

ZONING BOARD of ADJUSTMENT OF MASON CITY, IOWA

AGENDA

Tuesday, April 1, 2025, 4:00 p.m.
2nd Floor Conference Room, City Hall
First Street N.W.

- Item 1:**
- 1.1 Call to Order and Roll Call**
 - 1.2 Election of Officers**

Item 2: Adopt the Agenda

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

Item 4: Variances

4.1: City of Mason City: a request for a variance to allow construction of a hotel form in the Z5 Central Business Zoning District that occupies less than 70% of the area of the lot. Property is located at 214 S. Delaware Ave.

Item 5: Special Exceptions

5.1: City of Mason City: a request for a special exception to allow construction of a hotel form in the Z5 Central Business Zoning District with a rear yard setback greater than the 25 ft. maximum allowed rear setback. Property is located at 214 S. Delaware Ave.

Item 6: Conditional Use Permit

6.1: Chad & Mandie Weaver: a request for a conditional use permit to allow construction of a detached accessory building greater than 1,200 sq. ft. that occupies no more than 30% of the area of the rear yard.

Item 7: Old Business

7.1 White Knuckle Inc./River City Moto: further consideration of a request for a variance to allow vehicle sales and a rental function on a lot less than 30,000 sq. ft. in size Property is generally located on 4th St. SW approximately ½ block west of S. Federal Avenue. Application was initially reviewed on February 4, 2025 and postponed at the request of the Board pending additional information from the applicant.

Item 8: Staff Update

8.1 Ex parte communications & conflicts of interest

Item 9: 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, March 4, 2025 - 4:00 PM

Item 1: Call to Order and Roll Call

John Robbins introduced himself to everyone present as a new Member of the Board.

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

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

Staff present: City Administrator- Aaron Burnett, 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	Robbins	Yes
Sjostrand	Yes		

Item 2: Approval of the Agenda

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

Item 3: Approval of Minutes

February 4, 2025, Regular Meeting Minutes: As there were no changes the Minutes were adopted as submitted.

Item 4: Variiances

4.1: White Knuckle Inc.- River City Moto:

Sandahl presented the staff report.

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.

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

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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.

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 noted 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 have 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's recommended that the application be denied.

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.

Because the application does not meet one of the public interest tests and two of

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the three hardship tests, staff strongly recommended that the application be denied. Should the Board choose to approve the application over staff's recommendation, staff requested 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.

Robbins asked for clarification on how long the car sales have been happening on the adjacent lot. Mr. Bell stated roughly 6 years ago is when he took ownership. Robbins then asked how that was approved and if it was grandfathered in, or something along those lines. Sandahl clarified that Mr. Bell had to receive approval of a Variance and that at the time Mr. Bell's business consisted primarily of motorcycles and so the Variance was granted and that there was unlimited number of motorcycles that could be displayed outside but he was limited to two passenger vehicles. She went on to explain that he requested another Variance a couple of months ago to allow him to have up to 10 passenger vehicles but that one was denied. She went on to say that the main reason Mr. Bell would like to sell more passenger vehicles is because the market has changed, and his primary business is selling that type of vehicle but that he is currently limited to having two passenger vehicles on the premises right on the corner of the property near Highway 65. Robbins then asked if Mr. Bell owns the adjacent lot to the east. Sandahl stated yes, he does. Robbins asked if Mr. Bell would have the option to request the vacation of the alleyway. Sandahl explained that he would have that option, however, City Staff would deny it and recommend to City Council that it not be approved as the alley provides access to the backside of a neighboring building, there are traffic visibility issues, and that there are also utilities in the alley that serve other nearby buildings. Robbins asked if there would be a public benefit to keep that as a public alley. Sandahl stated yes, it would be beneficial.

Jesse Bell- White Knuckle Inc., 702 3rd St. NE, Mason City, IA 50401- stated he's been doing a lot of repairs to the facility he's currently occupying and that as he gets more funding, he plans to do a lot of patch work and that a lot of pavers will need to be put in. He went on to say that it won't take much to remove the spot

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that the I.D.O.T. requested to be removed and that he will work with them as well as the City Engineering department to address their concerns as well. Mr. Bell went on to say that he has a lot of plans to upgrade but that in their current financial status, they don't have a whole lot of spare cash to do that stuff right now and having been muted in the capabilities of displaying anything for sale, it's been getting harder and harder to make more funding. He went on to say that he will continue to clean off the place and that even the picture on the screen was taken years ago and that a lot of the vehicles pictured are either customer or employee vehicles, so it looks more crowded than what the lot currently looks like. He stated that he has been deleting any projects that have been just sitting on site and that there are no new projects like that planned. Mr. Bell stated that the lot is way less crowded than pictured and that he plans to maintain that and that repairs will happen as he can afford to, and any other changes or plans will be run by the City first. Robbins asked Mr. Bell if he's spoken to the neighbor to the west about adding that property to his lot. Mr. Bell explained that he just bought this lot from them and that this lot was costly. Sandahl explained that Family Video owns the whole half block and that it took him quite some time to obtain the lot being discussed. Mr. Bell clarified that he put an offer on that lot at the same time he made an offer on his property nearest to Highway 65 and that it's taken 6 years to obtain this additional one. He stated that the owners are from Chicago and that they've wanted Chicago pricing and that that seems to be an issue with a lot of commercial properties. Sandahl explained to the Board that the other issue now indicated on the map is that the west edge of Mr. Bell's property is in the floodplain and everything to the west of that on that block is in the floodplain and so, if he could acquire it, it would increase the size of the lot but that the property being the floodplain would leave a lot of difficult to use. Robbins asked, even if it's in the floodplain, would it give Mr. Bell the chance to get above the required lot size. Sandahl stated that she hasn't done the math but that it would be a potential option. She went on to say that she thinks he would need about 5,500-6,000 sq. ft. Mr. Bell stated that the owners of the additional property to the west refuse to sell any more property than what he's already acquired as they think that if they were to sell him the remainder of the lot that was divided, that Mr. Bell would have power to completely block off their parking lot from traffic. He went on to say that there being seven or so entrances to that parcel, makes that untrue however, them being satellite owners, they aren't familiar with the area and that it was like pulling teeth to acquire the property he has currently. Robbins asked Mr. Bell if he's spoken with the satellite owners about a possible Easement Agreement. Mr. Bell reiterated that they refuse to sell anymore property.

The public hearing opened at 4:18 PM.

Tim Latham- stated he owns the property to the south of Mr. Bell's and that, at first, he was opposed to Mr. Bell doing this because he didn't like what he saw and because Mr. Bell and his Staff used to block the alley frequently so he couldn't gain access to his own property. He went on to say that Mr. Bell has

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always been good to work with and that he's been able to cut through a portion of his lot to gain access to his own property. Mr. Latham asked City Staff if a portion of property indicated on the site plan on the projector is an alleyway. Van Steenhuyse clarified that it may have been an alley at one time but that it isn't currently. Mr. Latham stated that, if Mr. Bell does what he says he's going to do, he has no problems with it and that he thinks the Board will put enough safeguards in there if they approve the Variance. He stated that Mr. Bell has worked hard but that he probably shouldn't have been granted the initial Variance simply because it really wasn't the perfect location but he's there now and it was granted. Mr. Latham stated that he feels like Mr. Bell does have a little bit of hardship in that regard but car sales are car sales and that if you drive around town, and look at places like Schukei Motor Company, wherever, car lots are kind of congested and that if he puts just car there for sale and not repair, and if he uses the second row indicated on his site plan for employee and customer parking, and have the other business equipment in the back part, he supports what Mr. Bell would like to do if he does what the Board lays out for him. Mr. Latham stated that he can also say that the satellite owners are truly difficult to work with and that what he was offered for a price for the lot that Mr. Bell bought was just insane and twice what it's worth and that he's tried to buy the whole area to the west and that the satellite owners think it's worth about \$2 million. Sandahl reiterated that a lot of that property is in the floodplain.

Aaron Burnett- City Administrator- 10 1st St. NW, Mason City, IA 50401- stated that he has obviously seen the staff comments in the report and that this property has been highlighted numerous times as we encourage future development in this area as a problem property. He went on to say that City code and nuisance enforcement at this site multiple times and that, the aerial image, you can identify about five issues that are noncompliant and that there's aerial where there are dogs running around and regardless of what sort of guardrails the Board chooses to put in place, there is a history of noncompliance already with this property. Mr. Burnett went on to say that he doesn't believe that expanding on a Variance and requesting that the City try and force conditions against an owner who has not been compliant already is a smart move. He stated that he wants to see small businesses be successful but that there has been a clear pattern of not following the rules already and he doesn't understand why a Variance would be extended any further and essentially create future core cost(s) for the City regarding further enforcement.

Mr. Bell expanded on Mr. Burnett's comments and stated that the picture displayed is from multiple years ago and that he has gotten rid of a lot of that stuff on the lot now and that he's continuing to delete the stuff that is on the lot. He went on to say that he's unaware of any other complaints that have been made because the only other complaints he's had are from people that thought he was selling cars off of the lot being discussed and that he wasn't. He clarified that he was using it for storage, though. He reiterated he will no longer be doing that, and he's removed boats that used to be there, and they won't be coming back. Mr.

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Bell stated that he does occasionally sell watercraft but that he doesn't foresee the lot ever looking like the picture again. He went on to say that it's taken some time to learn as his business has grown and that he won't keep the junk around and that all businesses change, everybody evolves and yes, he's been getting rid of a lot of the clutter and stuff that might be considered nuisances. Evans asked Mr. Bell how long he's had the lot. Mr. Bell stated since late October 2024. Evans asked Mr. Burnett to explain exactly where the nuisance issues on the property that he spoke about took place. Mr. Burnett clarified that the lot indicated on the picture on the projector is not owned by Mr. Bell and that he's gotten multiple calls regarding an individual squatting on the indicated property. He went on to explain that, as you can see in the picture, there is clearly outdoor storage going on and that it doesn't meet any City requirements for storage and that he believes in the same picture, you can see two dogs running at large and that those dogs regularly run at large in that location. Mr. Burnett stated that it's an ongoing issue. He stated that he doesn't disagree with Councilman Latham's opinion that the initial Variance should not have been granted and added that, this is a good example of how when things like this are granted, it can create more difficulty situations for the owner like this one. He went on to say that motorcycle sales are not nearly as space intensive as other vehicles. Mr. Burnett went on to say that he thinks the important thing to do is to look at the property and then ask someone to make an investment or tear something down in the area, it's an issue. He stated that he understands that it's getting better but reiterated that there hasn't been compliance on this property previously and that going through court and trying to get property owners to be compliant is difficult. He explained to the Board that the reason Mr. Bell wouldn't have been called about issues regarding the pictures lot is because he didn't own the property and that he's had several discussions with the previous owner who was alleging that Mr. Bell was squatting on that property.

Tim Latham stated that he's under the impression the Mr. Bell was here not too long ago to receive a Variance regarding displaying vehicles on the front of his lot nearest to the curve on Highway 65 and that he doesn't understand why the Board would have denied that application as he drives by it every day and if anything, he recommends that Mr. Bell come back if he can and request that more cars be displayed there so he can have a more viable business. Sandahl clarified that the primary reason that Variance was denied is because the I.D.O.T. objected because there's not enough space to accommodate the vehicles to meet their clear zone requirements. Evans verified that that was the primary reason.

Evans asked what Mr. Bell could use the space for, if not for vehicle sales. City Staff stated that it's in the Z4 zoning district and that that district is quite expansive therefore Mr. Bell could do anything allowed for a commercial use in the Ordinance. Van Steenhuyse went on to say that a multi-family function, amongst other uses would be permitted with a reasonable return. Evans asked if the size of the lot is Mr. Bell's limitation for vehicle sales on the lot. City Staff verified that yes, that's the case. Robbins asked if the only thing preventing Mr. Bell from meeting that size is the alleyway. Sandahl stated that she hasn't done

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that calculation and that she's not sure Mr. Bell would even have 30,000 sq. ft. if all of his parcels would be combined and informed the Board that the two he's purchased have yet to be combined on the County's end.

Mr. Latham asked if Mr. Bell would run into any issues regarding historic preservation if he wanted to tear his buildings down. Sandahl stated that it's her understanding that when the I.D.O.T. was doing the planning for the Highway 122 project is that they assessed the Tent & Awning building and that it was determined to be eligible for the National Register of Historic Places and that's why the project stopped on the north edge of 5th Street, because they did not want to disturb that building. Mr. Latham asked for verification that it's not currently on the National Register. Sandahl stated that it's not currently on the National Register, however, City Staff and the Historic Preservation Commission would have to do research and get additional information from the State to understand what caused I.D.O.T. Historic Preservation Staff to say that it was eligible. She went on to say that it doesn't mean it can't be torn down. Evans stated that it seems that that would complicate his life more.

Matthes asked who owns the hotel next door. City Staff stated that it's owned by Venture Hospitality and that it's the same people that own the Comfort Inn down the road. Matthes asked if Staff have received any comments from them. Van Steenhuyse stated there haven't been.

Evans asked if there has been noted improvement on Mr. Bell's property. Sandahl stated that there's been some improvement, but that Staff isn't sure if it's in compliance.

Matthes asked for clarification on the max number of vehicles allowed on site. Sandahl stated that Mr. Bell can have two passenger vehicles on the property to the east. Matthes clarified that he was specifically asking about how many vehicles would be allowed where Mr. Bell has indicated on his site plan where it says, "For-Sale Vehicle Parking". Sandahl informed the Board that there isn't a limit on that lot. Matthes explained that the reason he is asking is because, if the noted "For-Sale Vehicle Parking" and phase two is "Employee and Customer Parking", and phase three is "Trailer and In-Processing Vehicle Parking" and that whole parking lot becomes, for a lack of a better term, congested with vehicles, what the consequence(s) might be. He asked City Staff again if there is a maximum number of vehicles allowed on that lot. Sandahl clarified that it isn't specified in City code but that she's unsure if maybe the I.D.O.T. has a maximum number in mind. Sjostrand asked Mr. Bell if he has a maximum number himself. Mr. Bell stated he does not and that he doesn't believe that the State does either and that he plans to avoid that. Matthes stated that he'd truly like to see Mr. Bell successful but that he's trying to find a balance and that he would like to explore imposing a condition(s) that keep the property owner in line. Sandahl stated that the Board has done this in the past with Conditional Use Permits and that the Board has approved them subject to a periodic review but that she doesn't know if

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it's ever been with a Variance. Van Steenhuyse explained to the Board that a Variance is related to specific conditions on site and not operational characteristics and that's typically why you wouldn't do that with a Variance, either the applicant would qualify for the Variance, or would not. Matthes stated that he understands that. Van Steenhuyse informed the Board that they could place conditions on a Variance, for example, say no more than twelve cars, but that he's not sure if the Board could place a time limit. Matthes reiterated that his main concern is the scope creep of it and that he hopes Mr. Bell does well but that he doesn't want to end up with another lot of cars that is congested.

Evans asked Mr. Bell what he would do with the lot if not vehicle sales. Mr. Bell stated that he would have to figure out what he'd be allowed to do with it since he keeps being told that he's not allowed to do anything. Evans stated that she knows the City is not interested in the Board passing the Variance but that doing so would afford the opportunity to see the lot being cleaned up and be able to keep track of it, instead of it just being another abandoned lot downtown. She went on to say that, for obvious reasons, she's in support of small business and that she understands that it's been difficult in the past and that she understands both sides very clearly, but she believes there would be a better chance of the property being maintained if the Variance was granted. Sjostrand stated that he feels limiting the number of vehicles on this lot, especially since there's a limit on his first lot to the east. Sandahl explained that any time the Board puts a condition on an approval, it needs to be tied to something that they're trying to mitigate for that condition. She went on to explain that the number of vehicles was limited on the first lot because it was so small. She added that the primary business on that lot was motorcycle sales, and they were not limited at that point. Sandahl went on to explain that the main area she's concerned about the most is the area that's marked for customer and employee parking as that's a very large area and that it's twice the size of the area where Mr. Bell shows he wants to display vehicles for sale. She stated she would like Mr. Bell to move some of those vehicles down to the other side of the traffic aisle on the north side of the employee and customer parking area, if he has enough vehicles that are prepped and ready for sale there. Sandahl went on to say that she thinks it would be detrimental to the appearance of the property if Mr. Bell parked vehicles that he is prepping for sale in the employee and customer parking area, vehicles that might need parts or body work, etc., toward the front but that she wouldn't know where to begin to calculate the maximum number of vehicles the Board could impose as a condition. Van Steenhuyse stated that he feels another point that needs to be made is that Staff doesn't know any specifics on the back part of the lot where the plan states, "Trailer and In-Processing Vehicle Parking" and that there are requirements for outdoor storage that will be required to be screened but that City staff haven't seen a plan for doing so. He went on to explain to the Board that Mr. Bell was informed that it's a requirement at the Development Review Committee meeting but that he doesn't believe it went further than informing him that it's something that will need to be done so, if the Variance were to be granted, Staff would want to see that those requirements be met. Mr. Bell stated that the plan that he put together that's being discussed

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was put together to primarily show that area along 4th Street would have the highest visibility and that the space up front would be the desired spot for vehicles that would be for sale. He stated that it would be better if he could keep some in the middle as well but that he doesn't want to overcrowd the lot and that he wanted to convey that. Mr. Bell reiterated that he's been deleting projects that entail having dismantled vehicles and that he's been getting out of that. He went on to say that the trailer and in-processing vehicles will include some of his enclosed trailers that he uses for the motorcycle business and some of the other equipment would be his skid loader and his forklift, etc. Mr. Bell explained that he has talked about putting up a fence so it would be out of sight but that it got put into revision as he has to figure out how to screen it while considering the Fire departments need to access the hotel. Mr. Bell went on to say that his property goes all the way up to about three or four feet away from the hotel's wall and that he'd be within his right to put up a fence but that he doesn't want to do that as it would restrict access for the Fire department. He stated he plans to get with the Fire department to address the issue because there are also issues with people crawling through the windows on the back of the hotel and that that's another reason he'd like a fence up. Mr. Bell stated he is cutting down on product & vehicle parts that get stored outside and that he's not sure what else is being referred to as noncompliance and that the site plan provided is just an example and that he just needs to figure out how to make the layout work for his business and the City. He stated that something else he's doing to try to improve the property is get more lighting and that all businesses change and that if there are better ideas for the site plan and its layout, he'd be all for being advised on how to do it properly. Matthes asked if this plan was reviewed by the Fire department. Sandahl stated that it was and that they do participate in the DRC review of the site plan and that the Fire Marshal did raise the issue about the fence and that there will need to be enough clearance to be able to access the hotel and that, for just being a fence, it's a complicated thing.

Robbins stated that he does somewhat disagree with the staff review a little bit in that he thinks that there, Mr. Bell could potentially meet the threshold for the area that would be allowable for sales and that he understands the comments regarding nuisances. He went on to say he'd like more information to potentially come up with a plan for screening and to maybe address some of those issues that have been discussed and said that he'd like to maybe table this and give Mr. Bell a chance to provide some of the information to the City. Sandahl stated that if the Board does want to table it, the Board will need to be specific about what information they are asking for in their motion to table or postpone. Robbins asked for other comments from the rest of the Board and stated that he thinks that there are some unique elements. Evans agreed with Robbins and stated that she feels there is more of a hardship than has been stated and that she also agrees that Mr. Bell is a lot closer to the lot size than they think. She went on to say that she's seen other car lots like it here lately even though that has nothing to do with this particular case, but her concern is that Mr. Bell keep the property up but that she doesn't really know what the conditions should be. Robbins asked City Staff for

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more guidance on what they would need for screening. Van Steenhuyse stated that that would depend on what's being stored and that more details would be needed. He went on to say that there are concerns with trailers being used for storage which is not allowed. Robbins stated that what he would like to see is for Mr. Bell to develop details that would potentially satisfy Staff and that would be in the spirit of the zoning ordinance. Providing a detailed site plan that includes things like lighting details, what Mr. Bell plans to store, and how many vehicles he'd plan on selling because he definitely sympathizes with the City but he's also supportive of Mr. Bell and wants him to be successful, especially with his background as a Zoning Administrator with the Cerro Gordo County previously. He stated that if Mr. Bell could develop such a plan, he could potentially be in support of this Variance. Sandahl suggested that the Board make a motion to postpone the application until the April or May meeting. Matthes asked City Staff if every Board Member present today would need to be at that meeting as well. City Staff clarified that, no there would simply need to be a majority vote and quorum and that where there would be an issue is if a Board Member that wasn't here for this meeting were join for a later meeting regarding the same application. Robbins asked Mr. Bell how long he thought he'd need to get those details to City Staff. Mr. Bell stated that he would need more of an idea of what the City needs specifically to do so. Sandahl stated that the Minutes can be transcribed as far as what Mr. Robbins stated he'd like to see provided on a detailed site plan. Robbins noted some of things he mentioned earlier as well as screening that he'd like to see on a detailed site plan. Mr. Bell stated that he doesn't use the enclosed trailers for storage and that they're used for moving motorcycles. Robbins clarified that he'd like to see what Mr. Bell plans to do for staging, what the condition the vehicles are going to be in and stated that he would want Mr. Bell to work with City Staff and that he'd like to address everything that City might be concerned with and that he'd like to see it in writing, essentially like an operations statement in fine detail so it can actually be enforceable. He then asked Mr. Bell if he felt that postponing the application until the April 1, 2025, meeting would give him enough time to gather the proper information. Mr. Bell stated that it should be.

Robbins moved to postpone the discussion and decision until the April 1, 2025, regular meeting, assuming Mr. Bell provides a detailed narrative and site plan that includes lighting details, states what Mr. Bell plans to store on the lot, screening details, and provides information on how many vehicles he plans on selling. Evans seconded.

Roll was called:

Evans	Yes	Hines	Yes
Matthes	Yes	Robbins	Yes
Sjostrand	Yes		

4.2: City of Mason City- 508 N. Delaware Ave.:

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Van Steenhuyse presented the staff report.

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.

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 four of the five tests, staff recommended that the application be approved. Staff recommended 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.

Robbins asked how many owners the property has gone through. City Staff stated that there used to be houses and some commercial buildings on site and that where Fareway is now, the split was actually further to the south and you used to have to make almost a 90 degree turn going left if you were northbound and then make an almost 90 degree turn going right so, when the Northbridge project was done, that was opportunity to smooth out those curves and make them safer.

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Evans asked if there are any other examples of senior housing that prove that the lower number of parking spaces work. Van Steenhuyse explained that there aren't any projects that have utilized Low-Income Housing Tax Credits (LIHTC) and the most recent senior housing projects that are targeted toward a particular economic demographic would be the Legacy Manor apartments that are behind Menard's on 9th Street SW, and they did have an income guideline, but it wasn't as strict as LIHTC guidelines. He went on to say that, generally, low-income housing would need to stay this way for a minimum of 30 years therefor, it's reasonable to expect that this will be people that might not own cars to begin with and that he feels that's part of the justification.

Michael McGinley with Horizon Development stated they have a lot of LIHTC projects throughout the Midwest and generally find that the number of parking stalls do meet the needs of their tenants.

The public hearing opened at 5:05 PM. The public hearing closed at 5:06 PM.

Matthes asked if it will be stick built or panelized like the new apartments being built. Van Steenhuyse stated that it will need to meet all of the guidelines and building code and that it will be four stories and will have underground parking. Matthes asked if there have been any issues at either of The River apartment buildings with their underground parking. Van Steenhuyse stated there haven't been any issues. Matthes clarified that he's asking because Mr. Bell stated that he's had issues with parking in his lot from the first, The River. Van Steenhuyse asked the representatives present for Horizon Development if any tenant would be eligible for the underground parking spaces. Mr. McGinley stated that it will be provided to the tenants through LIHTC, and it will be included in the rent primarily for two-bedroom units. Van Steenhuyse then asked them to reiterate what the different types of apartments offered would be. Mr. McGinley stated it will be 30 two-bedroom units and 15- one-bedroom units. Sandahl stated that he thinks one of the things about The River is that not all of those spaces have been rented. Matthes stated that he would agree. Sandahl clarified that there is no parking requirement because they're in the Z5 zoning district and there is no minimum number of stalls that they have to provide. Matthes stated that, looking at the apartment complex out by Menard's there seem to be hardly any parking issues. Robbins asked if they will be required to be senior residents. Evans stated that it's 55+.

Matthes moved to adopt the staff report as the Board's findings and to approve the application by City of Mason City for a Variance 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 as stated in the staff report: 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

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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 was effective immediately. Robbins seconded.

Roll was called:

Evans	Yes	Hines	Yes
Matthes	Yes	Robbins	Yes
Sjostrand	Yes		

Item 5: Special Exception

5.1: City of Mason City- 508 N. Delaware Ave.:

Sandahl presented the staff report.

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.

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.

DRAFT

- 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” to direct vehicles to make a right turn only when exiting the development on to US 65. Van Steenhuyse clarified that those are site plan issues that can be addressed during the Development Review process.

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.

Van Steenhuyse clarified that the first condition shouldn't state setback reduction but that it should say a setback “variation” instead.

Because the application meets all seven standards, staff recommended that the application be approved. Staff recommended 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.

Matthes asked if there is a sidewalk along the curve. Staff verified there is.

The public hearing opened at 5:19 PM.

Russell Hardy- 2 Old Farm Rd., Mason City, IA 50401 stated that he thinks he may have misinterpreted the 10 ft. setback requirement that is being reviewed. City Staff clarified the setback requirements for Mr. Hardy. Mr. Hardy stated that he owns the house next to the alley and that the house used to be a two-story house that had four apartments in it and that it was an eye sore. He explained that he has remodeled the house into a single-family residence that will have three bedrooms with $\frac{3}{4}$ maple flooring throughout the living area and that he is nearly finished remodeling the house. Mr. Hardy then circulated a photo of the exterior of the house. He stated that his understanding is that the tax credits haven't quite been awarded. He then circulated another photo of the exterior of the house that indicate the location of the alley in respects to the house. He went on to say that, if the development happens, it will block sunlight to his windows facing south. He stated that he's spoken to Mr. Patchin with Horizon Development and explained that he's proposed the purchase of the land that his houses sit on and then Mr. Hardy when then move the houses and then that property could maybe be used for parking. He went on to say that he is really concerned and that he intended to

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create something really nice for tenants and not having access to sunlight will likely be an issue in that regard.

Evans asked when construction on the house began. Mr. Hardy stated it began roughly four years ago and is being finished now.

The public hearing closed at 5:24 PM.

Robbins stated that he feels it's pretty straight forward and while he sympathizes with Mr. Hardy, but he feels it meets the criteria.

Robbins moved 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 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 was subject to the conditions recommended by staff:

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 was effective immediately. Sjostrand seconded.

Roll was called:

Evans	Yes	Hines	Yes
Matthes	Yes	Robbins	Yes
Sjostrand	Yes		

Item 6: Other Business

Item 7: Adjourn

The meeting adjourned at 5:26 PM.

Next regularly scheduled meeting: Tuesday, April 1, 2025 - 4:00 PM.

Attest: Regina Card, Secretary

Vice Chair: Melissa Evans



VARIANCE STAFF REPORT

Case #: 25-A-03

Staff Project Contact: Tricia Sandahl, Planning and Zoning Manager

Meeting Date: Tuesday, April 1, 2025

Explanation of the Request

The applicant is requesting a Variance to Title 12-13-8, Table 1.C, which would allow construction of a hotel form in the Z5 Central Business Zoning District that occupies 32.9% of the area of the lot. The subject property is located at 214 S. Delaware Avenue.

The applicant has entered into an agreement with a hotel developer to construct a hotel form in the City-owned parking lot of Southbridge Mall. The site plan shows that the hotel occupies 32.9% of the lot. In the Z5 Zoning District, at least 70% of the lot must be covered with structures. Staff cannot administratively approve the proposed lot coverage so 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

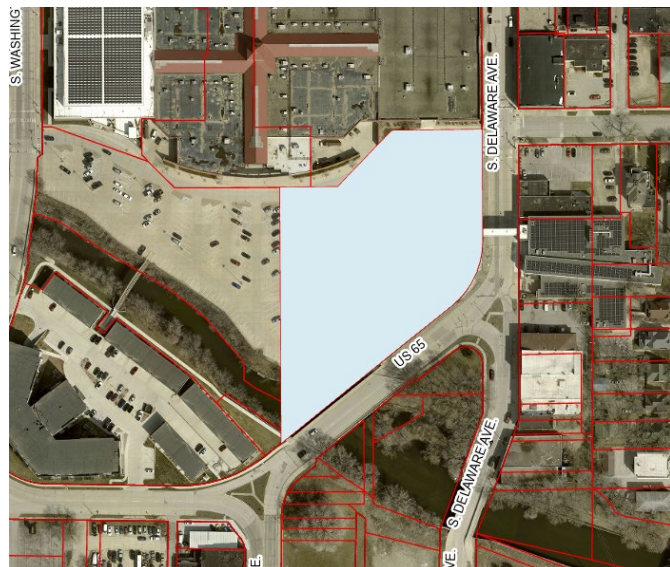
Property Information

Location: 214 S. Delaware Ave.

Directions from City Hall: east to N. Pennsylvania Ave.; south the 2nd St. SE; west to subject property.

Surrounding Land Use: accessory parking; shopping mall; mixed use block; museum.

Existing Land Use: accessory parking.



Findings of Fact

1. The request is for relief of a strict application of Title 12-13-8, Table 1.C.
2. The applicant is requesting a variance to allow construction of a hotel form in the Z5 Central Business Zoning District that occupies 32.9% of the area of the lot.
3. The property is located at 214 S. Delaware Ave..
4. The property is currently zoned Z5 Central Business Zoning District. No change of zone is being requested for this property.
5. The application was filed on March 10, 2025.
6. The adjoining property owners were notified on March 12, 2025.
7. A public notice sign was posted on the property on March 17, 2025.

Staff Comments

The relevant City departments and utility providers were asked to comment on this application. No adverse 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 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 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: Staff has not received or discovered any information that indicates that the proposed variance would diminish the free use and enjoyment of neighboring properties. The subject property is currently excess accessory parking. Construction of the hotel will support revitalization of Southport Mall and downtown. However, the 70% lot coverage minimum requirement was intentionally set in 2010 to ensure that development and redevelopment in downtown did not mimic suburban type commercial development found on the west side of Mason City. Downtown areas are distinct and unique to each community. The downtown should be walkable and a key component of walkability in every downtown is the continuity of the building-street interface. Downtowns rely on pedestrian traffic. When there are large gaps between buildings, pedestrians tend not to continue past the gap. This impacts those businesses beyond the gap. Mandating density prevents the creation of these gaps. Variance to the density mandate creates gaps. It is staff's opinion that the variance application does not clearly meet this test, nor does it clearly not meet this test. **Staff declines to make a determination on the first 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 proposed variance will prevent the appearance of overcrowding, promote the general health and welfare, ensure the provision of adequate light and air, and preserve the character of the downtown. The development of the hotel will conserve the value of this property and surrounding properties and overall, the hotel will encourage the most appropriate use of the land. It should also be noted that, while not affecting the subject property, this development improves the nonconforming nature of the Southbridge Mall parking lot. The existing nonconforming lot exceeds the maximum lot size permitted in the Z4 District. Also, the number of parking spaces serving the Mall exceeds the maximum allowed under the 2010 Zoning Ordinance. The hotel and its separate lot removes at least 66 spaces from the Mall parking lot, reducing the nonconforming nature of the Mall parking. For these reasons, 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 it is developed in conformance with the requirements of the Z5 Central Business Zoning District. 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: The unique situation faced by the hotel developer is the requirement that they provide at least one parking stall per guest room. Most of the stalls will be provided on site; others will be provided via an easement or agreement with the City allowing hotel guests to park in the mall parking stalls west and south of the hotel. While this is a peculiar situation to this type of development, it is not a condition inherent in the land that prevents this property owner for using the property in the same way neighbors can use their land. Any other property owner in the Z5 District would be required to have a variance to cover less than 70% of the lot with structures. 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 reduced lot coverage, from the 70% requirement is due to something done by a prior landowner or this applicant. This does not appear to be a self-created hardship. 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 only meets two of the five tests, and because no hardship has been identified, staff recommends that the application be denied. Should the Board approve the application, staff is recommending that the following conditions be placed on approval:

1. All construction shall strictly adhere to the site plan submitted with this application.
2. All construction and operations of the development authorized by the variance shall comply with the applicable local, state, and federal regulations and laws.

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 the City of Mason City for a variance to Title 12-13-8, Table 1.C to allow construction of a hotel form in the Z5 Central Business Zoning District that occupies 32.9% of the area of the lot for the following reasons: [STATE REASONS FOR APPROVAL].
- Approval is subject to these conditions recommended by staff:
 1. All construction shall strictly adhere to the site plan submitted with this application.
 2. All construction and operations of the development authorized by the variance shall comply with the applicable local, state, and federal regulations and laws.

- 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 12-13-8, Table 1.C to allow construction of a hotel form in the Z5 Central Business Zoning District that occupies 32.9% of the area of the lot 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: Site plan from applicant

R:\Boards & Commissions\Zoning Board of Adjustment\2025 ZBA\04-01-25\25-A-03 City of Mason City\25-A-03 City of Mason City - Lot Coverage.docx

SITE PLAN HOME2 SUITES by HILTON MASON CITY, IOWA

PROJECT INFORMATION

OWNER: Kineseth Hotel Corporation
25 Main Place, Suite 400
Council Bluffs, Iowa 51503

ARCHITECT: Cities Edge Architects
1017 East Highway 12
Willmar, MN 56201

ENGINEER-SITE DESIGN:
WHKS & Co.
1412 6th St. SW
Mason City, Iowa 50401

ZONING: Current Zoning is Z5 Central Business District

SETBACKS:

	BUILDING	PARKING
Front	0'-5'	N/A
Secondary Front	0'-5'	N/A
Side	0'	N/A
Rear	25' (max.)	N/A

There may be exceptions when abutting residentially zoned areas

SPECIFICATIONS

- City of Mason City Specifications shall be the governing technical specifications for all materials and installation requirements. However, most current version of SUDAS shall apply when City of Mason City Specifications are not available for specific work or materials. Current IDOT Specifications shall apply for work in the ROW of Highway 65 (N. Federal Ave.).

SHEET INDEX

SHEET	DESCRIPTION
SP.00	TITLE SHEET - GENERAL INFORMATION - LEGEND
SP.01	OVERVIEW MAP - REMOVALS & EXISTING CONDITIONS
SP.02	PROPERTY BOUNDARY & PAVEMENT MARKINGS
SP.03	OVERVIEW MAP - PROPOSED IMPROVEMENTS
SP.04	PROPOSED IMPROVEMENTS DETAILS - NE
SP.05	PROPOSED IMPROVEMENTS DETAILS - SE
SP.06	PROPOSED IMPROVEMENTS DETAILS - SW
SP.07	PROPOSED IMPROVEMENTS DETAILS - NW
SP.08	SECTION VIEW DETAILS
SP.09	SECTION VIEW DETAILS & TYPICAL SECTIONS
SP.10	POINT ELEVATION DATA



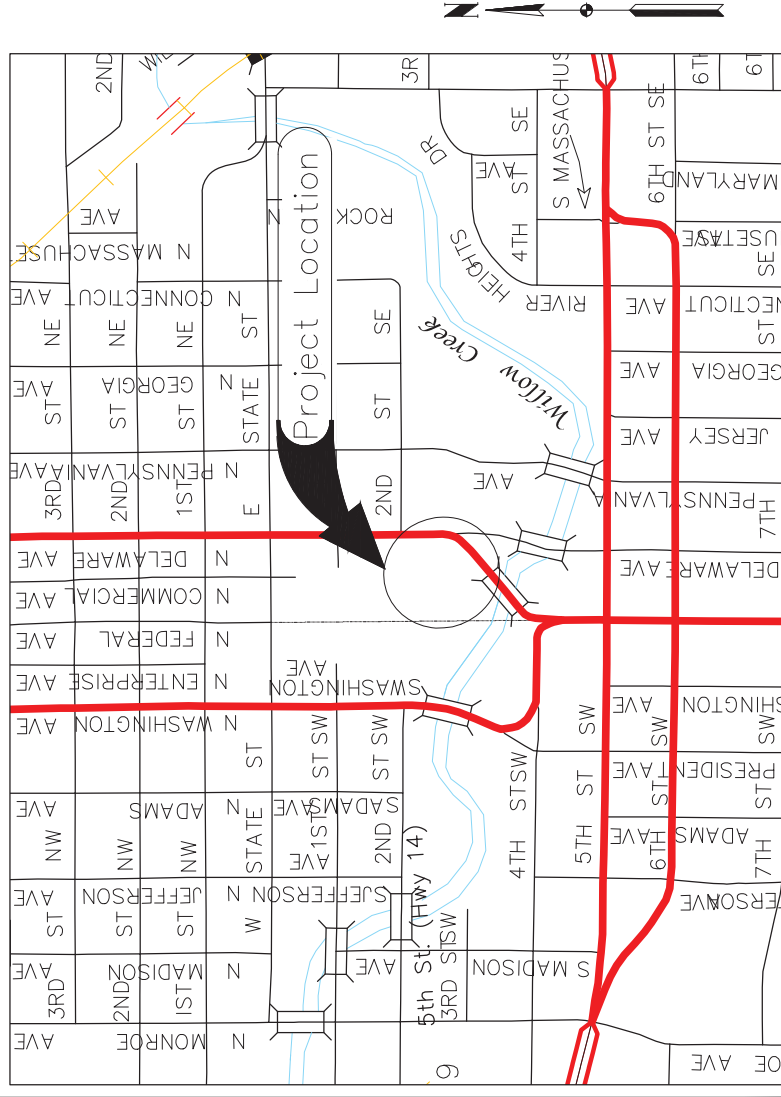
UTILITY NOTE:

THE LOCATION OF UNDERGROUND FACILITIES AS SHOWN ON PLANS ARE APPROXIMATE ONLY AND ARE SHOWN FOR THE CONTRACTOR'S GENERAL INFORMATION. THE ENGINEER AND OWNER DO NOT ASSUME RESPONSIBILITY FOR UTILITIES SHOWN OR NOT SHOWN IN THE PLANS. THE CONTRACTOR SHALL NOTIFY ALL PUBLIC AND PRIVATE UTILITIES OF HIS WORK SCHEDULE AND USE SUITABLE PRECAUTIONS TO PREVENT DAMAGE TO PIPES, CONDUITS, WIRING, AND OTHER UNDERGROUND STRUCTURES AND UTILITIES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. DELAYS DUE TO UTILITY CONFLICTS WILL BE AT CONTRACTOR'S EXPENSE. CONTRACTOR SHALL COORDINATE UTILITY RELOCATIONS WITH CORRESPONDING UTILITY, THIS SHALL BE INCIDENTAL TO THE PROJECT.

ALL ON-SITE UTILITIES (PRIVATE) WERE NOT FIELD LOCATED AND THEIR LOCATIONS AS SHOWN ARE APPROXIMATE AT BEST AND DERIVED FROM OWNER MAPS AND INTERPRETATION OF FOUND SURFACE FEATURES. ACTUAL LOCATIONS NEED TO BE FIELD DETERMINED PRIOR TO DIGGING.

SELECT PLAN SHEETS WERE PRODUCED IN COLOR. IT IS RECOMMENDED THEY BE PRINTED AS SUCH TO AVOID MISREPRESENTATIONS OR MISUNDERSTANDINGS.

Mason City, Iowa



Vicinity Map

Not to Scale

PROJECT SPECIFIC LEGEND

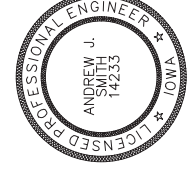
- Approx. Property Line
- Building Setback
- Ex. Retaining Wall
- ST Ex. Storm
- W Ex. Water
- S Ex. Sanitary
- UG Ex. Underground Gas
- FIB Ex. Fiber Optics/Telecommunications
- UE Ex. Underground Electric
- Ex. Treeline
- Ex. Minor Contour
- Ex. Major Contour
- Ex. Light Pole

- Ex. Gravel Patch
- Ex. PCC Pavement
- Ex. Pavement Removal Area
- Proposed Building
- Proposed PCC, 6" thick
- Proposed PCC, 6" thick, with 6" Std. Curb
- Proposed Sidewalk, 4" Thick x 6' Wide Typ.
- Proposed Retaining Wall
- Proposed Sidewalk Ramp
- Proposed Sidewalk Landing
- Proposed Pavement Marking
- Proposed Minor Contour
- Proposed Major Contour
- Proposed General Direction of Drainage
- Proposed Tire Stop
- Proposed ADA Wheelchair Marking
- Proposed Stoop (see Arch. dwgs)
- Proposed Hardscaped Area (see Arch. dwgs)
- Proposed Storm Sewer
- Landscape, See Landscape Plan
- Form Grade (FG) Point Number, Spot elevation, and description. For pavement it is either top of slab (TS), Gutter (GUT) or top back of curb (BC).
- "L-1" or "KT-1" Joints
- "C" Joints
- Proposed Bollard
- General Direction of Surface Drainage
- General Traffic Circulation Direction

TITLE SHEET - GENERAL INFORMATION - LEGEND

HOME2 SUITES by HILTON
MASON CITY, IOWA

SCALE: AS SHOWN
PROJECT NO. 10212
DRAWN BY: AJS
CHECKED BY: AJS
SHEET SP.00



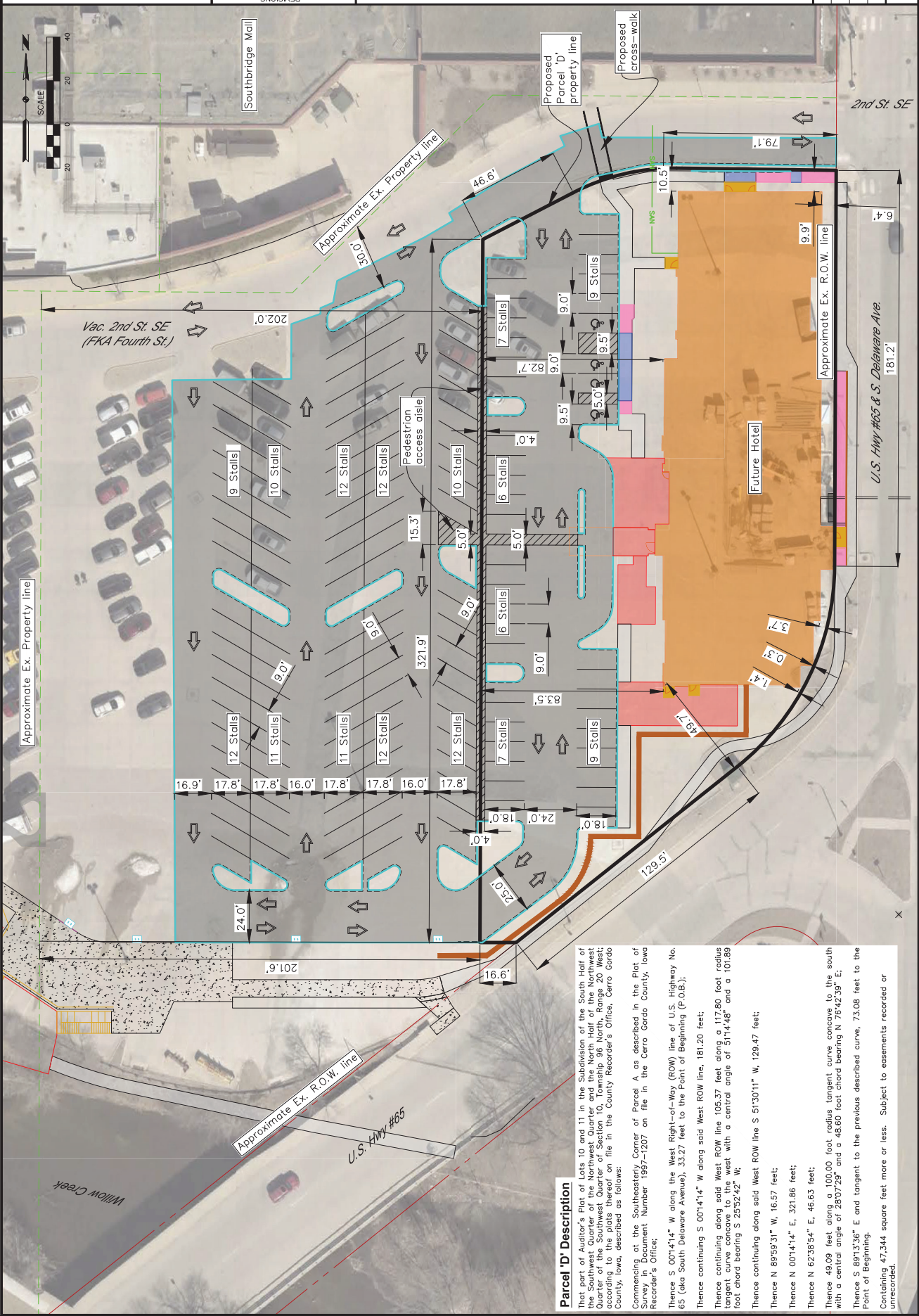
I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: Andrew J. Smith
NAME: ANDREW J. SMITH
DATE: 02-25-2025
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2025
PAGES COVERED BY THIS SEAL: ALL SHEETS IN SHEET INDEX

NO.	DATE	DESCRIPTION

NO.	DATE	DESCRIPTION

SCALE:	AS SHOWN
PROJECT NO.:	10212
DRAWN BY:	A.S.
CHECKED BY:	A.S.
SHEET	SP.02

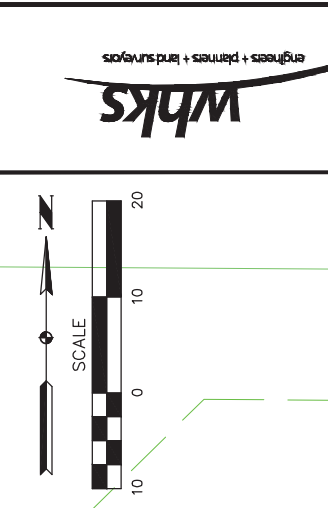


Parcel 'D' Description
 That part of Auditor's Plat of Lots 10 and 11 in the Subdivision of the South Half of the Southwest Quarter of the Northwest Quarter and the North Half of the Northwest Quarter of the Southwest Quarter of Section 10, Township 96 North, Range 20 West, according to the plats thereof on file in the County Recorder's Office, Cerro Gordo County, Iowa, described as follows:
 Commencing at the Southeastly Corner of Parcel A as described in the Plat of Survey in Document Number 1997-1207 on file in the Cerro Gordo County, Iowa Recorder's Office;
 Thence S 0°14'14" W along the West Right-of-Way (ROW) line of U.S. Highway No. 65 (aka South Delaware Avenue), 33.27 feet to the Point of Beginning (P.O.B.);
 Thence continuing S 0°14'14" W along said West ROW line, 181.20 feet;
 Thence continuing along said West ROW line 105.37 feet along a 117.80 foot radius tangent curve concave to the west with a central angle of 51°14'48" and a 101.89 foot chord bearing S 25°52'42" W;
 Thence continuing along said West ROW line S 51°30'11" W, 129.47 feet;
 Thence N 89°59'31" W, 16.57 feet;
 Thence N 0°14'14" E, 321.86 feet;
 Thence N 62°38'54" E, 46.63 feet;
 Thence 49.09 feet along a 100.00 foot radius tangent curve concave to the south with a central angle of 28°07'29" and a 48.60 foot chord bearing N 76°42'39" E;
 Thence S 89°13'36" E and tangent to the previous described curve, 73.08 feet to the Point of Beginning.
 Containing 47,344 square feet more or less. Subject to easements recorded or unrecorded.

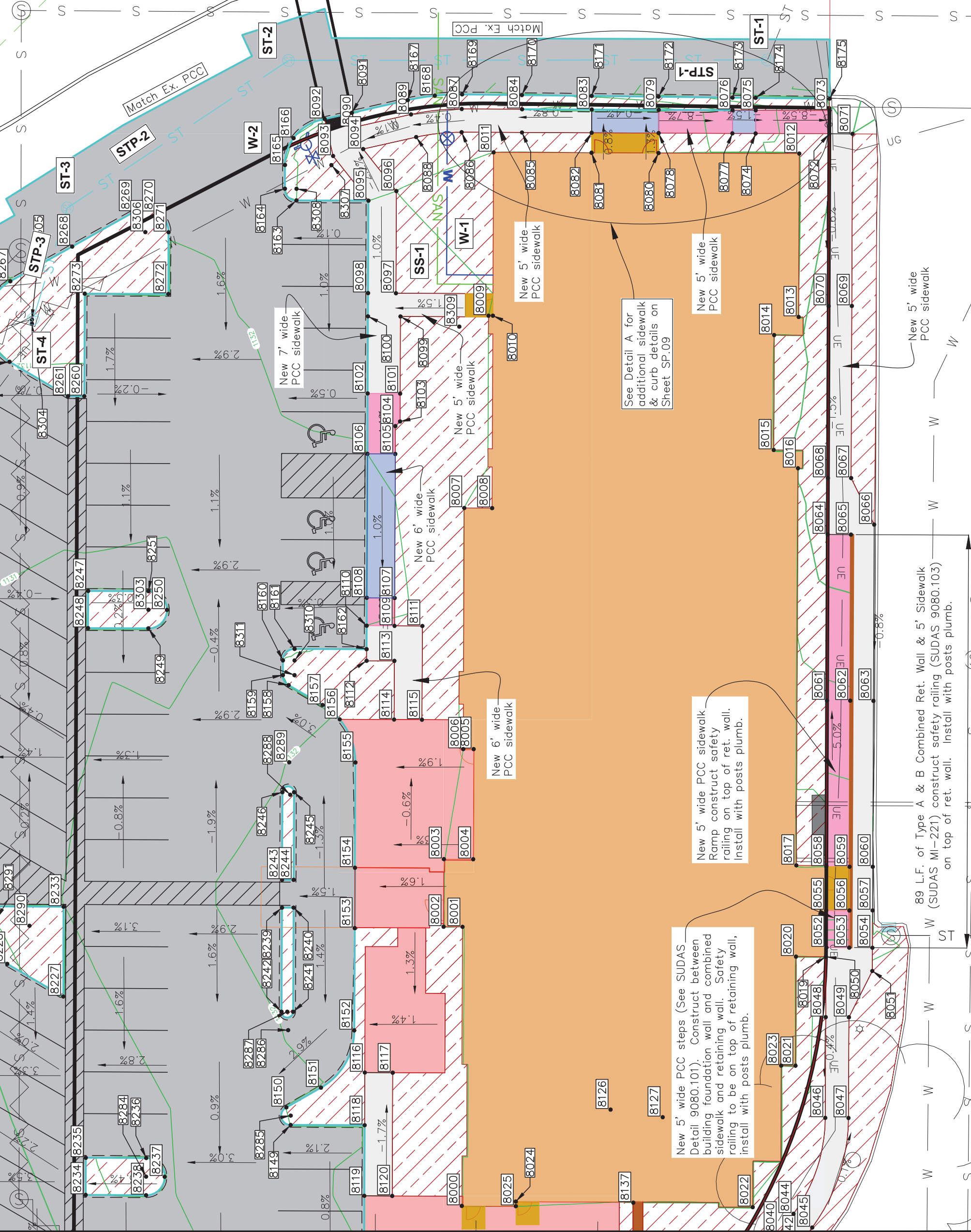
NO.	DATE	DESCRIPTION

PROPOSED IMPROVEMENT DETAILS - NE
 HOME2 SUITES BY HILTON
 MASON CITY, IOWA

SCALE: AS SHOWN
PROJECT NO. 10212
DRAWN BY: AJS
CHECKED BY: AJS
SHEET SP.04



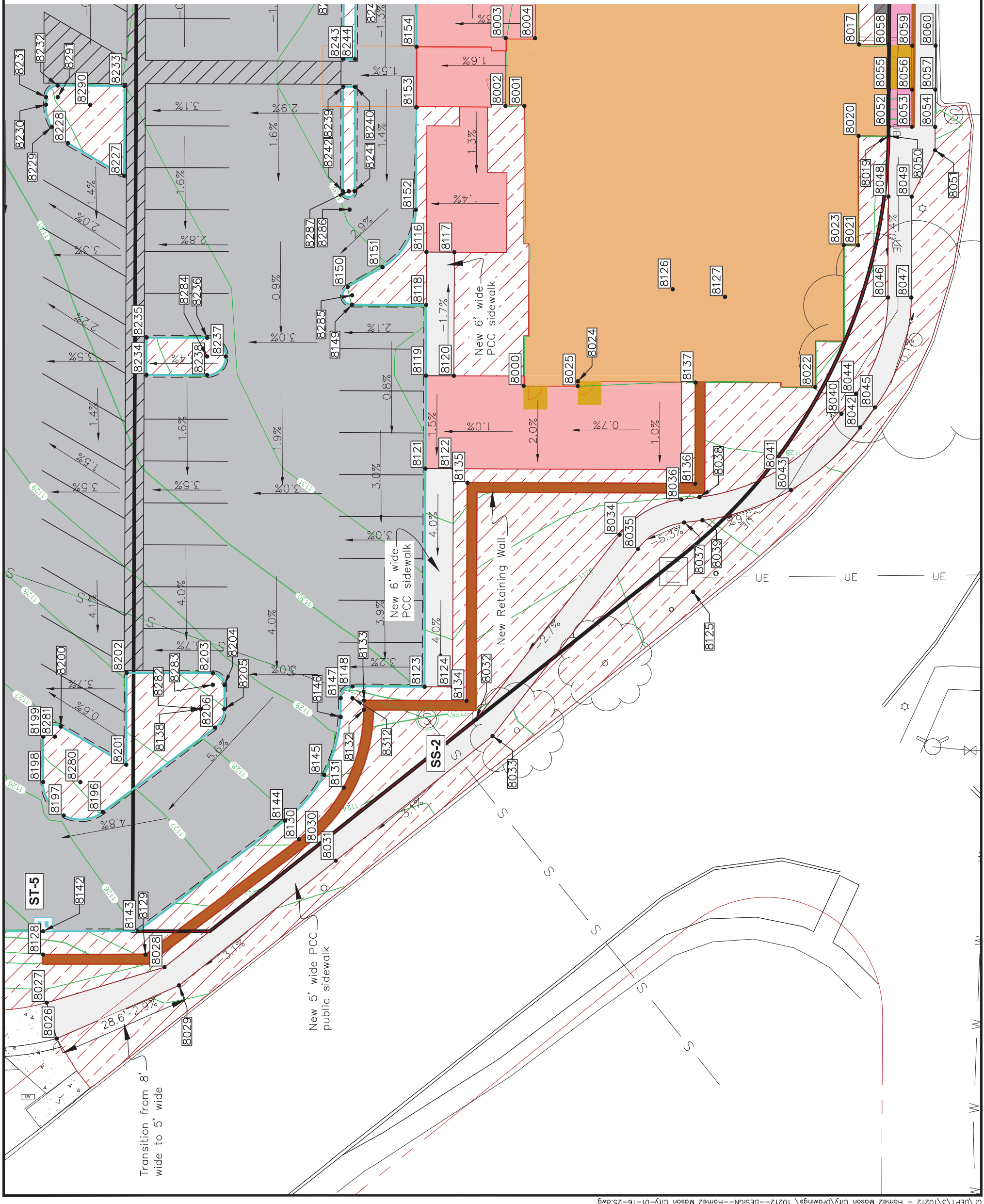
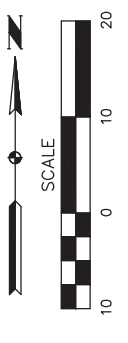
- SS-1**
New sanitary sewer service. See Arch. drawings for size. Maintain 5' minimum cover. Field determine existing sanitary sewer main location/elevation. Connect to existing sanitary sewer main with wye and in accordance with specifications.
- W-1**
New water service (domestic & fire). See Arch. drawings for size. Maintain 6' minimum cover. Field determine existing water main location/elevation. Connect to existing water main with corporation in accordance with specifications. F&I curb stop & box adjacent to proposed sidewalk. Domestic and fire services shall be split and valved separately approximately 5' outside of building.
- W-2**
New Fire Hydrant & Valve assembly. Maintain 6' of cover and 2' clear from back of curb.
- ST-1**
New 60" PCC Storm Sewer Manhole (SW-401). Field verify location/elevations and sizes.
Rim = 1130.15
INV (NE) = 1123.4 (21"Ø RCP)
INV (W) = 1123.0 (21"Ø RCP)
- ST-2**
New 60" PCC Storm Sewer Manhole (SW-401). Field verify location/elevations and sizes.
Rim = 1132.86
INV (E) = 1121.97 (21"Ø RCP)
INV (SW) = 1121.87 (21"Ø RCP)
- ST-3**
New 60" PCC Storm Sewer Manhole (SW-401). Field verify location/elevations and sizes.
Rim = 1132.38
INV (NE) = 1121.30 (21"Ø RCP)
INV (W) = 1121.20 (21"Ø RCP)
- ST-4**
New 60" PCC Storm Sewer Manhole (SW-401). Field verify location/elevations and sizes.
Rim = 1132.60
INV (NE) = 1120.95 (21"Ø RCP)
INV (W) = 1120.6 (21"Ø RCP)
- STP-1**
From ST-1 to ST-2
103.1 L.F. of new 21"Ø RCP @ 1.0%
- STP-2**
From ST-2 to ST-3
57.2 L.F. of new 21"Ø RCP @ 1.0%
- STP-3**
From ST-3 to ST-4
25 L.F. of new 21"Ø RCP @ 1.0%



NO.	DATE	DESCRIPTION

SS-2
Adjust existing sanitary sewer manhole to finish grade.
Ex. Rim =
New Rim =

ST-5
Adjust existing storm sewer intake to finish grade.
Ex. Rim (gutter) = 1125.55





SPECIAL EXCEPTION STAFF REPORT

Case #: 25-SE-04

Staff Project Contact: Tricia Sandahl, Planning and Zoning Manager

Meeting Date: Tuesday, April 1, 2025

Explanation of the Request

The applicant is requesting a Special Exception to Title 12-13-8, Table 1.D, which would allow construction of a hotel form in the Z5 Central Business Zoning District with a rear yard set back greater than the 25 ft. maximum rear setback allowed. The subject property is located at 214 S. Delaware Avenue.

The applicant has entered into an agreement with a hotel developer to construct a hotel form in the parking lot of Southbridge Mall. The site plan submitted shows that the hotel would have a rear yard setback of 82.7 ft. The maximum allowed rear yard setback in the Z4 Zoning District is 25 ft. Staff cannot administratively approve the larger setback. A special exception from the Zoning Board of Adjustment is required.

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

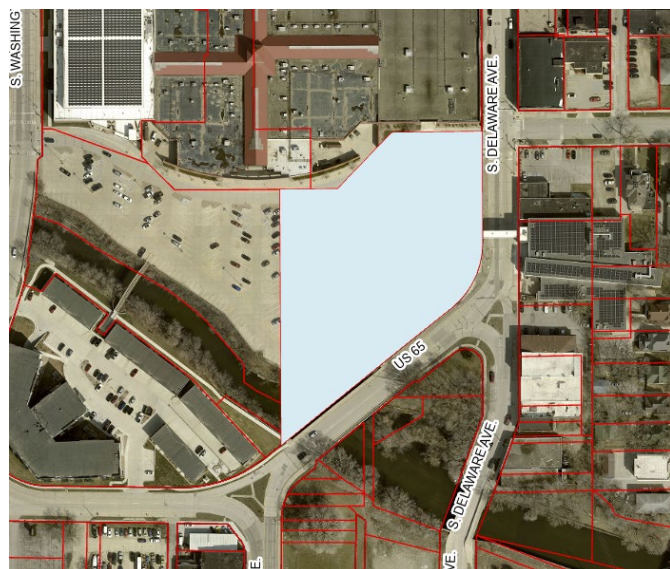
Property Information

Location: 214 S. Delaware Ave.

Directions from City Hall: east to N. Pennsylvania Ave.; south the 2nd St. SE; west to subject property.

Surrounding Land Use: accessory parking; shopping mall; mixed use block; museum.

Existing Land Use: accessory parking.



Findings of Fact

1. The request is for relief of the strict application of Title 12-13-8, Table 1.D.
2. The applicant is requesting a special exception to allow construction of a hotel form in the Z5 Central Business Zoning District with a rear yard set back greater than the 25 ft. maximum rear setback allowed.
3. The property is located at 214 S. Delaware Avenue.
4. The property is currently zoned Z5 Central Business Zoning District. No change of zone is being requested for this property.
5. The application was filed on March 10, 2025.
6. The adjoining property owners were notified on March 12, 2025.
7. A public notice sign was posted on the property on March 17, 2024.

Staff Comments

The relevant City departments and utility providers were asked to comment on this application. No adverse 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

- 1. In the case of a setback variation, 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 subject property is an infill lot carved from a larger non-conforming lot containing the east half of the parking lot on the south side of Southbridge Mall. The lot for the hotel is also legally non-conforming, but was allowed as it decreases the overall non-conformity of the parking lot. The lot is laid out to accommodate a hotel and on-site parking. The typical lot in downtown Mason City is rectangular in shape with a width of about 50 ft. and a depth of approximately 120 feet. Despite the non-conformity of the lot, the need for the special exception is being driven by the requirement that the hotel provide parking on site. This is not due to an exceptional condition on the property. Staff believes that this criterion **has not 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 received or discovered any information that indicates the proposed exception will have a negative impact on public health and safety or the general welfare of the community. 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.**

Staff has not received or discovered any information that indicates that the special exception will negatively impact the value, free use, and enjoyment of neighboring properties. 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.**

Staff has not received any information that indicates the proposed exception would impede development or redevelopment in the area that conforms with the underlying zoning. Staff believes that this criterion **has been met.**

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

Any utilities necessary to support the development are in place, or will be brought into the site by the hotel developer. Everything is available within a reasonable distance of the site. 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.**

Staff has reviewed the major site plan for the proposed hotel. With the exception of the total lot coverage that is the subject of the companion variance application, and the rear yard setback, the development complies with the requirements for a hotel form in the Z5 Zoning District. Therefore, 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.

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 six of the seven criteria, staff is recommending that the application be approved, subject to these conditions:

1. All development shall strictly comply with the site plan submitted with this application.
2. All development shall comply with the applicable local, state, and federal regulations.

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 12-13-8, Table 1.D to allow construction of a hotel form in the Z5 Central Business Zoning District with a rear yard set back greater than the 25 ft. maximum rear setback allowed for the reasons stated in the staff report.
- Approval is subject to these conditions recommended by staff:
 1. All development shall strictly comply with the site plan submitted with this application.
 2. All development shall comply with the applicable local, state, and federal regulations.
- 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 12-13-8, Table 1.D to allow construction of a hotel form in the Z5 Central Business Zoning District with a rear yard set back greater than the 25 ft. maximum rear setback allowed for the following reasons: [STATE RESONS 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: Site plan from applicant

R:\Boards & Commissions\Zoning Board of Adjustment\2025 ZBA\04-01-25\25-SE-04 City of Mason City\25-SE-04 City of Mason City - rear setback.docx

SITE PLAN HOME2 SUITES by HILTON MASON CITY, IOWA

PROJECT INFORMATION

OWNER: Kineseth Hotel Corporation
25 Main Place, Suite 400
Council Bluffs, Iowa 51503

ARCHITECT: Cities Edge Architects
1017 East Highway 12
Willmar, MN 56201

ENGINEER-SITE DESIGN: WHKS & Co.
1412 6th St. SW
Mason City, Iowa 50401

ZONING: Current Zoning is Z5 Central Business District

SETBACKS:

	BUILDING	PARKING
Front	0'-5'	N/A
Secondary Front	0'-5'	N/A
Side	0'	N/A
Rear	25' (max.)	N/A

There may be exceptions when abutting residentially zoned areas

SPECIFICATIONS

1. City of Mason City Specifications shall be the governing technical specifications for all materials and installation requirements. However, most current version of SUDAS shall apply when City of Mason City Specifications are not available for specific work or materials. Current IDOT Specifications shall apply for work in the ROW of Highway 65 (N. Federal Ave.).

SHEET INDEX

SHEET	DESCRIPTION
SP.00	TITLE SHEET - GENERAL INFORMATION - LEGEND
SP.01	OVERVIEW MAP - REMOVALS & EXISTING CONDITIONS
SP.02	PROPERTY BOUNDARY & PAVEMENT MARKINGS
SP.03	OVERVIEW MAP - PROPOSED IMPROVEMENTS
SP.04	PROPOSED IMPROVEMENTS DETAILS - NE
SP.05	PROPOSED IMPROVEMENTS DETAILS - SE
SP.06	PROPOSED IMPROVEMENTS DETAILS - SW
SP.07	PROPOSED IMPROVEMENTS DETAILS - NW
SP.08	SECTION VIEW DETAILS
SP.09	SECTION VIEW DETAILS & TYPICAL SECTIONS
SP.10	POINT ELEVATION DATA



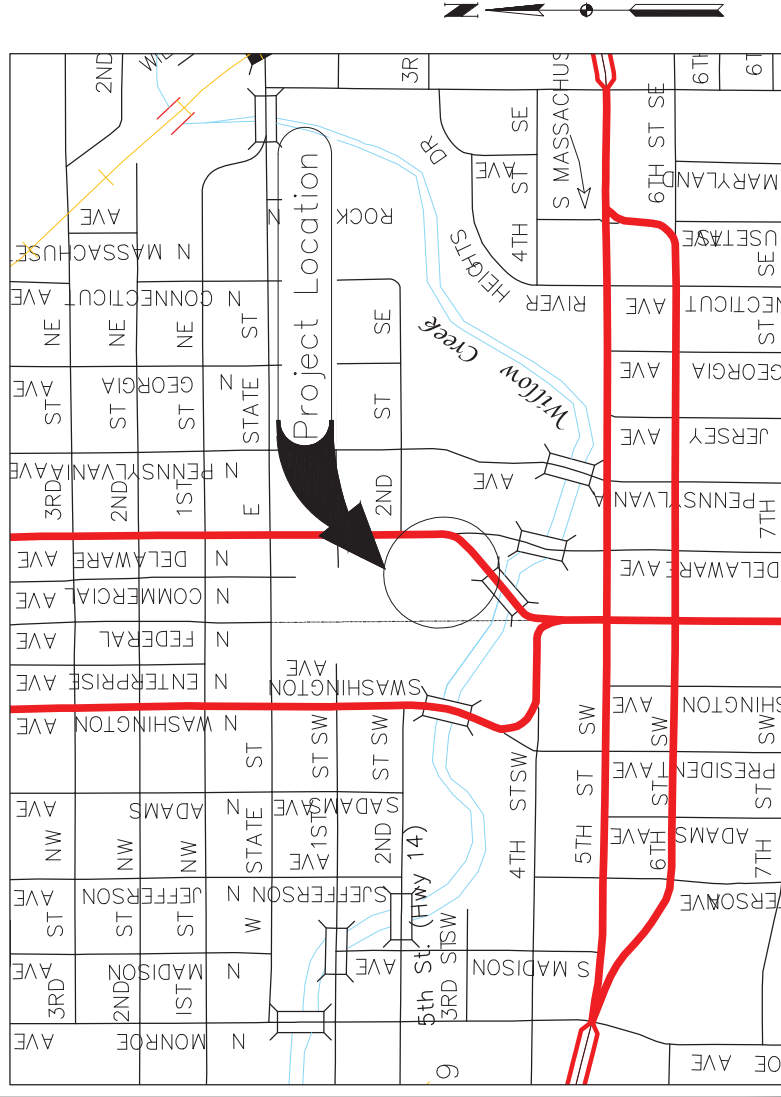
UTILITY NOTE:

THE LOCATION OF UNDERGROUND FACILITIES AS SHOWN ON PLANS ARE APPROXIMATE ONLY AND ARE SHOWN FOR THE CONTRACTOR'S GENERAL INFORMATION. THE ENGINEER AND OWNER DO NOT ASSUME RESPONSIBILITY FOR UTILITIES SHOWN OR NOT SHOWN IN THE PLANS. THE CONTRACTOR SHALL NOTIFY ALL PUBLIC AND PRIVATE UTILITIES OF HIS WORK SCHEDULE AND USE SUITABLE PRECAUTIONS TO PREVENT DAMAGE TO PIPES, CONDUITS, WIRING, AND OTHER UNDERGROUND STRUCTURES AND UTILITIES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. DELAYS DUE TO UTILITY CONFLICTS WILL BE AT CONTRACTOR'S EXPENSE. CONTRACTOR SHALL COORDINATE UTILITY RELOCATIONS WITH CORRESPONDING UTILITY, THIS SHALL BE INCIDENTAL TO THE PROJECT.

ALL ON-SITE UTILITIES (PRIVATE) WERE NOT FIELD LOCATED AND THEIR LOCATIONS AS SHOWN ARE APPROXIMATE AT BEST AND DERIVED FROM OWNER MAPS AND INTERPRETATION OF FOUND SURFACE FEATURES. ACTUAL LOCATIONS NEED TO BE FIELD DETERMINED PRIOR TO DIGGING.

SELECT PLAN SHEETS WERE PRODUCED IN COLOR. IT IS RECOMMENDED THEY BE PRINTED AS SUCH TO AVOID MISREPRESENTATIONS OR MISUNDERSTANDINGS.

Mason City, Iowa



Vicinity Map

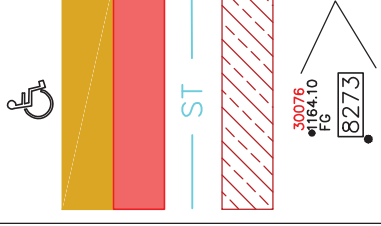
Not to Scale

PROJECT SPECIFIC LEGEND

--- Approx. Property Line
 --- Building Setback
 --- Ex. Retaining Wall
 --- ST Ex. Storm
 --- W Ex. Water
 --- S Ex. Sanitary
 --- UG Ex. Underground Gas
 --- FIB Ex. Fiber Optics/Telecommunications
 --- UE Ex. Underground Electric
 --- Ex. Treeline
 --- Ex. Minor Contour
 --- Ex. Major Contour
 --- Ex. Light Pole

--- Ex. Gravel Patch
 --- Ex. PCC Pavement
 --- Ex. Pavement Removal Area
 --- Proposed Building
 --- Proposed PCC, 6" thick
 --- Proposed PCC, 6" thick, with 6" Std. Curb
 --- Proposed Sidewalk, 4" Thick x 6' Wide Typ.
 --- Proposed Retaining Wall
 --- Proposed Sidewalk Ramp
 --- Proposed Sidewalk Landing
 --- Proposed Pavement Marking
 --- Proposed Minor Contour
 --- Proposed Major Contour
 --- Proposed General Direction of Drainage
 --- Proposed Tire Stop
 --- Proposed ADA Wheelchair Marking
 --- Proposed Stoop (see Arch. dwgs)
 --- Proposed Hardscaped Area (see Arch. dwgs)
 --- Proposed Storm Sewer
 --- Landscape, See Landscape Plan

--- Form Grade (FG) Point Number, Spot elevation, and description. For pavement it is either top of slab (TS), Gutter (GUT) or top back of curb (BC).
 --- "L-1" or "KT-1" Joints
 --- "C" Joints
 --- Proposed Bollard
 --- General Direction of Surface Drainage
 --- General Traffic Circulation Direction

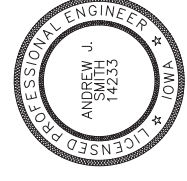


TITLE SHEET - GENERAL INFORMATION - LEGEND

HOME2 SUITES by HILTON
MASON CITY, IOWA

NO.	DATE	DESCRIPTION

SCALE: AS SHOWN
 PROJECT NO. 10212
 DRAWN BY: AJS
 CHECKED BY: AJS
 SHEET SP.00



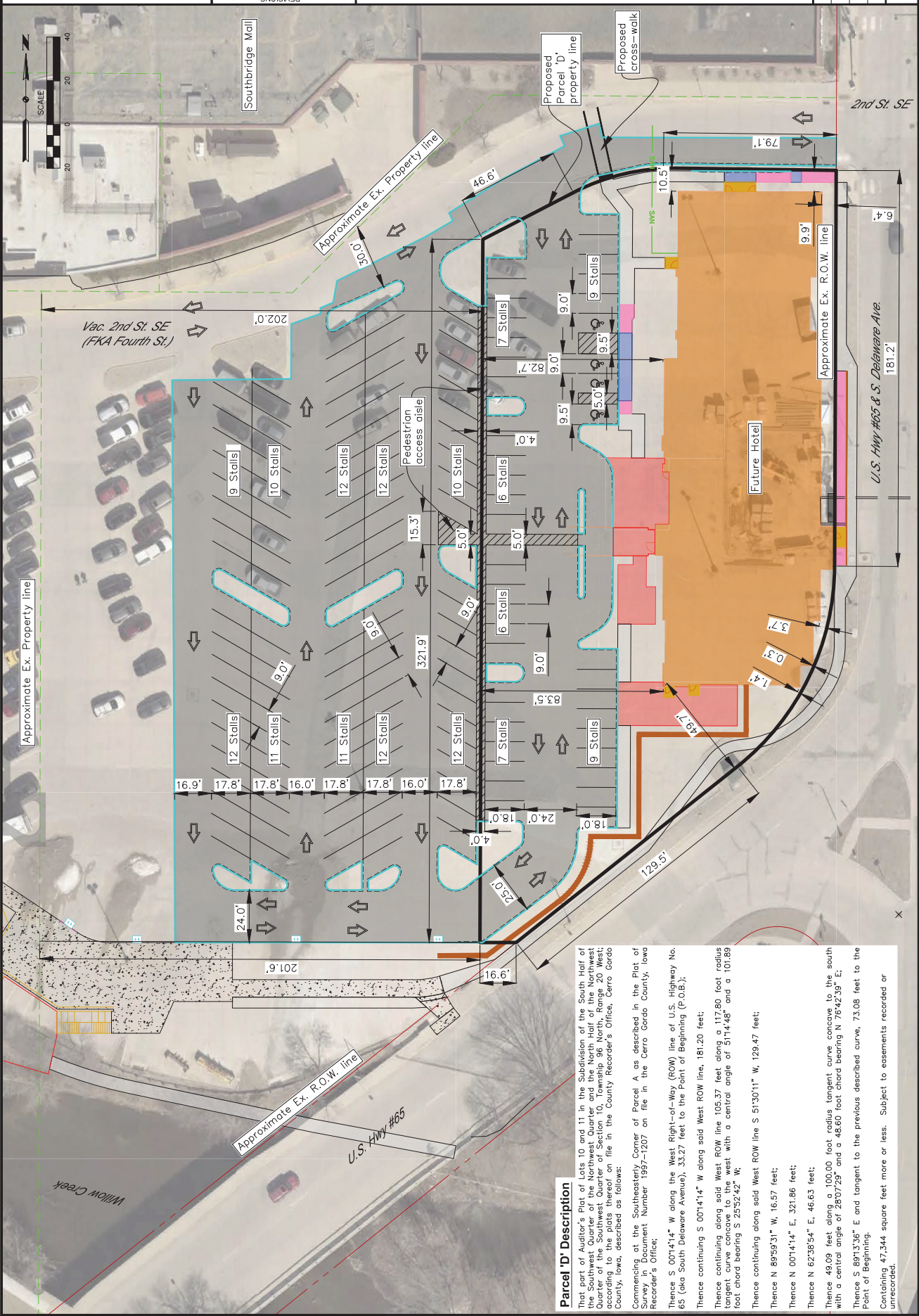
I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: Andrew J. Smith
 NAME: ANDREW J. SMITH
 DATE: 02-25-2025
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2025
 PAGES COVERED BY THIS SEAL: ALL SHEETS IN SHEET INDEX



NO.	DATE	DESCRIPTION

SCALE:	AS SHOWN
PROJECT NO.:	10212
DRAWN BY:	A.S.
CHECKED BY:	A.S.
SHEET	SP.02

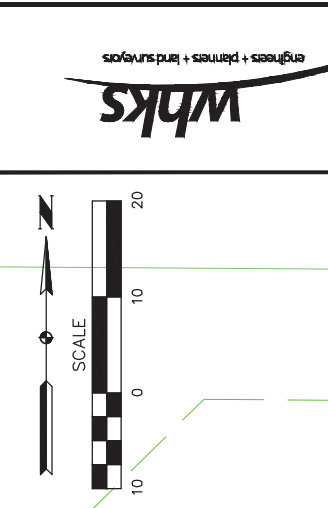


Parcel 'D' Description
 That part of Auditor's Plat of Lots 10 and 11 in the Subdivision of the South Half of the Southwest Quarter of the Northwest Quarter and the North Half of the Northwest Quarter of the Southwest Quarter of Section 10, Township 96 North, Range 20 West, according to the plats thereof on file in the County Recorder's Office, Cerro Gordo County, Iowa, described as follows:
 Commencing at the Southeastly Corner of Parcel A as described in the Plat of Survey in Document Number 1997-1207 on file in the Cerro Gordo County, Iowa Recorder's Office;
 Thence S 00°14'14" W along the West Right-of-Way (ROW) line of U.S. Highway No. 65 (aka South Delaware Avenue), 33.27 feet to the Point of Beginning (P.O.B.);
 Thence continuing S 00°14'14" W along said West ROW line, 181.20 feet;
 Thence continuing along said West ROW line 105.37 feet along a 117.80 foot radius tangent curve concave to the west with a central angle of 51°14'48" and a 101.89 foot chord bearing S 25°52'42" W;
 Thence continuing along said West ROW line S 51°30'11" W, 129.47 feet;
 Thence N 89°59'31" W, 16.57 feet;
 Thence N 00°14'14" E, 321.86 feet;
 Thence N 62°38'54" E, 46.63 feet;
 Thence 49.09 feet along a 100.00 foot radius tangent curve concave to the south with a central angle of 28°07'29" and a 48.60 foot chord bearing N 76°42'39" E;
 Thence S 89°13'36" E and tangent to the previous described curve, 73.08 feet to the Point of Beginning.
 Containing 47,344 square feet more or less. Subject to easements recorded or unrecorded.

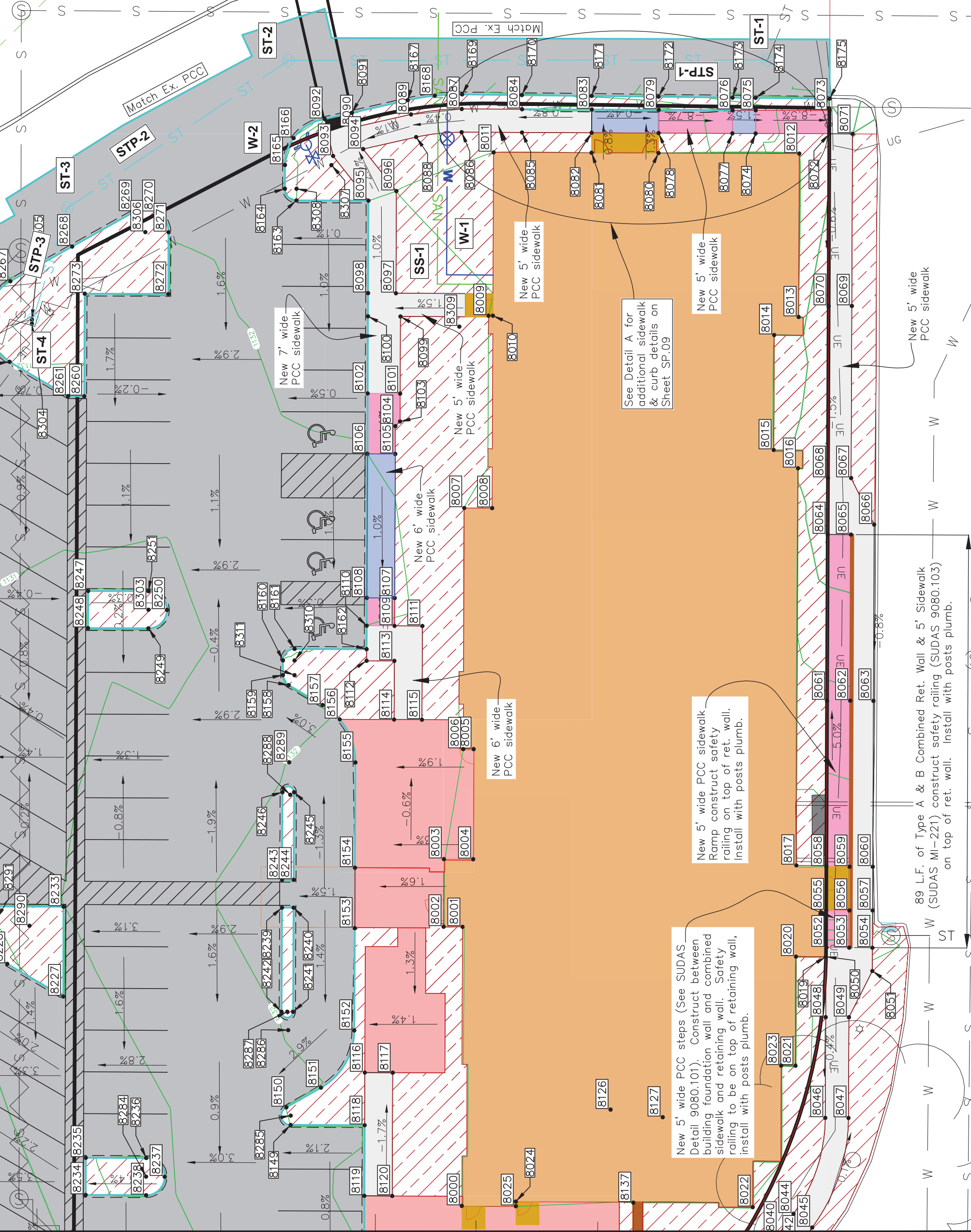
NO.	DATE	DESCRIPTION

PROPOSED IMPROVEMENT DETAILS - NE
 HOME2 SUITES BY HILTON
 MASON CITY, IOWA

SCALE: AS SHOWN
PROJECT NO. 10212
DRAWN BY: AJS
CHECKED BY: AJS
SHEET SP.04



- SS-1**
New sanitary sewer service. See Arch. drawings for size. Maintain 5' minimum cover. Field determine existing sanitary sewer main location/elevation. Connect to existing sanitary sewer main with wye and in accordance with specifications.
- W-1**
New water service (domestic & fire). See Arch. drawings for size. Maintain 6' minimum cover. Field determine existing water main location/elevation. Connect to existing water main with corporation in accordance with specifications. F&I curb stop & box adjacent to proposed sidewalk. Domestic and fire services shall be split and valved separately approximately 5' outside of building.
- W-2**
New Fire Hydrant & Valve assembly. Maintain 6' of cover and 2' clear from back of curb.
- ST-1**
New 60" PCC Storm Sewer Manhole (SW-401). Field verify location/elevations and sizes.
Rim = 1130.15
INV (NE) = 1123.4 (21"Ø RCP)
INV (W) = 1123.0 (21"Ø RCP)
- ST-2**
New 60" PCC Storm Sewer Manhole (SW-401). Field verify location/elevations and sizes.
Rim = 1132.86
INV (E) = 1121.97 (21"Ø RCP)
INV (SW) = 1121.87 (21"Ø RCP)
- ST-3**
New 60" PCC Storm Sewer Manhole (SW-401). Field verify location/elevations and sizes.
Rim = 1132.38
INV (NE) = 1121.30 (21"Ø RCP)
INV (W) = 1121.20 (21"Ø RCP)
- ST-4**
New 60" PCC Storm Sewer Manhole (SW-401). Field verify location/elevations and sizes.
Rim = 1132.60
INV (NE) = 1120.95 (21"Ø RCP)
INV (W) = 1120.6 (21"Ø RCP)
- STP-1**
From ST-1 to ST-2
103.1 L.F. of new 21"Ø RCP @ 1.0%
- STP-2**
From ST-2 to ST-3
57.2 L.F. of new 21"Ø RCP @ 1.0%
- STP-3**
From ST-3 to ST-4
25 L.F. of new 21"Ø RCP @ 1.0%



New 5' wide PCC steps (See SUDAS Detail 9080.101). Construct between building foundation wall and combined sidewalk and retaining wall. Safety railing to be on top of retaining wall, install with posts plumb.

New 5' wide PCC sidewalk
Ramp construct safety railing on top of ret. wall. Install with posts plumb.

New 6' wide PCC sidewalk

89 L.F. of Type A & B Combined Ret. Wall & 5' Sidewalk (SUDAS MI-221) construct safety railing (SUDAS 9080.103) on top of ret. wall. Install with posts plumb.

See Detail A for additional sidewalk & curb details on Sheet SP.09

New 7' wide PCC sidewalk

New 5' wide PCC sidewalk

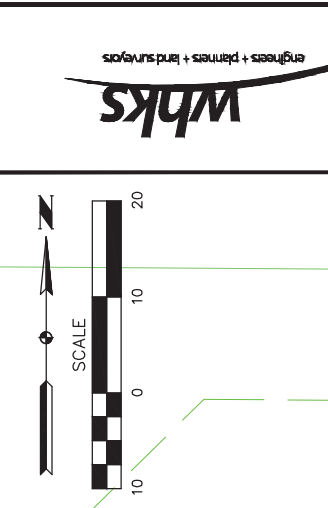
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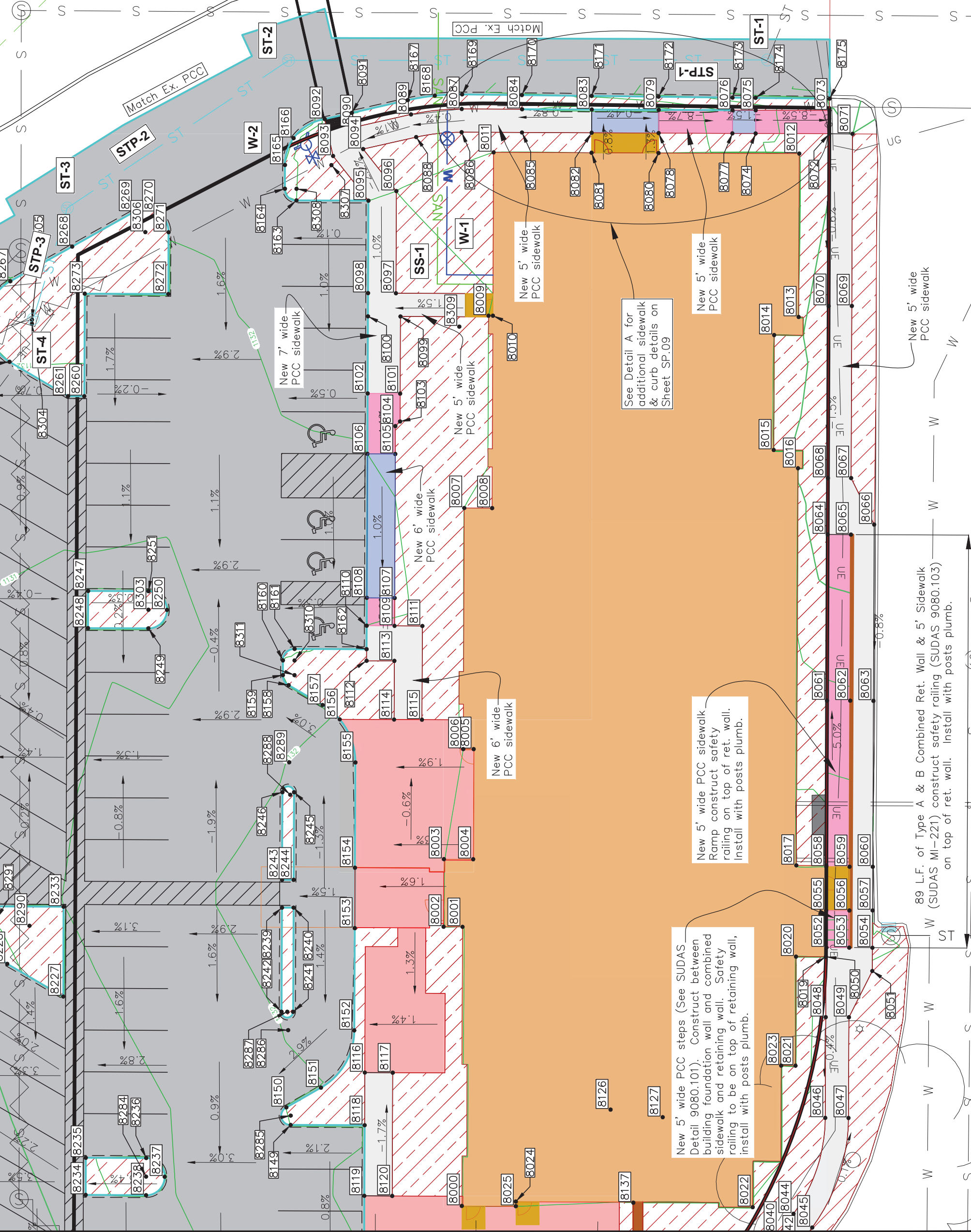
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New 7' wide PCC sidewalk



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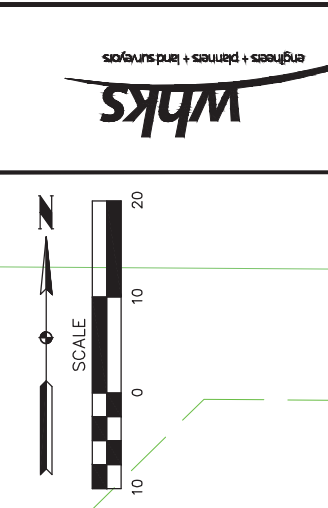
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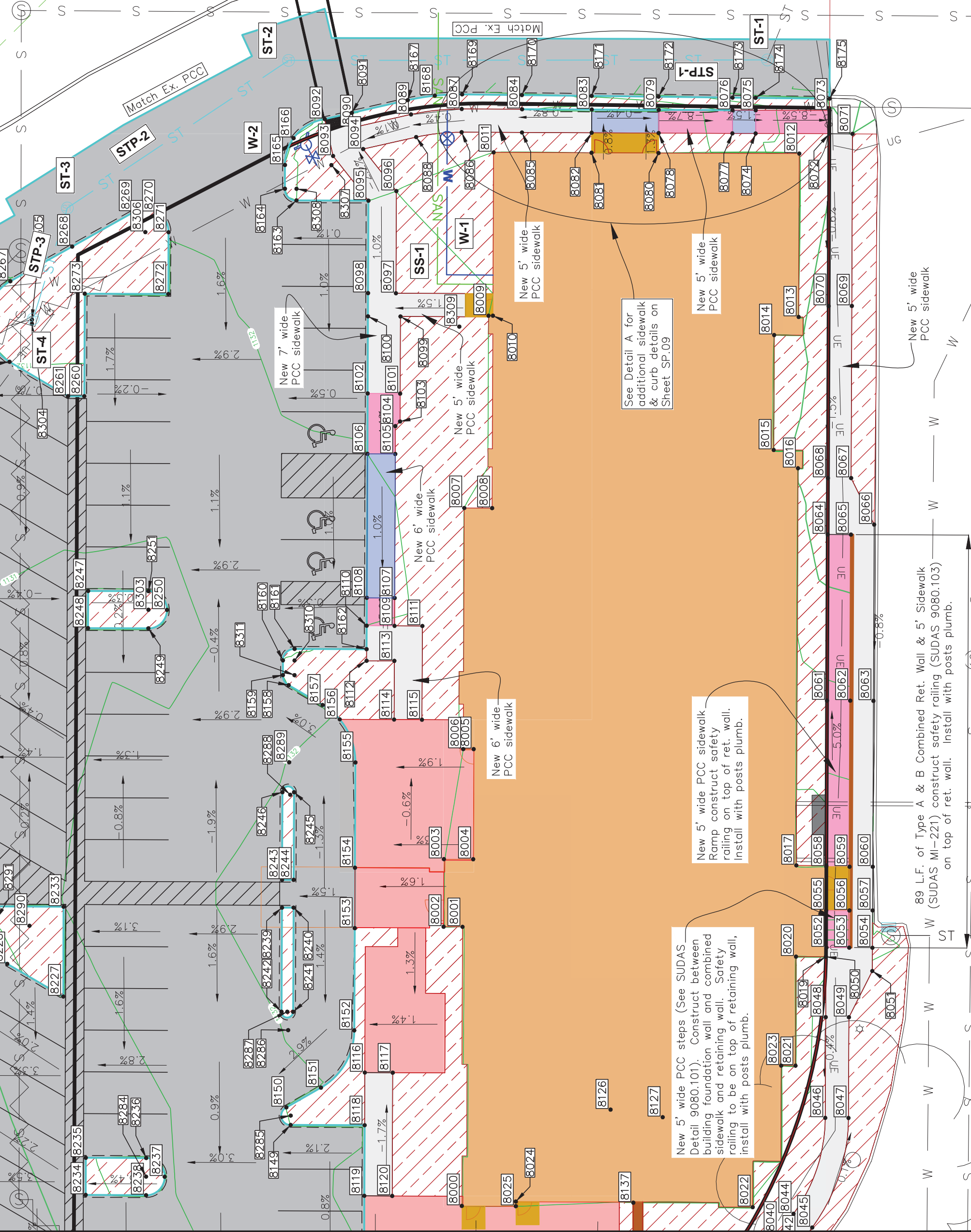
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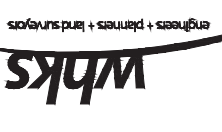
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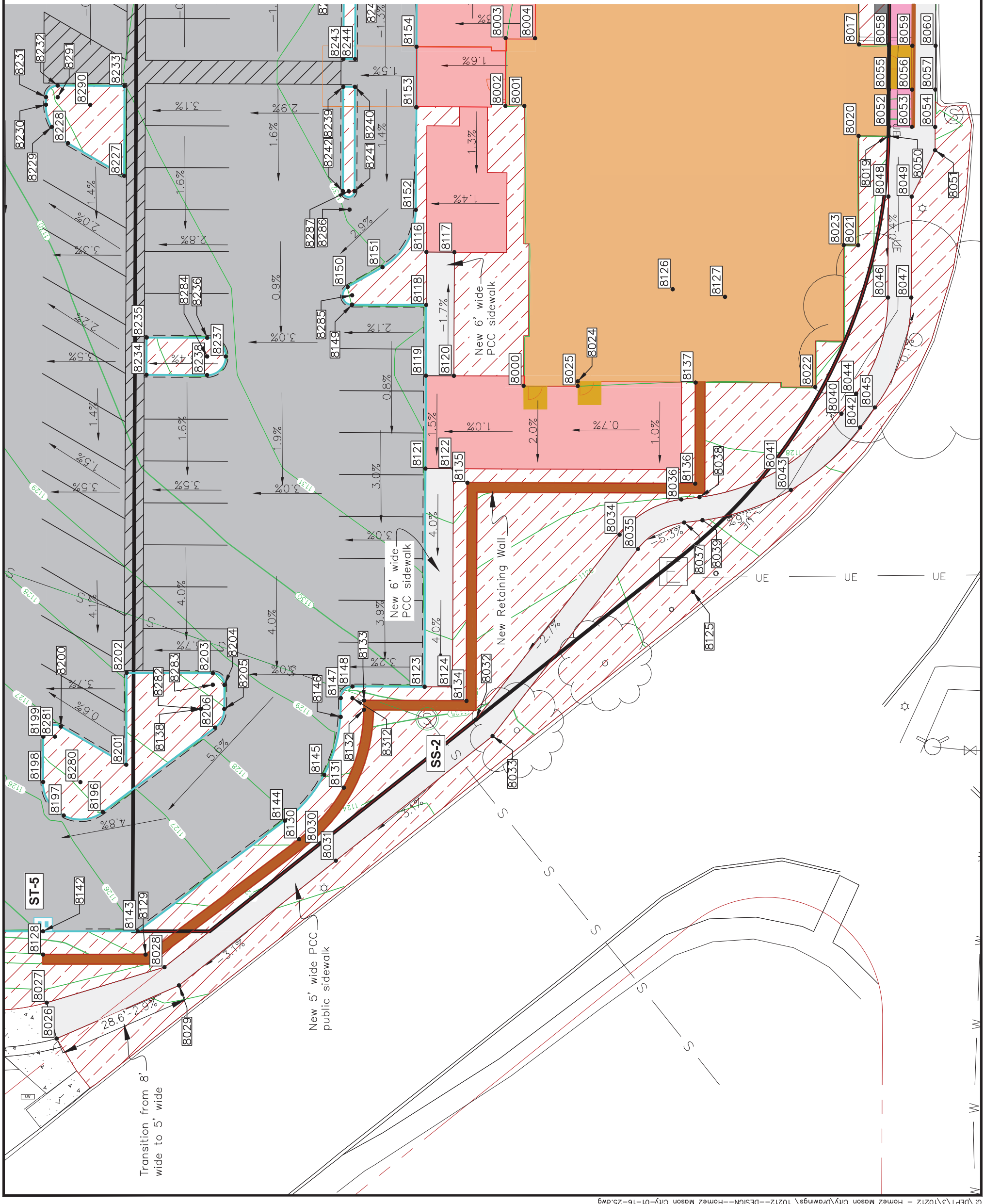
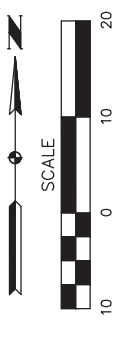


NO.	DATE	DESCRIPTION



SS-2
Adjust existing sanitary sewer manhole to finish grade.
Ex. Rim =
New Rim =

ST-5
Adjust existing storm sewer intake to finish grade.
Ex. Rim (gutter) = 1125.55
New Rim (gutter) =





CONDITIONAL USE PERMIT STAFF REPORT

Case #: CU2025-02

Staff Project Contact: Tricia Sandahl, Planning and Zoning Manager

Meeting Date: Tuesday, April 1, 2025

Explanation of the Request

The applicant is requesting a Conditional Use Permit to Title 12-15-4.D, which would allow construction of a detached accessory building greater than 1,200 sq. ft. that occupies no more than 30% of the area of the rear yard. The subject property is located at 755 Orchard Drive.

The applicant proposed to build a 2,400 sq. ft. detached garage on the subject property. The lot is less than 2 acres in size; the maximum total cumulative area of detached accessory buildings allowed by right is capped at 1,200 sq. ft. The Zoning Board of Adjustment can approve a conditional use permit for total detached building area greater than 1,200 sq. ft. so long as it does not exceed 30% of the area of the rear yard. A location map and site plan are attached.

Owner/Applicant

Owner: Chad & Mandie Weaver
532 Riverbend Ct.
Mason City, IA 50401

Applicant: Chad Weaver
532 Riverbend Ct.
Mason City, IA 50401

Property Information

Location: 755 Orchard Dr.

Directions from City Hall: east on 1st St. NW to N. Pennsylvania Ave.; north to 13th St. NE; east to Orchard Drive; south to the subject property.

Surrounding Land Use: residential and open space.

Existing Land Use: undeveloped lot in a residential subdivision.



Findings of Fact

1. The request is for relief of a strict application of Title 12-15-4.D.
2. The applicant is requesting a conditional use permit to allow construction of a detached accessory building greater than 1,200 sq. ft. that occupies no more than 30% of the area of the rear yard.
3. The property is located at 755 Orchard Drive.
4. The property is currently zoned Z7-5 Specific Use District-Conservation Subdivision. No change of zone is being requested for this property.
5. The application was filed on March 10, 2025.
6. The adjoining property owners were notified on March 12, 2025.
7. A public notice sign was posted on the property on March 17, 2025.

Staff Comments

The relevant City departments and utility providers were asked to comment on this application. No adverse 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

According to Title 12-5-3 of the Mason City Zoning Ordinance, the Zoning Board of Adjustment shall recommend no Conditional Use unless such Board shall find that the proposed use meets the following five criteria:

- 1. The establishment, maintenance, or operation of the Conditional Use will not be detrimental to or endanger the public health, safety, convenience, comfort, or general welfare.**

Staff has not received or discovered any information that the proposed garage would be detrimental to the public safety, health, convenience, comfort or welfare. Staff believes that this criterion **has been met.**

- 2. The Conditional Use will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

Staff has not received any information that the proposed conditional use permit would negatively impact the free use and enjoyment of neighboring properties. The Orchard Glen subdivision is a conservation subdivision characterized by large lots and widely spaced homes. Many of the properties in the neighborhood have been developed with larger garages such as the one proposed. Staff believes that this criterion **has been met.**

- 3. The establishment of the use will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.**

The development is nearly fully developed. The subject property is at the end of the cul-de-sac. Staff has not received or discovered any information that shows that the development or redevelopment of

the area would be negatively impacted by the larger garage. Staff believes that this criterion **has been met.**

4. Adequate utilities, access roads, drainage, and/or necessary facilities have been or will be provided.

Access to the garage is via a private street and the driveway to the house. Water, gas, and electric is available on site. The development is served by private septic systems. The proposed development will not place an additional undue burden on public services and utilities. Staff believes that this criterion **has been met.**

5. Measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The garage will not generate additional traffic. Traffic is not generally a concern of the City on Orchard Drive since it is a private street. Staff does not believe that the garage will create congestion on the street. Staff believes that this criterion **has been met.**

Staff Recommendation and Requested Conditions

The Board may consider four alternatives: approve the conditional use permit without conditions; approve the conditional use permit with conditions; deny the conditional use permit, and; table the application pending additional review or information for the applicant and/or staff. Because the application meets each of the 5 criteria, staff is recommending that the application be approved subject to the following conditions:

1. All construction shall strictly conform to the site plan submitted with this application.
2. All construction and operation of the garage shall comply with the applicable local, state, and federal regulations.

Board Decision

The Board's decision must include a finding of fact and substantiation for the decision. If the Board votes to grant the conditional use permit, 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 conditional use permit 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 Chad Weaver for a conditional use permit pursuant to Title 12-15-4.D of the Municipal Code to allow construction of a detached accessory building greater than 1,200 sq. ft. that occupies no more than 30% of the area of the rear yard for the reasons stated in the staff report.
- Approval is subject to these conditions :
 1. All construction shall strictly conform to the site plan submitted with this application.
 2. All construction and operation of the garage shall comply with the applicable local, state, and federal regulations.
- 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 Chad Weaver for a conditional use permit pursuant to Title 12-15-4.D of the Municipal Code to allow construction of a detached accessory building greater than 1,200 sq. ft. that occupies no more than 30% of the area of the rear yard 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: Conditional Use Permit application from applicant.

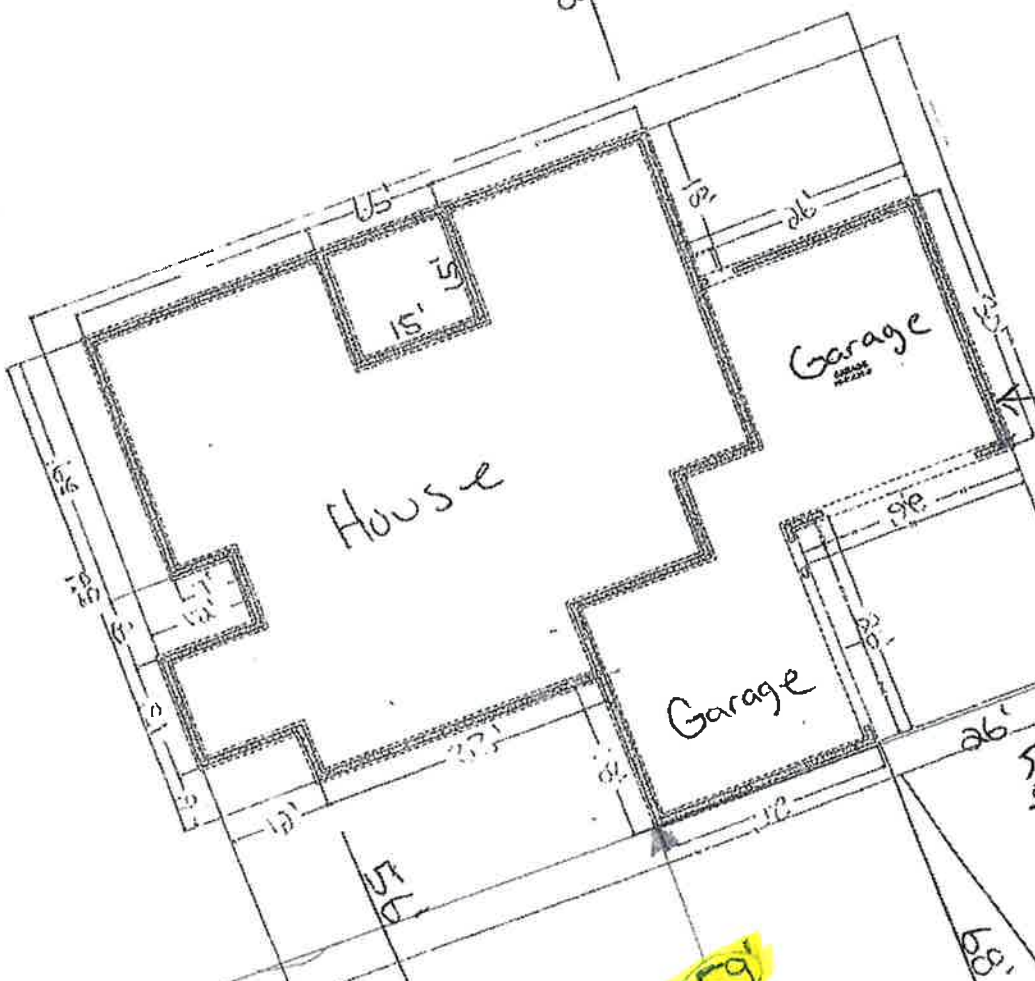
R:\Boards & Commissions\Zoning Board of Adjustment\2025 ZBA\04-01-25\CU2025-02 Weaver\CU2025-Weaver garage.docx

Property Line



Property Line 230'

106'



32'9"



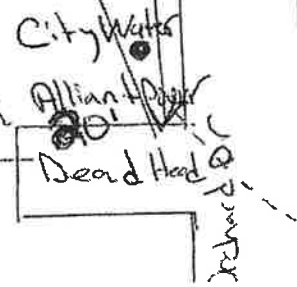
This will need a CURP from The 2004

166' Property Line 210'

59'

Property Line 216'

Drive Way



HE 9LE

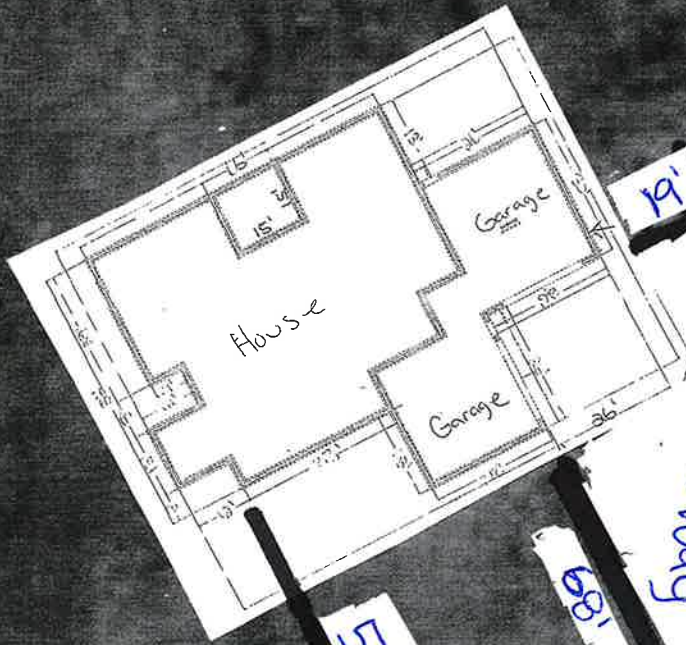
230.48

106'

168

32'9"

210.48



19'

30' x 10' Door

Driveway

99'

156'

188'

60.07

216.17

20

Deadhead

Orchard Dr

Conditional Use Permit

Supporting Information

This form must be filled out completely before your application will be accepted.

The Zoning Board of Adjustment may, by special permit, after a public hearing, and subject to such protective restrictions as necessary, authorize certain conditional uses of property as listed in Title 12 of the Municipal Code (Zoning Ordinance).

For the Board to grant a conditional use permit, five basic requirements must be met. To determine if these requirements 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 documentation and/or photos to support your arguments. This is a generic application for several different types of uses. The discussion of a specific requirement may need to be tailored to your request or project; not all information may be necessary to grant a permit. However, please answer each question to the best of your ability. Please contact a Planner in the Development Services Department if you need assistance.

- 1) ***The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, convenience, comfort or general welfare. (Refer to the site plan where appropriate. Include discussion of buffering features such as screening fences, berms and landscaping. Also discuss parking, signs and driveways. Provide a listing of the types of materials used or stored on the site. Explain how the public will be protected from the proposed use and the use's impact on the surrounding property.)***

- 2) *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values in the neighborhood. (Provide a brief summary of the proposed project and state the reasons the project will not decrease established property values. The amount of screening/landscaping for protection of adjacent property shall be included. An explanation of the materials used in construction and any landscaping or other aesthetic improvements should be noted.)*

40'x60'x12' Building will be finished to match New House, finish exterior using LP smart siding, white vented soffit & fascia, 5/12 Hip Roof with asphalt shingles. Landscape around building to match house.

- 3) *The establishment of the use will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district. (Will the proposed use make it more difficult to develop the surrounding property in the future?)*

This structure will look like an over size garage that I will use to store boat, vehicles & trailers.

- 4) **Adequate utilities, access roads, drainage and/or necessary facilities have been provided, or will be provided by the applicant.** (Demonstrate that the proposed conditional use will not place an additional burden on utilities and City services such as water, sewer, storm sewer, and public transit.) Building will have 3-4 circuits for Interior Lights, outlets & gas for Heat

- 5) **Measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.** (Demonstrate that the proposed conditional use will not generate traffic that cannot be accommodated by existing roadways. Show that traffic flow in and out of the property is designed to be safe and efficient.)

No Public Streets, private streets only



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

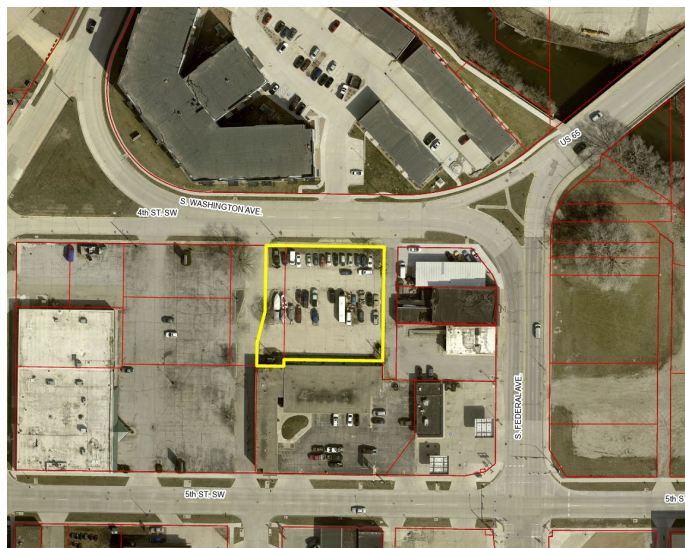
Property Information

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.)*

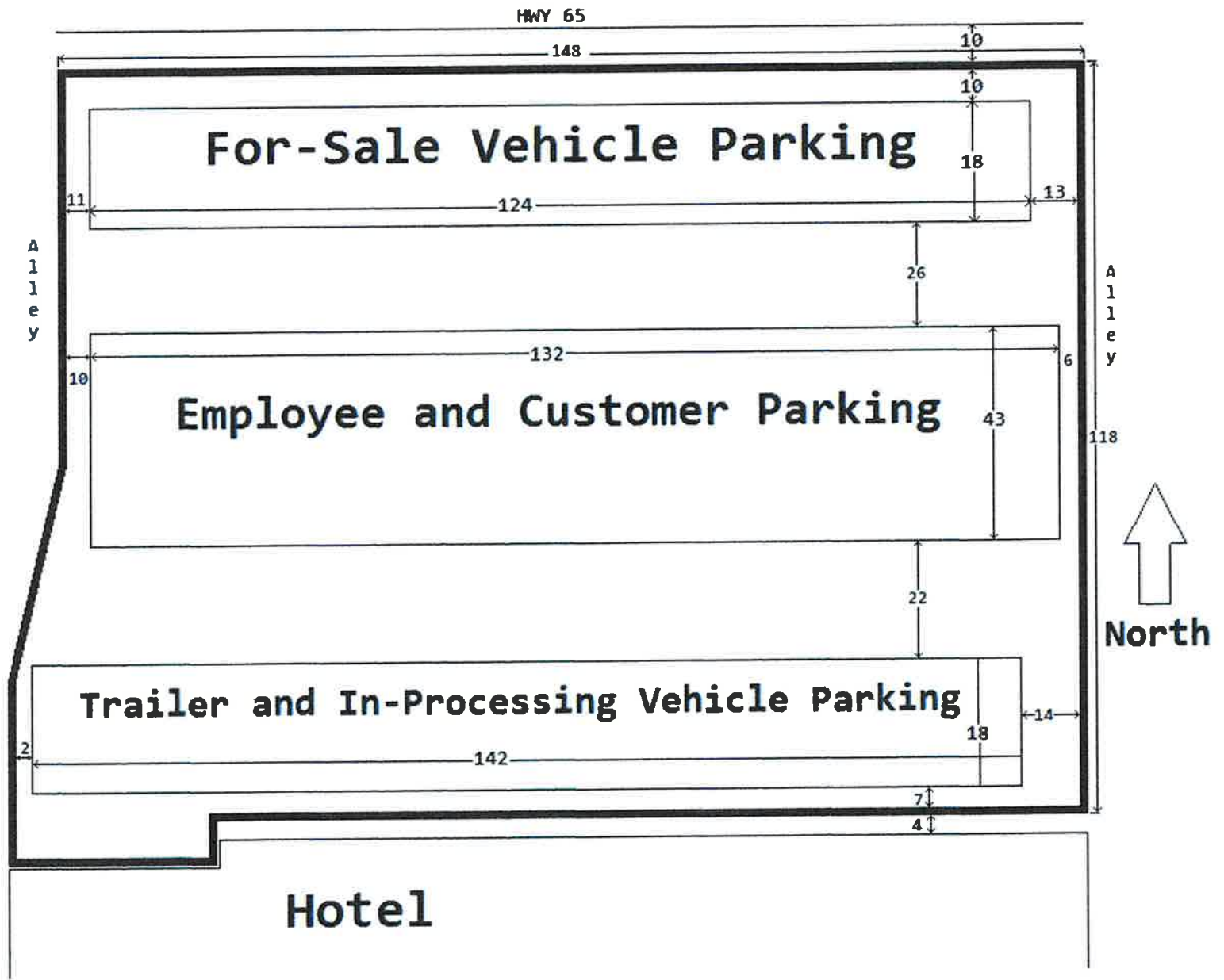
2) **The proposed Variance will be in harmony with the general purpose and spirit of the Zoning Code.** (The purpose of the Zoning Ordinance is to regulate the use of land and structures, minimize traffic congestion, protect the community from fire flood and other dangers, promote the health and general 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.)

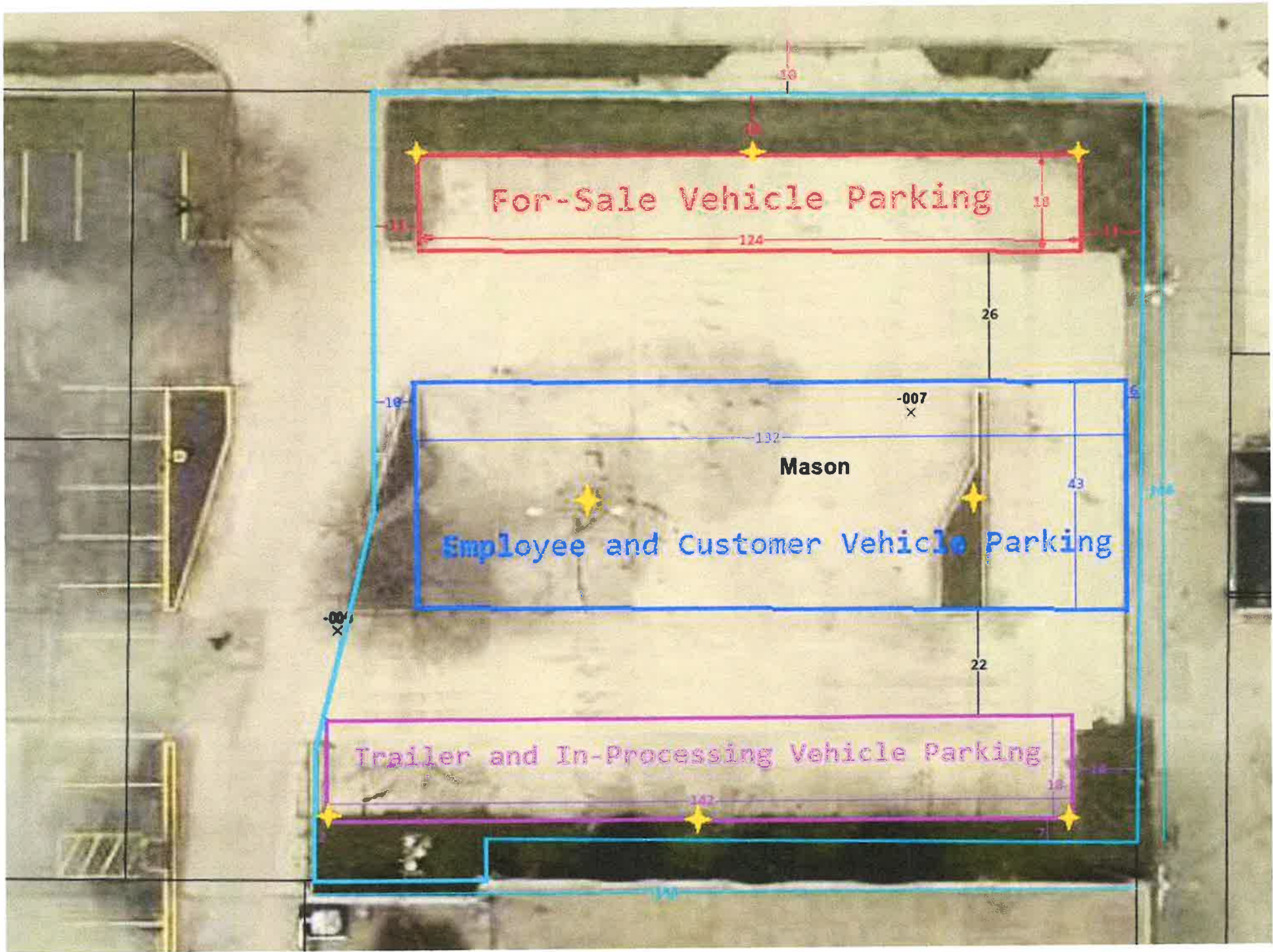
3) **The property in question cannot yield a reasonable return if developed only as allowed in the zone where the property is located.** (Demonstrate that, without the variance, your property has been deprived of all beneficial use. Claiming that your property will be more valuable, produce more profit, 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 it's current zoned usage, this property is incapable of providing opportunity for profit to it's 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, therefor 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

124

18

11

10

26

18

-007
X

132

43

6

22

-001
X

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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Cedar Rapids, IA 52401
Office 319.365.9101
Fax 319.365.9512
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