



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 USE PERMIT STAFF REPORT

SUMMARY OF REQUEST

Case No.: 24-01

Hearing Date: January 30, 2024

Staff Contact: Michelle Rush, Assistant Zoning Administrator

Applicant:

N/A

Owner

Marlen L. & Nancy J. Stricker
22781 Jonquil Avenue
Clear Lake, IA 50428

Property Address: 22781 Jonquil Avenue

Brief Legal Description: SW¼ of the NW¼, Section 15, Lincoln Township

Zoning: A-1 Agricultural

Special Use Requested: Review of existing SUP for public stable and riding academy

Special Use Area: Approx. 0.80 acres

Parcel Area: 67.38 acres

Special Use Description

On July 1, 2008, Board of Adjustment originally granted Nancy Stricker (Stricker) (d/b/a Circle S Ranch) the current Special Use Permit to operate a commercial/public horse stable and indoor riding arena. Stricker has since operated the commercial horse stable for boarding. Stricker retired on October 1, 2022, and the business ended operation.

FINDINGS OF FACT

1. Marlen L. & Nancy J. Stricker are the owners of the subject property.
2. The property is zoned A-1 Agricultural.
3. On July 1, 2008, Board of Adjustment originally granted Nancy Stricker (d/b/a Circle S Ranch) the current Special Use Permit to operate a commercial/public horse stable and indoor riding arena.
4. On September 26, 2022, the Planning and Zoning Office received correspondence from Nancy Stricker stating that the Circle S Ranch commercial horse stable business would be ending operations on October 1, 2022. On November 16, 2023, the Planning and Zoning Office received correspondence from Nancy Stricker confirming the Circle S Ranch commercial horse stable business has been out of operation since October 1, 2022.

5. The conditions of Stricker's Special Use Permit contains no sunset clause, nor does the Cerro Gordo County Zoning Ordinance contain a sunset provision that renders a Special Use Permit null and void after a set period of inactivity of a specific special permitted use or granted permit.
6. Under the Cerro Gordo Count Board of Adjustment Rules of Procedure, a Special Use Permit may be brought to review for revocation or amendment with an affirmative majority vote of the Board of Adjustment members.
7. On November 28, 2023, the Planning and Zoning Office presented the case to bring Stricker's Special Use Permit under review for the purpose of revoking the permit due to the business no longer being in operation, and the Board unanimously voted to bring the permit under review.

BACKGROUND INFORMATION

On July 1, 2008, Board of Adjustment originally granted Stricker the current Special Use Permit (SUP) to operate a commercial/public horse stable and indoor riding arena.

On September 26, 2022, the Planning and Zoning Office received correspondence from Nancy Stricker stating that she planned to retire, and the Circle S Ranch commercial horse stable business would be ending operations on October 1, 2022. After a year, on November 6, 2023, the Planning and Zoning Office requested confirmation from Stricker that the business is no longer in operation. On November 16, 2023, the Planning and Zoning Office received correspondence from Nancy Stricker confirming the Circle S Ranch commercial horse stable business has been out of operation since October 1, 2022. Said correspondence is included in your packet.

The conditions of Stricker's SUP contains no sunset clause, nor does the Cerro Gordo County Zoning Ordinance contain a sunset provision that renders a Special Use Permit null and void after a set period of inactivity of a specific special permitted use or granted permit. At the Board's last meeting, staff presented this as a reason to consider bringing the permit into review for the purpose of revoking the permit due to the business ending operations, which the Board has the option to do under its Rules of Procedure with an affirmative majority vote. The Board unanimously voted to bring the permit under review as a result.

STAFF ANALYSIS AND RECOMMENDED ACTION

Without action, the existing SUP will remain in effect, as it contains no specific conditions that would render it null and void otherwise. Likewise, the county Zoning Ordinance has no specific provisions that renders a SUP null and void after a period of time of inactivity. Therefore, for this SUP to be ended, the Board must take a specific action to revoke the permit to render it null and void.

Condition 5 of the permit prohibits transfer of the SUP to another except to any successors and assign, such as Stricker’s children. This would have the effect of ending the permit at some point in the future if there were no descendants in which to transfer the business.

Condition 7 of the SUP requires Stricker to inquire with certain residents along Wheelerwood Drive and Jonquil Avenue—routes that Stricker’s customers took to access the business along gravel-surfaced roads—about providing dust control at her expense. This condition of the permit will still be in effect without Board action, obligating Stricker to the requirement of the SUP and causing expense for a non-existent business.

It is staff’s understanding that Stricker does not intend to continue the business operations into the future nor pass the business on at this location. As a result, the dust impacts from the increased traffic that the former business caused is no longer occurring. It does not make sense for this condition to remain in place.

Staff recommends the Board revoke the permit to render it null and void. Revoking the permit will no longer allow for a commercial/public horse stable to be operated on the property without a new SUP being granted by the Board. All conditions of the permit would be ended.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Revoke the Special Use Permit, rendering it null and void.
2. Amend the Special Use Permit, according to the Board’s findings.
3. Take no action.

The following motion is provided for the Board’s consideration:

Recommended motion of revocation:

I move to adopt the staff report as the Board’s findings and to revoke the Special Use Permit granted to Nancy Stricker, doing business as Circle S Ranch, for a commercial/public horse stable and indoor riding arena at 22781 Jonquil Avenue and render the permit and attached conditions null and void.

EXHIBITS

- Exhibit 1: Correspondence regarding business closure
- Exhibit 2: Copy of Stricker’s existing Special Use Permit
- Exhibit 3: Aerial photo of property

received
11-16-23

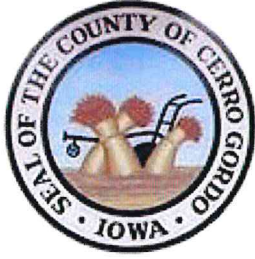
Nancy Stricker

Clear Lake, Ia. 50428

On October 1, 2022 I quit boarding horses. I have no plans to board in the future.

Nancy Stricker

Formerly Circle S Ranch



PLANNING AND ZONING

Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254

(641) 421-3075

Tom Meyer Zoning Administrator

plz@cgcounty.org

Michelle Rush, Assistant Zoning Administrator

cgcounty.org/planning

November 6, 2023

Nancy Stricker
Circle S Ranch
22781 Jonquil Avenue
Clear Lake, IA 50428

Dear Mrs. Stricker:

On September 26, 2022, this office received your notice stating that effective October 1, 2022, Circle S Ranch will no longer board horses and officially end the business activities which were granted in your Special Use Permit.

There are no provisions to nullify the Special Use Permit in the conditions or specifically outlined in the Zoning Ordinance. As a result, the Board of Adjustment will formally bring your Special Use Permit into review for the purpose of revoking the permit since the business is no longer active.

On Tuesday, November 28, 2023, at 4:00 p.m., the Board of Adjustment will vote to bring your Special Use Permit under review.

Prior to November 17, 2023, can you please provide our office with a written statement confirming that your business has not been in operation since October 1, 2022.

Of course, you are welcome to attend the meeting on November 28, 2023, at 4:00 p.m. at the Courthouse.

Please feel free to contact me with any questions regarding this letter.

Sincerely,

Michelle Rush
Assistant Zoning Administrator

received
9-26-22

Circle S Ranch
Nancy Stricker
22781 Jonquil Ave.
Clear Lake, Iowa 50428

As of October 1, 2022 Circle S Ranch will no longer be boarding horses. The stable will no longer be in business. We will no longer be providing dust control for the neighbors. Copies of this letter will be sent to those who are receiving this service.

Nancy Stricker

Aud

Colleen Pearce, Cerro Gordo County Recorder



Prepared by Michelle Rush, 220 North Washington Ave., Mason City, IA 50401, (641)421-3021
Return to Michelle Rush, 220 North Washington Ave, Mason City, IA 50401, (641) 421-3021

RESOLUTION 18-11

WHEREAS, Marlen L Stricker and Nancy J Stricker are the owners of the following described real estate, to-wit:

The SW¼ of the NW¼ of Section 15, Township 97 North, Range 21 West of the 5th P.M., Cerro Gordo County, Iowa, and

WHEREAS, on July 29, 2008, Nancy Stricker (d/b/a Circle S Ranch) received a Special Use Permit by the Board of Adjustment to operate a commercial/public horse stable and indoor riding arena under Article 20.2(X) of the Cerro Gordo County Zoning Ordinance (Resolution 08-31, Recorded Document #2008-5365), subject to the following regulations/and or conditions:

1. The special use permit may be reviewed at any time in the future upon the request of the applicants or a majority of the Board of Adjustment members.
2. The provisions and/or regulations as stated shall be minimum requirements and wherever the requirements of any other lawfully adopted rules, regulations or ordinances are at a variance, the most restrictive shall govern.
3. It is contemplated that from time to time during the operation of a commercial/public stable and arena, that conditions may arise which are not covered by the terms of this permit and which cannot be anticipated. In the event such conditions do arise, the Board of Adjustment of Cerro Gordo County, Iowa, may impose additional regulations to meet any new conditions. In addition, if said facility should, at any time, be operated in any manner which violates the rules and regulations of any federal or state regulatory agency, then the Board of Adjustment may impose such other conditions so as to insure compliance with such rules and regulations.
4. This permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of Adjustment of Cerro Gordo County, Iowa, under the terms of this permit.
5. This Special Use Permit is granted solely to Nancy Stricker (d/b/a Circle S Ranch) and is not transferable to other parties, except successors and assigns.
6. One on-site sign, advertising the stable shall be permitted on the property. Said sign shall not exceed 25 square feet in size. The sign shall not be placed closer than 25 feet to the right-of-way line of Jonquil Avenue. No off-premise advertising shall be permitted except in compliance with the Cerro Gordo County Zoning Ordinance.

Nancy Stricker (d/b/a Circle S Ranch)

September 26, 2017

7. The applicant is required to ask the residents of 10485 Wheelerwood Drive, 21862 Jonquil Avenue, and 21455 Jonquil Avenue if they would like dust control applied in front of their homes at her expense not more than twice per year.

WHEREAS, the Assistant Administrative Officer of Cerro Gordo County filed for a review of and proposed amendment to Condition No. 7 above and after public hearing on September 26, 2017, Nancy Stricker (d/b/a Circle S Ranch) was granted an Amended Special Use Permit in accordance with Article 20.2(X) of the Zoning Ordinance of Cerro Gordo County, Iowa, and

WHEREAS, said Amended Special Use Permit was granted by the Board of Adjustment of Cerro Gordo County, Iowa subject to the following regulations and/or conditions:

1. Condition No. 7 is hereby repealed and the following adopted in lieu thereof:

The owners of the following properties shall be contacted annually by Mrs. Stricker offering to apply dust control each year in early June at her expense as desired by those property owners along the applicable gravel road running adjacent to their respective property. The number of feet indicated in parentheses shall be the minimum number of feet running with the length of the respective road if dust control is desired:

- 10485 Wheelerwood Drive (300 feet)
- 21455 Jonquil Avenue (400 feet)
- 21862 Jonquil Avenue (400 feet)

All dust control shall be applied by a contractor licensed by the County Engineer's Office following established procedures. Mrs. Stricker shall keep records including contacts made to these residents and dust control applied. Those records shall be made available to the Zoning Administrator upon request.

2. All other conditions of the special use permit granted by the Board of Adjustment on July 29, 2008 shall remain in full force and effect.

BE IT FURTHER RESOLVED this permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of Adjustment of Cerro Gordo County, Iowa, under the terms of this permit.

Motion was made by Steve Siemers on September 26, 2017, to adopt the staff report as the Board's findings and grant the application, subject to the conditions recommended by staff and as modified by the Board of Adjustment, for an amendment to the special use permit, originally granted to Nancy Stricker (d/b/a Circle S Ranch) on July 29, 2008, and further, that the grant of the application be made effective immediately and on the condition that Nancy Stricker (d/b/a Circle S Ranch) shall perform all operations under the application under the specific direction of the Cerro Gordo County Zoning Administrator, consistent with the proposed conditions and recommendations approved by the Board of Adjustment, until such time as a formal resolution is drafted and adopted by the Board of Adjustment, not to exceed 60 days. Motion seconded by Charlie Norris. Roll call vote taken resulted as follows:

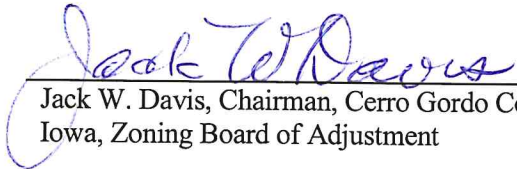
Aslakson-yes
Taylor-yes
Norris-yes
Siemers-yes

Nancy Stricker (d/b/a Circle S Ranch)

September 26, 2017

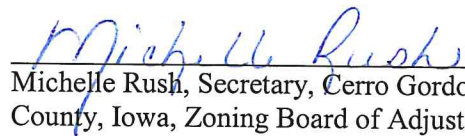
Motion to approve said Resolution on October 31, 2017, was made by Mary Ann Aslakson and seconded by Martha Taylor with the understanding all provisions of said Resolution, are effective retroactive to September 26, 2017. Roll call vote taken resulted as follows:

Aslakson-yes
Davis-yes
Taylor-yes
Siemers-yes

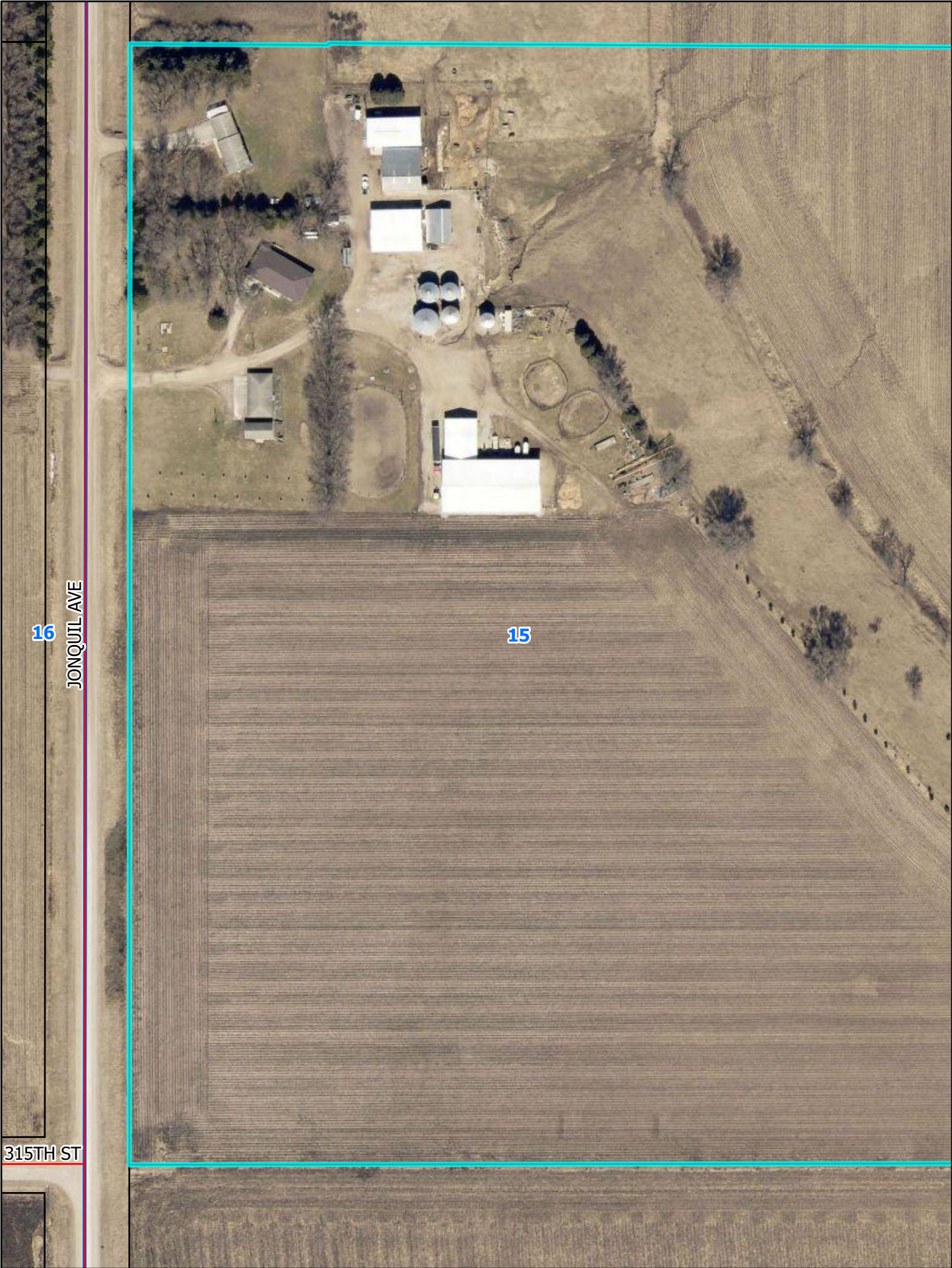


Jack W. Davis, Chairman, Cerro Gordo County,
Iowa, Zoning Board of Adjustment

ATTEST:



Michelle Rush, Secretary, Cerro Gordo
County, Iowa, Zoning Board of Adjustment



16

JONQUIL AVE

15

315TH ST