



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.: 26-11

Hearing Date: October 27, 2026

Request: A variance request to replace the current roof trusses from 3/12-pitch to 4/12-pitch therefore increasing the height of the structure by 14 inches while maintaining the existing 19-foot front yard setback.

Applicants

Luke Humburg
PO Box 293
Ventura, IA 50482

Owners

Same

Property Address: 21194 Eagle Ave, Clear Lake, IA 50428

Brief Legal Description: located in the SE¼ of the SE¼ of Section 22, Grant Township

Zoning: A-1 Agricultural District

Background

The applicant is requesting a variance to modify the roof of the existing dwelling. The proposed project includes removing the existing 3/12-pitch roof trusses and replacing them with clear-span 4/12-pitch roof trusses, which would increase the overall roof height by approximately 14 inches. The existing footprint of the dwelling will remain unchanged.

The dwelling is currently located approximately 19 feet from the front property line. The A-1 District requires a minimum front yard setback of 50 feet. Because the existing dwelling does not meet the required front yard setback, the applicant is requesting a variance to allow the proposed roof modification while maintaining the existing 19-foot front yard setback.

VARIANCE REQUEST

Structure	Request(s)	Requirement(s)
Replacing roof trusses with a 4/12-pitch resulting in a 14-inch increase in height to the dwelling	19 ft. front yard setback with the 14 -inch height increase	50-foot front yard setback per Article 7.6(A)

Findings of Fact

1. Luke Humburg is the owner of the subject property.
2. The property is zoned A-1 Agricultural District.
3. The proposed roof trusses will have a 4/12-pitch, increasing the height of the roof by approximately 14 inches.
4. The existing footprint of the dwelling will remain the same, maintaining the 19-foot front yard setback.

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.

The required Standards of Review per Iowa Code Section 335.15(4)

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

The proposed project would replace the dwelling's existing 3/12-pitch roof trusses with clear-span 4/12-pitch trusses, increasing the roof height by approximately 14 inches. The dwelling's footprint and existing 19-foot front yard setback would remain unchanged. Consequently, the

project would not move the dwelling closer to the front property line or increase its ground-level encroachment into the required front yard.

The limited height increase suggests that additional impacts may be modest. The variance does not appear to affect roadway visibility, neighboring properties or public safety. However, the Board should consider those matters in the analysis.

Conclusion: The available information supports a finding that the variance would not be contrary to the public interest, provided the proposed roof configuration does not create additional encroachment, visibility, drainage, or safety concerns.

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 existing dwelling is located approximately 19 feet from the front property line, substantially within the required 50-foot front yard setback. Its established location constrains alterations to the portion of the structure occupying that setback. Requiring the dwelling itself to meet the current setback as a prerequisite to roof work could present a substantial obstacle to improving the existing residence and completing maintenance.

However, the present record does not explain why clear-span 4/12-pitch trusses are needed or whether the roof could reasonably be replaced using a design that maintains the existing roof profile. Relevant evidence could include the condition of the existing roof, structural requirements, the purpose of the clear-span design, and the feasibility of alternative designs.

Conclusion: The existing dwelling’s location presents a potential practical difficulty, but additional information is needed to establish why that condition warrants the proposed roof modification. The applicant’s preference for a different roof design, standing alone, does not demonstrate that the criterion is satisfied.

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

The proposed work would retain the existing dwelling and its established footprint while modifying the roof. It would not further reduce the front yard setback. These circumstances support a finding that a narrowly limited approval could accommodate improvement of the dwelling while preserving the existing separation from the front property line.

Nevertheless, the project would increase the building’s vertical extent within the required front yard. The Board should consider whether that additional building mass is consistent with the purposes of the setback requirement and whether the evidence establishes a property-related need for relief.

Conclusion: This criterion could be satisfied if the Board finds that the limited height increase reasonably accommodates improvement of the existing dwelling without materially undermining the purposes of the front yard setback.

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

The location of the existing dwelling may constitute a property-specific condition affecting the ability to alter its roof. The house was located at the current setback before the applicant purchased the property. The applicant has not made any alterations to change the current placement of the structure.

The proposed change from a 3/12-pitch roof to a 4/12-pitch roof is an applicant-selected design. That choice should be evaluated separately from any preexisting difficulty caused by the dwelling's location. The applicant should explain how the requested design responds to an existing property condition rather than creating the need for relief through the proposed project itself.

Conclusion: This criterion is not established by the information currently provided. An explanation of the relationship between the existing conditions and proposed roof design are needed to support an affirmative finding.

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

The property would continue to contain the existing dwelling, with no change to its footprint or front yard setback. An approximately 14-inch increase in roof height appears relatively limited and would not, by itself, suggest a substantial change in neighborhood character.

The parcel is in an agricultural area and the next closest residence is over 1,000 feet away.

Conclusion: The project's limited scope supports a finding that neighborhood character would be maintained.

Staff Conclusions

The unchanged footprint and modest height increase support favorable findings concerning public interest and neighborhood compatibility. The present record is less developed concerning practical difficulties and whether those difficulties are unique and not self-created. Before approving the request, the Board should obtain enough evidence to make affirmative findings on each required element of Iowa Code section 335.15(4).

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 variance shall apply only to the construction of the new roof in the application materials reviewed by the Board.
2. The existing dwelling will not change the current 19-foot front yard setback.
3. 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.
4. Any material change in size, location, height, use, or setback encroachment shall require review by the Zoning Office and may require further Board approval.
5. The project shall follow the plans submitted to the Zoning Department.
5. 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 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 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 variance 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 19, 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 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 a variance with the following changes **(list changes)**.

Provided motion of denial:

- I move to adopt the staff report as the Board's findings and to deny the variance 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 1-4 photos
- Exhibit 2: Variance Application filed August 31, 2026
- Exhibit 3: Site Plan
- Exhibit 4: Parcel Highlight

Figure 1
Front of house and property from Eagle Ave



Figure 2
Front view of house and roof looking south to north



Figure 3

Front lot line along Eagle Ave looking north



Figure 4
View of house looking southerly



VARIANCE APPEAL

APPLICATION

Date Filed 8/31/20

Date Set for Hearing _____

Case Number: _____

Applicant Name: Luke Humburg

Phone: 641-430-9908

E-Mail: humburgconst@gmail.com

Mailing Address: P.O Box 293 Ventura, IA 50482

Property Owner Name: Luke Humburg

Phone: 641-430-9908

E-Mail: Humburgconst@gmail.com

Property Owner Address: 5 N. Weimer St. Ventura, IA 50482

Property Description (Not to be used on legal documents): Parcel # 01224000050 Township Grant TWP

Property Address: 21194 Eagle Ave. Clear Lake, IA 50428 **Zoning:** A-1

Brief Legal Description:
E 510.38' N 853.47' SE
SE 10.00 AC 22-97-22

Project Description

Decision Date: _____

Remove existing 3/12 pitch roof trusses and replace with clear span 4/12 roof trusses.

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

Asking for 19' yard set back, 50' yard set back is required.

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

1. Not granting the variance would be contrary to the public interest.

The house is currently 19 feet from the road, we are not requesting to move or expand it. Changing the trusses will allow us to create access to the larger west side (backyard) of the property from inside, otherwise access to the property is from the front. This will ensure people (including our small children) will not be near the 60mph road.

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 variance is granted. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

Applicant Signature _____

Date _____

8/31/26

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.

2. Not granting the variance would cause practical difficulties.

The existing home is a manufactured home and has a load-bearing wall down the center that limits the layout. Changing from 3:12 trusses to 4:12 open-span trusses will allow us to remove the center wall and remodel the home, without increasing its footprint.

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

The existing setback will not change. The house will remain the same size and the same distance from the road. The variance allows us to improve the existing home.

4. The difficulties are unique to the property and not self-created.

The house was built in 1973 and it is located 19 feet from the road. We did not create the existing setback or the manufactured home's structural limitations.

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

The home will remain in the same location and have the same footprint. The only significant exterior change will be changing the roof pitch from 3:12 to 4:12.

The proposed variance if granted will allow present and future homeowners to utilize the house in a more desired way. After changing the roof trusses, the interior of house can be updated and open to the back yard keeping children and animals away from the county highway in front because the load bearing wall will be able to be removed. If granted in the proposed way, it will allow the land to function as it is not resulting in any drainage or general land changes. This variance does not have any impact of neighbors; and will not cause any dust, drainage, glare, traffic, odors, noise, safety, or other potential impacts as a direct result of being granted.

Site Plan:



01-22-400-006

01-23-300-001

510.38

01-22-400-005

853.47

CH S18 EAGLE AVE

01-22-400-004

01-23-300-003

464.09

01-27-200-002

01-26-100-001