



**PLANNING AND ZONING**  
**Cerro Gordo County Courthouse**

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plz@cgcounty.org

**SPECIAL EXCEPTION STAFF REPORT**

**SUMMARY OF REQUEST**

**Case No.:** 24-3

**Hearing Date:** January 30, 2024

**Staff Contact:** Michelle Rush, Assistant Zoning Administrator

**Applicant**

Tyler Mensink, Lake Roofing & Siding  
PO Box 466  
Clear Lake, IA 50428

**Owner**

Todd Schatzberg  
5569 Ponderosa Dr  
West Des Moines, IA 50266

**Property Address:** 14976 Hackberry St, Clear Lake, IA 50428

**Brief Legal Description:** Lot 11, Block 11, Oakwood Park, Clear Lake Township

**Zoning:** R-3 Single Family Residential

**Background**

The applicant, on behalf of the property owner recently received a zoning permit to demo the existing sunroom on the back of the house and construct a new 28'x24' addition for additional living space. They are proposing to construct a 12'x24' deck off of the new addition. **(See Figure 1 & 3)**. Steps will be inside the deck along the north side lot line.

SPECIAL EXCEPTION REQUEST*		
Structure	Request(s)	Requirement(s)
Deck	8' separation distance between deck and existing detached garage	10' minimum separation distance between detached buildings (6.9-A)

**See Figure 2**

## FINDINGS OF FACT

1. Todd Schatzberg is the owner of the subject property.
2. Tyler Mensink with Lake Roofing & Siding is applying for a special exception on behalf of Todd Schatzberg.
3. The property is zoned R-3 Single Family Residential.
4. The proposed deck is 8' from the existing detached garage.
5. A 10' minimum separation distance is required between detached buildings.
6. The application was filed on December 20, 2023 with the Planning and Zoning Office.

## ANALYSIS

The Board of Adjustment is provided the power to grant special exception under Section 24.4(A)(2) of the Zoning Ordinance. The Board may grant special exception 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**

***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 deck is 8' from the existing detached garage. The minimum separation distance is 10' within residential districts. The standard appears to be met.

***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 deck is considered as a part of the house under the Zoning Ordinance, which is a principle permitted use in the R-3 District. The standard appears to be met.

***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.***

Placing the proposed deck in between the house and detached garage is the only feasible location on the lot to construct a deck of a practical size. Decks of a similar size are common in the neighborhood. Both adjacent property owners have decks on the rear side of their homes. The standard appears to be met.

***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 covers a majority of the front half of the lot. The existing detached garage covers a majority of the rear half of the lot. The only feasible location to construct the deck is in between the house and detached garage as a result. It appears substantial justice would be done to allow for a deck that is similar to other decks in the neighborhood. The standard appears to be met.

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

There is no alternate feasible location for the proposed deck on the property. The standard appears to be met.

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

Similar decks are a regular feature in the neighborhood. The standard appears to be met.

#### **Discussion of Potential Impacts to Immediate Area**

The proposed deck is unlikely to have any foreseeable negative impacts.

#### **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 deck.

<b>BOARD DECISION</b>
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The Board of Adjustment may consider the following alternatives:

#### **Alternatives**

1. Grant the requested special exception subject to any condition 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 exception as requested by Tyler Mensink on behalf of Todd Schatzberg, 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 Tyler Mensink on behalf of Todd Schatzberg for the following reasons:  
[STATE REASONS FOR DENIAL]

## EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Exception Application
- Exhibit 3: Site plan
- Exhibit 4: Current zoning exhibit
- Exhibit 5: Aerial photo of site

**Figure 1**

Looking at the proposed footprint of the deck



December 20, 2023

**Figure 2**

Looking at the 8' separation distance between the end of the deck to the garage



December 20, 2023

**Figure 3**  
Looking along the north line of the proposed deck



December 20, 2023

**SPECIAL EXCEPTION APPEAL**

**APPLICATION**

Date Filed 12-20-23

Date Set for Hearing 1-30-24

Case Number: 24-03

Applicant Name: Lake Roofing & Siding Phone: 671-231-9760 E-Mail: tee@haus2@gmail.com

Mailing Address: P.O. Box 466 Clear Lake, IA 50428

Property Owner Name: Todd Schatzberg Phone: 515-371-8243 E-Mail: todd.schatzberg@gmail.com

Property Owner Address: 14976 Hackberry St Clear Lake, IA 50428

Property Description (Not to be used on legal documents): Parcel # \_\_\_\_\_ Township \_\_\_\_\_

Property Address: 14976 Hackberry St Zoning: \_\_\_\_\_

Brief Legal Description: single family home

**Project Description**

Deck on house

**Decision Date:** \_\_\_\_\_

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

To be 8' from existing garage

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

Building a 12'x24' Deck which makes it 8' from existing garage

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 1-15-24



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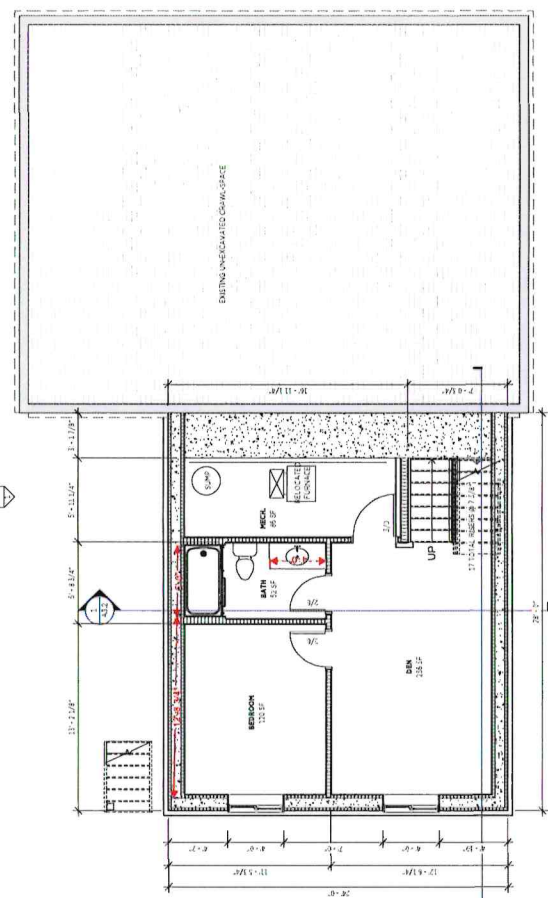




NO.	DATE	BY

GENERAL NOTES

1. PRIOR TO PROCEEDING WITH THE WORK, THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. IT IS NOT THE INTENT OF THE DRAWINGS TO SET FORTH IN DETAIL TO OTHERWISE DIRECT EXISTING WORK UNLESS NECESSARY TO MAINTAIN EXISTING CONDITIONS. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC), AS WELL AS ANY LOCAL ORDINANCES AND REGULATIONS. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC), AS WELL AS ANY LOCAL ORDINANCES AND REGULATIONS. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS.
4. THE CONTRACTOR SHALL USE THE DIMENSIONS AND CONDITIONS AS SHOWN ON THE DRAWINGS. IF A REQUIRED DIMENSION IS NOT SHOWN ON THE DRAWINGS, THE CONTRACTOR SHALL CONTACT THE ARCHITECT FOR CLARIFICATION. THE CONTRACTOR SHALL NOT SCALE THE DRAWINGS TO FIND A DIMENSION.
5. ELEVATIONS ARE REFERENCED TO THE TOP OF THE CONCRETE FLOOR SLAB, UNLESS SPECIFIED OTHERWISE ON THE DRAWINGS EXCEPT FLOOR FINISH.
6. PROPERLY PREPARE ALL SURFACES TO RECEIVE FINISHES.
7. SEE STRUCTURAL DRAWINGS FOR CONCRETE FLOOR SLABS, WALL THICKNESS AND REINFORCING, WALL REINFORCING, AND OTHER STRUCTURAL DETAIL AND INFORMATION.
8. EXPOSED CONCRETE FLOOR FINISH SHALL BE SET BACK 1/4" FROM THE FINISH WALL.
9. EXPANSION JOINTS: 1/2" EXPANSION JOINT FILLER HELD 1/2" BELOW TOP OF CONCRETE SLAB JOINTS, FILL JOINT OVER FINISHES.
10. JUNCTION OF INTERIOR CONCRETE SLAB AND EXTERIOR WALLS SHALL BE FINISHED TO MATCH EXTERIOR WALL FINISHES.
11. JUNCTION OF EXTERIOR CONCRETE SLAB AND EXTERIOR WALLS SHALL BE FINISHED TO MATCH EXTERIOR WALL FINISHES.
12. SEE MECHANICAL AND ELECTRICAL DRAWINGS FOR ALL REQUIRED MECHANICAL AND ELECTRICAL OPENINGS.
13. ALL MECHANICAL PENETRATIONS THROUGH THE ROOF AND EXTERIOR WALLS SHALL HAVE A MINIMUM 2" CLEARANCE FROM THE FINISH SURFACE OF THE ROOF OR WALL. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS.
14. ALL THROUGH-WALL FLASHING JOINTS SHALL BE LAPPED AND SEALED WITH SEALANT, WATERSTOP, AND GASKETS AT THE ENDS OF ALL THROUGH-WALL FLASHING.
15. AT THE COMPLETION OF THE DAILY WORK, PROPERLY COVER THE TOP OF ALL MASONRY WALLS TO PREVENT WEATHER FROM DAMAGING THE WALLS.
16. THE CONTRACTOR SHALL PROTECT ALL EXISTING WORK AND FINISHES FROM DAMAGE. THE CONTRACTOR SHALL PROTECT ALL EXISTING WORK AND FINISHES FROM DAMAGE.
17. THE CONTRACTOR SHALL REMOVE AND REPAIR ALL ITEMS DAMAGED BY THE PROJECT WORK AT NO EXPENSE TO THE OWNER.
18. FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC), AS WELL AS ANY LOCAL ORDINANCES AND REGULATIONS. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS.
19. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC), AS WELL AS ANY LOCAL ORDINANCES AND REGULATIONS. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS.
20. PROVIDE #4 REINFORCING BARS AT ALL WALL MOUNTED RENEWS SUCH AS CABINETS, GRAB BARS, PLUMBING FIXTURES, KITCHEN EQUIPMENT, DOOR KNOBS, ETC.



1 BASEMENT  
SCALE 1/8"=1'-0"



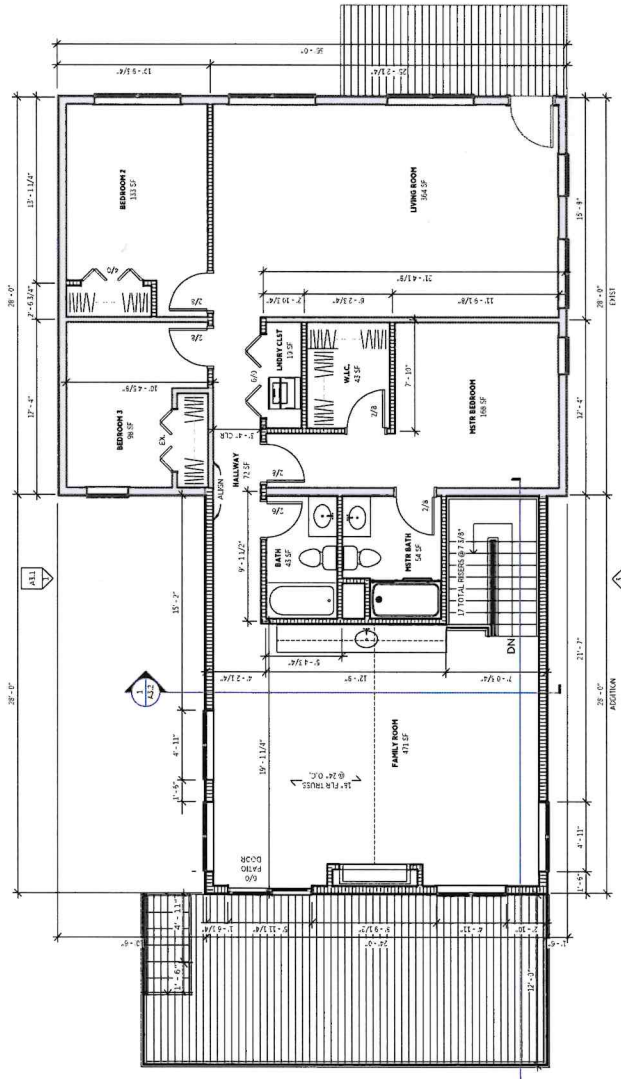
MEP ENGINEER  
 ATURA ARCHITECTURE  
 12700 104th Ave NE, Suite 100  
 Redmond, WA 98073  
 PH: 206.881.0000

REVISONS

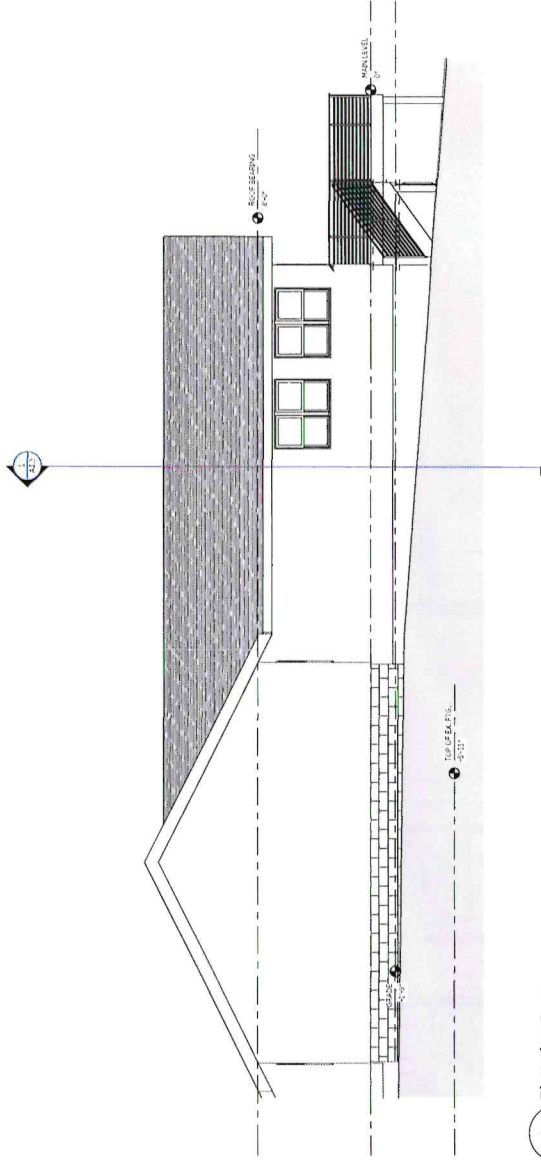
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GENERAL NOTES

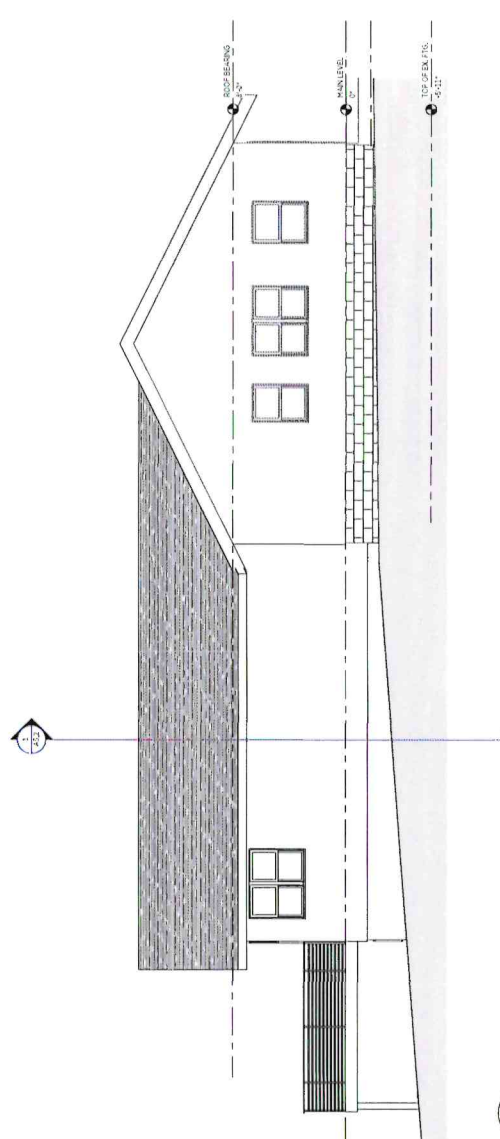
1. PRIOR TO PROCEEDING WITH THE WORK, THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. IT IS THE INTENT OF THE DRAWINGS TO SET FORTH MINIMUM CRITERIA; THE CONTRACTOR SHALL VERIFY DIMENSIONS NECESSARY TO THE COMPLETION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
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3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
4. THE CONTRACTOR SHALL USE THE DIMENSIONS LISTED ON THE DRAWINGS. IF A DIMENSION IS NOT LISTED ON THE DRAWINGS, THE CONTRACTOR SHALL CONTACT THE ARCHITECT FOR CLARIFICATION. THE CONTRACTOR SHALL NOT SCALE THE DRAWINGS TO FIND A DIMENSION.
5. ELEVATIONS ARE REFERENCED TO THE TOP OF THE CONCRETE FLOOR SLAB - ELEV. 2'-0" - UNLESS OTHERWISE NOTED.
6. PREPARE ALL SURFACES TO RECEIVE A FINISH.
7. SEE STRUCTURAL DRAWINGS FOR: CONCRETE FLOOR & ROOF SLAB THICKNESS AND REINFORCING, WALL REINFORCING, AND OTHER STRUCTURAL DETAILS AND INFORMATION.
8. EXPANDED JOINTS: 1/2" EXPANDED POLYURETHANE FILLER FILLER HELD UP BELOW TOP OF CONCRETE SLAB. APPLY SEALANT OVER FURNISH A FINISH TO BOTH SIDES OF JOINT.
9. EXPANDED JOINTS: 1/2" EXPANDED POLYURETHANE FILLER FILLER HELD UP BELOW TOP OF CONCRETE SLAB. APPLY SEALANT OVER FURNISH A FINISH TO BOTH SIDES OF JOINT.
10. SEE MECHANICAL AND ELECTRICAL DRAWINGS FOR ALL REQUIRED MECHANICAL AND ELECTRICAL OPTIONS.
11. ALL MECHANICAL PENETRATIONS THROUGH THE ROOF AND EXTERIOR WALLS SHALL HAVE FLASHING BASED BY 7'-0" CLEARANCE FROM THE WALL SURFACE.
12. WEBS SHALL BE WOKN TRUE AND EXTEND FROM THE EXTERIOR FACE OF THE ROOF OR ON THE WALL COURSE, THEN LAP THROUGH THE 1/2" ALONG THE BOTTOM OF THE THIN/SPRINKLE WALL EXTERIOR.
13. FURNISH AND INSTALL PREFABRICATED THROUGH-WALL MEMBRANE FLASHING BOOTS AT ALL INTERIOR AND EXTERIOR CORNERS.
14. ALL THROUGH-WALL FLASHING JOINTS SHALL BE LAPPED AND SEALED WITH SEALANT, WATERPROOF, AND DRAIN THE ENDS OF ALL THROUGH-WALL FLASHING.
15. AT THE COMPLETION OF THE MECH WORK, PROPERLY COVER THE TOP OF ALL MECHANICAL WALLS TO PREVENT PESTS FROM ENTERING THE WALL.
16. FROM THE COMPLETION OF CONCRETE CURING, CONTRACTOR SHALL PLACE PLASTIC SHEETING AT THE BOTTOM OF ADJACENT WALLS TO PREVENT CURING WATER FROM ENTERING THE WALL.
17. CONTRACTOR SHALL REMOVE AND REPAIR ALL ITEMS DAMAGED BY THE PROJECT WORK. IT IS THE CONTRACTOR'S RESPONSIBILITY TO REPAIR ALL ITEMS DAMAGED BY THE PROJECT WORK. IT IS THE CONTRACTOR'S RESPONSIBILITY TO REPAIR ALL ITEMS DAMAGED BY THE PROJECT WORK.
18. FURNISH AND INSTALL SEALANT WHERE DESIGNATED MATERIALS MEET.
19. ALL WORK SHALL BE TO MECHANICAL WALLS.
20. PREPARE ALL SURFACES TO RECEIVE A FINISH.
21. DO NOT ATTACH THE WALLS TO THE ROOF DECK OR ROOF STRUCTURE.
22. EQUIPMENT SHALL BE MOUNTED AT ALL WALL MOUNTED POINTS SUCH AS CABINETS, GRANITE, COUNTERTOPS, SINKS, AND OTHER EQUIPMENT, STOPS, ETC.



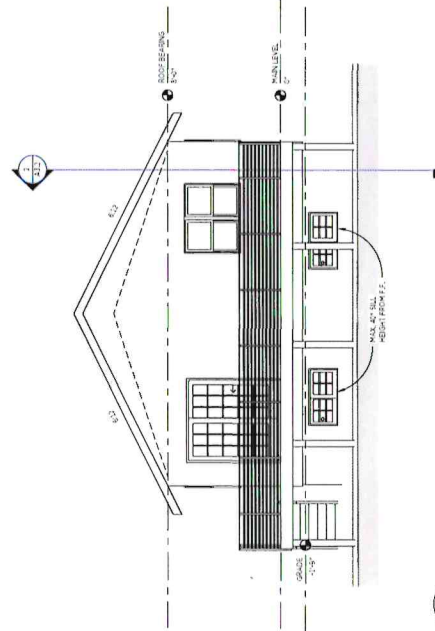
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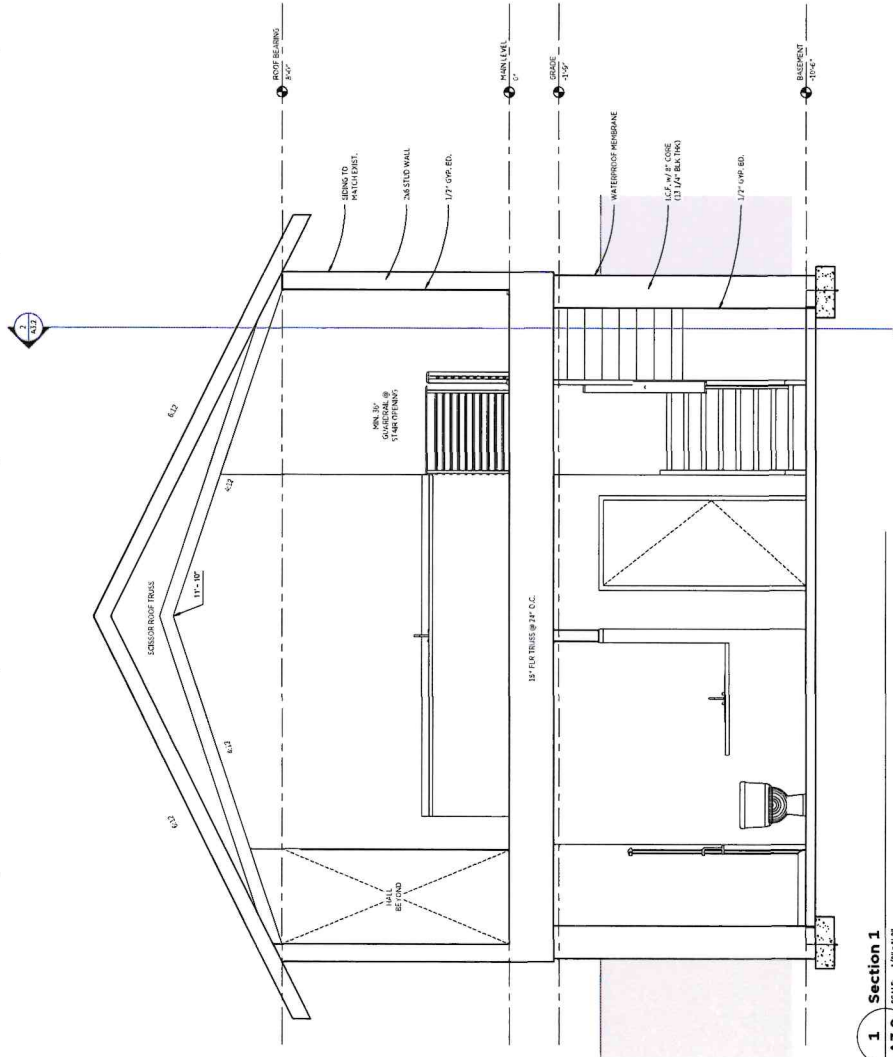
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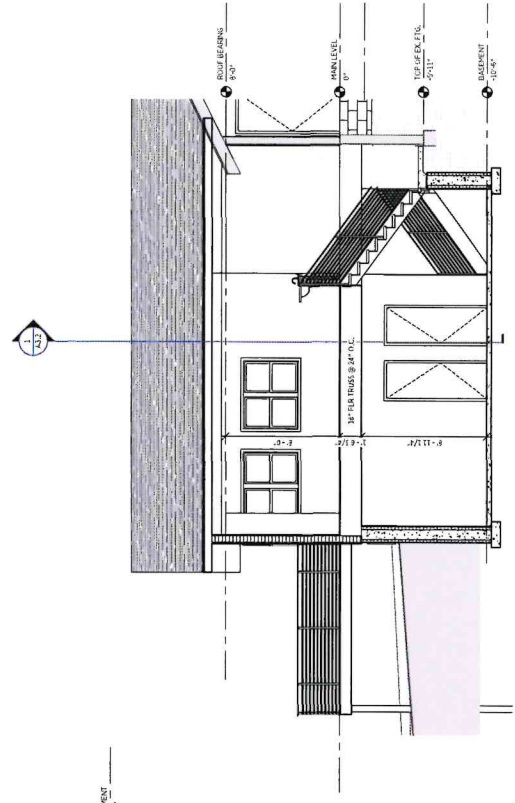
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 A3.1 SCALE: 3/4" = 1'-0"



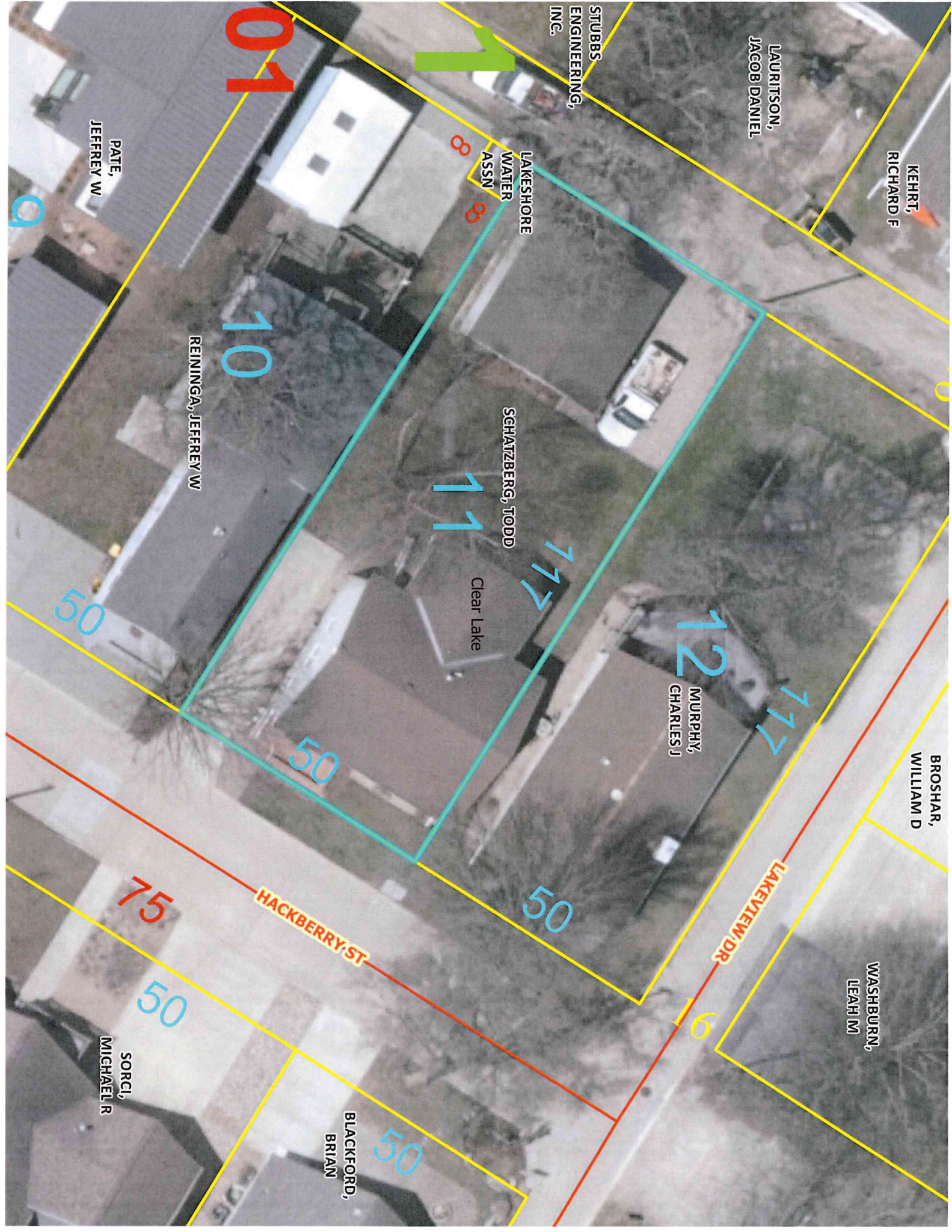
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**2 Detail 0**  
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PATE, JEFFREY W

REININGA, JEFFREY W

LAKESHORE WATER ASSN

SCHATZBERG, TODD

Clear Lake

MURPHY, CHARLES J

STUBBS ENGINEERING, INC.

LAURITSON, JACOB DANIEL

KEHRT, RICHARD F

BROSHAR, WILLIAM D

WASHBURN, LEAH M

BLACKFORD, BRIAN

SORCI, MICHAEL R

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HACKBERRY ST

