



PLANNING AND ZONING
Cerro Gordo County Courthouse

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Staff Report
Board of Adjustment
Special Exception Request
May 26, 2026

Case No.: 25-25

Hearing Date: May 26, 2026

Request: A special exception request for repair/replacement of existing foundation; update the basement & garage space; a new gable roof; and dwelling addition related to the front and rear of the lot.

Applicants

Kyle & Sara Peterson
10134 250th St
Clear Lake, IA 50428

Owners

Same

Property Address: 2485 242nd St, Ventura, IA 50482

Brief Legal Description: Lot 9 and the E½ of Lot 8, Block 19, Ventura Heights, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

Kyle and Sara Peterson recently purchased the subject property, which contains a 24-foot by 24-foot dwelling constructed in 1924. The applicants propose to raise the existing dwelling to repair or replace the old limestone foundation and footings. New foundations and footings are proposed along the north and west walls, and the applicants hope to preserve the east wall foundation and footings if feasible.

While the dwelling is lifted, the applicants would like to update the basement with additional headroom and add garage space. The existing roof will be removed and replaced with a new gable roof facing north. A new 32-foot by 44-foot addition is proposed along the west side and rear of the existing dwelling. The new addition would be 1 1/2 stories with an overall height of approximately 32 feet from curb line to peak. The height of the existing dwelling is approximately 22 feet from grade at the road. The grade slopes significantly from the north/front of the lot to the south/rear of the lot. The interior of the existing structure will be taken down to the studs and completely remodeled.

Special Exception Request

Structure	Request(s)	Requirement(s)
Foundation repair/replacement & new addition	8-foot front yard setback	15'-8"-front yard average setback – Article 6.11
Foundation repair/replacement & new addition	24-foot rear yard setback	30-foot rear yard setback required – Article 11.6

Findings of Fact

1. Kyle and Sara Peterson are the owners of the subject property.
2. The property is zoned R-3 Single Family Residential District.
3. The existing dwelling was constructed in approximately 1924 and is located 8 feet from the front lot line at its closest point.
4. Repair or replacement of the existing foundation and footings would maintain the existing front yard placement of the dwelling, with an 8-foot setback at the closest point. A 15-foot 8-inch front yard average setback is required.
5. The proposed 32-foot by 44-foot addition would be located along the west side and rear of the existing dwelling.
6. The proposed addition would be 24 feet from the rear/south lot line. A 30-foot rear yard setback is required.
7. The required side yard setbacks in the R-3 District will be met.
8. The lot is approximately 45 feet by 75 feet and the grade slopes significantly from the north/front of the lot to the south/rear of the lot.
9. The application was filed on April 10, 2026.

ANALYSIS

The Board of Adjustment has authority under Section 24.4(A)(2) of the Zoning Ordinance to grant special exceptions to bulk standards of the ordinance. The Board may grant the requested special exception only if all criteria in Section 24.4(A)(2)(a) are met. The Board may also attach reasonable conditions to observe the spirit of the Zoning Ordinance and Comprehensive Plan and to mitigate impacts directly resulting from the special exception.

Discussion of Standards of Review

1. **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 front yard average setback requirement is 15 feet 8 inches. The requested front yard setback is 8 feet at the closest point. The requested front yard relief is approximately 7 feet 8 inches, which is within 50 percent of the required front yard average setback. The rear yard setback requirement is 30 feet. The proposed rear yard setback is 24 feet, requiring 6 feet of relief, which is 20 percent of the required rear yard setback. Both requested exceptions are within the ordinance limitation for this type of special exception.

Staff assessment: This standard appears to be met, subject to the Board also finding practical difficulty under the remaining criteria.

2. 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 property is zoned R-3 Single Family Residential District. The use of the property as a single-family dwelling is a permitted residential use. The proposed foundation repair/replacement, basement improvements, garage space, roof replacement, and dwelling addition relate to the continued residential use of the property.

Staff assessment: This standard appears to be met.

3. 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.

This is one of the key factual issues for the Board. The lot is approximately 45 feet by 75 feet and is described as typical in the neighborhood, so lot size alone should not be treated as the only property-specific circumstance. However, the request is also tied to the existing 1924 placement of the dwelling 8 feet from the front lot line, the need to repair or replace the old foundation and footings, the limited lot depth, and the significant grade change from the front to the rear of the property. Those combined circumstances may create a practical difficulty in repairing and reasonably modernizing the existing dwelling in a manner similar to other residential properties in the district.

Staff assessment: This standard is supportable if the Board finds that the existing dwelling placement, foundation condition, limited lot depth, and grade change are property-specific circumstances and not merely a preference for a larger or more convenient design.

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 front yard relief would allow the existing dwelling to remain in its historic location while the foundation and footings are repaired or replaced. The requested rear yard relief would allow the proposed addition to be constructed while maintaining required side yard setbacks. The rear yard encroachment is limited to 6 feet, and the proposed improvements would continue the long-standing residential use of the property. Substantial

justice is served only if the relief is limited to what is reasonably necessary and does not create unfair impacts on neighboring property owners.

Staff assessment: This standard appears to be met if the Board finds the requested relief is limited to what is reasonably necessary for the project and that a lesser-relief design would not reasonably address the practical difficulties.

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

This is the principal issue that should be addressed directly in the Board findings. Because the dwelling will be lifted and at least some foundation walls and footings will be repaired or replaced, the Board should determine whether feasible alternatives exist to eliminate or reduce the requested front or rear setback relief. Potential alternatives may include reducing the depth or configuration of the addition, shifting the addition, maintaining the existing front footprint without expanding any front encroachment, or setting the lifted structure in a manner that reduces the nonconformity if structurally and practically feasible. The applicant should explain why those alternatives are not feasible or would not reasonably accomplish the project given the existing dwelling, foundation condition, lot depth, and grade change.

Staff assessment: This standard should not be found met solely because the proposed design is preferred. The standard may be found met if the Board credits evidence that a compliant or lesser-relief design is not feasible or would unreasonably prevent the repair, preservation, and reasonable residential modernization of the existing dwelling. If the Board cannot make that finding, this criterion is not met.

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

A single-family dwelling has existed on the property for many years, and the proposed use remains residential. The proposed work maintains the required side yard setbacks. The proposed addition would be in line with the front of the existing dwelling and would be 11 feet from the front lot line at its closest point on the northwest corner. The rear yard encroachment is limited to 6 feet. The adjacent parcel to the west is vacant, the dwelling to the east is generally in line with the existing dwelling, and the parcel to the south contains a detached building. Based on the submitted information, the project should not substantially alter the residential character of the area.

Staff assessment: This standard appears to be met.

Discussion of Potential Impacts to Immediate Area

Staff does not identify a foreseeable negative impact directly resulting from the requested special exception if the project is constructed as represented and appropriate conditions are imposed. The required side yard setbacks will be maintained. The existing dwelling is generally in line with the dwelling to the east. The adjacent parcel to the west is vacant. The rear yard encroachment is limited, and the parcel to the south contains a 24-foot by 48-foot building. No

significant view, use, or neighborhood character impacts are apparent from the information provided.

Staff Conclusions and Recommendation

Staff concludes that criteria 1, 2, 4, and 6 are supported by the record as submitted. Criteria 3 and 5 require the most specific Board findings. The request is supportable if the Board finds that the existing 1924 dwelling placement, foundation condition, limited lot depth, and significant grade change create practical difficulties specific to the property, and that those difficulties cannot reasonably be overcome by a compliant or lesser-relief design.

Staff recommends that the Board approve the special exception only if, after hearing from the applicants and any public input, the Board makes affirmative findings on all six ordinance criteria, including a specific finding that no feasible alternative would reasonably allow the foundation repair/replacement, basement improvements, and dwelling addition without the requested relief. If the Board cannot make those findings, the ordinance requires denial because all criteria must be met.

Recommended Conditions if Approved

1. The special exception shall apply only to the foundation repair/replacement, roof replacement, basement improvements, garage space, and dwelling addition substantially as shown in the application materials reviewed by the Board.
2. The existing dwelling foundation and related improvements shall be no closer than 8 feet from the front lot line at the closest point, unless a greater setback is achieved during construction.
3. The proposed addition shall be no closer than 24 feet from the rear/south lot line and shall maintain all required side yard setbacks.
4. The proposed addition shall not exceed the height represented in the application unless additional zoning approval is obtained.
5. 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.
6. Any material change in size, location, height, use, or setback encroachment shall require review by the Zoning Office and may require further Board approval.
7. All other applicable zoning, building, sanitation, floodplain, and permitting requirements shall be satisfied before construction.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested special exceptions subject to any conditions as deemed necessary by the Board.
2. Grant relief less or different from the requested special exception by modifying 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 the applicant, based on the Board’s findings that all criteria in Section 24.4(A)(2) have been met, subject to the recommended conditions stated in the staff report, and the following conditions:
 1. All construction shall comply with the site plan submitted on April 10, 2026.
 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 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 special exception as requested by the applicant for the following reasons:
The applicant does not meet all the criteria listed in the Cerro Gordo County Zoning Code Section 24.4(A)(2).
(Mention any additional reasons)

EXHIBITS

- Exhibit 1: Figures 1-5 photos
- Exhibit 2: Special Exception Application filed April 10, 2026
- Exhibit 3: Addition Site Plan
- Exhibit 4: Parcel Highlight

Figure 1
Looking at front of house from 242nd Street



Figure 2
Looking along front of house from east to west in relation to property to the east



Figure 3
Looking along east lot line



Figure 4
Looking at west lot line stake & NW corner of addition stake



Figure 5
Rear of lot from vacant lot on the west



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 4-10-26 Date Set for Hearing 5-26-26 Case Number: 25-25

Applicant Name: Kyle Peterson Phone: 641 420-2375 E-Mail: petersky396@gmail.com

Mailing Address: 10134 250th St Clear Lake, IA

Property Owner Name: Peter yezek Phone: E-Mail:

Property Owner Address: 1612 W Ridgewood DR Cedar Falls IA 50613

Property Description (Not to be used on legal documents): Parcel # 05203360030 Township Clear Lake

Property Address: 2485 24th ST Zoning: R-3

Brief Legal Description: L9 + E 1/2 L8 Blk 19 Ventura Heights

Project Description Dwelling addition + repair + replace foundation Decision Date:

Special Exception(s) Requested (As cited on results from denied Zoning Permit Application) The proposed addition will be 9' from the front lot line at its closest point. A 15'-8" front setback is required per average front set. The proposed addition to the rear will be 24' from the rear lot line. A 30' rear yard setback is required in the R-3 District.

Criteria Justifying Special Exception under Standards for Review (You may add more details in the Additional Information) See 2nd Page for notes

I am the [X] Owner [] Contract Purchaser [X] Other (Explain) Buying the property - will be closing May 1st 2026 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 [Signature] Date 4/9/26

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.

This request is for a special exception to the zoning requirements for the property located at 2485 242nd Street, Ventura, Iowa.

Due to the unique characteristics of the property, approval is being sought for a limited encroachment into the required front yard and rear yard setbacks. Specifically, the proposed improvement would encroach approximately six (6) feet into the front yard setback and six (6) feet into the rear yard setback.

This request will not adversely impact neighboring properties or alter the essential character of the area. The proposed design has been carefully planned to remain consistent with the surrounding neighborhood, maintain the primary orientation of the existing structure, ensure proper drainage, and preserve visibility and safety.

The requested encroachment represents the minimum necessary to allow reasonable use of the property, given the rising topography toward the rear of the lot, which creates a practical limitation on buildable area.

Granting this exception would not be contrary to the public interest and is consistent with the intent of the zoning ordinance. The proposed improvement will enhance the usability of the property and contribute to its overall value while remaining compatible with the surrounding area.

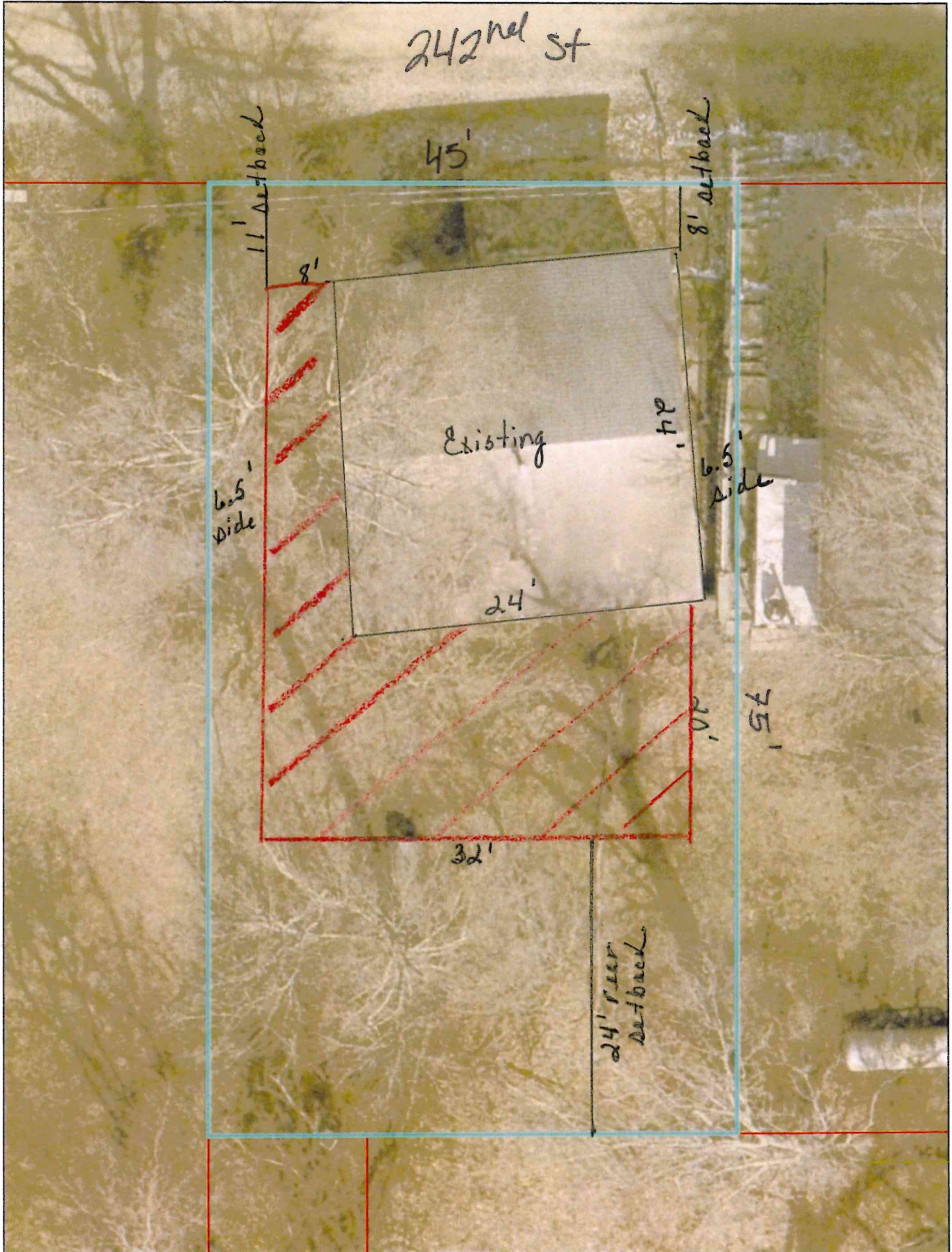
Respectful consideration of this request is appreciated. Additional information, including site plans, can be provided, and attendance at a hearing is available to address any questions or concerns.

Thank you for your time and consideration.

Sincerely,

Kyle Peterson

2485 242nd St Ventura IA



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