



## PLANNING AND ZONING Cerro Gordo County Courthouse

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### SPECIAL EXCEPTION STAFF REPORT

#### SUMMARY OF REQUEST

**Case No.:** 24-26

**Hearing Date:** June 24, 2025

**Staff Contact:** Michelle Rush, Assistant Zoning Administrator

**Applicant:**

**Owner:**

Charles Haselhoff  
335 Bell Ave  
Ames, IA 50010

Same

**Property Address:** 5100 Bayside Ave, Clear Lake, IA 50428

**Brief Legal Description:** Lot 15, Bayside Park Addition, Clear Lake Township

**Zoning:** R-3 Single Family Residential District

#### Background

The applicant is proposing to remove the dwelling that was constructed in 1966 and build a new 45'-6"x49' two-story dwelling with attached 24'-3"x7'-8" porch on the rear (lakeside) of the dwelling.

SPECIAL EXCEPTION REQUEST		
Structure	Request(s)	Requirement(s)
45'-6"x49' 2-story dwelling	10' front yard setback	14' front yard setback average

#### FINDINGS OF FACT

1. Charles Haselhoff is the owner of the subject property.
2. The proposed dwelling is 45'-6"x49' without the 24'-3"x7'-8" porch on the rear included.
3. The property is zoned R-3 Single Family Residential.
4. The proposed dwelling will be 10' from the front lot line.
5. A 14' front yard setback average is required.
6. All other setbacks in the R-3 district will be met.
7. The parcel is 65' wide at the front (street) and 37' at the rear (lake).
8. The application was filed on May 14, 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 parcel itself is awkwardly shaped – wide at the street and narrow on the lake side. The proposed house will be 10' from the front lot line which does not exceed 50 percent of the respective 14' required front yard setback average. 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.***

A single-family dwelling is a principal 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 practical difficulty is primarily due to the shape of the lot. Additionally, a portion of the rear lot line is actually below the high-water mark (which is most of the beach). A new dwelling would not be able to be constructed on the property without at least a slight exception to the Zoning Ordinance. The proposed house is generally in line with the size of other dwellings in the neighborhood. The existing dwelling currently sits closer to Bayside Avenue than the dwellings on either side. 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, the shape of the lot makes construction of a new dwelling difficult. The applicant has designed the dwelling to meet the 6' side yard setbacks all along the lot. The 30' rear yard setback will be maintained. The standard appears to be met.

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

Due to the wider width at the street and narrow width at the lake and varying depth on each side, an exception is likely needed to construct the dwelling. 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 proposed two-story dwelling is similar in character-nature as other dwellings in the neighborhood. The proposed dwelling will not alter the essential character of the neighborhood. The standard appears to be met.

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

All of the required setbacks in the R-3 District will be maintained except along the front lot line (Bayside Ave). The applicant has designed a dwelling that is wider at the street side and narrows at the lake side to better fit the lot. The existing dwelling is closer to the westerly side lot line than the proposed dwelling will be. The existing dwelling currently sits closer to Bayside Avenue than the dwellings on either side of this lot. It appears the front building line of the proposed dwelling will generally be in line with the existing dwelling. The one-story dwelling that is located across the street at 5099 Bayside Avenue already has a limited view of the lake from the existing two-story dwelling. There will be no significant impacts to the immediate area.

### **Staff Conclusions and Recommendation**

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

### **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 Charles Haselhoff, subject to the following conditions:
  1. All construction shall comply with the updated site plan submitted on May 14, 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 Charles Haselhoff for the following reasons:

[STATE REASONS FOR DENIAL]

**EXHIBITS**

- Exhibit 1: Figures 1-10 photos
- Exhibit 2: Special Exception Application dated May 14, 2025
- Exhibit 3: Dwelling Site Plan
- Exhibit 4: Parcel Highlight

Figure 1  
Dwelling to be removed at 5100 Bayside Ave



Figure 2  
Proposed dwelling footprint along easterly side from lake to Bayside





Figure 3

Proposed dwelling footprint along westerly side from Bayside to lake



Figure 4

Looking easterly along front of proposed dwelling footprint





Figure 5

Looking at front dwelling stake



Figure 6

Looking from lake to Bayside at easterly footprint of dwelling in relation to neighbor





Figure 7  
Looking northwesterly along rear of proposed porch



Figure 8  
Looking at rear pin (high water mark) on easterly side





Figure 9  
Looking at rear pin (high water mark) on westerly side

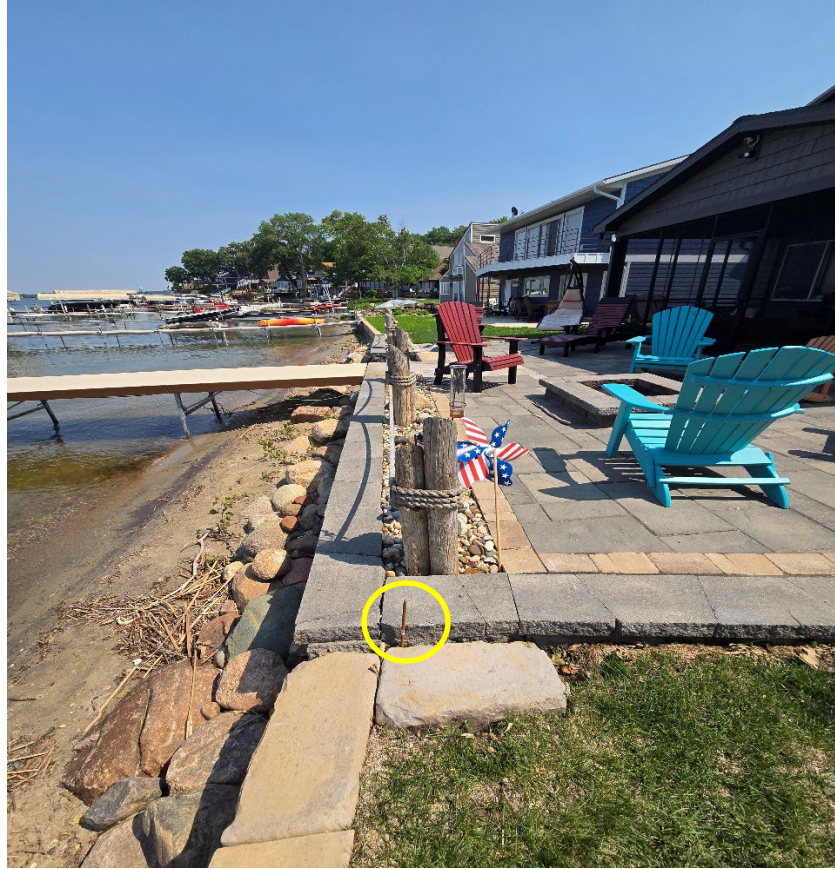


Figure 10  
Looking at beach between rear lot line and high-water mark





## SPECIAL EXCEPTION APPEAL

### APPLICATION

Date Filed 5/14/2025

Date Set for Hearing

6-24-25

Case Number: 24-26

Applicant Name: Charles Haselhoff

Phone: 515-231-9658

E-Mail: chuck@hasairsolutions.com

Mailing Address: 335 Bell Ave Ames Iowa 50010

Property Owner Name: Charles Haselhoff

Phone: 515-231-9658

E-Mail: chuck@hasairsolutions.com

Property Owner Address: 1917 Leopold Ames Iowa

Property Description (Not to be used on legal documents): Parcel # 052330600100 Township Clear Lake

Property Address: 5100 Bayside Ave Clear Lake Iowa Zoning: R3

Brief Legal Description: L 15 BAYSIDE PARK ADD

### Project Description

Decision Date: \_\_\_\_\_

Construction of our new Lake home

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

The proposed dwelling will be 10' from the front lot line. A 14' front yard setback is required per the average setback within 200'

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

#### **Request Justification for Special Exception to 14' Front Setback Requirement**

I am requesting a special exception to reduce the required **14-foot front setback** to **10 feet**, representing a 4-foot reduction. This request meets the standards for a special exception under the Zoning Ordinance for the following reasons:

- **Practical Difficulty:** Strict enforcement of the 14-foot front setback presents a practical difficulty due to the lot's size and configuration, which limits the usable building area. This difficulty is unique to this property and not broadly applicable to other parcels in the district.
- **Permitted Use and Compliance:** The proposed structure is a permitted use in this zoning district and fully complies with all other setback requirements, including side and rear setbacks.
- **Neighborhood Context:** After reviewing nearby homes in the neighborhood, some appear to be built closer to the front setback line than what I am requesting. My proposed 10-foot setback is consistent with, or more conservative than, the existing pattern of development in the area. This further demonstrates that the exception would not alter the essential character of the neighborhood. The new house is aligned with the existing garage setback. The side and rear setbacks do meet current setback requirements.

- **Minimal Impact:** The reduced setback will not obstruct views, impair light access, or negatively affect adjacent property owners. No safety, visibility, or drainage concerns are anticipated because of this request.
- **Feasibility:** Alternative designs that comply with the 14-foot setback are not feasible due to the property's layout and would require disproportionate compromises to function and livability.
- **Modest and Reasonable Request:** The requested 4-foot reduction is modest and remains well within the allowed for bulk provisions.
- **Public Interest Maintained:** Granting the exception supports reasonable use of the property while protecting public health, safety, and welfare and maintaining the intent and spirit of the Ordinance.

I respectfully request that the Board of Adjustment consider this reasonable and contextually appropriate request, which is in line with the built environment of the surrounding

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 \_\_\_\_\_

5/14/2025

## 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.



2 SITE DEMOLITION PLAN  
SCALE: 1/4" = 1'-0"



