



PLANNING AND ZONING
Cerro Gordo County Courthouse

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CERRO GORDO COUNTY BOARD OF ADJUSTMENT
SPECIAL EXCEPTION STAFF REPORT

Summary of Request

Public Hearing Date: September 30, 2025

Applicant

Brennan Lauterbach
15286 Bayside Ave
Clear Lake, IA 50428

Owner

Same

Case No.: 25-07

Property Address: 15286 Bayside Ave, Clear Lake, Iowa.

Brief Legal Description: Lots 3-4 & 7-10, Block 6, Crane & Hills, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

The applicant proposes to construct a 4' high black chain link fence on the south side of his dwelling. The fence will be attached to the house and set behind the front line of the dwelling. The property is comprised of six platted lots and has a 120' lot width along Bayside Avenue and a 60' lot width along Oakwood Avenue. It is considered a through lot, having streets on opposite sides.

SPECIAL EXCEPTION REQUEST		
Structure	Request(s)	Requirement(s)
4' high chain link fence	19'-6" from the front lot line (Bayside Avenue)	No fence is allowed within the front 30' of the lot (Article 6.31(B)(1))

Findings of Fact

1. Brennan Lauterbach is the owner of the subject property.
2. The property is zoned R-3 Single Family Residential.
3. The proposed fence will be 19'-6" from the front lot line (Bayside Avenue). No fence is allowed within the front 30' of the lot.

4. All other setbacks in the R-3 district will be met.
5. The application was filed on August 7, 2025.

ANALYSIS

The Board of Adjustment is provided the power to grant special exceptions under Section 24.4(A)(2) of the Zoning Ordinance. The Board may grant special exceptions to bulk standards of the ordinance if, in its judgement, the standards established in Section 24.4(A)(2)(a) are met. In its review, the Board may attach certain conditions to any special exception granted in order to observe the spirit of the Zoning Ordinance and Comprehensive Plan and mitigate any potential impacts that may directly result from the requested special exception.

Discussion of Standards of Review

1. **Strict compliance with the standards governing setback, frontage, height, or other bulk provisions of this ordinance would result in a practical difficulty upon the owner of such property and only where such exception does not exceed 50 percent of the particular limitation or number in question.**

The proposed fence will be 19'-6" from the front lot line which does not exceed 50 percent of the respective 30' front yard. **The standard appears to be met.**

2. **The exception relates entirely to a permitted use (principal, special, or accessory) classified by applicable district regulations, or to a permitted sign or off-street parking or loading areas accessory to such a permitted use.**

Accessory structures are a permitted use in the R-3 District. **The standard appears to be met.**

3. **The practical difficulty is due to circumstances specific to the property and prohibits the use of the subject property in a manner reasonably similar to that of other property in the same district.**

The parcel has many elevation changes on the south side of the dwelling. The land slopes from the rear of the lot, it slopes from the south side lot line and slopes towards Bayside Avenue. The flattest area is where the proposed 4' high fence will extend southerly from the house 19'-6" from the front lot line. The L-shape of the lot does not allow for a rear fenced in area. It is understandable that the applicant is proposing a chain link fence. **The standard appears to be met.**

4. **A grant of the special exception applied for, or a lesser relaxation of the restriction than applied for, is reasonably necessary due to practical difficulties related to the land in question and would do substantial justice to an applicant as well as to other property owners in the locality.**

As stated above, due to the significant elevation changes on the parcel, it limits the area a proposed fence could be constructed. **The standard appears to be met.**

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

Although the parcel includes six lots, the majority of the parcel is covered by the dwelling, the 40'x42' accessory building and the driveway. With the elevation changes on the only remaining location for the fence, there are no other practical options for the placement of the proposed fence. **The standard appears to be met.**

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

The neighborhood does not have many chain link fences on nearby properties; however, it does not appear the proposed fence will alter the character of the neighborhood. The fence will be constructed of chain link which allows an open, unobstructed view. **The standard appears to be met.**

Discussion of Potential Impacts to Immediate Area

The proposed fence will sit behind the front line of the dwelling along Bayside Avenue. The fence will be constructed of chain link which allows an open, unobstructed view thru it. The proposed fence is only 4' tall; a 6' tall fence could have been requested. There will be no significant impacts to the immediate area.

Staff Conclusions and Recommendation

Cerro Gordo County Article 24.4(A)(2)(a) of the zoning code states "...the Board of Adjustment shall only grant such exception if all the following criteria are met:" The staff analysis of the six criteria have six of the six being met. Multiple definitions of "practical difficulty" appear to have in common some unique aspect of the land in question. Staff recommends the Board of Adjustment consider the request by reviewing the criteria and upon hearing public input as related to the six criteria set out above from the Code.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

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

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

Provided motion of approval:

- I move to adopt the staff report as the Board’s findings and to approve the special exception as requested by Brennan Lauterbach, subject to the following conditions:
 1. All construction shall comply with Site Plan 2 submitted on July 28, 2025.
 2. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.

Provided Alternate Action:

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

Provided motion of denial:

- I move to adopt the staff report as the Board’s findings and to deny the special exception as requested by Brennan Lauterbach for the following reasons:
The applicant does not meet the criteria listed in the Cerro Gordo County Zoning Code.
(Mention any additional reasons)

EXHIBITS

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| <ul style="list-style-type: none">• Exhibit 1: Figures 1-4 photos• Exhibit 2: Special Exception Application dated August 7, 2025• Exhibit 3: Fence Site Plan• Exhibit 5: Parcel Highlight |
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Figure 1

Location of fence on south side of dwelling from Bayside Ave



Figure 2
Looking north at front setback of fence 19'-6" from front lot line



Figure 3
Looking east towards Bayside Ave at fence location and elevation changes on lot



Figure 4
Looking at fence location along rear lot line and elevation changes



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 8-7-25

Date Set for Hearing 9-30-25

Case Number: 25-07

Applicant Name: Brennan Lauterbach Phone: 641-373-2449 E-Mail: brlauterbach@bureshbuildings.com

Mailing Address: 15286 Bayside Ave. Clear Lake, IA 50428

Property Owner Name: Brennan Lauterbach Phone: 641-373-2449 E-Mail: brlauterbach@bureshbuildings.com

Property Owner Address: 15286 Bayside Ave. Clear Lake, IA 50428

Property Description (Not to be used on legal documents): Parcel # 052331200700 Township Clear Lake

Property Address: 15286 Bayside Ave. Clear Lake, IA 50428 Zoning: R-3

Brief Legal Description:

L'S 3-4 & 7-8-9-10 BLK 6 CRANE & HILLS 1ST ADD TO OAKWOOD PARK

Project Description 4' High Black Chain Link Fence

Decision Date: 07/30/25

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

REASON(S) FOR DENIAL (AS APPLICABLE):

The proposed fence will begin 19'-6" from the front lot line (Bayside Avenue). Article 6.31(B)(1) of the Zoning Ordinance permits fences not exceeding 6' in height within the limits of the required rear and side yards on any lot used for residential purposes. No fence is allowed within the front 30' of the lot.

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

The Zoning Administrator has cited Article 6.31(B)(1) That does not permit Fences in the front yard requirements of residential lots. District R-3 has front yard requirements of 30' so it is claimed this proposed fence with Setback of 19'6" is not permitted. The block of this property has been developed such that the front yard setbacks have not been meet in this area for R-3 zoning. By Article 6.11 of this zoning ordinance when this occurs the front yard minimum requirement shall be the average of these building set backs. From what I have measured the minimum front yard requirement would be 17'8". Which Places the proposed fence solely in the side/rear yard. I have attached articles in following sheet.

I am the ☒ Owner ☐ Contract Purchaser ☐ Other (Explain) _____
_____ of the property affected.

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

Applicant Signature



Date

8/7/25

SPECIAL EXCEPTION APPEAL

ADDITIONAL INFORMATION

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

- Furthermore I have chosen to place the fence behind the front line of my house, had this house been built according to R-3 this would be in the side yard of the property on any new/existing property following zoning ordinance.
- The property also has large elevation changes. Placing the fence in the proposed location takes advantage of the flattest part of the side yard while still maintaining setback behind front of house.

6.11 FRONT YARD SETBACK AVERAGE

In any District there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided, however, that where lots comprising thirty (30) percent or more of the frontage within 200 feet of either side lot line are developed with buildings at a greater or lesser setback, the front yard minimum requirement shall be the average of these building setbacks. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots, shall not be included in the computation.

6.31 FENCES, WALLS, AND VISION CLEARANCE

- A. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the center line grades of the area described as follows:

That area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines.

- B. Notwithstanding the provisions of Article 6 "ACCESSORY STRUCTURES OR USES IN RESIDENCE DISTRICTS AND AGRICULTURAL DISTRICT," the following provisions shall prevail:
1. On any lot used for residential purposes, fences and walls not exceeding six (6) feet in height are permitted within the limits of the required side yards and rear yards except on a lake lot. A fence or wall not exceeding three (3) feet in height is permitted within the limits of the required front yards or rear yards of a lake lot.
 2. Within the limits of the required front yards on any lot not zoned or used for residential purposes, a chain link fence or structure of similar density is permitted. Within or bounding the required side or rear yard, a wall, fence, or chain link fence is permitted. The height of any of these structures shall be no greater than that for structures in that district.
 3. In the case of retaining walls supporting embankments, the above requirements shall apply only to the part of the wall above the ground surface of the retained embankment.
 - a. Grade for determining the maximum height above grade for fences and walls:
 - (1) For a fence along a street right-of-way, grade shall be the highest point of the pavement lying between the intersection of the center line and a projection of the side lot lines.
 - (2) For a fence or wall between the front lot line and the front building lines, grade shall be prorated between the grade at the front lot line and the grades at the building.
 - (3) For a fence or wall along the rear lot line or between the front building line and the rear lot line, grade shall be the grade at the building.
 - b. Fences and walls on a corner lot shall comply with the vision clearance requirements of Paragraph A on the previous page.

ARTICLE 11: R-3 SINGLE FAMILY RESIDENTIAL DISTRICT

11.1 DECLARATION OF INTENT

The R-3 Single Family Residential District is one of single family dwelling units designed to maintain, protect and preserve the character of development on lots with a minimum area of five thousand (5,000) square feet and lot width of not less than fifty (50) feet. No more than one (1) dwelling unit and the customary accessory buildings shall be allowed on one (1) lot.

The following regulations and the General Regulations contained in Article 6 shall apply in the R-3 Single Family Residential District.

11.2 PRINCIPAL PERMITTED USES

A. Any principal uses permitted in the R-1 Single Family Residential District.

11.3 ACCESSORY PERMITTED USES

A. Any accessory uses permitted in the R-1 Single Family Residential District.

11.4 SPECIAL PERMITTED USES

See Article 20.

11.5 HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

11.6 YARD REQUIREMENTS

Each lot shall have front, side and rear yards not less than the depth, width or area following:

- A. Front yard depth, thirty (30) feet.
- B. Each side yard width, six (6) feet or ten (10) percent of the lot width, whichever is greater, up to a twelve (12) foot maximum.
- C. Rear yard depth, thirty (30) feet.
- D. On corner lots the side yard requirement on the street side shall be twelve and one-half (12-1/2) feet.



