

ZONING BOARD of ADJUSTMENT OF MASON CITY, IOWA

AGENDA

**Tuesday, March 4, 2025, 4:00 p.m.
2nd Floor Conference Room, City Hall
10 First Street N.W.**

Item 1: Call to Order and Roll Call

Item 2: Adopt the Agenda

Item 3: Approval of Minutes, February 4, 2025, meeting

Item 4: Variances

4.1: White Knuckle Inc.- River City Moto: a request for a variance to allow vehicle sales and a rental function on a lot less than 30,000 sq. ft. in size

4.2 City of Mason City- 508 N. Delaware Ave.: a request for a variance to allow development with 44 parking spaces instead of the required 68 spaces

Item 5: Special Exceptions

5.1: City of Mason City- 508 N. Delaware Ave.: a request for an exception to allow a rear yard setback of 10 feet instead of the required 25 feet.

Item 6: Staff Update

Item 7: Adjourn

*In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the Development Services Department of the City of Mason City, upon 48-hour notice, will make reasonable accommodations for persons with special needs.
Please call (641) 421-3626 if you need assistance.*

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MINUTES

Mason City Zoning Board of Adjustment
In-Person Regular Meeting
Tuesday, February 4, 2025 - 4:00 PM

Item 1: Call to Order and Roll Call

The meeting was called to order at 4:02 PM.

Board members present: Evans, Matthes, Sjostrand, & Hines

Staff present: Director of Development Services- Steven Van Steenhuyse, Planning and Zoning Manager- Tricia Sandahl, and Administrative Assistant to Development Services- Regina Card

Roll was called:

Evans	Yes	Hines	Yes
Matthes	Yes		
Sjostrand	Yes		

Item 2: Approval of the Agenda

Approval of the Agenda: The agenda was approved as submitted.

Item 3: Approval of Minutes

December 3, 2024, Regular Meeting Minutes: As there were no changes the Minutes were adopted as submitted.

Item 4: Special Exceptions

4.1: Robert Snook- 1042 17th St. NE:

Sandahl presented the staff report.

The applicant is requesting a Special Exception to Title 12-5-3.A.4, which would allow an exception to the 150 ft. maximum lot depth in the Z2 Sub Urban Zoning District when such lot depth is 200 ft. or less. The subject property is located at 1042 17th St. NE.

The applicant has submitted a Boundary Line Adjustment application that proposes to sever a portion of the lot to the north of 1042 17th St. NE and attach it to the parcel at that address. The property is located in the Z2 Sub-Urban Zoning District where the maximum allowed lot depth is 150 ft. The Boundary Line Adjustment would result in a lot with a depth of 182 feet. The Zoning Board of Adjustment can approve an exception to the maximum depth that meets the standards in the ordinance, so long as the lot depth is 200 ft. or less.

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The relevant City departments and utility providers were asked to comment on this application. No adverse comments or requested conditions of approval were received.

Notice of the application was mailed to the owners of all properties within 350 ft. of the exterior boundaries of the subject property. A public notice sign was placed at each location and notice of the public hearing was published in the Globe Gazette. To date, we have not received any comments regarding this application. We did receive a call from a representative of a neighboring property owner asking if the City was going to be taking any of their property and giving it to the applicant. Staff clarified that the property that was going to be added to the subject property was going to be purchased from the owner and that the City was not involved in the transaction.

Because the application meets six of the seven criteria, and because the first criterion is not applicable for this application, staff recommended that the application be approved, subject to the condition that the boundary line adjustment will not be approved until the Cerro Gordo County Auditor's office has confirmed the two parcels can be combined.

Matthes asked for clarification on what exactly Mr. Snook will own and then asked if the other surrounding property owners would also have to go through the same process should they want to combine or split surrounding parcels off and whether or not this boundary line adjustment would negatively affect those surrounding properties. Sandahl explained that Mr. Snook is not certain he's going to purchase the property. She then explained to the Board members and Mr. Snook and his legal counsel that the Special Exception is perpetual and would run with the land, should the Zoning Board of Adjustment approve the application.

The public hearing opened at 4:12 PM. The public hearing closed at 4:13 PM.

Matthes moved to adopt the staff report as the Board's findings and to approve the application by Robert J. Snook for a Special Exception to Title 12-5-3.A.4 to allow a special exception to the 150 ft. maximum lot depth in the Z2 Sub Urban Zoning District when such lot depth is 200 ft. or less. Approval was subject to this condition recommended by staff:

- The boundary line adjustment will not be approved until the Cerro Gordo County Auditor's office has confirmed the two parcels can be combined.

Evans seconded. Approval of the application was effective immediately.

Roll was called:

Evans	Yes	Hines	Yes
Matthes	Yes		
Sjostrand	Yes		

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4.2: Tony & Patti Florman- 1640 12th St. NE:

Sandahl presented the staff report.

The applicant is requesting a Special Exception to Title 12-10-8, Table 1, which would allow construction of a detached garage that encroaches 18 ft. into the required front setback for detached garages in the Z2 Sub-Urban Zoning District. The subject property is located at 1640 12th St. NE.

The applicant has submitted a permit application to construct a new detached garage on the subject property. The site plan shows the garage in the side yard, which is allowed. However, the garage must be set back 20 ft. from the front edge of the house. In this case, the garage is set back 2 ft. from the front edge of the house. This placement requires a special exception from the Zoning Board of Adjustment.

In addition to the special exception, the applicant is seeking a conditional use permit to allow detached accessory buildings with a total area greater than 1,200 sq. ft. Although the two applications are tied to the same project, the conditional use permit is not dependent on the approval of the special exception. This will be expanded upon further in the staff memo for the conditional use permit.

The relevant City departments and utility providers were asked to comment on this application. No adverse comments or requested conditions of approval were received.

Notice of the application was mailed to the owners of all properties within 350 ft. of the exterior boundaries of the subject property. A public notice sign was placed at each location and notice of the public hearing was published in the *Globe Gazette*. To date, we have not received any comments regarding this application.

Because the application meets six of the seven criteria in the ordinance, staff recommended that the application be approved subject to these conditions:

1. All construction shall be in strict conformance with the site plan submitted with this application.
2. If the conditional use permit is not approved, the applicant may downsize the garage to ensure that the total cumulative area of detached accessory structures on the lot does not exceed 1,200 sq. ft. The smaller garage can be built at the proposed setback.
3. All construction shall comply with the applicable local, state, and federal regulations.

Matthes asked for clarification on whether or not the house is an existing legal non-conforming structure. Sandahl confirmed that it is legal non-conforming as it stands.

Trevor Engels- TEAM Builders, 2512 White Tail Dr., Ste 300, Cedar Falls, IA 50613- stated that their goal is to keep the proposed distance and location for the new garage in the same spot, especially since there's fill to the rear of the yard that they'd prefer to avoid moving or touching.

The public hearing opened at 4:24 PM. The public hearing closed at 4:24 PM.

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Matthes asked if the materials for the garage addition will be the same as or coordinate with the house. Mr. Engels stated that they will coordinate and match the home and that they will be similar materials. Matthes then asked the owner if the shop indicated on the site plan would be used as a shop or something else. Mr. Florman stated that the shop is planned to be more of a “man cave”.

Sjostrand moved to adopt the staff report as the Board’s findings and to approve the application by TEAM Builders for a Special Exception to Title 12-10-8, Table 1 to allow construction of a detached garage that encroaches 18 ft. into the required front setback for detached garages in the Z2 Sub-Urban Zoning District for the reasons stated in the staff report. Approval was subject to the conditions recommended by staff. Approval of the application was effective immediately. Matthes seconded.

Roll was called:

Evans	Yes	Hines	Yes
Matthes	Yes		
Sjostrand	Yes		

Item 5: Conditional Use Permit

5.1: Tony & Patti Florman- 1640 12th St. NE:

Sandahl presented the staff report.

The applicant is requesting a Conditional Use Permit to Title 12-10-4.D, which would allow construction of a detached garage on a lot less than 2 acres in size that occupies more than 1,200 sq. ft. but less than 30% of the area of the rear yard. The subject property is located at 1640 12th St. NE.

The applicant proposes to construct a detached garage measuring 40 ft. x 50 ft. There is also a 10' x 20' shed on the property. On a lot of 2 acres or less, the maximum cumulative total area of detached structures is 1,200 sq. ft. In this case, the total cumulative area would be 2,200 sq. ft. and a conditional use permit from the Zoning Board of Adjustment is required. The applicant is also requesting a special exception to reduce the required front setback for the garage. The Board may deny the special exception and still approve the conditional use permit since there is sufficient depth on the lot to accommodate the new garage at the required front setback.

The relevant City departments and utility providers were asked to comment on this application. No adverse comments or requested conditions of approval were received.

Notice of the application was mailed to the owners of all properties within 350 ft. of the exterior boundaries of the subject property. A public notice sign was placed at each

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location and notice of the public hearing was published in the *Globe Gazette*. To date, we have not received any comments regarding this application.

Because the application meets each of the criteria, staff recommended that the application be approved subject to these conditions:

1. All construction must be completed in accordance with the plans submitted with the application. Since the requested special exception for the front setback is not approved, the garage may be relocated on the lot to meet the required setback, subject to review and approval of the site plan by the Administrative Official.
2. All construction must comply with the relevant local, state, and federal regulations.

Trevor Engels- TEAM Builders, 2512 White Tail Dr., Ste 300, Cedar Falls, IA 50613- clarified some more details regarding the proposed garage addition.

The public hearing opened at 4:32 PM. The public hearing closed at 4:32 PM.

Hines moved to adopt the staff report as the Board's findings and to approve the application by TEAM Builders for a Conditional Use Permit to Title 12-10-4.D to allow construction of a detached garage on a lot less than 2 acres in size that occupies more than 1,200 sq. ft. but less than 30% of the area of the rear yard. for the reasons stated in the staff report. Approval of the application was effective immediately. Sjostrand seconded.

Roll was called:

Evans	Yes	Hines	Yes
Matthes	Yes		
Sjostrand	Yes		

Item 6: Other Business

None.

Item 7: Adjourn

The meeting adjourned at 4:37 PM.

Next regularly scheduled meeting: Tuesday, March 4, 2025 - 4:00 PM.

Attest: Regina Card, Secretary

Vice Chair: Melissa Evans



VARIANCE STAFF REPORT

Case #: 25-A-01

Staff Project Contact: Tricia Sandahl, Planning and Zoning Manager

Meeting Date: Tuesday, March 4, 2025

Explanation of the Request

The applicant is requesting a Variance to Title 12-12-6.H, which would allow a vehicle sales and rental function on a lot that is less than 30,000 sq. ft. in size. The subject property is an unaddressed parcel generally located on the south side of 4th St SW and 1/2 block west of S. Federal Avenue. A location map and site plan are attached.

The applicant proposes to establish a vehicle sales and rental function on the lot. The vehicle sales will be an extension of the existing vehicle sales business he operates on an adjacent lot. The property is zoned Z4 Multi-Use District. The Zoning Ordinance requires that a lot used for a vehicle sales and rental function be at least 30,000 sq. ft. The subject lot measures 21,428 sq. ft. A variance is required for this request.

Owner/Applicant

Owner: White Knuckle Inc.
3 4th St. SW
Mason City, IA 50401

Applicant: Jesse A. Bell
702 3rd St. NE
Mason City, IA 50401

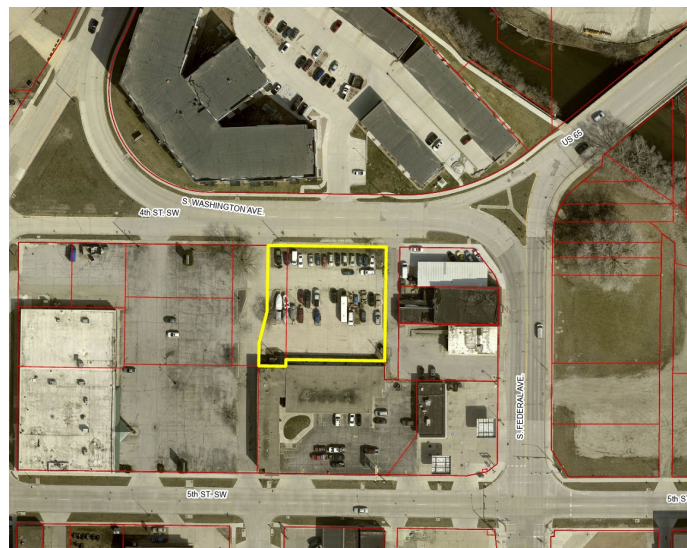
Property Information

Location: an unaddressed parcel generally located on the south side of 4th St SW and 1/2 block west of S. Federal Ave.

Directions from City Hall: west on 1st St. NW, south on N. Washington Ave, transitioning to 4th St. SW. Subject property is on the south side of the street.

Surrounding Land Use: residential, commercial, surface parking.

Existing Land Use: parking.



Findings of Fact

1. The request is for relief of a strict application of Title 12-12-6.H.
2. The applicant is requesting a vehicle sales and rental function on a lot less than 30,000 sq. ft. in size.
3. The property is an unaddressed parcel generally located on the south side of 4th St SW and 1/2 block west of S. Federal Ave.
4. The property is currently zoned Z4 Multi-Use District. No change of zone is being requested for this property.
5. The application was filed on February 10, 2025.
6. The adjoining property owners were notified on February 12, 2025
7. A public notice sign was posted on the property on February 13, 2025.

Staff Comments

The relevant City departments and utility providers were asked to comment on this application. The following comments were received:

- The Iowa DOT noted that state law prohibits the parking or sales of vehicles on the DOT right-of-way. No vehicles may be parked on the right-of-way of southbound US Highway 65. Staff notes that the same restriction will apply to vehicles parked on the City right-of-way including the 4th St. SW right-of-way and the alley abutting the east side of the subject parcel.
- The City Engineer's office noted that their records indicate that there are water and sewer service connections feeding the lot from the mains under US Highway 65. These service lines must be disconnected at the mains following the City's standard specifications. A permit from the Engineer's office is also required. There is a section of paved right-of-way between the sidewalk and the curb. The City Engineer is requiring that it be removed; the Iowa DOT concurred with this.
- The City Administrator noted concern for the ongoing condition of the property and the historical non-compliance with both the Zoning Ordinance and the Nuisance Code. This non-compliance has an impact on new development and investment in the area and suppresses the move toward redevelopment of older properties in the neighborhood. The City has made significant investments in the mall and the Riverwalk; there has also been significant private investment in the area including The River, and the pending Home2 Suites hotel that will start construction in the mall parking lot this spring. He also noted that the application did not appear to meet the hardship test required in Iowa law and the Zoning Ordinance. He recommends that the application be denied.

Citizen Comments

Notice of the application was mailed to the owners of all properties within 350 ft. of the exterior boundaries of the subject property. A public notice sign was placed at each location and notice of the public hearing was published in the *Globe Gazette*. To date, we have received comments from two property owners.

Tim Latham owns an adjacent property. He spoke with Mr. Bell and then summarized his comments with staff. He appreciates the improvements Mr. Bell is trying to make and he wants Mr. Bell to be successful. If the property is developed as shown on Mr. Bell's plan, and is maintained as Mr. Bell says it will be maintained, he has no objection to the variance.

Staff also spoke with Tom Abbas, the owner of Floyd and Leonard. Mr. Abbas also stated he wanted Mr. Bell to be successful with his business, but is concerned about the visual character of the property.

Analysis

The power to authorize a variance to the strict interpretation of the Zoning Ordinance is granted to the Zoning Board of Adjustment in Title 12 of the City Code. Such variance is permitted “where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property of record, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property the strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the Comprehensive Plan as established by the regulations and provision contained in this Ordinance.”

Further, the City Code states: “In considering all proposed variations to this Ordinance, the Board shall, before making any finding in the specific case, first determine that the proposed variance will not constitute any change in the zoning map, and will not impair an adequate supply of light and air to adjacent property, or unreasonably increase congestion in public streets, or increase the public danger of fire and safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City.”

The Ordinance requires that the Zoning Board of Adjustment judge all applications for a variance against five tests. The first two determine whether the public interest will be served if the variance is granted. The three remaining tests determine if the applicant has established that an unnecessary hardship exists. Each test must be met for a variance to be granted. The Board is reminded that the burden of proof for each test rests with the applicant. At hearing, the applicant may offer additional information to support their application.

The City’s Attorney has provided additional guidance to the Board about the appropriate granting of a variance. His memo is attached.

Each test, with its accompanying analysis, is included below.

1. The proposed Variance will not threaten neighborhood integrity, nor have a substantially adverse effect on the use or value of other properties in the area adjacent to the property included in the Variance.

Staff Comment: The property is currently being used as a parking lot. The condition of the parking lot is such that it already has an adverse impact on surrounding properties. If the area is converted to a vehicle sales and rental function, but maintained in the same way it is currently maintained, it will continue to have an adverse impact on neighboring properties. However, if the property is improved and operated as envisioned in the applicant’s site plan, any negative impact on the properties can be mitigated. Any approval should be conditioned on adherence to the site plan and compliance with all applicable local, state and federal regulations. If these conditions are met, it is staff’s opinion that the variance application **will meet this test**.

2. The proposed Variance will be in harmony with the general purpose and spirit of the Zoning Code.

Staff Comment: The purpose of the Mason City Zoning Code is “to regulate the use of all structures, lands and waters, lot coverage, population distribution and density, and the size and location of all structures in accordance with the Comprehensive Plan so as to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers, to promote health and general welfare, to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewer

services, schools, parks, and other public requirements; to preserve the character of the area or neighborhood; to conserve the value of building and to encourage the most appropriate use of land”.

In 2010, when the current iteration of the Zoning Ordinance was written, the 30,000 sq. ft. minimum lot area requirement for the vehicle sales and rental function was deliberately chosen to mitigate the negative impacts small car sales lots have on the character and value of neighboring properties. A lot less than 30,000 sq. ft. is very hard to maintain given all of the various activities that must be accommodated for vehicle sales and rental. Space is necessary to store inventory waiting to be readied for sale; vehicle parts, vehicles offered for sale, customer parking, and sales offices. Staff believes that this variance would be contrary to the purpose and spirit of the Zoning Ordinance. Staff believes this test **has not been met.**

3. The property in question cannot yield a reasonable return if used only for a purpose allowed in the zone where the property is located.

Staff Comment: The property has value now and will continue to have value if the variance is not granted. This is a highly visible lot with significant development potential. It is out of the Willow Creek floodplain and is not encumbered with easements that would make construction on the site that complies with the applicable setbacks difficult. The underlying Z4 zoning allows both commercial and residential forms and functions; this district is the most flexible of the City’s zoning districts. Therefore, it is staff’s opinion that the variance application **does not meet this test.**

4. The owner’s situation is unique or peculiar to the property in question, and the situation is not shared with other landowners in the area nor due to general conditions in the neighborhood.

Staff Comment: Staff is unaware of any unique characteristics inherent in the land that prevents it from being used in the same way that neighboring properties can be used. The need for the variance derives from the specific use that Mr. Bell proposes; the ordinance requires the lot be at least 30,000 sq. ft. for vehicle sales and rental. The lots in this area are smaller, making the size of the lot a general condition in the neighborhood. It is staff’s opinion that the variance application **does not meet the test.**

5. The hardship is not of the landowner’s or applicant’s own making or that of a predecessor in title.

Staff Comment: Staff has not received or discovered any information that the need for the variance is due to actions by this or any prior owner of the property. It is staff’s opinion that the variance application **does meet this test.**

Staff Recommendation and Requested Conditions

The Board may consider four alternatives: approve the variance without conditions; approve the variance with conditions; deny the variance, and; table the application pending additional review or information for the applicant and/or staff. Because the application does not meet one of the public interest tests and two of the three hardship tests, staff strongly recommends that the application be denied. Should the Board choose to approve the application over staff’s recommendation, we request that the following conditions be placed on approval:

1. Development of the site shall conform with the site plan submitted by the applicant and approved by the Development Review Committee on February 25, 2025.
2. All work and operations shall comply with the applicable local, state, and federal regulations.

3. The water and sewer connections to the lot shall be disconnected as required by the City Engineer.
4. The concrete between the sidewalk and curb on the north side of the property shall be removed and seeded with an appropriate seed mix, as required by the City Engineer.

Board Decision

The Board's decision must include a finding of fact and substantiation for the decision. If the Board votes to grant the variance, the motion to approve must also include these three elements:

- a statement that the criteria outlined in Title 12 of the Municipal Code has been met;
- explicit expressions of the reasons the criteria have been met, if they are not included in the staff report, and;
- an explicit statement of the variance being granted.

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

Proposed motion for approval of application:

- I move to adopt the staff report as the Board's findings and to approve the application by Jesse A. Bell for a Variance to to Title 12-12-6.H to allow a vehicle sales and rental function on a lot less than 30,000 sq. ft. in size for the following reasons: [STATE REASONS FOR APPROVAL].
- Approval is subject to these conditions recommended by staff and as modified by the Board of Adjustment to include [STATE ADDITIONAL CONDITIONS OF APPROVAL].
 1. Development of the site shall conform with the site plan submitted by the applicant and approved by the Development Review Committee on February 25, 2025.
 2. All work and operations shall comply with the applicable local, state, and federal regulations.
 3. The water and sewer connections to the lot shall be disconnected as required by the City Engineer.
 4. The concrete between the sidewalk and curb on the north side of the property shall be removed and seeded with an appropriate seed mix, as required by the City Engineer.
- Approval of the application is effective immediately.

Proposed motion for denial of application:

- I move to adopt the staff report as the Board's findings and deny the application from Jesse A. Bell for a variance to to Title 12-12-6.H to allow a vehicle sales and rental function on a lot less than 30,000 sq. ft. in size for the reasons stated in the staff report.
- The reasons for denial shall be stated in the official minutes of the Board of Adjustment, and shall be conveyed in writing to the applicant by the Board's Secretary.

EXHIBITS

- Exhibit 1: Aerial photo of site.
- Exhibit 2: Site plan from applicant
- Exhibit 3: Variance application from applicant.
- Exhibit 4: Leidinger memo



Willow Creek

S. WASHINGTON AVE

US 65

S. DELAWARE AVE

4th ST. SW

5th ST. SW

S. PRESIDENT AVE.

5th ST. SE

S. ADAMS AVE.

S. FEDERAL AVE.

Willow Creek

Variance

Supporting Information

All information must be completed in order to process the application.

Iowa Code (414.23) allows the Zoning Board of Adjustment to grant a variance if, and only if, the Board members can make a finding that not granting the variance will result in unnecessary hardship, will not be contrary to the public interest, will observe the spirit of the Ordinance, and shall result in substantial justice. To determine if these conditions are being met, the Board applies the five criteria listed below. In order to judge your application, you must address each of the standards below. Your application will not be considered complete without this information.

Please address each numbered item as completely as possible and return with your application. If you need assistance, please contact the Development Services Department and speak with a Planner. A copy of your responses will be forwarded to the Board members prior to the meeting. If necessary, please attach additional pages. You may also wish to include supporting documentation and/or photos to support your arguments.

- 1) *The proposed Variance will not threaten neighborhood integrity, nor have a substantially adverse effect on the use or value of other properties in the area adjacent to the property included in the variance. (Discuss how the variance, if granted, will not alter the essential character of the neighborhood or locality. Demonstrate that the requested variation is compatible with and similar to other existing features in the area. You must prove to the Board that what you propose to do will not change the neighborhood or pose health or safety problems. This is usually the easiest test to meet.)*

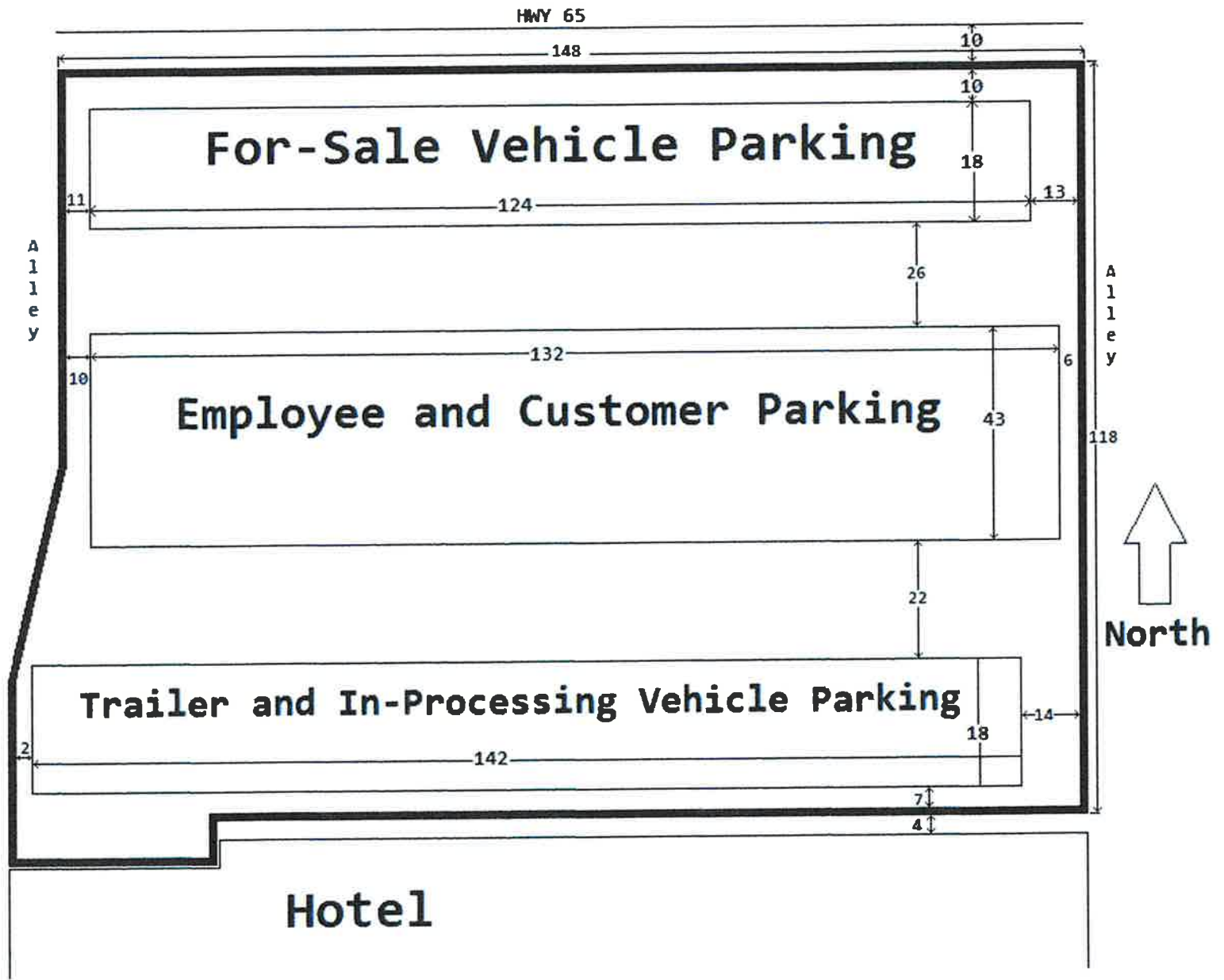
2) **The proposed Variance will be in harmony with the general purpose and spirit of the Zoning Code.** (The purpose of the Zoning Ordinance is to regulate the use of land and structures, minimize traffic congestion, protect the community from fire flood and other dangers, promote the health and general welfare, ensure there is adequate light and air, ensure the land is not overcrowded, protect the character and value of structures and neighborhoods, and ensure there are adequate public services such as water, sewer, schools and parks to serve the community. Discuss how your variance will meet, or not conflict with, these objectives.)

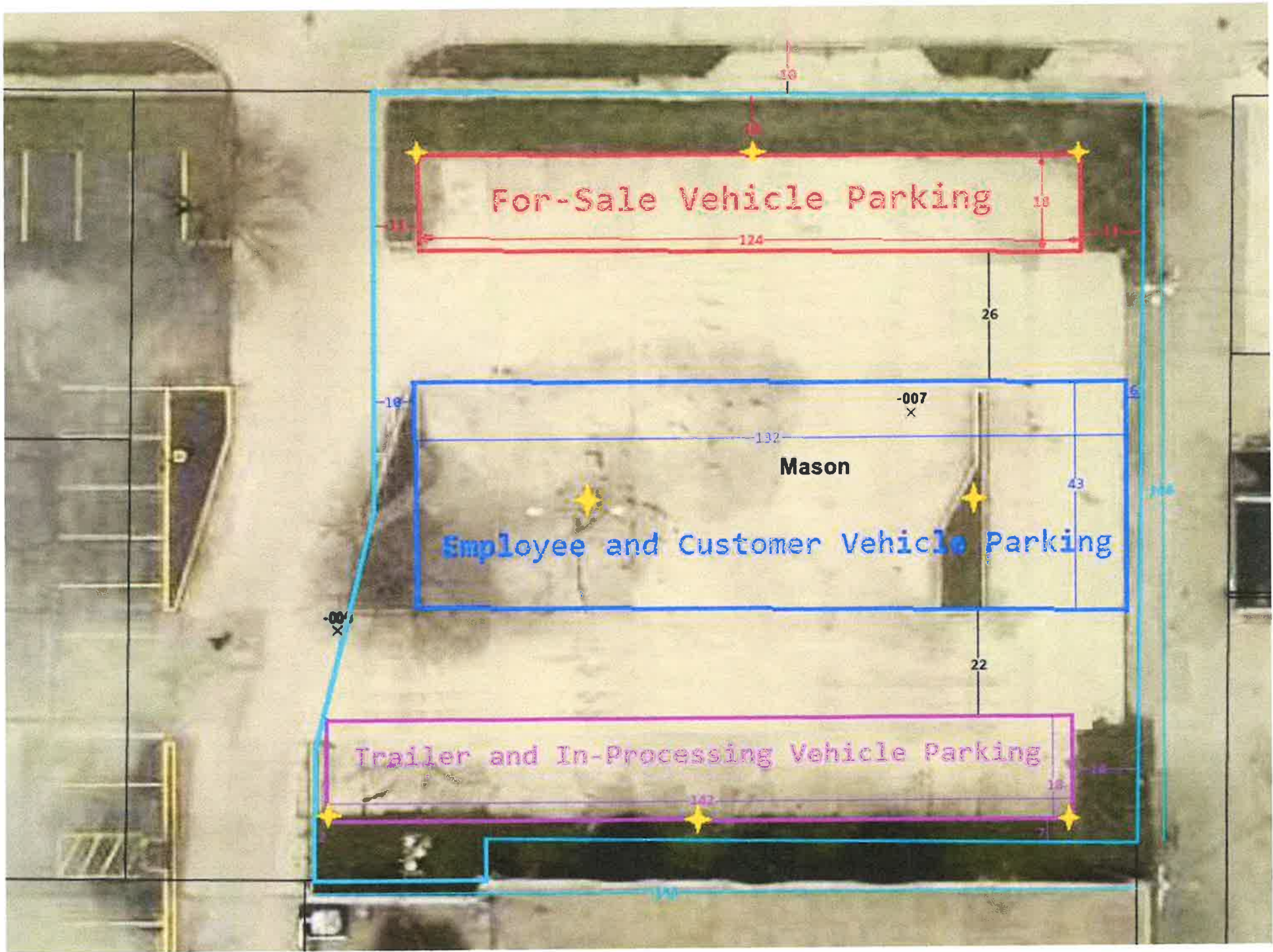
3) **The property in question cannot yield a reasonable return if developed only as allowed in the zone where the property is located.** (Demonstrate that, without the variance, your property has been deprived of all beneficial use. Claiming that your property will be more valuable, produce more profit, supply jobs or increase the tax base are not valid tests for the variance. For example, if you have a single, undeveloped lot only big enough to put a 10' X 20' house on, after setbacks are applied, you would be denied a reasonable return on that lot. However, "reasonable return" does NOT mean maximum financial return for you or as high a return as your personal financial circumstances would require in order to profit from developing the property. For example, the Board of Adjustment need not permit you to build as large a house as you might wish if a smaller house could be built without a variance. If you are making a financial argument that you cannot realize a reasonable return, you must provide documentation to support your argument.)

4) The owner's situation is unique or peculiar to the property in question, and the situation is not shared with other landowners in the area or due to general conditions in the neighborhood. (Demonstrate that the physical circumstances that create the hardship are not shared by other properties in your neighborhood. Physical circumstances include things such as oddly shaped lots, small lots, and the presence of mature trees, flood plains, steep slopes or other natural features. Describe any irregularities in your lot or buildings that prevent you from building without a variance. In other words, describe what makes your property different from others in the area. The Board will be looking for proof from you that your property, not your personal circumstances, is somehow different from other property in the neighborhood.)

5) The hardship is not of the landowner's or applicant's own making or that of a predecessor in title. (Demonstrate that the hardship results from circumstances beyond your control, or beyond the control of previous property owners. For example, if a previous owner built your garage too close to your property line, this is not a hardship. However, if the City changed the zoning requirements for your area and your garage became non-conforming as a result, a hardship may exist. Be sure to address whether you made improvements in the past or altered the shape of the lot or building.)

1. I have sold cars in the area for the last several years. About 6 months ago, I bought the parking lot next to my existing property with the idea of expanding my car sales as the motorcycle business has changed. As to the neighborhood integrity, I don't believe my expansion plans will harm the nature of the area.
2. I believe as stated above that I will be a good neighbor in the area.
3. Under its current zoned usage, this property is incapable of providing opportunity for profit to its owner company. With this variance, the owner company will be able to file it as an "extension lot" for the dealership with the Iowa DOT and allow vehicles to be displayed for sale, therefore sold and not just for sitting and waiting for space to open up in the existing sales lot.
4. The situation causing need for the variance is not shared by other businesses in the area simply due to the unique nature of the business. Being that this is in reference to a vehicle dealership and we are the only vehicle dealership in this area of town, no businesses in the neighborhood are faced with this situation.
5. The hardship is strictly due to a square footage requirement of Mason City zoning in Chapter 12-12-6, paragraph H. The lot in question does not meet the required 30,000 square footage. There are several other dealerships in Mason City that are operating with less than what I will have with the addition of the new lot.





For-Sale Vehicle Parking

Employee and Customer Vehicle Parking

Trailer and In-Processing Vehicle Parking

Mason

-007
X

-007
X

10

11

124

18

26

18

132

-007
X

43

22

142

14

140

HOLLY A. CORKERY
DOUGLAS D. HERMAN
MADISON P. HUNTZINGER
SAMANTHA R. KUNTZ
STEVEN C. LEIDINGER
DANIEL M. MORGAN
PATRICK J. O'CONNELL
AMY L. REASNER
WILFORD H. STONE



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P.O. Box 2457
Cedar Rapids, IA 52406-2457

To: Mason City Board of Adjustment
From: Steven C. Leidinger, Lynch Dallas, P.C.
Date: November 26, 2024
Re: Variance Guidance

Introduction

The memorandum will provide an overview of the Board of Adjustment's role as it relates to the consideration of variance requests and applicable legal standards.

As discussed below, variances are to be given very rarely, are frowned upon by the Courts, and in almost all cases the law is ignored when a variance is granted. Neither past precedent or practices, nor support for the project or lack of objections by the neighbors, are part of the analysis the law requires you to undertake.

Board of Adjustment's Role re Variances & Legal Standards

Board of adjustment are authorized upon appeal in specific cases to grant such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed, and substantial justice done. Iowa Code § 414.12

A variance is an authorization to allow a landowner to do something that is generally forbidden by the ordinance. The applicant carries the burden of proving to the board that strict enforcement of the terms of the ordinance will inflict an unnecessary hardship on the landowner. The Iowa Supreme Court has set out specific criteria that must be satisfied before a board of adjustment may find that an unnecessary hardship exists, sufficient to grant a variance. The landowner **must satisfy all three parts of the test** to be granted a variance:

1. The land in question **cannot yield a reasonable return** if used only for purpose allowed in that zoning district;
2. The plight of the landowner is **due to unique circumstances** and not to general conditions in neighborhood; AND
3. The use authorized by variance **will not alter essential character of locality**.

The Court has established the following guidelines to assess whether the above criteria have been met:

- Lack of a “reasonable return” may be shown by proof that the owner has been deprived of all beneficial use of his land. All beneficial use is said to have been lost where the land is not suitable for any use permitted by the zoning ordinance.
- It is not sufficient to show that the value of land merely has been depreciated by the zoning regulations, or that a variance would permit a landowner to maintain a more profitable use.
- It is not sufficient to show mere inconvenience to the applicant.
- Problems common to several properties do not constitute “unique circumstances.” The appropriate response is through a zoning amendment, NOT wholesale application of the discretionary power of the board of adjustment.
- The “unique circumstances” must not be created by the landowner’s own actions. For example, a landowner cannot build a house to fill the building envelope of a lot (i.e., so that the walls are built to the minimum front, side, and rear setback lines), then seek a variance to put a porch or deck on that house that will violate a setback.
- When a landowner purchases property, he or she assumes the circumstances created by the previous landowner.
- A variance that alters the “essential character of the area” is beyond the authority of the board of adjustment to grant. The board cannot grant a variance that, in effect, constitutes a zoning amendment. Factors to consider in determining whether a variance will alter the “essential character of the neighborhood” include the degree of variation from district regulations, the size of the parcel, and the parcel’s size and character in relation to the size of the district.

Conclusion

The best approach is to have well-drafted ordinances and to stand by them and/or amend them when deemed appropriate, but to only grant variances on a very limited basis, following the analysis and standards adopted by the Iowa Supreme Court. In most all cases boards of adjustment will not get past the first prong of the Iowa Supreme Court’s test. It is very rare that refusal to grant a variance will deprive a property owner of all beneficial use.

Sincerely yours

Steven C. Leidinger



VARIANCE STAFF REPORT

Case #: 25-A-02

Staff Project Contact: Steven Van Steenhuyse

Meeting Date: Tuesday, March 4, 2025

Explanation of the Request

The applicant is requesting a Variance to Title 12-8-5. General Parking Provisions, Table 4, Required Parking Table, which would allow a development with 44 parking spaces instead of the required 68 spaces. The subject property is located at 508 N. Delaware Ave., Mason City, Iowa. The applicant has requested a variance to permit development of a multiple flat building with 44 parking spaces provided on site and on an adjacent site instead of the 68 spaces required in the Z4 Multi-Use District. The Zoning Ordinance requires 1.5 parking stalls per dwelling unit for residential forms and functions in the Z4 Zoning District. The proposed development will provide 32 stalls on site in an underground garage and another 12 at-grade stalls on an accessory parking lot on a nearby lot separated from the main parcel by an alley. The reduced number of parking spaces are proposed to serve a 45-unit low-income senior housing (55+) project. While the Administrative Official can approve a deviation of up to 10% on the number of stalls provided, the difference between the number of stalls required and the number of stalls provided exceeds this limit. A variance from the Zoning Board of Adjustment is required. A location map and site plan are attached.

Owner/Applicant

Owner: City of Mason City
10 1st St. NW
Mason City, IA 50401

Applicant: City of Mason City
10 1st St. NW
Mason City, IA 50401

Property Information

Location: 508 N. Delaware Ave.

Directions from City Hall: Left (east) on 1st Street NW (becomes 1st Street NE); left (north) on North Delaware Avenue; proceed on Northbound US 65 to the site

Surrounding Land Use: North and East: Freestanding houses and mansion apartments. West: Commercial small box functions. South: Medium box Fareway grocery store.

Existing Land Use: Vacant

Zoning: Z4, Multi-Use District



Findings of Fact

1. The request is for relief of a strict application to Title 12-8-5. General Parking Provisions, Table 4, Required Parking Table.
2. The applicant is requesting a development with 44 parking spaces instead of the required 68 spaces.
3. The property is located at 508 N. Delaware Ave.
4. The property is currently zoned Z4, Multi-Use District. No change of zone is being requested for this property.
5. The application was filed on February 10, 2025.
6. The adjoining property owners were notified on February 12, 2025.
7. A public notice sign was posted on the property on February 13, 2025.

Staff Comments

The relevant City departments and utility providers were asked to comment on this application. No comments or requested conditions of approval were received:

Citizen Comments

Notice of the application was mailed to the owners of all properties within 350 ft. of the exterior boundaries of the subject property. A public notice sign was placed at each location and notice of the public hearing was published in the *Globe Gazette*. To date, we have not received any comments regarding this application.

Analysis

The power to authorize a variance or special exception to the strict interpretation of the Zoning Ordinance is granted to the Zoning Board of Adjustment in Title 12 of the City Code. Such variance is permitted “where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property of record, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property the strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the Comprehensive Plan as established by the regulations and provision contained in this Ordinance.”

Further, the City Code states: “In considering all proposed variations to this Ordinance, the Board shall, before making any finding in the specific case, first determine that the proposed variance will not constitute any change in the zoning map, and will not impair an adequate supply of light and air to adjacent property, or unreasonably increase congestion in public streets, or increase the public danger of fire and safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City.”

The Ordinance requires that the Zoning Board of Adjustment judge all applications for a variance against five tests. The first two determine if the public interest will be served if the variance or special exception is granted. The three remaining tests determine if the applicant has established that an unnecessary hardship exists. Each test must be met in order for a variance to be granted. The Board is reminded that the burden of proof for each test rests with the applicant. At hearing, the applicant may offer additional information to support their application. Each test, with its accompanying analysis, is included below.

1. **The proposed Variance will not threaten neighborhood integrity, nor have a substantially adverse effect on the use or value of other properties in the area adjacent to the property included in the Variance.**

Staff Comment: The proposed 45-unit senior housing project will provide an attractive gateway to the North Federal Avenue Corridor. If approved, this project will utilize Low Income Housing Tax Credits to finance the development. This locks in the low-income senior population for at least 30 years. This population is less likely to have vehicles for personal use. The Z4 requirement of 1.5 spaces on-site per unit is meant to prevent parking congestion and over-use of on-street parking, which could impact surrounding properties. This will not be case for this development. Therefore, it is staff's opinion that the variance application **does meet this test**.

2. **The proposed Variance will be in harmony with the general purpose and spirit of the Zoning Code.**

Staff Comment: The purpose of the Mason City Zoning Code is “to regulate the use of all structures, lands and waters, lot coverage, population distribution and density, and the size and location of all structures in accordance with the Comprehensive Plan so as to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers, to promote health and general welfare, to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewer services, schools, parks, and other public requirements; to preserve the character of the area or neighborhood; to conserve the value of building and to encourage the most appropriate use of land”.

The 1.5 spaces per unit requirement of the Z4 District is meant to ensure adequate spaces for parking at multi-family forms and functions. However, this ratio assumes a traditional apartment or condominium arrangement where the tenants of each unit are likely to own one or more vehicles. The proposed 44 spaces to serve this low-income senior housing project is more in line with the intended use. The reduction in spaces will not affect the character of the neighborhood, nor will it have a negative impact on surrounding properties. Therefore, it is staff's opinion that the variance application **does meet this test**.

3. **The property in question cannot yield a reasonable return if used only for a purpose allowed in the zone where the property is located.**

Staff Comment: The property has value now and will continue to have value if the variance is denied. Therefore, it is staff's opinion that the variance application **does not meet this test**. However, in considering this standard, the Board may wish to account for the fact that this property has been vacant ever since it was created due to the realignment of US 65 in the early 2000s. The proposed developer is the first in many years to propose a development that can be expected to have a reasonable rate of return.

4. **The owner's situation is unique or peculiar to the property in question, and the situation is not shared with other landowners in the area nor due to general conditions in the neighborhood.**

Staff Comment: The property on which the building is proposed has an unusual shape and is only a little more than half an acre in size. It would be difficult to construct a building with a density appropriate to the Downtown area while also meeting the minimum parking requirements. The development mitigates this challenge by providing parking below grade. The additional parcel to the north also mitigates the parking issue by providing at-grade parking to serve employees and visitors. Unlike the subject

property, surrounding development is on much smaller lots that are otherwise buildable according to the underlying zoning. It is staff's opinion that the variance application **does meet the test.**

5. The hardship is not of the landowner's or applicant's own making or that of a predecessor in title.

Staff Comment: The size, shape and configuration of the property is due to the actions of the Iowa Department of Transportation when the northbound lanes of North Delaware Avenue were realigned to merge with North Federal Avenue. This was not of the applicant's making. It is staff's opinion that the variance application **does meet the test.**

Staff Recommendation and Requested Conditions

The Board may consider four alternatives: approve the Variance without conditions; approve the Variance with conditions; deny the Variance, and; table the application pending additional review or information for the applicant and/or staff. Because the application meets four of the five tests, staff is recommending that the application be approved. Staff recommends that the following conditions be placed on approval:

1. Development of parking spaces on the property shall be substantially in conformance with the site plan by JLA Architects, dated 1/29/25, with no fewer than 32 underground parking spaces and no fewer than twelve at-grade parking spaces on the adjacent parcel.
2. All development shall be in accordance with all applicable local, State, and Federal requirements.

Board Decision

The Board's decision must include a finding of fact and substantiation for the decision. If the Board votes to grant the Variance, the motion to approve must also include these three elements:

- a statement that the criteria outlined in Title 12 of the Municipal Code has been met;
- explicit expressions of the reasons the criteria have been met, if they are not included in the staff report, and;
- an explicit statement of the Variance being granted.

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

Proposed motion for approval of application:

- I move to adopt the staff report as the Board's findings and to approve the application by City of Mason City for a Variance to to Title 12-8-5. General Parking Provisions, Table 4, Required Parking Table to allow a development with 44 parking spaces instead of the required 68 spaces for the following reasons: the request explicitly meets four of the five standards; the request is consistent with the long-term use of the property; the unusual shape of the property would otherwise inhibit profitable development if the variance is not granted.
- Approval is subject to the conditions recommended by staff and as modified by the Board of Adjustment to include the following:
 1. Development of parking spaces on the property shall be substantially in conformance with the site plan by JLA Architects, dated 1/29/25, with no fewer than 32 underground parking spaces and no fewer than twelve at-grade parking spaces on the adjacent parcel.
 2. All development shall be in accordance with all applicable local, State, and Federal requirements.
- Approval of the application is effective immediately.

Proposed motion for denial of application:

- I move to adopt the staff report as the Board's findings and deny the application from City of Mason City for a Variance to to Title 12-8-5. General Parking Provisions, Table 4, Required Parking Table to allow a development with 44 parking spaces instead of the required 68 spaces for the following reasons [STATE REASONS FOR DENIAL].
- The reasons for denial shall be stated in the official minutes of the Board of Adjustment, and shall be conveyed in writing to the applicant by the Board's Secretary.

EXHIBITS

- Exhibit 1: Aerial photo of site.
- Exhibit 2: Site plan from applicant
- Exhibit 3: Variance application from applicant.
- Exhibit 4: Memo from S. Leidinger

R:\Boards & Commissions\Zoning Board of Adjustment\2025 ZBA\03-04-25\25-A-02 Northbridge-City of Mason City\25-A-02 Northbridge Horizon Development Parking Variance.docx



6th ST. NW

6th ST. NE

N. FEDERAL AVE.

N. ENTERPRISE ALY.

N. DELAWARE AVE.

US 65

5th ST. NW

5th ST. NE

N. FEDERAL AVE.

N. DELAWARE AVE.

5th ST. NW

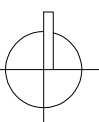


JLA
ARCHITECTS

ENCORE SENIOR LIVING

PROPOSED SITE PLAN

JANUARY 29, 2025
1"=40' @ 11x17



HOLLY A. CORKERY
DOUGLAS D. HERMAN
MADISON P. HUNTZINGER
SAMANTHA R. KUNTZ
STEVEN C. LEIDINGER
DANIEL M. MORGAN
PATRICK J. O'CONNELL
AMY L. REASNER
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MAILING ADDRESS:
P.O. Box 2457
Cedar Rapids, IA 52406-2457

To: Mason City Board of Adjustment
From: Steven C. Leidinger, Lynch Dallas, P.C.
Date: November 26, 2024
Re: Variance Guidance

Introduction

The memorandum will provide an overview of the Board of Adjustment's role as it relates to the consideration of variance requests and applicable legal standards.

As discussed below, variances are to be given very rarely, are frowned upon by the Courts, and in almost all cases the law is ignored when a variance is granted. Neither past precedent or practices, nor support for the project or lack of objections by the neighbors, are part of the analysis the law requires you to undertake.

Board of Adjustment's Role re Variances & Legal Standards

Board of adjustment are authorized upon appeal in specific cases to grant such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed, and substantial justice done. Iowa Code § 414.12

A variance is an authorization to allow a landowner to do something that is generally forbidden by the ordinance. The applicant carries the burden of proving to the board that strict enforcement of the terms of the ordinance will inflict an unnecessary hardship on the landowner. The Iowa Supreme Court has set out specific criteria that must be satisfied before a board of adjustment may find that an unnecessary hardship exists, sufficient to grant a variance. The landowner **must satisfy all three parts of the test** to be granted a variance:

1. The land in question **cannot yield a reasonable return** if used only for purpose allowed in that zoning district;
2. The plight of the landowner is **due to unique circumstances** and not to general conditions in neighborhood; AND
3. The use authorized by variance **will not alter essential character of locality**.

The Court has established the following guidelines to assess whether the above criteria have been met:

- Lack of a “reasonable return” may be shown by proof that the owner has been deprived of all beneficial use of his land. All beneficial use is said to have been lost where the land is not suitable for any use permitted by the zoning ordinance.
- It is not sufficient to show that the value of land merely has been depreciated by the zoning regulations, or that a variance would permit a landowner to maintain a more profitable use.
- It is not sufficient to show mere inconvenience to the applicant.
- Problems common to several properties do not constitute “unique circumstances.” The appropriate response is through a zoning amendment, NOT wholesale application of the discretionary power of the board of adjustment.
- The “unique circumstances” must not be created by the landowner’s own actions. For example, a landowner cannot build a house to fill the building envelope of a lot (i.e., so that the walls are built to the minimum front, side, and rear setback lines), then seek a variance to put a porch or deck on that house that will violate a setback.
- When a landowner purchases property, he or she assumes the circumstances created by the previous landowner.
- A variance that alters the “essential character of the area” is beyond the authority of the board of adjustment to grant. The board cannot grant a variance that, in effect, constitutes a zoning amendment. Factors to consider in determining whether a variance will alter the “essential character of the neighborhood” include the degree of variation from district regulations, the size of the parcel, and the parcel’s size and character in relation to the size of the district.

Conclusion

The best approach is to have well-drafted ordinances and to stand by them and/or amend them when deemed appropriate, but to only grant variances on a very limited basis, following the analysis and standards adopted by the Iowa Supreme Court. In most all cases boards of adjustment will not get past the first prong of the Iowa Supreme Court’s test. It is very rare that refusal to grant a variance will deprive a property owner of all beneficial use.

Sincerely yours

Steven C. Leidinger

**DEVELOPMENT SERVICES
DEPARTMENT**



SPECIAL EXCEPTION STAFF REPORT

Case #: 25-SE-03

Staff Project Contact: Steven Van Steenhuyse

Meeting Date: Tuesday, March 4, 2025

Explanation of the Request

The applicant (City of Mason City) is requesting a Special Exception to Title 12-12-9, Table 1, Z4 Development Standards, which would allow a rear yard setback of ten feet instead of the required 25 feet. The subject property is located at 508 N. Delaware Ave., Mason City, Iowa. The applicant has requested a special exception to allow the development of a 4-story multiple flats building with a rear yard setback of 10 feet instead of 25 feet as required in the Z4, Multi-Use District. Because there are no established setbacks on adjoining lots, a Special Exception from the Zoning Board of Adjustment is required. A location map and site plan are attached.

Owner/Applicant

Owner: City of Mason City
10 1st St. NW
Mason City, IA 50401

Applicant: City of Mason City
10 1st St. NW
Mason City, IA 50401

Property Information

Location: 508 N. Delaware Ave.

Directions from City Hall: Left (east) on 1st Street NW (becomes 1st Street NE); left (north) on North Delaware Avenue; proceed on Northbound US 65 to the site

Surrounding Land Use: North and East: Freestanding houses and mansion apartments. West: Commercial small box functions. South: Medium box Fareway grocery store.

Existing Land Use: Vacant

Zoning: Z4, Multi-Use District



Findings of Fact

1. The request is for relief of a strict application of Title 12-12-9, Table 1, Z4 Development Standards.
2. The applicant is requesting a rear yard setback of ten feet instead of the required 25 feet.
3. The property is located at 508 N. Delaware Ave..
4. The property is currently zoned Z4, Multi-Use District. No change of zone is being requested for this property.
5. The application was filed on February 10, 2025.
6. The adjoining property owners were notified on February 12, 2025.
7. A public notice sign was posted on the property on February 13, 2025.

Staff Comments

The relevant City departments and utility providers were asked to comment on this application. The following comments or requested conditions of approval were received:

- Jamey Medlin, Fire Marshal: The Mason City Fire Department access around the building will need to be provided according to Code. Access will be reviewed during Development Review Committee and building plan review.
- Krista Billhorn, Region 2 District Planner, Iowa Department of Transportation: The Iowa DOT prefers a right in only entrance from US 65 Northbound or an entrance reconstruction to include a “pork chop” island to direct vehicles to make a right turn only when exiting the development onto US 65.

Citizen Comments

Notice of the application was mailed to the owners of all properties within 350 ft. of the exterior boundaries of the subject property. A public notice sign was placed at each location and notice of the public hearing was published in the *Globe Gazette*. To date, we have not received any comments regarding this application.

Analysis

- 1. In the case of a setback reduction, the need for the special exception results from exceptional narrowness, shallowness, or shape of a specific piece of property of record, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific parcel or property.**

The unusual shape of this property is due to a realignment of Northbound US 65 by the State of Iowa in the early 2000s. It is narrower at the west property line than it is at the east property line. The front entrance to the building will be from North Delaware Avenue, making the alley line on the west side of the property the rear lot line. Because of the shape of this lot, a traditional rectangular-shaped building cannot make efficient use of the provided area. Since the west end of the building will be narrower, it is necessary to encroach into the rear yard setback to allow an efficient interior layout. Staff believes that this criterion **has been met.**

- 2. That the specific proposed exception will not be detrimental to or endanger public health, safety, comfort or general welfare.**

Staff has not discovered or received evidence that the reduced rear yard will impact public health, safety, comfort, or the general welfare. Staff believes that this criterion **has been met.**

- 3. That the specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values within the neighborhood.**

Because of the orientation of the building, the west side of the lot will appear to traffic passing on Northbound US 65 as a side yard, not a rear yard. Therefore, the site layout will be similar to the layout of other buildings in the vicinity. Approval of the special exception will not diminish or impair surrounding property values. Staff believes that this criterion **has been met.**

- 4. That establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district in which the property is located.**

The proposed 45-unit senior housing project will not impact or impede the normal and order development or improvement of surrounding property. The addition of this building on a long-vacant parcel should have a positive impact on surrounding property value. Staff believes that this criterion **has been met.**

- 5. That adequate utilities, access roads, drainage and other necessary facilities are being provided.**

Sanitary sewer, storm sewer, and water lines are already present in Northbound US 65 and along North Delaware Avenue. Access to the site will be from the alleys accessing Northbound US 65 and North Delaware Avenue, as well as a new drive accessing the underground parking garage from North Delaware Avenue. The comment from the Iowa DOT regarding access from Northbound US 65 will be addressed through the Development Review process. Therefore, staff believes that this criterion **has been met.**

- 6. That, except for the specific special exception being proposed, the structure subject to the special exception shall in all other respects conform to the requirements of the zoning district in which it is located.**

The applicant has also applied for a variance to the minimum parking requirements for the development on the site. Otherwise, the project conforms in all respects with the requirements of the Zoning Ordinance. If the variance is approved, staff believes that this criterion **has been met.**

- 7. Approval of the special exception will not substantially impair the general purpose and intent of the Comprehensive Plan.**

The Comprehensive Plan has two fundamental purposes. The first provides an essential legal basis for land use regulation, such as zoning and subdivision control. Secondly, the Comprehensive Plan presents a unified and compelling vision for the community derived from the aspirations of its citizens; and establishes the specific actions necessary to fulfill that vision.

Communities prepare and adopt comprehensive plans for legal purposes. Iowa state statues enable cities to adopt zoning and subdivision ordinances to promote the “health, safety, morals, or general welfare of the community.” Land use regulations such as the Mason City Zoning Ordinance recognize that people in the community live cooperatively and have certain responsibilities to one another. These regulations establish rules that govern how land is developed within Mason City. However, Mason City could not adopt land use ordinances without first adopting a comprehensive development plan. This requirement derives from the premise that land use decisions should not be arbitrary but should follow an accepted and reasonable concept of how the city should grow. The Mason City Comprehensive Plan provides the ongoing legal basis for the city’s authority to regulate land use and development.

The Comprehensive Plan also has an even more significant role in the growth of a community. The plan establishes a picture of Mason City’s future, based on the participation of residents in the planning of their community. This vision is particularly crucial as Mason City experiences

demographic and economic changes. Beyond defining a vision, the plan presents a unified action program that will implement the city's goals. The plan is designed as a working document that both defines the future and provides a working program for realizing the city's great potential.

The North Iowa Corridor Joint Comprehensive Plan designates this area as Commercial Mixed Use with the Downtown Overlay. The proposed development is compatible with the scale and use anticipated in the Comprehensive Plan.

Staff has not received or discovered any information that the proposed special exception will **substantially** impair the purposed and intent of the Comprehensive Plan. Therefore, this criterion **has been met.**

Staff Recommendation and Requested Conditions

The Board may consider four alternatives: approve the Special Exception without conditions; approve the Special Exception with conditions; deny the Special Exception, and; table the application pending additional review or information for the applicant and/or staff. Because the application meets all seven standards,, staff is recommending that the application be approved. Staff is recommending that the following conditions be placed on approval:

1. The minimum rear yard setback of ten (10) feet shall conform to the original concept plan submitted by Horizon Development Group, Inc.
2. All development shall be in accordance with all applicable local, State, and Federal requirements.

Board Decision

The Board's decision must include a finding of fact and substantiation for the decision. If the Board votes to grant the Special Exception, the motion to approve must also include these three elements:

- a statement that the criteria outlined in Title 12 of the Municipal Code has been met;
- explicit expressions of the reasons the criteria have been met, if they are not included in the staff report, and;
- an explicit statement of the Special Exception being granted.

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

Proposed motion for approval of application:

- I move to adopt the staff report as the Board's findings and to approve the application by City of Mason City for a Special Exception to to Title 12-12-9, Table 1, Z4 Development Standards to allow a rear yard setback of ten feet instead of the required 25 feet for the following reasons: all necessary standards of review are met.
- Approval is subject to the conditions recommended by staff and as modified by the Board of Adjustment to include:
 1. The minimum rear yard setback of ten (10) feet shall conform to the original concept plan submitted by Horizon Development Group, Inc.
 2. All development shall be in accordance with all applicable local, State, and Federal requirements.
- Approval of the application is effective immediately.

Proposed motion for denial of application:

- I move to adopt the staff report as the Board's findings and deny the application from City of Mason City for a Special Exception to to Title 12-12-9, Table 1, Z4 Development Standards to allow a rear yard setback of ten feet instead of the required 25 feet for the following reasons [STATE REASONS FOR DENIAL].

- The reasons for denial shall be stated in the official minutes of the Board of Adjustment, and shall be conveyed in writing to the applicant by the Board's Secretary.

EXHIBITS

- Exhibit 1: Aerial photo of site.
- Exhibit 2: Site plan from applicant
- Exhibit 3: Special Exception application from applicant.

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N. FEDERAL AVE.

6th ST. NW

6th ST. NE

N. ENTERPRISE ALY.

N. DELAWARE AVE.

US 65

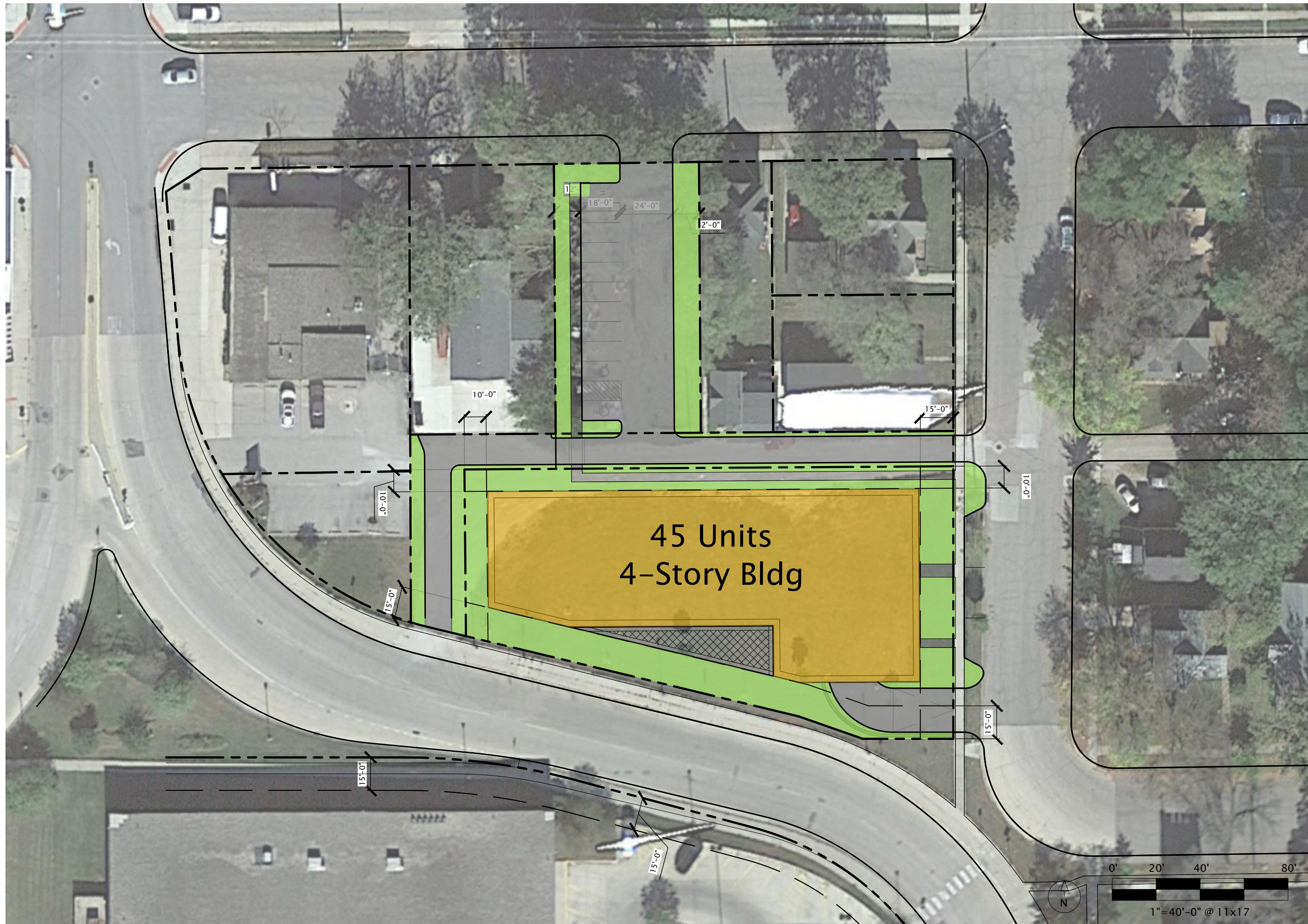
5th ST. NW

N. FEDERAL AVE.

N. DELAWARE AVE.

5th ST. NW

5th ST. NE



Concept Site
Plan

1"=40'-0" @ 11x17

