



## PLANNING AND ZONING Cerro Gordo County Courthouse

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### VARIANCE 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 36'x24' detached garage on the north side of the property. The 36'x24' detached garage will cover 864 square feet of the required rear yard. The Zoning Ordinance permits detached structures to cover no more than 25 percent of the required rear yard which is 545 square feet on this property. The proposed detached garage will exceed the maximum allowed coverage area by 319 square feet.

VARIANCE REQUEST		
Structure	Request(s)	Requirement(s)
36'x24' detached garage	864 square feet of rear yard coverage area	545 square feet maximum coverage area

#### 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 proposed dwelling will be 45'x83' which includes a garage along Lee Street.
4. The lot is 72.7' wide and 146' deep.
5. The existing 24'x32' garage on Lot 24 will be removed from the property.
6. A request for a special exception for the front of the house is reviewed in a separate staff report.
7. The proposed 36'x24' detached garage will cover 864 square feet of the rear yard. 545 square feet is the maximum rear yard coverage area on this property.

8. All other setbacks in the R-3 district will be met.
9. The application was filed on June 6, 2025.

### **ANALYSIS**

The Board of Adjustment is provided the power to grant a variance under Section 24.4(A)(3) of the Zoning Ordinance. The Board may grant a variance to bulk standards of the ordinance if, in its judgement, the standards established in Section 24.4(A)(3) are met. 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. Not granting the variance would be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance.***

The lot is 72.7' wide by 146' deep. The lot size does not impose any special conditions that would produce a practical difficulty on the applicant. The rear coverage area allowed is 545 square feet for a detached structure. This is in addition to an attached garage with the primary building. There does not appear to be any factors that cause a practical difficulty preventing the beneficial use of the parcel.

- 2. The practical difficulties faced are unique to the property at issue and are not self-created.***

The desire for a property owner to build multiple structures on a residential lot does not appear to be a practical difficulty related to a lot that is 72.7' by 146'. It appears there are not any practical difficulties unique to the property.

- 3. Granting the variance will not significantly alter the essential character of the surrounding neighborhood.***

The granting of a variance would not appear to significantly alter the essential character of the neighborhood.

#### **Staff Conclusions and Recommendation**

The criteria for granting a variance appears to have not been 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 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 variance subject to any conditions as deemed necessary by the Board.
2. Grant relief less or different from the requested variance by modifying the requested variance.
3. Deny the variance.

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 Jordan Clapp, subject to the following conditions:
  1. All construction shall comply with the Site Plan 1 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 variance 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 variance as requested by Jordan Clapp for the following reasons:  
The request does not meet the criteria in Iowa Code Chapter 335.15.  
[STATE ANY OTHER REASONS FOR DENIAL]

<b>EXHIBITS</b>
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- |   |
|---|
| <ul style="list-style-type: none"><li>• Exhibit 1: Figures 1-2 photos</li><li>• Exhibit 2: Special Exception Application dated June 6, 2025</li><li>• Exhibit 3: Dwelling <b>Site Plan 1 with the 36'x24' detached garage</b></li><li>• Exhibit 4: Parcel Highlight</li></ul> |
|---|



Figure 1

Looking at location of proposed 36'x24' detached garage – existing garage to be removed



Figure 2

Location of proposed detached garage from Bayside Ave – white tipped stakes.







# 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

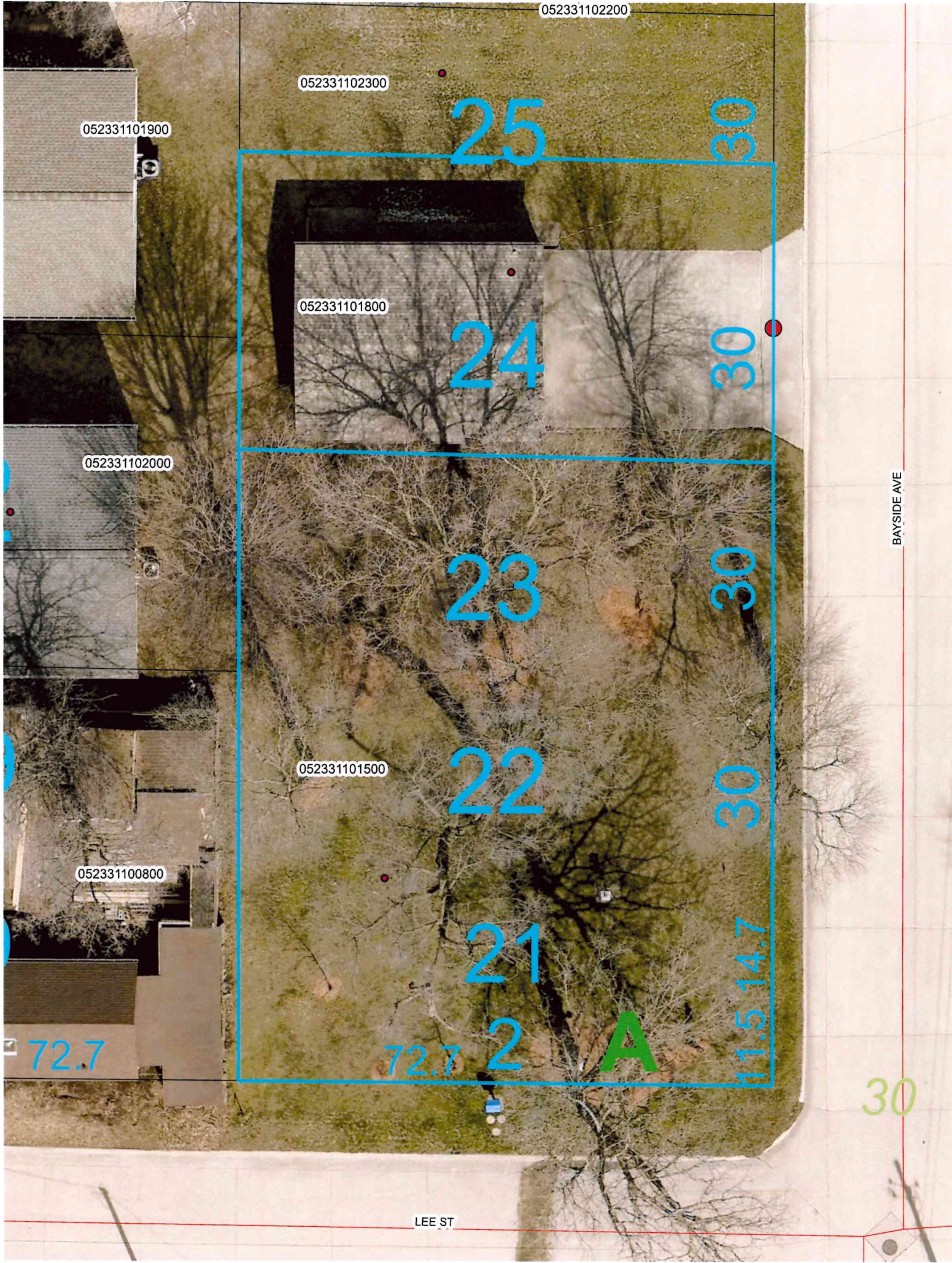
### ADDITIONAL INFORMATION

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.







LEE ST

BAYSIDE AVE