



PLANNING AND ZONING Cerro Gordo County Courthouse

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CERRO GORDO COUNTY BOARD OF ADJUSTMENT SPECIAL EXCEPTION STAFF REPORT

Summary of Request

Public Hearing Date: October 28, 2025

Applicant:

John & Cyndi Pederson
15066 Hill St
Clear Lake, IA 50428

Owner:

Same

Case No.: 25-10

Property Address: 15066 Hill St, Clear Lake, IA 50428

Brief Legal Description: Lot 11, except the nwly 68', Blk 8, Oakwood Park, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

The applicants placed a 10'x16' shed and 8'x12' pergola on the property without receiving a zoning permit. A violation letter was mailed to the applicants on September 26, 2004. The shed is 5'-6" from the westerly side lot line. A 6' side yard setback is required. The 8'x12' pergola is 6'-7" from the dwelling. A 10' separation distance is required.

Special Exception Request

1. Request a 5'-6" west side yard setback for the shed – requirement is 6'
2. Request a 6'-7" separation distance for the pergola – requirement is 10'

Findings of Fact

1. John & Cyndi Pederson are the owners of the subject property.
2. The property is zoned R-3 Single Family Residential.
3. The applicants placed the 10'x16' shed and 8'x12' pergola on the property without a zoning permit.

4. The 10'x16' shed is 5'-6" from the westerly side lot line; a 6' side yard setback is required.
5. The 8'x12' pergola is 6'-7" from the dwelling; a 10' separation distance is required between detached accessory structures.
6. The application was filed on September 17, 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 shed is 5'-6" from the side lot line and the pergola is 6'-7" from the dwelling which does not exceed 50 percent of the required 6' side yard setback or 10' separation distance. **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.**

Accessory structures are a 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.**

The property already contains a 24'x30' garage that was constructed in 2004. The desire for a property owner to place multiple structures on a residential lot does not appear to be a practical difficulty. **The standard does not appear 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.**

As stated above, the land in question does not have an apparent practical difficulty. **The standard does not appear to be met.**

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

The applicant placed the 10'x16' shed and 8'x12' pergola on the property without a zoning permit. The desire of a property owner for structures specific to their preference does not necessarily equate to no other feasible alternatives. **The standard does not appear to be met.**

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

The shed and pergola will not alter the character of the neighborhood. The structures are located behind the dwelling. **The standard appears to be met.**

Discussion of Potential Impacts to Immediate Area

The structures are located behind the dwelling and on the west side of the garage. The neighboring dwelling to the east blocks the view of the structures from Lakeview Drive. The neighboring dwelling to the west blocks the view of the pergola from Southshore Drive. The applicants have provided letters of support from the surrounding property owners. There will be no significant impacts to the immediate area.

Staff Conclusions and Recommendation

Cerro Gordo County Article 24.4(A)(2)(a) of the zoning code states "...the Board of Adjustment shall only grant such exception if all the following criteria are met:" The staff analysis of the six criteria have three of the six being met. Multiple definitions of "practical difficulty" appear to have in common some unique aspect of the land in question. Staff recommends the Board of Adjustment consider the request by reviewing the criteria and upon hearing public input as related to the six criteria set out above from the Code.

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 exceptions as requested by John & Cyndi Pederson, subject to the following conditions:
 1. All construction shall comply with Site Plan submitted on October 15, 2024.

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 exceptions as requested by John & Cyndi Pederson for the following reasons:
The applicant does not meet the criteria listed in the Cerro Gordo County Zoning Code.
(Mention any additional reasons)

EXHIBITS

- | |
|--|
| <ul style="list-style-type: none">• Exhibit 1: Figures 1-3 photos• Exhibit 2: Special Exception Application dated September 17, 2025• Exhibit 3: Site Plan• Exhibit 4: Letters of Support• Exhibit 5: Parcel Highlight |
|--|

Figure 1
Front of property from Hill St



Figure 2
Pergola 6'-7" from the house



Figure 3
Shed 5'-6" from westerly side lot line



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 9-17-25

Date Set for Hearing 10-28

Case Number: 25-10

Applicant Name: John + Cyndi Pederson Phone: 515-229-4748 E-Mail: pederson.cyndi@gmail.com

Mailing Address: 1075-44th St.

Property Owner Name: John + Cynthia Pederson Phone: 515-229-4748 E-Mail: pederson.cyndi@gmail.com

Property Owner Address: 15066 Hill St. Clear Lake, Iowa

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

Property Address: 15066 Hill St. Clear Lake, Iowa Zoning: R-3

Brief Legal Description:

L11 EXC NWLY 68' Block 8 Oakwood Park SURV Block 1991 PG-8386

Project Description

Shed is within 4" of S.W. lot line. We were unsure of lot lines.
The pergola is also short of the 10' separation

Decision Date: _____

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

We would respectfully request a special exception to these measurements.
See attached additional information

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

C. S. Pederson

Date 9-16-25

Special Exception Appeal

John & Cyndi Pederson
15066 Hill St
Clear Lake, Iowa. 50428

We bought this property in August of 2020 and this is the first time we have owned property in the county. We made some improvements to the outside of our property to make the house more appealing and to provide much needed space for our family needs.

Hill St. is a very short street off of South Shore Dr. in Clear Lake. The lots are an unusual shape meaning they go back and then angle back towards the lake (north). We purchased a shed and after it was placed, we determined that it might be 4" short of the required 6' set back on the south west side. We were not positive where the lot line actually was.

In an attempt to make our back yard more appealing for entertaining we installed a simple pergola that I bought at Sam's Club and put it up myself. It is firmly anchored into the cement and was put up to create a patio area behind our house. The pergola is not attached to the house as we wanted it separate from the house. We left an open space to be used as a walkway from the driveway to the back door. We left a space approx. 6' 7" between the house and the pergola for the walkway which gives us more room for the patio furniture arrangement. Otherwise, the patio furniture would need to be positioned right next to the house which seemed congested and limiting air flow through our backyard.

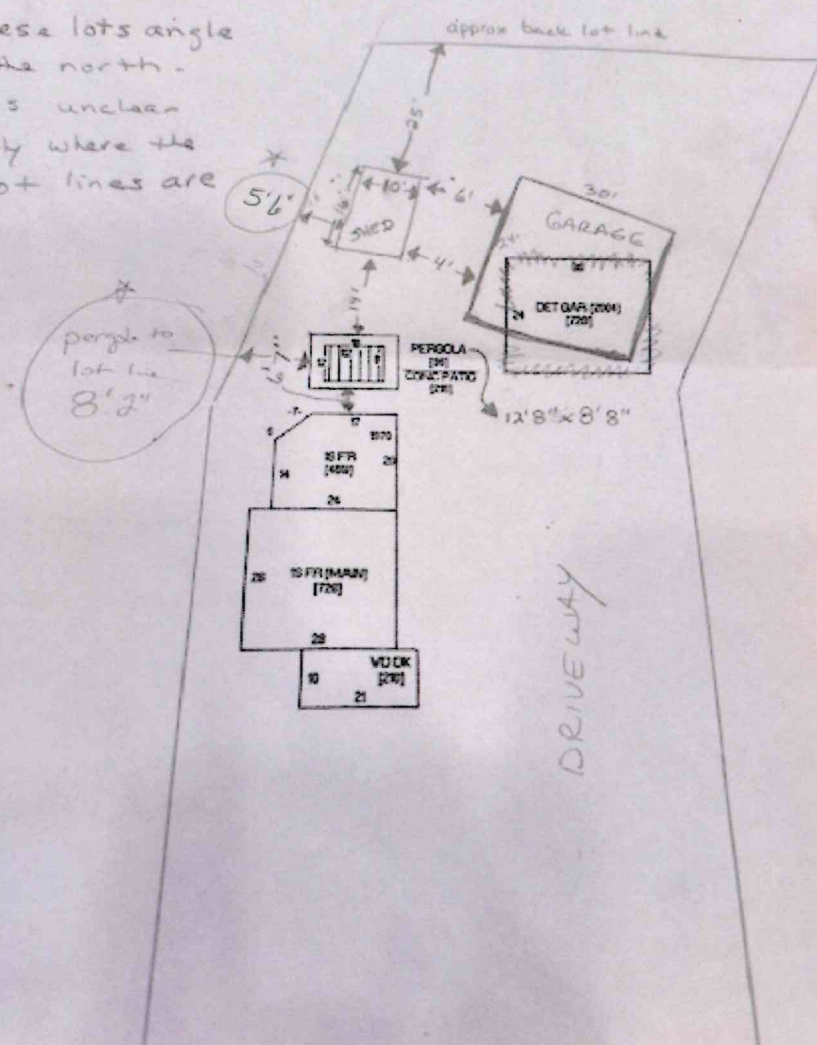
We apologize that we were negligent about the need to acquire a permit for these backyard improvements. Neither structure is permanent, the shed was built off-site and the pergola is simply an open structure. I observed many other properties in my neighborhood where structures were built right on lot lines and next to each other.

We would like to ask for a special exception for these two items as we are within inches and given the unusual lot configuration, I did what I thought was right for the space.
Thank you in advance for your consideration.

site plan

15066 Hill St
Clear Lake, Iowa

these lots angle
to the north -
+ is unclear
exactly where the
lot lines are



8:33

< 153



Tony



contact information or show
them the text that I support
you keeping your property
the way it is.

I am so sorry to hear about
his aunt! Is he at this lake?
I

I will show this text instead
of a letter

He had to drive to Cincinnati

I want 100% support you
keeping the pergola and
shed as I believe it adds
value to the neighborhood
property because it's very
well maintained and
constructed

You've done a lot to your
property to add value to the
neighborhood with
renovations



Message

Cerro Gordo Planning & Zoning
Mason City, Iowa

November 12, 2024

Tom Meyer
Michelle Rush

Subject: Support for neighborhood improvement projects

I am a neighbor of John and Cyndi Pederson who own a vacation home at 15066 Hill St in Clear Lake, Iowa.

It is my understanding that they have been denied the ability to keep the pergola and shed they put in their backyard by the Cerro Gordo County Planning and Zoning committee. We would like to state that these two items have improved the aesthetics of the yard space by providing an intimate gathering space in the back yard of their property.

John and Cyndi are great neighbors and we have no issues with what they have done to their property. We hope there is a way to give them a variance to allow them a way to keep these yard enhancing improvements in their yard. They are great neighbors and have invested a lot of money and sweat equity in fixing up this property since moving here.

Darin Bills
15067 Hill St

Darin Bills

Date

11/17/24

Cerro Gordo Planning & Zoning
Mason City, Iowa

November 12, 2024

Tom Meyer
Michelle Rush

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Robert Catus
5427 Lakeview

Robert N. Catus Date 11/16/24

Cerro Gordo Planning & Zoning
Mason City, Iowa

November 12, 2024

Tom Meyer
Michelle Rush

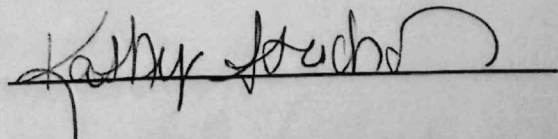
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Kathy Stachon
15068 Hill St

 11/16/24

Cerro Gordo Planning & Zoning
Mason City, Iowa

November 12, 2024

Tom Meyer
Michelle Rush

Subject: Support for neighborhood improvement projects

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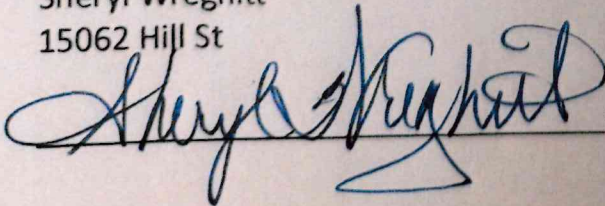
John and Cyndi are great neighbors and I have no issues with what they have done to their property. We hope there is a way to give them a variance to allow them a way to keep these yard enhancing improvements in their yard.

My home was built by my parents so I am grateful to purchase it and move home to retire in my childhood home. I have seen numerous changes and ownership in the area in the last 64 years.

It is refreshing to have neighbors like John and Cyndi who are willing to invest a lot of money and sweat equity into fixing up this property since moving here. This is something we should all embrace to increase property values in the immediate area.

I would also be willing to give them an easement if that helps with the few inches they may need to accommodate the measurements on my side.

Sheryl Wreghitt
15062 Hill St

 Date 11/12/24

An aerial photograph of a residential neighborhood with property boundaries and lot numbers overlaid. The map shows several houses with solar panels, driveways with cars, and bare trees. A blue line outlines a specific area containing lots 10, 11, and 12. Red numbers (100, 120.47, 64, 100) are placed along the bottom and left edges. Blue numbers (10, 11, 12, 25.75, 50, 50, 50) are placed within the outlined area and along the right edge. Yellow lines represent streets, labeled 'LAKEVIEW DR' and 'HILL ST'. Red dots are marked at street intersections and along the right edge. Property identification numbers (e.g., 052338001700, 052338000700, 052338002100, 052338001100, 052338001200, 052338000800, 052338001600, 052338002300, 052338001900, 052338101400, 052338100200) are scattered throughout the map.