



## PLANNING AND ZONING Cerro Gordo County Courthouse

220 N Washington Ave  
Mason City, IA 50401-3254  
[https://cerrogordo.gov/planning\\_and\\_zoning/](https://cerrogordo.gov/planning_and_zoning/)

(641) 421-3075

[plz@cgcounty.org](mailto:plz@cgcounty.org)

### SPECIAL EXCEPTION STAFF REPORT

#### SUMMARY OF REQUEST

**Case No.:** 24-10

**Hearing Date:** May 28, 2024

**Staff Contact:** Michelle Rush, Assistant Zoning Administrator

**Applicant:**

Tony Kockler Builders Inc.  
4309 7<sup>th</sup> Ave N  
Clear Lake, IA 50428

**Owner:**

Chad & Amy Kuhlbers  
3780 240<sup>th</sup> St  
Clear Lake, IA 50428

**Property Address:** 3780 240<sup>th</sup> St, Clear Lake, IA 50428

**Brief Legal Description:** W 10' Lot 4, all of Lot 5, John Baker Subdivision

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

#### Background

The applicant proposes to construct a 20'x38' addition between the garage and dwelling and a 12'x30' storage addition above the garage. The addition between the garage and dwelling meets the required setbacks in the R-3 District. The Special Exception request is for the storage addition above the garage only. The peak height with the garage addition will be 22'.

#### SPECIAL EXCEPTION REQUEST

Structure	Request(s)	Requirement(s)
12'x30' storage above the garage	24'-8" front yard setback	30' front yard setback 42' front yard setback, per the average of setbacks within 200' (6.11)

#### FINDINGS OF FACT

1. Chad & Amy Kuhlbers are the owners of the subject property.
2. Tony Kockler Builders, Inc. is applying for a special exception on behalf of the Kuhlbers
3. The property is zoned R-3 Single Family Residential District.
4. The proposed storage addition above the garage will be 24'-8" from the front lot line.
5. A 30' front yard setback is required in the R-3 District. The average front yard setback of properties within 200' is 42'. The requested 24'-8" front yard setback is further than 50 percent of the required 30' front yard setback and 42' front yard average setback.
6. The application was filed on May 1, 2024 with the Planning & Zoning Office.

## 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**

***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 proposed storage addition above the garage is 24'-8" from the front lot line, which is further than 50 percent of the required 30' front yard setback or 42' front yard average setback. The standard appears to be met.

***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.***

The garage and dwelling will be connected by the new 20'x38' addition. The garage will then be a part of the existing single-family home, which is a principle permitted use in the R-3 District. The standard appears to be met.

***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 proposed addition above the garage is intended to be used for additional storage. The house and existing garage take up most of the area of the lot which prevents another location on the lot to be used for additional storage. The storage addition is within the existing footprint of the garage. The standard appears to be met.

***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.***

While the lot is deep, it is 50' wide which limits development space on the lot. By building above the garage, no additional lot area will be covered by a structure. As with most lake lots, usually a special exception from the setback requirements is necessary for any type of construction. It appears substantial justice would be done to allow the storage addition above the garage. The standard appears to be met.

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

There is no alternate feasible location for additional storage on the property. As a result, there are no other practical options. The standard appears to be met.

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

Similar garage additions are a regular feature in the neighborhood. The standard appears to be met.

**Discussion of Potential Impacts to Immediate Area**

There are no foreseeable negative impacts from the proposed storage addition above the garage. It will be constructed within the existing footprint of the garage. Camp Tanglefoot is located across 240<sup>th</sup> Street to the south. No views will be blocked by the addition.

**Staff Conclusions and Recommendation**

Staff recommends approval of the request. All standards of review appear to have been met, and there are no foreseeable negative impacts as a direct result of the proposed deck and walkway.

**BOARD DECISION**

The Board of Adjustment may consider the following alternatives:

**Alternatives**

1. Grant the requested special exception subject to any conditions as deemed necessary by the Board.
2. Grant relief less or different from 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 Tony Kockler Builders Inc. for Chad & Amy Kuhlers, subject to the following conditions:
  1. All construction shall comply with the site plan submitted with the application.
  2. 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 Tony Kockler Builders Inc. for Chad & Amy Kuhlers for the following reasons:  
[STATE REASONS FOR DENIAL]

## EXHIBITS

- Exhibit 1: Figures 1-7
- Exhibit 2: Special Exception Application
- Exhibit 3: Site plan
- Exhibit 4: Aerial photo of site
- Exhibit 5: Plat of Survey

Figure 1 – Front of the Garage from 240<sup>th</sup> St



Figure 2 – land between dwelling and garage for proposed addition





Figure 3 – back side of garage for proposed second story addition



Figure 4 – rear of garage looking west to east





Figure 5 – looking north to south along east lot line



Figure 6 – distance between neighbor to the east



Figure 7 – photo of garage and dwelling from 240<sup>th</sup> Street showing slope of the land





# SPECIAL EXCEPTION APPEAL

## APPLICATION

Date Filed 5-1-2024 Date Set for Hearing 5-28-24 Case Number: 24-10

Applicant Name: Tony Kockler Phone: 641 589 0698 E-Mail: tony @ duradoc .us

Mailing Address: 4309 7th AVE NORTH

Property Owner Name: CHAD/AMY KUHLEERS Phone: 641 583 0689 E-Mail: AMYEKUHLEERS @GMAIL.COM

Property Owner Address: 3780 240th St.

Property Description (Not to be used on legal documents): Parcel # \_\_\_\_\_ Township \_\_\_\_\_

Property Address: \_\_\_\_\_ Zoning: \_\_\_\_\_

Brief Legal Description:

### Project Description

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

ADD BONUS ROOM SPACE ABOVE GARAGE

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

FRONT YARD SET BACK OF 24'8" (30' FRONT YARD REQUIRED)

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

- WANTING TO NOT
- USE EXISTING FOOTPRINT.

I am the  Owner  Contract Purchaser  Other (Explain) BUILDER  
\_\_\_\_\_ 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 Tony Kockler

Date 5-1-2024



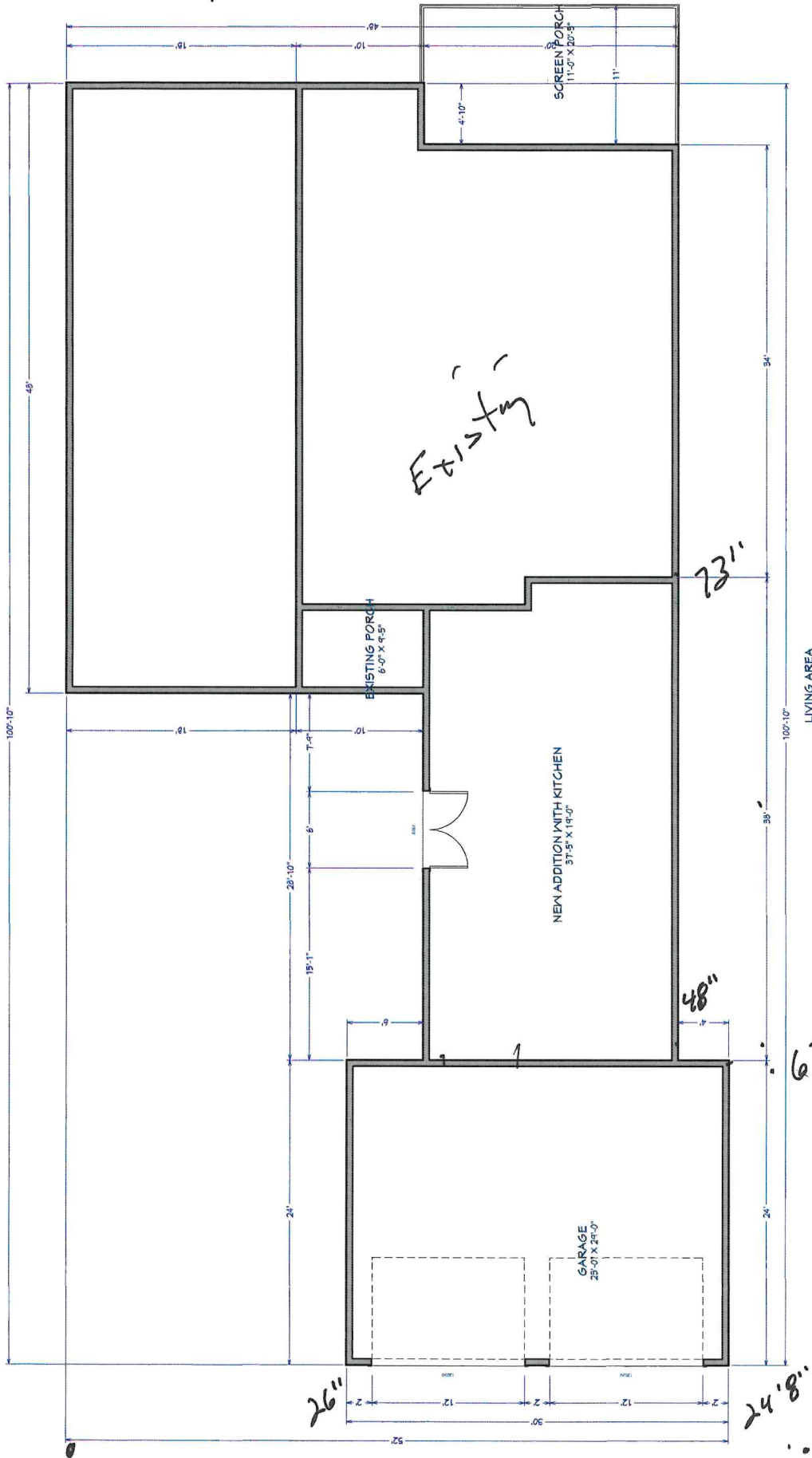
## SPECIAL EXCEPTION APPEAL

### 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.

1. Average Front Setback is 42'; 50% is 21; ASKING for 24' 8"
2. Extra storage is permitted use in R-3 district.
3. No other location on property for #25 usage.
4. N/A
5. SAME AS # 2.
6. Our opinion is this will be similar to other properties in the Tangle Foot Area.

CHAD / Amy KUHLEA



LIVING AREA  
2731 SQ FT

170 Deep

63"  
48"  
11"

← 60' →

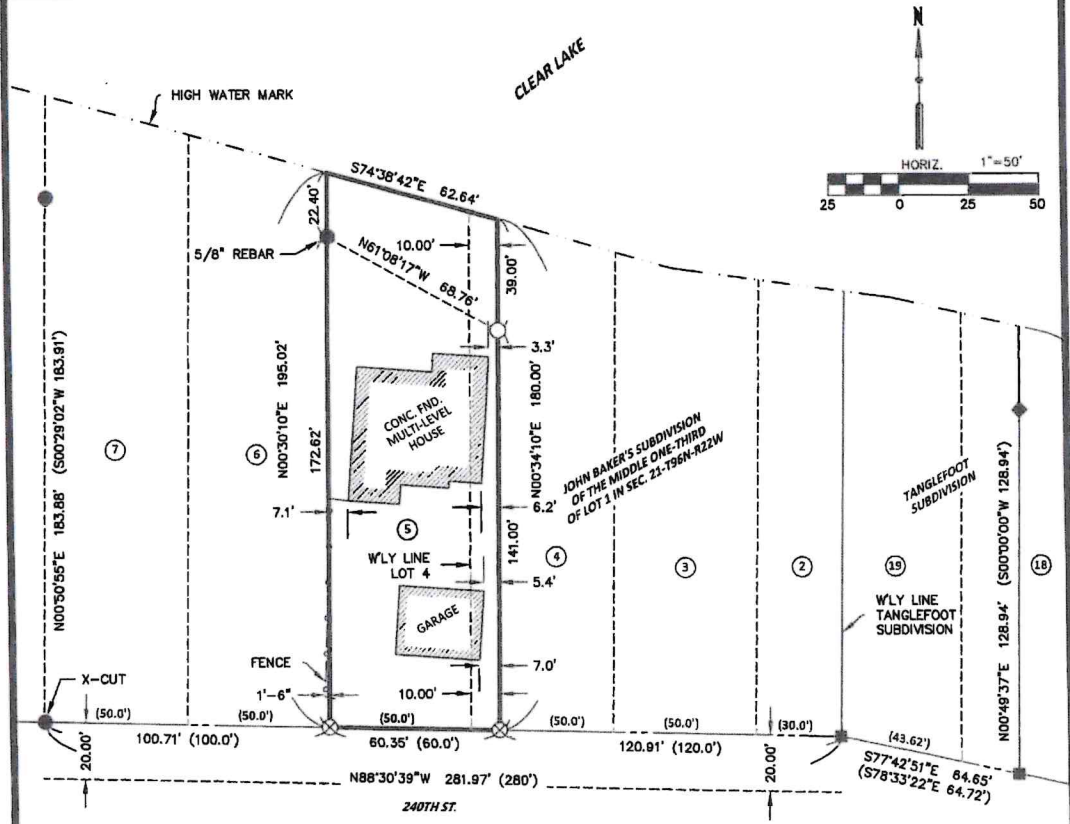


AnnMarie Legler, Cerro Gordo County Recorder



<b>INDEX LEGEND</b>
<b>LOCATION</b> WEST 10 FT. OF LOT 4 AND ALL LOT 5, EXCEPT THE SOUTH 20 FT. THEREOF, IN JOHN BAKER'S SUBD. OF THE MIDDLE ONE-THIRD OF LOT 1 IN SEC. 21-196N-R22W OF THE 5TH P.M.
<b>PROPRIETOR</b> CHAD E. KUHLERS AMY E. KUHLERS
<b>SURVEY REQUESTED BY</b> AMY KUHLERS
<b>SURVEYOR COMPANY</b> STARK SURVEYING INC. 1622 S. TAFT AVE. MASON CITY, IOWA, 50401 PHONE: 641-423-7947
<b>RETURN TO:</b> BENJAMIN STARK 1622 S. TAFT AVE. MASON CITY, IOWA, 50401

## RETRACEMENT PLAT OF SURVEY



### DESCRIPTION OF RECORD DOC.#2019-3906

THE WEST 10 FEET OF LOT 4 AND ALL OF LOT 5, EXCEPT THE SOUTH 20 FEET THEREOF, IN JOHN BAKER'S SUBDIVISION OF THE MIDDLE ONE-THIRD OF LOT 1 IN SECTION 21, TOWNSHIP 96 NORTH OF RANGE 22 WEST OF THE 5TH P.M.

LEGEND	
△	SET SECTION CORNER AS NOTED (P.O.C.) POINT OF COMMENCEMENT
○	SET 1/2" REBAR 24" LONG YPC 23709 (P.O.B.) POINT OF BEGINNING
●	FOUND T-BAR W/ CHROME CAP 14052
◆	FOUND 1/2" REBAR
⊗	SET MAG NAIL
⑤	LOT NUMBER
(0.00')	RECORD MEASUREMENT

**SURVEYOR'S NOTES:**  
 1) IARCS ZONE 2 IS THE BASIS OF BEARING FOR THE PURPOSE OF THIS SURVEY.

**DOCUMENTS USED FOR THIS SURVEY:**  
 PLATS: DOC.#2010-9397,  
 DOC.#2010-3422, BK.1 PG.480,  
 BK.4 PG.289  
 DEED: DOC.#2019-3906

AREA CALCULATIONS	
TOTAL AREA.....	11,335 SQ. FT.
DATE SURVEYED	3-21-24
SCALE:	AS SHOWN
PROJECT NO.:	24225
DRAWN BY:	BVS
CHECKED BY:	BVS
SHEET	1 of 1



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

*Benjamin Stark*  
 Benjamin Stark  
 License number 23709  
 My license renewal date is December 31, 2025

3-27-24  
 Date  
 Sheets covered by this seal: 1

**STARK SURVEYING INC.**



240TH ST