



## PLANNING AND ZONING Cerro Gordo County Courthouse

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### SPECIAL EXCEPTION STAFF REPORT

#### SUMMARY OF REQUEST

**Case No.:** 24-22

**Hearing Date:** May 27, 2025

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

**Applicant:**

Kevin Diggins – Bergland + Cram  
115 S Delaware Ave  
Mason City, IA 50401

**Owner:**

Doug & Donna McAninch  
PO Box 1493  
Des Moines, IA 50305

**Property Address:** 15260 Bashford Ave, Clear Lake, IA 50428

**Brief Legal Description:** Lots 183-185, Clear Lake Methodist Camp, Clear Lake Township

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

#### Background

The applicant is proposing to construct a new 54'x76' one-story dwelling on the property. Since this parcel is on a corner lot, Southshore Drive is considered the front and Bashford Avenue is considered a side.

SPECIAL EXCEPTION REQUEST		
Structure	Request(s)	Requirement(s)
54'x76' one-story dwelling	15' rear yard setback	30' rear yard setback is required

#### FINDINGS OF FACT

1. Doug & Donna McAninch are the owners of the subject property.
2. Bergland + Cram is the applicant on behalf of the owners.
3. The property is zoned R-3 Single Family Residential.
4. The proposed dwelling will be 15' from the rear lot line.
5. A 30' rear yard setback is required in the R-3 District.
6. All other setbacks in the R-3 district will be met.
7. The application was filed on April 8, 2025.
8. The lot is part of the Bell Harbor Homeowners Association

#### 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 lot itself is unique with multiple angles and varies in width and depth. The lot is bounded by Southshore Drive on the front, vacated Bashford Avenue on the easterly portion and vacated Park Avenue along the west. The proposed dwelling will be 15' from the rear lot line which is 50 percent of the 30' rear yard setback requirement 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.***

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.***

As stated above regarding the unique shape of the parcel, the proposed dwelling would not be able to be constructed on the property without at least a slight exception to the Zoning Ordinance requirements. 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.***

All other setback requirements in the R-3 district will be met. For safety issues and to meet the 25' vision clearance area at the intersection, complying with the 30' front yard setback seems a safer option than complying with the 30' rear yard setback. Currently the structure is designed to be 36'-10½" back from the required 30' front yard setback. There could be the possibility to decrease the rear yard exception if the structure was moved to the 30' minimum required front yard setback. The standard appears to be partially met.

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

For a house of similar size as proposed, there is no alternative without an exception to the rear yard setback. The rear setback exception could be up to 6' less if the structure was moved

forward to the allowable 30' front yard setback. The current plans have the structure at 36'-10½" from the front lot line. The standard appears to be partially met.

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

The proposed dwelling will not alter the character of the neighborhood. The standard appears to be met.

**Discussion of Potential Impacts to Immediate Area**

The County Zoning Ordinance governing setbacks is more restrictive than the Bell Harbor Homeowner's Association minimum requirements (HOA). The HOA requires a 15' front yard setback, 6' side yard setbacks, and a 6' rear yard setback. The applicant meets all of the HOA requirements. The proposed dwelling will be away from Southshore Drive and the vacated streets and will be closer to the northwesterly side lot line. There will be no significant impacts to the immediate area.

**Staff Conclusions and Recommendation**

Staff recommends approval of the request, however the special exception request would be less if the structure were moved to the allowable 30' front yard setback. All standards of review appear to have been met, and there are no foreseeable negative impacts as a direct result of the proposed 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 Bergland + Cram on behalf of Doug & Donna McAninch, subject to the following conditions:
  1. All construction shall comply with the site plan submitted with the application on April 8, 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. (Recite changes to request).
  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 Bergland + Cram on behalf of Doug & Donna McAninch for the following reasons:  
[STATE REASONS FOR DENIAL]

<b>EXHIBITS</b>
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- |   |
|---|
| <ul style="list-style-type: none"><li>• Exhibit 1: Figures 1-5 photos</li><li>• Exhibit 2: Special Exception Application dated April 8, 2025</li><li>• Exhibit 3: Site Plan</li><li>• Exhibit 4: Parcel Highlight</li></ul> |
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Figure 1 – looking west from Bashford Ave at building site and driveway



Figure 2 – looking at side lot pin along Bashord Ave – dwelling will be 12'-6" from lot pin



Figure 3 – looking at front lot pins along Southshore Drive – dwelling will be 36'-10" from SS Dr



Figure 4 – looking easterly at rear lot line – dwelling will be 15' from rear lot line



Figure 5 – Looking along west lot line – dwelling will be 8'-3" from west side lot line





## SPECIAL EXCEPTION APPEAL

### APPLICATION

Date Filed 4-8-25

Date Set for Hearing 5-27-25

Case Number: 24-22

Applicant Name: Kevin Diggins

Phone: 641.423.6349

E-Mail: kevind@berglanandcram.c

Mailing Address: 115 S Delaware Ave, Mason City, IA 50401

Property Owner Name: Doug McAninch

Phone: 515.360.8010

E-Mail: dmcaninch@mcaininchcorp.c

Property Owner Address: P.O. Box 1493 Des Moines, IA 50305

Property Description (Not to be used on legal documents): Parcel # 052233600500 Township Clear Lake

Property Address: 15260 Bashford Ave, Clear Lake, IA, 50428 Zoning: R-3

Brief Legal Description: LOTS ONE HUNDRED AND EIGHTY-THREE (183), ONE HUNDRED AND EIGHTY-FOUR (184) AND ONE HUNDRED AND EIGHTY-FIVE (185) IN CLEAR LAKE METHODIST CAMP, CERRO GORDO COUNTY, IOWA

### Project Description

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

New single family residence approximately 1,700 sqft, 1 story, with attached garage.

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

The proposed dwelling will be 15' from the rear lot line. A 30' rear 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)

Given the nature of lot sizes in the Bell Harbor neighborhood, we are requesting a special exception to accommodate a 1,700sf single story home. The proposed home design complies with all zoning requirements set forth by the Bell Harbor Homeowners Association (HOA), including the front, side, and rear setback requirements as outlined in the HOA guidelines. Specifically, the home will adhere to the HOA's required 15-foot setback from the front property line, 6-foot setback from side property lines, and 6-foot setback from the rear property line. The proposed design requests a 15-foot rear yard setback rather than the county's required 30 feet. We believe the requested special exception will not negatively impact the surrounding properties or the character of the neighborhood. The proposed design will not encroach on any other zoning or safety regulations and will be in full compliance with the county's other setback requirements. Please find attached the site plan showing both the county setbacks in red and the HOA setbacks in blue for your reference as well as the HOA property requirements.

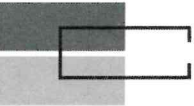
I am the ☐ Owner ☐ Contract Purchaser ☒ Other (Explain) \_\_\_\_\_ Owners Representative \_\_\_\_\_  
\_\_\_\_\_ of the property affected.

*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

Kevin Diggins

Date 04.03.2025



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NEW RESIDENCE  
**DOUG AND DONNA  
MCANINCH**  
15260 BASHFORD AVE  
CLEAR LAKE, IOWA

**PRELIMINARY**  
NOT FOR  
CONSTRUCTION  
04.03.2025

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DRAWN BY:  
KMD / AJM / CLB

REVISIONS	

PROJECT #  
**24022**

SITE PLAN

P.01

1 OF 2



**1 SITE PLAN - FOR PERMIT**  
1" = 20'-0"

