



PLANNING AND ZONING Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254
Tom Meyer, Zoning Administrator
Michelle Rush, Assistant Zoning Administrator

(641) 421-3075
FAX (641) 421-3088
plz@cerrogordo.gov

SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 25-02

Hearing Date: July 29, 2025

Staff Contact: Michelle Rush, Assistant Zoning Administrator

Applicant:

Owner:

David Duchene
1005 Gateway Blvd
Waverly, IA 50677

Same

Property Address: 15386 Bayside Ave, Clear Lake, IA 50428

Brief Legal Description: Lots 32-34, Block 2, Bayside, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

The applicant is proposing to remove the existing front deck that is old and wore out and replace it with a composite deck and railing. The proposed deck & railing will be the same size and in the same footprint as the existing deck.

SPECIAL EXCEPTION REQUEST		
Structure	Request(s)	Requirement(s)
17'x7' deck	17' front yard setback	30' front yard setback

FINDINGS OF FACT

1. David Duchene is the owner of the subject property.
2. The property is zoned R-3 Single Family Residential.
3. The proposed deck will be 17' from the front lot line.
4. A 30' front yard setback is required.
5. All other setbacks in the R-3 district will be met.
6. The application was filed on June 6, 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 existing deck is used to access the dwelling and is in need of replacement. The proposed deck will be 17' from the front lot line (same footprint as existing deck) which does not exceed 50 percent of the respective 30' required front yard setback in the R-3 District. 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.***

The deck is a part of the single-family dwelling, which 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.***

In this block (Block 2) along Bayside Avenue, the Duchene residence is the only residence in the block. Therefore, a front yard average setback was not able to be used for this project. 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.***

The existing house sits closer than 30' from the front lot line along Bayside Avenue. Due to the placement of the dwelling on the lot, no reconstruction of any portion of the front entrance could be replaced without at least a slight exception to the Zoning Ordinance. The standard appears to be met.

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

The request is limited to the location of the existing deck. The front entrance into the dwelling needs to be maintained. The standard appears to be met.

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

Decks and entryways are a common feature in residential neighborhoods. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

The proposed new deck is the same size and in the same footprint as the existing deck. 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 deck.

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 David Duchene, subject to the following conditions:
 1. All construction shall comply with the site plan submitted on June 6, 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 David Duchene for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures 1-3 photos

- Exhibit 2: Special Exception Application dated June 6, 2025
- Exhibit 3: Deck Site Plan
- Exhibit 4: Parcel Highlight

Figure 1
Front of house & deck from Bayside Ave



Figure 2
Looking south at deck 17' from front lot line



Figure 3
Looking north at deck 17' from front lot line



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 6-6-25

Date Set for Hearing 7-29-25

Case Number: 25-02

Applicant Name: David C Duchene Phone: 3194838101 E-Mail: dychene1

Mailing Address: 1005 Gateway BLVD Waverly IA 50677 @HOTMAIL.COM

Property Owner Name: SAME Phone: _____ E-Mail: _____

Property Owner Address: SAME

Property Description (Not to be used on legal documents): Parcel # 05233110110 Township WAVERLY

Property Address: 15386 BAYSIDE AVE Zoning: R3

Brief Legal Description: L'S 32-33-34 BLK 2 BAYSIDE

Project Description _____ Decision Date: _____

REPLACE PORCH 7X17 - SAME DIMENSIONS.
CURRENT PORCH IS OLD & WORE OUT. REPLACE
WITH COMPOSITE DECK & RAILING

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

PORCH WILL BE 17 FEET FROM LOT LINE

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

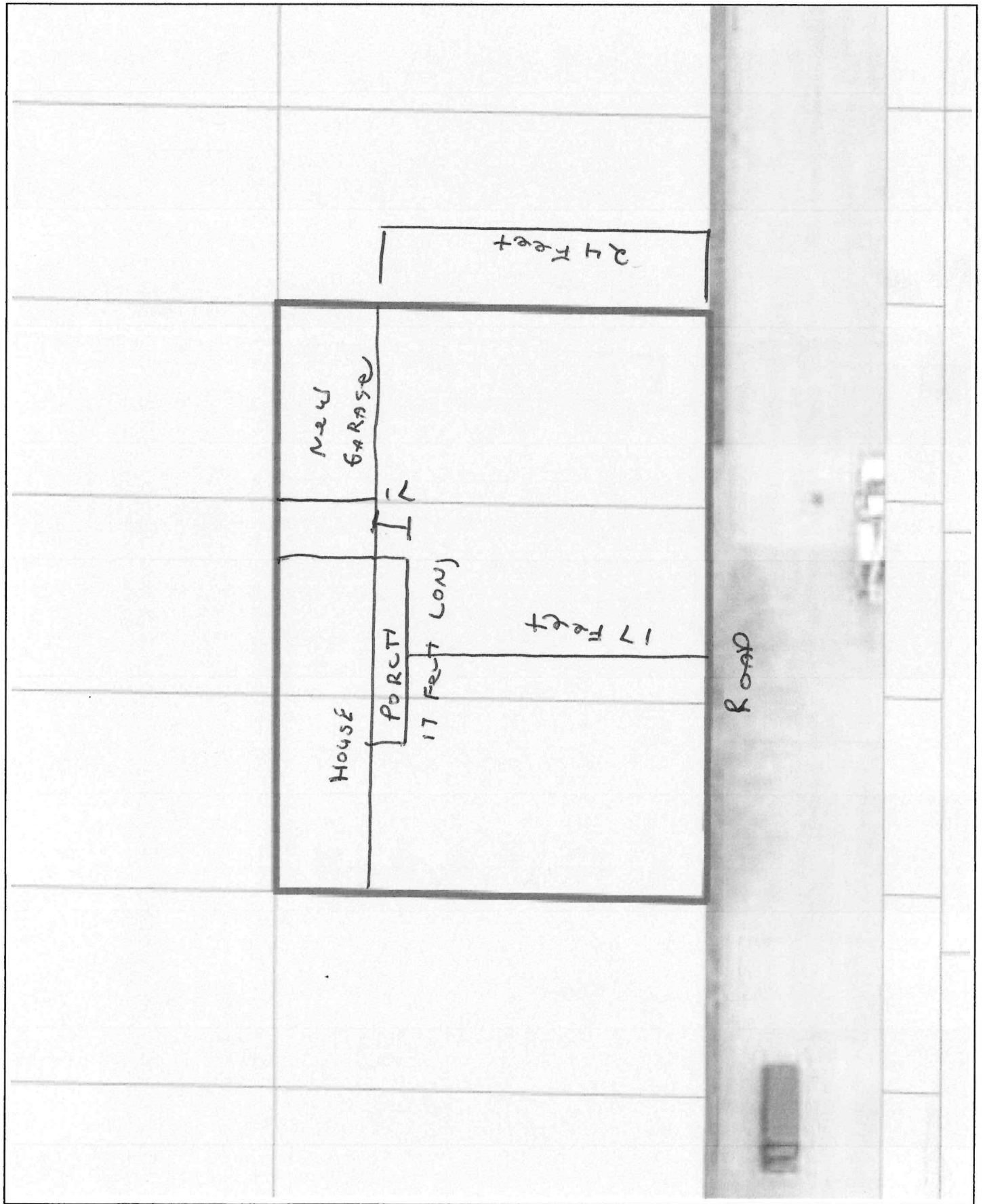
I am the ☒ Owner ☐ Contract Purchaser ☐ Other (Explain) _____
_____ of the property affected.

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 D C Duchene

Date 6/4/25

Site Plan:



052331101000

35

30

052331101600

34

30

052331101100

33

30

32

30

052331100400

31

30

052331101200

BAYSIDE AVE

6

7

8

9

10