



PLANNING AND ZONING Cerro Gordo County Courthouse

220 N Washington Ave
Mason City, IA 50401-3254
cgcounty.org/planning

(641) 421-3075
(641) 421-3110
plz@cgcounty.org

SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 22-7

Hearing Date: February 22, 2022

Applicant

Gabriel Beal
4025 Evergreen Avenue
Joice, IA 50446

Owner

Michael & Jennifer Tetmeyer
6731 N Union Road
Cedar Falls, IA 50613

Property Address: not assigned

Brief Legal Description: Lots 5 & 6, Block 3, Crane & Hills

Zoning: R-3 Single Family Residential

Background

On behalf of the Tetmeyers, Mr. Beal proposes to construct a 48'x43' house. The lot is currently vacant (See Figure 1). The applicant narrative mentions a fence is proposed to be connected to the neighbor's to west. No fence is included on the provided site plan, so a separate Zoning Permit Application would be required for the proposed fence. A fence on or crossing a shared property line must have the applicable neighbor as a co-applicant on the application. The fence is not being considered in this request.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
House	23' front yard setback 24' rear yard setback	30' front yard setback (11.6-A) 30' rear yard setback (11.6-C)

*See Figures 2 & 3

FINDINGS OF FACT

1. Michael and Jennifer Tetmeyer are the owners of the subject property, located on Lots 5 and 6, Block 3, Crane and Hills.
2. The property is zoned R-3 Single Family Residential.
3. The proposed house is located 23' from the front lot line and 24' from the rear lot line.
4. The required front yard setback is 30' in the R-3 District. The required rear yard setback for a principal building is 30' in the R-3 District.
5. The application was filed on January 25, 2022 with the Planning and Zoning Office.

ANALYSIS

The Board of Adjustment is provided the power to grant special exception under Section 24.4(A)(2) of the Zoning Ordinance. The Board may grant special exception to bulk standards of the ordinance if, in its judgement, the standards established in Section 24.4(A)(2)(a) are met. In its review, the Board may attach certain conditions to any special exception granted in order to observe the spirit of the Zoning Ordinance and Comprehensive Plan and mitigate any potential impacts that may directly result from the requested special exception.

Discussion of Standards of Review

Strict compliance with the standards governing setback, frontage, height, or other bulk provisions of this ordinance would result in a practical difficulty upon the owner of such property and only where such exception does not exceed 50 percent of the particular limitation or number in question.

The proposed house is 23' from the front lot line and 30' from the rear lot line. A 30' front yard setback and a 30' rear yard setback are required in the R-3 District (See Figure 2). The standard appears to be met.

While visiting the property, I noted that the adjacent houses to the west have a roughly similar front yard setback as that being proposed (See Figure 2). The measurement was done from the marked survey stake at the northeast corner of the lot. Since most of the block is undeveloped, a front yard setback average was not able to be used as would normally be established under Article 6.11 of the Zoning Ordinance. This is discussed further below.

The exception relates entirely to a permitted use (principal, special, or accessory) classified by applicable district regulations, or to a permitted sign or off-street parking or loading areas accessory to such a permitted use.

A single family home is a principal permitted use in the R-3 District. The standard appears to be met.

The practical difficulty is due to circumstances specific to the property and prohibits the use of the subject property in a manner reasonably similar to that of other property in the same district.

Original lots in the neighborhood were platted as 90' deep and 30' wide. The combined lots are 90' deep and 60' wide. The maximum dwelling size allowable under a strict interpretation of the rules is a 48'x30' house. The proposed dwelling is similar in size to the houses to the west and south (See Figure 4). It is considerably smaller than the house to the north. The allowable size under the strict rules of the ordinance is undersized compared to the general character of the neighborhood as a whole. The standard appears to be met.

A grant of the special exception applied for, or a lesser relaxation of the restriction than applied for, is reasonably necessary due to practical difficulties related to the land in question and would do substantial justice to an applicant as well as to other property owners in the locality.

Similar to the previous standard, the practical difficulty relates to the depth of the lot. A strict interpretation of the rules would only allow for a house that is smaller than most dwelling in the immediate neighborhood. The proposed dwelling is about 13' deeper than would be permitted under the rules without an exception.

Additionally, due to the lack of development occurring throughout the block, an average front yard setback has not been established as would otherwise be done under Article 6.11 of the Zoning Ordinance. The proposed front yard setback is similar to those already established on the lots to the west (See Figure 2). The proposed front yard setback would help to establish a front yard setback average in the block and begin to define the character of the block. The standard appears to be met.

Such practical difficulties cannot be overcome by any feasible alternative means other than an exception.

Due to the depth of the lot, there would be no additional options to build a house similar in size to others in the neighborhood. The standard appears to be met.

Relief can be granted in a manner that will not alter the essential character of the locality.

The proposed house is similar in size to those on adjacent properties (See Figure 4) The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

There are no foreseeable negative impacts resulting from the proposed house.

Staff Conclusions and Recommendation

Staff recommends approval of the request. All standards of review appear to be met.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested special exception subject to any condition as deemed necessary by the Board.
2. Grant relief less or different from the requested special exception.
3. Deny the requested special exception.

The following motions are provided for the Board's consideration:

Provided motion of approval:

- I move to adopt the staff report as the Board’s findings and to approve the special exception as requested by Gabriel Beal for Michael and Jennifer Tetmeyer, subject to the following conditions:
 1. All construction shall comply with the site plan submitted with the application.
 2. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.
 3. The property owner shall apply with the County Auditor’s Office to have Lots 5 and 6 combined.

Provided motion of denial:

- I move to adopt the staff report as the Board’s findings and to deny the special exception as requested by Gabriel Beal for Michael and Jennifer Tetmeyer for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Exception Application
- Exhibit 3: Site plan
- Exhibit 4: Floor plan
- Exhibit 5: Elevation drawings
- Exhibit 6: Aerial photo of site

Figure 1

Looking at the proposed location for the house



January 27, 2022, J. Robbins

Figure 2

Looking west along the front lot line



January 27, 2022, J. Robbins

Figure 3
Looking west along the rear lot line



January 27, 2022, J. Robbins

Figure 4
Looking at the house on the adjacent lot to the west



January 27, 2022, J. Robbins

SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 1/25/22 Date Set for Hearing 2/22/22 Case Number: 22-7

Applicant Name: Gabriel Beal Phone: 641-420-4007 E-Mail: bristolconstruction@icloud.com

Mailing Address: 4025 Evergreen Ave Dvice, IA 50446

Property Owner Name: Michael Tetmeyer Phone: 515-554-1235 E-Mail: ttetmeyer@gmail.com

Property Owner Address: 6731 North Union Rd Cedar Falls, IA 50613

Property Description (Not to be used on legal documents): Parcel # 052331700900 Township Clear Lake 052331701000

Property Address: Zoning:

Brief Legal Description: L 5 & 6 Blk 3 Crane & Hills 1st Add To Oakwood Park

Project Description

Decision Date:

Build New House on Property

Special Exception(s) Requested (As cited on results from denied Zoning Permit Application)

Request Adjust ment To setback Requirements for Property see Attached sheet

Criteria Justifying Special Exception under Standards for Review (You may add more details in the Additional Information)

See Attached sheet.

I am the [] Owner [] Contract Purchaser [X] Other (Explain) Contractor working AS

The Agent for owner of the property affected.

I, the applicant, being duly sworn, depose and say that I am the owner, or that I am authorized and empowered to make affidavit for the owner, who makes the accompanying application; that the application and plan are true and contain a correct description of the proposed building, lot, work, and use to which the structure is to be placed if a special exception is granted. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

Applicant Signature Gabriel Beal

Date 1-20-2022

To: Cerro Gordo Board of Adjustment

From: Michael Tetmeyer – Property Owner Lots 5 and 6, Block 3, Crane and Hills, Clear Lake

Re: Request for adjustment to for new home construction

Sirs, please review this request for adjustment to the front and back set-back requirements, for the construction of a new home at the aforementioned property. I have recently purchased this property and hope to establish a long-term residence on this sight. It is my intention to retain ownership of this home for several decades, and hopefully pass this property to my next generation. I am building this home for my family's enjoyment of the community and lake area, and not to sell.

This property consists of 2 narrow lots, each measures only 30 ft wide and 90' ft deep, for a total property width of 60' wide and 90' deep. I have hired a local contractor, Gabe Beal with Bristol Construction, to build a custom home on this site. I have attached a copy of a final plan, which I have asked Gabe to submit to the Board for review and to issue a building permit for this home. It is my hope, the Board will allow an exception to the front setback and rear setback, so we can obtain a permit to build a new home that would be reflective of the style, value and scope of the adjacent properties in the neighborhood. A home to equal or improve the value of adjacent properties.

Please consider these practical circumstances in this request for a variance.

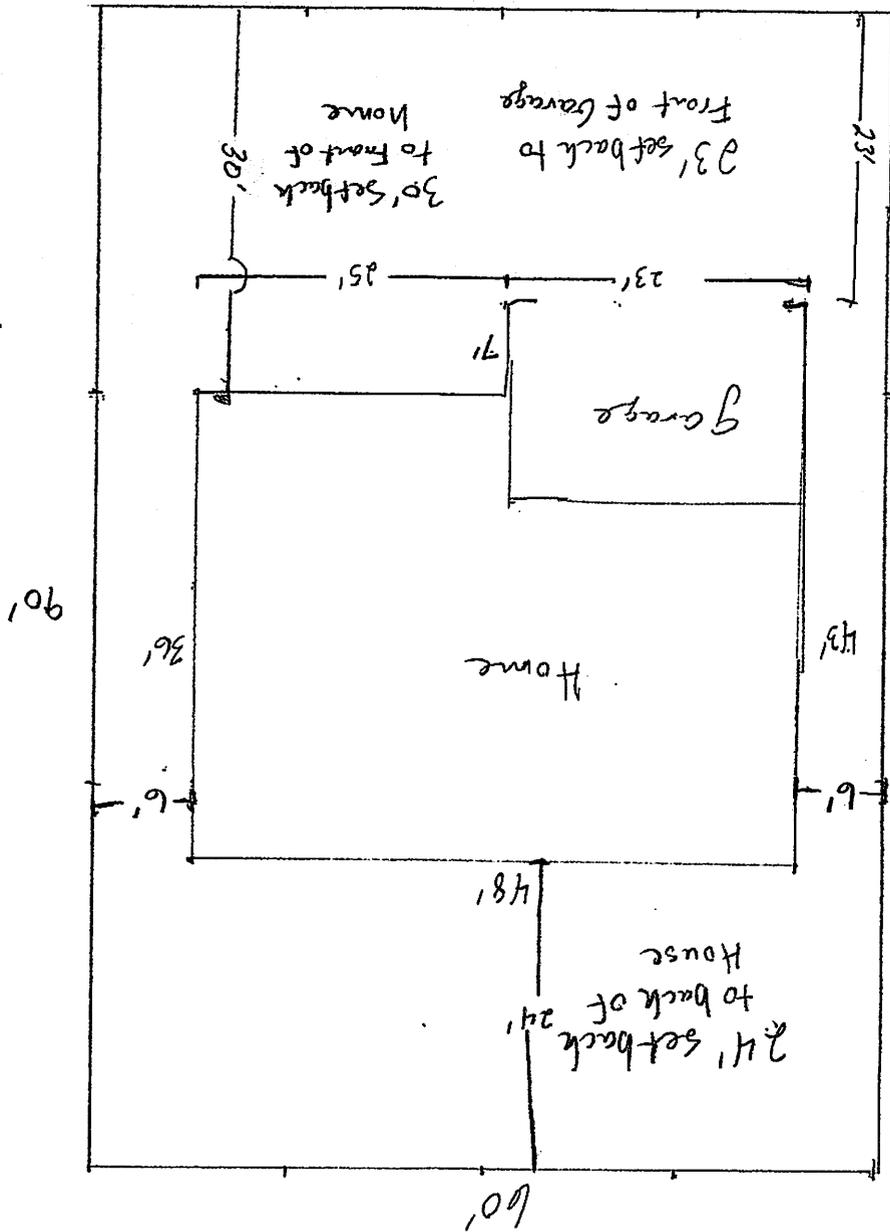
- This odd-sized lot, requires an exception in order to build a home of comparable value and scope to the adjacent properties.
- Giving a variance for both front and rear setbacks allows for centering the structure on the property.
- Moving the structure further back would be acceptable if the planned dimensions of the foundation would still be acceptable.
- Homeowner is also planning to erect a privacy fence, pending permit, across the rear boundary as a continuation of the neighbor's privacy fence, currently established.
- Moving the structure further back will accommodate less slope to a north facing driveway, minimizing risk of hazardous slope in winter months.
- Property requires substantial investment to establish a water

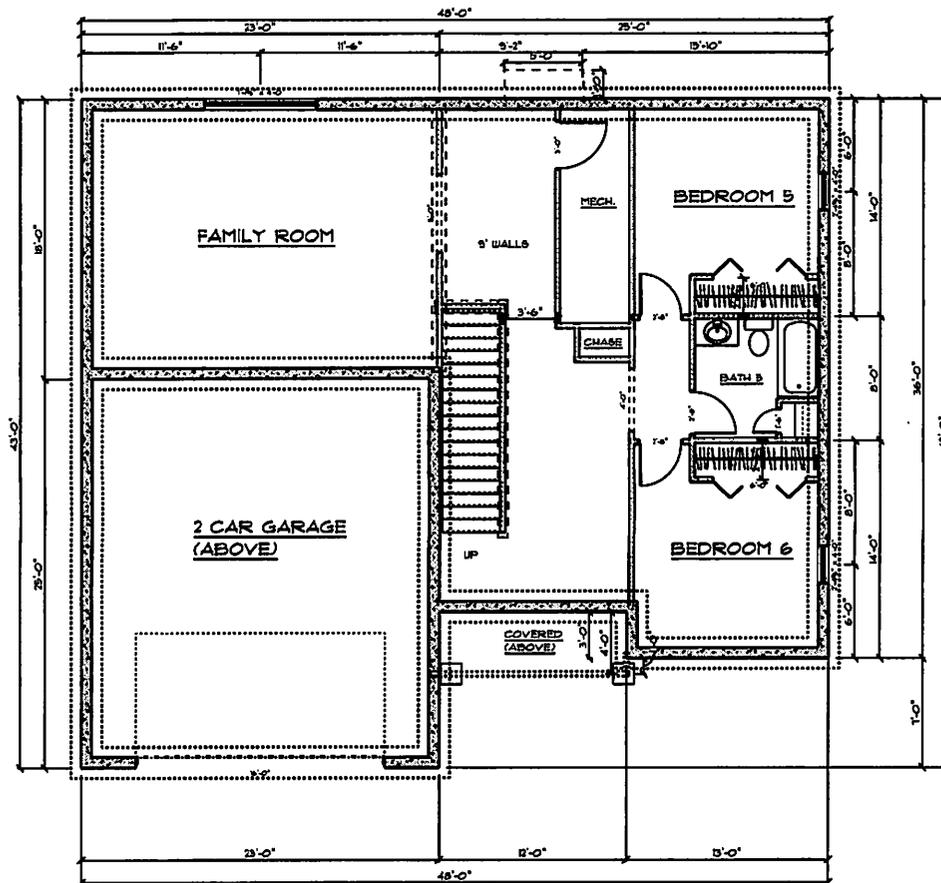
well for the home. Allowing these variances will make the establishment of this water well, feasible.

- Variance to allow front setback of 23' to the front of garage, 30' to front of house, and 24' to back of house, will help to center the house on the property.

Thank you for your consideration and I look forward to receiving your approval and the opportunity to get this project started as spring weather allows. Any questions may be directed to my contractor Gabe Beal – 641-420-4007 or myself at 515-554-1235.

Sight Plan
Tehmeyer





THESE GENERAL DRAWINGS ARE NOT PRODUCED BY AN ARCHITECT OR ENGINEER. ANY QUESTIONS CONSULT AN ARCHITECT TO DETERMINE STRUCTURAL REQUIREMENTS AND BUILDING CODES. MP HOME DESIGN ASSUMES NO RESPONSIBILITY FOR SITE CONDITIONS, CLAIMS OR DAMAGES ARISING FROM ERRORS, OMISSIONS, AND DEFECTS OF THESE DRAWINGS.



Home Design

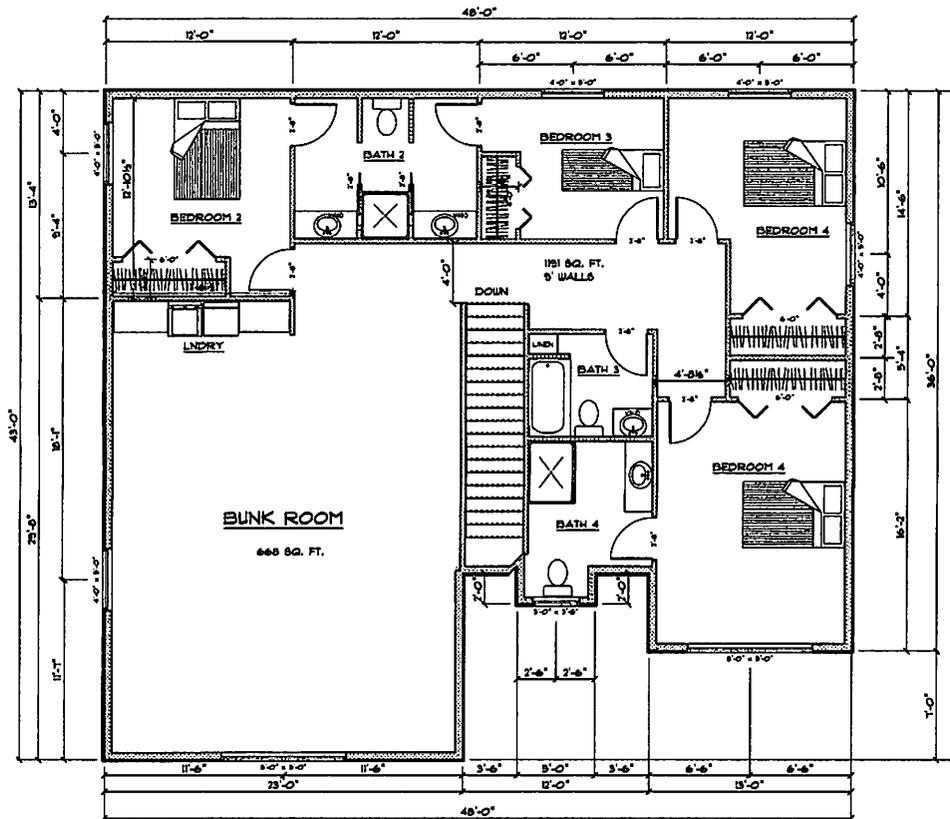
MEGAN PETERSON
 708.638.5298
 MEGAN@MPHOMEDSIGN.COM
 WWW.MPHOMEDSIGN.COM
 BASED OUT OF CLEAR LAKE, IA

DRAWING SCALE: 1/4" = 1'-0"

*ELEVATIONS ARE NOT MEANT FOR BUILDING. ELEVATIONS ARE FOR REFERENCE PURPOSES ONLY.

TETMEYER
 FOUNDATION

Saturday, December 11, 2021



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 WWW.MPHOMEDSIGN.COM

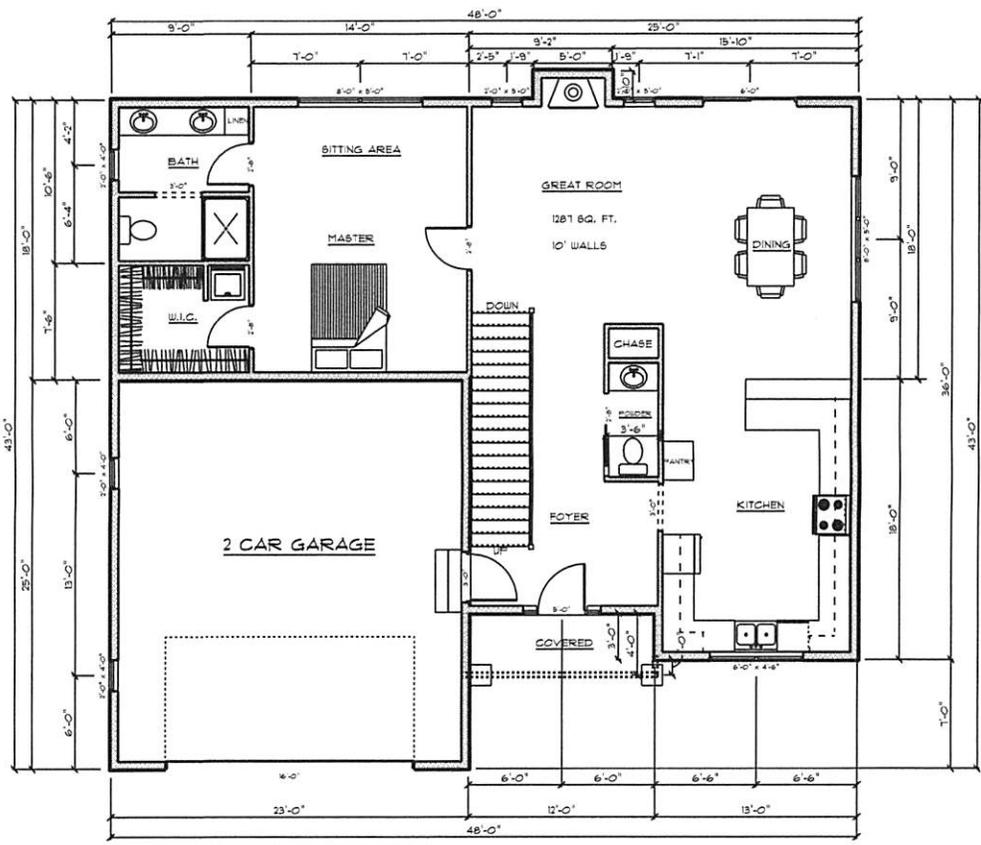
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TETMEYER
 2ND FLOOR

Wednesday, December 15, 2021



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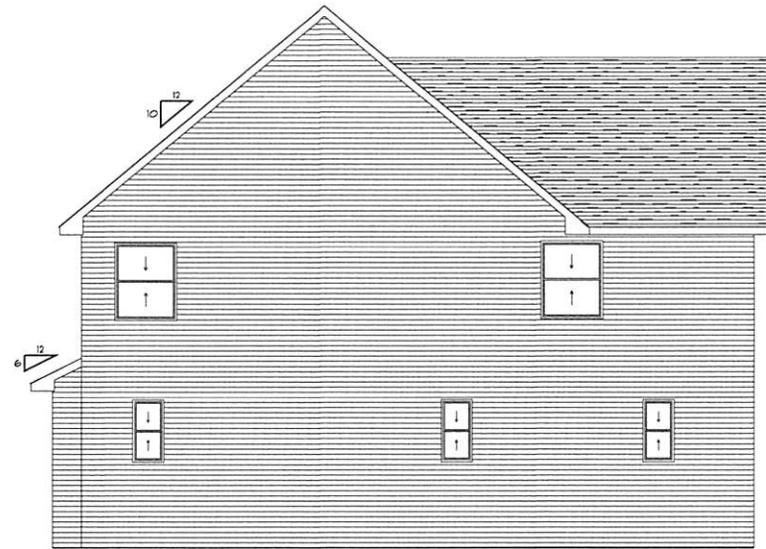
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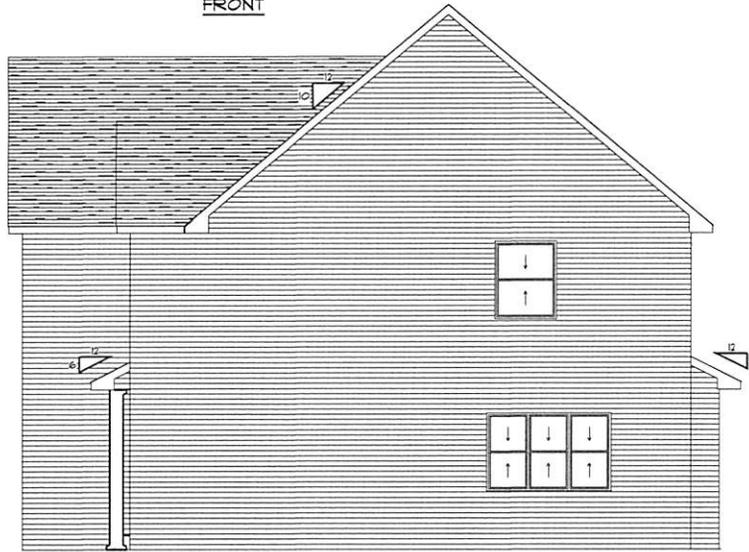
TETMEYER
MAIN FLOOR PLAN
Saturday, December 11, 2021



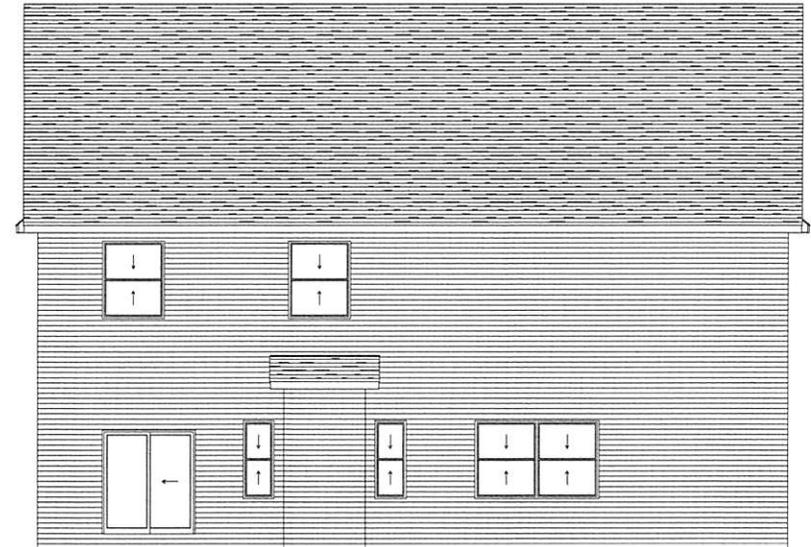
FRONT



LEFT



RIGHT



BACK

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TETMEYER
ELEVATIONS

Saturday, December 11, 2021

BAYSIDE CT

LEE ST

26

