



## PLANNING AND ZONING Cerro Gordo County Courthouse

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### CERRO GORDO COUNTY BOARD OF ADJUSTMENT VARIANCE STAFF REPORT

#### Summary of Request

**Public Hearing Date:** September 30, 2025

**Applicant**

Gabriel Beal  
Bristol Construction  
4025 Evergreen Ave  
Joice, IA 50446

**Owner**

Joseph & Janelle Carter  
610 Elmwood Dr  
Marshalltown, IA 50158

**Case No.:** 25-08

**Property Address:** 15458 Dodge Ave, Clear Lake, Iowa.

**Brief Legal Description:** Lot 10, Block 6, Dodges Point Park, Clear Lake Township

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

**Background**

Due to the windstorm that occurred on July 28, 2025, the south roof of the dwelling was damaged by a branch thru the roof. The existing roofline of the dwelling significantly slopes to the south side of the property. The applicant would like to raise the roof to match the height of the northerly roofline to allow additional headroom and additional living space upstairs. There will be no change to the existing footprint of the dwelling, only an increase to the roofline.

| VARIANCE REQUEST                           |  |  |
|--|--|--|
| Structure                                  | Request(s)   | Requirement(s)                                   |
| 2 <sup>nd</sup> story<br>addition-roofline | 2' south side yard setback & 4'-<br>6" north side yard setback | 6' side yard setbacks are required in<br>the R-3 |

#### Findings of Fact

1. Gabriel Beal with Bristol Construction is the applicant for the proposed project.
2. Joseph & Janelle Carter are the owners of the property.
3. The property is zoned R-3 Single Family Residential.

4. The existing dwelling is 2' from the south side lot line and 4'-6" from the north side lot line; 6 side yard setbacks are required in the R-3 district.
5. There will be no change to the existing footprint of the dwelling. The increase will be in the roofline which will be under the 35' height limit in the R-3 district.
6. The application was filed on August 28, 2025.

#### **ANALYSIS**

The requested variance involves an area, dimensional, or other numerical limit (e.g., setbacks, height, lot size, parking, signage) and must meet the following five criteria as allowed under Iowa Code Chapter 335.15 (4). The Board of Adjustment is provided the power to grant a variance under Section 24.4(A)(3) of the Zoning Ordinance. 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. ***Public interest: Granting the variance is not contrary to the public interest.***

The dwelling already exists on the property. There will be no change to the footprint of the dwelling. Raising the roofline to 32' is below the 35' height maximum in the R-3 District. The request does not appear to be contrary to the public interest. ***The standard appears to be met.***

2. ***Special conditions – practical difficulties: Owing to special conditions of the property, a literal enforcement would cause “practical difficulties” for the property owner trying to make a beneficial use of the property allowed by the Zoning Ordinance.***

Due to the roof damage caused by the storm and the limited headroom in the existing dwelling due to the sloped roof, it would be a reasonable time to make improvements to the existing roof. The current structure is in place and to require an alteration of the footprint of the existing house would be a practical difficulty. ***The standard appears to be met.***

3. ***Spirit observed – substantial justice done: The spirit of the Ordinance is observed, and substantial justice is done by granting the variance.***

The current existing house was built beyond the required setbacks. The addition is expanding the 2<sup>nd</sup> story. The 2<sup>nd</sup> story matches the setbacks that were allowed on the original structure; therefore, it would appear to meet the spirit of the zoning code and the setback exceptions previously allowed. ***The standard appears to be met.***

4. ***Unique and not self-created: The difficulties are unique to the property and not self-created (e.g., lot shape, topography, prior lawful platting).***

The roof was damaged due to the storm on July 28, 2025 and was not self-created. There currently exists a partial 2<sup>nd</sup> story and the expansion of the roofline meets the setbacks of the existing structure. ***The standard appears to be met.***

**5. *Neighborhood character protected: 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. The dwelling already exists on the property. There are multiple second story dwellings on each side of this parcel. No views of the lake will be blocked by the improvements to the roofline. ***The standard appears to be met.***

**Staff Conclusions and Recommendation**

The criteria for granting a variance under Iowa Code Section 335.15(4) appears to have been met. Staff recommends the Board of Adjustment review the findings as related to the criteria set out above from the Code.

|                       |
|-----------------------|
| <b>BOARD DECISION</b> |
|-----------------------|

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 Bristol Construction on behalf of Joseph & Janelle Carter, subject to the following conditions:
  1. All construction shall comply with the Site Plan 1 submitted on August 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 Bristol Construction on behalf of Joseph & Janelle Carter for the following reasons:

The request does not meet the criteria in Iowa Code Chapter 335.15(4).

[STATE ANY OTHER REASONS FOR DENIAL]

| EXHIBITS |  |
|----------|--|
|----------|--|

- |              |   |
|--------------|---|
| • Exhibit 1: | Figures 1-4 photos                                  |
| • Exhibit 2: | Special Exception Application dated August 28, 2025 |
| • Exhibit 3: | Site Plan   |
| • Exhibit 4: | Roof Plan   |
| • Exhibit 5: | Parcel Highlight                                    |

Figure 1

Looking at dwelling-slope of south roof from Dodge Avenue





Figure 2  
Looking at dwelling-slope of roof from the lake



Figure 3  
Looking from lake at 4'-6" north side yard setback





Figure 4  
Looking from lake at 2' south side yard setback



## VARIANCE APPEAL

### APPLICATION

Date Filed 8-28-25

Date Set for Hearing 9-30-25

Case Number: 25-08

Applicant Name: Gabriel Beal

Phone: 641-420-4007

E-Mail: bristolconstruction@icloud.com

Mailing Address: 4025 Evergreen Ave Joice, IA 50446

Property Owner Name: CARTER JOSEPH T & CARTER JANELLE ANDERSEN

Phone: 641-751-8577

E-Mail: joec@marshalltown.com

Property Owner Address: 610 ELMWOOD DR  
MARSHALLTOWN IA 50158

Property Description (Not to be used on legal documents): Parcel # 052232600700

\_\_\_\_\_ Township Clear Lake

Property Address: 15458 DODGE AVE CLEAR LAKE IA 50428

Zoning: Residential

Brief Legal Description:

L 10 BLK 6 Dodges PT Park

#### Project Description

Decision Date: \_\_\_\_\_

We Are going to raise the roof on the Left side looking from the street, to match the height of the right side second story roof. We will not be working outside the existing footprint. This will allow for headroom in the one existing master bedroom upstairs and create extra space for one more bathroom. We will be residing the house and replacing all the windows. This will also take care of the damage from the July 28<sup>th</sup> windstorm.

#### Variance(s) Requested (As cited on results from denied Zoning Permit Application)

Side Lot setbacks

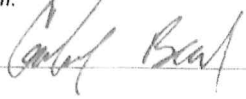
#### Criteria Justifying Variance under Standards for Review (You may add more details in the Additional Information)

The foundation for this property already exists and we will not be adjusting or modifying the existing footprint. We will only be adding wall height and roof line to match the existing height that is already established on the property. This roof line will modernize the look of the property to match the existing neighborhood and other houses that have been recently built nearby. This will also allow for more living space within the already existing footprint of the house.

I am the ☐ Owner ☐ Contract Purchaser ☒ Other (Explain) Contractor Building and representing the  
owners 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 variance is granted. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.*

Applicant Signature



Date

8-28-25

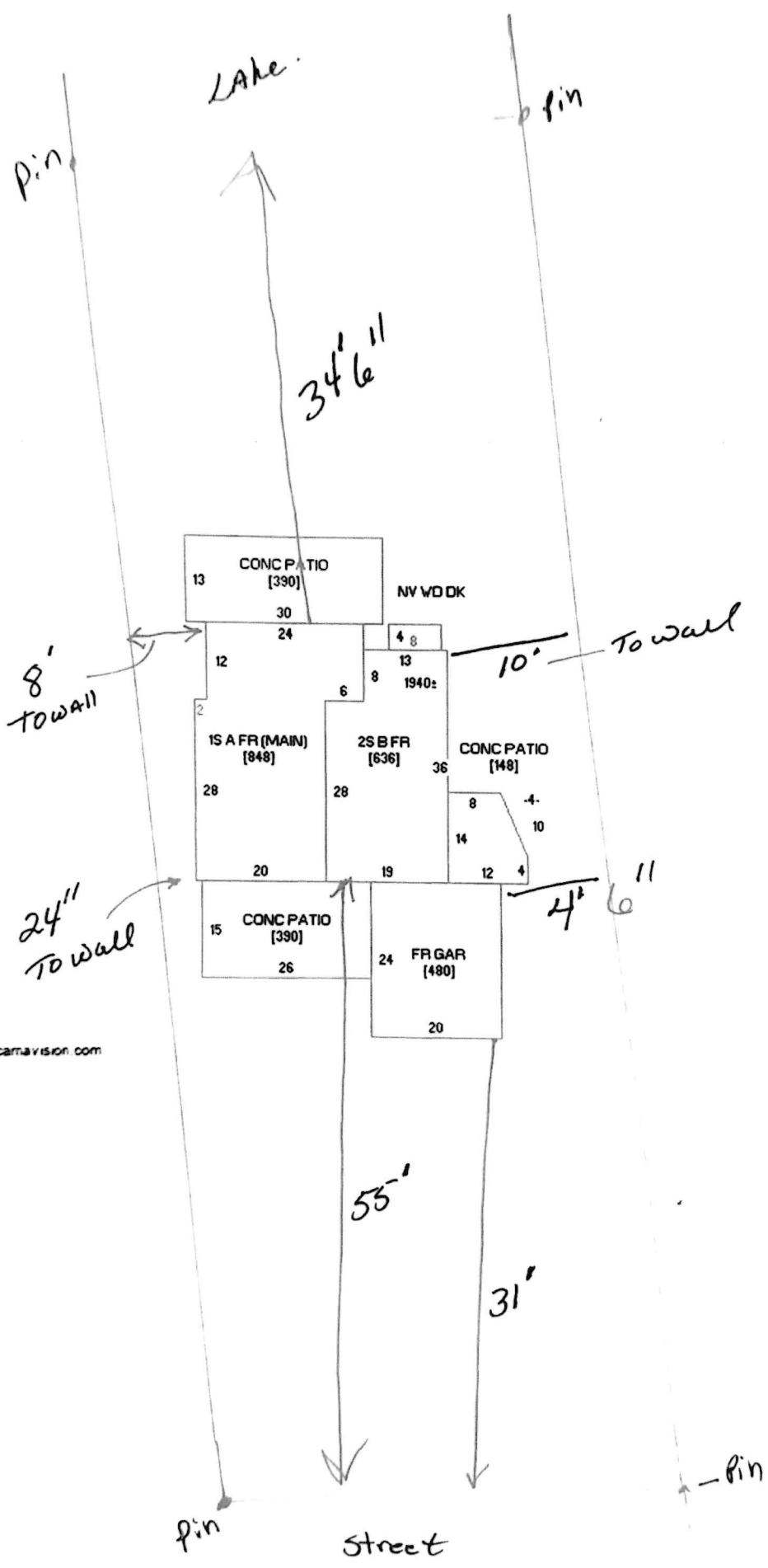
## **VARIANCE APPEAL**

### **ADDITIONAL INFORMATION**

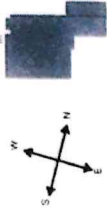
Please provide any additional details below needed to fully address the standards for review and any potential impacts to the immediate vicinity that may directly result from the variance requested.

1. Not granting our variance would be contrary to the public interest because we are simply trying to eliminate a 7" step in the second story floor and the way to do that is to modify the roof as we plan to do. The footprint of the current house is already outside the setback lines, but we aren't modifying the footprint at all with this remodel.
2. The house has been this way since 1990 when a previous owner remodeled the house so the practical difficulties we face are unique to this house and something we did not create. We aren't doing anything to make things worse. We're simply going up with a new roof.
3. Granting the variance will not significantly alter the essential character of the surrounding neighborhood because our home will still be within the same footprint as it is today and will be shorter than the homes that surround us.





Sketch by [www.camavision.com](http://www.camavision.com)



Existing Roof Line



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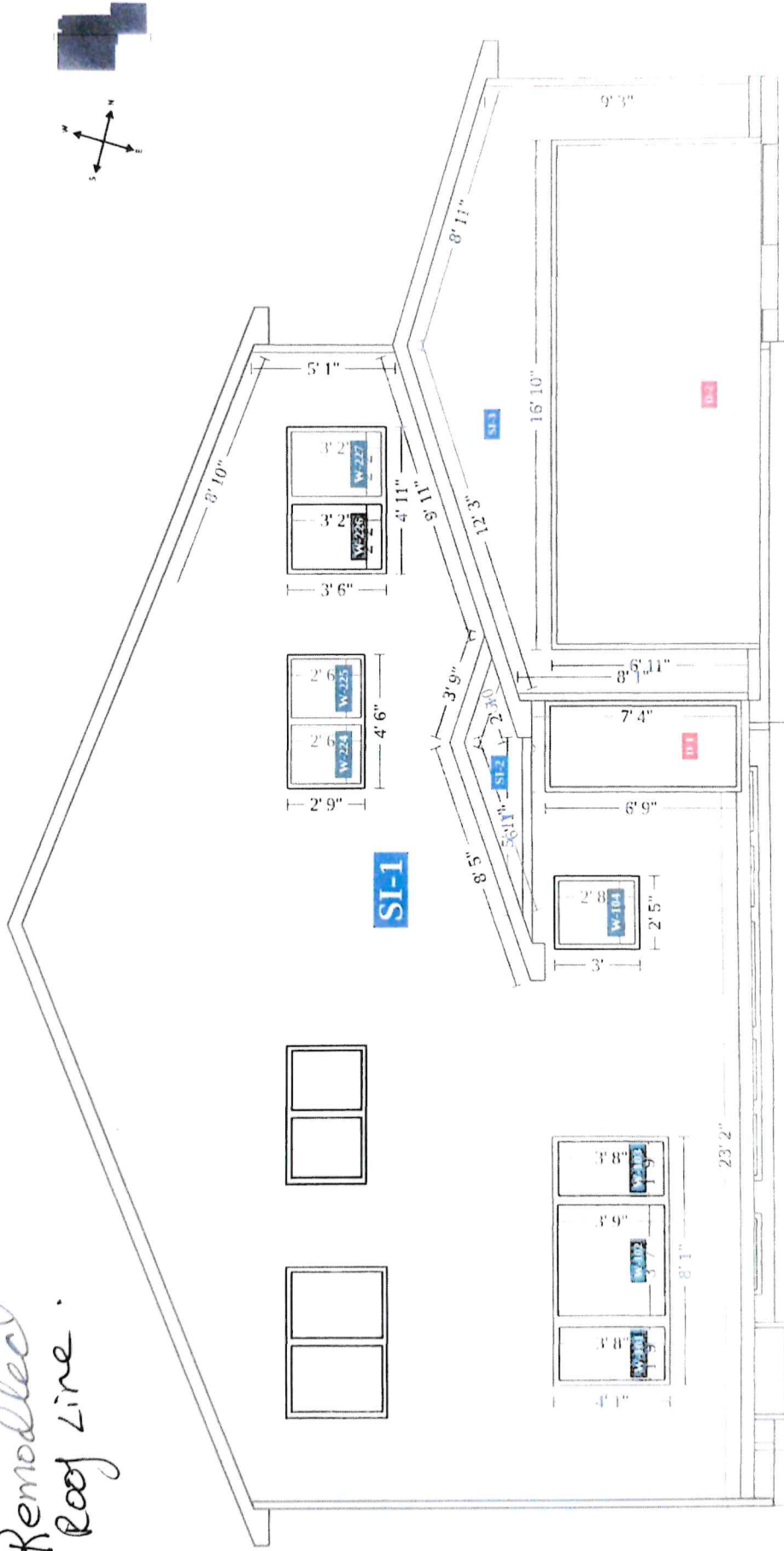
**Hover**

Complete Measurements

*Remodeled  
Rag Line*

15458 Dodge Avenue, Clear Lake, IA

FRONT



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