



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: October 28, 2025

Applicant

Todd & Brenda Havel
198 W Central
Raymond, IA 50667

Owner

Same

Case No.: 25-11

Property Address: 4593 Wesley Dr, Clear Lake, Iowa.

Brief Legal Description: Lots 189-190, Bell Harbor, Clear Lake Township

Zoning: R-3 Single Family Residential District

Background

The applicants propose to remove the existing one-story dwelling that was built in 1935 and construct a new 35'-6"x39' two-story dwelling on the property. The existing 24'x24' garage will remain on the property. The parcel is located at the intersections of Wesley Drive, Stuntz Avenue and Southshore Drive.

Special Exception Request

1. Request a 15' front yard setback for the dwelling – requirement is 18.6' front yard average setback
2. Request a 6'-7" rear yard setback – requirement is 13.6' rear yard average setback
3. Request a 6' west side yard setback – requirement is 8' (10% of lot width)

Findings of Fact

1. Todd & Brenda Havel are the owners of the subject property.
2. The property is zoned R-3 Single Family Residential.
3. The proposed dwelling will be 15' from the front lot line (Wesley Drive) at its closest point. An 18.6' front yard average setback is required.

4. The proposed dwelling will be 6'-7" from the rear lot line (Southshore Dr). A 13.6' rear yard average setback is required.
5. The proposed dwelling will be 6' from the west side lot line at its closest point. An 8' side yard setback is required (10% of the lot width).
6. The application was filed on September 19, 2025.

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 dwelling will be 15' from the front lot line which does not exceed 50 percent of the respective 18.6' front yard average setback. The dwelling will be 6' from the west side lot line which does not exceed 50 percent of the respective 8' side yard setback. The dwelling will be 6'-7" from the rear lot line which does not exceed the 13.6' rear yard average 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.**

Dwellings are 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 primarily due to the depth of the lot which is only 50' along Stuntz Avenue and 60.2' along the angled west side lot line, preventing a dwelling to be built within minimum front and rear yard requirements. The parcel is also wider along the rear (Southshore Drive) than the front along Wesley Drive where the lot line curves inward. The parcel is bounded by streets on the north, east and south. The existing garage is located on the easterly portion of the parcel leaving the westerly portion of the lot as the only available area to construct a dwelling. **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, due to the location of the existing garage, changes in the depth and width of the lot and being bound by three streets, it limits the area a proposed dwelling could be constructed on the property. **The standard appears to be met.**

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

Due to the varying depth on each side of the lot, streets on the north, east and south and the placement of the existing garage, an exception is likely needed to construct the dwelling; there are no other practical options for the placement of the proposed dwelling. **The standard appears to be met.**

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

There is an existing dwelling on the property. Constructing a new dwelling will not alter the essential character of the neighborhood. **The standard appears to be met.**

Discussion of Potential Impacts to Immediate Area

The applicants' request complies with the requirements of the Bell Harbor Homeowner's Association. There are no foreseeable negative impacts as a direct result of the proposed two-story dwelling.

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 Todd & Brenda Havel, subject to the following conditions:
 1. All construction shall comply with Site Plan submitted on October 8, 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 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 Todd & Brenda Havel for the following reasons:
The applicant does not meet the criteria listed in the Cerro Gordo County Zoning Code.
(Mention any additional reasons)

EXHIBITS

- | |
|---|
| <ul style="list-style-type: none">• Exhibit 1: Figures 1-4 photos• Exhibit 2: Special Exception Application dated September 19, 2025• Exhibit 3: Dwelling Site Plan• Exhibit 5: Parcel Highlight |
|---|

Figure 1

Looking at property from Wesley Dr. Proposed front of new dwelling is indicated by flags in the flowerpots



Figure 2

Looking at west side lot line stake – existing cabin is 2' from the west side lot line. New house will be 6' from this west side lot line



Figure 3

Looking west at rear lot line stake by retaining wall and flags for rear of dwelling



Figure 4
Existing garage will remain on the property



SPECIAL EXCEPTION APPEAL

APPLICATION

Date Filed 9-19-25

Date Set for Hearing 10-28-25

Case Number: 25-11

Applicant Name: Todd & Brenda Havel

Phone: 319-464-7996

E-Mail: _____

Mailing Address: 198 W. Central, Raymond, IA

brendahavel3@gmail.com

Property Owner Name: Todd & Brenda Havel

Phone: 319-464-7996

E-Mail: ↓

Property Owner Address: Same

Property Description (Not to be used on legal documents): Parcel # 05224150070 Township Clear Lake

Property Address: 4593 Wesley Dr. Clear Lake, IA

Zoning: R-3

Brief Legal Description:

L's 189-190 Methodist Camp

Project Description

Dwelling Rebuild

Decision Date: 10-28-25

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

See attached

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

See attached

I am the ☒ Owner ☐ Contract Purchaser ☐ Other (Explain)

4593 Wesley Dr. Clear Lake

_____ 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 Brenda Havel

Date 9/19/25

Todd Havel

Board of Adjusters-

Due to the conditions of our dwelling we have opted to rebuild rather than keep repairing.

The current house has 2 bedrooms (10x9, 9x9) with no closets. With our growing family - boys at 6'5" & 6'2" we need bedrooms that will fit actual beds.

It has no roof ventilation which causes extreme moisture buildup therefore resulting in mold in the basement & rotting on all the window sills.

There is minimal amount if any insulation in the exterior walls.

Half the foundation has improper back fill when the previous owner dug the basement.

Back in 1935 when these lots were platted I'm sure they didn't consider setbacks in 2025. With the narrowing of the lot down to 50' on the east side subtracting the 18.6' Westing setback & the 13'4" Southshore Setback that would only allow an 18' deep house. Not to mention the 25' corner setback as well.

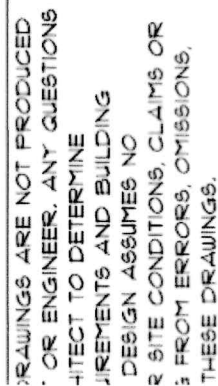
The current Shape of the lot causes challenges however we have come up with a design that will abide by the setbacks only asking for a 50% variance off south shore and even less than that 'l on the West and front Westing side.

The design will align with our neighbors homes
& won't change the look of the neighborhood
or impede on our neighbors properties at all.

We are a family of 5 and with aging parents
will need a main floor bedroom to care for
them in the future.

We love the area and want to abide by all
the rules however granting us a few more
feet will make a huge difference when making
stairs & bathrooms on main floor handicap
accessible.

Thank you for your time,
Brinda & Todd Havel



DRAWING SCALE: NOT TO SCALE

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Home Design

