



## PLANNING AND ZONING

### Cerro Gordo County Courthouse

220 N Washington Ave      Mason City, IA 50401-3254      (641) 421-3075  
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## CERRO GORDO COUNTY BOARD OF ADJUSTMENT

### VARIANCE STAFF REPORT

#### Summary of Request

**Public Hearing Date:** December 30, 2025

**Applicant:**

Michael Smith  
55449 160<sup>th</sup> St  
Story City, IA 50248

**Owner:**

Same

**Property Address:** 2424 242<sup>nd</sup> 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 received a variance from the Board of Adjustment at last month's meeting for an addition to the dwelling on the lake side. The applicant would like to remove the existing 6'x6' structure on the front of the dwelling that covers the well pit and construct a 6'x16' addition along the front of the dwelling to enclose the well, casing, and pressure tank for winterization and shelter for adverse weather conditions.

**Variance Request**

1. Request a 1.4' east side yard setback – 6' is required.
2. Request a 4' separation distance between the shed located in the front yard – 10' 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 proposed front addition will be 1.4' from the east side lot line; 6' is required.
4. The proposed front addition will be 4' from the shed; a 10' separation distance is required.

5. The application was filed on November 4, 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. The proposed front addition will be in line with the east side of the dwelling which will be a slight improvement. The applicant obtained letters of support from the property owners on each side of his property for his plans that were approved by this Board last month. The property owner to the east stated, "we are fine with any and all updates being performed at the 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. A 1997 survey shows the dwelling to be 1.4' from the east side lot line and 15.7' from the front lot line. Any proposed additions to the existing dwelling would not be possible without at least a slight exception to the Zoning Ordinance. The existing well enclosure is 0.1' from the east side lot line. The proposed 6'x16' structure will be in line with the dwelling which is 1.4' from the east side lot line. **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 front addition is in line with the existing dwelling. It is an improvement to the east side lot line. Extending the addition 10' to the west is still within the width of the existing dwelling. The addition conveys 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 was constructed prior to the applicant taking ownership in 2013. The well existed in the same location at the time of property purchase. According to the applicant, it is not possible to utilize the dwelling during late fall, winter and early spring when outdoor temperatures are below freezing because the well and associated equipment are not winterized. **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 addition will likely not be noticeable from 242<sup>nd</sup> Street due to the large tree located in the front yard and it will sit behind the existing shed located along 242<sup>nd</sup> Street. **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 4, 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 1-3 photos
- Exhibit 2: Variance Application dated November 4, 2025
- Exhibit 3: Site plan
- Exhibit 4: 1997 Survey
- Exhibit 6: Parcel Highlight

Figure 1

Looking at existing well pit/cellar 0.1' from the east side lot line.



Figure 2  
Looking at front of dwelling at proposed location of addition



Figure 3  
Existing front shed on property along 242<sup>nd</sup> St



**Michelle Rush**

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**From:** Teresa Smith <iowa3909@yahoo.com>  
**Sent:** Tuesday, November 4, 2025 1:32 PM  
**To:** Michelle Rush  
**Subject:** Re: Property renovation

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

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Hi Michelle,

Please see below for another variance application which Mike said he talked with you about. I haven't got the drawing done yet, but it would be 6 ft x 16 ft foundation at the front of the house over the existing well pit. I will send the drawing as soon as possible.

Thank you,

Teresa

**VARIANCE APPEAL  
APPLICATION**

**Date Filed - November 1, 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: Create a 6 foot x 16 foot foundation at the existing site of the well, casing and pressure tank with above ground structure to enclose the well, casing and pressure tank for winterization, and to provide a safety shelter for adverse weather conditions.**

**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 positively impacting neighbors property values.

**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 utilize the home during late fall, winter and early spring when outdoor temperatures are below freezing, because the well and associated equipment are not currently winterized. Also, there is no basement or other safe area to seek shelter during severe weather events, such as tornadoes.

**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 the existing setbacks, but to create a foundation area below the frost line where the well and associated equipment are currently located.

**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. The well existed in the same location at the time of property purchase. There is no request to further encroach on setbacks, rather to add a foundation 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. This variance will allow us to utilize the home year-round, keeping it 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.*

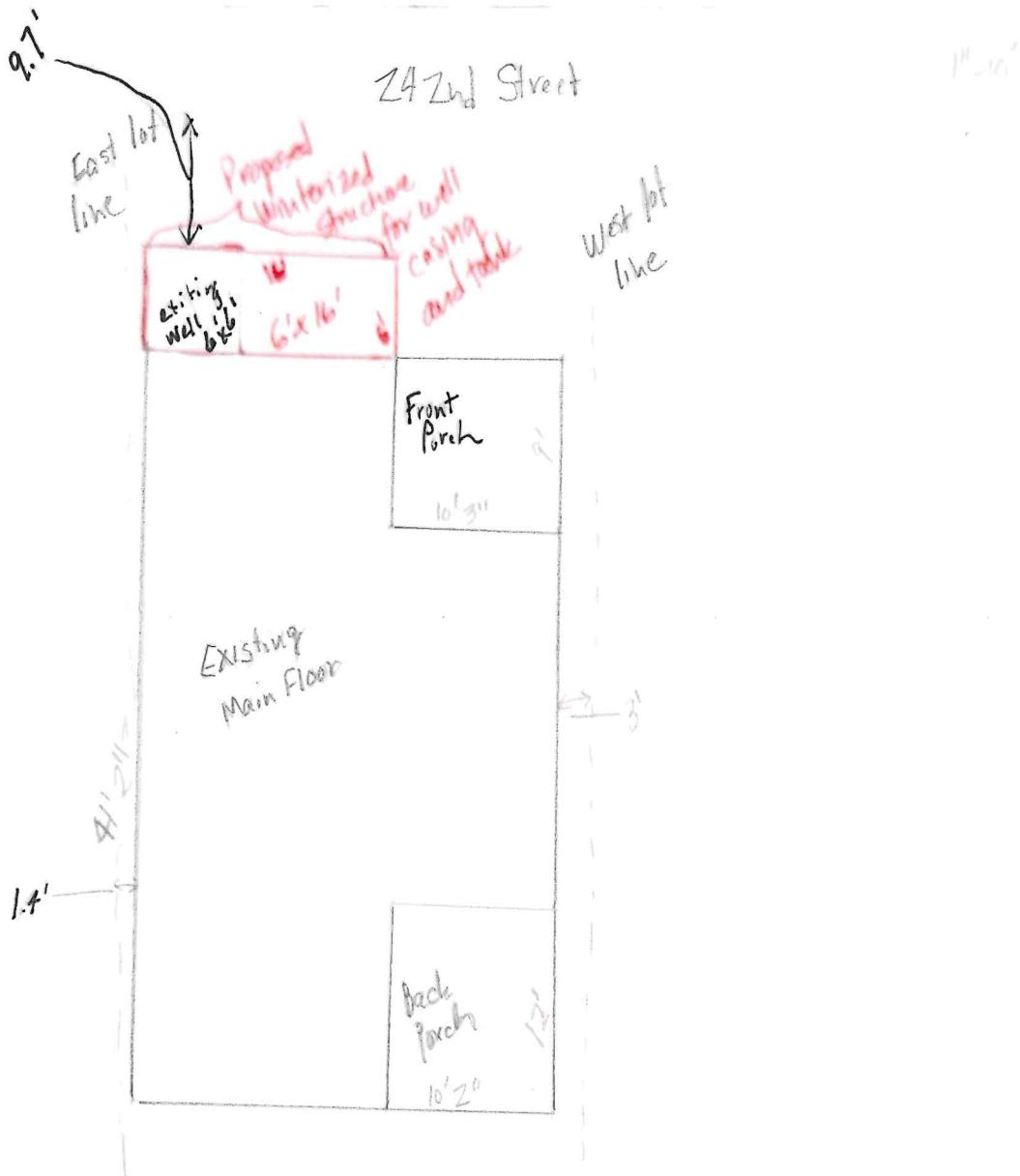
Applicant Signature:

A handwritten signature in black ink, appearing to read "Teresa Smith", is written over a horizontal line.

Date: November 1, 2025

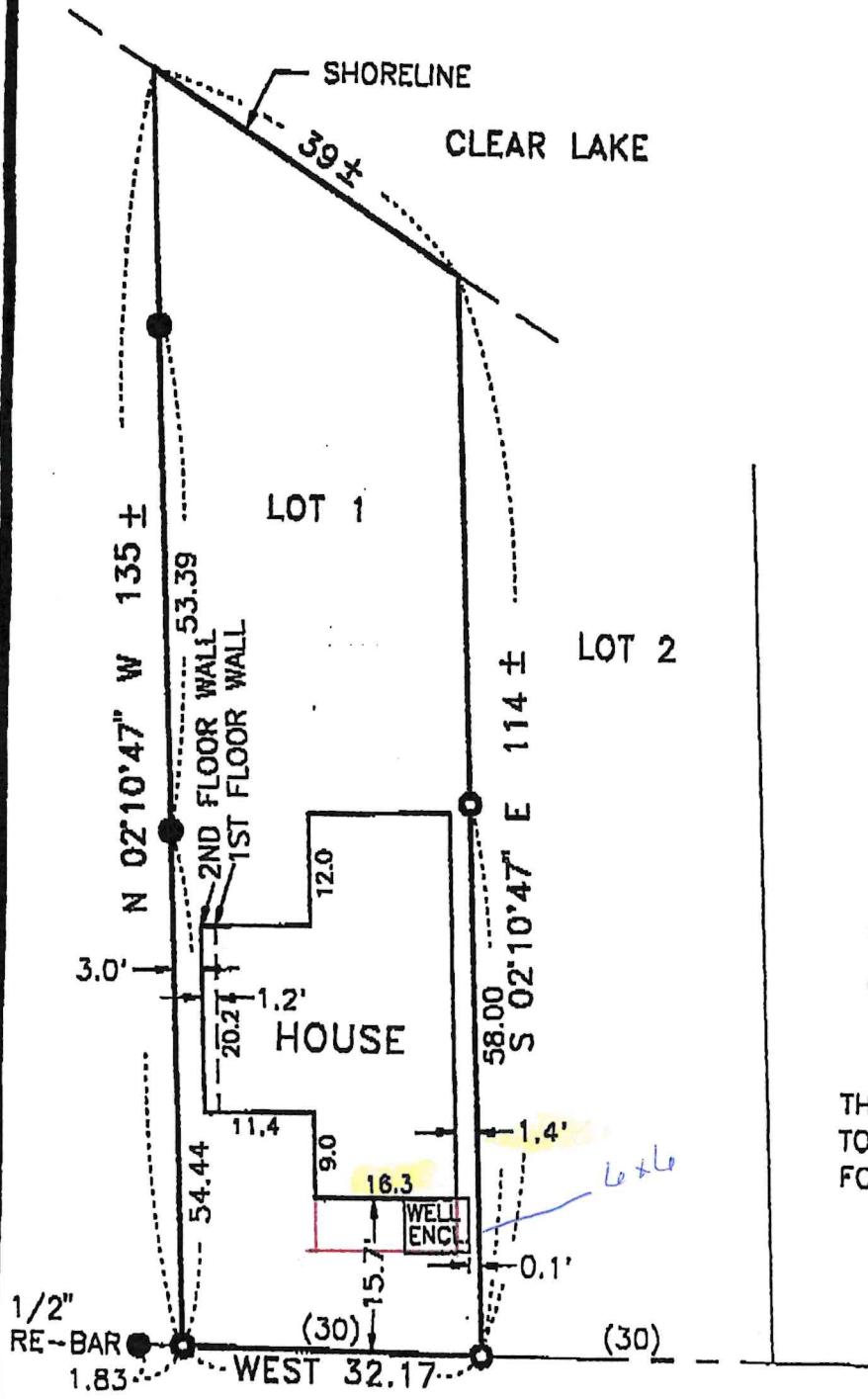
On Oct 14, 2025, at 12:01 PM, Teresa Smith <iowa3909@yahoo.com> wrote:





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

