



PLANNING AND ZONING
Cerro Gordo County Courthouse

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CERRO GORDO COUNTY BOARD OF ADJUSTMENT
SPECIAL EXCEPTION STAFF REPORT

Summary of Request

Public Hearing Date: February 24, 2026

Applicant

Matt & Melissa Pulis
2501 NE Indian Pointe
Lee's Summit, MO 64086

Owner

Same

Case No.: 25-19

Property Address: 15358 5th St, Clear Lake, Iowa.

Brief Legal Description: Lot 48 & 48A, and including the real estate lying between the high-water line of Clear Lake and Lot 48, Clear Lake Methodist Camp, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

The applicants are in the process of constructing a 27'-4" x 42'-6" two-story dwelling on the property. This Board granted 15' front and rear yards setbacks for the dwelling on May 27, 2025. It appears the rear yard setback of 15' was measured from the rear of the house to the rear lot line of Lot 48A (see Pulis site plan from 2025). The additional 7.4' (closest point) distance to the high-water mark was not included in the rear yard setback measurement (see Plat of Survey). The applicants would now like to construct a 6'x18' second story deck on the rear (lakeside) of the dwelling. Tom visited the site on January 20, 2026 and measured 20' from the edge of the block seawall (closest to the lake) to the foundation of the house. The proposed 6' wide deck would be 14' from the seawall and approximately 17.9' from the high-water mark.

Special Exception Request

1. Request a 17.9' rear yard setback for the deck – requirement is 30'.

Findings of Fact

1. Matt & Melissa Pulis are the owners of the subject property.

2. The property is zoned R-3 Single Family Residential.
3. The proposed deck will be 17.9' from the rear lot line (high-water mark). A 30' rear yard setback is required in the R-3 District.
4. The application was filed on January 21, 2026.

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

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 proposed second story deck will be 17.9' from the rear (high-water mark) which does not exceed 50 percent of the 30' required rear yard setback. **The standard appears to be met.**

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.**

Decks are an accessory permitted use in the R-3 District. **The 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.**

The lot is a smaller lot, and there are a few other dwellings in the district with 2nd story decks. **The standard appears to be met.**

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.**

As stated above, the lot is smaller than other lots in the district. The special exception would allow the applicant to make reasonable use of the property. **The standard appears to be met.**

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

The survey shows the lot is approximately 40' wide by 81.5' deep. The house sits 15' from the front yard setback and is 42.6' in length, which leaves 23.9' from the rear of the dwelling to the high-water mark (rear lot line). The required rear yard setback is 30'. Any proposed construction between the dwelling and the rear lot line would not be possible without at least a slight exception to the Zoning Ordinance. **The standard appears to be met.**

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

The proposed deck will not alter the character of the neighborhood. Along the lake, the gathering space or recreational areas for a patio or deck are routinely on the rear of the dwelling (lakeside). The deck sets in 4'-6" from the edge of the house on both sides and will not be visible from 5th Street. There is a 30' wide lake access along the easterly side of this lot. The closest dwelling is the neighboring house to the west at 15354 5th Street. **The standard appears to be met.**

Discussion of Potential Impacts to Immediate Area

There are no foreseeable negative impacts as a direct result of the proposed second story deck.

Staff Conclusions and Recommendation

Cerro Gordo County Article 24.4(A)(2)(a) of the zoning code states "...the Board of Adjustment shall only grant such exception if all the following criteria are met:" The staff analysis of the six criteria have six of the six being met. Multiple definitions of "practical difficulty" appear to have in common some unique aspect of the land in question. Staff recommends the Board of Adjustment consider the request by reviewing the criteria and upon hearing public input as related to the six criteria set out above from the Code.

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 Matt & Melissa Pulis, subject to the following conditions:
 1. All construction shall comply with the updated site plan submitted on February 3, 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 Matt & Melissa Pulis for the following reasons:
The applicant does not meet the criteria listed in the Cerro Gordo County Zoning Code.
(Mention any additional reasons)

EXHIBITS

- Exhibit 1: Figures 1-3 photos
- Exhibit 2: Special Exception Application dated January 21, 2026
- Exhibit 3: Deck Site Plan
- Exhibit 4: Parcel Highlight
- Exhibit 5: Survey
- Exhibit 6: 2025 House Site plan

Figure 1

Rear of house from the lakeside & location of 2nd story deck



Figure 2

Looking west to east showing the proposed 2nd story deck 6' out from the house



Figure 3

Looking east to west showing the proposed 2nd story deck 6' out from the house in relation to the closest neighbor



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 1-21-26 Date Set for Hearing 2-24-26 Case Number: 25-19

Applicant Name: Matt & Melissa Pulis Phone: 816-519-3355 E-Mail: mpulis@istrc.com

Mailing Address: 2501 NE Indian Pointe Lee's Summit MO 64086

Property Owner Name: Matt & Melissa Pulis Phone: 816-519-3355 E-Mail: mpulis@istrc.com

Property Owner Address: 15358 5th Street Clear Lake IA

Property Description (Not to be used on legal documents): Parcel # 05224030240 Township 001

Property Address: 15358 5th Street, Bell Harbor, Clear Lake Iowa Zoning: Residential R-3

Brief Legal Description: Lot 48 & 48A Bell Harbor Clear Lake Methodist Camp

Project Description **Decision Date:** _____

Small Cantilevered Deck off of the 2nd Level Lakeside – 18 Feet Wide and 6 Feet Deep – Wire Railings - Approximately 13 Feet Off of the Ground – We are currently 21.7 feet from the foundation of the house to the bottom stair stepped blocks of the seawall.

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

Asking for an exception to the 30 foot lakeside setback to 15 Feet to accommodate the 6 foot deck – The home was already granted the 15 foot setback, but due to issues with Platting the area was more than anticipated when designing the home to fit the granted setback.

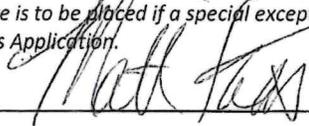
Criteria Justifying Special Exception under Standards for Review (You may add more details in the Additional Information)

The 2nd Level Lakeside Room has a slider door and rather than blocking it with a Juliet railing that goes out a small distance from the house it would be more practical to have a small deck to accommodate chairs and make it more practical to open the sliders. The cantilevered deck would not change or effect the view of any of the neighboring properties.

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 

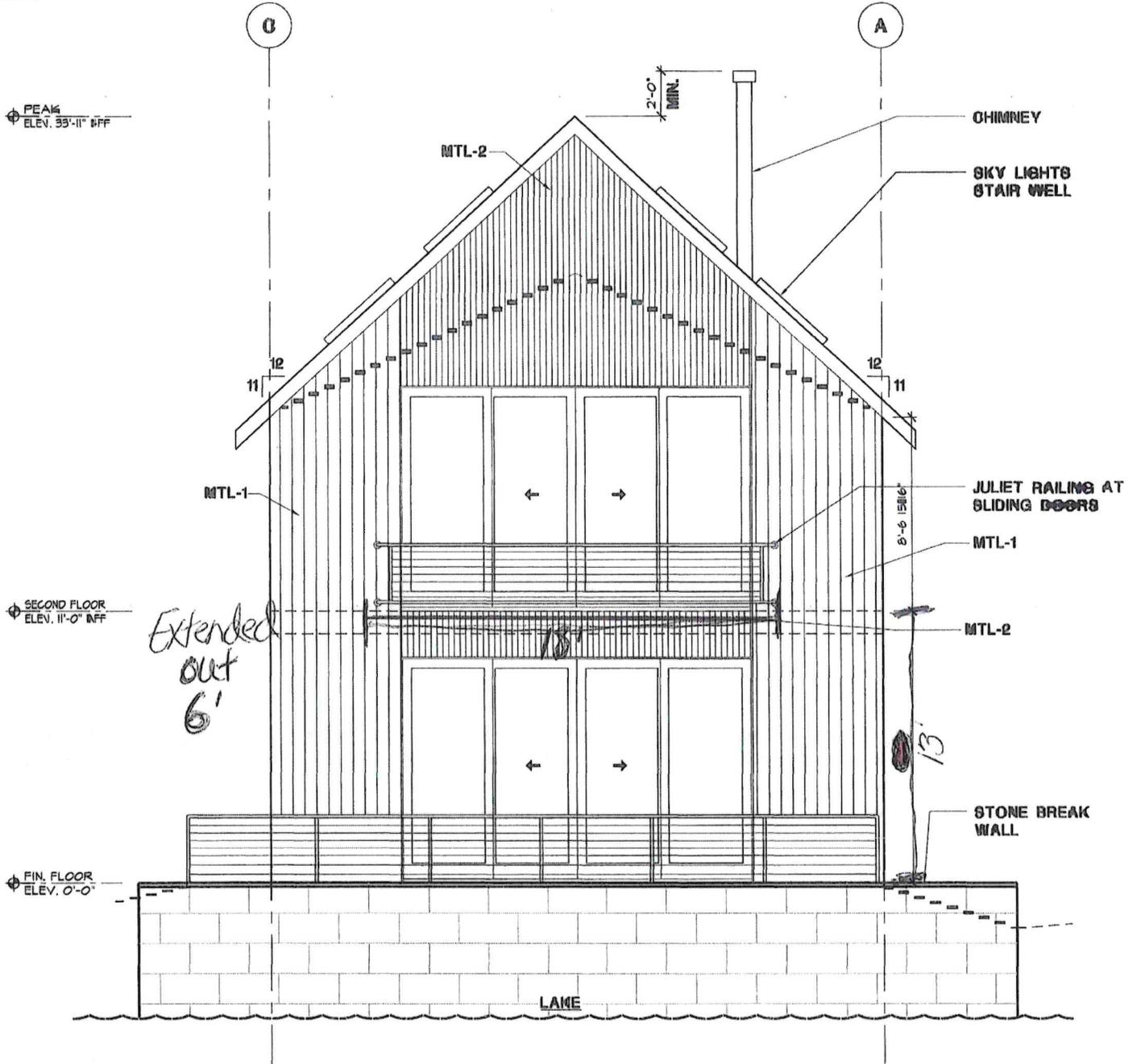
Date 1-21-26

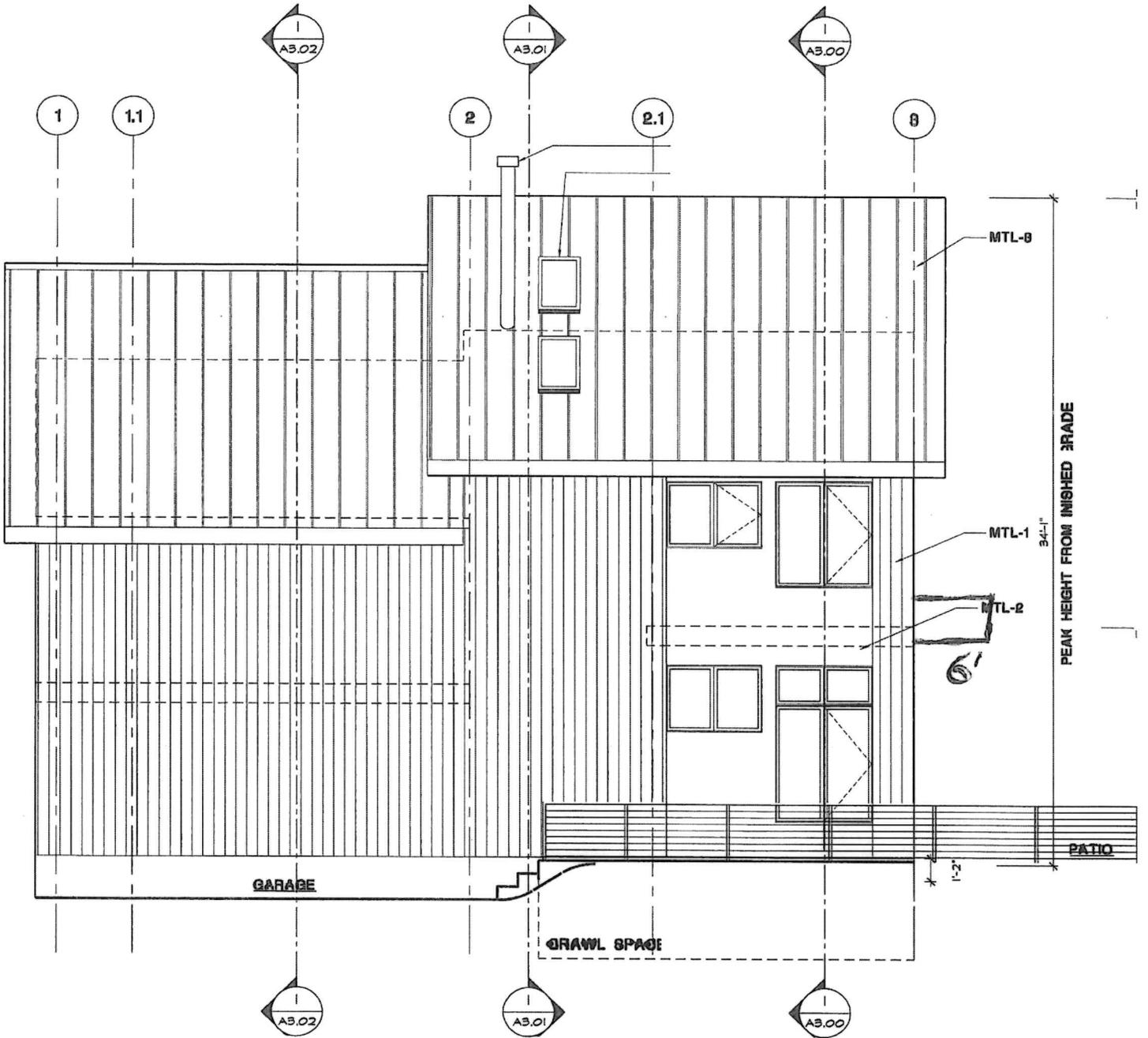
SPECIAL EXCEPTION APPEAL

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.

OVER



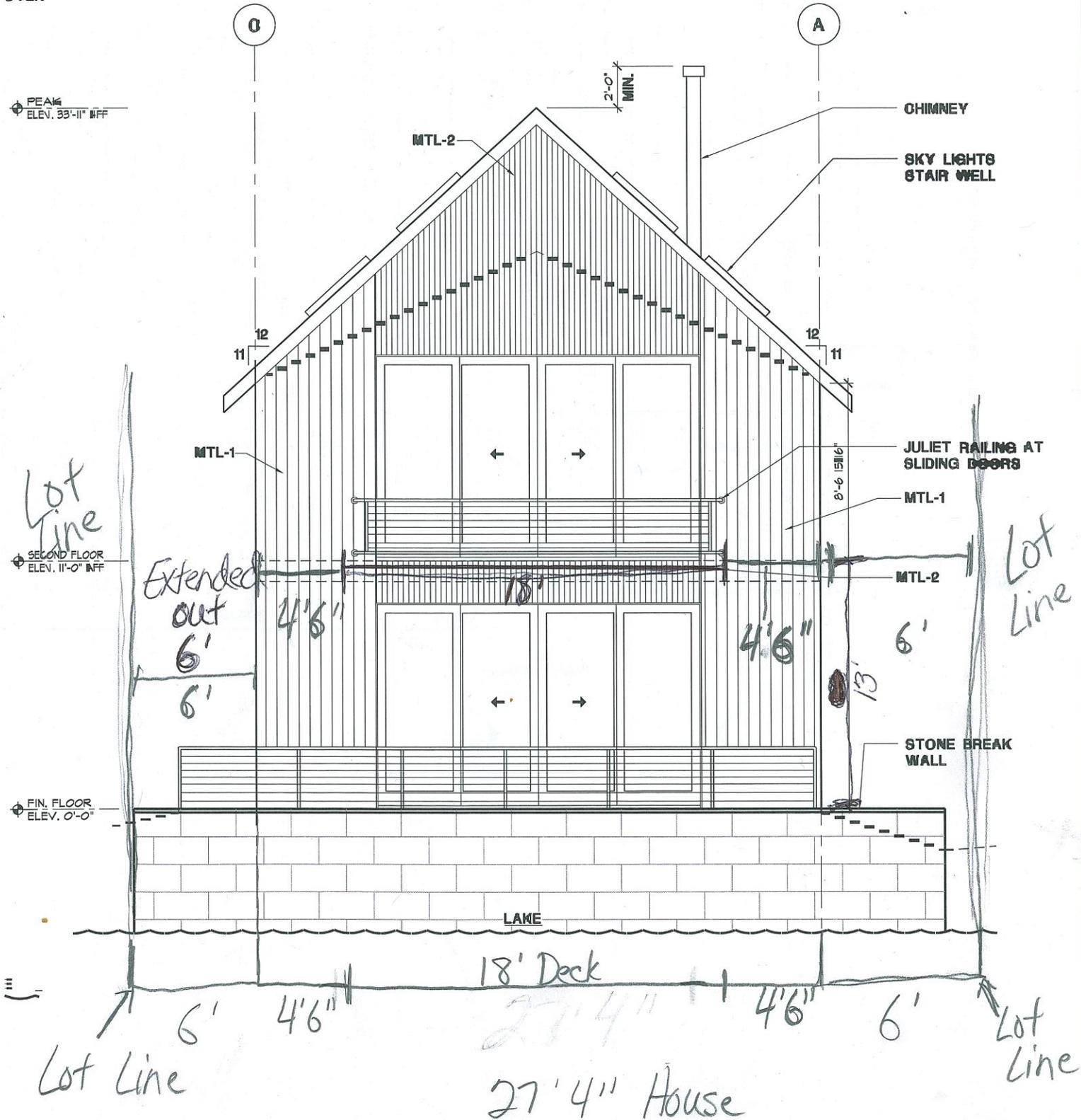


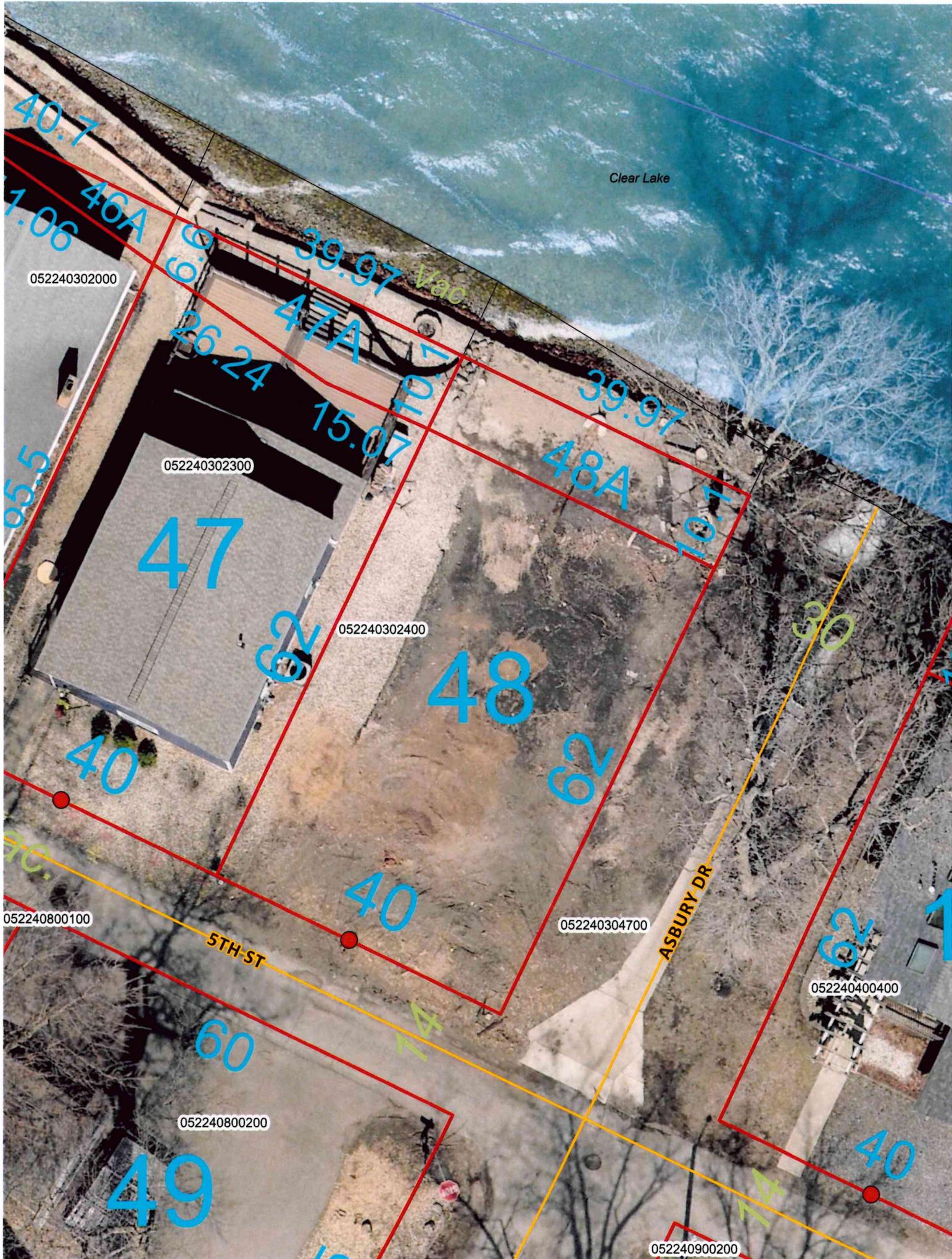
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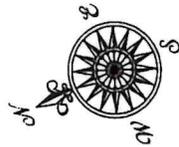
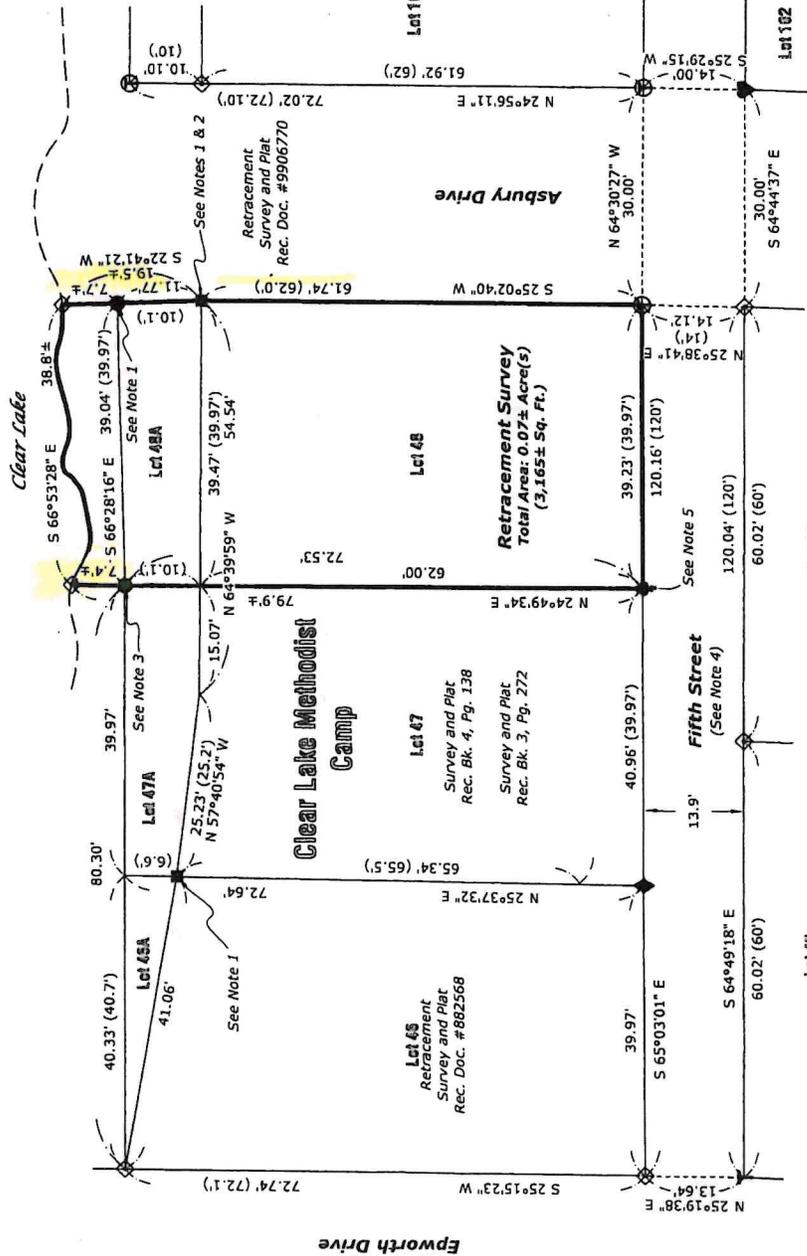
OVER





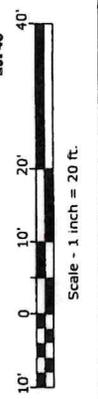
Retracement Plat of Survey

Retracement of Lot 48, 48A, and Northerly to Clear Lake, Clear Lake Methodist Camp, of Section 22 - T96N - R22W, City of Clear Lake, Cerro Gordo County, Iowa.

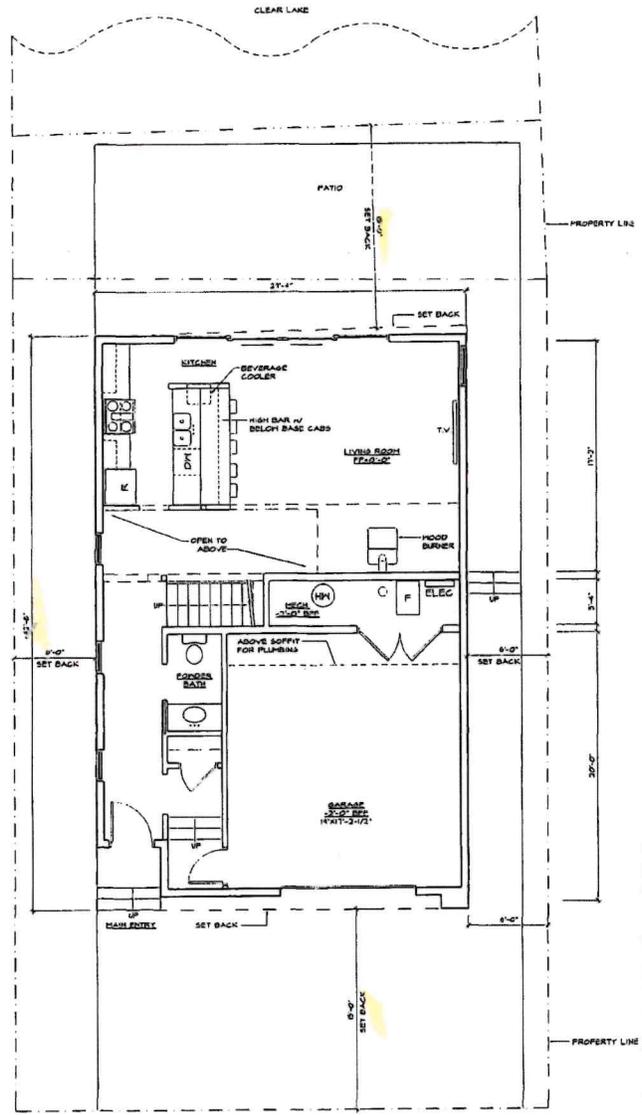


LEGEND

- ▼ = Fd. 5/8"Ø Rebar w/BPC PLS 24510
- T = Fd. T-Bar
- ⊙ = Fd. T-Bar w/SSC PLS 5543
- ⬆ = Fd. 3/4"Ø Rebar
- ⬇ = Fd. 5/8"Ø Rebar
- = Fd. 3/4"Ø Iron Pipe
- = Fd. Concrete Monument
- ◇ = Calculated Position
- = Survey Boundary Line
- = RPC, YPC, OPC, BPC = Red, Yellow, Orange, Blue Plastic Cap (0.00') = Recorded Dimension



House Site Plan 2025



3/14/2025



FIRST FLOOR PLAN
1/1/25