



PLANNING AND ZONING Cerro Gordo County Courthouse

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CERRO GORDO COUNTY BOARD OF ADJUSTMENT VARIANCE STAFF REPORT

Summary of Request

Public Hearing Date: December 30, 2025

Applicant:

Barbara Godfrey
15127 Elm St
Clear Lake, IA 50428

Owner:

Dorothy K. Hepperly Life Estate
Barbara Godfrey
David Hepperly & Steven Hepperly

Property Address: 14960 Maple St, Clear Lake, IA 50428

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

Zoning: R-3 Single Family Residential District

Background

According to the application, the existing raised patio and retaining wall are failing and need to be replaced. They would like to construct a 3' raised patio from the front of the dwelling to the front lot line. The Board of Adjustment granted a variance for the dwelling to be 16' from the front lot line in 2006. They would also like to construct a 5'x21' ground level patio from the end of the raised patio to the right-of-way of Maple Street. The contractor met with County Engineer, Brandon Billings at the property to discuss the proposed plans. Per the County Engineer, he has no issue with a ground level patio extending to the right-of-way because there is 8' of space from the edge of the road to the proposed raised patio. He did require that the firepit be removed.

Variance Request

1. Request a 0' front yard setback – the average front yard setback is 16'.

Findings of Fact

1. Dorothy K. Hepperly Life Estate, Barbara Godfrey, and David & Steven Hepperly are the owners of the subject property.
2. The property is zoned R-3 Single Family Residential.

3. The proposed raised patio will be 0' from the front lot line. The average front yard setback is 16'.
4. The application was filed on November 3, 2025.

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. Public interest: Granting the variance is not contrary to the public interest.

The lot is typical for Oakwood Park. The property already has an existing raised patio and steps to access the front of the dwelling. The retaining walls and fire pit extend past the front lot line into the right-of-way. The deck on the neighboring house at 14962 Maple Street was constructed 3' from the front lot line. **The standard appears to be met.**

2. Special conditions – practical difficulties: Owing to special conditions of the property, a literal enforcement would cause “practical difficulties” for the property owner trying to make a beneficial use of the property allowed by the Zoning Ordinance.

The existing raised patio extends 7' from the dwelling towards Maple Street and is used to access the front entrance of the home. The desire of the property owners to construct a larger raised patio does not appear to be a practical difficulty. It appears there are not any practical difficulties unique to the property itself. **The standard does not appear to be met.**

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

The owners have been using this area as an entertaining space for years. The proposed raised patio is 3' high and does not appear to obstruct neighboring views. **The standard appears to be met.**

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

The house was constructed 16' from the front lot line which is the front yard average. Any proposed construction in the front of the dwelling would require some sort of variance. **The standard appears to be met.**

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

The granting of the variance would not appear to significantly alter the essential character of the neighborhood. **The standard appears to be met.**

Staff Conclusions and Recommendation

The criteria for granting a variance is evaluated above. Multiple definitions of “practical difficulty” appear to have in common some unique aspect of the land in question. Staff recommends the Board of Adjustment review the findings as related to the criteria set out above from the Code.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested variances subject to any conditions as deemed necessary by the Board.
2. Grant relief less or different from the requested variance by modifying the requested variances.
3. Deny the variances.

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 Barbara Godfrey, subject to the following conditions:
 1. All construction shall comply with the Site Plan submitted on October 16, 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 the variances 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 variances as requested by Barbara Godfrey 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 dated November 3, 2025
- Exhibit 3: Site plan
- Exhibit 4: Parcel Highlight

Figure 1
Looking at existing raised patio and entertaining area/fire pit in the right-of-way



Figure 2
Looking at front lot pin in the applicant's driveway



Figure 3
Looking at front lot pin in the neighbor's driveway towards the lake at 14962 Maple St



Figure 4
Dwellings along Maple Street



Figure 5
Dwellings along Maple St



VARIANCE APPEAL

APPLICATION

Date Filed 11-3-25

Date Set for Hearing 12-30-25

Case Number: 25-16

Applicant Name: Barbara A. Godfrey

Phone: 641-425-8659

E-Mail: barbgodfrey70@gmail.com

Mailing Address: 1521 Plymouth Road, Mason City, Ia 50401

Property Owner Name: Dorothy Hepperly

Phone: 641-424-6450

E-Mail: dorothyhepperly@gmail.com

Property Owner Address: Lake Property: 14960 Maple Street, Clear Lake, Ia 50428.

Mason City home address: 41-24th St. SW, Mason City, Ia 50401.

Property Description (Not to be used on legal documents): Parcel # 052620300600 Township 96

Property Address: 14960 Maple Street, Clear Lake, Ia 50428 Zoning: R-3

Brief Legal Description:

Project Description: L11 BLK 12& ELY ½ VAC ALLEY BETW L'S 6 & 11 BLK 12 Oakwood Park Decision Date: _____

Variance(s) Requested (As cited on results from denied Zoning Permit Application): The proposed 16'x36' raised patio will be 0' from the front lot line. The average front yard setback is 16'

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

We have to replace the raised patio area for safety reasons. The current hardscaping is failing. The bricks and blocks are caving in. The retaining wall is starting to fail as well. The original patio hardscaping was completed in 2006 and we have been told that the previous technique is no longer the way hardscaping is completed today and different materials are used today to sustain longevity. Advised that having the entire upper deck removed and redone would be the safest and most sustainable option. The properties on our street are all already close to the road.

This is our only outdoor living area besides the driveway, which is usually full with cars for parking.

There is a slope on the front of the house in the current lower patio landscaping. This raised patio will rectify the slope on the upper level design. Will allow safer space for gathering on the upper level, without the slope.

The current design and plan would allow for living space for our family and still meet the regulations of the rightaway to provide clearance for snowblowing etc.

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

My mother Dorothy Hepperly owns the property. My brothers David Hepperly, Steven Hepperly and I are listed on the deed as deed owners on the property as listed on Cerro Gordo County Assessment 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 variance is granted. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

Applicant Signature Barbara A. Godfrey Date 11/2/2025

VARIANCE 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 variance requested.

Our current hardscaping upper deck is becoming a safety hazard. The blocks/ bricks on the upper deck are caving in due to lack of sustainable support underneath. The support wall also has areas that are weakening and needing replaced. After consulting with the original contractor and four other contractors, they all give the same, consistent message, that the technique for hardscaping has changed since 2006 when our current hardscaping was completed. The new technique aids to prevent structures from weakening/caving like ours is and will need to be re-done completely using the updated hardscaping technique and materials vs. replacing individual bricks and blocks. We have been told by five contractors that the best and safest plan would be to entirely remove the current hardscaping and replace it with a new structure.

There is also a significant slope in the lower deck that slopes towards the lake. Our patio table and chairs actually lean towards the lake when sitting on the current lower patio. We have been told by four contractors/landscapers that the way to correct the slope would be to build up the lower area with a small retaining wall.

We have been told that the retaining wall, no matter how close to the ground, would not be within regulation as it would interfere with the rightaway. Our contractor, Blake Arends from Arends Landscaping has made multiple phone calls to Cerro Gordo Planning and Zoning and to Cerro Gordo County Engineer Brandon Billings to seek understanding of regulations and to design a plan to assist with our safety concerns with our current patio, as well as the slope, but also stay within regulation so the county has a clear and wide path for snowplowing etc. I have also been in contact with County Engineer Brandon Billings who has spoken with Blake Arends and myself, stating he is in support of the proposed design and our willingness to create a smoother, flatter surface will be better for the County vs the way the area is currently designed.

Arends Landscaping has taken both needs into consideration and has the following proposal /suggested design:

Have the upper deck extend towards the street as much as approved by the county, leaving a slight slope on a smaller, lower area so the rightaway transitions to a landscaping area with some small, attractive shrubs etc. This plan was discussed by Blake Arends with Brandon Billings who informed Blake of Arends Landscaping, that his design allowed adequate clearance and room in the rightaway.

Since our houses are all close to the road, there are not a lot of options for design that allows some gathering space. The upper patio area will provide more space for our family to enjoy the outdoors with more space, without a slope. It will provide entry to the front door of our cabin, giving us a better view of the lake, since our neighbors to the lake side have very tall shrubs that block our lake view when we are on the lower level. Of course, utilizing a reputable contractor to complete the hardscaping, will provide a safe, solid structure and will be aesthetically pleasing, for our family and the neighborhood. This will not affect our lot lines extending towards our neighbors on either side.

We have already spoken with our neighbor to the south that we share a driveway with to inform of the project. We have heard no concerns.

We were hoping to have started this project as soon as possible so it could be completed in the Spring of 2026 so we could safely utilize the space (our only outdoor space besides the driveway that is usually full with cars). We are hoping your approval of the project will allow Arends Landscaping to start the project as soon as possible after winter ends to stay close the proposed Memorial Day deadline.

Thank you for reviewing our needs and requests.

Sincerely,

Dorothy, David, and Steve Hepperly, Barb Godfrey.

1. Not granting the variance would be contrary to the public interest. - ***The current landscaping needs to be replaced for safety reasons, the lower landscaping rightaway area would provide a more level area for ease of county snow plows etc.***
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. ***We will not be able to safely use the existing space much longer due to the condition of the current hardscaping. The slope of the lower section continues to be an issue.***
3. The spirit of the Ordinance is observed, and substantial justice is done by granting the variance. ***We have been in constant communication with CG Planning and Zoning and the County Engineer to design plans according to regulations. By re-designing the lower deck, it will actually provide better and smoother clearance for the snow plows.***
4. The difficulties are unique to the property and not self-created (e.g., lot shape, topography, prior lawful platting). ***The houses are close to the road leaving little yard space and the area slopes. Our current gathering space is also close to the road. The lot has been surveyed.***
5. The variance will not significantly alter the essential character of the surrounding neighborhood. ***We feel it will enhance our property and the look of the neighborhood. We have already informed our neighbor to the south that shares our driveway.***

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.

Have been in contact with our neighbor that we share a driveway with. She did not have any concerns about our project that she verbalized.



