



PLANNING AND ZONING

Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254
Tom Meyer, Zoning Administrator
Michelle Rush, Assistant Zoning Administrator
Brittney Friederich, Assistant Zoning Administrator

(641) 421-3075
FAX (641) 421-3088
plz@cerrogordo.gov

Staff Report Board of Adjustment Variance Request October 27, 2026

Case No.: 26-12

Hearing Date: October 27, 2026

Request: A variance request to place a 9'x46' pergola attached to the front of the house.

Applicants

Kim Dockwell
15345 Blacklocust Ave
Ventura, IA 50482

Owners

Linda Dockwell
15345 Blacklocust Ave
Ventura, IA 50482

Property Address: 15345 Blacklocust Ave, Ventura, IA 50482

Brief Legal Description: located on the W½ L26 & all L27, Blk 14, Ventura Heights

Zoning: R-3 Single Family Residential District

Background

On August 4, 2026, Linda Dockwell was issued a violation notice for the construction of a pergola without obtaining the required zoning permit, in violation of Section 22(A) of the Zoning Ordinance.

On August 11, 2026, Kim Dockwell submitted a Zoning Permit application for the existing pergola. The application was denied by the Zoning Department on August 18, 2026, due to the structure's noncompliance with setbacks and vision clearance requirements. A Variance application was subsequently submitted on September 15, 2026.

The applicant is requesting variances to allow the existing pergola to remain as constructed. The pergola is attached to the front of the dwelling and measures approximately 9 feet by 46 feet, with a height of 9 feet 8 inches.

The pergola is located approximately 11 feet from the south street-side lot line. In the R-3 District, a minimum setback of 12.5 feet is required for the street-side yard of a corner lot.

The pergola is also located on the front lot line, resulting in a setback of 0 feet. The R-3 District requires a minimum front yard setback of 30 feet.

Additionally, a portion of the 9-foot-8-inch-tall pergola is located within the required 25-foot vision clearance triangle. Article 6.31(A) of the Zoning Ordinance prohibits structures exceeding 2.5 feet in height within the vision clearance area. The vision clearance area is defined as the area bounded by the street right-of-way lines of a corner lot and a straight line connecting points on each right-of-way line located 25 feet from their point of intersection.

SPECIAL EXCEPTION REQUEST

Structure	Request(s)	Requirement(s)
9'x46' Pergola	11 ft. from the side yard lot line	12.5-foot side yard setback per Article 11.6(D) on corner lots

VARIANCE REQUESTS

Structure	Request(s)	Requirement(s)
9'x46' Pergola	0 ft. setback from the front lot line	30-foot is required per Article 11.6(A)
9'x46' Pergola	Within the 25-foot vision clearance area	Article 6.31(A) of the Zoning Ordinance prohibits construction above the height of 2.5 feet in the 25-foot vision clearance triangle

Findings of Fact

1. Linda Dockwell is the owner of the subject property.
2. The property is zoned R-3 Single Family Residential District.
3. The applicant constructed the pergola without a permit.
4. The pergola is 9'x46' in size and 9'8" tall, attached to the front of the dwelling.
5. The pergola is on the front lot line, 30-foot front yard setback is required.
6. The pergola impedes into the 25-foot vision clearance triangle.
7. The pergola is 11' from the south side yard lot line, 12.5-foot street side yard setback on a corner lot is required.

ANALYSIS

The requested variances involve dimensional limitations and are governed by Iowa Code section 335.15(4). Under that section, the property owner must establish that:

To receive the requested variances, the property owner must prove that:

1. Granting the variance will not be contrary to the public interest;
2. Owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the Zoning Ordinance;
3. The spirit of the Zoning Ordinance will be observed and substantial justice done;
4. The practical difficulties faced are unique to the property at issue and not self-created; and
5. Granting the variance will not significantly alter the essential character of the surrounding neighborhood.

The Board of Adjustment is authorized to grant variances under Section 24.4(A)(3) of the Zoning Ordinance. The Board may impose reasonable conditions directly related to the requested variances to ensure compliance with the ordinance and mitigate impacts resulting from the reduced setbacks.

Discussion of Standards of Review per Iowa Code Section 335.15(4)

1. Granting the variance will not be contrary to the public interest

The front yard variance would allow the pergola to remain at a zero foot setback, eliminating the entire required 30 foot front yard for the affected portion of the structure. This is a substantial departure from the required setback. Its location warrants consideration of the relationship between the structure, street right of way, neighboring development, and pedestrian and vehicle movements.

The vision clearance request raises a more direct public safety concern. The pergola's open design may permit some visibility, but its posts, beams, and other components may still obstruct views.

Conclusion: The information provided does not establish that either variance would be consistent with the public interest. In particular, the vision clearance could be a concern.

2. Owing to special conditions a literal enforcement of the provisions of the ordinance will result in "practical difficulties" to the property owner in making a beneficial use of the property allowed by the Zoning Ordinance.

The property is developed with a dwelling and is being used for residential purposes. The pergola provides an additional outdoor amenity, but there does not appear to be a special property condition that makes compliance practically difficult.

The record does not establish that the lot's dimensions, topography, existing lawful development, or other physical constraints prevent a smaller pergola, a different location, or another compliant design. Although the existing residential use is relevant, the inquiry should also consider whether special conditions materially constrain a permitted accessory improvement.

Expenses associated with modifying or removing the completed pergola do not demonstrate a difficulty arising from the property itself.

Conclusion: This standard has not been established. Additional evidence would be necessary to show how specific property conditions create practical difficulties beyond the applicant's preference to retain the pergola as constructed.

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

The front yard request would retain a substantial structure directly on the front lot line. The vision clearance request would retain portions of that structure within an area intended to protect intersection visibility. Together, the requests raise concerns about maintaining street separation and safe sight lines.

The Board should consider whether a revised design could preserve a reasonable outdoor amenity while reducing the encroachments and protecting visibility. Approval of the existing configuration has not been shown necessary to achieve a fair result.

Conclusion: The present record does not demonstrate that retaining the pergola as constructed would observe the spirit of the Ordinance and accomplish substantial justice.

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

The information provided identifies no unusual lot shape, topographic condition, or other property specific circumstance requiring the pergola's existing size and placement. A corner lot location, without additional evidence of distinctive constraints, does not establish that the claimed difficulty is unique.

The immediate compliance problem arose from constructing the pergola in its current configuration without first obtaining zoning approval. The expense of correcting that construction results from the project as undertaken rather than an identified physical condition of the property.

The lack of a permit should not substitute for examining the property's actual circumstances. However, the record currently identifies no independent, non self created difficulty supporting either variance.

Conclusion: This standard has not been established. Based on the information provided, the claimed difficulty appears to arise primarily from the selected design and construction location.

5. Granting the variance will not significantly alter the essential character of the surrounding neighborhood.

A pergola is generally compatible with residential use. Nevertheless, compatibility also depends on its scale, placement, and relationship to surrounding development.

The structure extends approximately 46 feet along the dwelling and reaches the front lot line. Its open construction may reduce its visual mass, but does not eliminate the potential effect of placing a structure of this length on the property line.

The structure does not appear to alter the essential character of the neighborhood.

Conclusion: This standard has not been established on the current record. Residential compatibility of the use alone does not resolve the effects of the pergola's location and dimensions.

Staff Conclusions

Based on the information presently available, staff is unable to recommend approval of the front yard setback variance and the vision clearance variance. The record does not establish unique, non self created practical difficulties supporting the existing configuration, and the vision clearance request presents unresolved safety concerns. The Board should consider any additional evidence presented at the hearing and make separate findings for each variance.

The request to reduce the street side setback from 12.5 feet to 11 feet is a separate special exception request and would appear to be the least intrusive request. It should be evaluated under Article 24.4(A)(2)(a), including all six applicable criteria. Its relatively small reduction does not independently establish entitlement to approval, and approval would not resolve the front yard or vision clearance violations.

The Board may identify modification, partial removal, or relocation as alternatives for the applicant to explore. Any revised proposal should be reviewed for compliance before work proceeds.

Under Iowa law if the Board cannot make affirmative findings on all five statutory criteria, the variance should be denied.

Recommended Conditions if Approved:

1. The variances shall apply only to the construction of the 9'x46' pergola in the application materials reviewed by the Board.
2. 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 or drainage impact.
3. Any material change in size, location, height, use, or setback encroachment shall require review by the Zoning Office and may require further Board approval.

4. 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:

Action options:

1. Grant the requested variances 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 requested 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 variances as requested by the applicant, based on the Board's findings that all criteria in Iowa Code Section 335.15(4) have been met, subject to the following conditions:
 1. All construction shall comply with the site plan submitted on August 11, 2026.
 2. Any material changes in the submitted plans including a change in project size, location, height, use, or setback encroachment shall require review by the Zoning Office and may require further Board approval.
 3. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.
 4. All recommended conditions in the staff report are followed as part of the approval.

Provided Alternate Action:

- I move to adopt the staff report as the Board's findings and to approve the variances 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 variances as requested by the applicant for the following reasons:
The request does not meet the criteria in Iowa Code Chapter 335.15 (STATE ANY OTHER REASONS FOR DENIAL)

EXHIBITS

- Exhibit 1: Figures 1-5 photos
- Exhibit 2: Variance Application filed September 15, 2026
- Exhibit 3: Site Plan
- Exhibit 4: Parcel Highlight

Figure 1
View of pergola from intersection of Blacklocust Ave & 244th St



Figure 2
View of pergola looking southerly on Blacklocust Ave



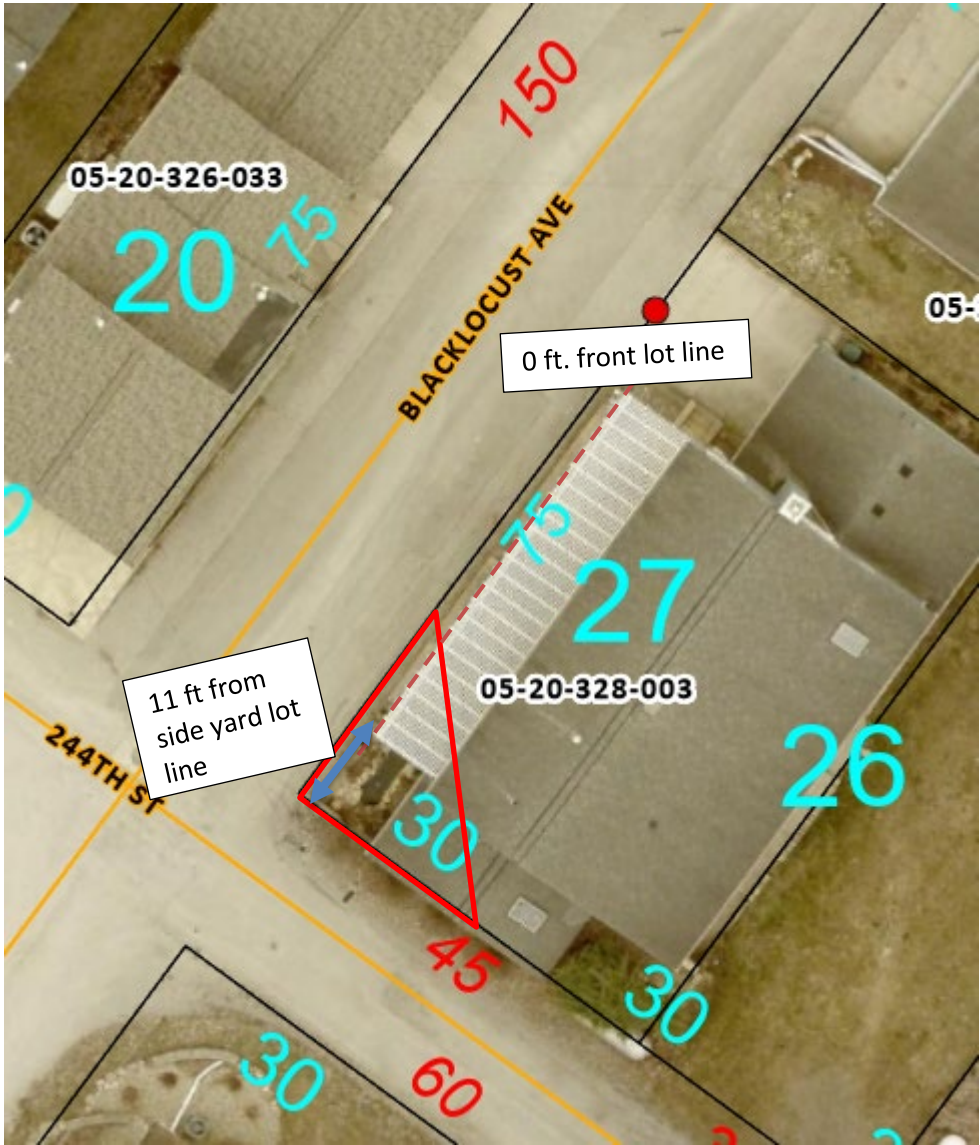
Figure 3
Pergola on the front lot line



Figure 4
Looking south to north on front lot line



Site view



VARIANCE APPEAL

APPLICATION

Date Filed 9/15/20

Date Set for Hearing 10/27/20

Case Number: 20-12

Applicant Name: KIM DOCKWELL Phone: 515-249-5194 E-Mail:
Mailing Address: 15345 Blacklocust AVE VENTURA Ia. 50482 clockwellk@cltel.net
Property Owner Name: Linda Dockwell Phone: 641-425-7127 E-Mail:
Property Owner Address: 15345 Blacklocust AVE 641-829-3731 clockwellk@cltel.net
VENTURA Ia 50482

Property Description (Not to be used on legal documents): Parcel # 052032800300 Township Clear Lake

Property Address: 15345 Blacklocust AVE VENTURA Ia Zoning: R-3

Brief Legal Description: W 1/2 L26 & ALL L27 B1K14 VENTURA Hgts

Project Description Pergola for existing Patio

Decision Date: 8-18-20

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

1. The constructed pergola is 11' from the south street side yard lot line, 12.5' is required in the R-3 District.
2. The pergola is 0' from the front lot line, 30' is required in the R-3 District.
3. The pergola was constructed within the 25' vision triangle, Article 6.31(A) of the Zoning Ordinance prohibits construction above the height of 2.5 feet in the area described as: that area bounded by the street right-of-way lines of a corner lot and a straight-line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines.

Answer the five (5) Criteria Justifying the Variance under Standards for Review (You may add more details in the Additional Information)

#1 The setbacks listed in the denial make the building of any shade device or pergola to fit existing patio impossible. Building a pergola over existing patio to (front lot line) does not change the footprint that exists. Not granting a variance to build a shade device would diminish the usefulness of existing patio area. It creates a hardship for usage of patio.

#2 The practical difficulties for the property owner is the patio is unusable in afternoon sun due to loss of large shade trees. For many years we have tried to find alternatives to create shade on existing patio, including umbrellas and portable patio enclosures all of which are susceptible to high winds in the area.

#3 The pergola design does not alter the character of the neighborhood, but adds to it. It does not change usefulness of Blacklocust Ave. or create any traffic or public safety concerns. The height of the pergola creates no vision impairment to the right of ways. It does not threaten any health or welfare of public .It does not create any problems or nuisances for our neighbors. Therefore we feel substantial justice would be done by granting the variance.

#4 The lot sizes in this neighborhood are fairly small and don't leave a lot of extra area for setbacks (front or side). Past Boards have allowed us to make upgrades to retaining walls to provide protection from the large amounts of water that flow down the hill from above our property. The concrete patio was added to provide protection for the retaining wall and add useable outdoor space not available elsewhere on the property.

#5 The pergola design offers a softer and more symmetrical appearance with a gardenlike atmosphere that blends with the neighborhood.

I am the ☐ Owner ☐ Contract Purchaser ☒ Other (Explain)

Husband of Owner

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

Kir Dockwell

Date

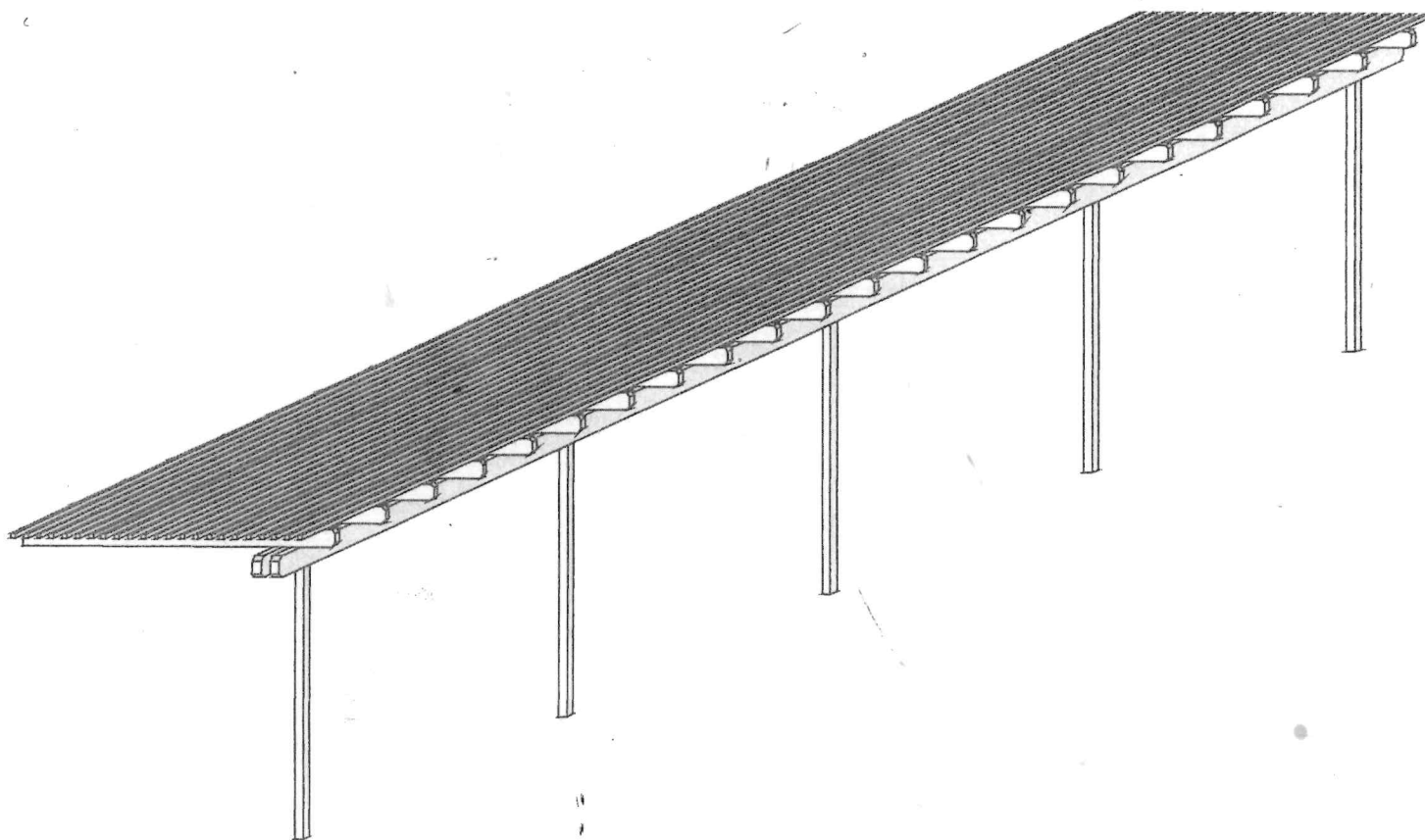
9-15-26

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.

I realize in hindsight that a building permit is needed to protect all homeowners. We have struggled for years to make patio use full in the afternoon sun and to have something capable of lasting thru storms. We are blessed with a great view of Clear Lake from that area that is unavailable from anywhere else on the property. Blacklocust Ave. is a dead end with only three houses affected. Attached you will find those neighbors perspective. The prior variance to install a retaining wall with concrete cover or patio to the front lot line is evidence that property was useless without retaining wall. The patio and retaining wall did not threaten public safety, health, welfare or character of the neighborhood but improved it. By adding a pergola to existing patio we made that area better than before.



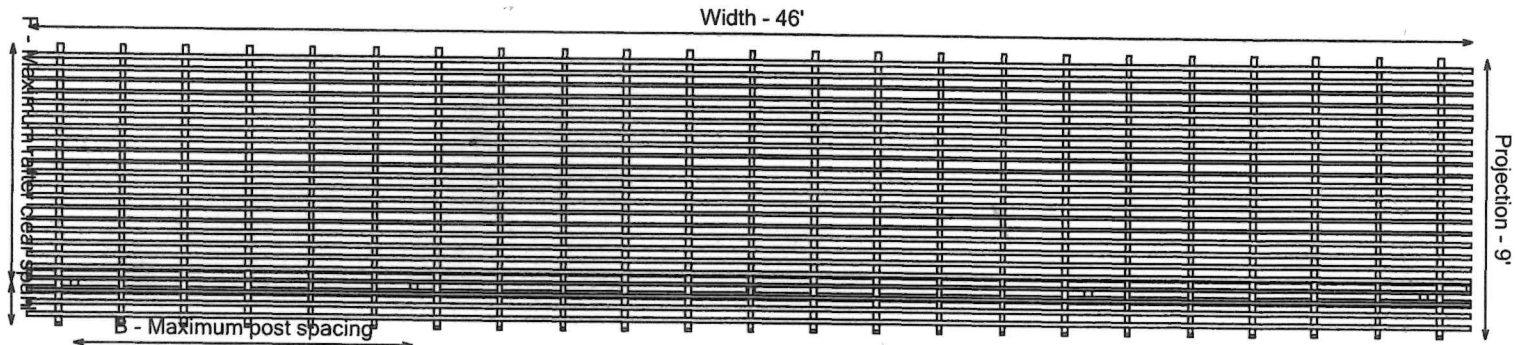
A - Minimum posts required	4	
B - Maximum post spacing	13' 10"	(166")
C - Minimum header overhang	0'	(0")
D - Maximum header overhang	3' 5-1/2"	(41-1/2")
E - Reinforced header required?	No	
F - Maximum rafter clear span	10' 3"	(123")
G - Actual rafter clear span	8'	(96")
H - Minimum rafter overhang	0'	(0")
I - Maximum rafter overhang	5'	(60")
J - Rafter count	23	
K - Lattice tube count	23	

L - Rafter spacing, center-to-center	24"
M - Lattice spacing, center-to-center	4-1/2"

Start installation of lattice 3" from wall, working outward.

Recommended spacing for structural loads as ordered. Deviation may result in shortage of materials and may affect load-bearing ability.

Post spacing may be adjusted to fit your installation, within the specified limits.



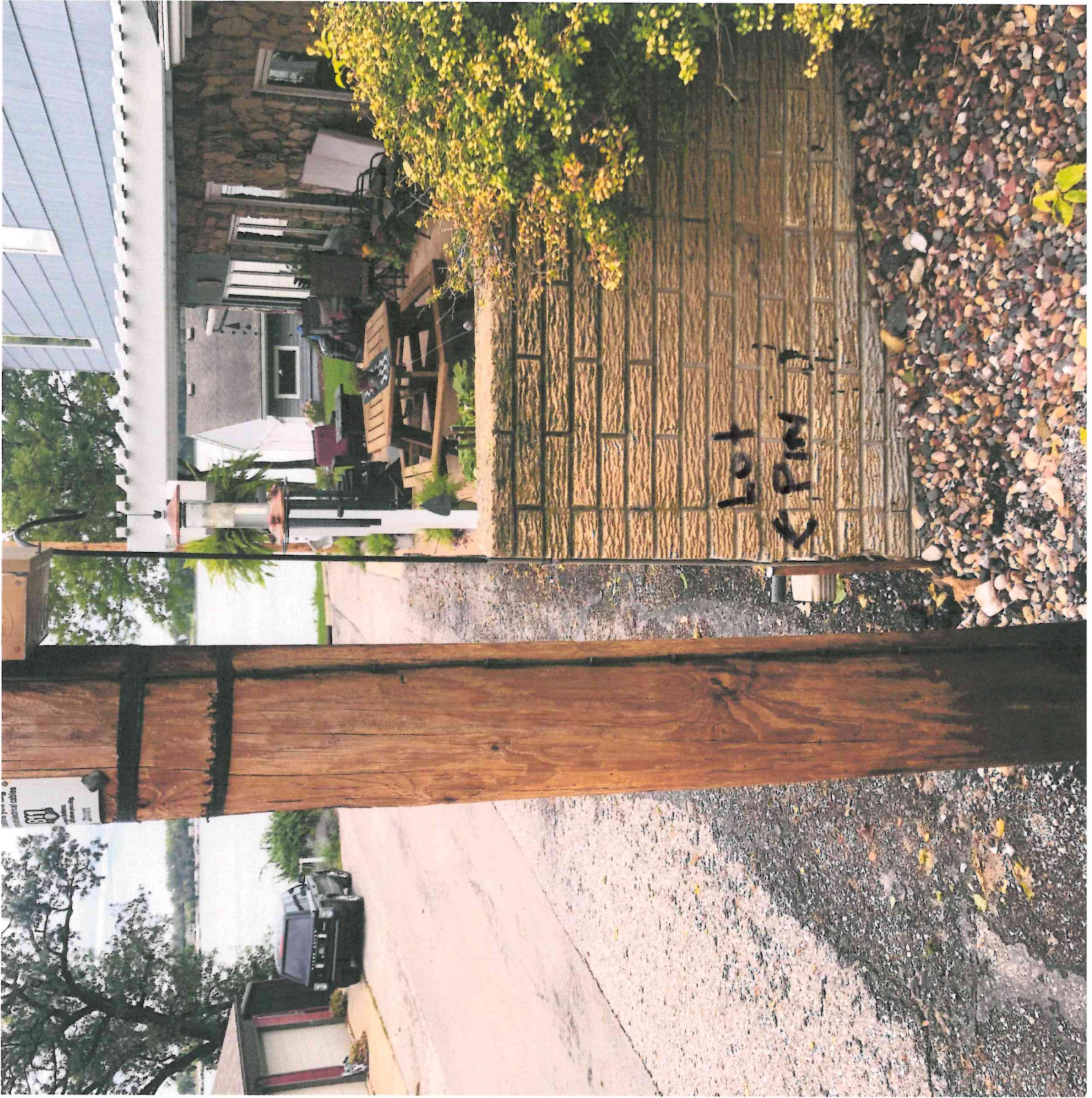
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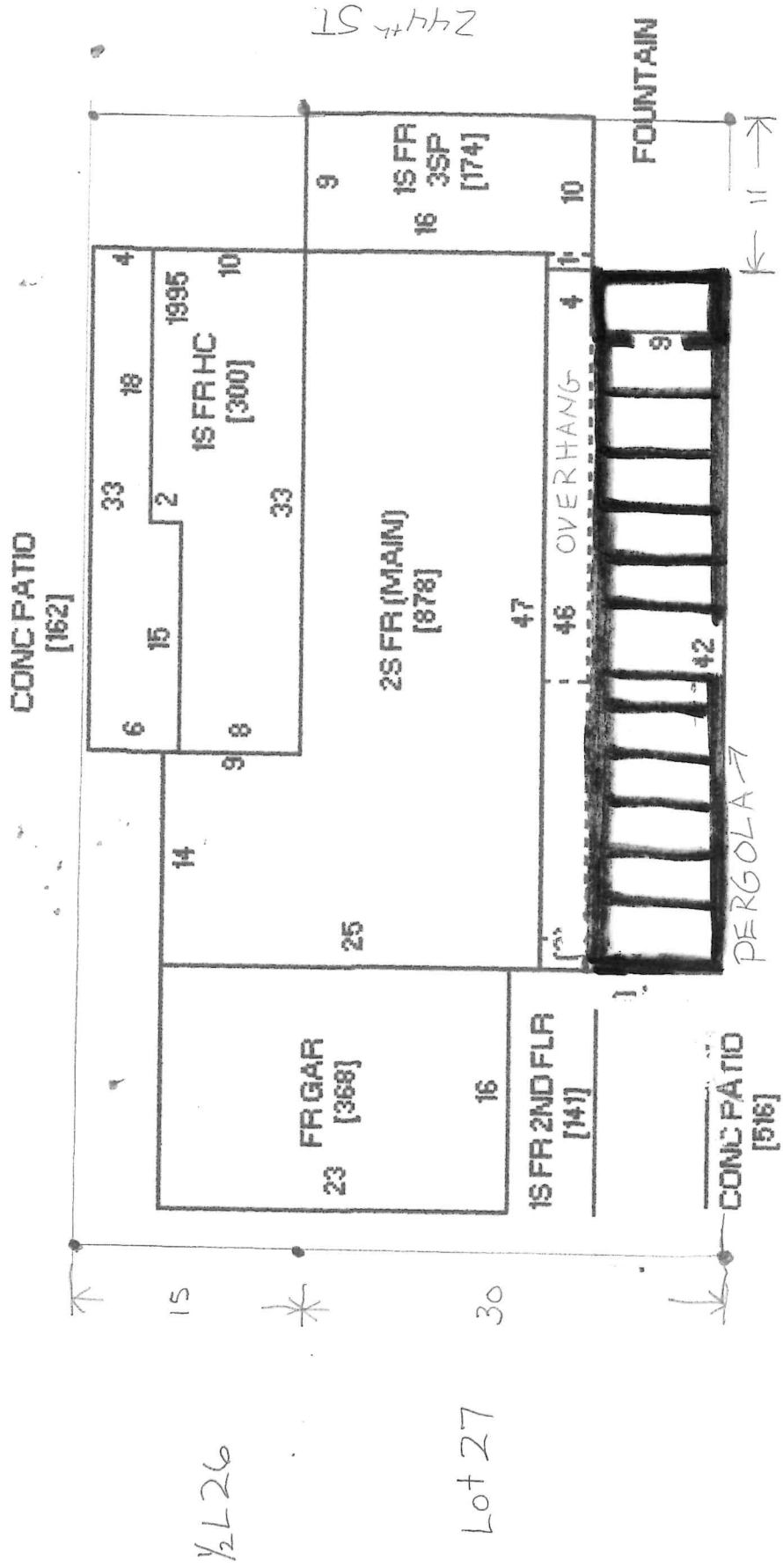
L - Rafter spacing, center-to-center	24"
M - Lattice spacing, center-to-center	4-1/2"

Start installation of lattice 3" from wall, working outward.

Recommended spacing for structural loads as ordered. Deviation may result in shortage of materials and may affect load-bearing ability.

Post spacing may be adjusted to fit your installation, within the specified limits.





BLACKLOUST AVE

36 LF 15 STN

dockwelk

From: Julie Broome <broomeja@me.com>
Sent: Monday, September 14, 2026 7:28 PM
To: dockwelk@citel.net
Subject: Pergola

My husband and I live at 15336 Blacklocus here in Ventura. The Pergola at the Dockwell's house has added beauty as well as comfort to our area. We enjoy it sitting over there visiting.

Julie and Wayne Broome.

Sent from my iPhone

dockwelk

From: Patty whitehurst <pwhitehurst81@gmail.com>
Sent: Wednesday, September 16, 2026 1:02 PM
To: dockwelk@citel.net
Subject: Letter

To Whom It May Concern:

Please allow this letter to serve as our formal support for the application which Kim and Linda Dockwell have submitted.

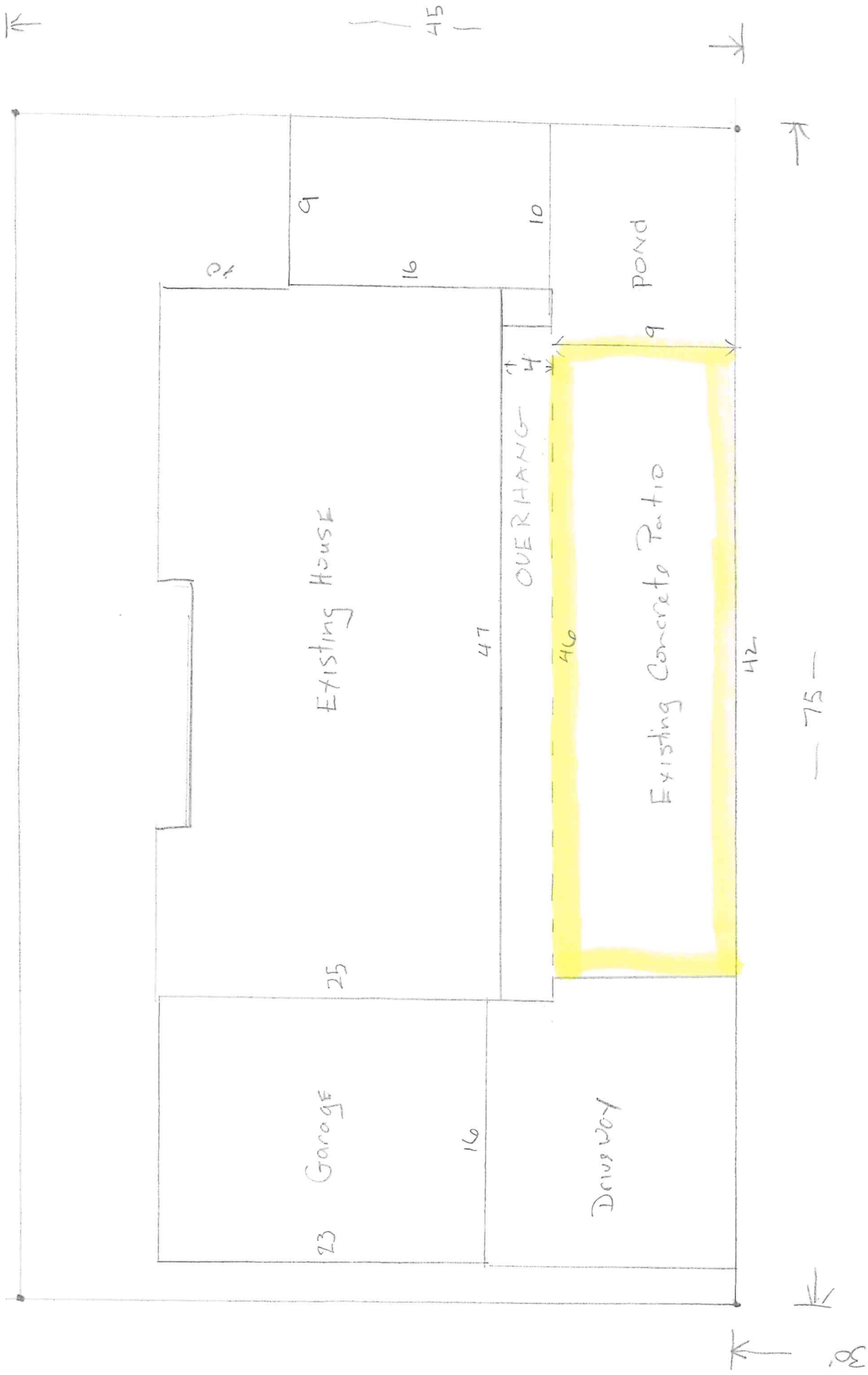
We live directly next door (15351 Black Locust Ave) and find the pergola to be an asset to our neighborhood due to its aesthetics. In addition, it provides necessary shade in the summer months allowing the patio to be useful without impeding our vehicle sight lines at the four way intersection.

Due to these factors, we provide our full support of their application.

Respectfully Submitted,

Patty and Joel Whitehurst
15351 Black Locust Avenue

Pergola



BLACKLOCKST AVE.

