



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

CERRO GORDO COUNTY BOARD OF ADJUSTMENT VARIANCE STAFF REPORT

Summary of Request

Public Hearing Date: November 25, 2025

Applicant:

Michael Smith
55449 160th St
Story City, IA 50248

Owner:

Same

Property Address: 2424 242nd St, Ventura, IA 50482

Brief Legal Description: Lot 1, Block 18, Ventura Heights, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

The applicant began construction of an addition to the dwelling prior to receiving a zoning permit. They framed up the existing 10'x12' cement patio in the northwest corner of the house and removed a second story deck above it. A violation letter was mailed to the applicant on August 22, 2025. The applicant proposes to enclose the existing cement patio for a sunroom and construct a 10'-2"x12' second story deck above it. He also plans to add a 12'x16'-3" second story bedroom in the northeast corner of the house. The roofline of the existing dwelling slants significantly to the east. The pitch of the roof will be raised to accommodate the second story bedroom. The peak height will remain the same. All construction will be inside the existing footprint of the dwelling. The proposed additions will be 3' from the west side lot line and 1.4' from the east side lot line. 6' side yard setbacks are required in the R-3 District.

Variance Request

1. Request a 3' west side yard setback – 6' is required.
2. Request a 1.4' east side yard setback – 6' is required.

Findings of Fact

1. Michael Smith is the owner of the subject property.

2. The property is zoned R-3 Single Family Residential.
3. The applicant started construction of an addition without a zoning permit.
4. The addition will be 3' from the west side lot line and 1.4' from the east side lot line; 6' side yard setbacks are required.
5. The application was filed on October 2, 2025.

ANALYSIS

The requested variance involves an area, dimensional, or other numerical limit (e.g., setbacks, height, lot size, parking, signage) and must meet the following five criteria as allowed under Iowa Code Chapter 335.15 (4). The Board of Adjustment is provided the power to grant a variance under Section 24.4(A)(3) of the Zoning Ordinance. In its review, the Board may attach certain conditions to any variance 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 variance.

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

1. Public interest: Granting the variance is not contrary to the public interest.

The existing dwelling was constructed in 1945. A second story was added in 1997. The proposed additions will be within the existing footprint of the dwelling. The applicant has obtained letters of support from the property owners on each side of his property. The granting of the variance does not appear to be against the public interest. **The standard appears to be met.**

2. Special conditions – practical difficulties: Owing to special conditions of the property, a literal enforcement would cause “practical difficulties” for the property owner trying to make a beneficial use of the property allowed by the Zoning Ordinance.

The lot is only 30' wide. Any proposed additions to the existing dwelling would not be possible without at least a slight exception to the Zoning Ordinance. The addition is within the same footprint of the existing structure. **The standard appears to be met.**

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

The proposed additions are within the existing footprint and will not be visible from 242nd Street. The additions do not obstruct the view of any neighbors. The additions convey the spirit of the ordinance and maintains the integrity of the neighborhood. **The standard appears to be met.**

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

The original house and second story were constructed prior to the applicant taking ownership in 2013. The lot is only 30' wide and the addition does not expand the footprint of the existing structure. Any additions to the dwelling would require some type of variance. The proposed

additions are within the existing footprint and will not be visible from the street. **The standard appears to be met.**

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

The granting of a variance would not appear to significantly alter the essential character of the neighborhood. **The standard appears to be met.**

Staff Conclusions and Recommendation

The criteria for granting a variance is evaluated above. Multiple definitions of “practical difficulty” appear to have in common some unique aspect of the land in question. Staff recommends the Board of Adjustment review the findings as related to the criteria set out above from the Code.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

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 variances.
3. Deny the variances.

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 Michael Smith, subject to the following conditions:
 1. All construction shall comply with the Site Plan submitted on November 10, 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 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 Michael Smith 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 dated October 2, 2025
- Exhibit 3: Site plan
- Exhibit 4: 1997 Survey
- Exhibit 5: Letters of Support
- Exhibit 6: Parcel Highlight

Figure 1
Dwelling from 242nd Street



Figure 2
Looking at enclosed patio and 2nd story bedroom

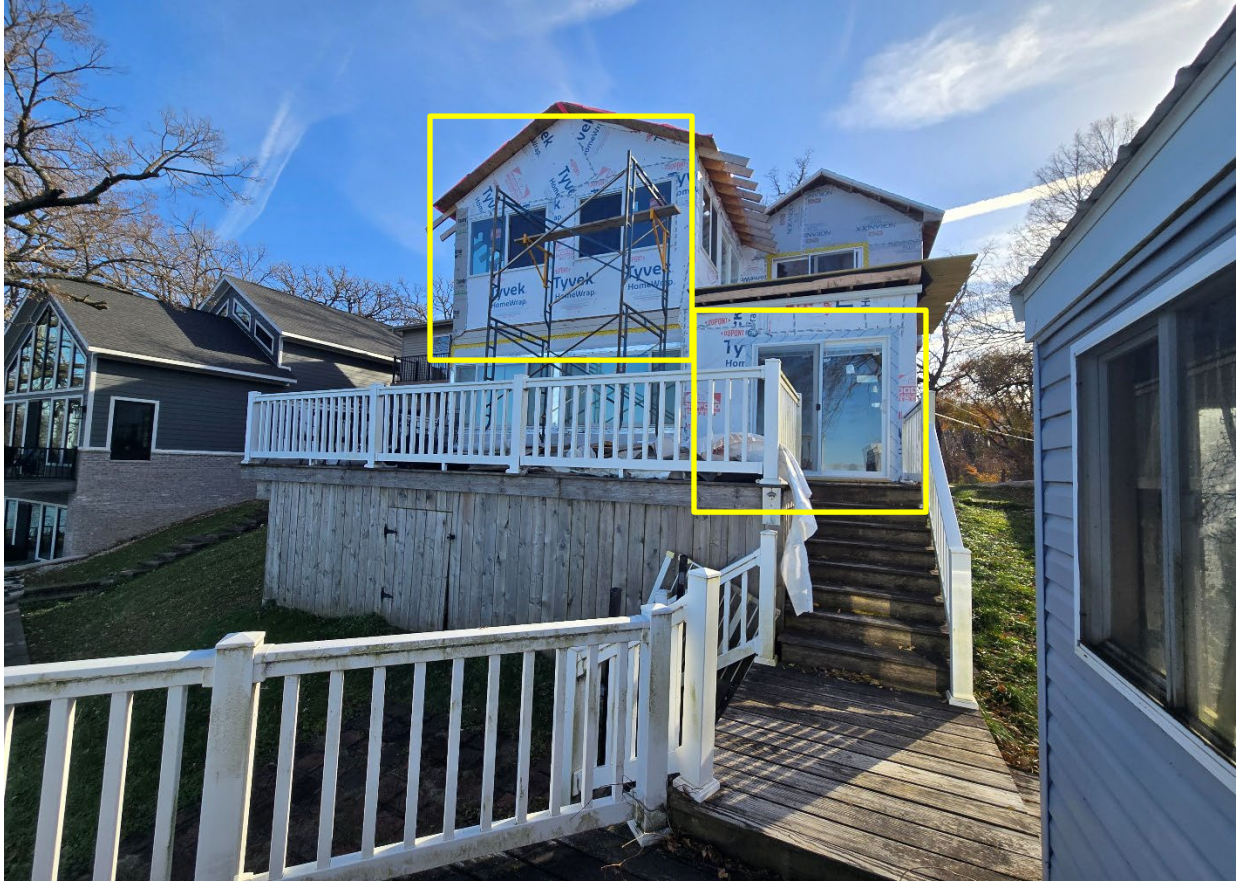


Figure 3
Looking along the east side lot line from street and lake at dwelling 1.4' from east side lot line



Figure 4

Looking along west side lot line from the street at dwelling 3' from the west side lot line



Figure 5

Looking at distance between dwelling to the east



Michelle Rush

From: Teresa Smith <iowa3909@yahoo.com>
Sent: Thursday, October 2, 2025 12:00 PM
To: Michelle Rush
Subject: Re: Dwelling Addition - 2424 242nd St

Follow Up Flag: Follow up
Flag Status: Flagged

External Email WARNING: DO NOT open attachments or click links from unknown senders or unexpected emails. Questions? Call 3-HELP.

Hi Michelle,

Thank you for the email. Please see below for the application for variance and site plan drawing. I apologize for the format, but I was not able to edit the document file you provided, so I retyped the information. I hope this is acceptable.

Further below, I have included a statement from our next door neighbor immediately on the West side of our property who is supportive of the construction being requested with the variance. Our neighbor immediately to the East has also told us they will provide a statement of support, however they haven't sent it yet. I didn't want to further delay submitting the paperwork, so will forward their statement as soon as we receive it.

VARIANCE APPEAL APPLICATION

Date Filed - September 22, 2025

Date Set for Hearing:

Case Number:

Applicant Name: Michael Smith

Phone: 515-290-1225

E-Mail: iowa3909@yahoo.com

Mailing Address: 55449 160th Street, Story City, Iowa 50248

Property Owner Name: Michael Smith

Phone: 515-290-1225

E-Mail: iowa3909@yahoo.com

Property Owner Address: 55449 160th Street, Story City, Iowa 50248

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

Parcel #: "05203310010 Township: Ventura Heights

Property Address: **2424 242nd Street**

Zoning: R-3

Brief Legal Description: L1 BLK 18 VENTURA HTS

Project Description: Dwelling addition to include addition of a 2nd level bedroom, bath, deck replacement and enclosure of existing rear concrete patio as a sunroom.

Decision Date: 09/18/2025

Variance(s) Requested (As cited on results from denied Zoning Permit Application): Seeking a special exception from the bulk regulations or a variance from the Board of Adjustment in accordance with Section 24.3(B) of the Zoning Ordinance.

Criteria Justifying 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.

Granting the variance would increase the value of our home and surrounding homes, and additionally, our home will be more aligned with the general aesthetic of the surrounding homes as it will have new siding, windows and roof shingles.

2. Not granting the variance would cause “practical difficulties” for the property owner trying to make a beneficial use of the property allowed by the Zoning Ordinance.

It is not possible to increase the size of the house without building on the existing foot print. The current home doesn't have enough bed and bath space for our family.

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

This request does not unduly violate the basic objectives of the zoning ordinance, in that when the house was purchased, the structure was already present on the lot line on the West and approximately 4 ft from the lot line on the East. This request is not to further encroach on appropriate set backs, rather to expand living capacity within the exiting footprint.

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

The property was purchased under lawful platting with the existing 2 story home already built on the West lot line and approximately 4 ft from the East lot line. There is no request to further encroach on setbacks, rather to build on the exiting structure.

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

Granting the variance will not alter the essential character of the surrounding neighborhood as this is a residential area. The intent is to continue to use the home as a single family dwelling. Our home and surrounding homes already exist as 2 story structures. This variance will allow us to enhance the current footprint as a 2 story structure which is aligned with the neighborhood aesthetics.

In addition to the hardship standards above, the applicant must address any potential impacts to neighbors and the general area around the property, as the Board of Adjustment reserves the right to establish certain

conditions upon any variance granted to mitigate potential impacts. The applicant should address such

potential impacts as encroachment to neighbors, dust, drainage, glare, traffic, odors, noise, safety, or other

potential impacts that may be caused as a direct result from the requested variance being granted.

As already mentioned, no encroachment to existing setbacks is being requested with this variance. Construction will be limited to standard working hours to minimize disruption. We will also use standard

construction practices to control dust. We do not expect changes to property drainage, glare, odors, noise or safety. This project is a residential addition and will not create additional traffic beyond that of our existing family use, and as a result, the number of vehicles entering and exiting the property will remain unchanged.

I am the:
Owner **X**
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:

A handwritten signature in black ink, appearing to read 'Rhonda Poppe', written over a horizontal line.

Date: October 1, 2025

Next door neighbor statement:

From: Rhonda Poppe <rpoppe86@gmail.com>
Date: September 29, 2025 at 9:18:23 AM CDT
To: earmike@aol.com
Subject: Addition at 2424 242nd St., Ventura

To Whom It May Concern -

I understand that there may be some disturbance (noise, dust, etc) from construction at 2424 242nd St., Ventura, and I'm prepared to accept it. They have our blessing to add the addition to their home.

If there are any questions or concerns, please reach out to me.

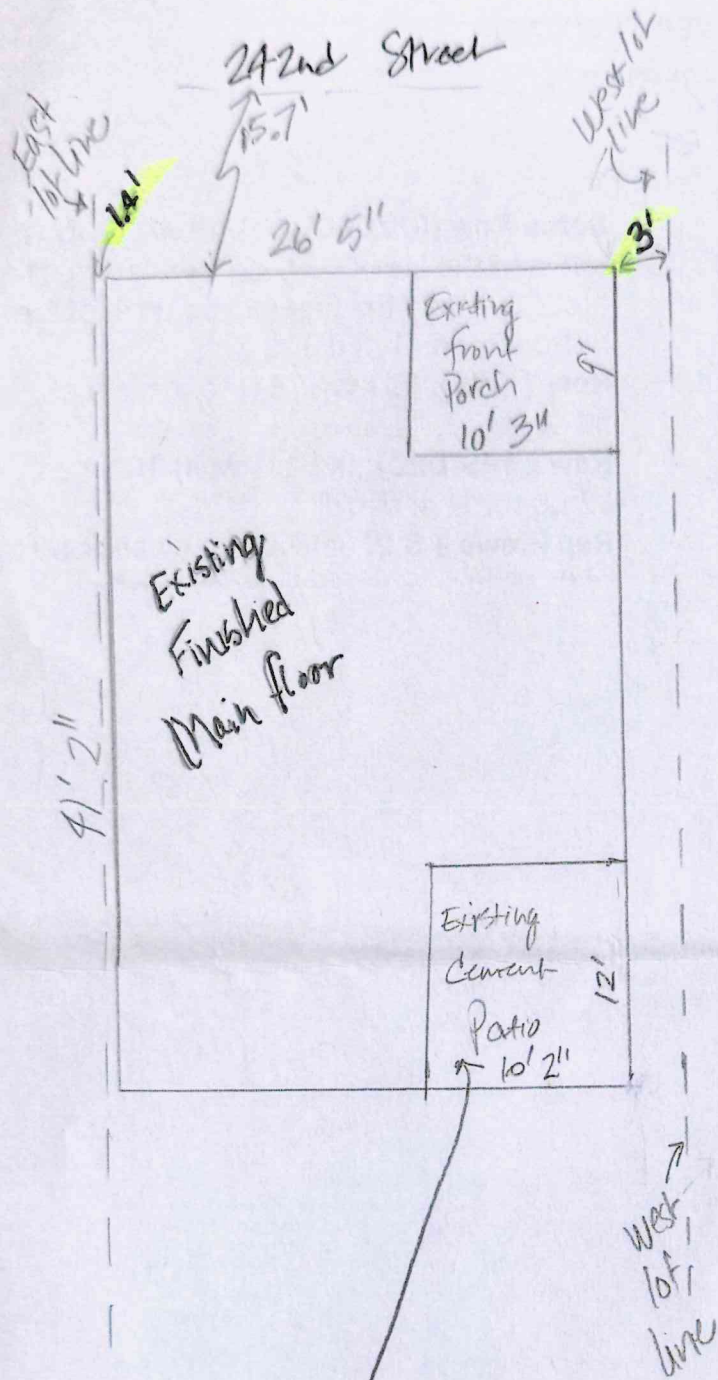
Rhonda Poppe
2400 244th St., Ventura
Rpoppe86@gmail.com
641-330-3376

Let me know if you have any questions or if we've missed anything.

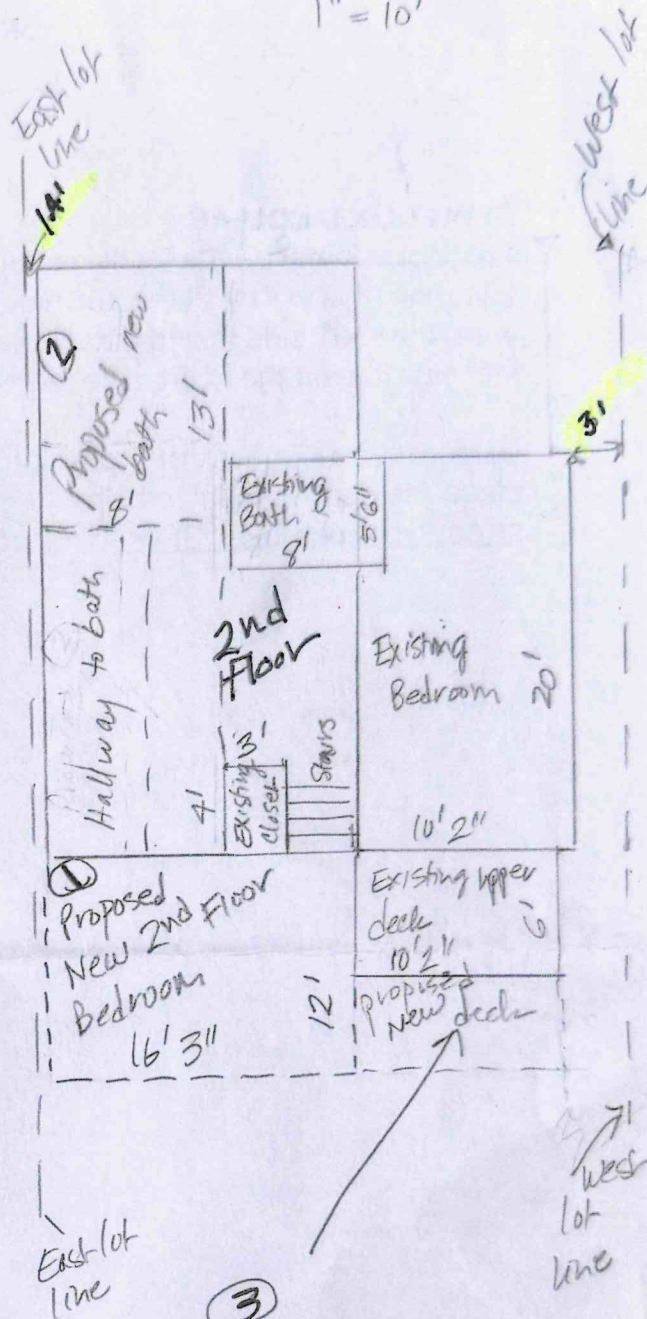
Thank you,
Mike Smith

Site drawing:

1" = 10'



④ Proposed finished room 10' 2" x 12' over existing concrete patio slab.

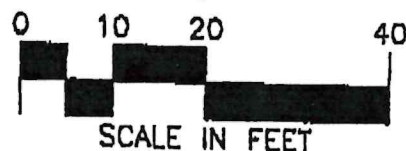
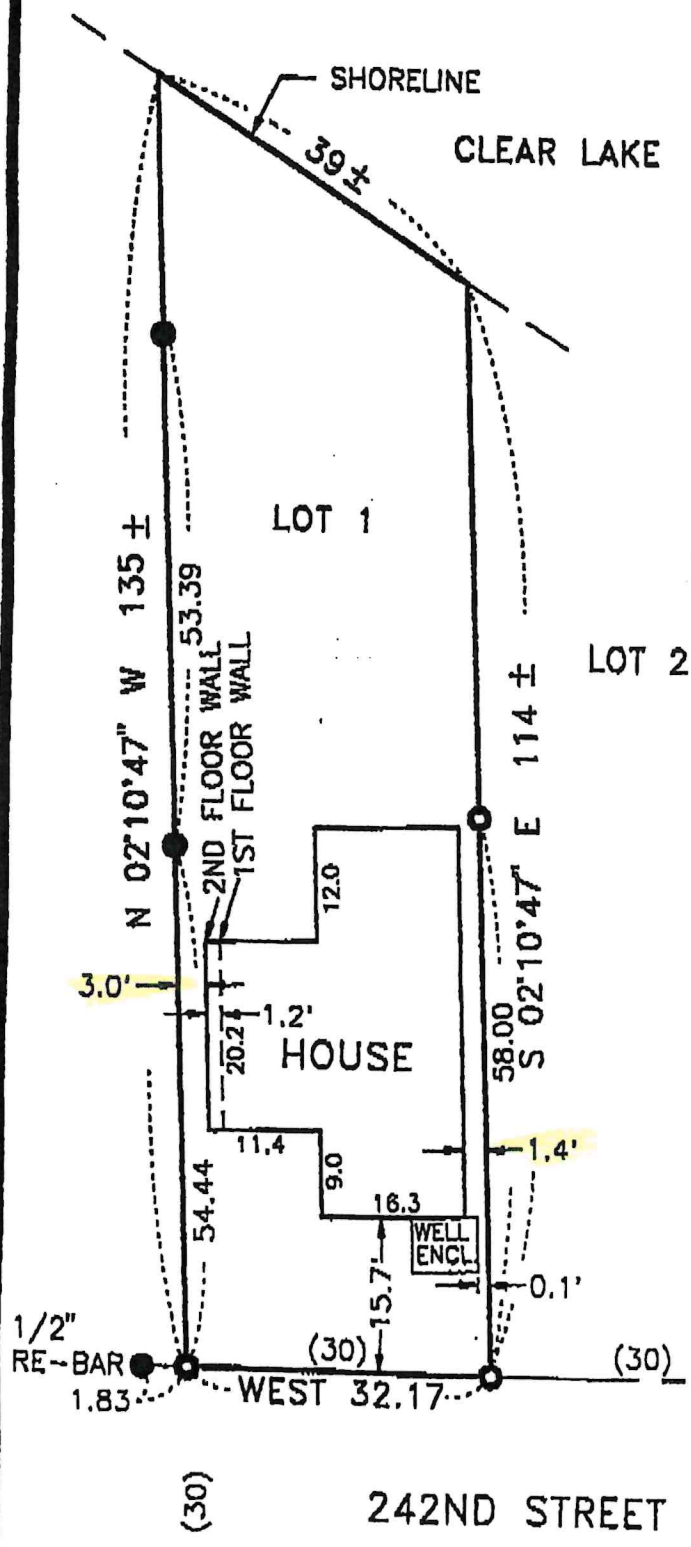


③ Proposed Replacement of existing 2nd floor deck with 10' 2" x 12' new deck

PREPARED BY: WRAY CHILDERS, 215 N ADAMS, MASON CITY, IOWA 50401, 515-424-6344

PLAT OF SURVEY

LOT 1 IN BLOCK 18 IN VENTURA HEIGHTS
CERRO GORDO COUNTY, IOWA



DIMENSIONS SHOWN AS (00)
ARE RECORD DIMENSIONS.

DISTANCES SHOWN ARE IN
FEET AND DECIMALS OF FEET.

- FOUND 3/4" PIPE UNLESS NOTED
- SET 1/2" RE-BAR WITH A PLASTIC CAP STAMPED "RLS 11306"

THE SOUTH LINE OF LOT 1 IS ASSUMED
TO HAVE A BEARING OF EAST-WEST
FOR THE PURPOSE OF THIS SURVEY.

PROPRIETORS:

BILL AND LOIS SALYER
JAMES AND GLENDA SALYER

Michelle Rush

From: Teresa Smith <iowa3909@yahoo.com>
Sent: Monday, October 6, 2025 6:33 AM
To: Michelle Rush
Subject: Fwd: Property renovation

External Email WARNING: DO NOT open attachments or click links from unknown senders or unexpected emails. Questions? Call 3-HELP.

Hi Michelle,
Please see below for the statement from the neighbor to the immediate East side of our property. This is the second statement we were waiting to receive to submit with our variance application.
Thank you,
Teresa and Mike Smith

From: Jordan <jrdnhoy@gmail.com>
Date: October 5, 2025 at 8:57:15 PM CDT
To: earmike@aol.com
Subject: Property renovation

To whom it may concern,
As owner of 2432 242nd St. in Ventura, Iowa
I have talked with Mike Smith regarding the renovation of his property next door at 2424 242nd and do not have issue with him completing the renovations of his dwelling, as he ensured me these renovations do not encroach upon the property line easement between our properties. With that we are fine with any and all updates being performed at his property.

Jordan Hoy | Sales Consultant | Advanced Surgical Division
Advanced Surgical Devices Division

Date: October 1, 2025

Next door neighbor statement:

From: Rhonda Poppe <rpoppe86@gmail.com>

Date: September 29, 2025 at 9:18:23 AM CDT

To: earmike@aol.com

Subject: Addition at 2424 242nd St., Ventura

To Whom It May Concern -

I understand that there may be some disturbance (noise, dust, etc) from construction at 2424 242nd St., Ventura, and I'm prepared to accept it. They have our blessing to add the addition to their home.



Clear Lake

R-160
O.L.H

052032802200

052032802100

331

18

052033100100

1

052033100200

052033100300

30

157.41

136

4

052032802300

161.58

26.98

30

30

30

242ND ST

30

30

30

052033500100

052033400500

99

1

5

2

3

32