



PLANNING AND ZONING Cerro Gordo County Courthouse

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Staff Report Board of Adjustment Special Exception Request August 25, 2026

Case No.: 26-05

Hearing Date: August 25, 2026

Request: A special exception request to construct a 41.5'x56.5' one-story dwelling on the property related to the front and rear yard setbacks of the lot.

Applicants

Jordan Clapp & Kristi Thoman
109 Creekside Dr SW
Bondurant, IA 50035

Owners

Scott Edwards
15302 Bayside Ave
Clear Lake, IA 50428

Property Address: 15302 Bayside Ave, Clear Lake, IA 50428

Brief Legal Description: Lots 1-2 EXC W 62' & all of Lots 11 & 12, Blk 6, Crane & Hills, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

The subject property is located at the intersection of Bayside Avenue and Lee Street. For zoning purposes, Bayside Avenue is considered the front lot line.

On July 24, 2026, the applicants submitted a Zoning Permit application to demolish the existing dwelling and detached garage and construct a new single-family dwelling measuring approximately 41.5 feet by 56.5 feet (2,344 square feet). The applicant communicated the proposed dwelling includes approximately 968 square feet of living area and an attached garage of approximately 624 square feet.

The Zoning Permit application was denied because the proposed dwelling does not comply with the applicable front and rear yard setback requirements of the Zoning Ordinance. The applicants are requesting a 12-foot front yard setback, where a 19-foot average front yard setback is required, and a 15-foot rear yard setback, where a 30-foot rear yard setback is required.

SPECIAL EXCEPTION REQUEST

Structure	Request(s)	Requirement(s)
41.5'x56.5' dwelling	12-foot front yard setback	19-foot avg front yard setback required - Article 6.11
41.5'x56.5' dwelling	15-foot rear yard setback	30-foot rear yard setback required - Article 11.6

Findings of Fact

1. Jordan Clapp and Kristi Thoman have entered into a purchase agreement to purchase the property from its current owner, Scott Edwards.
2. The property is zoned R-3 Single-Family Residential District.
3. For zoning purposes, the lot line abutting Bayside Avenue is considered the front lot line.
4. The proposed dwelling would be located 12 feet from the front lot line, where a 19-foot average front yard setback is required.
5. The proposed dwelling would be located 15 feet from the rear lot line, where a 30-foot rear yard setback is required.
6. The proposed dwelling would measure approximately 41.5 feet by 56.5 feet and would include approximately 968 square feet of living area and an attached garage containing approximately 624 square feet.
7. The applicants submitted the special exception application on July 27, 2026.
8. The requested front yard relief represents a reduction of 7 feet, or approximately 36.8%, from the required 19-foot setback.
9. The requested rear yard relief represents a reduction of 15 feet, or 50%, from the required 30-foot setback.

ANALYSIS

The Board of Adjustment has authority under Section 24.4(A)(2) of the Zoning Ordinance to grant special exceptions from the bulk standards of the ordinance. The Board may approve the requested special exceptions only if it determines that all criteria in Section 24.4(A)(2)(a) have been satisfied.

The Board may approve the requests as submitted, approve a lesser degree of relief, deny the requests, or attach reasonable conditions necessary to observe the spirit of the Zoning Ordinance and Comprehensive Plan and mitigate impacts directly resulting from the special exceptions.

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 requested 12-foot front yard setback represents an approximately 36.8% reduction from the required 19-foot setback. The requested 15-foot rear yard setback represents a 50% reduction from the required 30-foot setback. Accordingly, neither request exceeds the ordinance's 50% limitation, although the rear yard request is at the maximum relief permitted under this special exception provision.

The Board must also determine whether strict compliance would create a practical difficulty. The proposed dwelling has a depth of approximately 56.5 feet. Compliance with both the 19-foot front yard setback and the 30-foot rear yard setback would require at least 105.5 feet of lot depth, without accounting for any additional site constraints. The degree of practical difficulty therefore depends on the property's actual dimensions, configuration, and available buildable area.

The current record supports a finding that the setback requirements restrict the placement of the proposed dwelling. However, additional information regarding the lot dimensions, existing development, topography, utilities, and alternative dwelling configurations would assist the Board in determining whether the restriction rises to the level of a practical difficulty.

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 permitted principal use in the R-3 Single-Family Residential District. The attached garage is accessory to the residential use. The requests relate solely to the front and rear yard setback requirements applicable to a permitted residential use. This criterion appears to be satisfied.

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 is a corner lot located at the intersection of Bayside Avenue and Lee Street. Its location, lot dimensions, configuration, and the designation of Bayside Avenue as the front lot line may affect the available building envelope.

The requested setbacks would allow the property to be redeveloped with a single-family dwelling, which is a use reasonably similar to other residential properties in the district.

However, the Board should determine whether the difficulty results from the physical characteristics of the property or primarily from the size and placement of the particular dwelling selected by the applicants. A practical difficulty created principally by the proposed design may not constitute a circumstance specific to the land.

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.

Granting some setback relief may be reasonably necessary to establish a functional building envelope and allow redevelopment of the property with a permitted single-family dwelling. The proposed use is consistent with the residential zoning classification.

The Board should separately evaluate the amount of relief requested for each setback. In particular, the requested rear yard relief is the maximum permitted under the special exception provision. The Board may consider whether the dwelling could be reduced in depth, repositioned, or redesigned to provide a greater front or rear yard setback.

The Board should also consider potential effects on adjoining properties, including privacy, access to light and air, drainage, building separation, and the established development pattern. Based on the information provided, no specific adverse impact has been identified, but the public hearing record and site plan should be considered before making this determination.

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

The current record does not fully establish whether there are feasible alternatives that would eliminate or reduce the requested relief. Potential alternatives could include reducing the depth or overall size of the dwelling, modifying the attached garage, changing the floor plan, repositioning the dwelling, or requesting less relief from one or both setbacks.

The applicants should identify the alternative layouts considered and explain why those alternatives are not reasonably feasible. The Board should determine whether another feasible layout would closer meet setback requirements while addressing any possible practical difficulties.

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

The proposed use of the property as a single-family residence is consistent with the R-3 District and the general residential character of the surrounding area. The replacement of an existing dwelling and detached garage with a new single-family dwelling and attached garage would not, by itself, alter the essential character of the locality.

The Board should nevertheless consider whether the proposed front and rear setbacks are generally compatible with surrounding development. Relevant considerations include the setbacks of nearby dwellings, the relationship of the proposed dwelling to adjoining properties and streets, building mass, drainage, and whether adequate separation would remain between structures. Subject to the site plan and hearing evidence, this criterion may be capable of being satisfied.

Discussion of Potential Impacts to Immediate Area

The requested setback reductions fall within the numerical limits of Section 24.4(A)(2): the front yard request is approximately 36.8% below the required setback, and the rear yard request is exactly 50% below the required setback.

Criteria 2 and 6 appear supportable because the property would continue to be used for a permitted single-family residential use consistent with the general character of the district. The record is less conclusive regarding Criteria 1, 3, 4, and 5. Those criteria depend primarily on whether the applicants establish that the requested relief results from property-specific circumstances and that no feasible redesign, reduction, or repositioning of the dwelling could eliminate or lessen the requested exceptions.

The Board should make separate findings on the front and rear yard requests because the practical need and appropriate degree of relief may differ for each setback.

Staff Conclusions and Recommendation

Recommended Conditions if Approved

1. The special exceptions shall apply only to the 41.5'x56.5' one-story dwelling as shown in the application materials reviewed by the Board.
2. The proposed dwelling shall be no closer than 12 feet from the front (east) lot line at the closest point, unless a greater setback is achieved during construction.
3. The proposed dwelling shall be no closer than 15 feet from the rear (west) lot line and shall maintain all required side yard setbacks.
4. The proposed dwelling shall not exceed the height represented in the application unless additional zoning approval is obtained.
5. Stormwater, roof drainage, grading, and construction activity shall be managed on the property and shall not be directed onto adjoining properties in a manner that creates a nuisance, excessive water accumulation, or drainage impact.
6. Any material change in size, location, height, use, or setback encroachment shall require review by the Zoning Office and may require further Board approval.
7. All other applicable zoning, building, sanitation, floodplain, and permitting requirements shall be satisfied before construction.

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 the applicants, based on the Board's findings that all criteria in Section 24.4(A)(2) have been met, subject to the recommended conditions stated in the staff report, and the following conditions:
 1. All construction shall comply with the site plan submitted on July 24, 2026.
 2. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.
 3. All recommended conditions shall be adopted as part of the special exception.

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 the applicant for the following reasons:
The applicant does not meet all the criteria listed in the Cerro Gordo County Zoning Code Section 24.4(A)(2).
(Mention any additional reasons)

EXHIBITS

- Exhibit 1: Figures 1-6 photos
- Exhibit 2: Special Exception application dated 8/3/26
- Exhibit 3: Site Plan
- Exhibit 4: Parcel Highlight

Figure 1
Existing house from Southshore drive (Front)



Figure 2
Existing house and detached garage from Lee street (North Side)



Figure 3
Front lot line on Bayside Avenue



Figure 4
Southeast corner of proposed house



Figure 5
Southwest corner of proposed house



Figure 6
Rear lot line



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed _____

Date Set for Hearing _____

Case Number: _____

Applicant Name: Jordan Clapp Phone: 319-269-6449 E-Mail: jordanclapp@gmail.com

Mailing Address: 15338 Bayside Ave Clear Lake IA 50428

Property Owner Name: Scott K Edwards Phone: N/A E-Mail: N/A

Property Owner Address: 109 Creekside Dr SW Bondurant IA, 50035

Property Description (Not to be used on legal documents): Parcel # 052331200500 Township Clear Lake

Property Address: 15302 Bayside Ave Clear Lake IA Zoning: R-3

Brief Legal Description: L'S 1-2 EXC W 62' and All L'S 17 and 12 B/LK 6
crane st and Hills 1st Add to outdoor park

Project Description New Construction

Decision Date: _____

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

Variance

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 [Signature]

Date 7-27-26

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 practical difficulty is with these setbacks the lot is shrunk down a lot to be able to have any sort of a decent sized home for a family to be able to come up and enjoy the lake and Cerro Gordo County. Without an approved variance a structure is only limited to have a 34.5' long structure, with also needing to have a garage to store vehicles and equipment and lake essentials it just is not feasible to have the already smaller lots as they are choked down even more. The standard two stall garage in today's construction is 24x24. With that only leaving 10.5' to build the rest of a home isn't even wide enough for a standard bedroom that meets code.

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: This new construction does not obtain a permitted use scenario.

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. Such circumstance may include: Topographical conditions; O O Surroundings; O Size and shape of the property; O O Other extraordinary or exceptional situations. Location of public utilities or improvements on or adjacent to the subject property; Shoreline and bank conditions (lake lots): The already small size of these lots along with having it even smaller with these larger setbacks is the practical difficulty. As mentioned above, with needing a garage that already only allows for a 10.5' long bedroom and living area. The other difficulty is the existing structure is already only 2.5' off of the lot line, removing this structure and granting a smaller yet feasible setback would benefit the safety of that corner intersection tremendously vs only putting an addition on it.

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 substantial justice to an applicant as well as to other property owners in the locality: This is substantial justice to be able to build a decent enough sized home to fit a full family and be able to store lake essentials in the attached garage.

Such practical difficulties cannot be overcome by any feasible alternative means other than an exception: There really is no feasible way to obtain the look and features of this new construction. I did look at the option of doing a detached garage but if we are able to get this variance or keep it attached to the home it would not help us any, it would be the exact same setbacks with the detached structure setbacks

Relief can be granted in a manner that will not alter the essential character of the locality: I do not believe there can be another relief granted to be able to obtain everything we are needing to build a very nice lake cabin home, if we are able to get these variances it would be

just enough to be able to get the kind of home and setup we are looking for to be able to also meet the needs for a family with multiple bedrooms and storage for vehicles and lake essentials.



