



PLANNING AND ZONING
Cerro Gordo County Courthouse

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Staff Report
Board of Adjustment
Special Exception Request
June 30, 2026

Case No.: 25-27

Hearing Date: June 30, 2026

Request: A special exception request to replace the deck on the front of the dwelling related to the front of the lot.

Applicants

Mary Thompson
Skyway Inc.
7030 275th Way
Clear Lake, IA 50428

Owners

Danile Martens
1554 10th St
Manhattan Beach, CA 90266

Property Address: 15347 Crane St, Clear Lake, IA 50428

Brief Legal Description: Lots 12-14, Block 9, Crane & Hills, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

The owner would like to construct a new 18’x32’ deck along the front of the dwelling. An 8’x25’ deck previously existed along the front and north side of the dwelling and has now been removed. The proposed deck is 1.5’ in height and does not include handrails. The deck would be used to access the patio doors on the front of the dwelling.

Special Exception Request

Structure	Request(s)	Requirement(s)
Front deck	16.3-foot front yard setback	20.5-foot front yard average setback – Article 6.11

Findings of Fact

1. Mary Thompson with Skyway Inc. is the applicant.
2. Danile Martens is the owner of the property.
3. The property is zoned R-3 Single Family Residential District.
4. The proposed 18'x32' deck would be located 16.3 feet from the front lot line at its closest point (SW Corner). A 20.5' front yard average setback is required.
5. The application was filed on May 26, 2026.

ANALYSIS

The Board of Adjustment has authority under Section 24.4(A)(2) of the Zoning Ordinance to grant special exceptions to bulk standards of the ordinance. The Board may grant the requested special exception only if all criteria in Section 24.4(A)(2)(a) are met. The Board may also attach reasonable conditions to observe the spirit of the Zoning Ordinance and Comprehensive Plan and to mitigate impacts directly resulting from the 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 front yard average setback requirement is 20 feet 5 inches. The requested front yard setback is 16 feet 3 inches at the closest point. The requested front yard relief is approximately 4 feet 2 inches, which is within 50 percent of the required front yard average setback. The requested exception is within the ordinance limitation for this type of special exception.

Staff assessment: This standard appears to be met, subject to the Board also finding practical difficulty under the remaining criteria.

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.**

The deck is a part of the single-family dwelling, which is a principal permitted use in the R-3 District.

Staff assessment: This 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.**

This is one of the key factual issues for the Board. The lot is approximately 113 feet wide along Crane Street and narrows to the rear. The property curves along Crane Street and the dwelling does not sit parallel to the lot lines. The dwelling also contains a deck on the rear of the dwelling.

Staff assessment: This standard is supportable if the Board finds that there are practical difficulties specific to the property and not merely a preference for a larger or more convenient deck.

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.

The requested front yard relief would continue the long-standing residential use of the property. Substantial justice is served only if the relief is limited to what is reasonably necessary and does not create unfair impacts on neighboring property owners.

Staff assessment: This standard appears to be met if the Board finds the requested relief is limited to what is reasonably necessary for the project and that a lesser-relief design would not reasonably address the practical difficulties.

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

This is the principal issue that should be addressed directly in the Board findings. The Board should determine whether feasible alternatives exist to eliminate or reduce the requested front setback relief. Potential alternatives may include reducing the depth or configuration of the deck or shifting the deck to the north. The applicant should explain why those alternatives are not feasible or would not reasonably accomplish the proposed project.

Staff assessment: This standard should not be found met solely because the proposed design is preferred. The standard may be found met if the Board credits evidence that a compliant or lesser-relief design is not feasible or would unreasonably prevent the proposed use of the deck. If the Board cannot make that finding, this criterion is not met.

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

A deck has existed on the property for many years, and the proposed use remains residential. The proposed deck maintains the required side yard setbacks. Front decks are common in the neighborhood. The three dwellings to the north along Crane Street all contain front decks. The deck will sit behind the tree located in front of the house. Based on the submitted information, the project should not substantially alter the residential character of the area.

Staff assessment: This standard appears to be met.

Discussion of Potential Impacts to Immediate Area

Staff does not identify a foreseeable negative impact directly resulting from the requested special exception if the project is constructed as represented. No significant view, use, or neighborhood character impacts are apparent from the information provided.

Staff Conclusions and Recommendation

Staff concludes that criteria 1, 2, and 6 are supported by the record as submitted. Criteria 3, 4 and 5 require the most specific Board findings. The request is supportable if the Board finds that the shape of the lot, curve along Crane Street or the location of the dwelling creates practical difficulties specific to the property, and that those difficulties cannot reasonably be overcome by a compliant or lesser-relief design of the deck.

Staff recommends that the Board approve the special exception only if, after hearing from the applicants and any public input, the Board makes affirmative findings on all six ordinance criteria, including a specific finding that no feasible alternative would reasonably allow the deck to be constructed without the requested relief. If the Board cannot make those findings, the ordinance requires denial because all criteria must be met.

Recommended Conditions if Approved

1. The special exception shall apply only to the construction of the front deck as shown in the application materials reviewed by the Board.
2. The new deck shall be no closer than 16.3-feet from the front lot line at the closest point, unless a greater setback 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:

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 the applicant, based on the Board's findings that all criteria in Section 24.4(A)(2) have been met, subject to the recommended conditions stated in the staff report, and the following conditions:
 1. All construction shall comply with the site plan submitted on April 28, 2026.
 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 the applicant for the following reasons:
The applicant does not meet all the criteria listed in the Cerro Gordo County Zoning Code Section 24.4(A)(2).
(Mention any additional reasons)

EXHIBITS

- Exhibit 1: Figures 1-4 photos
- Exhibit 2: Special Exception Application filed April 30, 2026
- Exhibit 3: New deck Site Plan
- Exhibit 4: Previous deck from 2025 along the front and north side of dwelling
- Exhibit 5: Parcel Highlight

Figure 1
Looking at front of dwelling from Crane St



Figure 2
Looking at location of deck on front of house in relation to dwelling to the north



Figure 3

Looking at front lot line indicated by string line



Figure 4
Location of deck along front of house – set behind tree in front yard



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 4/30/2026 Date Set for Hearing 5/26/2026 Case Number: 25-27

Applicant Name: Mary Thompson/Skyway Inc Phone: 641-529-7112 E-Mail: office@skywayinc.net
Mailing Address: 7030 275th Way, Clear Lake, IA 50428
Property Owner Name: Danile Martens Phone: 310-529-4163 E-Mail: Kdmartens2@gmail.com
Property Owner Address: 1554 10th St, Manhattan Beach, CA 90266
Property Description (Not to be used on legal documents): Parcel # 05233030060 Township Clear Lake
Property Address: 15347 Crane St, Clear Lake, IA 50428 Zoning: _____
Brief Legal Description: L'S 12-13-14 BLK 9 Crane & Hills 1st ADD TO OAKWOOD PARK

Project Description

Decision Date: _____

Replace old deck on front of house

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

properties within 200' of the Martens property along crane street have an average setback of ~~20.5'~~ 20.5'. The proposed deck has a 16'3" setback.

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

one corner of the deck doesn't meet the setback requirements, the deck is 1.5' off the ground and does not obstruct views, there will be no handrails obstructing views.

I am the Owner Contract Purchaser Other (Explain) contractor
_____ 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, and that the information provided is true and correct and actual construction will proceed in accordance with the purposes herein stated and any conditions and/or requirements the Board of Adjustment may stipulate. The Planning & Zoning staff and Board of Adjustment members are also given permission to enter the above property in reviewing this Application.

Applicant Signature [Signature] Date 4/30/2026

Special Exception Appeal for 15347 Crane Street, Clear Lake, Iowa

The reason we are asking for this appeal is the owner of 15347 Crane Street, Clear Lake, would like to build their front deck closer to the road. The proposed deck will be 16'-3" from the front lot line at its closest point. A 20.5' front yard average setback is required, per the average of front yard setbacks on the same side of the road within 200' of the property.

This appeal is within the 50% limitation of all setback requirements.

- We are requesting to encroach on the front setback of 20.5". We are asking for the edge of the deck to be 16'3" from the curb.
- The deck is intended for relaxation use
- The practical difficulties cannot be overcome by any feasible alternative other than an exemption because their parcel does not go all of the way to the curb, it is set back approximately 6' from the curb
- This request will not alter the essential character of the locality.

15347 Crane Street, Clear Lake, IA 50428

Property size : 115' deep x 98" wide

Deck envelope including overhangs : 18' deep x 32" wide

Front setback (West side) : 16'3"

Rear setback (east side) : 50'

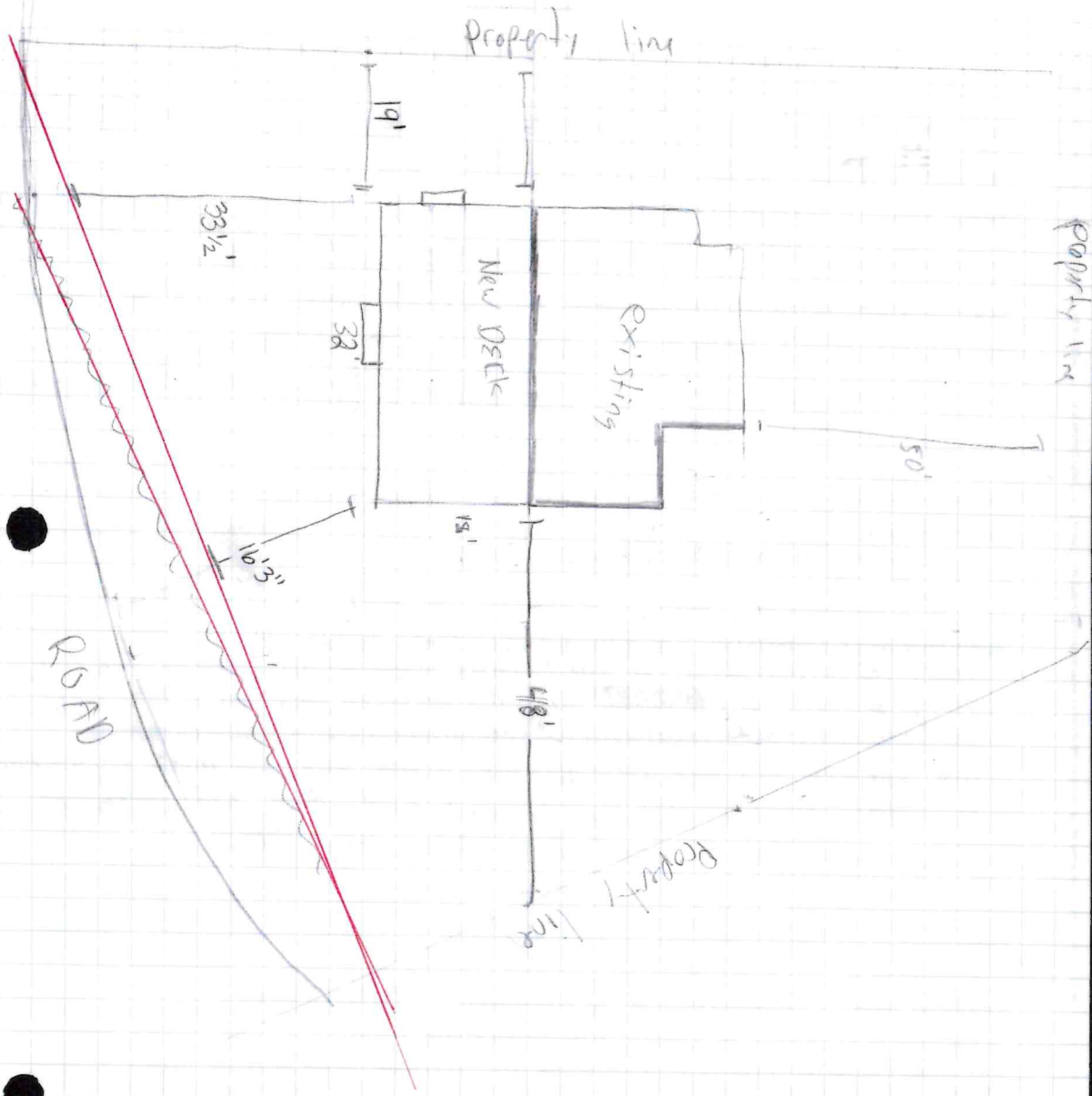
South setback : 48'

North setback : 19'

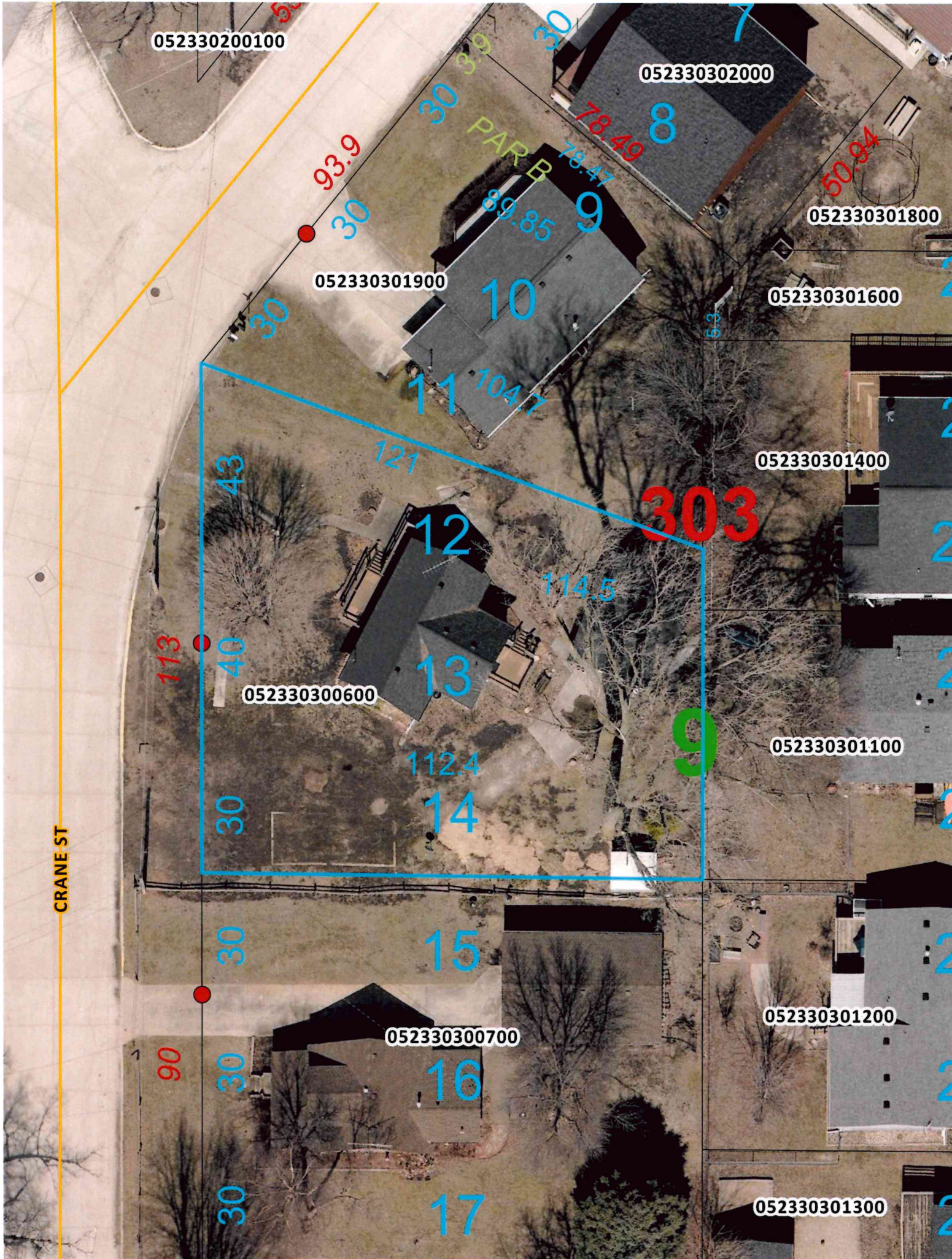
deck

576 square foot - deck

North







052330200100

052330302000

052330301800

052330301600

052330301400

052330301100

052330301200

052330301300

052330300700

052330300600

052330301900

CRANE ST

PAR B

90

113

93.9

303

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104.7

121

114.5

112.4

89.85

78.47

78.49

50.94

5.3