



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 25-03

Hearing Date: July 29, 2025

Staff Contact: Michelle Rush, Assistant Zoning Administrator

Applicant:

Owner:

Jordan & Samantha Clapp
15345 Bayside Ct
Clear Lake, IA 50428

Same

Property Address: 15338 Bayside Ave, Clear Lake, IA 50428

Brief Legal Description: Lots 21-25, Block 2, Bayside & Lot 2, Block A, Crane & Hills, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

The applicants recently purchased the lots at the intersection of Bayside Avenue and Lee Street. They are proposing to remove the existing 24'x32' garage located on Lot 24 and construct a new 45'x83' dwelling with a 40'x28' attached garage on the parcels. The proposed dwelling will be 16'-7" from the front lot line. A 30' front yard setback is required. The 40'x28' attached garage will be 15' from the rear lot line. A 30' rear yard setback is required. The sewer is located in the middle of Bayside Avenue. The applicant would like to tie into the well that is located to the west in between the houses at 15329 & 15339 Oakwood Avenue. The applicant is in contact with the well driller and neighbors to discuss a well share agreement in lieu of constructing a new well. CG Public Health noted that there are 2 LUST (leaking underground storage tank) sites within 1,000 feet of this property. A DNR review would be required if they decide to drill a new well.

SPECIAL EXCEPTION REQUEST		
Structure	Request(s)	Requirement(s)
47'x83' dwelling, 40'x28' attached garage	16'-7" front yard setback 15' rear yard setback	30' front yard setback 30' rear yard setback

FINDINGS OF FACT

1. Jordan & Samantha Clapp are the owners of the subject property.
2. The property is zoned R-3 Single Family Residential.
3. The existing 24'x32' garage will be removed from the property.
4. The proposed dwelling will be 16'-7" from the front lot line; a 30' front yard setback is required.

5. The 40'x28' attached garage will be 15' from the rear lot line; a 30' rear yard setback is required.
6. The lot size is 72.7' wide and 146' deep.
7. All other setbacks in the R-3 district will be met.
8. 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.**

Since this property is on a corner, the short side (Lee Street) is considered the front. We were unable to establish a front yard setback average for this project since no structures on the same side of the street within 200' front Lee Street. The proposed dwelling will be 16'-7" from the front lot line, which does not exceed 50 percent of the required 30' front yard setback. The proposed 40'x28' attached garage will be 15' from the rear lot line, which equals 50 percent of the required 30' rear yard setback. **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.**

There is a hill on the southerly portion of the parcel along Lee Street that slopes to the south side of the existing garage. From the existing garage to the north property line, the land is flat. The applicant proposes to remove trees and excavate the area for construction. There is a practical difficulty with the land as it sits today. Once the area is excavated, no practical difficulty will exist. **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 would like to construct a 45'x83' dwelling with an attached garage along Lee Street and an attached 40'x28' garage on the rear (north side of the dwelling). The desire of a property owner for a structure 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 proposed dwelling with the attached 40'x28' garage will not alter the character of the neighborhood. There is a 40'x60' steel Quonset building located at the corner of Bayside Avenue and Crane Street at the other end of the block. **The standard appears to be met.**

Discussion of Potential Impacts to Immediate Area

The proposed new dwelling will set back further from the front lot line (Lee Street) than the dwelling to the west at 5110 Lee Street. Required side yard setbacks will be maintained or exceeded. The lots combined are large enough to accommodate the construction. 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 exception as requested by Jordan Clapp, subject to the following conditions:
 1. All construction shall comply with Site Plan 2 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 Jordan Clapp 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 1-6 photos• Exhibit 2: Special Exception Application dated June 6, 2025• Exhibit 3: Dwelling Site Plan 2 with the attached 40'x28' garage• Exhibit 4: LUST site map• Exhibit 5: Parcel Highlight |
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Figure 1
Looking north at proposed location of dwelling and garage from Lee Street



Figure 2
Looking west at front parcel lot line stakes along Lee Street



Figure 3

Looking at location of proposed dwelling 16'-7" from front lot line along Lee St



Figure 4

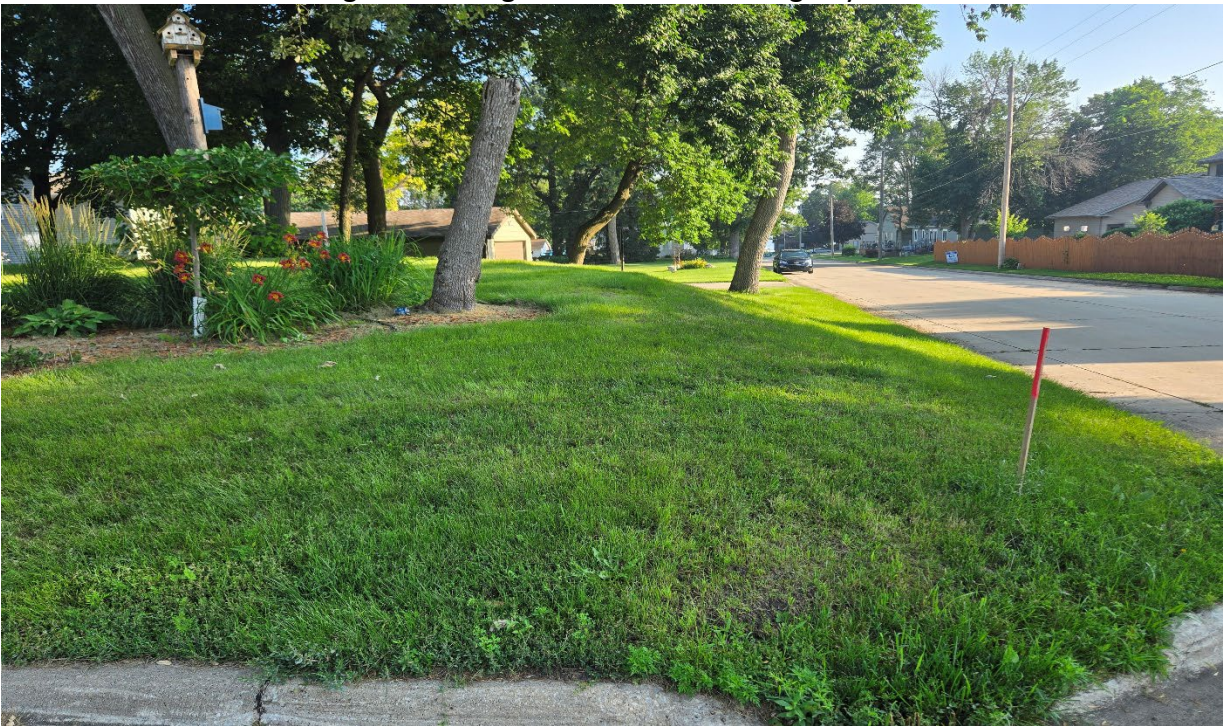
Looking at location of the rear of the attached garage 15' from the rear lot line.



Figure 5
Looking north along the west lot line from Lee Street



Figure 6
Looking north along the east lot line along Bayside Ave



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 6-6-25

Date Set for Hearing 7-29-25

Case Number: _____

Applicant Name: Jordan Clapp

Phone: 319-269-6449

E-Mail: jordanb110@gmail.com

Mailing Address: _____

Property Owner Name: Jordan Clapp

Phone: _____

E-Mail: _____

Property Owner Address: ~~15338~~ 15338 Bayside Ave Clear Lake IA 50428

Property Description (Not to be used on legal documents): Parcel # 052331101500 Township Clear Lake

Property Address: 15338 Bayside Ave Clear Lake IA 50428 Zoning: R-3

Brief Legal Description: Lots 21-25, Block 2, Bayside and Lot 2, Blk A
Crave and Hills, Clear Lake Township

Project Description

New construction

Decision Date: _____

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

The proposed dwelling will be 16'7" from the front lot line

The 40x28 Attached garage will be 15' from the rear lot line, the proposed 36'x24' garage will cover

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

We are wanting ranch style home for a family as we will live here full time. Due to the size and shape of our property we are asking for a Special Exception off the front and rear lot lines to fit the home and garage. We are wanting, Also with the surrounding structures close to the road this would not bring us near the existing structures —

The 25'0" allowed rear yard

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 _____

Date _____

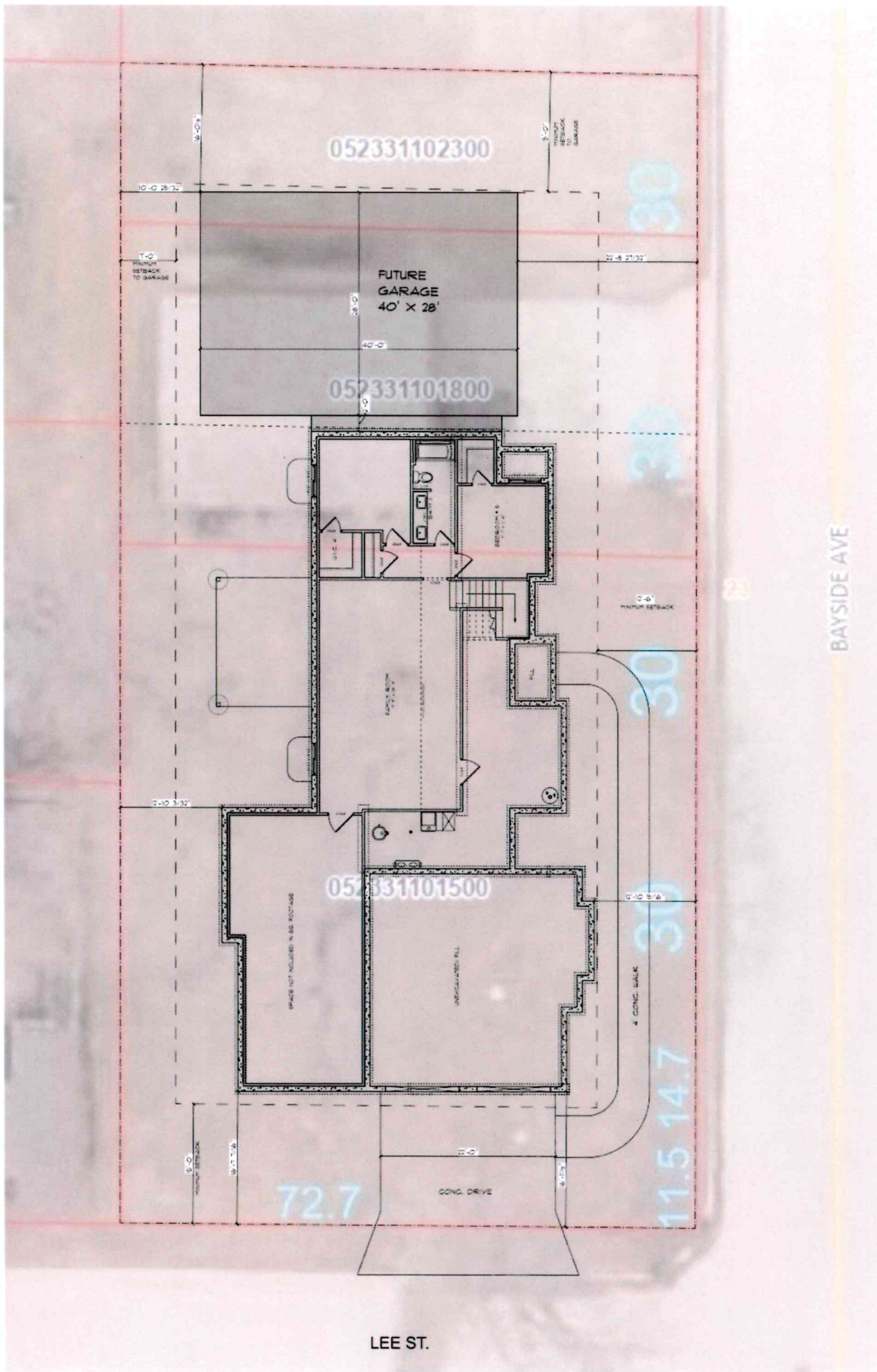
6-5-25

SPECIAL EXCEPTION APPEAL

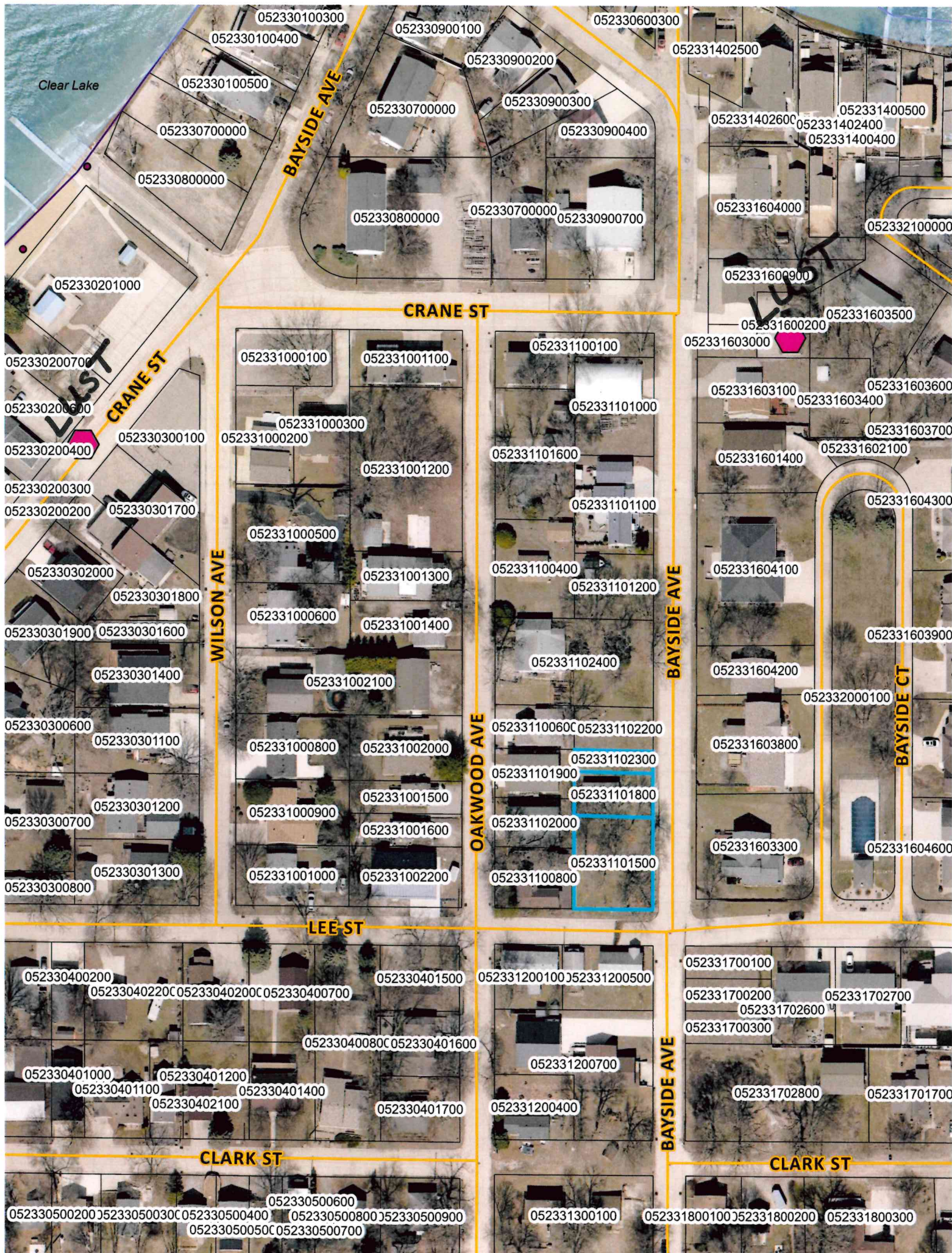
ADDITIONAL INFORMATION

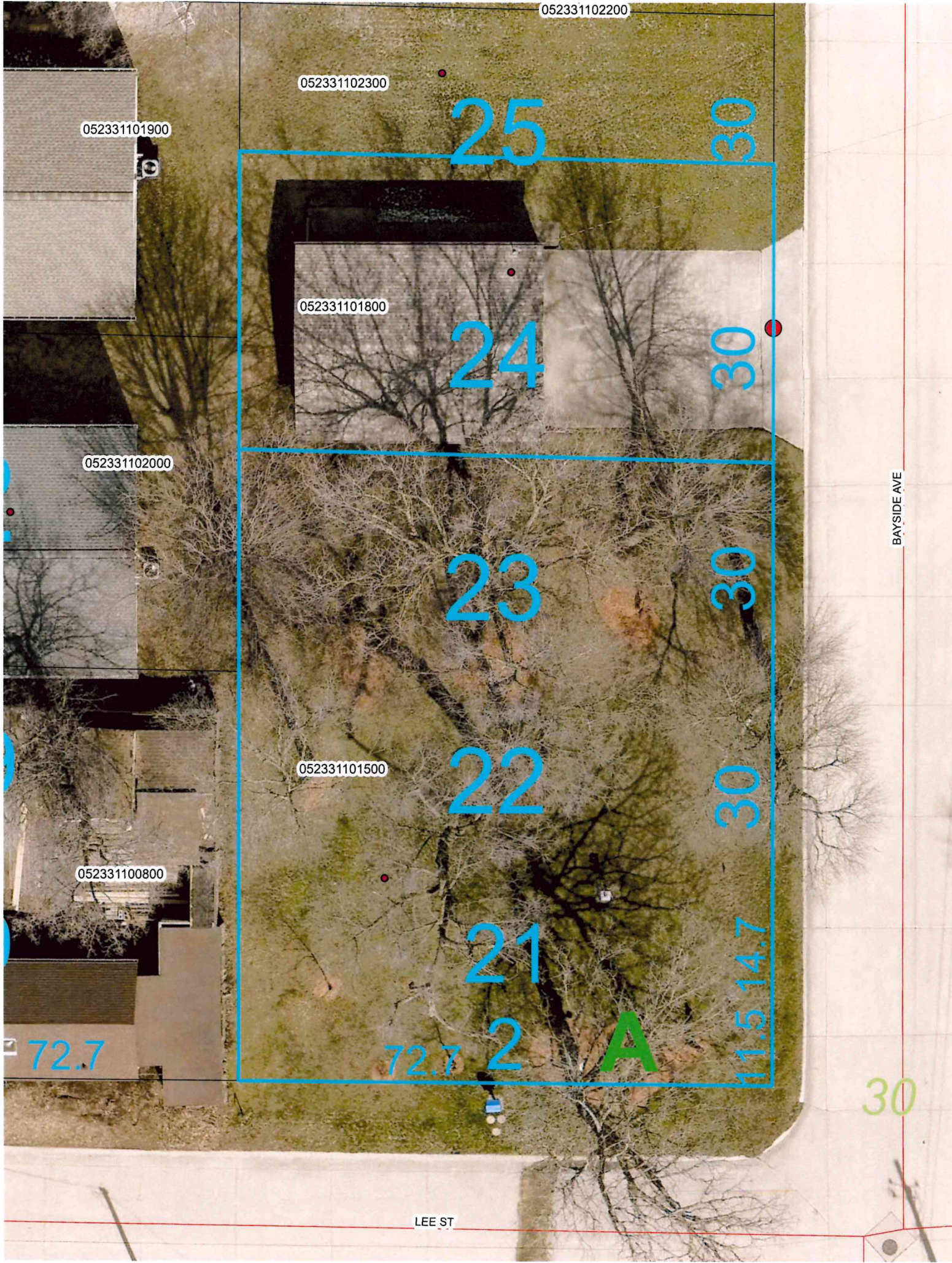
Please provide any additional details below needed to fully address the standards for review and any potential impacts to the immediate vicinity that may directly result from the special exception requested.

That are closer to the road and lot lines, even properties that have been built in the last 5 years. Also moving the home closer to the front side of the lot to allow enough fall for the sewer elevation from the basement on Bayside AVE. The south side of the lots on Leest are also a lot higher elevation so with the 15' on each side would help with home and utility elevations. Also able to store boats and trailers inside so they wouldn't be sitting outside in the yard.



SITE PLAN 2
SCALE: 1" = 10'-0"





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052331102300

052331101900

052331101800

052331102000

052331100800

052331101500

LEE ST

BAYSIDE AVE

30