



**ZONING BOARD OF ADJUSTMENTS
AGENDA**

**Tuesday, July 16, 2019 - 4:00 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADOPTION OF AGENDA**
- 5. APPROVAL OF MINUTES**
- 6. PROOF OF PUBLICATION/POSTING**
- 7. REVIEW OF MEETING PROCEDURES**
- 8. PUBLIC HEARINGS**

A. Case #BA-19-002

Continued public hearing on the request of Habitat for Humanity, represented by Glennay Jundt and Larry Hansen, for a variance from Section 15.23.020(d), General Provisions, and Section 15.23.030(3) (E), Design Standards, Off-Street Parking, Loading, and Unloading of the Municipal Code (Zoning Ordinance) to allow one off-street parking space for a single-family residential dwelling to be located within a required front yard, on property legally described as the East 50 feet of Lot 8, Auditor's Subdivision of Section 31, Township 75 North, Range 43 West, Pottawattamie County, Iowa. Location: 635 West Graham Avenue.

B. Case #BA-19-004

Public hearing on the request of HAZA Bell of Nebraska, LLC for a variance from Section 15.23.020(g), *General Provisions*, and Section 15.23.030(1)(D)(i), *Design Standards, Off-Street, Loading, and Unloading* of the Municipal Code (Zoning Ordinance) to allow a commercial parking lot to have a zero setback from a northerly property line, and a 2.5 foot setback from an easterly property line, as opposed to the required five feet, on property legally described as being part of Lot 5, Auditor's Subdivision of the SE1/4 NE1/4 of Section 6-74-43, more specifically described in the packet. Location: 1114 Woodbury Avenue.

- 9. OTHER BUSINESS**
- 10. ADJOURNMENT**

Any questions or concerns regarding this agenda and/or requests for special accommodations at this meeting should be directed to the Community Development Department at (712) 328-4629 or email at cgibbons@councilbluffs-ia.gov.

Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: BA-19-002

Case #BA-19-002

Council Action: 7/16/2019

Submitted by: Chris Meeks,

Planner

Description

Continued public hearing on the request of Habitat for Humanity, represented by Glennay Jundt and Larry Hansen, for a variance from Section 15.23.020(d), General Provisions, and Section 15.23.030(3)(E), Design Standards, Off-Street Parking, Loading, and Unloading of the Municipal Code (Zoning Ordinance) to allow one off-street parking space for a single-family residential dwelling to be located within a required front yard, on property legally described as the East 50 feet of Lot 8, Auditor's Subdivision of Section 31, Township 75 North, Range 43 West, Pottawattamie County, Iowa. Location: 635 West Graham Avenue.

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #BA-19-002 Staff Report & Attachments	Other	7/11/2019

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: June 18, 2019 July 16, 2019

RE: **CASE #BA-19-002**
REQUEST: Variances from Section 15.23.020(4), General Provisions, and Section 15.23.030(3)(d), Design Standards, Off-Street Parking, Loading, and Unloading of the Municipal Code (Zoning Ordinance) to allow one off-street parking space for a single-family residential dwelling to be located within a required front yard.

APPLICABLE CODE SECTION: Section 15.23.020(d) General Provision for Off Street Parking, Loading and Unloading
Section 15.23.030(3)(E) Design Standards for Off Street Parking, Loading and Unloading

RELIEF SOUGHT: An 18 foot variance to allow one off-street parking space to be located within the front yard setback.

LEGAL DESCRIPTION: East 50 feet of Lot 8, Auditor's Subdivision of Section 31, Township 75 North, Range 43 West, Pottawattamie County, Iowa.

LOCATION: 635 West Graham Avenue

APPLICANT/OWNER: Habitat for Humanity, 1228 S. Main Street, Council Bluffs, IA 51503

REPRESENTATIVES: Glennay Jundt, Habitat for Humanity, 1228 S. Main Street, Council Bluffs, IA 51503
Larry Hansen, General Construction Management, P.O. Box 492, Council Bluffs, IA 51502

On June 18, 2019, the Zoning Board of Adjustment voted to continue the public hearing for Case #BA-19-002 in order to allow the applicant additional time to redesign off-street parking for the proposed single-family dwelling. On June 21, 2019, the applicant's contractor submitted a revised plot plan showing a 14' x 36' attached garage for the dwelling. The garage's design met all of the dimensions standards for two off-street parking spaces behind the front setback line, as per the Municipal Code (Zoning Ordinance), and was approved by the Community Development Department. The applicant also has submitted a letter to the Community Development Department requesting to withdraw their variance request since the proposed dwelling will comply with off-street parking standards. Procedurally, the Zoning Board of Adjustment must close the public hearing for the variance request and then make a motion to accept the applicant's letter to withdraw the variance, thus taking no action on the request. A copy of the revised plot plan and letter withdrawing the variance request are included with this report as Attachments 'E' and 'F'.

BACKGROUND INFORMATION – Habitat for Humanity has applied for variances from Section 15.08B.050 and Section 15.23.030 of the Municipal Code (Zoning Ordinance) in order to construct a home with a one car garage 16 feet from the front property line, and with the second required parking space for a single family residential structure located within the required front yard setback area. Currently, R-1/Single Family Residential District standards require a 25 foot principal structure setback from the front property

line, and two parking spaces that are a 9 feet wide by 18 feet deep, and are located behind the front property line setback.

The following attachments have been included for your reference:

Attachment A: General Location Map

Attachment B: Applicant's Submitted Site Plan

Attachment C: Site Photos

Attachment D: Sam Irwin Comments

CURRENT ZONING AND LAND USE – The subject property is zoned R-1/Single Family Residential District and is currently undeveloped. Surrounding properties are also zoned R-1/Single Family Residential and are primarily single family residential structures.

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the requested variance. The following comments were received:

- The Council Bluffs Community Development Department has the following comments:
 - The subject parcel meets or exceeds the minimum lot width, depth, and area regulations for a lot in the R-1/Single Family Residential District.
 - A Single Family Residential Dwelling is required to have two off-street parking spaces of at least 9 feet by 18 feet in area that are located behind the front yard setback area, as is specified in Section 15.23.030 of the Council Bluffs Code of Ordinances.
 - The home, as proposed, would fit on the subject property while still meeting all setbacks, though the rear of the home would be very near the hillside on the parcel.
 - There is no on-street parking on this section of West Graham Avenue. The only opportunities for on-street parking would be on the culvert tube used for the driveway of the subject property, or on Moore Street to the North.
- The Council Bluffs Fire Marshall had no comments regarding the proposed variances.
- Council Bluffs Water Works had no comments regarding the proposed variances.
- MidAmerican Energy stated they have no objections to the proposed variances.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the requested variance. In an email dated June 12, 2019, Sam Irwin of 321 Perrin Place, Council Bluffs, IA, asked that the Zoning Board of Adjustment approve both variances for the parcel, as it would reduce the expenses on a project intended for low and moderate income owners.

COMMENTS - Evidence must be presented to demonstrate that a literal enforcement of the Ordinance will create a hardship for which relief is necessary. The Board of Adjustment shall approve a variance to grant relief when 'unforeseen applications of this Ordinance...create particular hardships'. No variance shall be granted unless the Board of Adjustment makes findings of fact based on the standards and conditions that follow. A variance less than requested may be granted by the Board when the record supports the applicant's right to some relief, but not to the entire relief requested. (§15.02.080 – Variances)

CASE #BA-19-002: Front Yard Parking Variance

1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity. The property meets or exceeds the lot width, lot depth, and square footage requirements of the R-1/Single Family Residential Districts, though the front property line is angled in comparison the remainder of the lot, and there is a fairly significant hillside approximately 80 feet from the front property line. The section of West Graham Avenue that is located in front of the subject property has a 100 foot wide right-of-way with open ditches. Most residential streets in the City of Council Bluffs have 60 foot right-of-ways with buried storm sewers, so this section of West Graham Avenue exceeds the typical public right-of-way width standards.*

2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The home that is proposed to be constructed on the property has been proposed by the applicant. Beyond the minimum home dimensions there are no required design features for the affected property, therefore the applicant could choose a home design with a two-car garage, or a narrower home that would allow parking on the East or West side of the lot behind the front setback line.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The home that is proposed by the applicant features a one-car garage that built close enough to the front setback line that the second required parking space will not fit in front of the garage. The proposed design and location of the home is creating the need for the variance.*
4. *Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district. Granting the variance would reduce the number of available parking spaces on the property and require guests to park on Moore Street or on the culvert tube in front of the property, which would not be a special privilege on the applicant. Several of the homes in the vicinity do not appear to have the required number of parking spaces per the City ordinance and use driveway space within the front property setback as a primary parking space.*
5. *Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance. The variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this ordinance that create particular hardships. The request for the above mentioned variances are the result of a design preference, not a physical hardship specific to the individual property.*

RECOMMENDATION

The Community Development Department recommends the following for the requested off-street parking variance on the property legally described as the East 50 feet of Lot 8, Auditor's Subdivision of Section 31, Township 75 North, Range 43 West, Pottawattamie County, Iowa:

1. CASE #BA-19-002: **Denial** of the variance request from Section 15.23.030- Off Street Parking, Loading and Unloading- Design Standards- to allow one of the two required off-street parking spaces for a single family dwelling to be located within the front yard setback, based on the reasons stated above.



Christopher Gibbons, AICP
Planning Coordinator




Chris Meeks
Planner

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT

CASES #BA-19-001 and #BA-19-002 LOCATION/ZONING MAP

Legend

 Subject Property

0 70 140
1 Inch = 141 Feet



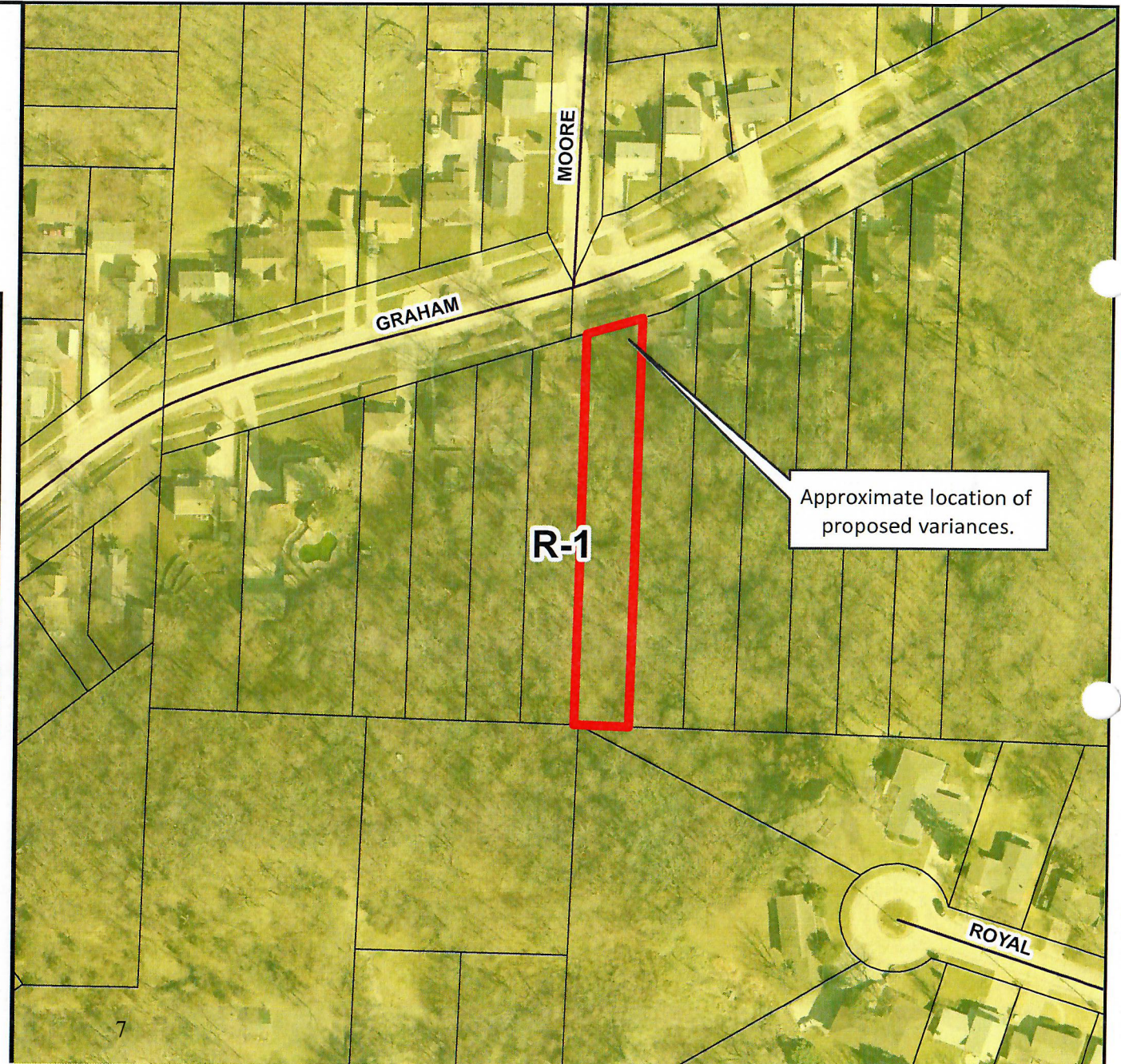
Last Amended: 5/29/19



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

DISCLAIMER

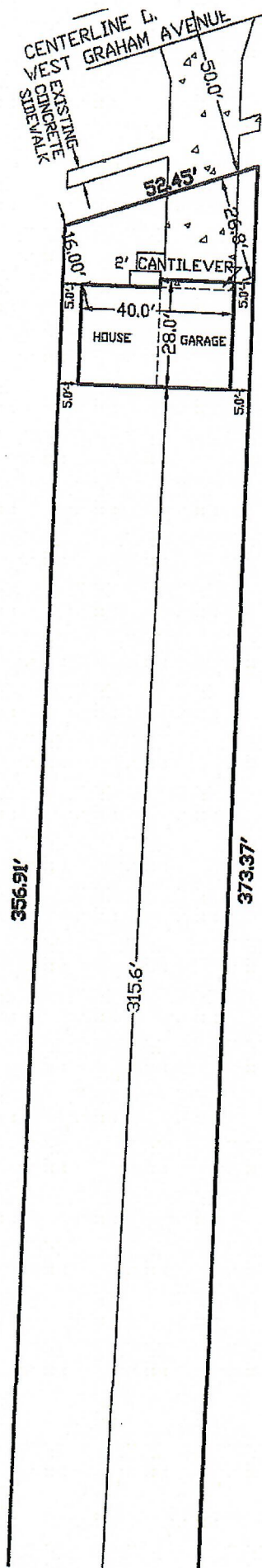
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LOT 8 EXCEPT THE WEST 50 FEET
THEREOF IN THE AUDITOR'S SUBDIVISION
OF THE SW1/4 SW1/4 PF SECTION 31,
TOWNSHIP 74 NORTH, RANGE 43 WEST OF
THE 5TH PRINCIPAL MERIDIAN,
COUNCIL BLUFFS, IOWA.

SCALE: 1" = 40'



Attachment C

Site Photos

Key:

- 1) Aerial Photo of the subject Property (facing South)
- 2) View of the property (facing South)
- 3) View of the drive access from the property to West Graham Avenue (Facing West)
- 4) View of the subject property



Christopher Meeks

Subject: RE: Zonning board of adjustments cases

From: Sam Irwin <sfirwin@aol.com>
Sent: Wednesday, June 12, 2019 10:39 AM
To: Christopher Gibbons <cgibbons@councilbluffs-ia.gov>
Subject: Zonning board of adjustments cases

Dear sir,

I am asking that commission allows the variances in the cases of BA 19 001 and 19 002.

This would assist in the development of a lot that would other wise not have any considerable taxes for the city, who at one time owned this parcel as I understand it.

This allowance would also reduce the additional expenses to a low and moderate project and owner.

I would also suggest that other allowances have been made in the past due to hardships and whatever.

I respectfully submit this email for consideration for the meeting on 05/18/2019.

Sam Irwin
sfirwin@aol.com

321 perrin place

Council Bluffs, Iowa 51503.



June 21, 2019

Christopher Gibbons
Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Dear Christopher,

Habitat for Humanity of Council Bluffs has revised their floor plan layout to accommodate two off-street parking stalls behind the required front yard setback for 635 W. Graham, Council Bluffs, IA 51503. This plan has been submitted to the Community Development Department and we have been advised that we no longer need to pursue a variance.

We respectfully request to withdraw our request of a variance for the off-street parking at 635 W. Graham, Council Bluffs, IA 51503.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Glennay Jundt".

Glennay Jundt
Executive Director
712-396-2475
glennay@habitatcb.org

ATTACHMENT F



DESIGNER IS NOT AN ARCHITECT OR ENGINEER.
SITE CONDITIONS MAY VARY. DESIGNER CANNOT
WARRANT THE SUITABILITY OF THESE PLANS FOR
YOUR SPECIFIC SITE. CONSULT YOUR CONSULTANT.

Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: BA-19-004

Case #BA-19-004

Council Action: 7/16/2019

Submitted by: Chris Meeks,

Planner

Description

Public hearing on the request of HAZA Bell of Nebraska, LLC for a variance from Section 15.23.020(g), *General Provisions*, and Section 15.23.030(1)(D)(i), *Design Standards, Off-Street, Loading, and Unloading* of the Municipal Code (Zoning Ordinance) to allow a commercial parking lot to have a zero setback from a northerly property line, and a 2.5 foot setback from an easterly property line, as opposed to the required five feet, on property legally described as being part of Lot 5, Auditor's Subdivision of the SE1/4 NE1/4 of Section 6-74-43, more specifically described in the packet. Location: 1114 Woodbury Avenue.

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description

Type

Upload Date

Case #BA-19-004 Staff Report & Attachments

Other

7/11/2019

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: July 16, 2019

RE: **CASE #BA-19-004**
REQUEST: Variance from Section 15.23.020(g), *General Provisions*, and Section 15.23.030(1)(D)(i), *Design Standards, Off-Street Parking, Loading, and Unloading* of the Municipal Code (Zoning Ordinance) to allow a commercial parking lot to have a zero setback from a northerly property line, and a 2.5 foot setback from an easterly property line, as opposed to the required five feet.

APPLICABLE CODE SECTION: **Section 15.23.020(g) General Provisions for Off-Street Parking, Loading and Unloading**
Section 15.23.030(1)(D)(i) Design Standards for Off Street Parking, Loading and Unloading

RELIEF SOUGHT: A 5 foot variance to the northerly property line, and a 2.5 foot variance to the easterly property line from the required 5 foot landscaped area between a commercial parking lot a property line, as outlined in Section 15.23.020(g), *General Provisions*, and Section 15.23.030(1)(D)(i), *Design Standards, Off-Street Parking, Loading, and Unloading* of the Municipal Code (Zoning Ordinance).

LEGAL DESCRIPTION: Part of Lot 5, Auditor's subdivision of the Southeast Quarter of the Northeast Quarter of Section 6, Township 74 North, Range 43 West, City of Council Bluffs, Pottawattamie County, Iowa; being more particularly described as commencing at the intersection of the North line of Lot 5 and the West right-of-way line of Woodbury Avenue thence West 207 feet, Southwest 84.67 feet, East 120.46 feet, South 50 feet, East 145.41 feet, North 115.35 feet to Point of Beginning

LOCATION: 1114 Woodbury Avenue

APPLICANT: HAZA Bell of Nebraska, LLC, 4415 Highway 6, Sugar Land, TX 77478

PROPERTY OWNER: JTB 42, LLC, 17411 Turnberry Ridge, Council Bluffs, IA 51503

REPRESENTATIVES: Jimmy Wachaa, 4415 Highway 6, Sugar Land, TX 77478

BACKGROUND INFORMATION – HAZA Bell of Nebraska, LLC has applied for variances from Section 15.23.020(g), *General Provisions*, and Section 15.23.030(1)(D)(i), *Design Standards, Off-Street Parking, Loading, and Unloading* of the Municipal Code (Zoning Ordinance) in order to redevelop the subject property with a fast food restaurant with a drive-thru lane. Currently, the subject property is zoned C-2/Commercial District, which allows a fast-food restaurant as a Principal use. If the subject variance is approved, the applicant will be able to meet all drive aisle widths, parking stall dimensions, building setbacks, parking stall counts, and any other C-2 District site development regulations. A letter of intent, site plan, zoning map, and a letter from the property owner, and site photos have all been included with this case report as attachments A through E.

The following attachments have been included for your reference:

Attachment A: General Location Map

Attachment B: Applicant's Letter of Intent

Attachment C: Applicant's Submitted Site Plan

Attachment D: Approval Letter from Property Owner

Attachment E: Site Photos

CURRENT ZONING AND LAND USE – The subject property is zoned C-2/Commercial District and contains a 2,084 square foot building that is located in the Southern portion of the property. Surrounding properties to the North, West, and South are also zoned C-2/Commercial District and are primarily commercial businesses with the exception of the Council Bluffs Police Department Headquarters which is located southwest of the subject property. Woodbury Avenue is located direction east of the subject property, with Interstate 80 right-of-way is located further east of the subject property.

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the requested variance. The following comments were received:

- The Council Bluffs Community Development Department has the following comments:
 - The subject parcel contains 22,685 square feet with exceeds the lot area regulations for the C-2 District.
 - The subject property is an irregular shape lot which has dimensions that meet the width and depth requirements of the C-2 District. The subject property is classified as an interior lot, however, its layout and configuration has historically functioned as a corner lot with access points to Woodbury Avenue and the private drive aisle to the North. The property is shaped irregularly and was subdivided under a previous subdivision ordinance. The irregular shape of the property would be avoided by today's subdivision standards.
 - Any new business constructed on this property will be required to meet the design standards for a parking lot as outlined in Section 15.23.030 of the Code of Ordinance, and will also need to meet the minimum parking standards as outlined in Section 15.23.060 of the Code of Ordinances. The site plan shows a 2,150 square foot fast-food restaurant which would require 22 parking spaces. Currently, 25 parking spaces are shown.
 - The property gradually slopes from a lowpoint at the eastern side to a highpoint at the western side. The neighboring property to the South also has a parking lot elevation approximately 4 feet higher than the parking lot of the subject property. The unique shape, with a notch located in the southwest corner, combined with a hillside and retaining wall at the South property line provides little opportunity from a property line adjustment or shared parking agreement between two property owners.
 - The required setbacks to property lines, along with a two-way drive aisle with 18 foot lot parking spaces on each side (as is required by ordinance) accounts for over 60% of the width of the lot. The current parking lot does not meet the required 5 foot landscaped buffer between the property lines and appears to stretch into the right-of-way of Woodbury Avenue. The new parking lot, as proposed by the applicant, will be more conforming than the current parking lot as it will be located entirely within the legally described subject property.
- The Council Bluffs Fire Marshall had no comments regarding the proposed variances.
- The Council Bluffs Police Department stated they have no objections to the request and will allow access to the private drive to the North, though does not wish for it to be used as a primary entrance to the drive-thru or for stacking of cars to occur on the private drive.
- The Council Bluffs Public Works Department stated the pavement on the property is existing with similar setbacks to the property line, and have no concerns at this time.
- Black Hills Energy stated they have no concerns.
- Council Bluffs Water Works had no comments regarding the proposed variance.
- MidAmerican Energy stated they have no objections to the proposed variances.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the requested variance. The owner of the property addressed as 1134 Woodbury Avenue stated that they have an easement for a water line runs through a portion of 1114 Woodbury Avenue. At the time of this report no physical evidence of said easement has been located.

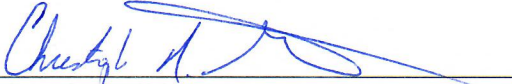
COMMENTS - Evidence must be presented to demonstrate that a literal enforcement of the Ordinance will create a hardship for which relief is necessary. The Board of Adjustment shall approve a variance to grant relief when ‘unforeseen applications of this Ordinance...create particular hardships’. No variance shall be granted unless the Board of Adjustment makes findings of fact based on the standards and conditions that follow. A variance less than requested may be granted by the Board when the record supports the applicant’s right to some relief, but not to the entire relief requested. (§15.02.080 – *Variances*)

Findings of Fact

1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity. The property exceeds the minimum width, depth, and square footage for a property located in the C-2/Commercial District. The unique shape of the lot, with a notch located in the southwest corner, combined with a hillside and retaining wall at the South property line prevents a property line adjustment or a shared parking agreement between two property owners that would ease the parking needs and allow the applicant greater flexibility for their parking lot.*
2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The required setbacks to property lines, along with a two-way drive aisle with 18 foot lot parking spaces on each side (as is required by ordinance) accounts for over 60% of the width of the lot. Without a variance the site would not be able to be developed to its full commercial potential.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The subject property is an existing lot of record that was subdivided under a previous subdivision ordinance and is irregularly shaped, with a hardship being created in applying the standards of current Zoning Ordinance onto this property. The current parking lot does not meet the required 5 foot landscaped buffer between the property lines and appears to stretch into the right-of-way of Woodbury Avenue. The new parking lot, as proposed by the applicant, will be more conforming than the current parking lot as it will be located entirely within the legally described subject property.*
4. *Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district. Granting the variances allows a fast food restaurant to be constructed on a property that is zoned C-2/Commercial District, which is considered principal permitted use, therefore no special privileges would be allowed to the property. The entirety of the parking lot will also be located on the applicant’s property, so there would be no additional use of public right-of-way for this use than what would be allowed on any other property.*
5. *Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance. The locations of the proposed variances will have little effect on neighboring property owners, as the North side of the property is a private drive aisle that is primarily used and owned by the City of Council Bluffs for the Police Department Headquarters, and the East side of the property is the right-of-way of Woodbury Avenue. Due to the narrowness of the lot and topographic constraints that provide little opportunity for correction, the drive aisle width, parking space depth, and parking lot separation buffers greatly limits that ability of this property to be redeveloped with a property that requires a drive-thru lane.*

RECOMMENDATION

The Community Development Department recommends Approval of the variances from Section 15.23.020(g), General Provisions, and Section 15.23.030(1)(D)(i), Design Standards, Off-Street Parking, Loading, and Unloading of the Municipal Code (Zoning Ordinance) to allow a commercial parking lot to have a zero setback from a northerly property line, and a 2.5 foot setback from an easterly property line, as opposed to the required five feet, based on the reasons stated above.




Christopher Gibbons, AICP
Planning Coordinator



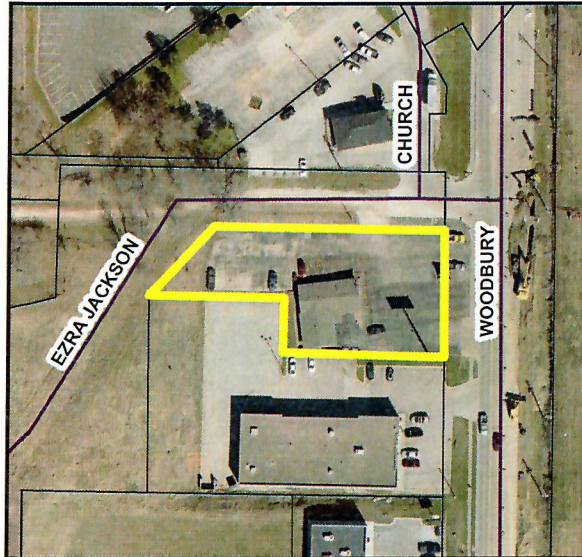
Chris Meeks
Planner

ATTACHMENT A:
**CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT
CASES #BA-19-004 LOCATION/ZONING MAP**

Legend

 Subject Property

0 80 160
1 Inch = 172 Feet

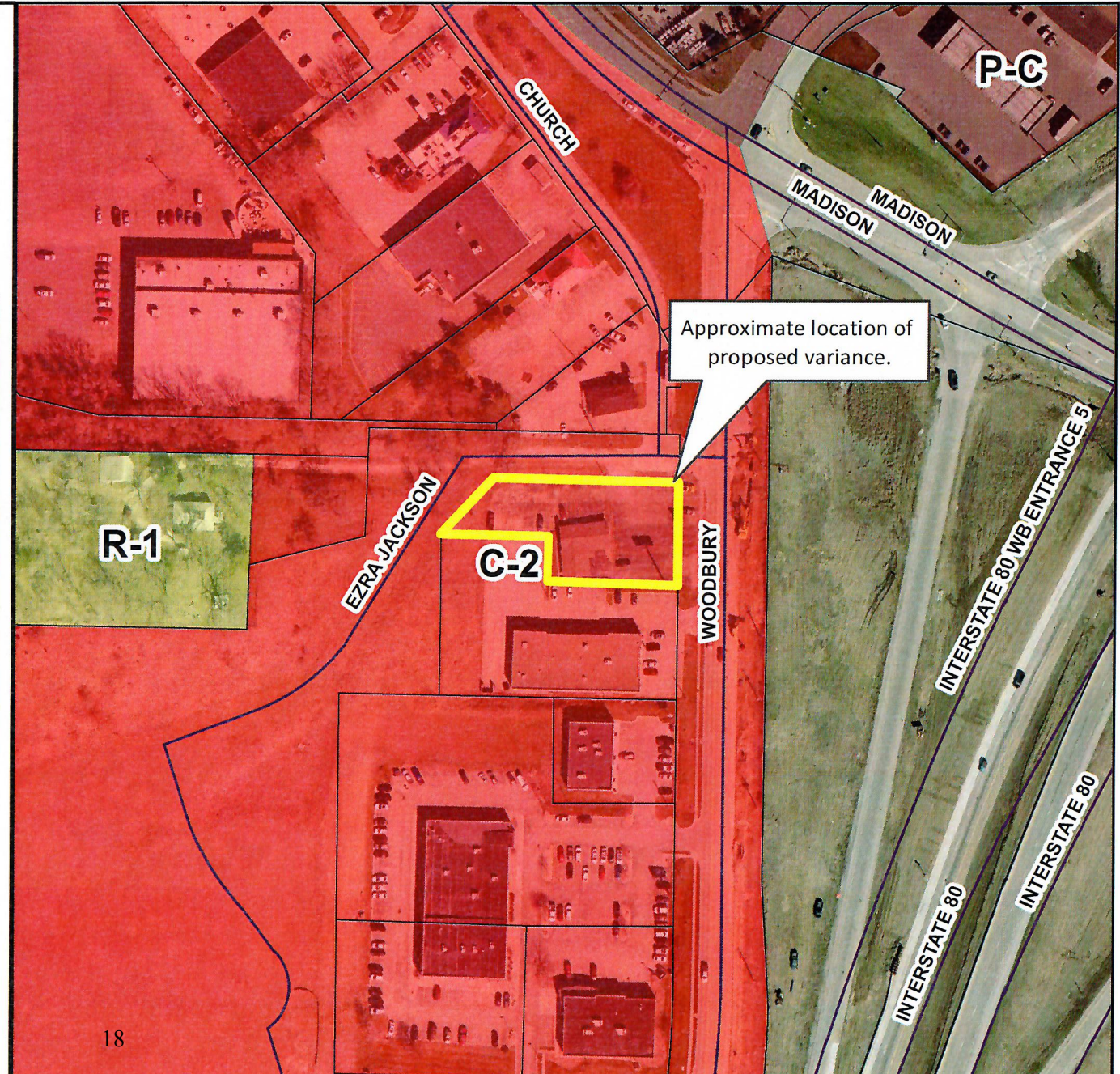


Last Amended: 6/20/19



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

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**ST. LOUIS**

Power House at Union Station
401 S. 18th Street, Suite 200
St. Louis, MO 63103
314.984.9887 tel

ST. CHARLES

1520 S. Fifth Street
Suite 307
St. Charles, MO 63303
636.978.7508 tel

DALLAS

6175 Main Street
Suite 367
Frisco, TX 75034
972.624.6000 tel

PHOENIX

2701 E. Camelback Road
Suite 175
Phoenix, AZ 85016
602.795.4111 tel

Variance Request Memo

Taco Bell
1114 Woodbury Avenue
Council Bluffs, IA

July 1, 2019

The applicant is requesting a variance from Section 15.23.030.1.D.i of the City of Council Bluffs Municipal Code. The code section requires that “a minimum of five feet of landscaped area is required between a parking surface and the property line”. The applicant is requesting that this requirement be amended on the subject property to “**zero** feet of landscaped area is required between a parking surface and the **northerly** property line” and “a minimum of **two and a half (2.5) feet** of landscaped area is required between a parking surface and the **easterly** property line” for only the north and east property lines on this parcel.

We have reviewed the City’s guidelines for Findings of Fact with regard to variances and provided our initial responses below in ***bold italics***:

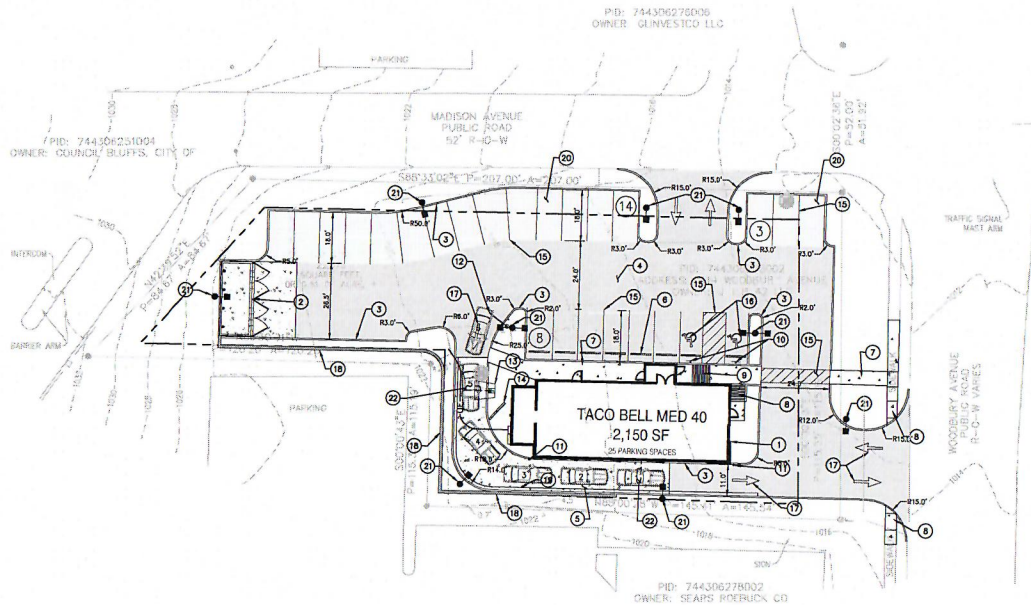
- The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity.
 - *The particular property located at 1114 Woodbury Avenue suffers a singular disadvantage due to the limited width of the site and the existing topography. The site contains only 115’ of frontage width. In addition, the former Tesla Auto Repair site to the south sits nearly six (6) feet higher than the subject property at the adjoining property line. This existing site condition requires the construction of a five (5) foot high retaining wall (which requires a five (5) foot setback from the property line to allow for reinforcing grid installation) to maximize buildable area.*
- Because of such disadvantage, the owner is unable to make reasonable use of the affected property.
 - *Once the required horizontal distances are calculated for the retaining wall setback, the retaining wall structure, a drive-thru lane, the proposed building and sidewalks, and the proposed parking stalls and drive aisles needed to meet City parking regulations, the total frontage width of 115’ is completely accounted for with less than one (1) foot of distance remaining. Therefore, the owner is unable to make reasonable use of the affected property if the five (5) foot landscape area requirement is accommodated on the north and east property frontages.*

- The disadvantage does not exist because of conditions created by the owner or previous owners of the property.
 - *The disadvantage is a result of the property configuration and existing topography and is not due to conditions created by the owner or previous owners of the property.*
- Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district.
 - *The applicant concurs that granting the variance will not confer any special privileges that are denied by this ordinance to other properties or structures in the same district.*
- Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance.
 - *The applicant affirms that granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance. The proposed plan will meet all other requirements of the City's code, including required landscape area. In addition, the proposed plan will improve the existing site condition which has parking located on City property. All parking surfaces will now be contained within the applicant's property lines.*

Based on the above analysis, we feel a variance is warranted and respectfully request your consideration and approval.

USER: Med_Builder_Ten, C:\G:\BEE, PLAN
 DRAWING: S:\XERO\Users\B111\11-2023\CDAC-C-Park\Med_Builder_Ten_SITE_19-0057.dwg

20' 0' 20' 40'
 SCALE: 1" = 20'



KEYED NOTES

1. NEW TACO BELL BUILDING, REFER TO ARCHITECTURAL PLANS.
2. NEW TRASH ENCLOSURE, REFER TO ARCHITECTURAL PLANS.
3. NEW VERTICAL CONCRETE CURB, REFER TO DETAIL ON SHEET C8.0.
4. NEW ASPHALT PAVEMENT (LIGHT DUTY), REFER TO DETAIL ON SHEET C8.0.
5. NEW CONCRETE PAVEMENT, REFER TO DETAIL ON SHEET C8.0.
6. NEW WHEEL STOP, REFER TO DETAIL ON SHEET C8.1.
7. NEW CONCRETE WALK, REFER TO DETAIL ON SHEET C8.0.
8. NEW CONCRETE CURB RAMP, REFER TO DETAIL ON SHEET C8.1.
9. NEW PARALLEL CONCRETE CURB RAMP REFER TO DETAIL ON SHEET C8.1.
10. NEW ACCESSIBLE PARKING SIGN, REFER TO DETAIL ON SHEET C8.0.
11. NEW BOLLARD, REFER TO DETAIL ON SHEET C8.1.
12. NEW CLEARANCE BAR, REFER TO ARCHITECTURAL PLANS.
13. NEW ORDER BOARD WITH CANOPY, REFER TO ARCHITECTURAL PLANS.
14. NEW MENU BOARD, REFER TO ARCHITECTURAL PLANS.
15. NEW PAVEMENT STRIPING, REFER TO DETAIL ON SHEET C8.0.
16. NEW ACCESSIBLE PARKING SYMBOL, REFER TO DETAIL ON SHEET C8.0.
17. NEW ARROW PAVEMENT MARKINGS, REFER TO DETAIL ON SHEET C8.0.
18. NEW RETAINING WALL DESIGNED BY OTHERS, VERIFY WALL SYSTEM, COLOR, FINISH, ETC WITH OWNER PRIOR TO START OF CONSTRUCTION.
19. NEW CONCRETE CURB AND GUTTER, REFER TO DETAIL ON SHEET C8.0.
20. NEW ASPHALT PAVEMENT (HEAVY DUTY), REFER TO DETAIL ON SHEET C8.0.
21. NEW LIGHT, REFER TO PHOTOMETRIC PLANS.
22. NEW CONCRETE PAVEMENT WITH DETECTOR LOOP, SEE DETAIL ON SHEET C8.0.

PARKING CALCULATIONS

PARKING REQUIREMENTS (STANDARD)

REQUIRED 1 SPACE PER 100 S.F. GROSS FLOOR AREA
 GROSS FLOOR AREA 2,150 S.F.
 CALCULATION $(1 \text{ SPACE}/100 \text{ S.F.}) \times (2,150 \text{ S.F.}) = 22 \text{ SPACES}$

PARKING REQUIREMENTS (ACCESSIBLE)

1 TO 25 STANDARD SPACES 1 ACCESSIBLE SPACES
 VAN ACCESSIBLE REQUIREMENT 1 VAN ACCESSIBLE SPACE FOR EVERY 6 ACCESSIBLE SPACES

PARKING DATA

SPACES REQUIRED (TOTAL) 22 SPACES
 SPACES PROVIDED (STANDARD) 23 SPACES
 SPACES PROVIDED (ACCESSIBLE) 2 SPACES (2 VAN ACCESSIBLE)
 SPACES PROVIDED (TOTAL) 25 SPACES

DATE	BY	REVISION DESCRIPTION

CLIENT
ARMSTRONG INC.
880 CHAD ROAD SUITE 300
ST. CHARLES, MO 63046
(314) 452-2400

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TACO BELL
 1114 WOODBURY AVENUE
 COUNCIL BLUFFS, IA 51503

cole
 CIVIL ENGINEERING / SURVEYING / PLANNING / LANDSCAPE ARCHITECTURE

DESIGN/CALC BY: LJV
 DRAWN BY: LJV
 CHECKED BY: TMM
 DRAWING SCALE: AS SHOWN
 DATE: 06/05/19

Job Number
19-0057
 Sheet Number
C4.0

JTB 42, LLC
17411 Turnberry Ridge
Council Bluffs, IA 51503

June 18, 2019

City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

To whom it may concern,

As the Landlord of the property located at 1113 Woodbury Avenue, Council Bluffs, Iowa 51503 I hereby authorize Haza Bell of Nebraska, LLC/ Jimmy Wachaa, 4415 Highway 6, Sugarland, Texas 77478, to apply for a parking variance.

Jerry Schmitz

Jerry Schmitz
JTB 42, LLC

Signature: 
Jerry Schmitz (Jun 18, 2019)

Email: jerry_schmitz2000@yahoo.com

Attachment E:
Site Photos



- Legend:**
- Photo 1:** Photo of subject property from Woodbury Avenue
 - Photo 2:** Aerial Photo of subject property (Facing West)
 - Photo 3:** Photo of Northern property line (Facing West)
 - Photo 4:** Photo of Eastern property line (Facing South)

