



PLANNING AND ZONING Cerro Gordo County Courthouse

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Staff Report Board of Adjustment Variance Request July 28, 2026

Case No.: 26-02

Hearing Date: July 28, 2026

Request: A variance request to construct a detached garage that exceeds the allowable rear yard coverage area by detached accessory structures.

Applicants

Chuck & JoAnn Murphy
16263 Vista Ave Ste 6
Dike, IA 50624

Owners

Same

Property Address: 14980 Hackberry St, Clear Lake, IA 50428

Brief Legal Description: Lot 12, Block 11, Oakwood Park, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

This parcel is located at the corner of Lakeview Drive and Hackberry Street. For zoning purposes, Hackberry Street is considered the front lot line, Lakeview Drive is considered the side street lot line, and the alley is considered the rear lot line.

On September 30, 2024, the owners applied for a zoning permit to construct a 30-foot-by-24-foot detached garage. The application was denied on October 24, 2024. The proposed garage project was subsequently placed on hold in February 2025.

The owners later constructed an approximately 26-foot-by-28-foot concrete parking pad on the property. The parking pad was reviewed by the County Engineer and Zoning Administrator at that time; however, that review did not constitute approval to construct a detached garage on the pad or approval of a variance from the Zoning Ordinance.

The owners now propose to construct a 26-foot-by-28-foot detached garage on the existing concrete pad. The proposed garage would contain approximately 728 square feet.

Article 6.9(B) of the Zoning Ordinance limits the combined coverage of detached accessory structures located within the required rear yard to 25 percent of the required rear-yard area. Based upon the dimensions of this parcel, the maximum permitted coverage is 375 square feet.

The proposed 728-square-foot garage would exceed the permitted rear-yard coverage by 353 square feet. The proposed coverage is approximately 94 percent greater than the maximum permitted coverage and would occupy approximately 48.5 percent of the required rear-yard area. All other applicable setbacks in the R-3 District would be met.

VARIANCE REQUEST

Structure	Request(s)	Requirement(s)
26'x28' detached garage	728 sq. ft. rear yard coverage area	375 sq. ft. is allowed Article 6.9 (B)

Findings of Fact

1. Chuck and JoAnn Murphy are the owners of the subject property.
2. The property is zoned R-3 Single Family Residential District.
3. The property is a corner lot located at Lakeview Drive and Hackberry Street.
4. For zoning purposes, Hackberry Street is the front lot line, Lakeview Drive is the side street lot line, and the alley is the rear lot line.
5. On September 30, 2024, the owners applied for approval to construct a 30-foot-by-24-foot detached garage. The application was denied on October 24, 2024.
6. An approximately 26-foot-by-28-foot concrete parking pad was subsequently constructed on the property.
7. Review of the parking pad by the County Engineer and Zoning Administrator did not constitute approval of a detached garage or approval of a variance from the Zoning Ordinance. It did not require a zoning permit.
8. The owners now propose to construct a 26-foot-by-28-foot detached garage on the existing concrete pad.
9. The proposed garage would have a footprint of approximately 728 square feet.
10. Article 6.9(B) limits detached accessory-structure coverage within the required rear yard to 25 percent of the required rear-yard area, which is 375 square feet.
11. The variance application was filed on May 26, 2026.

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. **Not granting the variance would be contrary to the public interest**

The rear-yard coverage limitation regulates the size, bulk, location, and concentration of accessory structures within residential rear yards. The limitation helps preserve open space, maintain separation between structures and adjoining properties, provide access for maintenance and emergency purposes, and prevent accessory structures from dominating residential lots.

The proposed garage would contain 728 square feet within an area where only 375 square feet is permitted. This is not a minor or technical deviation. The proposed structure would exceed the maximum permitted coverage by 353 square feet, or approximately 94 percent.

Although the garage would satisfy the applicable setbacks, setback compliance alone does not resolve the separate rear-yard coverage requirement. Granting a variance of this magnitude could substantially reduce the open area the coverage limitation was intended to preserve.

Staff Assessment: The applicant should present evidence demonstrating that the garage's size and placement would not adversely affect drainage, visibility, access, neighboring properties, or the residential character of the area, this criterion appears to weigh against approval.

2. Not granting the variance would cause “practical difficulties” for the property owner trying to make a beneficial use of the property allowed by the Zoning Ordinance.

The Board should determine whether conditions affecting this particular property create a practical difficulty in making a beneficial use that is otherwise permitted in the R-3 District.

The property may present some development constraints because it is a corner lot with frontage along Hackberry Street and Lakeview Drive and an alley along the rear. These multiple frontages may limit the areas in which a detached accessory structure can be placed. However, the record presently does not establish that these conditions prevent the property from being reasonably used as a residential property.

The owners retain the existing residential use of the property. The ordinance also allows up to 375 square feet of detached accessory-structure coverage within the required rear yard. The applicant has not established that a smaller garage, a differently configured garage, an attached garage, or another compliant accessory structure could not provide reasonable storage and parking.

The existence of a concrete pad sized for the proposed garage does not, by itself, establish a practical difficulty. The relevant question is whether the physical characteristics of the property - not the owners' preferred garage size or prior construction decisions - prevent a beneficial use allowed by the ordinance.

Staff Assessment: On the present record, the evidence does not appear to establish that literal enforcement of the 375-square-foot limitation would cause a practical difficulty in making a beneficial residential use of the property.

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

The purpose of the rear-yard coverage limitation is to prevent excessive structural coverage and preserve an appropriate balance between buildings and open yard area in residential districts.

The proposed garage would occupy approximately 48.5 percent of the required rear yard, nearly twice the permitted 25 percent coverage. Approving this request would substantially depart from the numerical limitation established by the ordinance.

Substantial justice does not necessarily require approval because the owners have already constructed a parking pad. The Board must evaluate the property under the applicable variance standards and should not grant relief solely to accommodate expenditures or construction undertaken before variance approval.

Staff Assessment: It appears a conforming accessory structure remains possible and the requested deviation is substantial, approval may undermine rather than observe the spirit of the coverage limitation.

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

The corner-lot configuration and the presence of an alley may constitute characteristics specific to this parcel. The Board should determine, based upon a survey or site plan, whether those characteristics materially restrict the property's available building area compared with other R-3 lots.

However, the proposed garage size and the decision to construct a 26-foot-by-28-foot parking pad appear to have been selected by the owners. The prior application for a detached garage was denied before the concrete pad was constructed. The owners therefore had notice that construction of a garage required compliance with the Zoning Ordinance or approval of a variance.

To the extent the claimed difficulty arises because the concrete pad has already been poured at a size exceeding the allowable rear-yard coverage, that difficulty is self-created. A variance should not be granted merely because construction costs have already been incurred or because a structure of the preferred size would fit the existing pad.

Staff Assessment: The property's corner-lot configuration may be unique, but the current information does not establish that the configuration requires a 728-square-foot garage or prevents construction of a smaller compliant structure.

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

A detached residential garage is generally consistent with the uses expected in an R-3 residential district. The proposed use itself would therefore not necessarily alter the neighborhood's character.

The size, mass, placement, and visible scale of the garage must nevertheless be considered. Relevant evidence includes the size of the principal dwelling, total lot coverage, garage height, exterior materials, distance from neighboring residences, location of nearby accessory structures, drainage impacts, and the extent to which the garage would be visible from Lakeview Drive, Hackberry Street, and the alley.

Compliance with the setbacks and the presence of comparable garages nearby would support the applicant under this criterion. Conversely, evidence that the garage would dominate the lot or be substantially larger or more intensive than surrounding accessory structures would weigh against approval.

Staff Assessment: Based on the submitted information, this criterion may be neutral or could support approval. However, satisfaction of this criterion alone is insufficient if the applicant does not establish the remaining statutory requirements.

Staff Conclusions

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 variance shall apply only to the construction of the detached garage as shown in the application materials reviewed by the Board.
2. The new garage shall not exceed 728 square feet in size, unless a smaller 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.

The strongest facts supporting the application are that the property is a corner lot, the garage is a customary residential accessory use, and the proposed structure would comply with all applicable setbacks.

The principal concerns are:

- The requested coverage is approximately 94 percent greater than the ordinance permits.
- The property continues to have a beneficial residential use without the variance.
- A detached accessory structure of up to 375 square feet remains permitted.
- The record does not establish that a smaller or differently configured garage is impracticable.
- The prior garage application was denied before the concrete pad was constructed.
- Any difficulty resulting from the size of the existing pad appears to be self-created.

The record does not appear to show the criteria in Iowa Code Chapter 335.15(4) has been met.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested variance 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 variance 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 February 20, 2026.
 2. Any material change 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 Zoning Permit has been issued by the Planning and Zoning Office.
 4. Adopt all recommended conditions in the staff report 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 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 variance 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 May 26, 2026
- Exhibit 3: Site Plan
- Exhibit 4: Parcel Highlight

Figure 1
Looking at location of proposed garage from Lakeview Drive



Figure 2
Looking at rear (west) of proposed garage 3' from rear lot line (alley)



Figure 3
Looking west to east at proposed garage 6' from the south side lot line



Figure 4
Looking east to west at proposed garage 6' from the south side lot line



Figure 5
Looking south to north at south side and rear (west) of proposed garage



STANDARDS FOR REVIEW

It is the applicant's responsibility to prove to the Board of Adjustment that the appeal meets the standards for review of the Ordinance. All variance requests will be reviewed under the following hardship standards. Per Iowa Code Section 335.15(4) along with the completed Variance Appeal Application below, you must provide an answer for the 5 questions below:

1. Not granting the variance would be contrary to the public interest.
2. Not granting the variance would cause "practical difficulties" for the property owner trying to make a beneficial use of the property allowed by the Zoning Ordinance.
3. The spirit of the Ordinance is observed, and substantial justice is done by granting the variance.
4. The difficulties are unique to the property and not self-created (e.g., lot shape, topography, prior lawful platting).
5. The variance will not significantly alter the essential character of the surrounding neighborhood.

In addition to the hardship standards above, the applicant must address any potential impacts to neighbors and the general area around the property, as the Board of Adjustment reserves the right to establish certain conditions upon any variance granted to mitigate potential impacts. The applicant should address such potential impacts as encroachment to neighbors, dust, drainage, glare, traffic, odors, noise, safety, or other potential impacts that may be caused as a direct result from the requested variance being granted.

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VARIANCE APPEAL

APPLICATION

Date Filed 5-26-26 Date Set for Hearing

4-20-2026 Case Number: 26-02

Applicant Name:

Chuck Murphy

Phone: 319 240-0103

E-Mail: ChuckmIowa@G-mail.com

Mailing Address:

16263 Vista Ave Ste C Dike, IA 50624

Property Owner Name:

Chuck Murphy

Phone: 319 240-0103

E-Mail: chuckmIowa@Gmail.com

Property Owner Address:

14980 Hackberry St Clear Lake, IA 50428

Property Description (Not to be used on legal documents):

Parcel #

Township

-
Property Address: 14980 Hackberry St Clear Lake IA
Zoning: 50428

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Brief Legal
Description:

Project garage
Description 26 x 28
Decision Date: -

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

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

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Cerro Gordo County Board of Adjustment

May 22, 2026

Cerro Gordo County Planning and zoning Department

220 N. Washington Ave

Mason City, Iowa 50401

RE: Appeal of Denial for Proposed 26' x 28' Detached Garage at 14980 Hackberry St., Clear Lake, IA

Parcel: 05262010040 Property description: L 12 BLK 11 Oakwood Park

Dear Members of the Board,

We respectfully submit this appeal regarding the denial of our proposed detached garage measuring 26'x28' (728 square feet) on our property.

We understand that the current zoning ordinance allows detached accessory structures to occupy up to 25% of the required yard area which permits approximately 375 square feet on our lot. Our proposed garage would exceed that allowance by approximately 353 square feet. We are requesting that the Board consider the unique circumstances of our property and grant a variance for this project.

Our primary residence is relatively small, containing only approximately 960 square feet of main living area. As a result, indoor storage space is extremely limited. We currently do not have adequate room for necessary household and outdoor items associated with maintaining our property and enjoying the lake environment.

The proposed garage is intended to serve several practical needs including:

- Parking space for two trucks
- Storage for lake and boating equipment
- Storage for bicycles and grandchildren's outdoor toys
- Storage for lawn mower and lawn maintenance equipment
- General household storage that cannot reasonably fit within the home
- Lowering risk for theft of personal items currently left outside when home inhabited

The size of the proposed garage is not excessive for these intended uses, especially considering the limited size of the home itself. The structure is requested to meet functional family and property maintenance needs rather than for commercial or non-residential purposes.

Additionally, we believe the proposed garage would be consistent with the character of the surrounding area, where larger garages and accessory structures are common due to lake-related recreational storage needs. We are committed to maintaining the appearance and value of the neighborhood and believe the structure would be an improvement to the property.

We respectfully ask the Board to consider the practical difficulties created by the limited square footage of the existing home and the unique storage demands associated with our property. We appreciate your

time and consideration of our appeal and would welcome the opportunity to answer any questions or provide additional information.

Sincerely,

Chuck and JoAnn Murphy

14980 Hackberry St.

Clear Lake, IA 50428

Phone 319-240-0103

Site Plan:



