



## PLANNING AND ZONING Cerro Gordo County Courthouse

220 N Washington Ave      Mason City, IA 50401-3254  
Tom Meyer, Zoning Administrator  
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### VARIANCE STAFF REPORT

#### SUMMARY OF REQUEST

**Case No.:** 25-05

**Hearing Date:** July 29, 2025

**Staff Contact:** Michelle Rush, Assistant Zoning Administrator

**Applicant:**

Lance Lohse, ROW Agent  
Liberty Core Consultants LLC on behalf of  
Northern Natural Gas  
8101 Birchwood Ct, Ste F  
Johnston, IA 50131

**Owner:**

Dariel J. Neuberger Disclaimer Trust  
9709 Grouse Ave  
Clear Lake, IA 50428

**Property Address:** To be assigned – located at the intersection of Fir Avenue & W 22<sup>nd</sup> Ave N, Clear Lake, IA 50428 (west side of Fir Ave & north side of W 22<sup>nd</sup> Ave N)

**Brief Legal Description:** Parcel located in the SE¼ of the SW¼ of Section 1, Clear Lake Township

**Zoning:** A-1 Agricultural District

#### **Background**

Northern Natural Gas is abandoning line 72001 that was installed in 1931. Line 72002 is still in use and runs thru this property. A regulator facility will be built at this location to tie into the existing line so they can regulate the flow of Natural Gas to the town of Clear Lake. Northern Natural Gas is proposing to construct a 19'x12' accessory building on this parcel to house a heater and a regulator valve. Northern Natural Gas has secured a permanent easement with the Dariel J. Newberger Disclaimer Trust. A driveway permit has been approved by the County Engineer for this location.

VARIANCE REQUEST		
Structure	Request(s)	Requirement(s)
19'x12' accessory building	21'-11" front yard setback	50' front yard setback

#### FINDINGS OF FACT

1. Dariel J. Neuberger Disclaimer Trust is the owner of the subject property.
2. Northern Natural Gas Co is the applicant and holds a permanent easement with the property owner to construct the regulator facility on the property.
3. The proposed accessory building will be 21'-11" from the front lot line (Fir Avenue).
4. A 50' front yard setback is required in the A-1 District.
5. All other setbacks in the A-1 district will be met.

6. The parcel is 40 acres in size. The farm ground around the regulator facility will still be in agriculture production.
7. The application was filed on June 24, 2025.

#### **ANALYSIS**

The Board of Adjustment is provided the power to grant a variance under Section 24.4(A)(3) of the Zoning Ordinance. The Board may grant a variance to bulk standards of the ordinance if, in its judgement, the standards established in Section 24.4(A)(3) are met. 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. ***Not granting the variance be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the zoning ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance.***

The natural gas line already exists thru this property. The regulator facility built at this location will tie into the natural gas line to regulate the flow of natural gas to the city of Clear Lake. Relocating the proposed regulator facility/building will result in a practical difficulty to the applicant. The standard appears to be met.

2. ***The practical difficulties faced are unique to the property at issue and are not self-created.***

The natural gas line already exists and runs thru this parcel. The standard appears to be met.

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

The proposed 19'x12' accessory building that will be used to house the heater and regulator valve is essential to keep the equipment out of the elements and will not alter the essential character of the neighborhood. Accessory structures are permitted in the A-1 District. The standard appears to be met.

#### **Discussion of Potential Impacts to Immediate Area**

There are no foreseeable negative impacts related to the construction of the proposed 19'x12' accessory building.

#### **Staff Conclusions and Recommendation**

Staff recommends approval of the request. All standards of review appear to have been met, and there are no foreseeable negative impacts as a direct result of the proposed new accessory building.

<b>BOARD DECISION</b>
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The Board of Adjustment may consider the following alternatives:

Alternatives

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 Norther Natural Gas Co, subject to the following conditions:
  1. All construction shall comply with the site plan submitted on June 24, 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 variance 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 as requested by Norther Natural Gas Co for the following reasons:  
[STATE REASONS FOR DENIAL]

<b>EXHIBITS</b>
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- Exhibit 1: Figures 1-3 photos
- Exhibit 2: Variance Application dated June 24, 2025
- Exhibit 3: Accessory Building Site Plan 21'-11" from front lot line
- Exhibit 4: Accessory Building Fabrication Details
- Exhibit 5: Parcel Highlight

Figure 1  
Proposed location of project from Fir Ave



Figure 2  
Location of proposed 19'x12' accessory building



Figure 3  
Looking south along Fir Avenue



## VARIANCE APPEAL

### APPLICATION

Date Filed 6/24/25

Date Set for Hearing 7-29-25

Case Number: \_\_\_\_\_

Applicant Name: Northern Natural Gas Co.

Phone: 402.770.9150

E-Mail: Lance.Lohse@libertycore.com

Mailing Address: 8101 Birchwood Ct. STE F Johnston, IA 50131

Property Owner Name: Daniel Neuberger Trust / NNG Holds a Permanent Easement.

Phone: Doug Neuberger 641.529.3331

E-Mail: N/A

Property Owner Address: 9709 Grouse Ave Clear Lake, IA 50428

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

Parcel # 05-01-300-006-00  
050130001000-

Township CL

Property Address: Please see attached Aerial.

Zoning: A-1

Brief Legal Description: NE SW Sec: 1, T96N, R22W, Cerro Gordo, County, Iowa

Project Description

Decision Date: \_\_\_\_\_

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

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

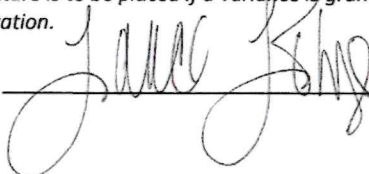
I am the ☐ Owner ☐ Contract Purchaser ☒ Other (Explain)

Northern Natural Gas Co holds a permanent

Easement \_\_\_\_\_ 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

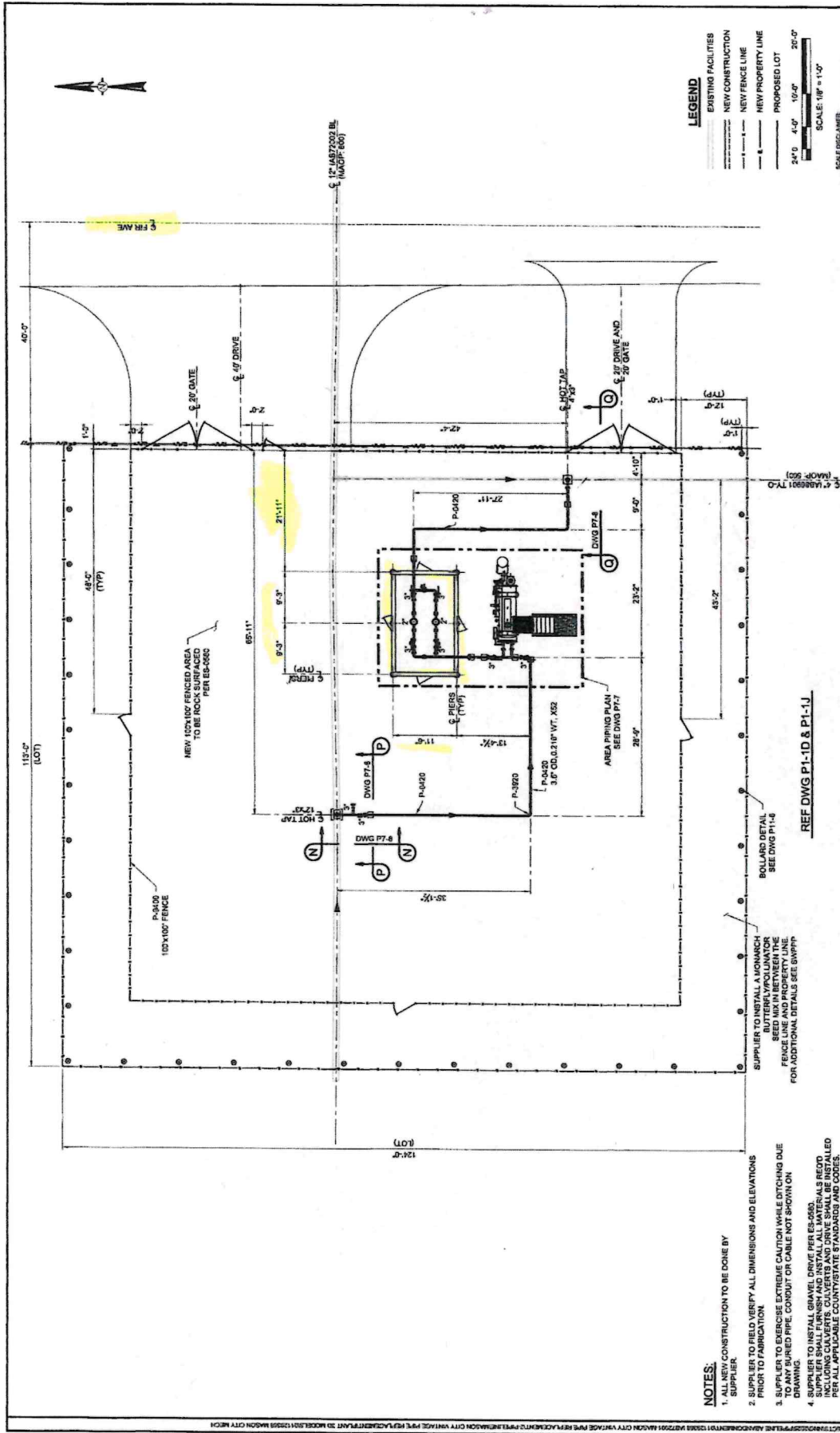
6/24/25

## **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.

**Due to Northern Natural Gas Co abandoning their 72001 line there will be a Regulator Facility built at this location to tie into their 72002 line so they can regulate the flow of Natural Gas to the town of Clear Lake. The building in question will house a regulator valve to regulate the gas flow.**



**LEGEND**

- EXISTING FACILITIES
- NEW CONSTRUCTION
- NEW FENCE LINE
- NEW PROPERTY LINE
- PROPOSED LOT

SCALE: 1/8" = 1'-0"

**NOTES:**

- ALL NEW CONSTRUCTION TO BE DONE BY SUPPLIER
- SUPPLIER TO FIELD VERIFY ALL DIMENSIONS AND ELEVATIONS PRIOR TO FABRICATION
- SUPPLIER TO EXERCISE EXTREME CAUTION WHILE DITCHING DUE TO ANY BURIED PIPE, CONDUIT OR CABLE NOT SHOWN ON DRAWING
- SUPPLIER TO INSTALL GRAVEL DRIVE PER ES-5003

<b>INTERNAL INFORMATION</b> DESIGNED BY: [blank] DRAWN BY: [blank] CHECKED BY: [blank] PROJECT NUMBER: [blank]		<b>APPROVED FOR CONSTRUCTION</b> STATUS: [blank] PREPARED BY: [blank] DATE: [blank]		<b>REVISION - DESCRIPTION</b> NO. [blank] [blank]	
PROJECT NAME: CAPGTR10000003198 PLOT NO: P7-6		10" IAB72003 MASON CITY BL IAB72001 MASON CITY VINTAGE PIPE REPLACEMENT SITE PIPING PLAN SEC 1, T96N, R23W CERRO GORDO COUNTY, IOWA		PROJECT NUMBER: CAPGTR10000003198 PLOT NO: P7-6	



