



**ZONING BOARD OF ADJUSTMENTS
AGENDA**

**Tuesday, January 17, 2023 - 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 #CU-23-001

Public hearing on the request of Habitat for Humanity of Council Bluffs, represented by Blake Johnson, for a conditional use permit to allow an 'infill dwelling structure', as defined in Section 15.35.020 of the Council Bluffs Municipal Code (Zoning Ordinance), in an R-2/Two-Family Residential District on property legally described as the South 46 feet of Lots 3 and 4, Block 13, Home Place Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: 313 North 34th Street

B. CASE #CU-16-005

Public hearing on the request of the Community Development Department to revoke a conditional use permit, approved on April 16, 2016, which allowed an existing nonconforming use (plumbing shop) to change to another, more restrictive nonconforming use (small engine repair business) in an R-3/Low Density Multi-family Residential District on property legally described as Lots 8 and 9, Block 6, Thompson's Addition, Council Bluffs Pottawattamie County, Iowa. Location: 1109 North 15th Street

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) 890-5350 or email at cgibbons@councilbluffs-ia.gov.

Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: CU-23-001

Submitted by: Christopher N.

Gibbons, AICP, Planning & Code

Compliance Manager and Moises

Monroy, Planner

CASE #CU-23-001

Council Action: 1/17/2023

Description

Public hearing on the request of Habitat for Humanity of Council Bluffs, represented by Blake Johnson, for a conditional use permit to allow an 'infill dwelling structure', as defined in Section 15.35.020 of the Council Bluffs Municipal Code (Zoning Ordinance), in an R-2/Two-Family Residential District on property legally described as the South 46 feet of Lots 3 and 4, Block 13, Home Place Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: 313 North 34th Street

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Staff Report & Attachments

Type

Other

Upload Date

1/12/2023

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: January 17, 2022

RE: **CASE #CU-23-001**

REQUEST: Public hearing on the request of Habitat for Humanity of Council Bluffs, represented by Blake Johnson, for a conditional use permit to allow an ‘infill dwelling structure’, as defined in Section 15.35.020 of the Council Bluffs Municipal Code (Zoning Ordinance), in an R-2/Two-Family Residential District on property legally described as the South 46 feet of Lots 3 and 4, Block 13, Home Place Addition, City of Council Bluffs, Pottawattamie County, Iowa.

**APPLICABLE
CODE SECTIONS:**

Section 15.02.020 Zoning Board of Adjustment

The Zoning Board of Adjustment shall have the following powers, pursuant to this ordinance:

- B. To make final decisions on applications for conditional uses.

Section 15.35.030 Infill Dwelling Structures

- A. Applicability. This section shall apply to existing lot(s) of record that are within established residential neighborhoods and that are considered non-conforming as per the site development standards of the base zoning district.
- C. General Provisions
 - 1. Infill dwelling structures shall be permitted as conditional uses in all zoning districts that allow residential development.

LEGAL

DESCRIPTION: South 46 feet of Lots 3 and 4, Block 13, Home Place Addition, City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: 313 North 34th Street, Council Bluffs, IA 51501

APPLICANT/OWNER: Habitat for Humanity of Council Bluffs, 1228 South Main Street, Council Bluffs, IA 51503

REPRESENTED BY: Blake Johnson, Habitat for Humanity of Council Bluffs, 1228 South Main Street, Council Bluffs, IA 51503

BACKGROUND INFORMATION – The Community Development Department has received a request from Habitat for Humanity of Council Bluffs, represented by Blake Johnson, for a conditional use permit to allow an ‘infill dwelling structure’ in an R-2 District on property addressed at 313 North 34th Street. The purpose of this request is to allow the applicant to adopt a site-specific development plan for a new home and detached garage on a nonconforming residential lot that would otherwise not be developable due to the site development standards in the underlying zoning district. As part of this request, the applicant is proposing an 11-foot front yard setback. Additionally, the proposed home and associated detached garage will cover 37.9% of the total area of the lot.

The following attachments have been included for your reference:

Attachment A: Location/Zoning Map
Attachment B: Letter of Intent
Attachment C: Plot Plan
Attachment D: Infill Dwelling Structure Building Plan Set
Attachment E: Detached Garage Building Plan Set

CURRENT ZONING AND LAND USE – The subject property is zoned R-2/Two-Family Residential District. Surrounding land uses to the north, south, east and west primarily consist of single-family homes also zoned R-2 District. The future land use map of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as ‘Low Density Residential.’

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. The Community Development Department has received the following comment:

- A. Deborah K. Mueller, 309 North 34th Street, Council Bluffs, IA 51501, had general inquiries about the proposed conditional use permit.

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the proposed conditional use permit request. The following comments were received:

- A. The Community Development Department had the following comments:

1. On February 28, 2022, the City Council of the City of Council Bluffs passed Ordinance No. 6482, which enacted Chapter 15.35, Infill Development, of the Council Bluffs Municipal Code (Zoning Ordinance). Section 15.35.010, Statement of Intent, Infill Development, of the Council Bluffs Municipal Code (Zoning Ordinance) states:

The purpose of the Infill Development chapter is to encourage the development of vacant infill tracts and lots throughout the City and the redevelopment of properties that may be problematic or otherwise unique. Acknowledging that it may not be economically feasible or attractive to develop or redevelop many of the smaller properties throughout the City under existing land development regulations, the Infill Development policy gives the City the flexibility to determine the worthiness of those projects that cannot strictly comply with all the land development regulations that would normally be applied to the project provided the project can meet the general intent of the comprehensive plan and the land development regulations as applied consistent with the purpose and intent of this section and sound and generally acceptable planning and land use principles and practices.

The infill development policy ensures that the proposed development is designed and located utilizing innovative techniques and characteristics that are beneficial to the City. Criteria for infill development projects are intended to ensure that a proposed development improves the character of the neighborhood in which it is located and improves the City as a whole; that flexibility in design is used to construct a project that is superior to a project strictly and rigidly designed consistent with the land development regulations; and that the use is compatible with surrounding properties.

In exchange for a better project, the developer may vary some of the standards and criteria of the land development regulations including, but not limited to, density, building setback, height, lot size, parking, and architectural design pursuant to a negotiated conditional use permit with the City.

2. The subject property is a vacant lot zoned R-2/Two-Family Residential District. Since the lot is 46 feet in width by 88 feet in depth, as opposed to the required 50 feet by 100 feet, and contains 4,048 square feet in area, as opposed to the required 5,000 square feet, it is considered a nonconforming lot of record. The applicant proposes to construct a detached single-family home on the subject property that cannot comply with all site development regulations in the R-2 District due to the substandard size of the lot. As an existing nonconforming lot of record within an established residential neighborhood, the subject property is eligible for the newly established 'infill dwelling structure' conditional use permit, which would provide some flexibility in the site development of the proposed new home through the adoption a site-specific development plan.
 3. The applicant proposes an 11-foot front yard setback. The proposed front yard setback is compatible with the average front yard setback of the existing homes with frontage along North 34th Street between Avenue 'C' and Avenue 'D.'
 4. The maximum lot coverage allowed for all structures in the R-2 District is 35% of the total area of the lot. Since the subject property contains 4,048 square feet in area, as opposed to the required 5,000 square feet, the combined ground floor area of all structures built on the subject property would not be allowed to exceed 1,416.8 square feet. The proposed home and associated detached garage will have a combined ground floor area of 1,534 square feet, which would cover 37.9% of the total area of the lot. Although the applicant's proposal exceeds the maximum lot coverage allowed in the R-2 District, the Community Development Department finds it is acceptable as the size and scale of the proposed home is compatible with the size of existing homes in the surrounding residential neighborhood.
 5. There is no water main in North 34th Street between Avenue 'D' and Avenue 'C,' as per Council Bluffs Water Works. The applicant has two options to provide water service to the proposed 'infill dwelling structure':
 - a. Construct a water main extension along North 34th Street; or
 - b. Construct a private service line that connects into one of the existing water mains in Avenue 'C' or Avenue 'D' through an easement which runs along the adjoining properties to the north or south of the subject property.
 6. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the property as 'Low Density Residential.' The proposed 'infill dwelling structure' is consistent with the 'Low Density Residential' designation.
- B. The Council Bluffs Permits and Inspections Division did not have any comments in opposition of the request.
- C. The Council Bluffs Fire Department stated that they have no comments on the request.
- D. The Council Bluffs Public Works Department stated that they have no comments on the request.

- E. The Council Bluffs Parks and Recreation Department stated that they have no comments on the request.
- F. Council Bluffs Water Works stated that they have no comments on the request.

INFILL DEVELOPMENT PLAN – The proposed ‘infill dwelling structure’ shall be constructed in accordance with the following site-specific development plan:

A. Site Development

1. The minimum front yard setback for the proposed ‘infill dwelling structure’ shall be 11 feet, as shown in Attachment ‘C.’
2. The proposed ‘infill dwelling structure’ shall comply with all other minimum setback requirements in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).
3. The proposed detached garage shall comply with all minimum setback requirements for accessory structures in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance)
4. The following building features, in accordance with Section 15.24.060(B) of the Council Bluffs Municipal Code (Zoning Ordinance), may project into the required front yard no more than three feet and into the required side yard no more than three feet, provided that such projections are no closer than three feet to any side yard line:
 - a. Eaves, cornices, belt courses, leaders, sills, awnings, lintels, gutters, and other similar features.
5. The proposed ‘infill dwelling structure’ and associated detached garage shall comply with all maximum building height requirements in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).
6. No more than 37.9% of the total lot area shall be covered with structures, as shown in Attachment ‘C.’
7. All fences shall be installed in accordance with Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
8. All outdoor lighting shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).
9. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.

B. Off-Street Parking

1. The required number of off-street parking spaces for the proposed ‘infill dwelling structure’ shall be based on the standards stated in Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance).

- a. The required number of off-street parking spaces for detached single-family dwellings is two spaces per dwelling unit. The applicant is proposing to construct a one-stall detached garage with a 14' × 21' concrete driveway in the rear yard, which would provide a sufficient amount of off-street parking in an acceptable location for the proposed 'infill dwelling structure.'
2. All off-street parking areas, driveways and drive aisles shall comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).

C. Architecture

1. The submitted architectural renderings for the proposed 'infill dwelling structure' and associated detached garage shown in Attachments 'D' and 'E,' respectively, are generally acceptable and shall be adopted as proposed.

COMMENTS – The development and execution of the Ordinance (Title 15) is based upon the division of the City into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. (§15.02.090(A) – *Conditional Uses*)

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090(E), *Findings of Fact*.

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefitted by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below in *italics*:

- A. *The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations, and all other standards or conditions contained in the provisions authorizing such use. The subject property is an existing nonconforming lot of record zoned R-2/Two-Family Residential District. The applicant is proposing to construct a detached single-family home on the subject property that cannot comply with all site development regulations in the R-2 District due to the substandard size of the lot. As an existing nonconforming lot of record within an established residential neighborhood, the subject property is eligible for the newly established 'infill dwelling structure' conditional use permit. The proposed 'infill dwelling structure' and associated detached garage shall be subject to the site-specific development plan to be adopted as this conditional use permit request.*
- B. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided. There is no water main in North 34th Street between Avenue 'D' and Avenue 'C,' as per Council Bluffs*

Water Works. The applicant has two options to provide water service to the proposed 'infill dwelling structure':

1. Construct a water main extension along North 34th Street; or
2. Construct a private service line that connects into one of the existing water mains in Avenue 'C' or Avenue 'D' through an easement which runs along the adjoining properties to the north or south of the subject property.

No other utility service extensions and/or infrastructure improvements are necessary for the proposed 'infill dwelling structure.'

- C. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. The subject property has frontage on North 34th Street. Vehicular access to the subject property will be provided along the east/west alley adjoining, as shown on Attachment 'C.' No traffic conflicts or congestion on the adjacent public streets are anticipated to occur. No additional improvements are necessary for the request.
- D. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly states that such permits are obtainable for the proposed conditional use on the subject property. The applicant shall be required to obtain all necessary permits for the construction of the proposed 'infill dwelling structure' and associated detached garage.
- E. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. Any proposed outdoor lighting on the subject property shall be subject to Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance), in accordance with the site-specific development plan to be adopted as part of this conditional use permit request.
- F. The location and size of the conditional use, the nature and intensity of the activities, to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. The subject property is located within an established residential neighborhood. The proposed 'infill dwelling structure' consists of a detached single-family home, which would be compatible with the existing single-family residential development in the surrounding area.

As part of this request, the applicant proposes an 11-foot front yard setback. The proposed front yard setback is compatible with the average front yard setback of the existing homes with frontage along North 34th Street between Avenue 'C' and Avenue 'D.'

The maximum lot coverage allowed for all structures in the R-2 District is 35% of the total area of the lot. Since the subject property contains 4,048 square feet in area, as opposed to the required 5,000 square feet, the combined ground floor area of all structures built on the subject property would not be allowed to exceed 1,416.8 square feet. The proposed home and associated detached garage will have a combined ground floor area of 1,534 square feet, which would cover 37.9% of the total area of the lot. Although the applicant's proposal exceeds the maximum lot coverage allowed in the R-2 District, the Community Development Department finds it is acceptable as the size and scale of the proposed home is compatible with the size of existing homes in the surrounding residential neighborhood.

- G. *The location, nature and height of buildings, structures, walls, and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use, and enjoyment of the adjacent land, buildings and structures. The proposed 'infill dwelling structure' and associated detached garage shall be subject to all maximum building height requirements in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance), in accordance with the site-specific development plan to be adopted as part of this conditional use permit request. Any proposed fencing on the subject property shall be installed in accordance with Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).*
- H. *The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. The proposed 'infill dwelling structure' is not anticipated to have an adverse impact on the property values of existing single-family residential development in the surrounding area.*


RECOMMENDATION – The Community Development Department recommends approval of the request for a conditional use permit to allow an 'infill dwelling structure', as defined in Section 15.35.020 of the Council Bluffs Municipal Code (Zoning Ordinance), in an R-2/Two-Family Residential District on property legally described as the South 46 feet of Lots 3 and 4, Block 13, Home Place Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

- A. The applicant shall secure all necessary permits and licenses for the proposed improvements on the subject property and shall comply with all applicable Federal, State and local codes.
- B. The minimum front yard setback for the proposed 'infill dwelling structure' shall be 11 feet, as shown in Attachment 'C.'
- C. The proposed 'infill dwelling structure' shall comply with all other minimum setback requirements in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).
- D. The proposed detached garage shall comply with all minimum setback requirements for accessory structures in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).
- E. The following building features, in accordance with Section 15.24.060(B) of the Council Bluffs Municipal Code (Zoning Ordinance), may project into the required front yard no more than three feet and into the required side yard no more than three feet, provided that such projections are no closer than three feet to any side yard line:
1. Eaves, cornices, belt courses, leaders, sills, awnings, lintels, gutters, and other similar features.
- F. The proposed 'infill dwelling structure' and associated detached garage shall comply with all maximum building height requirements in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).
- G. No more than 37.9% of the total lot area shall be covered with structures, as shown in Attachment 'C.'

- H. All fences shall be installed in accordance with Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
- I. All outdoor lighting shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).
- J. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.
- K. The required number of off-street parking spaces for the proposed 'infill dwelling structure' shall be based on the standards stated in Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance).
 - 1. The required number of off-street parking spaces for detached single-family dwellings is two spaces per dwelling unit. The applicant is proposing to construct a one-stall detached garage with a 14' × 21' concrete driveway in the rear yard, which would provide a sufficient amount of off-street parking in an acceptable location for the proposed 'infill dwelling structure.'
- L. All off-street parking areas, driveways and drive aisles shall comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).
- M. The submitted architectural renderings for the proposed 'infill dwelling structure' and associated detached garage shown in Attachments 'D' and 'E,' respectively, are generally acceptable and shall be adopted as proposed.
- N. Any modifications to the approved conditional use permit which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed and approved by the Zoning Board of Adjustment prior to such changes being made. Minor modifications to the approved conditional use permit that result in a design that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.



Christopher N. Gibbons, AICP
Planning Manager
Community Development Department



Moises Monrroy
Planner
Community Development Department

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #CU-23-001 ZONING/LOCATION MAP

Legend

 Subject Property

0 15 30
1 Inch = 29 Feet



Last Amended: 12/27/2022



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 890-5350

DISCLAIMER

This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly denies any and all responsibilities for errors, if any, in the information contained on this map; the misuse of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



Attachment 'B'

Plan of Operation for 313 N 34th St

Description of Activity

Habitat for Humanity plans to build a new home at the subject address in collaboration with CB Schools Tradeworks program. The home will be built under the direct supervision of licensed contractors and appropriately permitted through the City of CB building department. Upon completion of the home's exterior at TJ High School, it will be transported to its permanent foundation and completed on-site. The footprint of the home and detached garage exceeds the limits of R-2 zoning regulation therefore HFH is requesting a conditional use permit (35% limit - (37.9% coverage)

On-site construction will be of typical nature with work being completed by licensed MEP contractors and Habitat staff and volunteers.

Hours of Operation

Monday-Saturday 8am-4pm

Number of Persons Employed

Habitat program staff – 4

Subcontracted labor – MEP's and installers

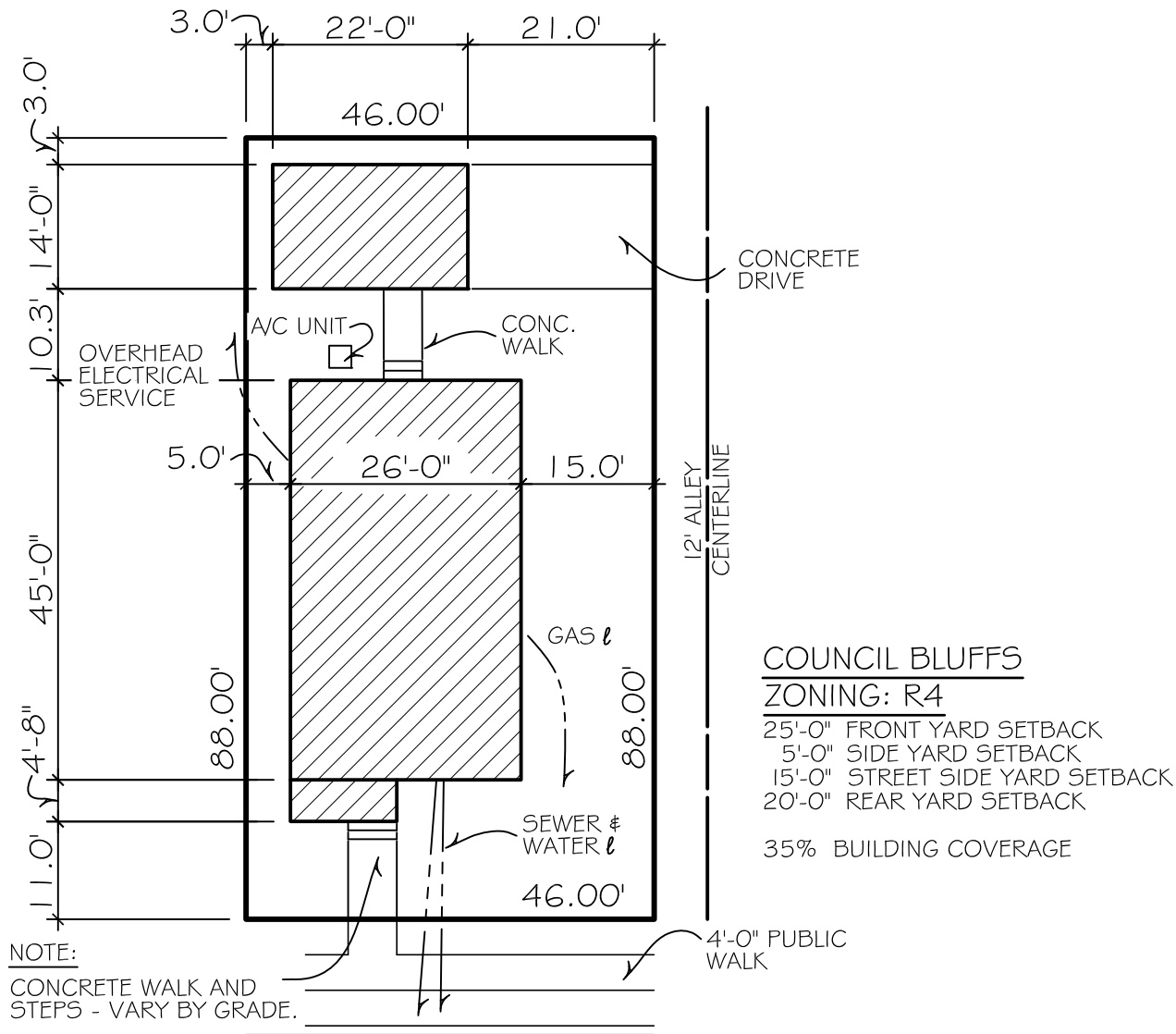
Maximum Capacity of Persons

10

Parking, Access, Signage, and lighting

Parking will be on the lot as often as possible with on-street parking as back up. Habitat will provide signage naming us as the builder. No additional lighting or access points will be considered.

NOTE: CONTRACTOR TO CONFIRM LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.



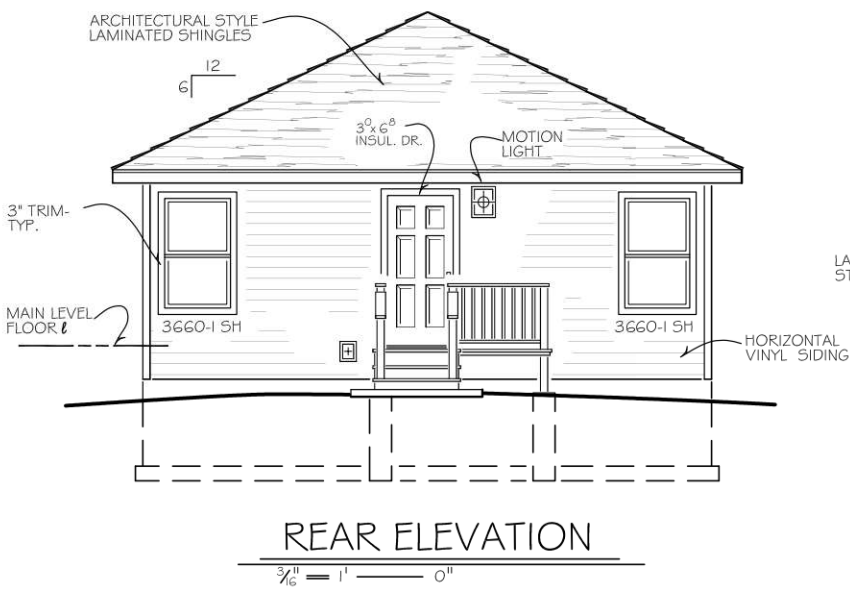
313 N 34th STREET
CENTERLINE OF STREET

	Ø	%
LOT:	4,048	—
HOUSE / PORCH:	1,226	30.3
DET. GARAGE:	308	7.6
CONCRETE:	390	9.6
TOTAL:	—	47.5

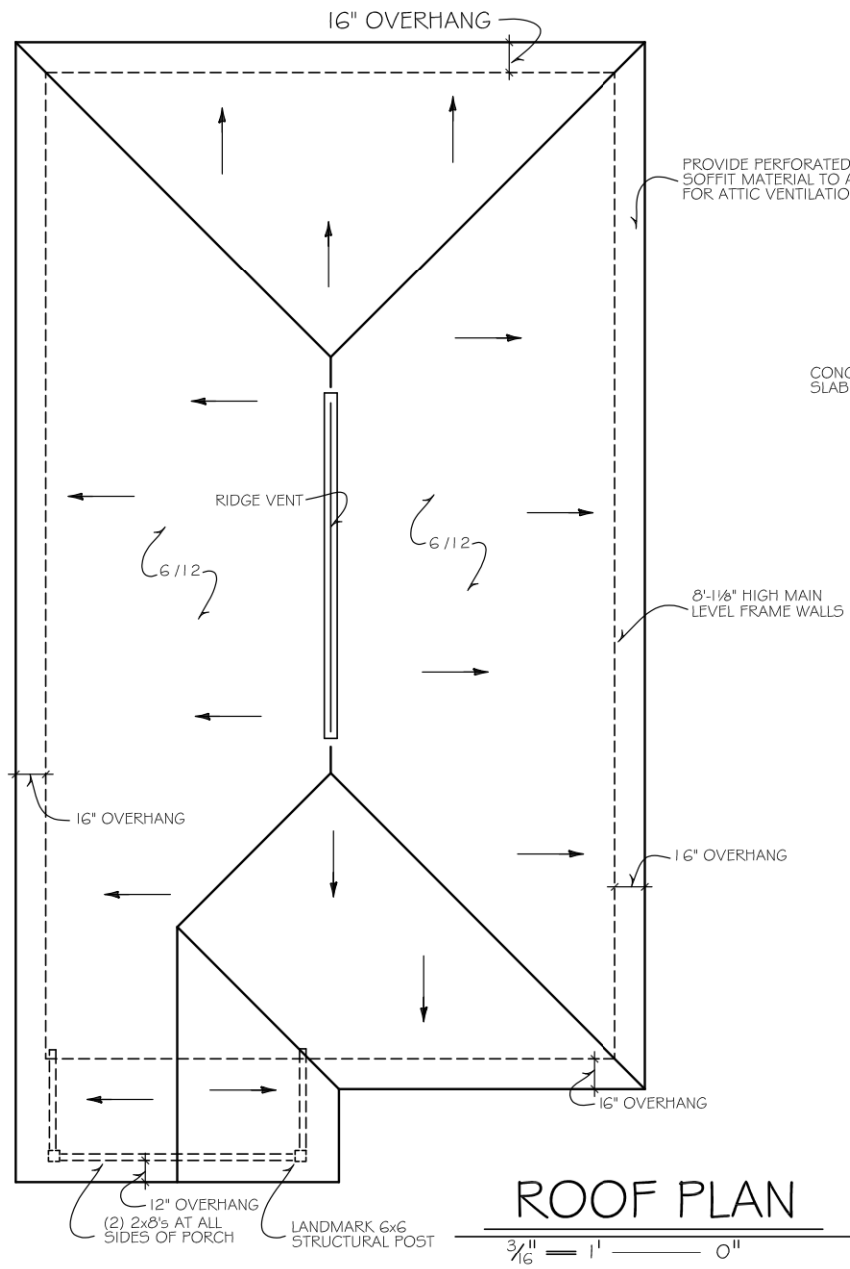
} 35% MAX*

*WAIVER MAY NEED TO BE REQUESTED TO INCREASE MAXIMUM IMPERVIOUS BUILDING COVERAGE ON GROUNDS THAT LOT DOES NOT MEET MINIMUM LOT SIZE FOR ZONING.

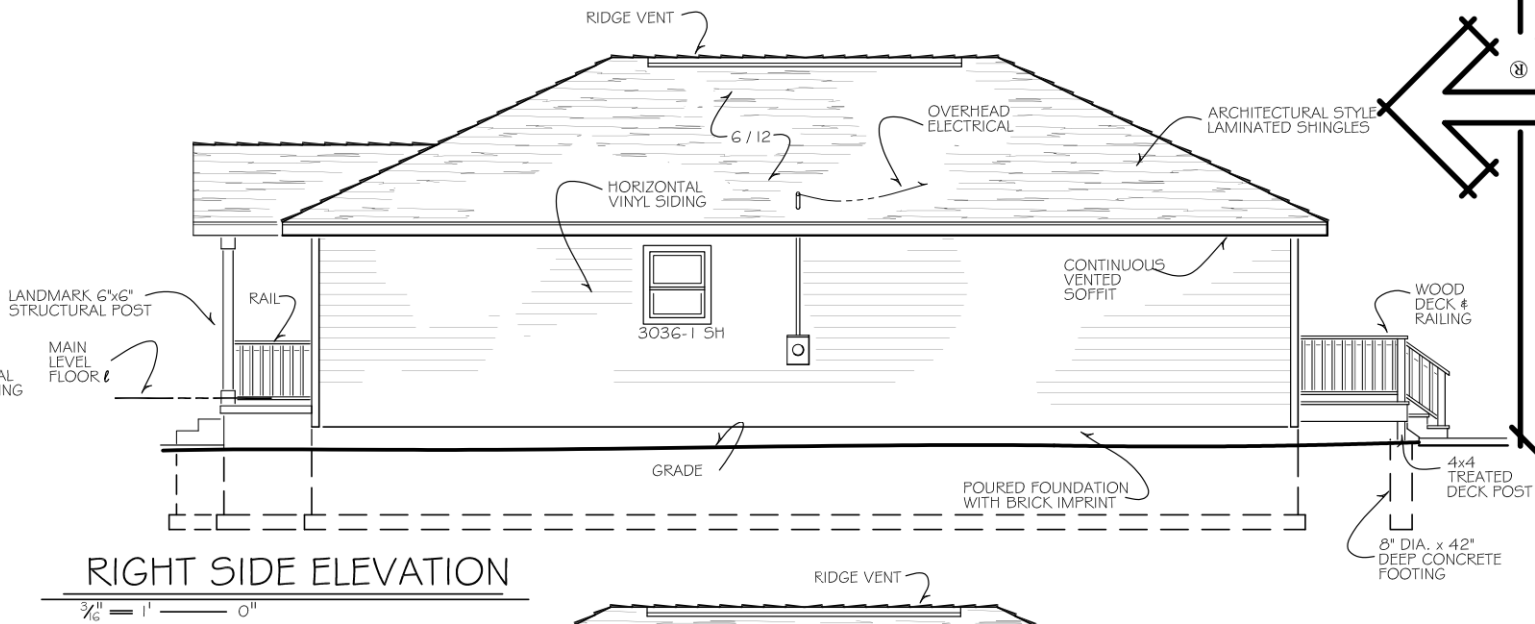
Habitat for Humanity Council Bluffs	Home Place Addition Pottawattamie Co., IA	LOT: 3-4 BLOCK: 13
PLOT PLAN SCALE: 1" = 20' ——— 0" 13		Oct. 26th, 2022



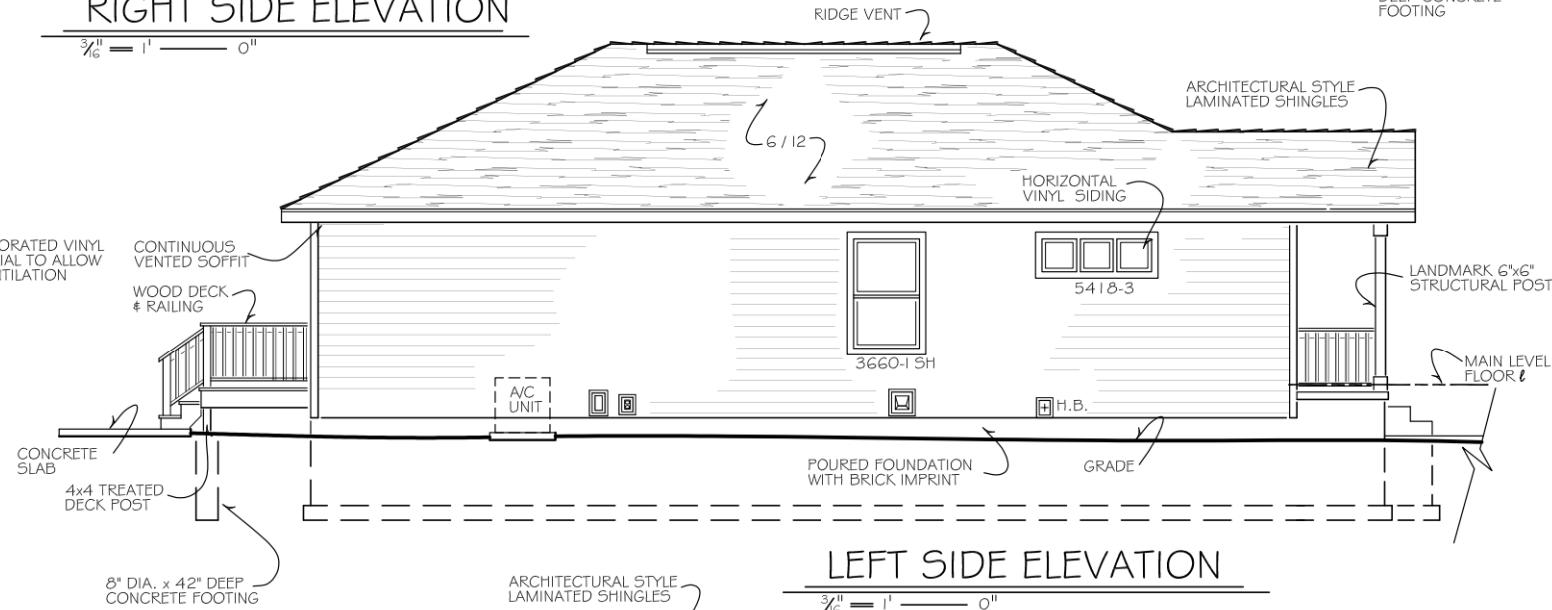
REAR ELEVATION



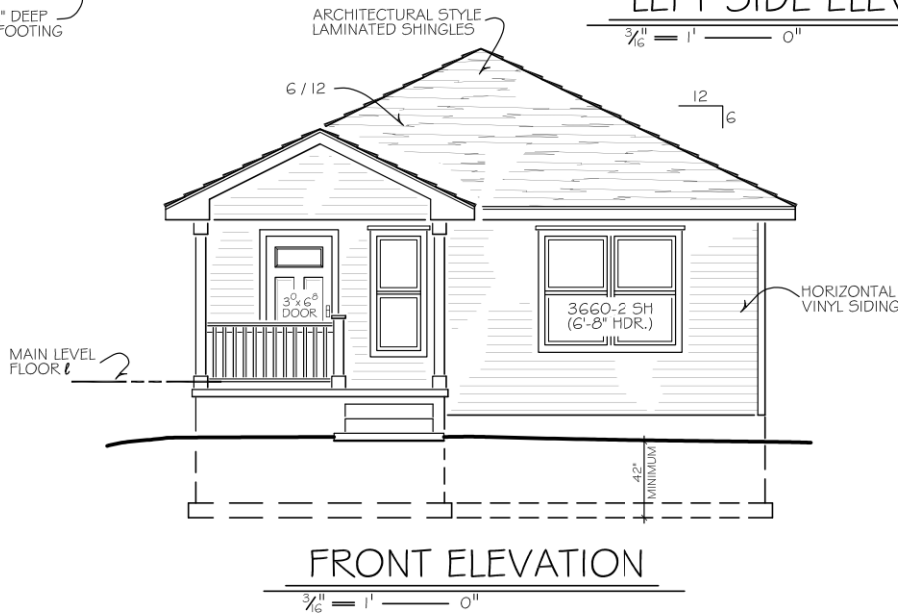
ROOF PLAN



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



FRONT ELEVATION

NOTE: ALL WINDOW UNIT SIZES ARE GIVEN IN GLASS SIZE. WINDOWS ARE TO BE JELD-WEN WINDOWS WITH LOW-E GLASS, ARGON GAS, & VINYL WINDOW FRAME.

CONSTRUCTION PLANS
FOR CONSTRUCTION OR
PERMIT PURPOSES ONLY

CONTACT:
STRAIGHTLINE DESIGN
FOR ADDITIONAL PLAN SETS

AID BD	PAGE: 1 OF 6
	DATE: 12-16-2022
	JOB: #2976

© 2021 STRAIGHTLINE DESIGN

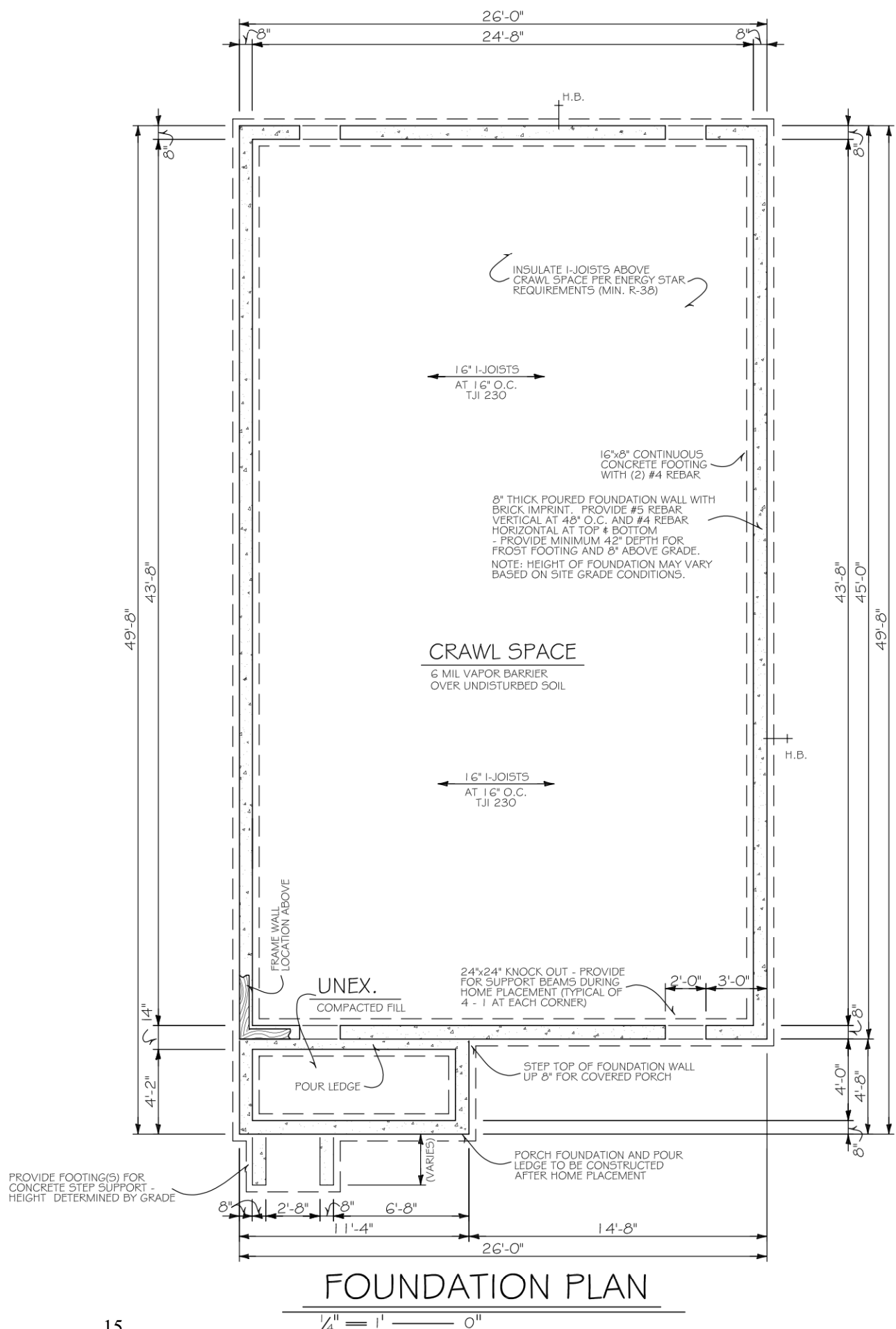
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The Stella II
313 N 34th St. Council Bluffs, IA

ELEVATIONS

straightline

Residential Design and Drafting Service
3925 So. 147th Street • Omaha, NE • 68144 402 • 334 • 6752



NOTE: CONTRACTOR TO PROVIDE INTERIOR GROUNDING ROD FOR ELECTRICAL SERVICE TO BE CONNECTED AT TIME OF SERVICE INSTALL.

CONSTRUCTION PLANS
FOR CONSTRUCTION OR
PERMIT PURPOSES ONLY

CONTACT:
STRAIGHTLINE DESIGN
FOR ADDITIONAL PLAN SETS

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	DATE: 12-16-2022
	JOB: #2976

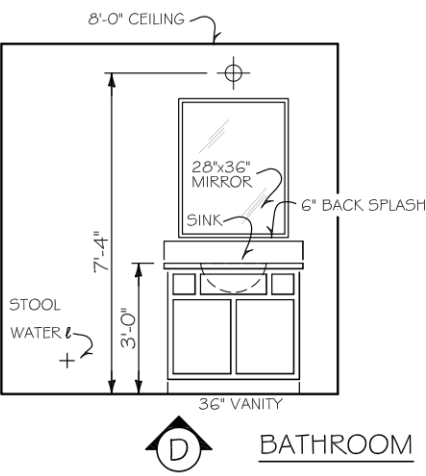
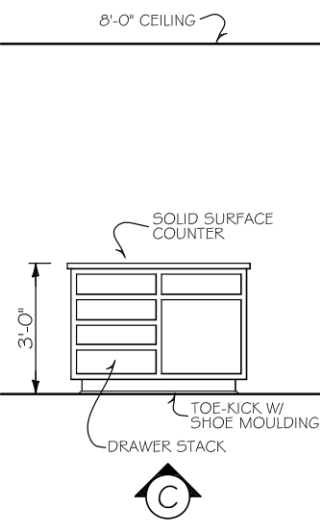
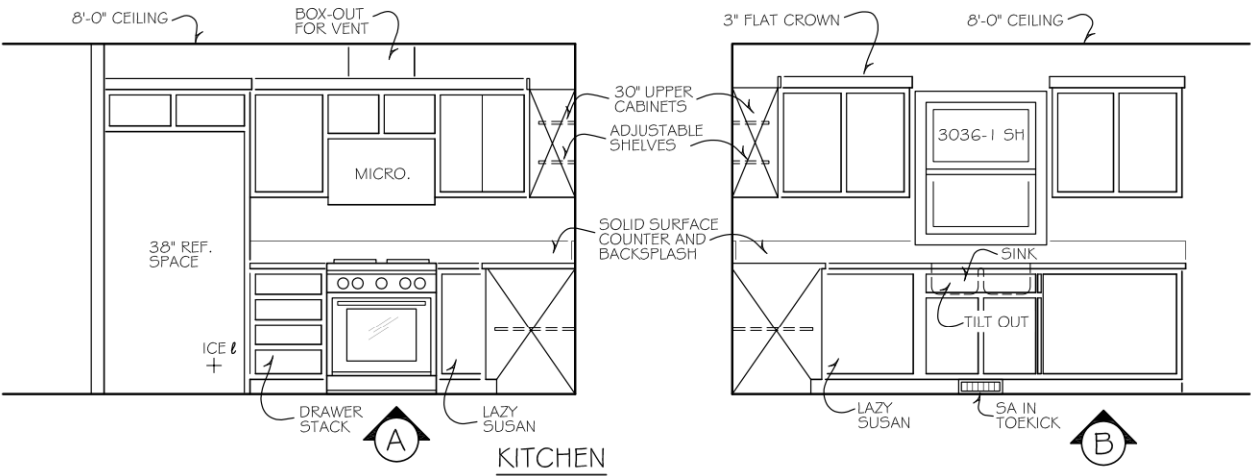
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The Stella II
313 N 34th St. Council Bluffs, IA
FOUNDATION PLAN

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CONSTRUCTION PLANS
FOR CONSTRUCTION OR
PERMIT PURPOSES ONLY

CONTACT:
STRAIGHTLINE DESIGN
FOR ADDITIONAL PLAN SETS

A | B | D

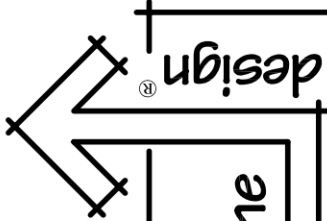
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DATE: 12-16-2022
JOB: #2976

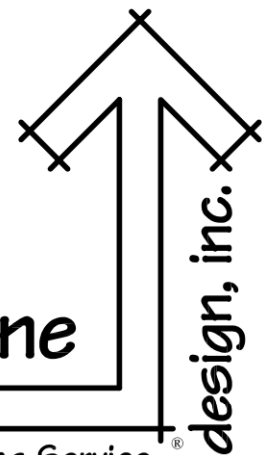
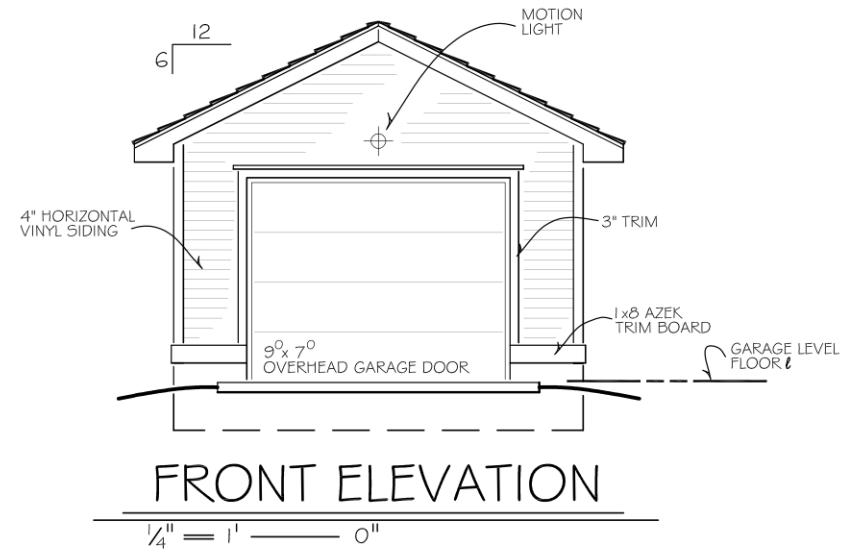
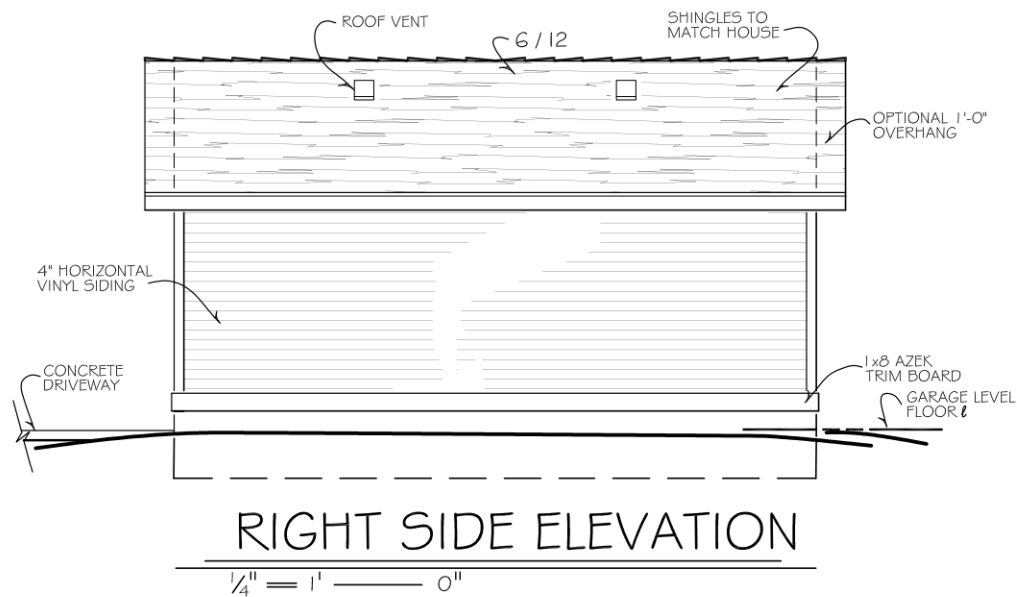
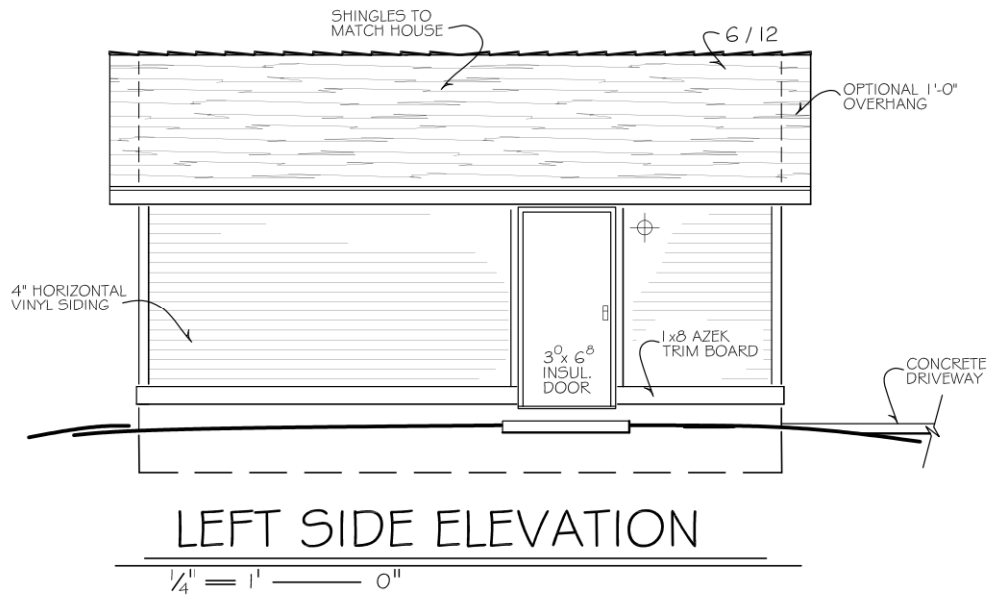
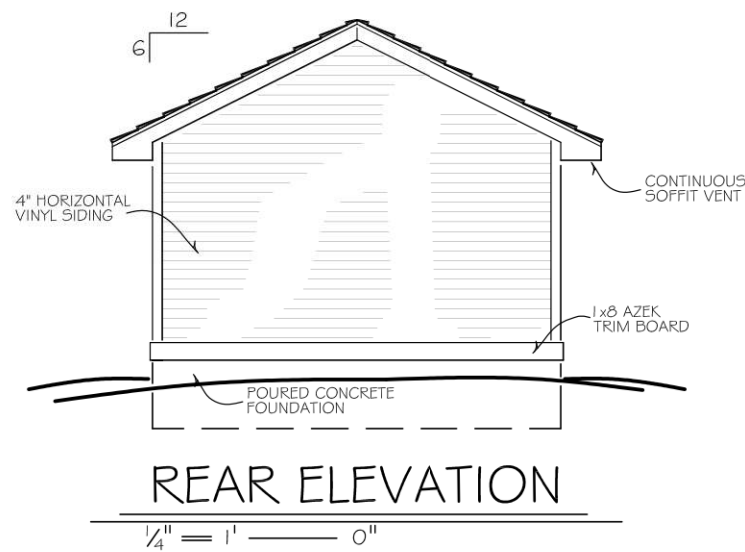
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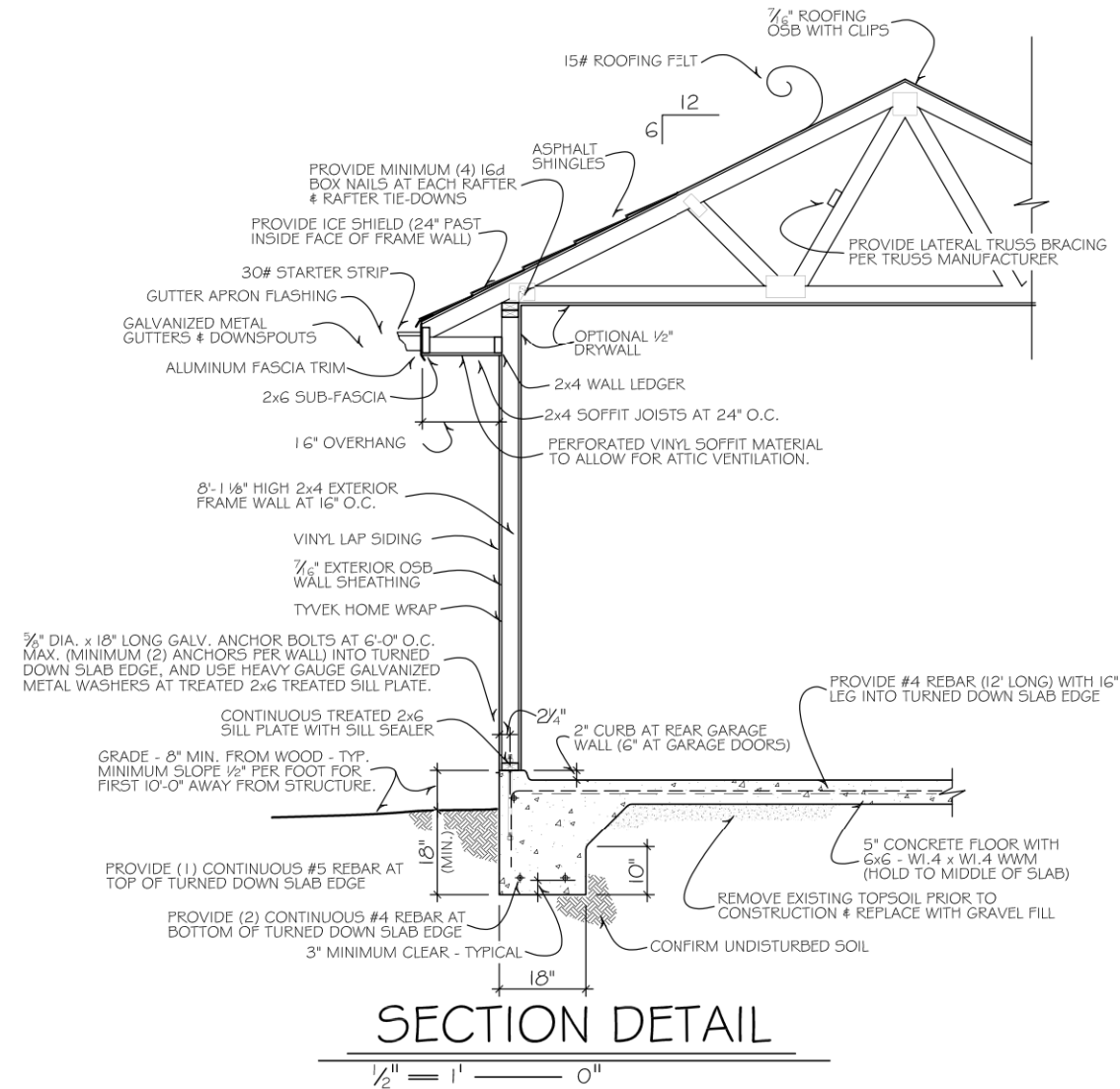
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The Stella II
313 N 34th St. Council Bluffs, IA
CABINET DETAILS

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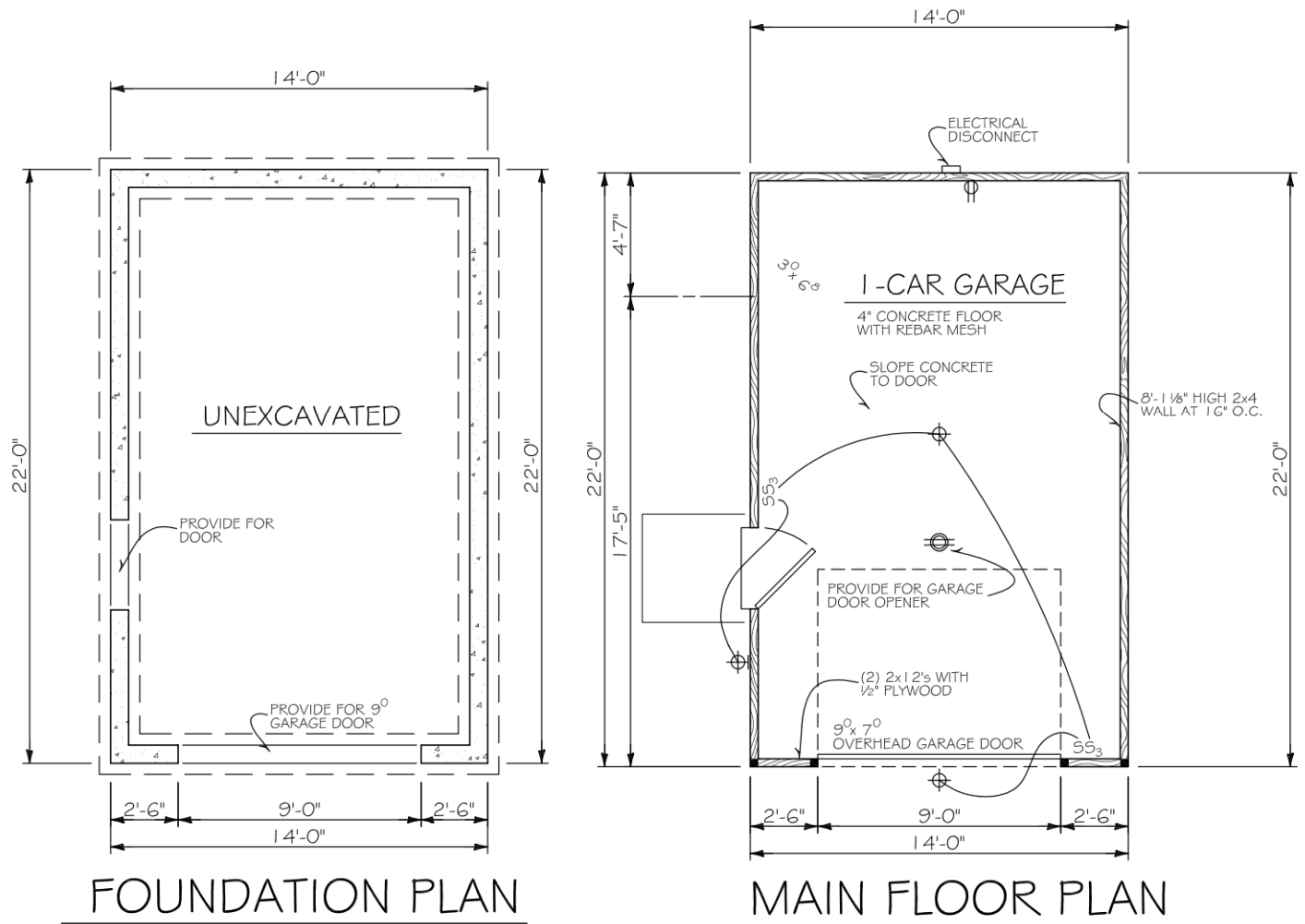






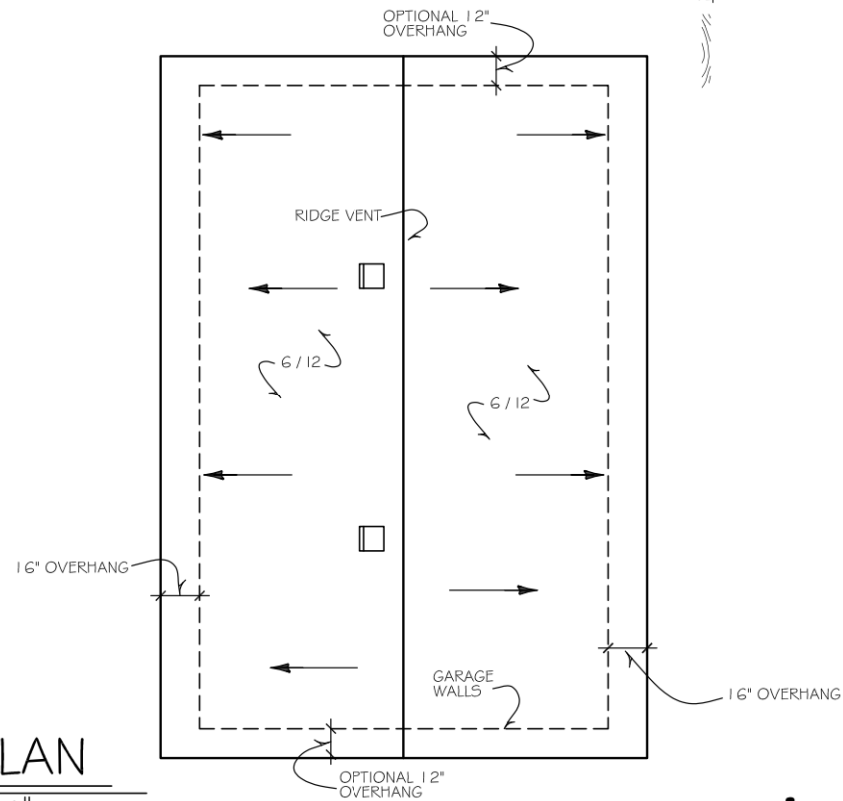
GENERAL NOTES:

THIS DETACHED GARAGE PROJECT IS TO BE CONSTRUCTED IN STRICT COMPLIANCE WITH ALL LOCAL, CITY, STATE, AND NATIONAL BUILDING CODES.
CONTRACTOR TO CONFIRM ALL LUMBER SIZES AND SPECIES AND ALSO CONFIRM THAT SUGGESTED FRAME UNIT SIZES SATISFY SPANS ON JOB SITE.
CALCULATED DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.
THESE DRAWINGS SHALL NOT BE SCALED FOR ACTUAL CONSTRUCTION OF THIS DETACHED GARAGE PROJECT DUE TO POSSIBLE DISTORTION IN THE REPRODUCTION PROCESS.
CONFIRM EXISTING SOIL CONDITIONS PRIOR TO CONSTRUCTION AND MODIFY FOUNDATION IS NECESSARY. ASSUMED SOIL BEARING PRESSURE IS 1,500 PSF.
TURNED-DOWN MONOLITHIC SLAB CONSTRUCTION DRAWINGS ARE PROVIDED BY STRAIGHTLINE DESIGN, INC. PER REQUEST OF THE PROJECT GENERAL CONTRACTOR.



ROOF PLAN

1/4" = 1' 0"



GARAGE: 308 sq

straightline

design, inc.

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DETACHED GARAGE PLANS



Habitat Detached Garage

GABLE

PAGE: 2 OF 2

DATE: 06-30-2015

JOB: # 2197

REVISED: 12-16-2022

Residential Design and Drafting Service

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Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: CU-16-005

Submitted by: Christopher N.

Gibbons, AICP, Planning & Code

Compliance Manager and Haley

Weber, Planner

CASE #CU-16-005

Council Action: 1/17/2023

Description

Public hearing on the request of the Community Development Department to revoke a conditional use permit, approved on April 16, 2016, which allowed an existing nonconforming use (plumbing shop) to change to another, more restrictive nonconforming use (small engine repair business) in an R-3/Low Density Multi-family Residential District on property legally described as Lots 8 and 9, Block 6, Thompson's Addition, Council Bluffs Pottawattamie County, Iowa. Location: 1109 North 15th Street

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Staff Report & Attachments

Type

Other

Upload Date

1/12/2023

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: January 17, 2023

RE: **CASE #CU-16-005 (Revocation)**
REQUEST: Revoke a conditional use permit, approved on April 13, 2016, to change an existing nonconforming use (plumbing shop) to another, more restrictive nonconforming use (small engine repair) in an R-3/Multi-family Residential District at 1109 N. 15th Street

**APPLICABLE
CODE SECTION:**

§15.02.020 - Zoning Board of Adjustment

The Zoning Board of Adjustment shall have the following powers:

B. To make final decisions on applications for conditional uses.

§15.02.090(D) – Conditional Uses

4. The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the interest, adjacent property and property values. **Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use.** The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact .

LOCATION: 1109 N. 15th Street, Council Bluffs, Iowa 51501

**LEGAL
DESCRIPTION:** Lots 8 and 9, Block 6, Thompsons Addition

APPLICANT: Community Development Department

PROPERTY OWNER: Chystopher G. Ayala, 1705 Avenue D, Council Bluffs, Iowa 51501

BACKGROUND – The Community Development Department is requesting approval to revoke conditional use permit (Case #CU-16-005) issued by the Zoning Board of Adjustment on April 13, 2016 to Michael Corcoran, which allowed an existing nonconforming use (plumbing shop) to change to another, more restrictive nonconforming use (small engine repair) in an R-3/Multi-family Residential District at 1109 N. 15th Street. The subject property was never utilized as a small engine repair shop and is now under different ownership. A location/zoning map is included with this report as Attachment ‘A’. Current photos of the subject property are included as Attachment ‘B’.

CITY DEPARTMENTS AND UTILITIES COMMENTS – The following comments were received regarding the proposed revocation:

- A. The Community Development Department provided the following comments:
 1. The subject property was never utilized as a small engine repair business and is now under different ownership. Therefore, the subject conditional use permit is no longer applicable to the property.
 2. The Zoning Board of Adjustment met on December 20, 2022 and revoked conditional use permit (Case #CU-93-001), which allowed a plumbing shop on the subject property. If the current

revocation request is approved, all future uses on the subject property shall be limited to those allowed in the R-3 District.

3. The subject property was purchased by the current owner in 2016 and is currently being utilized as a towing operation and storage yard. The subject property is zoned R-3 District, which does not allow towing operations or storage yards as allowed uses. Therefore, the current use of the subject property is in violation of the City's zoning ordinance and is considered an illegal use. The Community Development Department currently has an active zoning enforcement case at the subject property in regards to the illegal use of the subject property. The first notice of violation was sent to the property owner on October 20, 2022. As of the date of this report, the violation has not been remedied.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet have been notified of the conditional use permit revocation request. As of the date of this report, no comments have been received.

RECOMMENDATION – The Community Development Department recommends approval to revoke conditional use permit (Case #CU-16-005) issued by the Zoning Board of Adjustment on April 13, 2016, which allowed an existing nonconforming use (plumbing shop) to change to another, more restrictive nonconforming use (small engine repair) in an R-3/Multi-family Residential District at 1109 N. 15th Street based on the reasons stated above.




Christopher Gibbons, AICP
Planning Manager




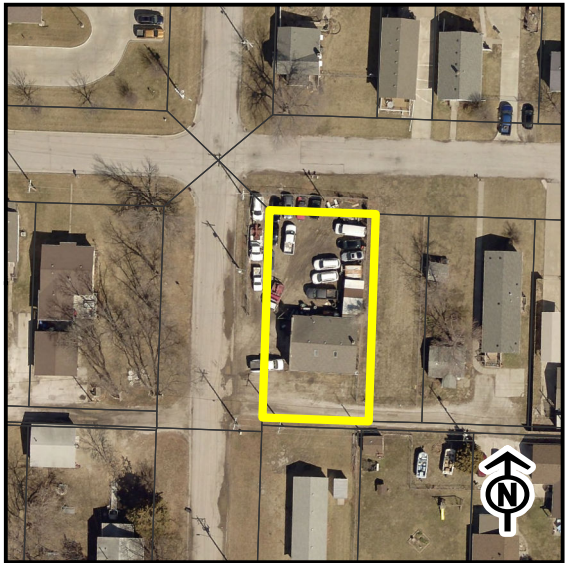
Haley Weber
Planner

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT
CASE #CU-16-005 Revocation

Legend

 Subject Property Case #CU-16-005

0 15 30

1 Inch = 36 Feet



Last Amended: 12/22/22



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 890-5350

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