



PLANNING AND ZONING Cerro Gordo County Courthouse

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Staff Report Board of Adjustment Variance Request August 25, 2026

Case No.: 26-06

Hearing Date: August 25, 2026

Request: A variance request to place a 24'x12' freestanding, non-illuminated outdoor advertising sign closer to the west side lot line than is allowed by the zoning ordinance and a variance request to exceed the maximum advertising surface allowed.

Applicants

Travis Olson
Amish Rental LLC
11859 755th Ave
Glenville, MN 56036

Owners

Same

Property Address: 10478 265th St, Clear Lake, IA 50428

Brief Legal Description: located in the SE¼ of the NW¼ of Section 10, Lake Township

Zoning: C-2 General Commercial District

Background

Amish Rental LLC is requesting two area, or dimensional variances, to construct a freestanding, non-illuminated outdoor advertising sign on the property. The sign structure has been constructed without a permit.

The proposed sign face would measure 24 feet by 12 feet, for a total advertising surface area of 288 square feet on one face. Article 19.6E(3)(b)(1) limits an outdoor advertising sign to a maximum of 100 square feet of advertising surface area on one face. The applicant is therefore requesting permission for an additional 188 square feet of sign area.

The applicant also proposes locating the sign approximately five feet from the west side lot line. Article 14.7B requires a minimum ten-foot side yard setback in the C-2 General Commercial District. The applicant is therefore requesting a five-foot reduction in the required side yard setback.

The proposed sign would be located between the west side lot line and the existing 56-foot-by-104-foot building located on the western portion of the parcel. The application indicates that

the sign would have an overall height of approximately 24 feet to improve its visibility from U.S. Highway 122. The structure has been built without a permit and there has not been any signage placed on it.

The Board should consider the two variance requests separately because the evidence supporting additional sign area may differ from the evidence supporting a reduced side-yard setback.

VARIANCE REQUESTS

Structure	Request(s)	Requirement(s)
24'x12' free-standing sign	288 sq. ft. in size	100 sq. ft. is allowed per Article 19.6E(3)(b)(1)
24'x12' free-standing sign	5 feet from west side lot line	10-foot side yard setback per Article 14.7B

Findings of Fact

1. Amish Rental LLC is the owner of the subject property.
2. The property is zoned C-2 General Commercial District.
3. The property contains an existing building measuring approximately 56 feet by 104 feet on the western portion of the parcel.
4. The applicant proposes to construct a freestanding, non-illuminated outdoor advertising sign between the existing building and the west side lot line.
5. The variance application was filed on June 9, 2026.
6. The sign structure has been built without a permit, and no signage has been attached to the front.
7. The westerly building next to the sign location was constructed in 2021 by the applicant.

Legal Standard

The requested relief concerns area, dimensional, or other numerical limitations involving sign area and setback requirements. The requests are therefore subject to Iowa Code section 335.15(4).

To receive the requested variances, the property owner must prove that:

1. Granting the variance will not be contrary to the public interest;
2. Owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the Zoning Ordinance;
3. The spirit of the Zoning Ordinance will be observed and substantial justice done;
4. The practical difficulties faced are unique to the property at issue and not self-created; and
5. Granting the variance will not significantly alter the essential character of the surrounding neighborhood.

The applicant bears the burden of proving each required criterion. The Board should make separate findings regarding the sign-area variance and the side-yard setback variance.

ANALYSIS

The requested variance involves an area, dimensional, or other numerical limit (e.g., setbacks, height, lot size, parking, signage) and must meet the following five criteria as allowed under Iowa Code Chapter 335.15 (4). The Board of Adjustment is provided the power to grant a variance under Section 24.4(A)(3) of the Zoning Ordinance. In its review, the Board may attach certain conditions to any variance granted in order to observe the spirit of the Zoning Ordinance and Comprehensive Plan and mitigate any potential impacts that may directly result from the requested variance.

Discussion of Standards of Review per Iowa Code Section 335.15(4)

1. Granting the variance will not be contrary to the public interest

Maximum sign-area and setback requirements serve identifiable public purposes. Sign-area limitations regulate the scale and visual prominence of outdoor advertising signs, reduce visual clutter, promote traffic safety, and maintain an orderly commercial environment. Side yard setbacks provide separation from adjoining property, reduce the potential for encroachment, preserve visibility and access, and provide space for maintenance.

The proposed advertising surface would exceed the maximum permitted area by 188 square feet and would be 2.88 times the maximum allowed on one face. The requested sign-area variance is therefore a substantial departure from the ordinance standard rather than a minor dimensional adjustment. Approval could create a materially more prominent advertising structure than the ordinance generally permits in the C-2 District.

The setback encroachment is more limited in magnitude, but the record should identify the use of the adjoining property, the location of any structures or signs on that property, and sight-distance considerations.

The fact that the sign would be non-illuminated may reduce some potential impacts. However, the absence of illumination does not eliminate concerns associated with the sign's scale, location, structural footprint, or visual prominence.

Conclusion:

Sign-area variance: The current record does not appear to demonstrate that a 288-square-foot sign would be consistent with the public purposes underlying the 100-square-foot limitation.

Side-yard setback variance: The request may have fewer public effects than the sign-area variance, but the current record would benefit from additional site-specific evidence before an affirmative finding is made.

2. Owing to special conditions a literal enforcement of the provisions of the ordinance will result in “practical difficulties” to the property owner in making a beneficial use of the property allowed by the Zoning Ordinance.

A practical difficulty must involve more than inconvenience, increased cost, reduced advertising impact, or a preference for a particular sign design. The relevant question is whether compliance would create a property-related difficulty in making a beneficial commercial use allowed by the Zoning Ordinance.

The property is already zoned for commercial use and contains two existing commercial buildings. Denial of the variances would not prohibit the beneficial commercial use of the property. It would require the applicant to use a sign containing no more than 100 square feet of advertising area and to locate the sign at least ten feet from the west side lot line.

The applicant’s desire to maximize visibility from U.S. Highway 122 is understandable. However, the present record does not establish why a conforming sign would be inadequate, why the sign could not be placed in another location, or why a different sign design or configuration could not provide reasonable identification and advertising for the property.

The existing building was constructed in 2021 by the current owner. The location may limit the available area between the building and the west lot line. That condition could be relevant to the setback request. Nevertheless, the applicant should explain why the sign could not be moved elsewhere on the parcel or reduced in size.

Conclusion:

Sign-area variance: The current record identifies a preference for a larger and more visible sign but does not appear to establish a practical difficulty in making a beneficial commercial use of the property.

Side-yard setback variance: The building location may affect sign placement, but the current record does not yet establish that literal enforcement of the ten-foot setback creates a practical difficulty.

3. The spirit of the Ordinance is observed, and substantial justice is done by granting the variance.

The sign regulations allow reasonable commercial identification and advertising while controlling the scale, placement, and cumulative visual impact of signs. The ordinance permits an outdoor advertising sign of up to 100 square feet on one face. Approval of a 288-square-foot sign would authorize almost three times the area contemplated by that standard.

A variance should provide relief from a property-specific difficulty without effectively replacing the legislative standard with the applicant’s preferred design. Granting relief solely because a larger sign would be more visible or commercially advantageous would weaken the uniform application of the sign regulations.

A reduced setback may remain consistent with the ordinance's purposes if the constrained site layout, separation from neighboring improvements, sight distance, maintenance access, and effects on the adjoining property support the request.

Substantial justice also requires consideration of similarly situated property owners who have complied with the sign-area and setback requirements. Approval should be supported by conditions or circumstances that distinguish this property from other commercial properties subject to the same standards.

Conclusion:

Sign-area variance: On the present record, the magnitude of the requested increase does not appear consistent with the spirit of the 100-square-foot sign-area limitation.

Side-yard setback variance: The request may be compatible with the ordinance's purposes if supported by additional site-specific evidence and, if appropriate, reasonable conditions.

4. The difficulties are unique to the property and not self-created (e.g., lot shape, topography, prior lawful platting).

The owner has constructed the sign structure without placing any signage on the front. A qualifying difficulty should arise from characteristics of the property, such as unusual lot dimensions, an irregular lot shape, topography, lawful preexisting development, easements, access limitations, or another physical condition that distinguishes the property from other property in the same zoning district.

The existing building's location on the western portion of the parcel was constructed by the current owner in 2021 and was not an inherited pre-existing structure on the property.

The requested sign area appears to result primarily from the applicant's chosen 24-foot-by-12-foot sign design and the desire to increase visibility from Highway 122. A difficulty caused by selecting a sign substantially larger than permitted is generally self-created. Similarly, the setback difficulty may be self-created if the sign could reasonably be reduced, reoriented, or relocated to comply.

Conclusion:

Sign-area variance: The current record does not identify a unique, non-self-created property condition requiring 288 square feet of advertising surface area.

Side-yard setback variance: The building location was self-created by the applicant. The current record also does not establish that it requires a five-foot setback.

5. Granting the variance will not significantly alter the essential character of the surrounding neighborhood.

The essential character analysis should consider the zoning, land uses, building scale, existing sign types, sign sizes, setbacks, traffic conditions, and visual environment of the surrounding area.

The subject property is in a general commercial district and near a major highway. A freestanding commercial sign would therefore not necessarily be inconsistent with the general commercial character of the area.

The size of the proposed sign remains material. A 288-square-foot advertising face could be substantially larger and more visually dominant than allowed. The record should include an inventory or photographs identifying the approximate size, height, illumination, and setbacks of existing signs in the surrounding area. Without that information, staff cannot conclusively determine whether the proposed sign would be consistent with or significantly alter the area's established character.

The sign's non-illuminated design reduces potential nighttime impacts. The side setback reduction may also have limited neighborhood impact with the adjoining area being currently open, and free of conflicting structures. Those considerations do not, however, resolve the effect of the substantially oversized sign face.

Conclusion:

Sign-area variance: A freestanding sign is generally compatible with the commercial setting, but the current record does not establish that a 288-square-foot sign would be consistent with the scale of surrounding signage.

Side-yard setback variance: Based on the site plan, the setback reduction may have limited effect on neighborhood character, although the adjoining property is marketed for commercial development.

Staff Conclusions

The applicant bears the burden of establishing each requirement of Iowa Code section 335.15(4) separately for the sign-area variance and the side-yard setback variance.

The proposed sign would contain 288 square feet of advertising surface area on one face, compared with the 100-square-foot maximum permitted by the Zoning Ordinance. Based on the current record, it does not appear the applicant has identified evidence demonstrating that a conforming sign would prevent a beneficial commercial use of the property or that the requested sign area is necessitated by a unique, non-self-created physical condition of the property. The sign-area request therefore does not presently appear to satisfy all statutory requirements.

The existing building's location may affect the area available for sign placement and may be relevant to the requested side-yard setback variance. However, the westerly building was a new constructed by the applicant in 2021.

The current application does not sufficiently establish why the sign could not be reduced, relocated, reoriented, or otherwise redesigned to comply with the ten-foot setback. Additional information concerning alternative locations, adjoining improvements, sight distance, maintenance access, and effects on the neighboring property would assist the Board in evaluating this request.

Based on the information currently available, it does not appear the applicant has demonstrated that all five variance criteria in the Iowa Code have been satisfied for either the sign-area variance or the side yard setback variance.

Under Iowa law if the Board cannot make affirmative findings on all five statutory criteria, the variance should be denied.

Recommended Conditions if Approved:

1. The variances shall apply only to the placement of the 12'x24' free standing, non-illuminated outdoor advertising sign as shown in the application materials reviewed by the Board.
2. The proposed sign shall be no closer than 5 feet from the westerly side lot line, unless a greater setback is achieved during construction. The proposed sign shall be no larger than 288 square feet in size, unless a smaller surface coverage area is achieved during construction.
3. Stormwater, roof drainage, grading, and construction activity shall be managed on the property and shall not be directed onto adjoining properties in a manner that creates a nuisance or drainage impact.
4. Any material change in size, location, height, use, or setback encroachment shall require review by the Zoning Office and may require further Board approval.
5. All other applicable zoning, building, sanitation, floodplain, and permitting requirements shall be satisfied before construction.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Action options:

1. Grant the requested variances subject to any conditions as deemed necessary by the Board.
2. Grant relief less or different from the requested variance by modifying the requested variance.
3. Deny the requested variance.

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

Provided motion of approval:

- I move to adopt the staff report as the Board's findings and to approve the variances as requested by the applicant, based on the Board's findings that all criteria in Iowa Code Section 335.15(4) have been met, subject to the following conditions:
 1. All construction shall comply with the site plan submitted on June 9, 2026.
 2. Any material changes in the submitted plans including a change in project size, location, height, use, or setback encroachment shall require review by the Zoning Office and may require further Board approval.
 3. No construction shall begin until a Sign Permit has been issued by the Planning and Zoning Office.

4. All recommended conditions in the staff report are followed as part of the approval.

Provided Alternate Action:

- I move to adopt the staff report as the Board's findings and to approve a variance with the following changes **(list changes)**.
 1. No construction shall begin until a Sign Permit has been issued by the Planning and Zoning Office.

Provided motion of denial:

- I move to adopt the staff report as the Board's findings and to deny the variances as requested by the applicant for the following reasons:
The request does not meet the criteria in Iowa Code Chapter 335.15 (STATE ANY OTHER REASONS FOR DENIAL)

EXHIBITS

- Exhibit 1: Figures 1-5 photos
- Exhibit 2: Variance Application filed June 9, 2026
- Exhibit 3: Site Plan
- Exhibit 4: Parcel Highlight

Figure 1
Front of property



Figure 2
Sign along west lot line



Figure 3
Looking along west lot line



Figure 4
Proposed sign



Figure 5
Advertisement for proposed sign



VARIANCE APPEAL

APPLICATION

Date Filed 10-9-26

Date Set for Hearing 7-28-26

Case Number: 26-05

Applicant Name: Travis Olson Phone: 507-383-1179 E-Mail: TravisOlson74@live.

Mailing Address: 11859 755th Ave Glenville MN 56036

Property Owner Name: Travis Olson Phone: SAME E-Mail: SAME.

Property Owner Address: 10478 265th St. Clarlake IA 50428

Property Description (Not to be used on legal documents): Parcel # _____ Township _____

Property Address: _____ Zoning: _____

Brief Legal Description:

Project Description

Decision Date: _____

Signs To be 12x24 in size - free standing
single side - non-illuminated

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

Size of sign ; west side set back

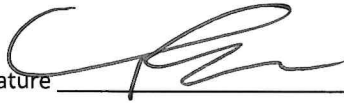
Criteria Justifying Variance under Standards for Review (You may add more details in the Additional Information)

I am the ☒ Owner ☐ Contract Purchaser ☐ Other (Explain) _____

_____ of the property affected.

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

Applicant Signature



Date

6-9-26

VARIANCE APPEAL

ADDITIONAL INFORMATION

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

Amish Rental LLC
10478 265th St.
Clear Lake, Iowa 50428

March 9, 2026

Cerro Gordo County Board of Adjustment
Cerro Gordo County Planning & Zoning Department
220 N Washington Ave
Mason City, Iowa 50401

RE: Appeal of Sign Permit Denial – Variance Request
Property Address: 10478 265th St., Clear Lake, Iowa
Parcel Owner: Amish Rental LLC

Dear Members of the Board of Adjustment,

Pursuant to Iowa Code §335.15 and Section 24.3(B) of the Cerro Gordo County Zoning Ordinance, Amish Rental LLC respectfully submits this appeal of the decision of the Zoning Administrator denying our application for a freestanding sign permit.

The application involved a freestanding sign measuring approximately 24 feet by 12 feet (288 square feet) located on the property at 10478 265th Street in Clear Lake, Iowa, which is zoned C-2 General Commercial District.

The denial cited two provisions of Article 19.6 of the Zoning Ordinance:

1. A limitation of 100 square feet of advertising surface area per sign face.
2. A required side yard setback of 10 feet, while the proposed sign location is approximately 5 feet from the west lot line.

Amish Rental LLC respectfully requests that the Board grant a variance or special exception from these dimensional requirements.

LEGAL AUTHORITY

Under Iowa Code §335.15, the Board of Adjustment has the authority to grant variances where strict application of zoning regulations would result in unnecessary hardship and where granting relief will not be contrary to the public interest.

The Iowa courts have recognized that variances may be appropriate where strict application of zoning regulations would unreasonably restrict the practical use of property or impose unnecessary hardship while not harming surrounding property owners.

GROUND FOR VARIANCE

1. Visibility and Traffic Safety

The property is located along a roadway where traffic travels at higher speeds and drivers must be able to identify businesses safely and quickly. A sign significantly smaller than the proposed dimensions would be difficult for drivers to read at normal travel speeds.

Allowing adequate sign size improves visibility and reduces sudden braking or distracted driving while motorists attempt to locate the business.

2. Reasonable Commercial Use of Property

The property is located within the C-2 General Commercial District where signage is a normal and expected component of lawful business activity. Businesses rely on visible signage to identify their location to customers and the traveling public.

Without adequate signage visible from the roadway, the ability of the property to function as a viable commercial location is significantly impaired.

3. Minimal Impact on Neighboring Properties

The requested setback variance involves a difference of approximately five feet. The sign is located on commercially zoned property and will not obstruct traffic visibility, interfere with neighboring uses, or alter the character of the surrounding area.

The proposed sign structure is consistent with signage typically found in commercial corridors and will not negatively impact nearby properties.

4. Consistency With the Intent of the Zoning Ordinance

The purpose of the C-2 General Commercial District is to accommodate businesses that serve the traveling public and the surrounding community. Adequate signage is essential for businesses operating in such districts.

Granting this variance would allow the property to function in a manner consistent with the intended use of the zoning classification.

5. Good Faith Cooperation With the County

We appreciate the communication from the Planning & Zoning Department and have already removed the banner previously located on the semi-trailer along the west lot line. We will continue working cooperatively with the county regarding any future use of that structure.

CONCLUSION

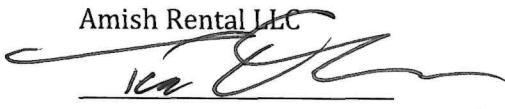
Granting the requested variance would allow reasonable commercial use of the property while maintaining public safety and compatibility with surrounding land uses. The requested relief is dimensional in nature, modest in impact, and consistent with the authority granted to the Board under Iowa Code §335.15.

For these reasons, Amish Rental LLC respectfully requests that the Board of Adjustment grant the requested variances for sign size and side yard setback.

Thank you for your time and consideration.

Respectfully submitted,

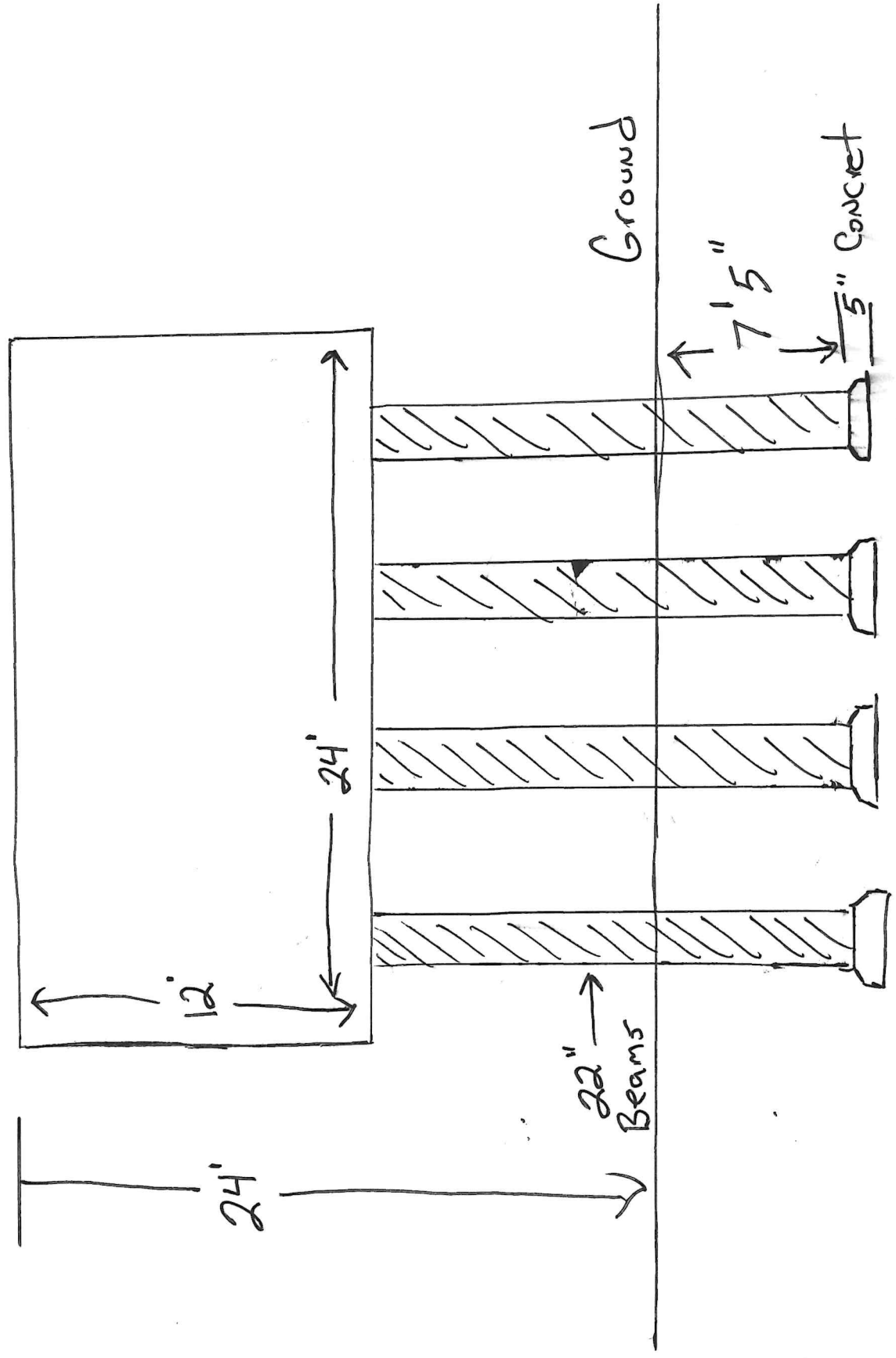
Amish Rental LLC

A handwritten signature in black ink, appearing to be "J. E. Smith", written over a horizontal line.

Authorized Representative

new sign 12x24





06-10-251-001

06-10-100-004

06-10-100-007

06-10-251-008

06-10-251-002

06-10-251-003

06-10-100-010

06-10-100-009

06-10-100-008

06-10-400-001

06-10-300-005

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IA 122 265TH ST

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