



**PLANNING AND ZONING**  
**Cerro Gordo County Courthouse**

220 N Washington Ave  
Mason City, IA 50401-3254  
[https://cerrogordo.gov/planning\\_and\\_zoning/](https://cerrogordo.gov/planning_and_zoning/)

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

**SPECIAL EXCEPTION STAFF REPORT**

**SUMMARY OF REQUEST**

**Case No.:** 24-07 **Hearing Date:** April 30, 2024  
**Staff Contact:** Michelle Rush, Assistant Zoning Administrator  
**Applicant:** Aaron Waechter **Owner:** Same  
13968 Lark Ave  
Mason City, IA 50401

**Property Address:** 13968 Lark Ave, Mason City, IA 50401  
**Brief Legal Description:** Section 35, Lake Township  
**Zoning:** A-1 Agricultural District

**Background**

The applicant proposes to construct a new 50'x82' storage/shop/office building on the property. A portion of the proposed building will extend over the existing well to replace the rotted wood building that currently covers and protects the well.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Building for storage/shop/office	16' side yard setback	25' side yard setback

\*See Figures 2-4

**FINDINGS OF FACT**

1. Aaron & Jody Waechter are the owners of the subject property.
2. The property is zoned A-1 Agricultural District.
3. The proposed building will be 16' from the north side lot line.
4. A 25' side yard setback is required.
5. The application was filed on March 28, 2024 with the Planning & Zoning Office.
6. Generally, CG Public Health does not recommend building over a well in the event the well needs to be serviced. However, since it is an existing well, they recommend the following: 1. Use of flexible drop pipe to the pump. 2. Place a hatch in the roof if the ceiling is low in the shop area where the well is located. 3. Curbing around the well head to prevent contaminants from getting near the well casing. 4. Any other suggestions that a well contractor may have.

## ANALYSIS

The Board of Adjustment is provided the power to grant special exceptions under Section 24.4(A)(2) of the Zoning Ordinance. The Board may grant special exceptions 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.***

There is a practical difficulty due to the significant amount of floodplain on the lot which minimizes the location/area where construction of an accessory building can take place on the property.

The proposed building is 16' from the north side lot line, which is less than 50 percent of the required 25' front yard setback requirement in the A-1 Agricultural District.

***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.***

The proposed accessory building will be used for personal storage, shop, and office space which is a permitted accessory use in the A-1 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.***

The practical difficulty is due to the significant amount of floodplain on the lot. As listed above the property has a limited area where a detached accessory building could be located on the property. The layout of the dwelling and other existing accessory buildings also limits the area where the building could be constructed. Accessory buildings are common in the A-1 District. 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.***

As described in the analysis of the previous standard, any additional detached accessory buildings would be limited to the general area around where the proposed building is planned to be located. The request does not exceed and otherwise meets all other zoning requirements. Accessory buildings for additional storage are common in the A-1 District. There are no

foreseeable negative impacts if this request would be approved. The standard appears to be met.

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

There is no alternate feasible location for the proposed building on the property. As a result, there are no other practical options. The standard appears to be met.

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

Sheds, storage buildings, and workshops are common in the A-1 District. The standard appears to be met.

#### **Discussion of Potential Impacts to Immediate Area**

The proposed building is unlikely to have any foreseeable negative impacts.

#### **Staff Conclusions and Recommendation**

Staff recommends approval of the request. All standards of review appear to have been met, and there are no foreseeable negative impacts as a direct result of the proposed deck.

### **BOARD DECISION**

The Board of Adjustment may consider the following alternatives:

#### **Alternatives**

1. Grant the requested special exception subject to any conditions 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 Aaron Waechter, 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.

#### **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 Aaron Waechter for the following reasons:  
[STATE REASONS FOR DENIAL]

### **EXHIBITS**

- Exhibit 1 thru 5: Figures

- Exhibit 6: Special Exception Application
- Exhibit 7: Site plan
- Exhibit 8: Aerial photo of site
- Exhibit 9: Aerial photo with floodplain area

**Figure 1**  
**Looking west showing north side building footprint**



**April 16, 2024**



**Figure 2**  
**Looking north showing east side building footprint**





**Figure 3**  
**Looking southwesterly at building footprint from 230<sup>th</sup> St**





**Figure 4**  
**Looking east along south building footprint**





**Figure 5**  
**Looking east along north side of building footprint**



**Applicant Name:** Aaron and Jody Weechter **Phone:** 319-415-7660  
**E-Mail:** awproject@hotmail.com

**Mailing Address:** 13968 Lark Ave  
Mason City, IA 50401

**Property Owner Name:** Aaron and Jody Weechter **Phone:** 319-415-7660  
**E-Mail:** awproject@hotmail.com

**Property Owner Address:** 13968 Lark Ave  
Mason City, IA 50401

**Property Description (Not to be used on legal documents):** Parcel # 0635200030 Township Lake

**Property Address:** 13968 Lark Ave Mason City, IA 50401  
**Zoning:** A-1

**Brief Legal Description:** Residential Acreage

**Project Description** Accessory Building  
**Decision Date:** -

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

portion of north side of building to extend into setback less than half distance to Right of Way.  
This portion will be 9 feet into setback area.

**Criteria Justifying Special Exception under Standards for**

**Review (You may add more details in the Additional Information)**

The current building located in this space houses and protects well and pump. The well is located in the setback area. Building currently located in setback area is beyond repair due to rotting of wood. I am building an accessory building and wanting part of this building to extend over the well for protection.

I am the

Owner

Contract Purchaser

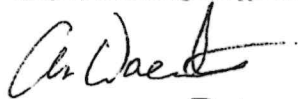
Other (Explain)

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



Date

3/28/24

**SPECIAL EXCEPTION APPEAL**

**ADDITIONAL INFORMATION**

Please provide any additional details below needed to fully address the standards for review and any potential impacts to the immediate vicinity that may directly result from the special exception requested.



Right of Way

Setback area

150'

31'

10'

18'

50'

66'

40'

64'

New Building

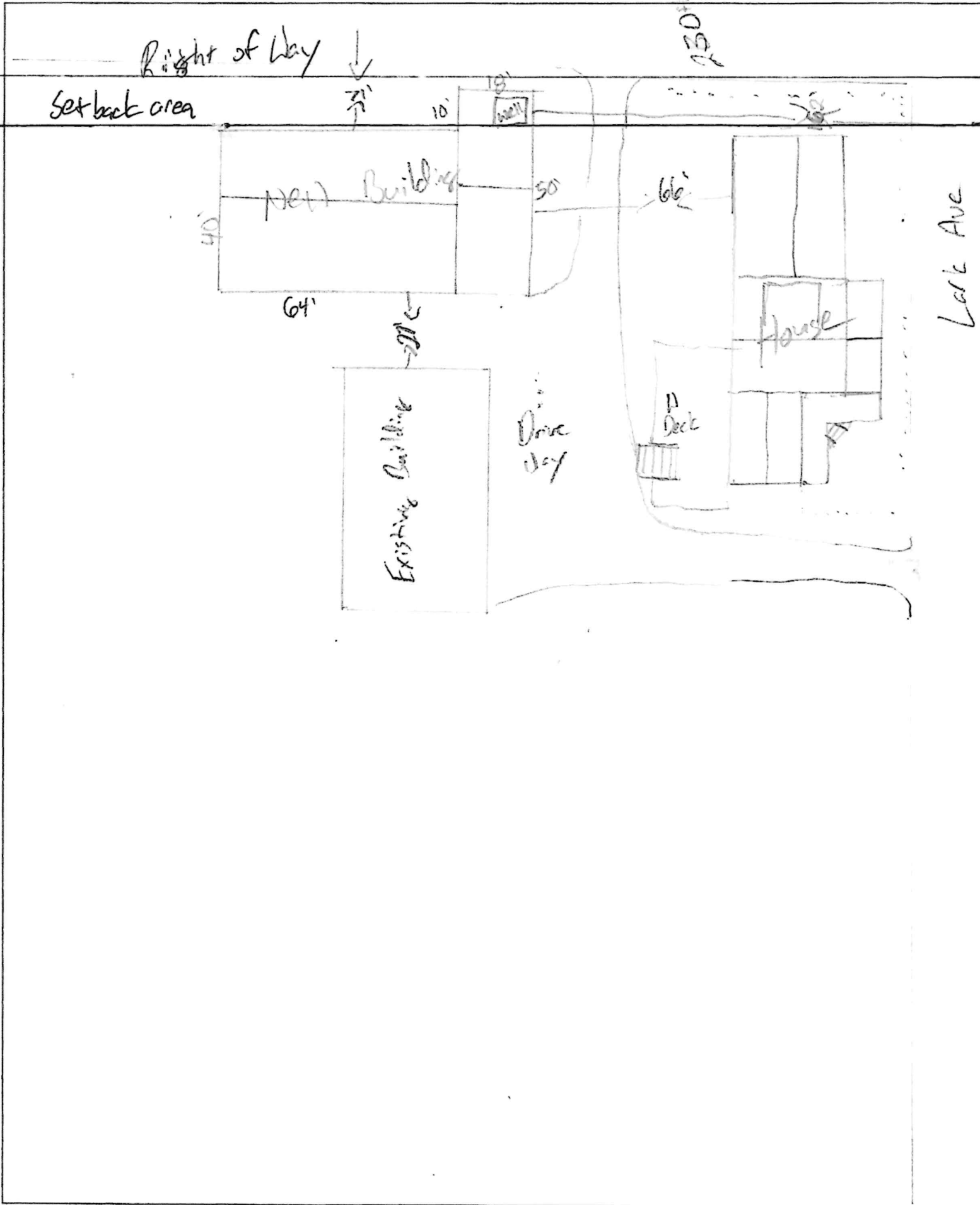
Existing Building

Drive way

House

Deck

Lark Ave





062640000700

26

062530000300

25

230TH ST

45

44

46

063520000300

35

36

063610000800

CH S34 LARK AVE

063520000200





062640000700

062530000300

26

25

45

230TH ST

44

46

063520000300

35

36

063610000800

CH S34 LARK AVE

063520000200

