



## PLANNING AND ZONING Cerro Gordo County Courthouse

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### SPECIAL EXCEPTION STAFF REPORT

#### SUMMARY OF REQUEST

**Case No.:** 24-17

**Hearing Date:** October 29, 2024

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

**Applicant:**

**Owner:**

Larry & Julie Ubben  
7322 Hudson Heights  
Hudson, IA 50643

Same

**Property Address:** 15290 Pascal St, Clear Lake, IA 50428

**Brief Legal Description:** Lot 5, Block 1, PM Park, Clear Lake Township

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

#### Background

The applicant proposes to construct a 15'x7' addition extending south from the original cabin (in line with the back of the driveway) which will include a bedroom and a bathroom. The Ubben's were granted a variance in 2019 for the 15'x12' sunroom on the rear of the cabin to be 12' from the rear (west) lot line. The proposed addition will be 24' from the rear (west) lot line and 11' from the shed.

#### SPECIAL EXCEPTION REQUEST

Structure	Request(s)	Requirement(s)
15'x7' addition	24' rear yard setback	30' rear yard setback (11.6C)

#### FINDINGS OF FACT

1. Larry & Julie Ubben are the owners of the subject property.
2. The property is zoned R-3 Single Family Residential District.
3. The proposed addition will be 24' from the rear lot line.
4. A 30' rear yard setback is required in the R-3 District.
5. The application was filed on October 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

- 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 proposed addition will be 24' from the rear lot line, which is further than 50 percent of the requirement. All other setbacks in the R-3 Single Family Residential District are met. The standard appears to be met.

- 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.***

The proposed addition will add additional living space and is considered a part of the dwelling, which is a principal permitted use in the R-3 District. The standard appears to be met.

- 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.***

Most of the lots in Block 1 are 40'x70' in size. Due to the required setbacks in the R-3 District, most improvements would require a special exception to be accomplished. This improvement to the dwelling would not be able to be completed without a special exception. As a result, the standard appears to be met.

- 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.***

The existing house sits 6' from the north side lot line. The south side of the cabin to the lot line is covered by a gravel driveway. There is a shed located in the southwest corner of the lot. There is no alternate location for the proposed addition. The standard appears to be met.

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

As stated above, there is no alternate feasible location for the proposed addition on the property. The standard appears to be met.

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

The proposed addition will not alter the character of the neighborhood. It will remain a single-family dwelling. The standard appears to be met.

**Discussion of Potential Impacts to Immediate Area**

There are no foreseeable negative impacts due to the proposed addition. The addition will only extend 7' from the house. The addition will not be in line with the rear of the cabin. The existing shed is closer to the south side lot line than the proposed 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 addition.

<b>BOARD DECISION</b>
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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 exceptions as requested by Larry & Julie Ubben, 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 Larry & Julie Ubben for the following reasons:  
[STATE REASONS FOR DENIAL]

<b>EXHIBITS</b>
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- Exhibit 1: Figures 1-4 photos
- Exhibit 2: Special Exception Application and Site Plan
- Exhibit 3: Parcel Highlight



Figure 1 – Front of house from Pascal Street



Figure 2 – Proposed location of 7x15 addition indicated by red flags





Figure 3 – Looking west at proposed addition on south side of dwelling.





Figure 4 – Looking at distance between Ubben dwelling and dwelling to the South





## SPECIAL EXCEPTION APPEAL

### APPLICATION

Date Filed 10-1-24

Date Set for Hearing 10-29-24

Case Number: 24-17

Applicant Name: Larry & Julie Weber Phone: 319-404-1012 E-Mail: julien59@aol.com  
Mailing Address: 7322 Hudson Heights Hudson IA 50413  
Property Owner Name: Larry Weber, Julie Weber Phone: 319-404-1012 E-Mail: julien59@aol.com  
Property Owner Address: 7322 Hudson Heights Hudson IA 50413  
Property Description (Not to be used on legal documents): Parcel # 05224260060 Township \_\_\_\_\_  
Property Address: 15290 Pascal St Clear Lake IA Zoning: R-3  
Brief Legal Description: L5 Blk 1 PM Park Single Family Home

Project Description 7'x15' addition on South side of property, extending South from original cabin prior to Sunroom addition. Decision Date: \_\_\_\_\_

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

request exception to setback on West side of cabin (rear yard)

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

Addition would extend south & not exceed the distance to the West property line than the current / original cabin prior to the 12'x16' Sunroom addition. Sunroom addition was approved on West side of cabin previously in 2019. Request does not exceed 50% rear yard requirement.

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

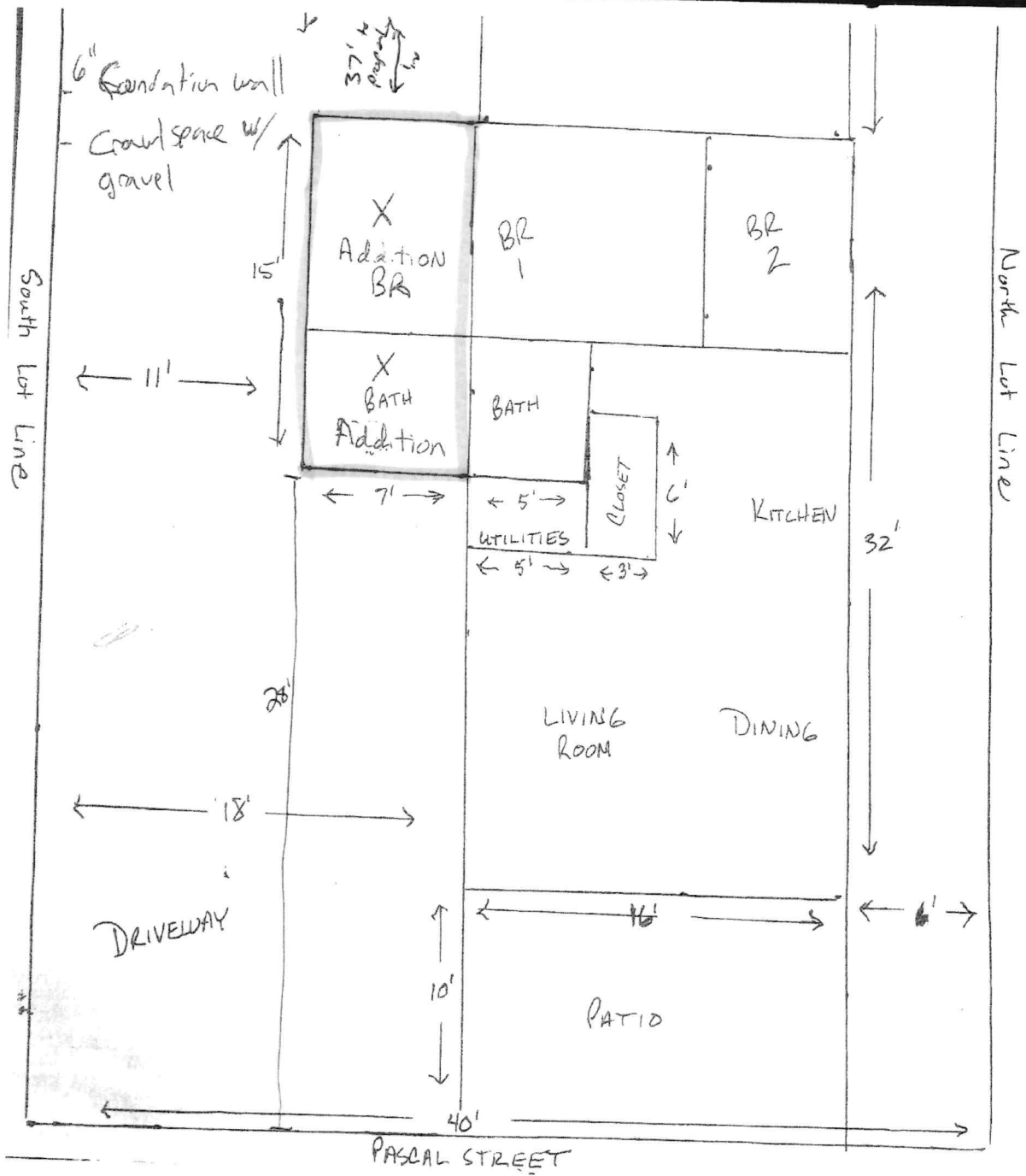
\_\_\_\_\_ of the property affected.

Addition is permitted use in the district.

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 11/1/24





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