



## PLANNING AND ZONING Cerro Gordo County Courthouse

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### SPECIAL EXCEPTION STAFF REPORT

#### SUMMARY OF REQUEST

**Case No.:** 24-04

**Hearing Date:** January 30, 2024

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

**Applicant:**

Mary Thompson, Skyway Inc.  
7030 275<sup>th</sup> Way  
Clear Lake, IA 50428

**Owner:**

Erik & Heidi Lucs  
3109 SW 39<sup>th</sup> St  
Des Moines, IA 50321

**Property Address:** 15330 Wilson Ave, Clear Lake, IA 50428

**Brief Legal Description:** Lt 21-22, Blk 9, Crane & Hills 1st Addition to Oakwood Park

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

#### Background

The applicant proposes to add 6' to the front of the garage and attic storage above. This would allow for their boat to be stored inside the garage and additional storage space above. (See Figure 1)

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Garage addition w/2 <sup>nd</sup> story attic storage	23'-6" front yard setback	26' front yard setback, per average of setbacks within 200' (6.11)

\*See Figures 2-4

#### FINDINGS OF FACT

1. Erik & Heidi Lucs are the owners of the subject property.
2. Skyway Inc. is applying on behalf of the owners.
3. The property is zoned R-3 Single Family Residential.
4. The proposed garage addition is 23'-6" from the front lot line.
5. A 26' front yard setback is required, per the average of front yard setbacks within 200'.
6. The application was filed on December 27, 2023.

## 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**

***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 depth of the lot and location of the house, prevents the proposed garage addition to be constructed within the strict limitations of the front yard setback requirement. The proposed garage addition, and attic storage is 23'-6" from the front lot line, which is less than 50 percent of the required 26' front yard setback requirement, per the average of front yard setbacks within 200'. The standard appears to be met.

***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 home is a principal permitted use in the R-3 District. The standard appears to be met.

***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 practical difficulty is primarily due to the location of the existing house on the lot. The existing sidewalk on the north side of the garage and entry into the dwelling prevents an addition to the north side of the garage. The improvements would not be able to be completed without a special exception. As a result, the standard appears to be met.

***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.***

Limited storage space is a regular occurrence in the South Shore neighborhoods. There are limitations on where an addition can be constructed to be within the requirements of the ordinance. The standard appears to be met.

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

The request is being made for boat and attic storage. There is no alternate feasible location for the proposed addition on the property. As a result, there are no other practical options. The standard appears to be met.

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

The character of the neighborhood will not be changed as a result of this request. The standard appears to be met.

**Discussion of Potential Impacts to Immediate Area**

The proposed addition is unlikely to have any foreseeable negative impacts. The applicant has contacted the adjacent property owners to the north and the south; they have provided written approval of the Luc's proposed addition.

**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 deck.

<b>BOARD DECISION</b>
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The Board of Adjustment may consider the following alternatives:

**Alternatives**

1. Grant the requested special exception subject to any conditions as deemed necessary by the Board.
2. Grant relief less or different from 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 Skyway Inc. on behalf of Eric & Heidi Lucs, subject to the following conditions:
  1. All construction shall comply with the site plan submitted with the application.
  2. 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 Skyway Inc. on behalf of Eric & Heidi Lucs for the following reasons:  
[STATE REASONS FOR DENIAL]

## EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Exception Application
- Exhibit 3: Site plan and renderings
- Exhibit 4: Aerial photo of site

**Figure 1**

Looking at the location of the proposed 6' addition to the front of the garage



January 8, 2024 – T. Meyer

**Figure 2**  
Looking south along the front lot line



January 8, 2024 – T. Meyer

**Figure 3**  
Looking north along the front lot line



January 8, 2024 – T. Meyer

**Figure 4**

Looking at the front of the house from Wilson Avenue



January 8, 2024 – T. Meyer



SPECIAL EXCEPTION APPEAL

12/27/23  
Date Filed 12/22/2023

APPLICATION 30  
Date Set for Hearing 1/25/2024

Case Number: 24-04

Applicant Name: Mary Thompson Phone: 641-524-7112 E-Mail: office@skyway

Mailing Address: 7030 275th Way, Clear Lake, IA 50428

Property Owner Name: Lucas, Eric A Phone: 515-321-2738 E-Mail: ea123@hotmail.com

Property Owner Address: 3109 SW 39th St, Des Moines, IA 50321

Property Description (Not to be used on legal documents): Parcel # 05233030/200 Township CLAKE

Property Address: 15330 Wilson Ave, Clear Lake, IA 50428 Zoning: R-3

Brief Legal Description:  
L22 & L21 BLK 9 CRANE & HILLS 1st ADD TO OAKWOOD PARK

Project Description

All details are attached

Decision Date:

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

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) 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; 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

Date

12/22/2023

## Special Exception Appeal for 15530 Wilson Ave, Clear Lake, Iowa

The reason we are asking for this appeal is the owner of 15530 Wilson Ave, Clear Lake, would like to extend their garage closer to the road. The proposed garage would be setback 23'6" from the front lot line. A 26' front yard setback is required per the average of front yard setbacks within 200'.

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

- We are requesting to encroach on the front setback of 26'. We are asking for the edge of the residence to be 23'6" from the curb.
- The addition is intended for garage use
- The practical difficulties cannot be overcome by any feasible alternative other than an exemption
- This request will not alter the essential character of the locality.

### 15530 Wilson Ave proposal

Property size : 111' deep x 58'4" wide

Building envelope including overhangs : 22'4" deep x 22'4" wide

Front setback (East side) : 23'6"

Rear setback (West side) : 24'

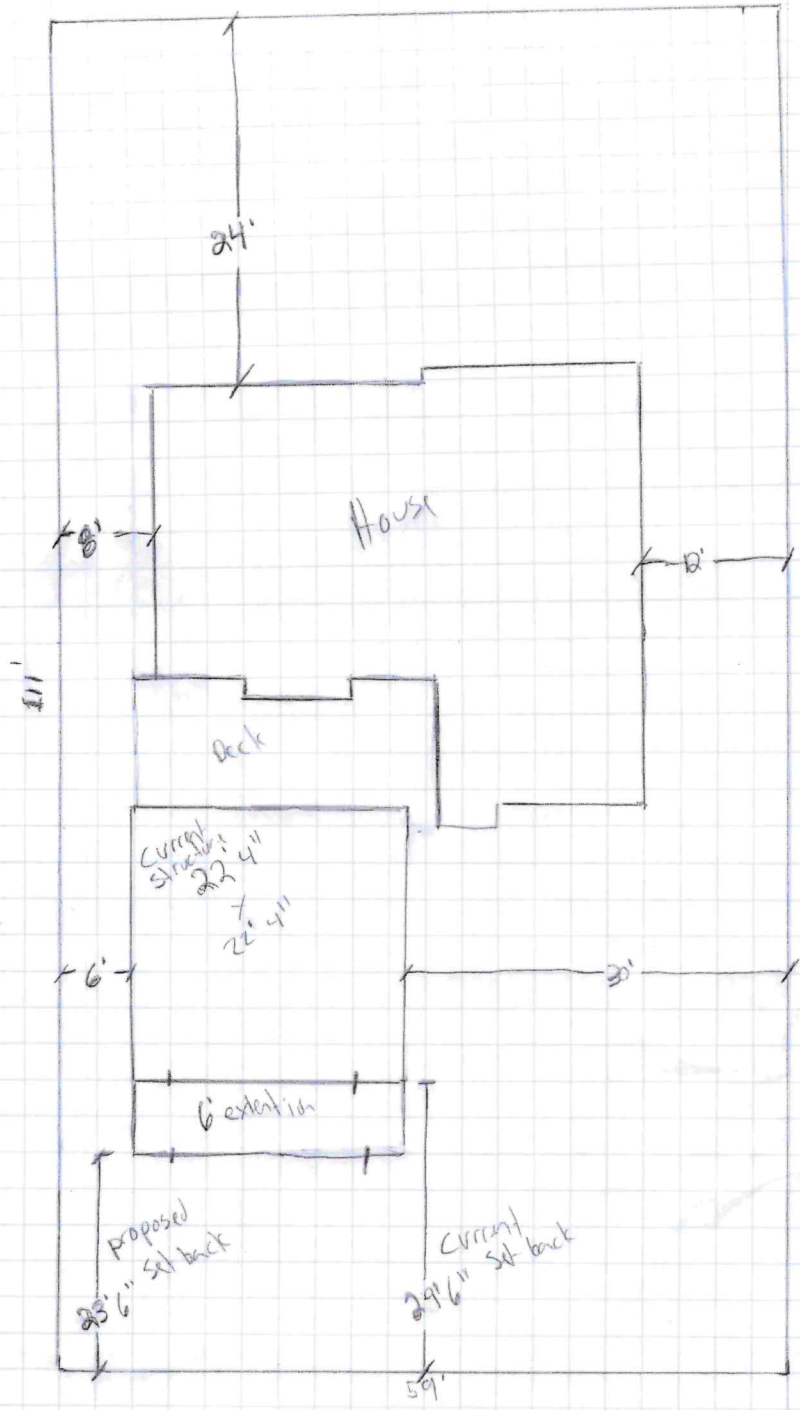
South setback : 6'

North setback : 30'

1.5 story garage

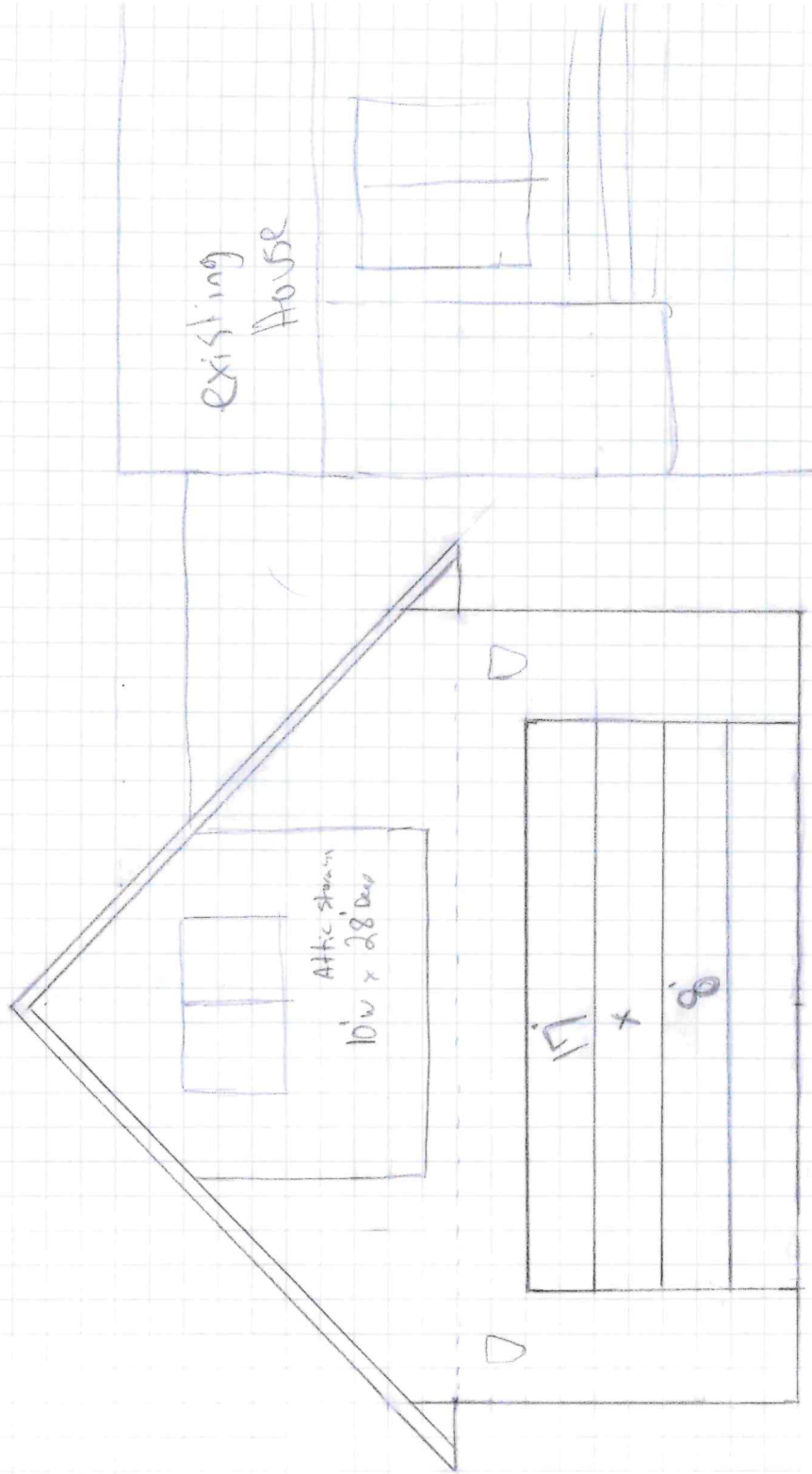
616 square foot - unfinished area

N



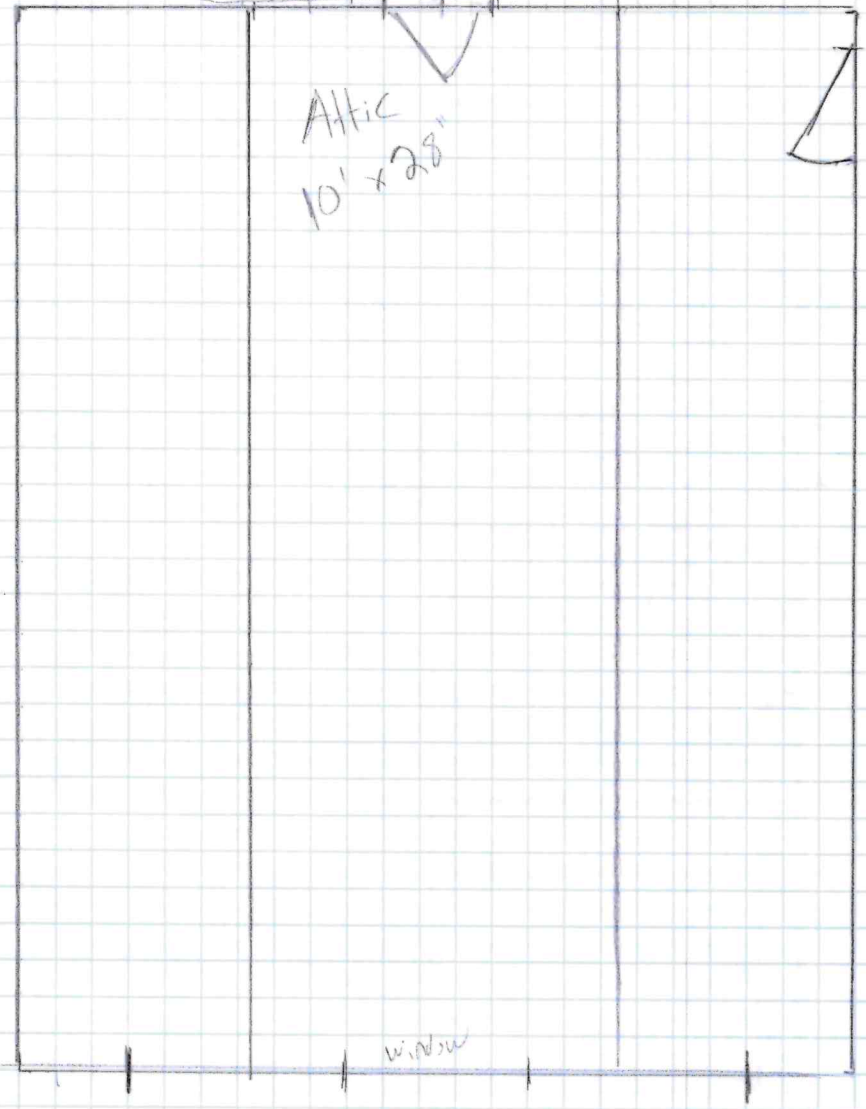
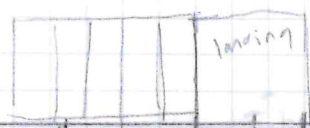
ROAD

East Side / Street side

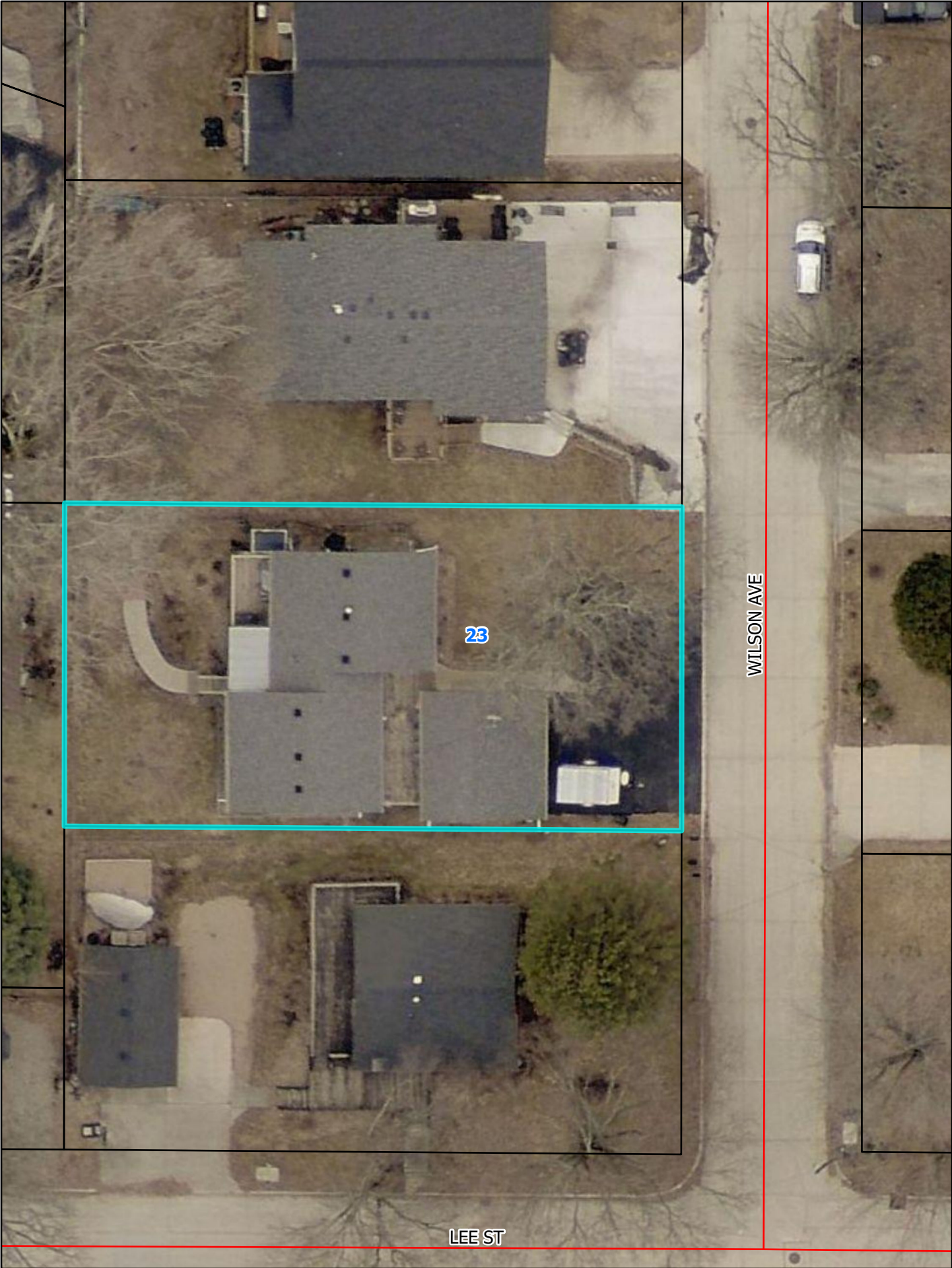


N →

Stairs from  
existing deck



Window



23

WILSON AVE

LEE ST