



## PLANNING AND ZONING Cerro Gordo County Courthouse

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### SPECIAL EXCEPTION STAFF REPORT

#### SUMMARY OF REQUEST

**Case No.:** 24-23

**Hearing Date:** May 27, 2025

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

**Applicant:**

Nick Fitch – Furman Corp  
2607 Northridge Parkway  
Ames, IA 50010

**Owner:**

Daniel & Carla Krogman  
27676 Timber Rd  
Kelley, IA 50134

**Property Address:** 5146 Clark St, Clear Lake, IA 50428

**Brief Legal Description:** Lots 14-19, Blk 3, Crane & Hills, Clear Lake Township

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

#### **Background**

The applicant is proposing to construct a new 30'x60' two-story dwelling on the property which includes a 12'x30' covered porch and deck on the east end of the dwelling. The covered 12'x15' porch will be on the north half and the 12'x15' open deck will be on the south half. There will be a 6' x 13' covered stoop on the south side of the dwelling facing Clark Street. The existing garage in the northeast corner will remain on the parcel. Since this parcel is on a corner lot, Bayside Avenue is considered the front and Clark Street is considered a side.

SPECIAL EXCEPTION REQUEST		
Structure	Request(s)	Requirement(s)
30'x60' 2-story dwelling	17'-4" front yard setback	30' front yard setback is required

#### FINDINGS OF FACT

1. Daniel & Carla Krogman are the owners of the subject property.
2. The house is 30' by 48' without the covered porch included.
3. Furman Corp is the applicant on behalf of the owners.
4. The property is zoned R-3 Single Family Residential.
5. The proposed dwelling will be 17'-4" from the front lot line at its closest point (fireplace bump-out).
6. A 30' front yard setback is required in the R-3 District.
7. All other setbacks in the R-3 district will be met.
8. There is an existing 30'x37' garage in the northeast corner of the lot that will remain.
9. The parcel is 90' wide and 170' deep.
10. The application was filed on April 22, 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.***

Although this parcel contains multiple lots and is large in size, there is a practical difficulty due to the drainage area (See Figures 6 & 7) that runs thru the middle of the parcel from north to south. Trying to maintain the 30' front yard setback on the west would push the proposed dwelling further east towards the drainage area. The proposed dwelling will be 17'-4" from the front (west) lot line and does not exceed 50% of the respective 30' required front yard setback requirement. 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 parcel is 90' wide and 170' deep which is large enough to accommodate the new dwelling and required setbacks. However, as the applicant stated in his appeal form, due to the drainage area that runs thru the middle of the property, a practical difficulty exists. The applicant also stated that the west half of the property grades east towards the drainage area. 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 drainage area in the middle of the parcel, if the proposed dwelling is pushed towards the east to comply with the 30' front yard setback, the drainage area will be close to the exit of the covered porch on the rear of the dwelling which is a safety concern. Since the west half of the property grades east towards the drainage area, a 30' front yard setback would place the deck and footings for the deck in the low area of the lot. Moving the

dwelling towards the west puts the dwelling on higher ground with less chance for water related damage to the footings and stair landing. The standard appears to be met.

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

With the drainage trough running thru the middle of the parcel from north to south, it limits the buildable area on the parcel. There is also an existing 30'x37' garage in the northeast corner of the parcel that also limits the buildable area on the parcel. The standard appears to be met.

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

Most of the lots directly to the east of this parcel in Block 3 contain one-story dwellings. However, immediately to the north and east of this parcel in Block 3, the lots contain two-story dwellings. The proposed dwelling will be in line with other dwellings in the neighborhood and maintain the site distances at the intersection. 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). Lots 11-13 north of this parcel at the intersection of Bayside Avenue and Lee Street are vacant lots. The parcel directly to the south of the Krogman property at the intersection of Bayside Avenue and Clark Street contains a one-story dwelling that is approximately 10' to 11' from the lot line along Bayside Avenue. The rear of their dwelling faces the Krogman property. 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.

<b>BOARD DECISION</b>
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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 Furman Corporation on behalf of Daniel & Carla Krogman, 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 Furman Corporation on behalf of Daniel & Carla Krogman for the following reasons:  
[STATE REASONS FOR DENIAL]

<b>EXHIBITS</b>
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- |  |
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| <ul style="list-style-type: none"><li>• Exhibit 1: Figures 1-8 photos</li><li>• Exhibit 2: Special Exception Application dated April 22, 2025</li><li>• Exhibit 3: Updated Site Plan 5-14-25</li><li>• Exhibit 4: Drainage trough site map</li><li>• Exhibit 5: Parcel Highlight</li></ul> |
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Figure 1

Proposed location of dwelling at corner of Bayside Ave & Clark St. Lot pins marked by stake with orange flag. Building footprint marked by wood stakes.





Figure 2

Looking north at front lot pin in relation to front dwelling footprint stake





Figure 3  
looking south at proposed 17'-4" front yard setback in relation to house to the south





Figure 4  
Looking west along north side of proposed dwelling





Figure 5

Looking south along proposed rear (east) of dwelling footprint





Figure 6  
Looking at drainage area that runs north to south thru the lot





Figure 7  
Looking at drainage area that runs north to south thru the lot





Figure 8  
Looking at the well located on the south portion of the parcel



## SPECIAL EXCEPTION APPEAL

### APPLICATION

Date Filed 4-22-25

Date Set for Hearing 5-27-25

Case Number: 24-23

**Applicant Name:** Nick Fitch **Phone:** 515-290-2498 **E-Mail:** NickFitch@FurmanRealty.com  
**Mailing Address:** 2607 Northridge Parkway Ames, IA 50010  
**Property Owner Name:** Daniel J & Carla A Krogman **Phone:** 515-450-4401 **E-Mail:** dankrogman@gmail.com  
**Property Owner Address:** 27676 Timber Rd. Kelley, IA 50134  
**Property Description (Not to be used on legal documents):** Parcel # 052331702800 Township Clear Lake  
**Property Address:** 5146 Clark St. Clear Lake, IA 50428 Zoning: R-3

**Brief Legal Description:**

L'S 14-15-16-17-18-19 BLK 3 CRANE & HILLS 1ST ADD TO  
OAKWOOD PARK

**Project Description**

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

New Home Construction owner occupied

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

The proposed new dwelling will be 17'-4" from the front lot line (Bayside Ave). A 30' front yard setback is required in the R-3 District.

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

Topographical Conditions  
Surroundings

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

**Builder** \_\_\_\_\_ 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 Nick Fitch

Date 4-22-2025



## **SPECIAL EXCEPTION APPEAL**

### **ADDITIONAL INFORMATION**

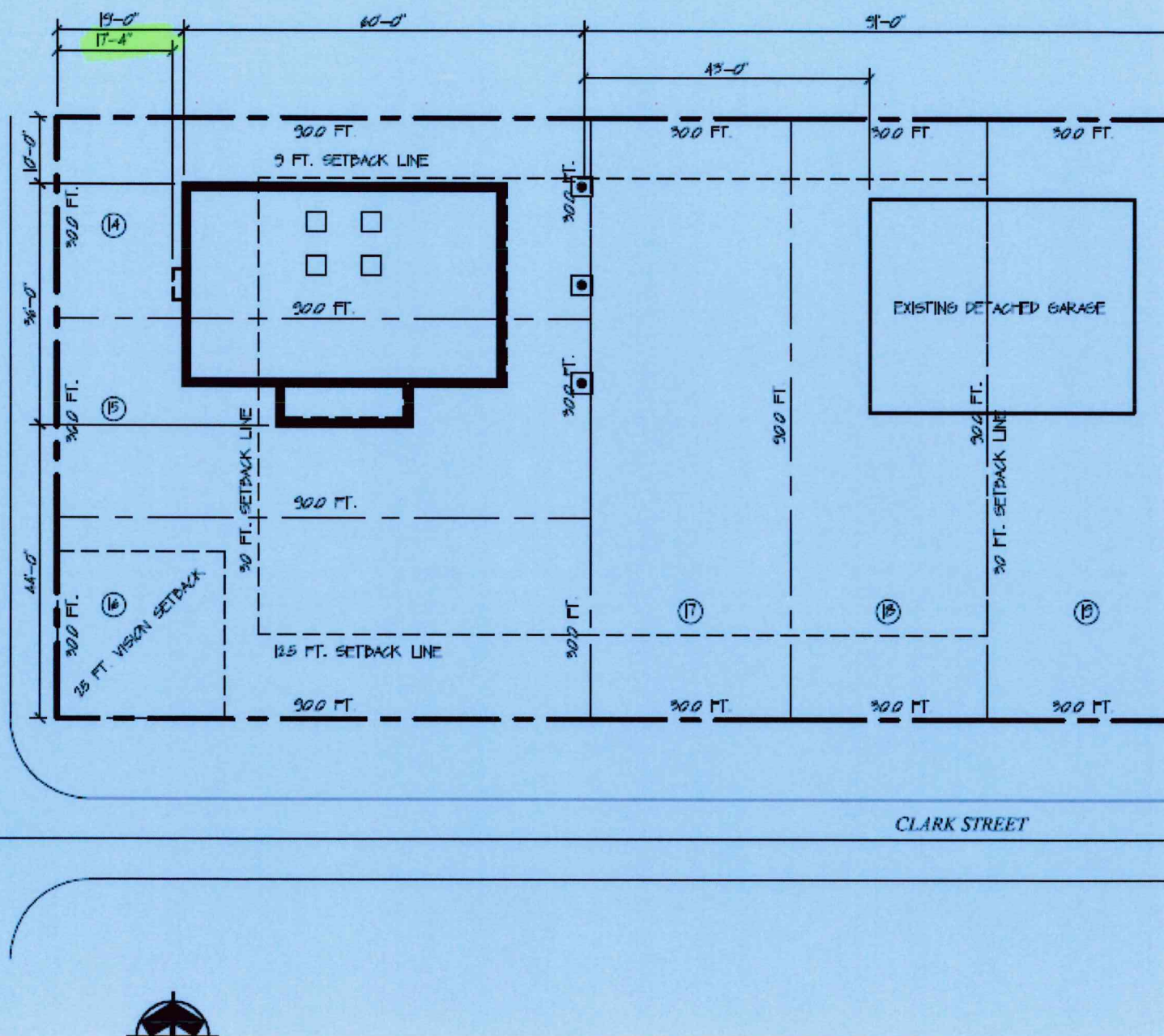
Please provide any additional details below needed to fully address the standards for review and any potential impacts to the immediate vicinity that may directly result from the special exception requested.

There is a drainage trough running down the middle of the lot north to south. With the house being 30' from the lot line the trough will be espically close to the exit of the main deck which is a saftey concern

The west half of the property grades east towards the drainage trough putting the deck and footings for the deck in the low area of the lot. Moving the house more towards the west puts the house on higher ground with less chance for water related damage to footings and stair landing.

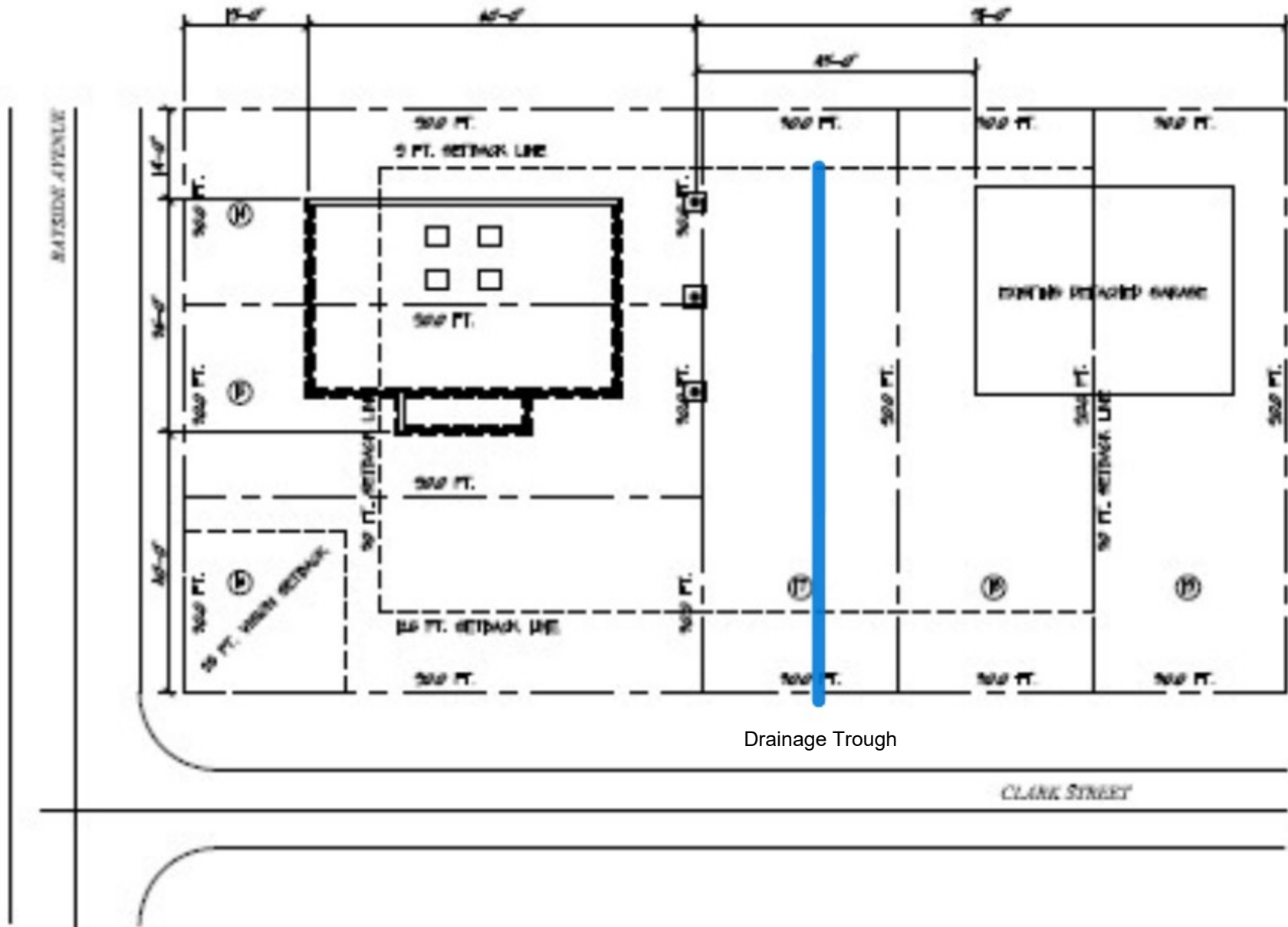
Moving house to the south would'nt create any more of advantage as the drainage trough runs straight north to south

Please see attachements for reference



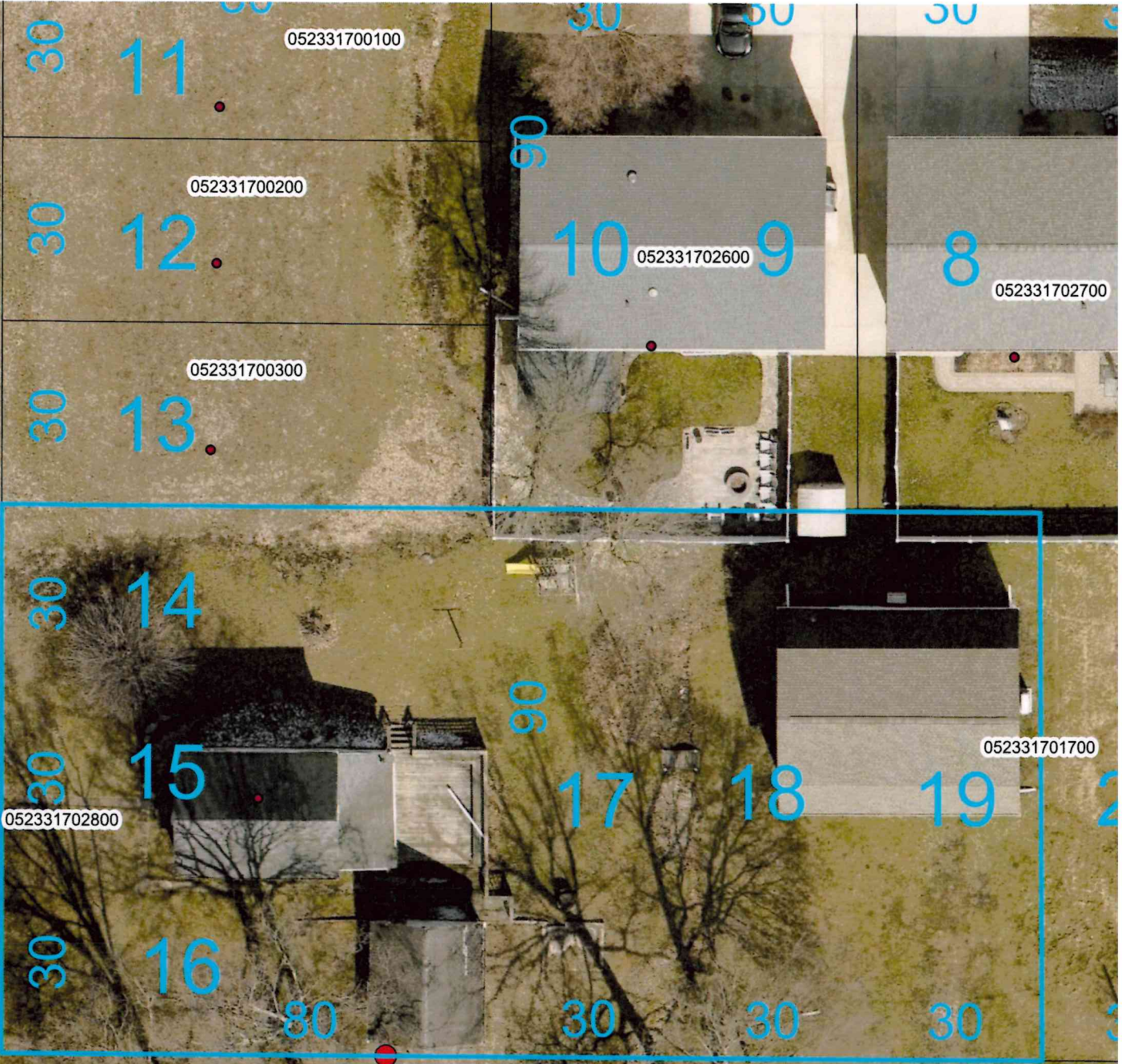


Proposed site plan with 17-4 setback from west lot line





BAYSIDE AVE



CLARK ST

