



PLANNING AND ZONING Cerro Gordo County Courthouse

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Staff Report Board of Adjustment Variance & Special Exception Request August 25, 2026

Case No.: 26-07

Public Hearing Date: August 25, 2026

Request: A variance and special exception request for an 8'x17' foundation and structure constructed on the front of the dwelling to enclose the existing well, casing and pressure tank for winterization and to provide a safety shelter for adverse weather conditions related to the east side lot line and the front lot line.

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

On December 9, 2025, the applicant submitted a zoning permit application to remove an existing 6-foot-by-6-foot structure located at the front of the dwelling and construct a 6-foot-by-16-foot addition enclosing the existing well pit. The proposed addition was to align with the east wall of the existing dwelling.

The application was denied because the proposed addition would be approximately 1.4 feet from the east side lot line, where a minimum 6-foot side yard setback is required. Following the denial, the applicant submitted a variance application.

On December 30, 2025, the Board of Adjustment approved a variance authorizing a minimum east side yard setback of 1.4 feet for the proposed 6-foot-by-16-foot addition. Zoning Permit No. 5240 was issued on January 8, 2026, consistent with that approval.

On June 23, 2026, the Zoning Department issued a Notice of Violation after determining that the addition had not been constructed in accordance with the approved variance and zoning

permit. The addition was constructed approximately 7.8 inches from the east side lot line, rather than maintaining the approved minimum setback of 1.4 feet. The addition constructed measured approximately 8 feet by 17 feet, rather than the approved dimensions of 6 feet by 16 feet. The addition now encroached into the required front yard setback limits and there was no communication received by the zoning office.

The approved 6-foot-by-16-foot addition would have complied with the applicable average front yard setback. Because the constructed addition extends approximately 2 feet farther toward the front lot line, it is approximately 7.7 feet from the front lot line, where an average front yard setback of 9.4 feet is required.

On June 26, 2026, the applicant submitted the current variance application seeking approval to retain and complete the 8-foot-by-17-foot addition. According to the applicant, the larger addition is necessary to enclose and winterize the well pit and to provide an area that may also be used as a safety shelter.

An updated site plan received on August 11, 2026, shows that the east wall of the dwelling and addition does not run parallel to the east lot line. The proposed east side yard setback is approximately 7.8 inches at the south end of the addition and increases to approximately 16 inches at the north end. A minimum 6-foot side yard setback is required in the R-3 District.

The applicant is requesting a variance authorizing a minimum east side yard setback of 7.8 inches and a special exception authorizing a front yard setback of 7.7 feet, where an average setback of 9.4 feet is required.

VARIANCE REQUEST

Structure	Request(s)	Requirement(s)
8'x17' addition to dwelling	East side yard setback of 7.8 inches	6 feet side yard setback per Article 11.6B

SPECIAL EXCEPTION REQUEST

Structure	Request(s)	Requirement(s)
8'x17' addition to dwelling	7.7 feet front yard setback	9.4 feet front yard average per Article 6.11

Findings of Fact

1. Michael Smith owns the subject property.
2. The property is zoned R-3 Single-Family Residential.
3. A minimum 6-foot side yard setback is required in the R-3 District.

4. An average front yard setback of 9.4 feet applies to the subject property under Article 6.11 of the Zoning Ordinance.
5. On December 30, 2025, the Board of Adjustment approved a variance authorizing a 6-foot-by-16-foot addition with a minimum east side yard setback of 1.4 feet running with the current dwelling.
6. Zoning Permit No. 5240 was issued on January 8, 2026, consistent with the variance approved by the Board.
7. The approved 6-foot-by-16-foot addition would have been approximately 9.7 feet from the front lot line and would have complied with the applicable 9.4-foot average front yard setback.
8. The addition was constructed with approximate dimensions of 8 feet by 17 feet rather than the approved dimensions of 6 feet by 16 feet.
9. The constructed addition is approximately 7.8 inches from the east side lot line at its closest point, rather than maintaining the minimum 1.4-foot setback approved by the Board.
10. The east wall of the addition does not run parallel to the east lot line. The setback increases from approximately 7.8 inches at the south end of the addition to approximately 16 inches at the north end.
11. The constructed addition is approximately 7.7 feet from the front lot line and does not comply with the required average front yard setback of 9.4 feet.
12. On June 23, 2026, the Zoning Department issued a Notice of Violation directing that construction cease because the addition was not being constructed in accordance with the previously approved variance and zoning permit.
13. The applicant submitted the present variance application on the side yard setback on June 26, 2026.
14. The applicant submitted an application for a special exception from the average front yard setback requirement on August 10, 2026.

ANALYSIS – Side yard variance request

The requested side yard 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.

Legal Standard

The requested relief concerns area, dimensional, or other numerical limitations involving sign area and setback requirements. The requests are therefore subject to Iowa Code section 335.15(4).

To receive the requested variances, the property owner must prove that all of the following are met:

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 applicant bears the burden of proving each required criterion. The Board should make separate findings regarding the sign-area variance and the side-yard setback variance.

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

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

The addition is part of an existing residential use and is intended to enclose and protect an existing well pit. The record does not presently identify specific impacts on traffic, public utilities, or the general use of neighboring properties.

However, the requested setback would place the addition less than 1 foot from the east lot line, where a 6-foot setback is generally required. The Board should consider potential effects on drainage, maintenance access, fire separation, and the impact on the adjoining property.

Conclusion: Based on the present record, this criterion may be satisfied if the Board determines that the limited physical impacts of the addition do not outweigh the purposes served by the side yard requirement and the impact on the abutting properties.

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 property contains an existing dwelling and continues to be capable of residential use. The Board previously approved a 6-foot-by-16-foot addition with a 1.4-foot east side yard setback, which provided an approved means of enclosing the well pit. The approved variance also had the addition run along the path of the existing dwelling.

The applicant states that the larger addition is necessary to cover and winterize the well pit, although the previous application did not request the larger addition and the zoning office received no communication from the owner or contractor that a larger dwelling closer to the east side and front lot lines was being constructed.

The present record does not clearly explain why the well pit could not be enclosed through construction consistent with the previously approved variance or through another compliant design. The desire to retain the addition as constructed does not, by itself, establish a practical difficulty.

Conclusion: Unless additional evidence shows why the well pit cannot reasonably be enclosed within the previously approved side yard variance dimensions and location, the record does not clearly establish this criterion.

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

Side yard requirements are intended to preserve separation between structures and property lines and to address concerns such as access, light, air, drainage, maintenance, and public safety. The existing dwelling and previously approved addition already received substantial relief from the 6-foot requirement through approval of a 1.4-foot setback. The variance approved for the addition showed the new construction running with the house.

The current request would reduce the setback by approximately 9 inches beyond the relief previously approved and would place the addition approximately 7.8 inches from the property line at its closest point.

Conclusion: The Board should consider whether permitting this additional encroachment would remain consistent with the purposes of the side yard requirement and whether approval would be equitable under the circumstances. Based on the present record, this criterion has not been clearly established.

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, the angle between the dwelling and the east lot line, and the location of the existing well pit are circumstances associated with the property. These conditions may limit the available placement and configuration of an addition enclosing the well pit.

However, the Board previously approved a specific 6-foot-by-16-foot addition with a minimum 1.4-foot setback that aligned with the current dwelling. The current encroachment resulted when an 8-foot-by-17-foot addition was constructed in violation of the approved variance and zoning permit. The location and size departed from the approved variance and zoning permit.

Conclusion: Unless evidence establishes that conditions discovered during construction made compliance with the approved plans impracticable and were outside the applicant's control, the additional encroachment appears to be self-created. Based on the present record, this criterion has not been established.

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

The addition is attached to an existing single-family dwelling and does not change the residential use of the property. Its relatively limited size may reduce its visual effect on the broader neighborhood.

The Board should nevertheless consider its proximity to the adjoining property, its visibility, drainage, maintenance access, and any testimony from neighboring property owners.

Conclusion: The essential character of the neighborhood would likely not be altered, however the impact on the adjoining properties should be explored. Absent evidence of significant impacts on adjoining properties or the surrounding area, this criterion may be satisfied.

Staff Conclusions on east side yard setback

The applicant bears the burden of proving all requirements of Iowa Code section 335.15(4). The current record may support findings that the addition will not be contrary to the public interest and will not significantly alter the essential character of the neighborhood.

However, the record does not presently demonstrate why the well pit could not be enclosed through construction consistent with the variance and permit previously approved. More importantly, the additional encroachment appears to have resulted from constructing an addition larger than and differently located from the structure authorized by the Board.

Unless additional evidence establishes that the practical difficulty was caused by unique property conditions and was not self-created, the request does not appear to meet all the statutory criteria under the Iowa Code. If the Board cannot make an affirmative finding on each required element of Iowa Code section 335.15(4), the variance must be denied.

Under Iowa law if the Board cannot make affirmative findings on all five statutory criteria, the variance should be denied.

ANALYSIS for front yard setback special exception

The front yard request must be considered separately under the criteria in Section 24.4(A)(2)(a). Numerically, the request appears eligible for consideration because the requested reduction is 1.7 feet, or approximately 18.1 percent of the 9.4-foot requirement, which is less than the Ordinance's 50-percent limitation.

The special-exception analysis should address whether:

- Strict compliance creates a practical difficulty.
- The request relates to a permitted use.

- The difficulty is specific to the property.
- The exception is consistent with the Zoning Ordinance and Comprehensive Plan.
- The exception will not adversely affect neighboring property or public safety.
- Any remaining criterion contained in Section 24.4(A)(2)(a) is satisfied.

1. Strict compliance creates a practical difficulty.

The applicant has not presented evidence as to why the special exception is necessary for the front yard. The previous well pit building came out 6 feet. This one is now 8 feet. Unless the Board receives evidence as to why the additional 2 feet is needed in the front yard setback to prevent a practical difficulty, the criteria does not appear to be met.

2. The Request relates to a permitted use.

The proposed addition is a permitted use in the R-3 district. This criterion appears to be met.

3. The difficulty is specific to the property.

Based on the location of the existing house and the well, the difficulty could appear to be specific to the historic layout of the parcel if the owner can show the encroachment into the front yard setback is necessary. This criterion could be met.

4. The exception is consistent with the Zoning Ordinance and Comprehensive Plan.

The exception does not appear contradictory to the zoning ordinance or comprehensive plan. The R-3 district allows this type of development, nevertheless front yard setbacks are related to safety in the traveled roadways, and the further extension of the potential side yard variance should be considered.

5. The exception will not adversely affect neighboring property or public safety.

Anytime we have structures less than a foot from a lot line there could be adverse impacts on the neighboring property if it is developed. The larger the structure the more water run-off, also it would further the extension of a very close side yard setback. The Board will need to determine based on the documents and public comment whether the request would adversely affect the neighboring property.

Staff conclusions on front yard setback request:

The front yard setback variance request would appear to need further evidence from the owner as to the practical difficulty that would arise if the additional structure was not allowed a special exception to a 7.7 feet front yard setback as to compliance with the 9.4 feet required front yard setback.

Recommended Conditions if Approved:

1. The variance shall apply only to the 8'x17' addition constructed 7.8" from the east side lot line. The special exception shall apply only to the 8'x17' addition constructed 7.7' from the front lot line as shown in the application materials reviewed by the Board.
2. The 8'x17' addition shall not exceed 136 square feet in size, unless a smaller area is achieved during construction.
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. All other applicable zoning, building, sanitation, floodplain, and permitting requirements shall be satisfied before construction.
6. Require gutter and downspout on the east side of the well house addition.

The record does not appear to show the criteria in Iowa Code Chapter 335.15(4) has been met.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested variance & special exception subject to any conditions as deemed necessary by the Board.
2. Grant relief less or different from the requested variance & special exception by modifying the requested variance and special exception.
3. Deny the variance and 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 variance and special exception as requested by Michael Smith, subject to the following conditions:
 1. All construction shall comply with the updated Site Plan submitted on August 11, 2026.
 2. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.
 3. The construction shall follow all recommended conditions in the staff report.

Provided Alternate Action:

- I move to adopt the staff report as the Board's findings and to approve the variance and 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 variance and special exception 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 submitted June 26, 2026
- Exhibit 3: Special Exception Application submitted August 10, 2026
- Exhibit 4: Updated Site Plan submitted August 11, 2026
- Exhibit 6: 3 photos submitted by owner
- Exhibit 7: Parcel Highlight

Figure 1
Well addition on front of house



Figure 2
Distance between neighboring house to the east



Figure 3
Looking south along east lot line



Figure 4
East lot line looking north



Figure 5
Measurement of well house addition



Michelle Rush

From: Teresa Smith <iowa3909@yahoo.com>
Sent: Friday, June 26, 2026 7:41 AM
To: Michelle Rush
Subject: Winterization of well 6.25.2026
Attachments: Drawing 6.25.2026.pdf

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

Winterization of well 6.25.2026

VARIANCE APPEAL APPLICATION

Date Filed - June 25, 2026

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 8 foot x 17 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 **main house structure** was 3 ft from the lot line on the West and approximately 1.4 ft from the lot line on the East. Also at the time of purchase, the **existing well pit** containing the well casing and tank was a wood structure attached to the southwest corner of the house at ground level which protruded an additional 0.4 ft to the East beyond the main house structure, making the **existing set back at the well structure 1 ft from the East lot line** (see drawing).

The newly proposed structure would require encroaching an additional 0.28 ft or 3.5 inches beyond the existing well pit setback on the East which is the absolute minimum width that would allow for a foundation wall below the frost line where the well and associated equipment are currently located. There would be no changes to the remaining set back of 1.4 ft for the main portion of the house structure (see drawing).

Due to the location of the existing well casing on the southeast front corner of the house, the basement walls cannot be built any further away from the East lot line. The well casing will be located immediately adjacent to the newly poured concrete foundation (0” clearance at the top of the casing body - see attached photo).

The newly proposed set back would then decrease from 1 ft to 0.71 ft on the south end of the East lot line for 8 ft (see drawing) - covering only the distance required to provide a basement for winterization with stairway access.

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 3 ft from West lot line and 1 to 1.4 ft from the East lot line. The well existed in the same location at the time of property purchase. This request is to add a foundation which would encroach 0.28 ft beyond the narrowest point of the East lot line, making the new set back 0.71 ft only at the location of the new basement only (see drawing).

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, the absolute minimum of additional encroachment (0.28 ft or 3.5 inches) to existing setbacks is being requested only at the foundation East wall where the well casing is located 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:

Date: June 25, 2026

Below is a photo of the existing well casing immediately adjacent to the basement wall showing 0" clearance.

Michelle Rush

From: Teresa Smith <iowa3909@yahoo.com>
Sent: Monday, August 10, 2026 4:52 PM
To: Michelle Rush
Cc: Tom Meyer; Brittney Friederich
Subject: Special Exception Appeal Application

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 our Special Exception Appeal. Let me know if you would like me to send a new drawing, or any other information.
Thank you,
Teresa

SPECIAL EXCEPTION APPEAL APPLICATION

Date Filed - August 10, 2026
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 8 foot x 17 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

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

Seeking a special exception from the bulk regulations from the Board of Adjustment in accordance with Section 24.4 (A)(2) of the Zoning Ordinance.

We originally had an approved variance application to construct a 6'x16' structure for the winterization of our well and to provide a safety shelter for severe weather events (Zoning Permit ZP-5240). The contractor who constructed the basement was instructed by us to create a 6' wide poured concrete basement which he initially agreed to. However, he actually created an 8' wide structure which encroaches in the front yard setback by an additional 2' versus what was originally approved. As a result, the new structure does not currently meet the average front yard setback. Therefore, we are requesting a Special Exception to the current bulk regulations.

Since our primary dwelling is in Story City, IA, and our lake home in Ventura Heights is currently not habitable due to construction, we were not present when the basement foundation was constructed. We were not aware of the incorrect dimensions (8' width and additional front yard encroachment) until after the work was completed.

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

- **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;**

We are requesting an exception to the governing setback on the front side of the property because the newly built basement foundation exceeds the previously approved zoning permit ZP-5240. The contractor did not follow our instructions to build a 6' wide structure, and instead built an 8' wide structure. We were not aware this had

occurred until after the foundation was completed, since we do not live at the location. The new basement structure has an existing front setback of approximately 7.7' which is less than the average is 9.4'.

- 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 requested exception is entirely for the principal use of a house within a residential district. The newly created structure was built to allow winterization of an existing well, so we can utilize the home during fall, winter and early spring.

- 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. Such circumstance may include:

Topographical conditions; Surroundings; Size and shape of the property; Location of public utilities or improvements on or adjacent to the subject property; Shoreline and bank conditions (lake lots); Other extraordinary or exceptional situations.

The requested exception will allow us to utilize the newly constructed structure in a manner consistent with our neighbors. As this is a home in a residential zone. As previously mentioned, the structure was not built according to our instructions, but instead now has a set back of 7.7' vs the average of 9.4'

- 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 requested exception will allow us to utilize the newly constructed structure in a manner consistent with our neighbors. As this is a home in a residential zone. As previously mentioned, the structure was not built according to our instructions, but instead now has a set back of 7.7' vs the average of 9.4'

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

The structure was already built incorrectly under an existing zoning permit, removing or altering it would cause extreme undue hardship and expense.

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

This is a residential neighborhood and our home will continue to be used as a single family dwelling. Allowing a set back of 7.7' will not alter the essential character of the neighborhood and will have essentially no impact on neighbors. Additionally, the house immediately next door also currently encroaches on the average 9.4' front yard set back.

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, consisting of stylized, overlapping loops and a horizontal line extending to the right.

Date: August 10, 2026

SPECIAL EXCEPTION 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 special exception requested.

On Aug 10, 2026, at 10:22 AM, Teresa Smith <iowa3909@yahoo.com> wrote:

Hello,

Just letting you know the east lot corners have been flagged. The southeast corner flag is located in the hedge. You need to look from the north to south to see it.

Thanks,

Teresa

On Aug 10, 2026, at 9:40 AM, Michelle Rush <mrush@cerrogordo.gov> wrote:

Hello -

Thank you for the information below. Your variance application and site plan alludes to a 0.7125 setback along the east lot line.

Additionally, the 6'x16' addition approved by the Board of Adjustment was 9.6' from the front lot line and exceeded the required 9.4' average front yard setback. Now that you have constructed an 8'x17' structure which now encroaches into the front yard setback by an additional 2', you do not meet the average front yard setback and will also need to apply for a Special Exception for the front yard. I have attached the Special Exception application. Please complete this application and address each of the 6 bullet points listed on Page 2. Please return this to me no later than noon tomorrow as we will need this information to complete our report for the Board of Adjustment meeting. Please make sure to address why the structure was constructed 2' closer to the front lot line.

Please let me know if you have any questions.

Thank you

Michelle Rush

Assistant Zoning Administrator

Cerro Gordo County

220 N Washington Ave

Mason City, IA 50401

Ph: 641-421-3075

mrush@cerrogordo.gov

-----Original Message-----

From: supervisorbizhub@cgcounty.org <supervisorbizhub@cgcounty.org>

Sent: Monday, August 10, 2026 9:25 AM

To: Michelle Rush <mrush@cerrogordo.gov>

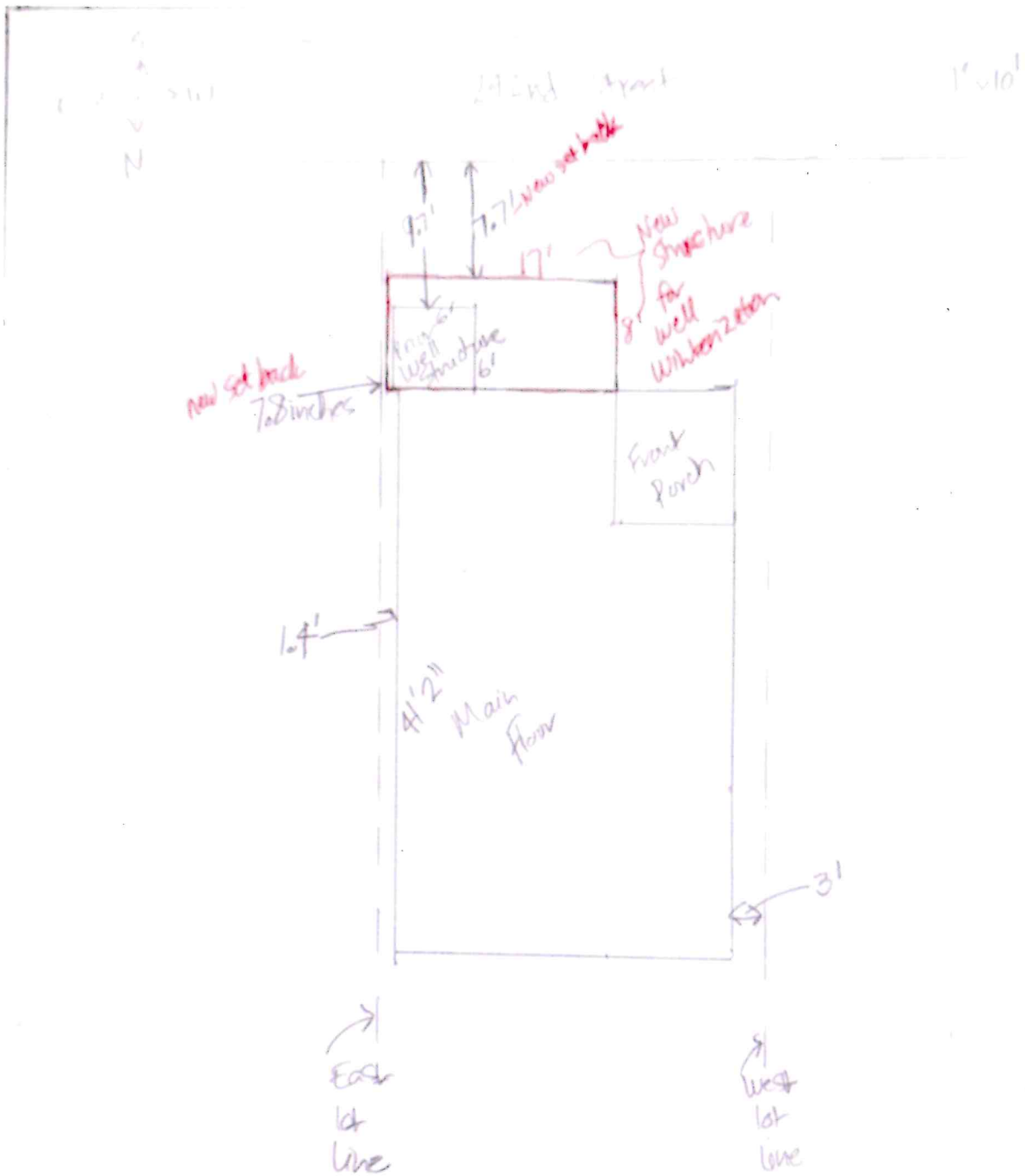
Subject:

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