



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 24-21

Hearing Date: April 29, 2025

Staff Contact: Michelle Rush, Assistant Zoning Administrator

Applicant:

Owner:

Steven Yaggy
7686 Hwy 30 SW
Rochester, MN 55902

Same

Property Address: 6014 South Shore Court, Clear Lake, IA 50418

Brief Legal Description: Lot 28, Block 1, Long Beach, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

The applicant is proposing to replace the existing 24'x36' one-story cabin that was constructed in 1928 with a 30'x64' two-story dwelling. The existing 12'x20' detached shed in the front yard along Southshore Court will remain (See Figure 1).

SPECIAL EXCEPTION REQUEST		
Structure	Request(s)	Requirement(s)
30'x64' dwelling	4' west side yard setback	6' side yard setback (11.6B)

FINDINGS OF FACT

1. Steven Yaggy is the owner of the subject property.
2. The property is zoned R-3 Single Family Residential District.
3. The proposed dwelling will be 4' from the west side lot line.
4. A 6' side yard setback is required in the R-3 District.
5. The application was filed on April 1, 2025 with the Planning and 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 lot itself is similar to other lots in the neighborhood. The required 30' front and rear yard setbacks will be maintained. The proposed dwelling will meet the 6' required side yard setback on the east. The proposed dwelling will be 4' from the west side lot line and does not exceed 50% of the respective setback bulk requirement. 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.***

A single-family dwelling 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.***

According to a survey from 1997, the lot is 40' wide towards the street, 45' wide at the lake, and 193' deep which is similar to other lots in the neighborhood. With the required 6' side yard setbacks, a 28' wide dwelling would be approved without requesting a special exception. The applicant is requesting a dwelling that is 2' wider. There does not appear to be a practical difficulty specific to the lot itself. The standard does not appear 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.***

The existing house currently sits closer to the east side lot line. The new dwelling will meet the 6' side yard setback on the east side but will be 4' from the west side lot line. The proposed house is similar in size and positioning as houses on neighboring properties and should not impose a foreseeable undue burden to the surrounding property owners. However, the land in question does not have an apparent practical difficulty. The standard does not appear to be met.

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

Although the applicant would like to construct a 30'x64' dwelling, the desire of a property owner for a structure specific to their preference does not necessarily equate to no other feasible alternatives. The lots in this area are deep, so a dwelling with a larger depth could be accommodated versus a larger width. However, the applicant is trying to maintain the view of the lake for surrounding property owners. Most of the dwellings in this area are located in the center of the lot and do not encroach into the rear yard towards the lake. The applicant is only

requesting a special exception on the west side. All other required setbacks will be met. The standard appears to be partially met.

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

Although the dwellings on each side of this parcel are single story dwellings, there are other 1 ¾ story and two-story dwellings located to the east and west. The proposed dwelling will be in line with other dwellings in the neighborhood and maintain the site distance of other dwellings along the lakeside. The proposed dwelling will not alter the essential character of the neighborhood. The standard appears to be met.

Discussion of Potential Impacts to Immediate Area

The existing dwelling sits closer to the east lot line than the proposed dwelling. The width of dwellings on properties surrounding the applicants parcel range from 24' to 30' in width. The applicant states that much consideration went into the planning of the project with respect to the neighbors' views of the lake or building a dwelling that is too big for the character of the neighborhood. All of the required setbacks in the R-3 District will be maintained except along the west side lot line. The proposed dwelling does fit the character of the neighborhood. The view of the lake will not be altered by the proposed construction. There are no foreseeable negative impacts as a direct result of the proposed dwelling.

Staff Conclusions and Recommendation

Of the six standards, over half have been 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 review the findings as related to the six criteria set out above from the Code. There are no foreseeable negative impacts as a direct result of the proposed new dwelling.

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 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 Steve Yaggy, subject to the following conditions:
 1. All construction shall comply with the site plan submitted with the application on March 14, 2025.

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 for a smaller dwelling, subject to the following conditions:
 1. The dwelling shall be constructed to meet all setback requirements on the property.
 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 Steve Yaggy for the following reasons:
[STATE REASONS FOR DENIAL]

EXHIBITS

- | |
|--|
| <ul style="list-style-type: none">• Exhibit 1: Figures 1-10 photos• Exhibit 2: Special Exception Application dated April 1, 2025• Exhibit 3: Site Plan• Exhibit 4: Parcel Highlight |
|--|

Figure 1 – View of existing cabin and shed on the lot



Figure 2 – Looking at location of the front of the proposed dwelling in relation to existing cabin



Figure 3 – Looking west at proposed front building line of new dwelling



Figure 4 – Looking along the east side lot line from street and lake at proposed location of dwelling 6' from east side lot line



Figure 5 – Looking along the west side lot line from street and lake at proposed location of dwelling 4' from the west side lot line



Figure 6 – Looking at location of the rear of the proposed dwelling in relation to existing cabin



Figure 7 – looking at rear building stakes along the east and west lot lines



Figure 8 – View between Applicants property Lot 28 and property to the west Lot 29



Figure 9 – View between Lot 29 (1 story) and Lot 30 (1 ¼ story)



Figure 10 – View between Lot 24 (2-story) and Lot 25 (1 ¾ story) dwellings to the east



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 4-1-25 Date Set for Hearing 4-29-25 Case Number: 24-21

Applicant Name: Yaggy Steven Floyd **Phone:** 507 208-1034 **E-Mail:** cyaggy4@gmail.com

Mailing Address: 7686 HWY 30 SW Rochester MN 55902

Property Owner Name: Steve Yaggy **Phone:** 507 208-1034 **E-Mail:** cyaggy4@gmail.com

Property Owner Address: 7686 HWY 30 SW Rochester MN 55902

Property Description (Not to be used on legal documents): Parcel # 05251010020 Township _____

Property Address: 6014 S Shore CT Clear LAKE IA **Zoning:** R-3

Brief Legal Description: L 28 Blk 1 Long Beach

Project Description New Dwelling

Decision Date: _____

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

The proposed dwelling will be 4' from the west side lot line.

A 6' Side yard setback is required for R3

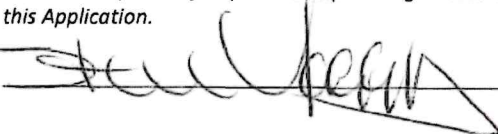
Criteria Justifying Special Exception under Standards for Review (You may add more details in the Additional Information)

We will maintain the westside offset as well as front and rear offsets .

Our only request is to have a 4' offset on the west side.

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 3-31-25

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.

Compliance with standard governing setbacks, frontage, height and other bulk provisions are within the ordinance specifications except for our special exception request for a 4' setback for the west side lot line. Which does not exceed 50 percent of the limitation.

The exception request relates entirely to permitted use.

Our exception request is practically not very far off the zoning ordinance, because our lot is actually 45' wide lakeside & 40' wide street side.

We are using much consideration in planning this project with respect to our by our neighbors by not building in such a manner that would restrict our neighbors' view of the lake or building a cabin that is to big for existing culture or character of the neighborhood.

The west side offset seems like the most practical option as to opposed to moving closer to the lake, where the lot width is 45''

Being a good neighbor and maintaining the quality and character of our neighborhood is our highest priority.

Clear Lake

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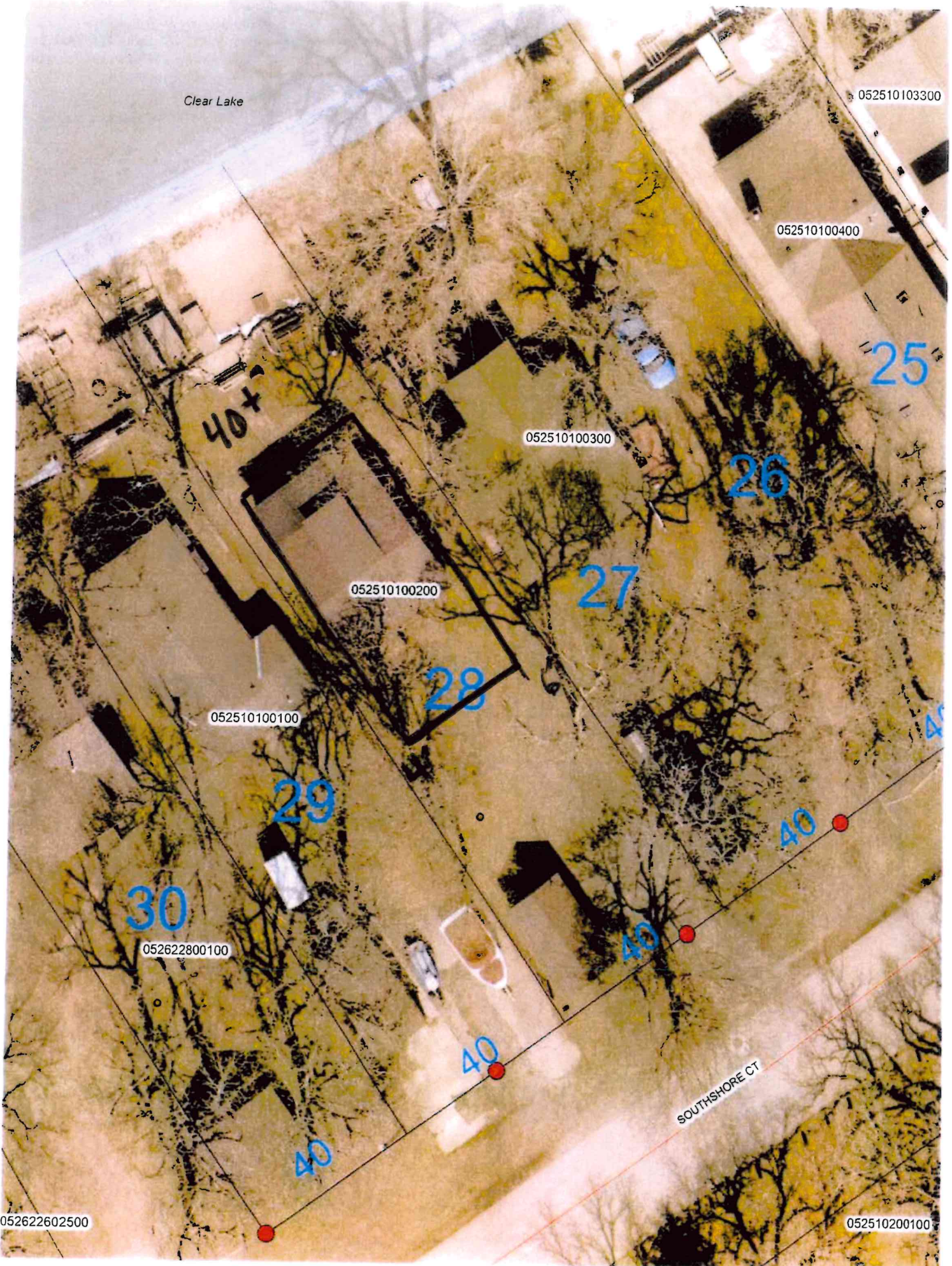
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SOUTHSHORE CT

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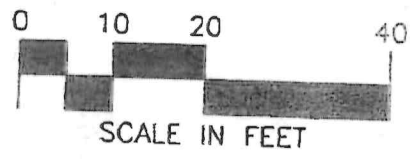
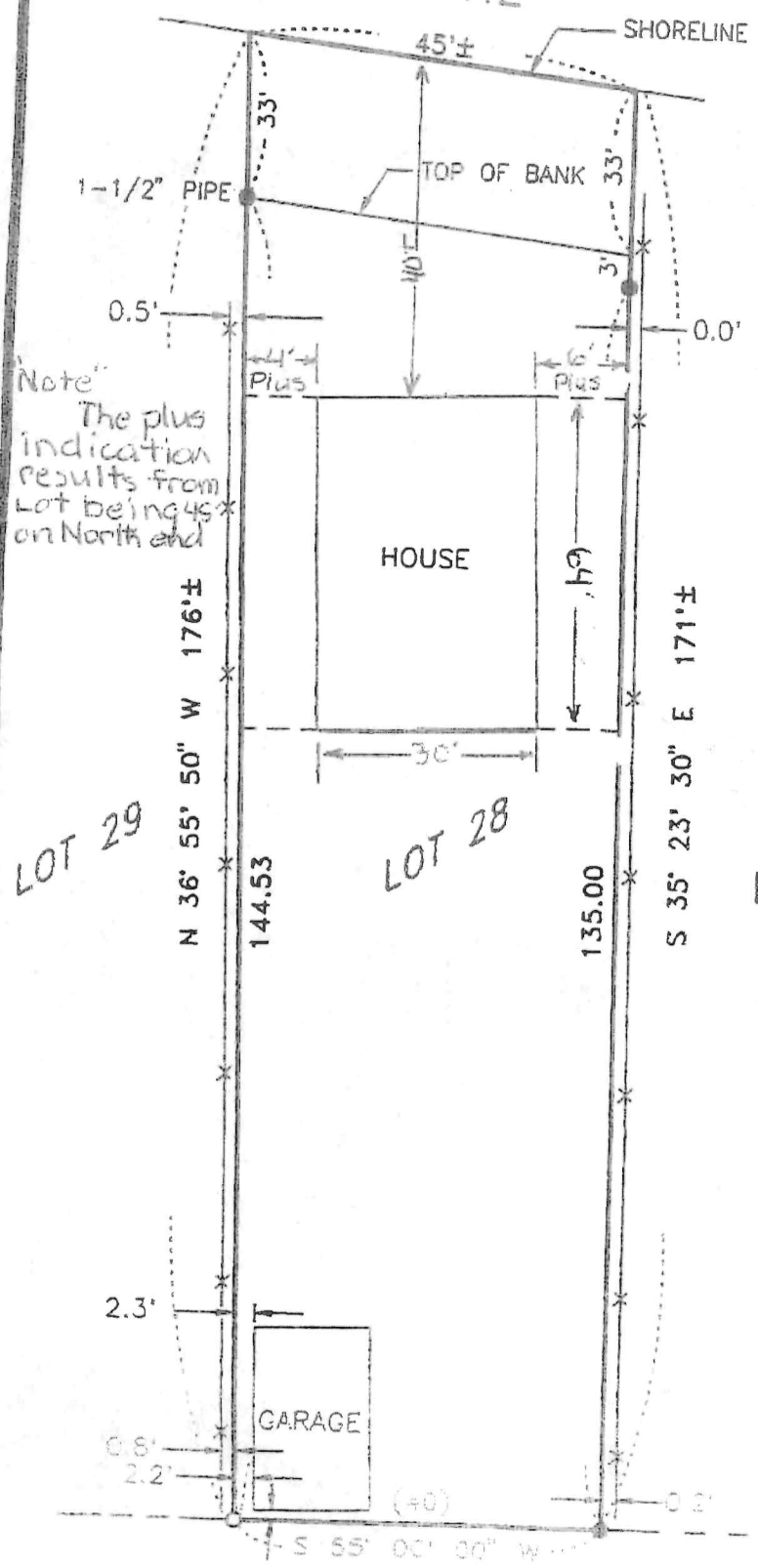
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PLAT OF SURVEY

LOT 28, BLOCK 1, LONG BEACH ADDITION
 CERRO GORDO COUNTY, IOWA

CLEAR LAKE



— x — x — = EXISTING FENCE

THE SE'LY LINE OF LOT 28 IS ASSUMED TO HAVE A BEARING OF S 55° 00' 00" W FOR THE PURPOSE OF THIS SURVEY.

Clear Lake

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