



PLANNING AND ZONING Cerro Gordo County Courthouse

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Staff Report Board of Adjustment Variance Request October 27, 2026

Case No.: 26-10

Hearing Date: October 27, 2026

Request: A variance request to construct a 4-foot by 4-foot garden shed requesting an 11 feet setback from the rear lot line (30-feet is required). The shed will be attached to the rear of the house.

Applicants

Rachel Baker
5527 Crestwood Dr
Kansas City, MO 64110

Owners

Same

Property Address: 4579 Wesley Dr, Clear Lake, IA 50428

Brief Legal Description: Lot 187, Clear Lake Methodist Camp

Zoning: R-3 Single Family Residential District

Background

The applicant is requesting a variance to construct a 4-foot-by-4-foot garden shed for the storage of lawn and outdoor equipment. The proposed shed would be located 11 feet from the rear property line. The proposed structure will be attached to the rear of the house.

The property is located within the R-3 District, which requires a minimum rear yard setback of 30 feet. As proposed, the shed would encroach approximately 11 feet into the required rear yard setback.

VARIANCE REQUEST

Structure	Request(s)	Requirement(s)
4'x4' garden shed	11-foot rear yard setback	30-foot rear yard setback per Article 11.6(C)

Findings of Fact

1. Rachel Baker is the owner of the subject property.
2. The property is zoned R-3 Single Family Residential District.
3. The proposed shed will be 4'x4', 16 square feet in size, and 8' tall.
4. The proposed shed will be 11 feet from the rear lot line; 30 feet is required.
5. The variance application was filed on August 31, 2026.

ANALYSIS

The requested variances involve dimensional limitations and are governed by Iowa Code section 335.15(4). Under that section, the property owner must establish that:

To receive the requested variances, the property owner must prove that:

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 Board of Adjustment is authorized to grant variances under Section 24.4(A)(3) of the Zoning Ordinance. The Board may impose reasonable conditions directly related to the requested variances to ensure compliance with the ordinance and mitigate impacts resulting from the reduced setbacks.

The required Standards of Review per Iowa Code Section 335.15(4)

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

The proposed shed would be 16 square feet and stand approximately 8 feet tall. Its limited size and intended use for lawn and outdoor equipment suggest that it would generate little additional activity and could be compatible with surrounding residential uses.

The proposed location would reduce the required rear yard setback by 19 feet.

Conclusion: The shed's limited size supports a finding of minimal potential impact. The site information appears to show the shed's setback would not adversely affect neighboring properties or other public interests.

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 proposed storage use is incidental to the residential use of the property. However, the information provided does not identify special conditions that make compliance with the rear yard setback practically difficult. There is no explanation of other physical constraints that would prevent a reasonably located, compliant storage structure.

The applicant should explain why the shed must be attached at the proposed location and whether other locations or storage arrangements are reasonably available. The continued residential use of the property is relevant, but does not by itself resolve whether special conditions create practical difficulties for the proposed accessory storage use.

Conclusion: There does not appear to be another location on the site where the shed could reasonably be placed.

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

Rear yard setbacks generally preserve separation between structures, open space, privacy, and access. Although the proposed shed is small, an 11-foot setback would substantially reduce the separation required by the ordinance.

The Board should consider whether the proposed design and placement would preserve the purposes of the rear yard requirement and whether a location requiring less relief is reasonably available. The shed's small footprint is relevant, but does not independently establish that the requested reduction is justified.

Conclusion: There does not appear to be another location on the site where the shed could reasonably be placed. The applicant should explain why the proposed location is necessary and how the purposes of the rear yard setback would remain protected.

4. *The difficulties are unique to the property and not self-created (e.g., lot shape, topography, prior lawful platting).*

A preference for attaching the shed to the rear of the dwelling does not, standing alone, establish a unique property condition. Conversely, proposing a new structure does not automatically make every resulting difficulty self-created. The Board should determine whether

the requested relief arises from existing property constraints or primarily from the applicant's selected design and location.

Conclusion: This criterion has not been established on the present record. The applicant should provide evidence of unique property conditions, together with an explanation of why reasonable compliant alternatives are impractical.

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

A 16-square-foot shed used for residential equipment storage would ordinarily be consistent with a residential setting. Its limited height and footprint suggest that its visual and operational effects could be modest.

Nevertheless, neighborhood compatibility also depends on placement. The Board should consider surrounding rear yard development, proximity to neighboring structures, visibility, exterior materials, and potential effects on adjoining outdoor living areas.

Conclusion: The proposed size and use support a finding of compatibility, provided site information demonstrates that the shed's placement and appearance would not significantly alter the surrounding neighborhood's character.

Staff Conclusions

Based on the information provided, the proposed shed's limited size and residential storage use suggest modest potential impacts. However, the present record does not establish special conditions causing practical difficulties or demonstrate that those difficulties are unique to the property and not self-created. The justification for reducing the rear yard setback from 30 feet to 11 feet also remains insufficiently developed.

Staff recommends the Board consider evidence presented at the hearing and determine if evidence presented at the hearing supports affirmative findings on all five criteria. Limited neighborhood impact alone does not satisfy the applicant's separate obligation to demonstrate qualifying practical difficulties under Iowa Code § 335.15(4).

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

Recommended Conditions if Approved:

1. The variance shall apply only to the construction of the new 4'x4' shed in the application materials reviewed by the Board.

2. The new shed shall not be closer than 11' from the rear lot line, unless a greater setback 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.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Action options:

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 the applicant, based on the Board's findings that all criteria in Iowa Code Section 335.15(4) have been met, subject to the following conditions:
 1. All construction shall comply with the site plan submitted on August 25, 2026.
 2. Any material changes in the submitted plans including a change in project size, location, height, use, or setback encroachment shall require review by the Zoning Office and may require further Board approval.
 3. No construction shall begin until a Zoning Permit has been issued by the Planning and Zoning Office.
 4. All recommended conditions in the staff report are followed as part of the approval.

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)**.

Provided motion of denial:

- I move to adopt the staff report as the Board's findings and to deny the variance as requested by the applicant 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 filed August 31, 2026
- Exhibit 3: Site Plan
- Exhibit 4: Parcel Highlight

Figure 1
Rear of house from South Shore Dr



Figure 2
Concrete slab where proposed shed will be constructed on rear of house



Figure 3
Rear lot line looking west to east along South Shore Dr



Figure 4
Rear of house looking east to west



VARIANCE APPEAL

APPLICATION

Date Filed _____

Date Set for Hearing _____

Case Number: _____

Applicant Name: Rachel Baker Phone: 816-550-5649 E-Mail: cabingals@gmail.com

Mailing Address: 5527 Crestwood Dr, Kansas City, MO 64110

Property Owner Name: Rachel Baker Phone: 816-550-5649 E-Mail: Cabingals@gmail.com

Property Owner Address: 4579 Wesley Dr, Clear Lake, IA 50428

Property Description (Not to be used on legal documents): Lot Parcel # 187 Township 96N

Property Address: 4579 Wesley Dr, Clear Lake, IA 50428 Zoning: Residential

Brief Legal Description:

Project Description

Decision Date: _____

Build a 4'x4' garden shed on back of cabin for storing lawn/outdoor equipment such as lawn mower, rake, and shovel.

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

Requesting variance from 30' set back from South Shore Dr. Southeast corner of shed would be 11' from property line. Southeast corner of cabin is currently at 9' due to receiving a variance for an addition in 2020. Property line on back of lot curves so the shed is not as close to the property line as the southwest corner of the cabin.

Answer the five (5) Criteria Justifying the Variance under Standards for Review (You may add more details in the Additional Information)

- 1) Not granting the variance is contrary to public interest because it creates the issue of having to leave garden equipment in the open creating possible theft or general annoyance to neighbors.
- 2) Not granting the variance creates "practical difficulties" due to inability to properly store outdoor equipment.
- 3) The spirit of the ordinance is observed by not imposing any sight restrictions for neighbors and keeping the property properly maintained and clean.
- 4) The difficulties are created due to lot size and set back of only 6' on east and west sides. Placing the shed on the back of the cabin is the only option and we are keeping it as small as possible so as not to encroach on the set backs any further than already exist.
- 5) Shed will be built to match the cabin and painted the same color so it will match the aesthetics of the cabin and the neighborhood.

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 variance is granted. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

Applicant Signature Rachel N. Baker

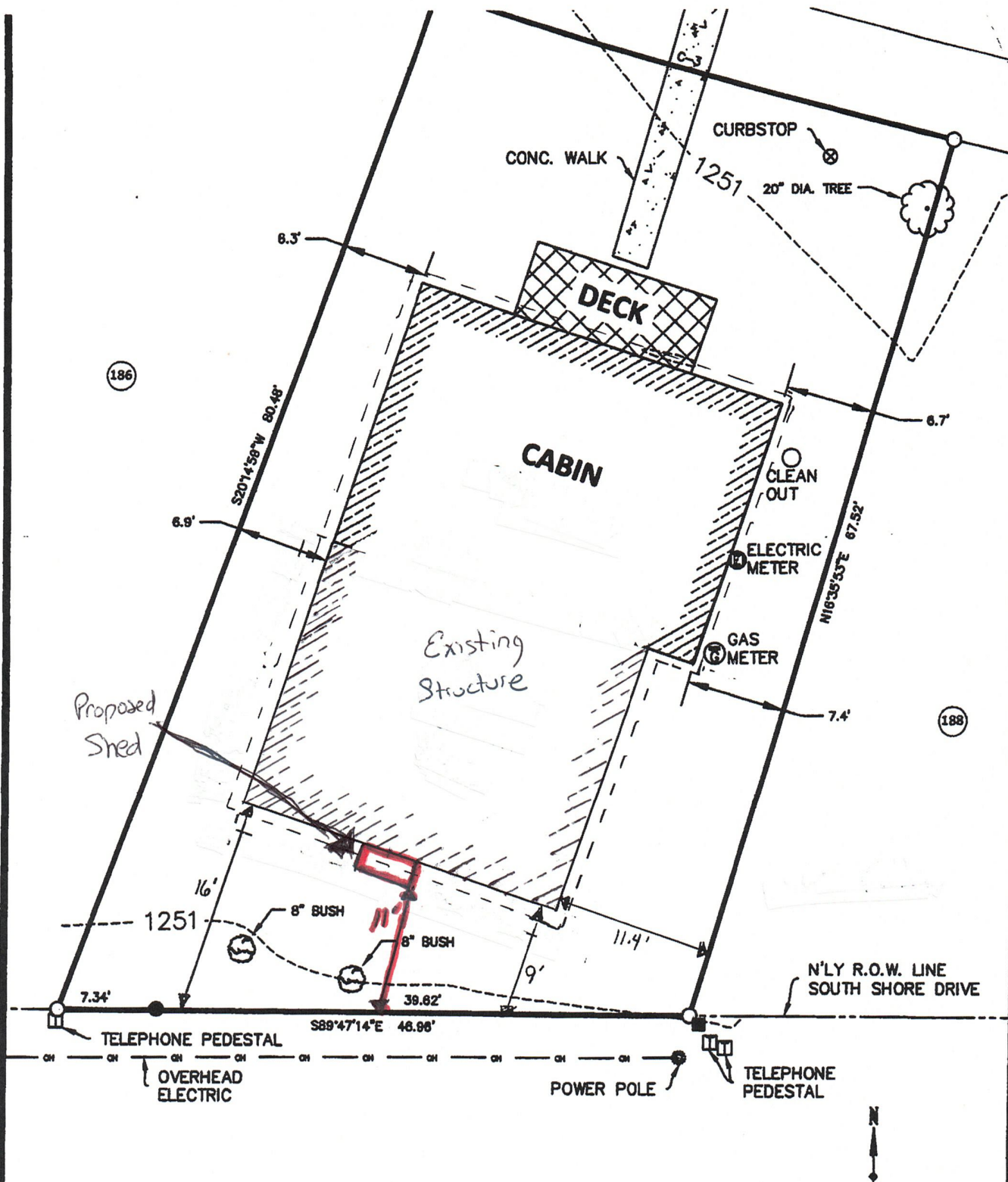
Date 8/31/26

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.

The small 4'x4' shed will not have an electrical, water, or other utilities so it will not create any noise or safety impacts. The shed will sit further away from both neighbors than the current cabin does and it will not be in any sight lines of the neighbors. There will be no dust, drainage, glare, traffic, or odors created by the shed addition.



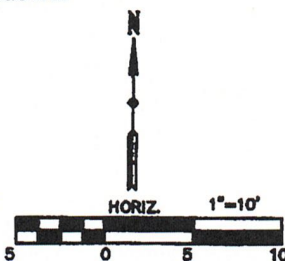
LEGEND

- △ SET SECTION CORNER AS NOTED (P.O.C.) POINT OF COMMENCEMENT
- SET 1/2" REBAR 24" LONG YPC 23709 (P.O.B.) POINT OF BEGINNING
- FOUND PINCH PIPE MONUMENT UNLESS NOTED
- ▲ FOUND SECTION CORNER AS NOTED
- FOUND R.O.W. RAIL
- (0.00') RECORD MEASUREMENT
- ⑥ LOT NUMBER

SURVEYOR'S NOTES:

- 1) IGRC'S ZONE 2 IS THE BASIS OF BEARING FOR THE PURPOSE OF THIS SURVEY.
- 2) THE TBR THAT IS AT THE NW COR. OF LOT 187 IS N20°14'58"E 0.73' NORTH OF THE R.O.W. LINE AND CALCULATED CORNER FOR THE PURPOSE OF THIS SURVEY.

DOCUMENTS USED FOR THIS SURVEY
 PLATS: BK.151 PG.197,
 BK.3 PGS.267-273
 DEED: DOC.#2005-8012

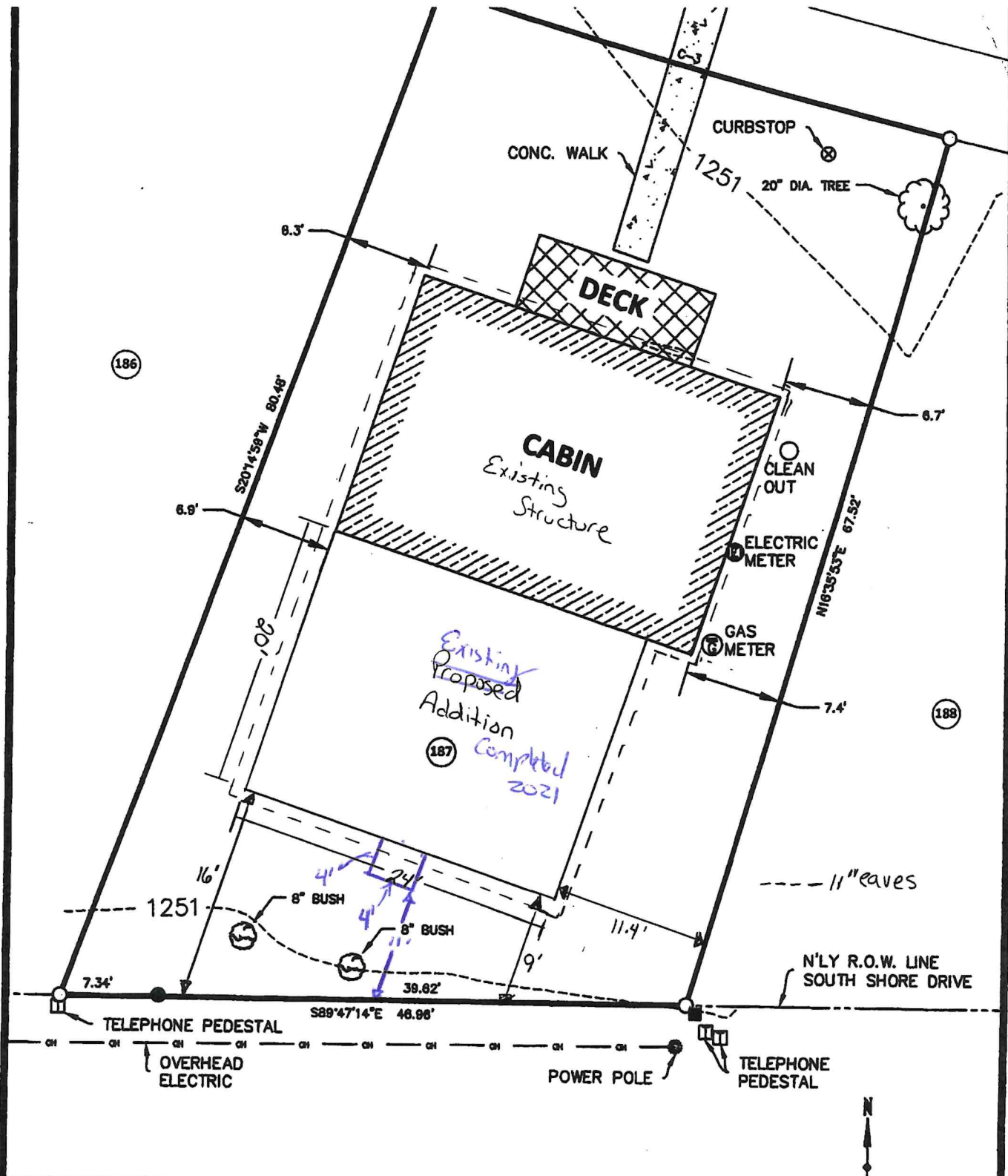


DATE SURVEYED	7-28-20
SCALE:	AS SHOWN
PROJECT NO.:	20284
DRAWN BY:	BVS
CHECKED BY:	BVS
SHEET	1 of 1



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct

CTADU



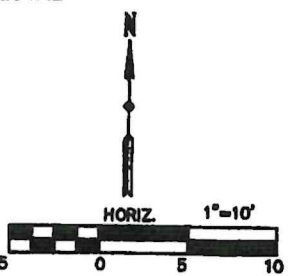
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- (0.00') RECORD MEASUREMENT
- (55) LOT NUMBER

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 DEED: DOC.#2005-8012



DATE SURVEYED	7-28-20
SCALE:	AS SHOWN
PROJECT NO.:	20294
DRAWN BY:	BVS
CHECKED BY:	BVS
SHEET	1 of 1



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct

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SOUTHSHORE DR

STUNTZ AVE

VAC. STUNTZ AVE

WESLEY DR

DOVE CIR

05-22-451-026

05-22-451-044

187.25

349.06

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