



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

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

SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 24-24

Hearing Date: May 27, 2025

Staff Contact: Michelle Rush, Assistant Zoning Administrator

Applicant:

Owner:

Matt & Melissa Pulis

Same

2501 NE Indian Pointe

Lee's Summit, MO 64086

Property Address: 15358 5th St, Clear Lake, IA 50428

Brief Legal Description: Lots 48 & 48A, Clear Lake Methodist Camp, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

The applicant is proposing to construct a new 27'-4" x 42'-6" 2.5 story dwelling on the property. This parcel may look familiar. In January of 2024, this Board received a special exception request from the previous owner for a 32'x47' 2.5 story dwelling to be constructed on the property. The Board granted a 9'-2.5" front yard setback, a 24' rear yard setback, and 3' east and west side yard setbacks. The site plan did not meet the Bell Harbor Homeowners Association rules, and the dwelling was not constructed.

SPECIAL EXCEPTION REQUEST

Structure	Request(s)	Requirement(s)
27'-4"x42'-6" 2.5 story dwelling	15' front yard setback 15' rear yard setback	18'-4" front yard setback average 30' rear yard setback is required

FINDINGS OF FACT

1. Matt & Melissa Pulis the owners of the subject property.
2. The property is zoned R-3 Single Family Residential District.
3. The proposed dwelling will be 15' from the front lot line, and 15' from the rear lot line.
4. An 18.4' front yard setback is required, per the average of front yard setbacks within 200'. A 30' rear yard setback is required in the R-3 District.
5. The required 6' side yard setbacks will be maintained.
6. The application was filed on April 23, 2025.
7. The lot is part of the Bell Harbor Homeowners Association.

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 lot depth is approximately 70' and the lot width is 40' which is typical in this area. The proposed dwelling will be 15' from the rear lot line and 15' from the front lot line. The 15' rear yard setback is equal to 50 percent of the required 30' rear yard setback. The proposed 15' front yard setback does not exceed 50 percent of the respective 18.4' required front yard setback average. An exception is likely needed to build a dwelling on this lot. 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.***

A single-family dwelling 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.***

The practical difficulty is primarily due to the size of the lot, preventing a dwelling to be built within minimum front and rear yard requirements. The proposed house is roughly consistent with the general size of houses in the vicinity. 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.***

As previously stated, the size of the lot prevents a reasonably sized dwelling to be constructed on the lot. The standard appears to be met.

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

Although the lot is only 40' wide, the applicant is complying with the required 6' side yard setbacks to construct the proposed 27.4' wide dwelling. Due to the 70' lot depth and the

required 30' rear yard setback and 18.4' average front yard setback, an exception is likely needed to construct the dwelling. 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 dwelling will not alter the character of the neighborhood. Of the two lots to the west of the Pulis property and the three lots to the east of the Pulis property, the Pulis lot is the smallest. Two of the dwellings are single story dwellings and three of the dwellings are two-story dwellings. The square footage of the dwellings range from 1172 square feet to 2193 square feet. The Pulis proposed dwelling is 1167 square feet in size. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

The proposed dwelling is similar in size to other dwellings in the area on similar 40' wide lots. The proposed dwelling is generally in line with other dwellings along 5th Street. The parcel immediately south of the Pulis lot contains a garage. The applicant's request complies with the requirements of the Bell Harbor Homeowner's Association. There will be no significant impacts to the immediate area.

Staff Conclusions and Recommendation

The proposed dwelling appears to meet all six standards of review.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested special exceptions subject to any conditions as deemed necessary by the Board.
2. Grant relief less or different from the requested special exception by modifying 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 Matt & Melissa Pulis, subject to the following conditions:
 1. All construction shall comply with the site plan submitted with the application on April 23, 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 special exception 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 special exception as requested by Matt & Melissa Pulis for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- | |
|--|
| <ul style="list-style-type: none">• Exhibit 1: Figures 1-6 photos• Exhibit 2: Special Exception Application dated April 23, 2025• Exhibit 3: Site Plan• Exhibit 4: Parcel Highlight |
|--|

Figure 1 – Looking at proposed building site from 5th Street



Figure 2 – Looking at proposed building site from the lake



Figure 3 – Looking at proposed 6' west side setback in relation to neighbor's house



Figure 4 – Looking at proposed front yard setback of 15' in relation to neighbor's house



Figure 5 – Looking at proposed 15' rear yard setback in relation to neighbor's house to the west



Figure 6 – Looking at proposed 6' east side yard setback



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 4-23-25

Date Set for Hearing 5-27-25

Case Number: 24-24

Applicant Name: Matt & Melissa Pulis

Phone: 816-519-3355

E-Mail: mpulis@istrc.com

Mailing Address: 2501 NE Indian Pointe Lee's Summit MO 64086

Property Owner Name: Matt & Melissa Pulis

Phone: 816-519-3355

E-Mail: mpulis@istrc.com

Property Owner Address: 15358 5th Street Clear Lake Iowa

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

Parcel 05224030240 Township 001

Property Address: 15358 5th Street, Bell Harbor, Clear Lake Iowa

Zoning: Residential – R3

Brief Legal Description: Lot 48 & 48A Bell Harbor Clear Lake Methodist Camp

Project Description

New Single Family Home on current open lot – approximately 2900 sq. ft.

Decision Date: _____

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

To build a home with front Setback of 15 feet from property line street & Rear Setbacks to 15 feet to rear property line.

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

The depth of the lot is approximately 71'. The practical difficulty is primarily with the short depth of the lot. With setback requirements of 30 Lake side (rear) and 18'4" front it would not allow for construction of a home to today's standards or comparable to other houses in the area. The house would be placed in almost the exact same footprint of the previous home. In fact, the front & rear are approximately 2 to 3 inches inside the previous home. The view to the West neighbor with similar placement to previous structure should not change views of the lake.

I am the ☒ Owner ☐ Contract Purchaser ☐ Other (Explain) _____ of the property affected.

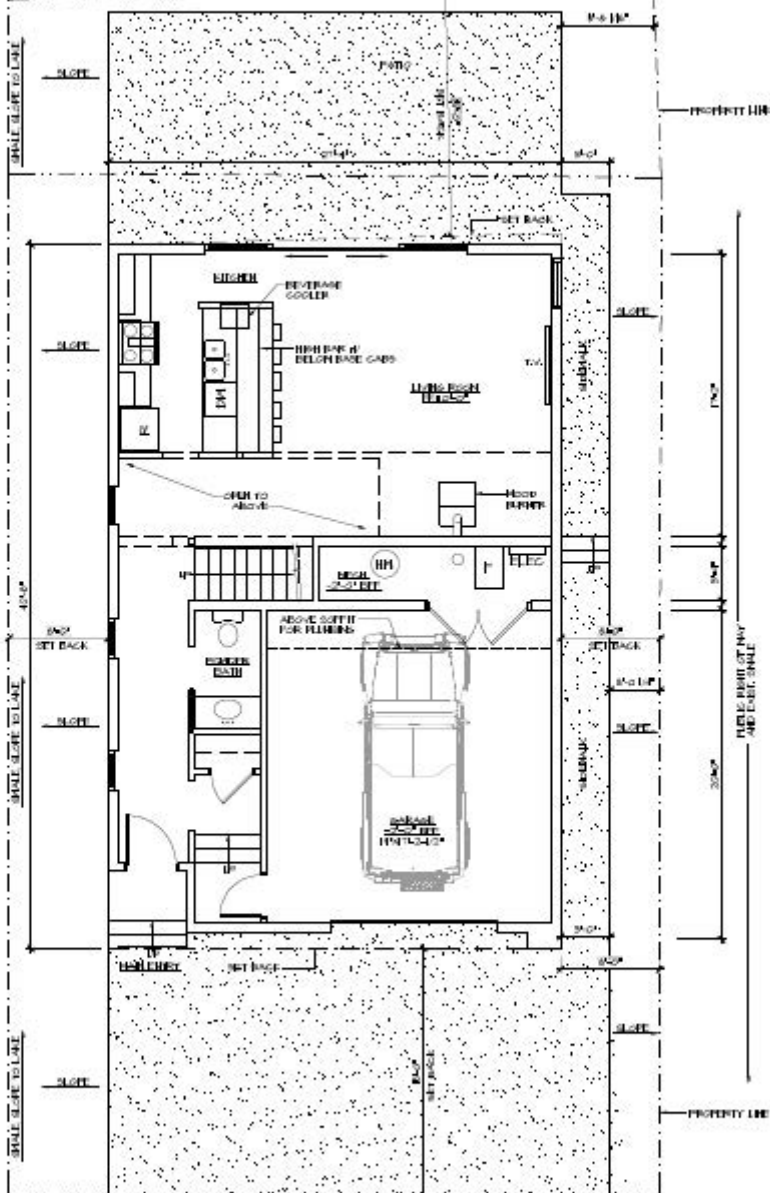
I, the applicant, being duly sworn, depose and say that I am the owner, or that I am authorized and empowered to make affidavit for the owner, who makes the accompanying application; that the application and plan are true and contain a correct description of the proposed building, lot, work, and use to which the structure is to be placed if a special exception is granted. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

Applicant Signature _____



Date 04/23/2025

CLEAR LAKE



2015-2016



FIRST FLOOR PLAN

44-587

