



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 24-15

Hearing Date: October 29, 2024

Staff Contact: Michelle Rush, Assistant Zoning Administrator

Applicant:

Gabriel Beal
Bristol Construction
4025 Evergreen Ave
Joice, IA 50446

Owner:

Robert & Anne Lashier
7104 NW 95th Ct
Johnston, IA 50131

Property Address: 3804 240th St, Clear Lake, IA 50428

Brief Legal Description: The W 30' of Lot 2 and the E 5' of Lot 3, John Bakers Sub, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

The applicant proposes to construct a 23'x24' addition above the existing garage which will include two additional bedrooms and a bathroom. The trusses will be removed from the existing garage to create the second story living space above the garage. The proposed addition above the garage will match the height of the dwelling to the west at 28'. The proposed addition will be 5' from the west side lot line and 25' from the front lot line.

SPECIAL EXCEPTION REQUEST

Structure	Request(s)	Requirement(s)
23'x24' addition	5' west side yard setback 25' front yard setback	6' side yard setback 30' front yard setback

FINDINGS OF FACT

1. Gabriel Beal – Bristol Construction is the contractor on the proposed project.
2. Robert & Anne Lashier are the owners of the subject property.
3. The property is zoned R-3 Single Family Residential District.
4. The proposed addition will be 5' from the west side lot line and 25' from the front lot line.
5. A 6' side yard setback is required and a 30' front yard setback is required in the R-3 District.
6. The application was filed on September 17, 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

- 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 addition will be 5' from the west side lot line and 25' from the front lot line, which is further than 50 percent of the requirement. All other setbacks in the R-3 Single Family Residential District are met. 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.***

The proposed addition will add additional living space to the dwelling and will be considered a part of the dwelling, which is a principal 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 practical difficulty is due to the 35' width of the lot, which is the smallest lot in that area. The dwelling appears to encroach into the east side lot line the further you go towards the lake. There is no alternative location for the addition. The proposed addition is within the existing footprint of the house. As a result, 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.***

Granting of the 5' west side yard setback and the 25' front yard setback is reasonable due to the width of the lot and angle of the existing dwelling on the lot. As stated above, there is no suitable alternative location for the addition. The standard appears to be met.

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

Any additions to the house are limited to inside the existing footprint. Building upward is the only feasible alternative for an addition. 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 addition will not alter the character of the neighborhood. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

There are no foreseeable negative impacts from the proposed addition. It will be constructed within the existing footprint of the house. The proposed addition is on the streetside of the dwelling and will not block any views of the lake.

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 addition.

BOARD DECISION

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 exceptions as requested by Bristol Construction for Robert & Anne Lashier, 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 Bristol Construction for Robert & Anne Lashier for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- Exhibit 1: Figures 1-5 photos

- Exhibit 2: Special Exception Application and Site Plan
- Exhibit 3: Parcel Highlight

Figure 1 – View of the house from 240th Street



Figure 2 – Looking along the west lot line at the distance between the two dwellings



Figure 3 – Looking along the east lot line at the distance between the two dwellings



Figure 4 – looking west along the front building line of the garage



Figure 5 – looking east from the dwelling on the west



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 9-17-24

Date Set for Hearing 10-29-24

Case Number: 24-15

Applicant Name: Gabriel Beal
bristolconstruction@icloud.com

Phone: 641-420-4007

E-Mail:

Mailing Address: 4025 Evergreen Ave Joice, IA 50446

Property Owner Name: Robert & Anne Lashier
E-Mail: _____

Phone: 515-371-3791

Property Owner Address: 7104 NW 95TH CT Johnston, IA 50131

Property Description (Not to be used on legal documents): Parcel # 05214760060 Township Clear Lake

Property Address: 3804 240TH ST Clear Lake, IA 50428 Zoning: R-3

Brief Legal Description: W 30'L2 E 5' L 3 EXC S 20' John Bakers Sub Middle 1/3 Govt L 1 21-96-22

Project Description

Decision Date: _____

Remove Truss off existing attached garage to create second story living quarters. 2 bedrooms and 1 bathroom. Living area on existing home and existing garage. Would be sided and roofed to match existing house.

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

Requesting asset back variance for the west side yard since we are at 5 instead of the required 6 feet. Variance request on front yard set back as we are at 25 feet and not 30 feet.

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

We request the variance due to the house originally being built out of square to the lot line. The addition is going onto an existing footprint and will not be expanded out of the bounds of the original footprint. We will be within the height requirements. Matching the height of existing house to the west at 3798 240th St Clear Lake, IA 50428. There will also be a greater distance than the house to the west on front and side yard setback.

I am the Owner Contract Purchaser Other (Explain) I am the contractor for Robert and Anne Lashier. Filing on their behalf. _____ 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.

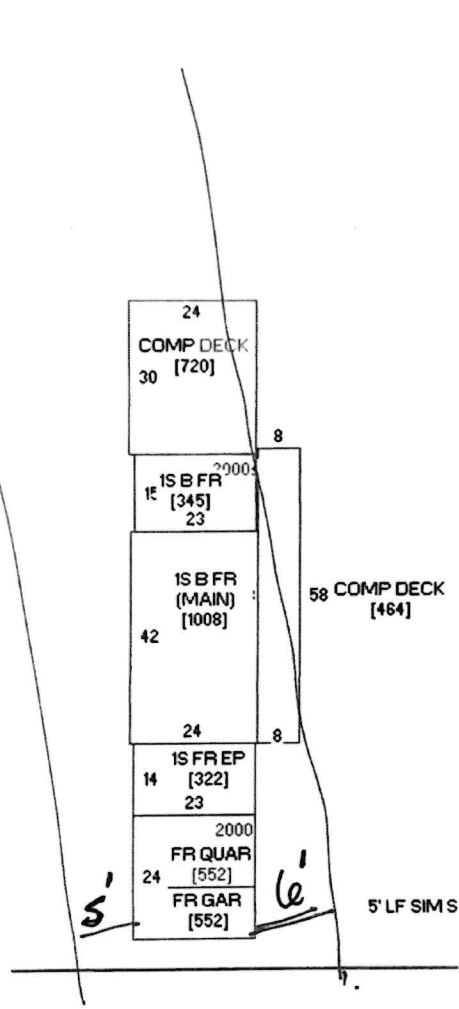
Applicant Signature *Gabriel Beal* _____

Date 9/17/2024 _____

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.

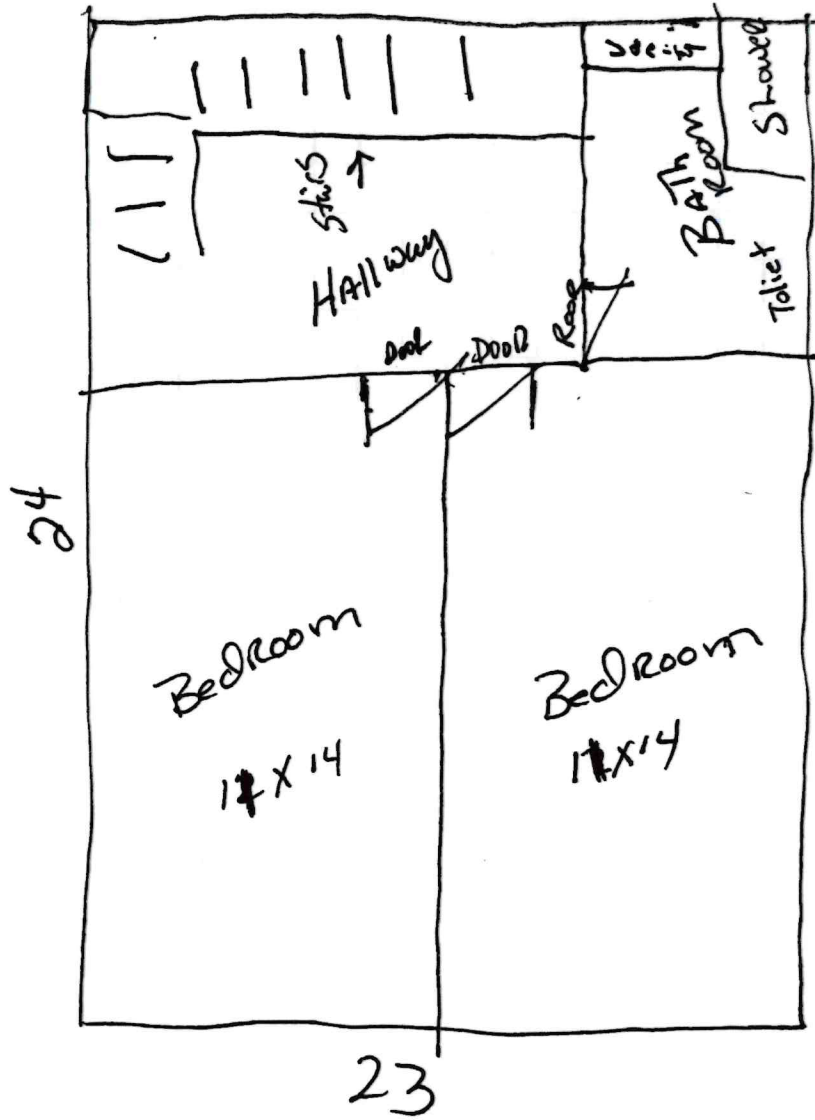


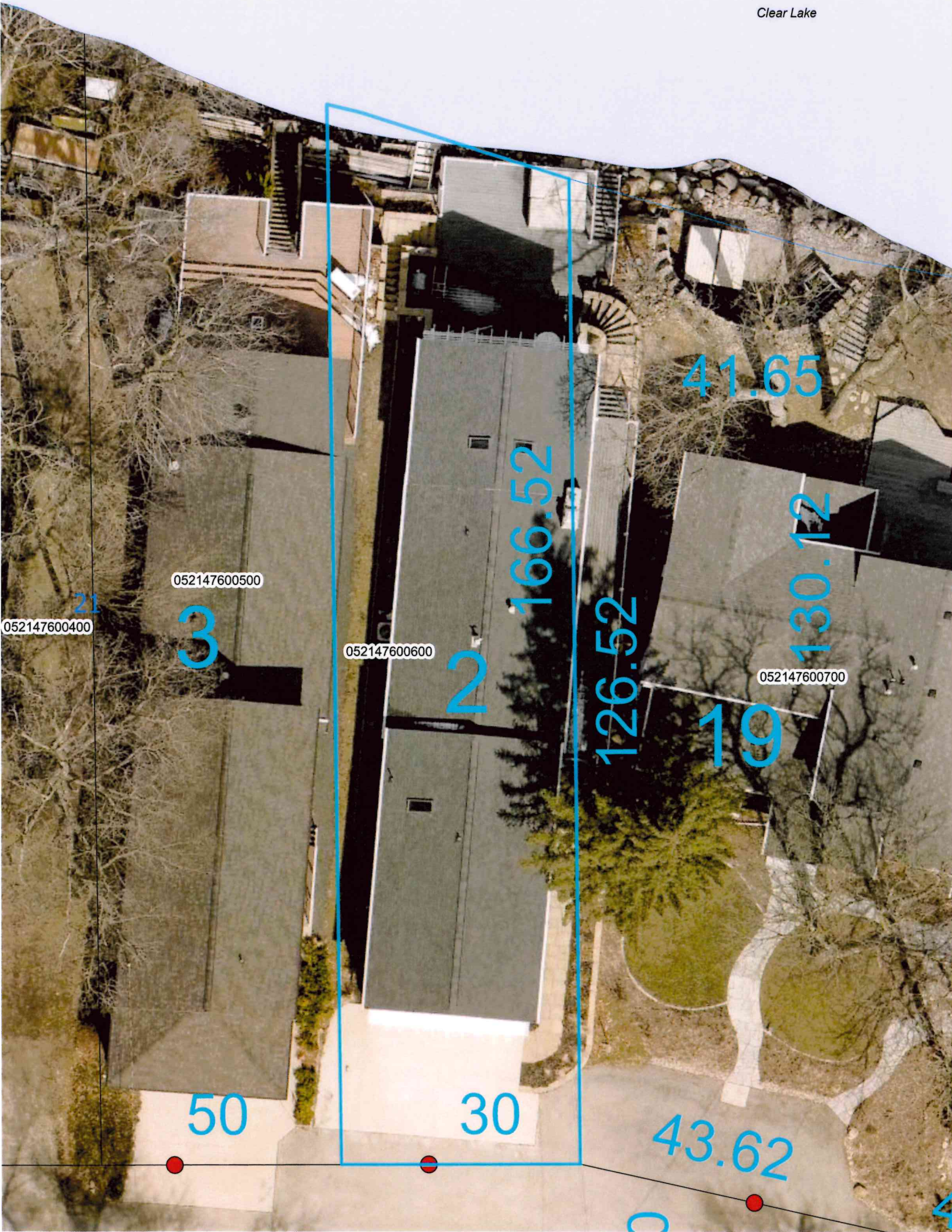
Bob and ANNE
CASHIER

Lashier's Second Floor over garage

Bristol Construction
GADE Beck

received
8-29-24





052147600400

21

052147600500

3

052147600600

2

166.52

126.52

052147600700

19

130.12

41.65

50

30

43.62



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