducted on March 13, 2020. During the March 31, 2020 meeting, the Board considered the annual report and noted compliance issues as documented in the staff report enclosed in your packet. The Board instructed Baker to complete the following remedial actions by June 30, 2020:

1. Remove the vehicles and parts located along the driveway and south of the grain bins.
2. Remove the vehicles from the west hillside and north of the corn field and south of the hillside.
3. Remove the vehicles, tires, and parts from west of the hog buildings.
4. Remove the tires and parts around the office.
5. Repair or replace the missing southeast fence section

A follow-up inspection was conducted on July 13, 2020. During the July 28, 2020 meeting, the Board considered the follow-up report to the annual review and noted compliance issues remained as documented in the follow-up staff report enclosed in your packet. The Board then voted to bring the SUP into rehearing instructing Baker to bring the salvage yard into compliance within 30 days (August 31, 2020) and to develop a plan to maintain compliance. The Board noted the following remedial actions remained to be completed.

1. Remove the vehicles and parts located south of the grain bins.
2. Remove the vehicles from the west hillside and north of the corn field and south of the hillside.

Mr. Baker has a history of struggling to maintain compliance with vehicles being stored outside of the permitted salvage area, particularly on the west hillside. This review will consist of a summary of compliance and discussion options moving forward.

Site Review and Analysis

A follow-up inspection was conducted on September 16, 2020. During the site review, I noted there was significant improvement. All fences were in good repair. No vehicles, except those being worked on, were located along the driveway, around the hog buildings, or south of the grain bins (See Figures 1-8). No vehicles were located on the north half of the west hillside (See Figure 9).

However, I also noted that there were a significant number of vehicles remaining on the south portion of the west hillside and north of the former corn field where a new animal confinement is currently being constructed (See Figures 10-12). I also noted that Baker was having employees actively work to move vehicles off of the hillside during the site visit.

During the site visit, I instructed Baker that he should attend the hearing and come with a plan to maintain compliance. We also discussed the possibility of developing an alternative site plan. Baker noted that water drains into the salvage area from the west hillside, which he maintains gives him no choice but to utilize the hillside in the spring as the winter snow melts. Problems caused by wet conditions are certainly understandable. However, one of the most significant issues on the property contributing to non-compliance continues to be inventory control resulting in a lack of space to park inoperable vehicles.

The primary purpose in specifying a salvage area where vehicles are to be stored are to mitigate potential impacts and give a predictable area that can be screened from view of the general public. Vehicles parked on the west hillside can easily be seen from 300th Street (County Road B-20) under the current status of the property. This would be the primary consideration for developing any alternative.

The applicable conditions related to compliance with the SUP are as follow:

5. The area to be included under this permit is described as follows: Beginning at the east edge of the grain bin furthest east on the property, thence east approximately 195 feet, thence north approximately 500 feet, thence west approximately 735 feet, thence south approximately 800 feet, thence east approximately 110 feet, thence north approximately 190 feet, thence east 160 feet, thence north approximately 70 feet, thence west approximately 50 feet, thence north approximately 150 feet, thence east approximately 150 feet to the western-most grain bin.
8. Fencing shall be placed along the eastern and southern boundaries of the salvage yard, and in any area that can be seen from any neighbor or road. The fence shall be at least 6 feet in height. All dismantled and inoperable vehicles and vehicle parts shall be stored within the fenced area. The fence shall not be visually penetrable. A chain link fence with slats shall not be considered a solid fence. All required fencing shall be placed within 180 days of approval of this permit.
9. At no time shall junk be allowed to become visible either over or through the required fencing.
13. Salvaged vehicles shall not be placed along the driveway into the building site. Salvaged vehicles shall not be placed outside of a fenced area, south of the northern-most confinement building, south of the grain bins, south of the machine shed, or any other location not approved herein.
14. The applicant shall place a tree buffer of mostly evergreens or similar species along the east fence and south fence to the northern-most confinement building. Said trees shall be placed no more than 35 feet apart.

Discussion of Options

Baker still remains somewhat out of compliance with the SUP. I am not going to make a formal recommendation because it is Baker's responsibility to maintain compliance. Baker has a long history of non-compliance regarding the above conditions. There are a few options that the Board can consider. The first option is the Board could take no action if you feel enough progress toward compliance has been made, but I would suggest that the Board should not consider this due to the history.

The second option is to continue the hearing and table it to a later date to give Baker further time to bring the salvage yard into full compliance. Again, I would suggest that the Board should not consider this since the salvage yard has been in non-compliance since at least March and is on a yearly basis in the Spring.

The Board could also potentially revoke the permit due to Baker's history failing to maintain compliance with the SUP. This is listed as option in all SUP if an operator fails to maintain compliance and is Condition 5 of the SUP. If you chose this option, the salvage yard would then become an illegal non-conforming use and would be pursued as a violation of the Zoning Ordinance. Baker would then be required to clean up the salvage yard in an instructed amount of time. The matter could potentially be taken to court and fines could be assessed. Baker would

have the option to reapply for a Special Use Permit at a later time as well to correct the violation. This option should come with guidance for Baker with the intent to either have Baker reapply at a later time with a new proposal for the salvage yard or to end the salvage yard operation entirely.

The last option for the Board is to potentially amend the SUP conditions. Any amendment should be based on solving the long term issues of non-compliance and addressing the visual impacts with screening and having a specified salvage area as intended to mitigate potential impacts of the salvage yard. During the site visit, I again reiterated the necessity of coming prepared with a plan for long term compliance and/or an alternative to address such impacts.

What Baker brings forward should significantly help you consider your options and make a decision. The consideration of options and decision should address the long term compliance status of the salvage yard.