



# 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

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plz@cgcounty.org

## SPECIAL EXCEPTION STAFF REPORT

### SUMMARY OF REQUEST

**Case No.:** 24-13

**Hearing Date:** August 27, 2024

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

**Applicant:**

**Owner:**

Todd & Cynthia Peterson  
4144 D Southshore Drive  
Clear Lake, IA 50428

Same

**Property Address:** 4144 D Southshore Drive, Clear Lake, IA 50428

**Brief Legal Description:** Lt 24, Excluding the NELY 8', Blk 10 & Strip of Land 16' Wide between Lots 24 & 25, Dodges Point Park, Clear Lake Township

**Zoning:** R-3 Single Family Residential District

### Background

The applicant proposes to construct a new dwelling on the lot, keep the existing 2-stall garage with bonus room above and add a third stall on the east side of the existing garage with a covered deck above it. The proposed new 14'x20.6' third stall garage will not meet the required front yard setback average in the R-3 District. All other construction on the proposed lot will meet the required setbacks. The Special Exception request is for the front yard setback on the third stall garage only; all other setbacks will be met.

### SPECIAL EXCEPTION REQUEST

Structure	Request(s)	Requirement(s)
14'x20.6' third stall garage	7.5' front yard setback	14.9' front yard setback, per the average of setbacks within 200' (6.11)

### FINDINGS OF FACT

1. Todd & Cynthia Peterson are the owners of the subject property.
2. The property is zoned R-3 Single Family Residential District.
3. The proposed third stall attached garage will be 7.5' from the front lot line.
4. A 14.9' front yard setback is required, per the average of front yard setbacks within 200'.
5. The application was filed on July 30, 2024 with the Planning & Zoning Office.

## 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**

***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 proposed third stall garage will be 7.5' from the front lot line, which is 50 percent of the required 14.9' front yard setback average. All other setbacks in the R-3 Single Family Residential District are met. The standard appears to be met.

***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 garage is a permitted use in the R-3 District. The standard appears to be met.

***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 location of the existing 2-stall garage on the lot which is closer to the front lot line than the proposed third stall garage. The existing garage is 2.1' from the front lot line. The third stall garage addition would not be able to be completed without a special exception. As a result, the standard appears to be met.

***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.***

If the proposed third stall garage is required to be constructed 14.9' from the front lot line, it would not be in line with the rear of the existing garage. The standard appears to be met.

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

As stated above, the existing garage is closer to the front lot line than the proposed third stall garage. Pushing the garage back 14.9' from the street would not line up with the rear of the existing garage and would push the proposed new dwelling further towards the lake. Other lots

to the east of this parcel are 50' wide. The Peterson's lot is 58' wide so it can better accommodate a third stall garage. As a result, there are no other practical options. The standard appears to be met.

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

The character of the neighborhood will not be changed as a result of this request. The standard appears to be met.

**Discussion of Potential Impacts to Immediate Area**

The proposed third stall garage addition is unlikely to have any foreseeable negative impacts. The front yard setbacks for the garages on the 4 lots east of this parcel range from 0' to 5'. The front yard setbacks for the garages on the 2 lots west of this parcel range from 10.5' to 15.8'. The proposed third stall will provide additional storage for lake related toys and outdoor furniture. Dodges Point Marsh is located across Southshore Drive, so no views of the lake will be blocked by the additional third stall.

**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 third stall garage.

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

**Alternatives**

1. Grant the requested special exception subject to any conditions as deemed necessary by the Board.
2. Grant relief less or different from 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 Todd & Cynthia Peterson, subject to the following conditions:
  1. All construction shall comply with the site plan submitted with the application.
  2. 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 Todd & Cynthia Peterson for the following reasons:  
[STATE REASONS FOR DENIAL]

## EXHIBITS

- Exhibit 1: Figures 1-4 photos
- Exhibit 2: Special Exception Application and Site Plan
- Exhibit 3: Parcel Highlight

Figure 1 – View of property from the street – 3<sup>rd</sup> stall to be attached to east side of garage





Figure 2 – location of proposed third stall garage – trees to be removed





Figure 3 – Looking west along front lot line





Figure 4 – looking east along front lot line



## Michelle Rush

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**From:** Todd A Peterson <toddpeterson58@gmail.com>  
**Sent:** Tuesday, July 30, 2024 11:04 AM  
**To:** Michelle Rush; Plz  
**Cc:** Cindy Woodward Peterson; Luke Humburg  
**Subject:** Special Exemption Request  
**Attachments:** Signed Special Exemption Request.pdf

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

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Michelle,

Please find attached our request for a special exemption that as a part of rebuilding plans, would allow us to add a third stall to the existing garage with a 7.5' setback from the street side property line instead of a 14.9' setback as would be required by current county guidelines. This reduction in setback from the street side lot line is well within the standards for the neighborhood and will provide additional garage storage space that is aesthetically pleasing as a part of our more modern house design.

Thanks

Todd Peterson



# SPECIAL EXCEPTION APPEAL

## APPLICATION

Date Filed July 30, 2024

Date Set for Hearing 8-27-24

Case Number: 24-13

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**Applicant Name:** Todd A and Cynthia W Peterson **Phone:** 515-423-7183 **E-Mail:** ToddPeterson58@gmail.com

**Mailing Address:** 4144 D South Shore Drive, Clear Lake IA 50428

**Property Owner Name:** Todd and Cynthia Peterson **Phone:** 515-423-7183 **E-Mail:** ToddPeterson58@gmail.com

**Property Owner Address:** 4144 D South Shore Drive, Clear Lake IA 50428

**Property Description (Not to be used on legal documents):** Parcel # 05223510170 Township Clear Lake

**Property Address:** 4144 D South Shore Drive, Clear Lake IA 50428 Zoning: R-3

**Brief Legal Description:** L 24 EXC NELY 8' BLK 10 & STRIP LAND 16' WIDE BETW L'S 24 & 25 DODGES PT PARK

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### Project Description

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

We hope to tear down and replace the existing dwelling that was originally constructed in the 1930s, but has been added on to at least five different times over the years. We intend to keeping the existing 2-car garage and the two bonus rooms above the current garage. Our plan is to modernize the design and add a third stall to garage, set back 7.5' from street side property line.

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

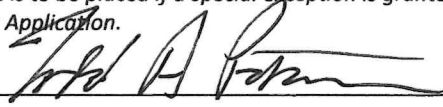
Our original request for building permit was denied due to plans to build third stall on garage within 14.9' of the street side property line. The average setback from the street side lot line for existing homes within 200' of property is 14.9', with a range of setbacks from 0 feet to more than 100'. This request for a special exemption is to allow construction of a third stall on the garage with a 7.5' set back from the street side property line. The new garage stall would be a single-story garage with a covered deck above it that overlooks Dodges Point Marsh.

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

Lots in this area are small, and many of our neighbors have older homes that were constructed on or very close to the street side property line. We would ask for this exemption to allow us to construct a new third garage stall with a 7.5' setback from the property line. Moving the new third stall back from the lot line and the corner of the existing garage will be aesthetically pleasing and proportionate with modern home design. Our intent is to live in this house year around, and we learned last winter that when we park two cars in the garage, we need more storage for lake-related toys and outdoor furniture. Thanks for your consideration.

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 July 30, 2024

**SPECIAL EXCEPTION APPEAL**

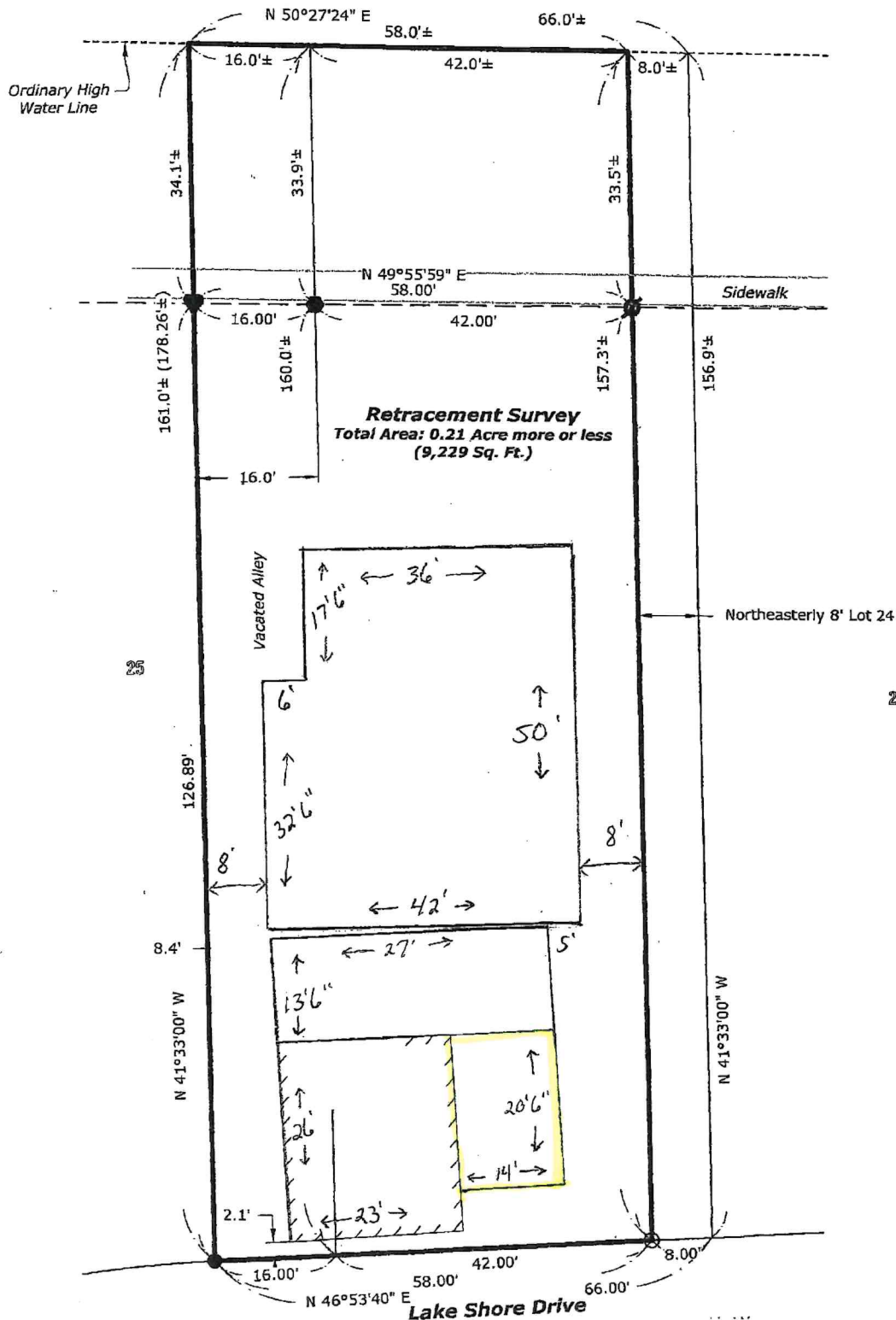
**ADDITIONAL INFORMATION**

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.

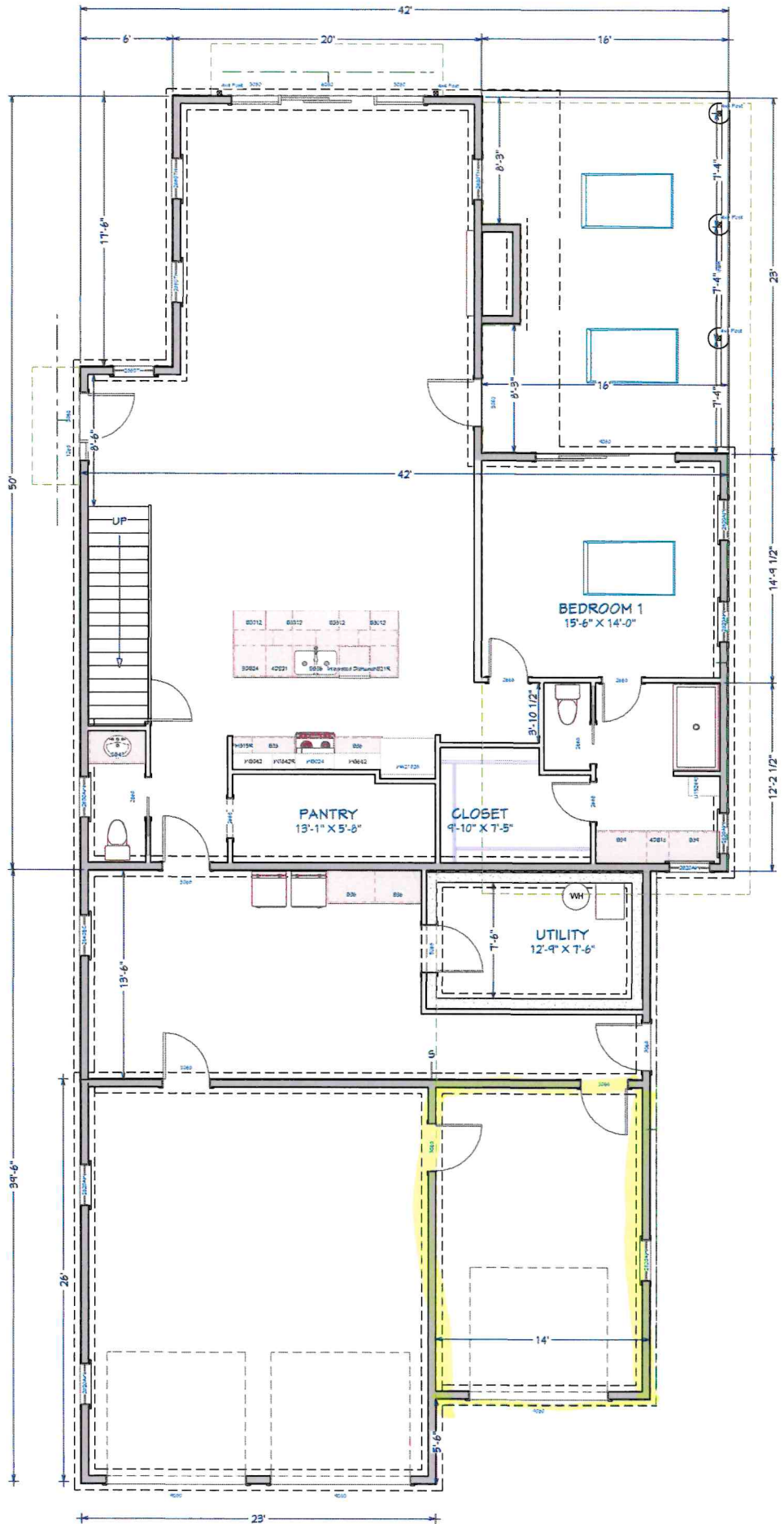
Retracement Plat of Survey

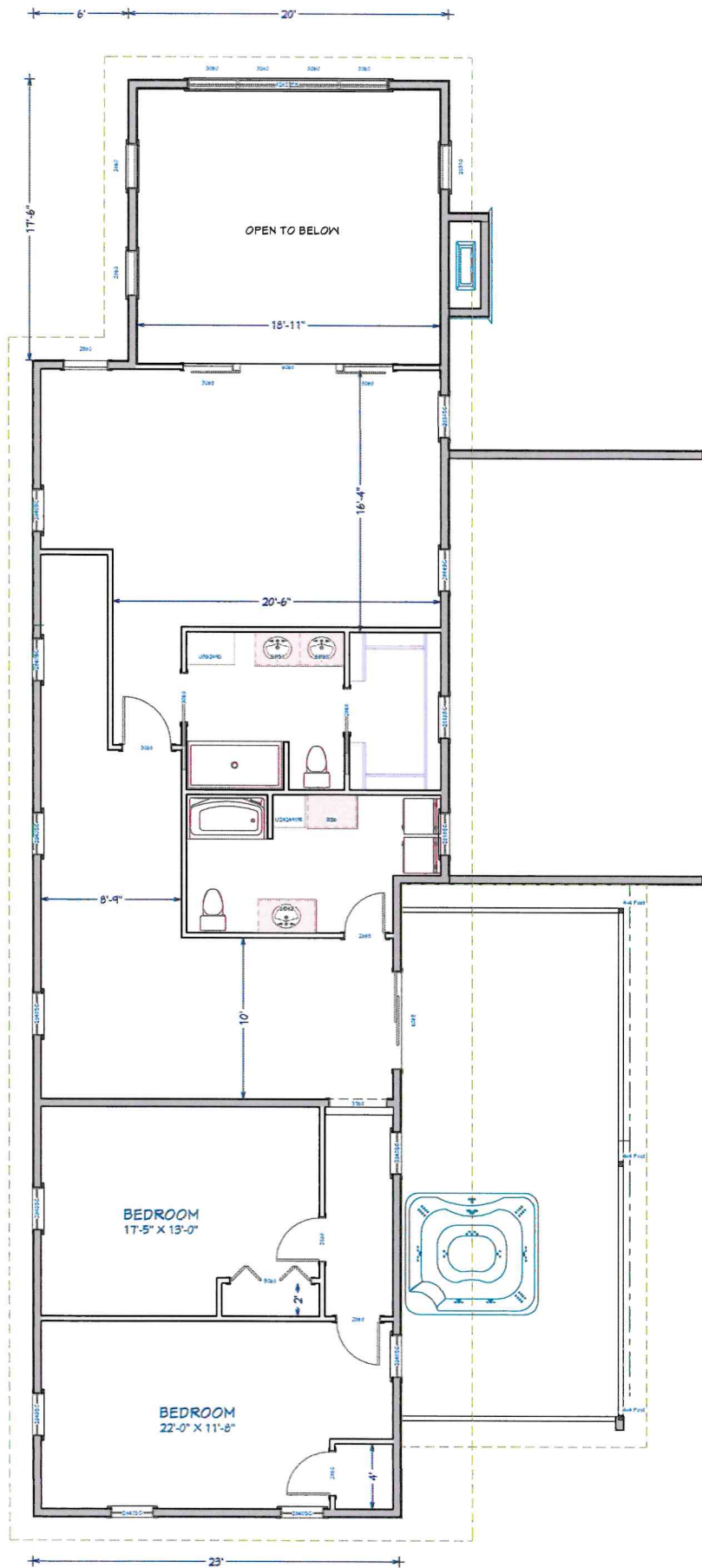
**Retracement of a Deed Description, as recorded in Document #2009-4748,  
in Block 10, Dodge's Point Park, Cerro Gordo County, Iowa.**

Clear Lake







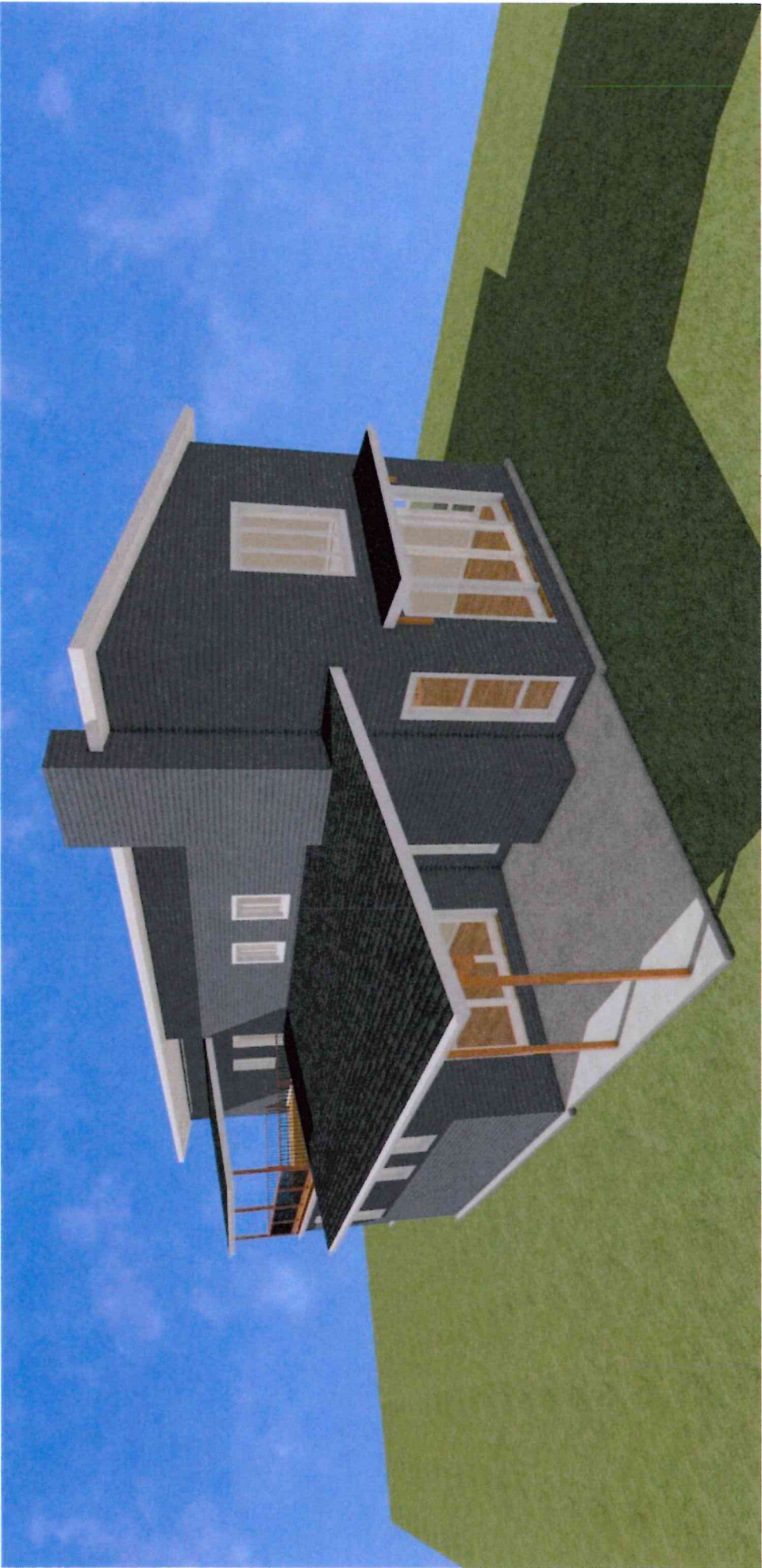


LIVING AREA  
2199 SQ FT













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Vac.

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