



**ZONING BOARD OF ADJUSTMENTS  
AGENDA**

**Tuesday, April 15, 2025 - 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-19-002(M2)**

Public hearing on the request of Nick Petersen to modify an approved conditional use permit for 'automobile repair, major' in a C-2 District (Case #CU-19-002(M)) to construct a 30' x 60' addition to an existing building on property legally described as Lot 8, Block 19, Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: 524 23rd Avenue. CU-19-002(M2)

**9. OTHER BUSINESS**

**A. 2024 Zoning Board of Adjustment Annual Report**

Attached 2024 Zoning Board of Adjustment Annual Report.

**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](mailto:cgibbons@councilbluffs-ia.gov).

## Zoning Board of Adjustment Communication

Department: Community  
Development

Case/Project No.: CU-19-002(M2)

Submitted by: Christopher N.  
Gibbons, AICP, Planning & Code  
Compliance Manager and Haley  
Weber, Planner

CASE #CU-19-002(M2)

Council Action: 4/15/2025

### **Description**

Public hearing on the request of Nick Petersen to modify an approved conditional use permit for 'automobile repair, major' in a C-2 District (Case #CU-19-002(M)) to construct a 30' x 60' addition to an existing building on property legally described as Lot 8, Block 19, Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: 524 23rd Avenue. CU-19-002(M2)

### **Background/Discussion**

See attached staff report.

### **Recommendation**

### **ATTACHMENTS:**

Description	Type	Upload Date
Staff Report and Attachments A and B	Staff Report	4/9/2025

**TO:** Zoning Board of Adjustment  
**FROM:** Community Development Department

**DATE:** April 15, 2025

**RE:** **CASE #CU-19-002(M2)**  
**REQUEST:** Public hearing on the request of Nick Petersen to modify an approved conditional use permit for 'automobile repair, major' in a C-2 District (Case #CU-19-002(M)) to construct a 30' x 60' addition to an existing building on property legally described as Lot 8, Block 19, Hughes and Doniphan's 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 15.16.030 Conditional Uses in the C-2/Commercial District**  
B. Automobile repair, major

**LEGAL**

**DESCRIPTION:** Lot 8, Block 19, Hughes and Doniphan's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa

**LOCATION:** 524 23<sup>rd</sup> Avenue, Council Bluffs, IA 51501

**APPLICANT:** Nick Petersen, 19344 Portland Street, Council Bluffs, IA 51503

**OWNERS:** Karl Getzschman, 524 23<sup>rd</sup> Avenue, Council Bluffs, IA 51501

**REPRESENTED BY:** Nick Petersen, 19344 Portland Street, Council Bluffs, IA 51503

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**BACKGROUND INFORMATION** – The Community Development Department has received a request from Nick Petersen to modify an approved conditional use permit on property addressed as 524 23<sup>rd</sup> Avenue, as legally described above. The purpose of this request is to allow the applicant to expand the 'automobile repair, major' use on the subject property by constructing a 30' x 60' addition to the existing building (see Attachment 'A'). The applicant also intends to extend the fence line to enclose the proposed addition.

On May 21, 2019, The Zoning Board of Adjustment approved a conditional use permit to allow an 'automobile repair, major' establishment (All Makes Collision Center) in a C-2/Commercial District, which included the following standards:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. The hours of operation shall be as presented in the application.
3. No exterior storage shall be permitted on the subject property.
4. All proposed signage shall be permitted separately prior to installation and shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
5. A dimensioned floor plan shall be submitted for review by the Building Permits and Inspections Division and Fire Department.

6. All off-street parking areas, drive aisles, and circulation routes shall be constructed of hard surface pavement that complies with the standards in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Zoning Ordinance.
7. The sidewalk along 23<sup>rd</sup> Avenue, adjacent to the subject property, shall be completed in compliance with the City's standards.
8. The easterly most drive off of 23<sup>rd</sup> Avenue shall be removed and seeded with grass.
9. A curb shall be installed along the pavement edge through the removed driveway. The curb shall be installed to meet SUDAS standards and verified by the Public Works Department.
10. A detailed landscaping plan showing the location, type and size of all landscape plantings discussed in the comments [stated in the staff report for Case #CU-19-002] shall be submitted. All landscape plantings shall be installed prior to the business operating.

Case #CU-19-002 was modified on February 16, 2021 to allow for a second building addition (60' x 64') on the subject property, which included the following standards:

1. The applicant shall secure all necessary permits and licenses for the proposed expansion of the conditional use and shall comply with all applicable Federal, State and local codes.
2. No exterior storage shall be permitted on the subject property.
3. All proposed signage shall be permitted separately prior to installation and shall comply with the standards in Chapter 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).
4. The proposed building addition shall comply with all applicable building and fire code requirements, including the requirements relative to fire protection systems stated by the Fire Marshal in the comments above.
5. All existing and proposed off-street parking areas, drive aisles, and circulation routes shall comply with the standards in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance). This includes the proposed parking lot expansion and the existing parking area on the north side of the subject property. Additionally, a five-foot landscaped area along the westerly property line of the subject property, excluding the driveway, shall be installed. The landscaped area shall be seeded and/or sodded.
6. A detailed landscaping plan showing the location, type and size of all landscape plantings discussed in the comments above shall be submitted along with the building permit application. All landscape plantings shall be installed prior to the issuance of the Certificate of Occupancy for the proposed building addition.
7. A fence shall be installed along the northerly property line. The fence shall be provided by one of the following methods, in accordance with Section 15.24.040(D)(1) of the Council Bluffs Municipal Code (Zoning Ordinance):
  - a. A wood and/or masonry fence, at least fifty (50) percent opaque, six feet in height;
  - b. A vegetation fence capable of providing a substantially opaque barrier and attaining a height of six feet within three years of planting;
  - c. A landscaped earth berm with a maximum slope of three to one vertical/horizontal, no more than six feet above the existing grade of the property line separating the zoning districts; or
  - d. Any combination of the described methods that achieves a cumulative height of six feet.
8. 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.

The following attachments have been included for your reference:

Attachment A: Location/Zoning Map

Attachment B: Site Plan

**CURRENT ZONING AND LAND USE** – The subject property is zoned C-2/Commercial District. Surrounding properties to the north, east and south are also zoned C-2/Commercial District. Properties across South 6<sup>th</sup> Street to the west are zoned R-2/Two-Family Residential District.

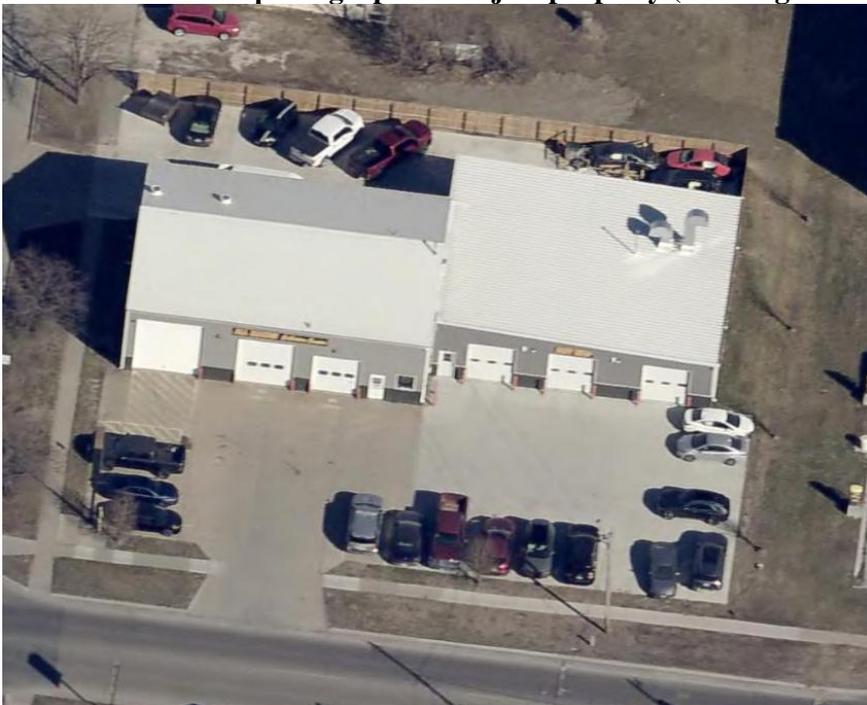
Existing land uses in the general vicinity include a nonconforming residential property to the north (owned by the subject property owner), a convenience store/gas station (Casey's) to the east, a commercial storage facility and general government use (U.S. Geological Survey) building to the south and single-family dwellings to the west. The future land use map of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as 'Local Commercial'.

The following photographs show the existing condition of the subject property and surrounding area.

**Exhibit 'A': Looking northeast toward site from 23<sup>rd</sup> Avenue (front façade):**



**Exhibit 'B': Aerial photograph of subject property (Looking north):**



**Exhibit 'C': Aerial photograph of subject property (Looking east):**



**Exhibit 'D': Aerial photograph of subject property (Looking south)**



**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. The original building on the subject property is 3,072 square feet. The addition approved by CU-19-002(M) increased the total gross floor area of the building to 6,676 square feet. The proposed 30' x 60' addition will increase the total gross floor area to 8,476 square feet. The property is zoned C-2/Commercial District and is allowed a 60% maximum lot coverage. The proposed addition will bring the property to 33.1% lot coverage, under the maximum allowed.

2. Based on the submitted site plan, the proposed building addition will meet all C-2 District minimum setback requirements, per Section 15.15.050, Site Development Regulations, of the CBMC (Zoning Ordinance).
3. The height of the proposed building addition was not indicated on the submitted site plan. All structures on the subject property, including the proposed addition, shall comply with the maximum height standards in Section 15.15.050, Site Development Regulations in the C-2/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance).
4. Based on the parking calculations in Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance), a minimum of one parking space per 750 square feet of gross floor area is required for ‘automobile repair, major’ uses. The current building requires a minimum of nine (9) off-street parking spaces. The proposed addition will require an additional two (2) off-street parking spaces for a total of eleven (11) spaces required for the property. The submitted site plan shows a total of 14 existing parking stalls, which exceeds the minimum number of spaces required at this site.
5. Per the approved conditional use permit, a minimum of four trees are planted, evenly spaced, along the eastern property line. No additional landscape plantings are proposed or required with the current request. All required trees shall be maintained at all times. All deceased tree plantings shall be replaced with plantings of the same or like species of equal size within six months of the plant’s demise.
6. As required by the approved conditional use permit (Case #CU-19-002(M)), a wooden privacy fence is currently installed around the northerly and easterly edge of the paved area north of the building on the subject property. With the proposed building addition, the applicant is proposing to modify the fence line to run along the northerly property line and extend south to connect with the east wall of the proposed addition. The proposed fencing is acceptable and shall comply with Section 15.24.040 of the Council Bluffs Municipal Code (Zoning Ordinance) and shall be permitted separately prior to installation. At minimum, fencing shall be installed along the northerly property line to provide the required screening for the abutting nonconforming residential use to the north and shall be provided by one of the following methods, in accordance with Section 15.24.040(D)(1) of the Council Bluffs Municipal Code (Zoning Ordinance):
  - a. A wood and/or masonry fence, at least fifty (50) percent opaque, six feet in height;
  - b. A vegetation fence capable of providing a substantially opaque barrier and attaining a height of six feet within three years of planting;
  - c. A landscaped earth berm with a maximum slope of three to one vertical/horizontal, no more than six feet above the existing grade of the property line separating the zoning districts; or
  - d. Any combination of the described methods that achieves a cumulative height of six feet.
7. No additional signage is proposed as part of this request. Any new signage at this site shall comply with the standards in Chapter 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).
8. As per the approved conditional use permit, no exterior storage shall be permitted on the subject property.
9. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the property as Local Commercial. The plan defines Local Commercial as areas that include “*uses oriented primarily towards goods and services that meet the demand of Council Bluffs residents. These include grocery stores, convenience stores, pharmacies, banks, auto services, and small offices. They are typically located along visible corridors or at neighborhood centers, and may be configured as multi-tenant shopping centers or individual developments on smaller lots.*” The proposed modifications to this conditional use will allow for the expansion of an existing auto service establishment near South Expressway, a visible corridor within the community. The existing use is consistent with the Local Commercial designation.

- B. The Council Bluffs Fire Department stated they have no comment on the request.
- C. The Council Bluffs Police Department stated they have no comment or object to the request.
- D. The Council Bluffs Public Works Department stated they have no comments on the proposed modification.
- E. Council Bluffs Water Works stated they have no comment on the request.
- F. MidAmerican Energy stated they have no conflict or concerns with the request.

**NEIGHBORHOOD RESPONSE** – All property owners within 200 feet were notified of the conditional use permit request. No comments have been received by the City as of the date of this report.

**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*:

1. *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 contains 25,575 square feet in area, which exceeds the minimum lot size requirements in the C-2/Commercial District. The proposed building addition will comply with all site development regulations in Section 15.15.050 of the Council Bluffs Municipal Code (Zoning Ordinance), and with the conditions previously adopted as per conditional use permit #CU-19-002 and #CU-19-002(M).*
2. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided. The ‘automobile repair, major’ establishment on the subject property is served with existing facilities. No utility service extensions and/or infrastructure improvements are necessary for the proposed building addition.*
3. *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 direct access to 23<sup>rd</sup> Avenue to the south and South 6<sup>th</sup> Street to the west. No traffic conflicts or congestion on the adjacent public streets are anticipated to occur as a result of the proposed expansion. No additional improvements are necessary for the request.*
4. *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 building permits for the proposed addition. The applicant shall continue to comply with all applicable federal, state and local laws and requirements for the existing 'automobile repair, major' establishment.

5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. No new exterior lighting is proposed with this request. Any proposed outdoor lighting shall comply with Section 15.24.050, *Lighting Controls*, of the Council Bluffs Municipal Code (Zoning Ordinance).
6. 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 near the South Expressway, a visible commercial corridor in Council Bluffs, and is zoned appropriately for the existing 'automobile repair, major' establishment. The surrounding uses to the east and south are commercial in nature. The proposed expansion will not change the character of the surrounding area. No exterior storage has been requested as part of this amendment. Therefore, the proposed request is anticipated to have no negative impact on existing or future land uses in the surrounding area. The existing use is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.
7. 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. All automobile repair activity will occur inside the building. The proposed expansion of the 'automobile repair, major' use is not anticipated to discourage the appropriate development, use or enjoyment of the adjacent land, buildings, and structure if constructed in accordance with the applicant's submittal and all applicable codes and regulations.

Per the approved conditional use permit, a minimum of four trees are planted, evenly spaced, along the eastern property line. No additional landscape plantings are proposed or required with the current request. All required trees shall be maintained at all times. All deceased tree plantings shall be replaced with plantings of the same or like species of equal size within six months of the plant's demise.

The applicant is proposing to modify the fence line to run along the northerly property line and extend south to connect with the east wall of the proposed addition. The proposed fencing is acceptable and shall comply with Section 15.24.040 of the Council Bluffs Municipal Code (Zoning Ordinance) and shall be permitted separately prior to installation. At minimum, fencing shall be installed along the northerly property line to provide the required screening for the abutting nonconforming residential use to the north and shall be provided by one of the following methods, in accordance with Section 15.24.040(D)(1) of the Council Bluffs Municipal Code (Zoning Ordinance):

- a. A wood and/or masonry fence, at least fifty (50) percent opaque, six feet in height;
  - b. A vegetation fence capable of providing a substantially opaque barrier and attaining a height of six feet within three years of planting;
  - c. A landscaped earth berm with a maximum slope of three to one vertical/horizontal, no more than six feet above the existing grade of the property line separating the zoning districts; or
  - d. Any combination of the described methods that achieves a cumulative height of six feet.
8. 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 expansion of the existing ‘automobile repair, major’ use is not anticipated to have a negative impact on property values for existing or future land uses in the surrounding area.

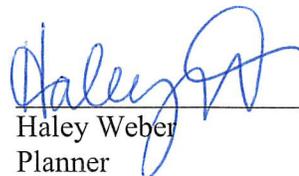
**RECOMMENDATION** – The Community Development Department recommends approval of the request to amend the conditional use permit that allows ‘automobile repair, major’ in a C-2/Commercial District on property legally described above, subject to the comments stated above and the following conditions:

1. The applicant shall secure all necessary permits and licenses for the proposed expansion of the conditional use and shall comply with all applicable Federal, State and local codes.
2. No exterior storage shall be permitted on the subject property.
3. All proposed signage shall be permitted separately prior to installation and shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Municipal Code (Zoning Ordinance).
4. The proposed building addition shall comply with all applicable building and fire code requirements, including the requirements relative to fire protection systems stated by the Fire Marshal in the comments above.
5. All existing and future off-street parking areas, drive aisles, and circulation routes shall comply with the standards in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).
6. At minimum, fencing shall be installed along the northerly property line to provide the required screening for the abutting nonconforming residential use to the north, shall be permitted separately prior to installation, and shall be provided by one of the following methods, in accordance with Section 15.24.040(D)(1) of the Council Bluffs Municipal Code (Zoning Ordinance):
  - a. A wood and/or masonry fence, at least fifty (50) percent opaque, six feet in height;
  - b. A vegetation fence capable of providing a substantially opaque barrier and attaining a height of six feet within three years of planting;
  - c. A landscaped earth berm with a maximum slope of three to one vertical/horizontal, no more than six feet above the existing grade of the property line separating the zoning districts; or
  - d. Any combination of the described methods that achieves a cumulative height of six feet.
7. 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.



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Christopher N. Gibbons, AICP  
Planning Manager  
Community Development Department



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Haley Weber  
Planner  
Community Development Department

# CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #CU-19-002(M2) LOCATION/ZONING MAP

**Legend**

 Subject Property

0 20 40



1 inch = 33 feet

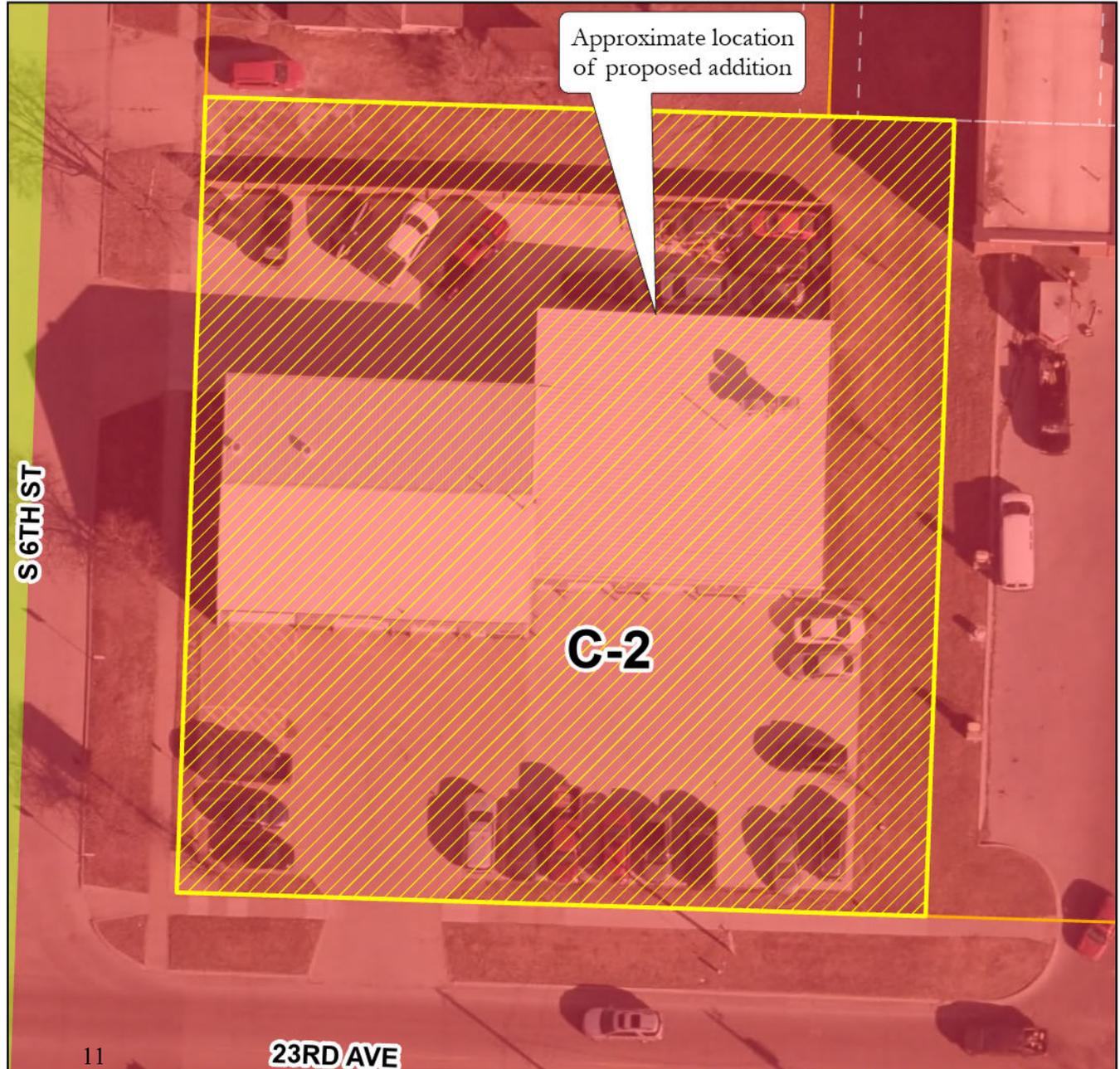


Last Amended: 3/20/25

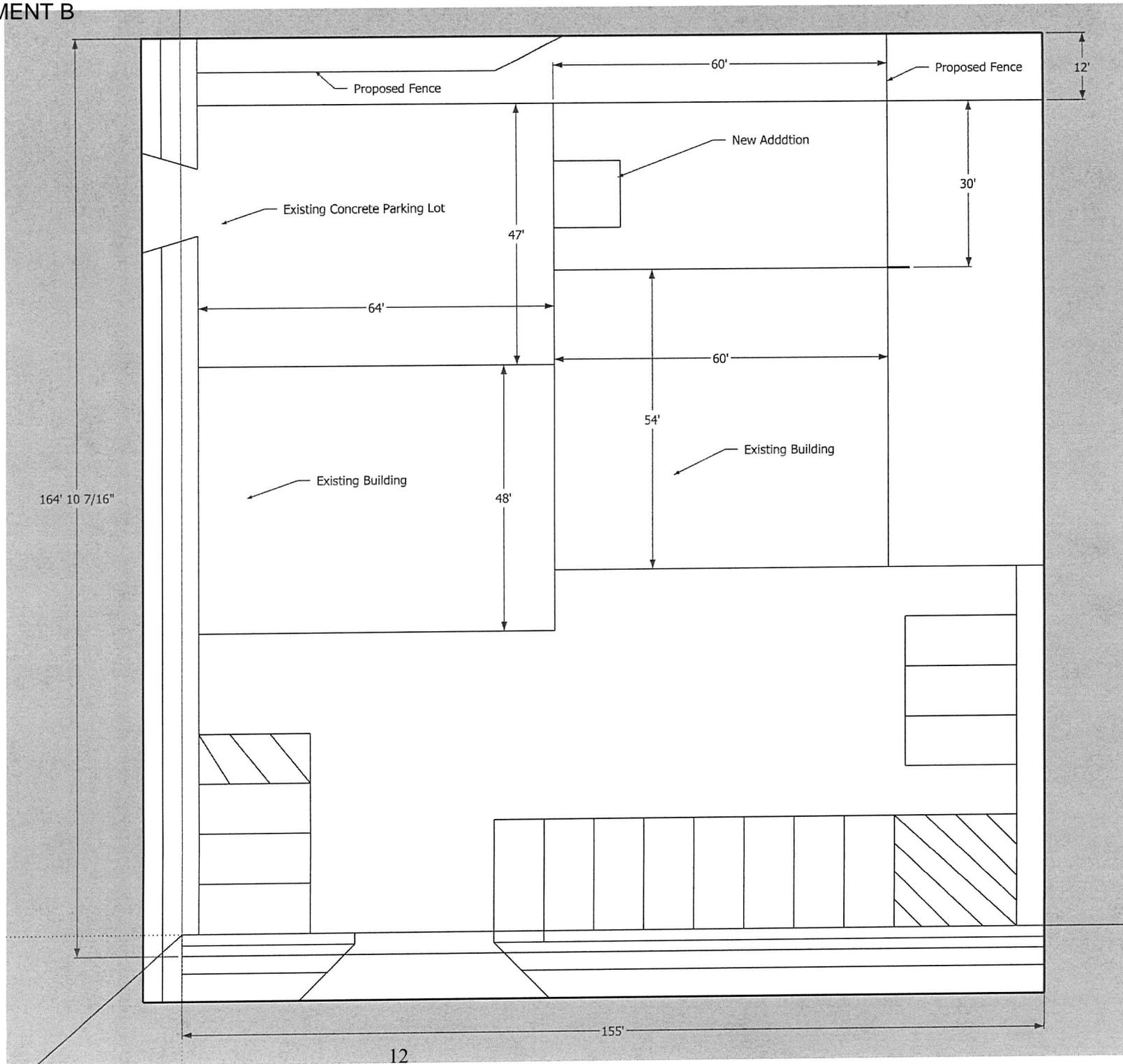


Council Bluffs Community  
Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 890-5350

**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 disclaims any and all responsibility for errors, if any, in the information contained on this map or the nature 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



## Zoning Board of Adjustment Communication

Department: Community  
Development

Case/Project No.: 2024 Zoning Board of Adjustment  
Submitted by: Haley Weber, Annual Report

Council Action: 4/15/2025

Planner, Community Development  
Department

### **Description**

Attached 2024 Zoning Board of Adjustment Annual Report.

### **Background/Discussion**

### **Recommendation**

### **ATTACHMENTS:**

Description	Type	Upload Date
2024 ZBA Annual Report	Other	4/9/2025



# ZONING BOARD OF ADJUSTMENT

# ANNUAL REPORT

## 2024

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**PREPARED BY:**  
COMMUNITY DEVELOPMENT DEPARTMENT  
**ADDRESS:**  
209 PEARL STREET, COUNCIL BLUFFS, IA 51503  
**DATE:**  
APRIL 15, 2025



# LETTER FROM CHAIR

**MAYOR**

Matthew J. Walsh

**2024 CITY COUNCIL**

Joe Disalvo

Steve Gorman

Chris Peterson

Roger Sandau

Jill Shudak

**2024 ZONING BOARD OF ADJUSTMENT**

Bobbette Behrens, Chair

Jared Olson

Jesse Skudler, Vice Chair

David Tritsch

Pedro Vargas

**COMMUNITY DEVELOPMENT DEPARTMENT**

**Planning and Code Compliance Division**

Courtney Harter, Director

Christopher Gibbons, Planning Manager

Jaimi Miller, Community Development Technician\*/Code Compliance Officer\*

Moises Monrroy, Planner

Haley Weber, Planner

Chris Kates, Code Compliance Officer\*

Bart Nighswonger, Code Compliance Officer\*

Chris Williams, Code Compliance Officer

\*Indicates partial year of service

**2024 ZONING BOARD OF ADJUSTMENT  
MEMBERS, TERMS AND ATTENDANCE**

Commissioner	Term	Meeting Attendance		
		Present	Absent	Attendance %
Bobbette Behrens	March 28, 2022 – April 1, 2027	11	0	100%
Jared Olson	June 24, 2024 – April 1, 2029	9	2	82%
Jesse Skudler	March 8, 2021 – April 1, 2026	10	1	91%
David Tritsch	March 27, 2023 – April 1, 2028	7	4	64%
Pedro Vargas	March 23, 2020 – April 1, 2025	10	1	91%

### SUMMARY OF ACTIVITIES

The Zoning Board of Adjustment consist of five members appointed by the Mayor to staggered five-year terms. The Board has the power to hear and decide appeals where there is alleged to be an error in any order, requirement, decision or determination made in the enforcement of Title 15 of the Municipal Code (Zoning Ordinance). Appeals to the Board may be taken by any person or organization that believes that they have been aggrieved by an officer, department, or board of the municipality. Persons may apply to the Board in an effort to seek relief from any requirement of the Zoning Ordinance as set forth by State law. The Board also hears and decides requests for conditional use permits.

The chart below represents the total of number of cases heard by the Zoning Board of Adjustment (ZBA) from 2014 through 2024. In 2024, the Board heard a total of 23 cases.



*Source: Community Development Department*

#### Administrative Appeals:

The Zoning Board of Adjustment heard no administrative appeals in 2024.

#### Variances:

The Zoning Board of Adjustment heard eleven (11) variances cases in 2024, as stated below:

- A variance from Section 15.05.050, Site Development Regulations, A-2/Parks, Estates and Agricultural District, of the Council Bluffs Zoning Ordinance to allow a residential building addition to have a 5-foot interior side yard setback, as opposed to the required 14.7 feet, on property legally described as Lot 11, Government Lot Subdivision, located in the SW ¼ of Section 14-74-44, City of Council Bluffs, Pottawattamie County, Iowa;
- A variance from Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Zoning Ordinance for a 17-foot (more/less) front yard setback variance to allow an accessory structure to be located closer to the front property line than the principal structure and a variance from Section 15.23.030, Design Standards, Off-Street Parking,

*Loading, and Unloading*, to allow off-street parking to be located within a required front yard on property legally described as Lot 4 and the northerly 3 feet of Lot 5, Block 10, Mid City Addition, City of Council Bluffs, Pottawattamie County, Iowa;

- A variance from Section 15.09.050, *R-2/Two-Family Residential District, Site Development Regulations*, to allow an accessory structure to be located closer to the front property line than the principal structure on property legally described as Lot 30, Deerfield, City of Council Bluffs, Pottawattamie County, Iowa;
- A variance from Section 15.21.050, *Site Development Regulations, I-2/General Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow an accessory structure to be constructed one-foot from a rear property line on property legally described in Attachment 'D', located in the Council Bluffs Community Development Department;
- A variance from Section 15.08B.050, *R-1/Single-Family Residential District, Site Development Regulations*, to allow an accessory structure to be located closer to the front property line than the principal structure on property legally described as Lots 1 through 3 and vacated north/south alley adjoining along with the East 41.5 feet of Lots 10 and 11, all in Block 3, Mynster Place, City of Council Bluffs, Pottawattamie County, Iowa;
- A variance from Section 15.10.050, *Site Development Regulations, R-3/Low Density Multifamily Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow an accessory structure (garage) to be constructed zero feet from a street side property line; and a 169-square-foot lot coverage variance from Section 15.10.050, *Site Development Regulations, R-3/Low Density Multifamily Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow for a 52% lot coverage, as opposed to the maximum 45% lot coverage, all on property legally described as the East 56 feet of Lot 4, Block 1, Williams 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa;
- A variance from Section 15.08B.050, *Site Development Regulations, R-1/Single-Family Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow an accessory structure (swimming pool) to be located in front of the existing front setback line of the principal structure on property legally described as being part of the West ½ of the NW ¼ of Section 24-75-43, lying East of North 8<sup>th</sup> Street, West of Delong Avenue and South of the flow line of the creek, City of Council Bluffs, Pottawattamie County, Iowa;
- A variance from Section 15.23.030(C)(5) to allow off-street parking within the required front-yard setback on property legally described as being the south 41.8 feet of the northerly 83.3 feet of Lots 3 and Lot 4, all in Home Place Addition, City of Council Bluffs, Pottawattamie County, Iowa;
- A variance from Section 15.23.020(G), *Off-Street Parking, Loading and Unloading* of the Council Bluffs Municipal Code (Zoning Ordinance), to allow a zero setback, as opposed to the required five feet, for paving and parking adjacent to a property line on property legally described as Lots 9 and 10, Block 14, Bayliss First Addition, City of Council Bluffs, Pottawattamie County, Iowa;
- A variance from Section 15.08C.050, *Site Development Regulations, R-1M/Single-Family Manufactured Housing District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow a building addition to be constructed 3.6 feet from the rear property line, as opposed to the required 10-feet; and a 205-square foot variance from Section 15.08C.050, *Site Development Regulations, R-1M/Single-Family Manufactured Housing District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow a 40% lot coverage, as opposed to the maximum 35% lot coverage allowed, on property legally described as Lot 10, Block 1, Moore's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and
- A variance from Section 15.23.020(G), *Off-Street Parking, Loading and Unloading* of the Council Bluffs Municipal Code (Zoning Ordinance), to allow a zero setback, as opposed to the required five feet, for paving and parking adjacent to a street side property line on property

legally described as Lot 4 and the East 14 feet of Lot 1, Block 5, Eubanks Second Addition, City of Council Bluffs, Pottawattamie County, Iowa.

The Zoning Board of Adjustment concurred with staff's recommendation on ten (10) of the eleven (11) cases (see summary of activities below).

### **Conditional Use Permits:**

The Zoning Board of Adjustment heard nine (9) conditional use permit cases in 2024, as stated below:

- A modification to an approved conditional use permit to allow the expansion of a 'salvage operation' in an I-2/Industrial District, including variances to allow for sub-standard pavement and an extended time-period to install hard-surface pavement on property legally described as Part of the NW ¼ of the SW ¼ (excluding state right of way) of Section 17-74-43, City of Council Bluffs, Pottawattamie County, Iowa;
- A conditional use permit to allow a 'storage yard' in an I-2/General Industrial District on property legally described as Lots 4 through 14, Block 25, Fleming and Davis Addition, along with the portion of the vacated east/west alley adjoining said Lots 4 through 14, and Lots 1 through 4, Block G, Riddle's Subdivision, along with the portion of the vacated east/west alley adjoining said Lots 1 through 4, City of Council Bluffs, Pottawattamie County, Iowa;
- A conditional use permit to allow a 'day care services' establishment, as defined in Section 15.03.180 of the Council Bluffs Municipal Code (Zoning Ordinance), in an R-1/Single-Family Residential District on property legally described as Part of Lot 1, Auditor's Subdivision of the NW1/4 NW1/4 and part of Lot 3, Auditor's Subdivision of the NE1/4 NW1/4, all in Section 32-75-43, City of Council Bluffs, Pottawattamie County, Iowa;
- A conditional use permit to allow an 'infill dwelling structure' in the R-3/Low Density Multifamily Residential District on property legally described as Lot 1, Block 3, Grimes Addition, excluding the westerly 84.6 feet, City of Council Bluffs, Pottawattamie County, Iowa;
- A conditional use permit to allow an 'infill dwelling structure' in the R-3/Low Density Multifamily Residential District on property legally described as the westerly 84.6 feet of Lot 1, Block 3, Grimes Addition, City of Council Bluffs, Pottawattamie County, Iowa;
- A conditional use permit to allow an 'infill dwelling structure' in the R-3/Low Density Multifamily Residential District on property legally described as Lot 1, Block 3, Grimes Addition, excluding the westerly 84.6 feet, City of Council Bluffs, Pottawattamie County, Iowa;
- A conditional use permit to allow a 'contractor yard', as defined in Section 15.03.172b of the Council Bluffs Municipal Code (Zoning Ordinance), in an I-2/General Industrial District on property legally described as Part of Lot 5, South Pointe Subdivision, Phase 2, City of Council Bluffs, Pottawattamie County, Iowa;
- A conditional use permit to allow a 'storage yard' in an I-2/General Industrial District on property legally described as Lots 13 and 14, Block 6, Fleming and Davis Addition and the south ½ of the vacated east/west alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa; and
- A conditional use permit to allow the continuance of a nonconforming 'contractor yard' in a C-2/Commercial District on property legally described as a part of the SE ¼ NW ¼ and a part of the NE ¼ NW ¼ of Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa.

The Zoning Board of Adjustment concurred with Staff's recommendation on all nine (9) cases (see summary of activities below).

**Conditional Use Permit Revocations:**

The Zoning Board of Adjustment revoked three (3) conditional use permit in 2024, as stated below:

- Revoke a conditional use permit, approved on June 21, 2011 for a correctional placement residential facility in an I-2/General Industrial District at 1310 South 17<sup>th</sup> Street;
- Revoke a conditional use permit, approved on October 18, 2011 to allow a salvage operation (asphalt shingle recycling) in an I-2/General Industrial District at 1319 South 17th Street (Parcel # 754435452002); and
- Revoke a conditional use permit, approved on November 21, 2023, and later amended on February 20, 2024, for a ‘day care services’ establishment in an R-1/Single-Family Residential District at 162 North Linden Avenue.

The Board concurred with staff’s recommendation on all three (3) requests (see summary of activities below).

**SUMMARY OF ACTIVITIES**

**VARIANCES – 2024**

Case #	Request	Recommended Action by CD Staff	ZBA Decision
BA-24-001	<p><b>Applicant:</b> Manuel and Fabiola Contreras Martinez</p> <p><b>Location:</b> 5019 Gifford Road</p> <p><b>Request:</b> Variance to allow a residential building addition to have a 5-foot interior side yard setback, as opposed to the required 14.7 feet</p>	Denial	Denied
BA-24-002	<p><b>Applicant:</b> Bailey and Erika LaBreck</p> <p><b>Location:</b> 610 N. 39<sup>th</sup> Street</p> <p><b>Request:</b> Variances to permit an accessory structure to be located closer to the front property line than the principal structure and to allow off-street parking to be located within the front yard setback</p>	Denial	Denied
BA-24-003	<p><b>Applicant:</b> Timothy and Kristine Plunkett</p> <p><b>Location:</b> 2333 Valley View Drive</p> <p><b>Request:</b> Variance to allow an accessory structure to be located closer to the front property line than the principal structure</p>	Approval	Approved

BA-24-004	<p><b>Applicant:</b> Ron Hackett</p> <p><b>Location:</b> 2200 South Avenue</p> <p><b>Request:</b> Variance to allow an accessory structure to be constructed one-foot from a rear property line</p>	Approval	Approved
BA-24-005	<p><b>Applicant:</b> Jonathan Hallstrom</p> <p><b>Location:</b> 204 W. Orchard Avenue</p> <p><b>Request:</b> Variance to allow an accessory structure to be constructed in front of the existing front setback line of the principal structure</p>	Approval	Approved
BA-24-006	<p><b>Applicant:</b> Miles Eckmann</p> <p><b>Location:</b> 722 Bluff Street</p> <p><b>Request:</b> Variances to allow an accessory structure to be constructed zero feet from a street side property line and to allow for a 52% lot coverage, as opposed to the maximum 45% lot coverage</p>	Approval	Approved
BA-24-007	<p><b>Applicant:</b> JP Management</p> <p><b>Location:</b> 2505 N. 8<sup>th</sup> Street</p> <p><b>Request:</b> Variance to allow an accessory structure to be located in front of the existing front setback line of a principal structure</p>	Approval	Approved
BA-24-008	<p><b>Applicant:</b> Nicholas and Leah Gallo</p> <p><b>Location:</b> 419 N. 34<sup>th</sup> Street</p> <p><b>Request:</b> Variance to allow off-street parking within the required front-yard setback</p>	Approval	Approved
BA-24-009	<p><b>Applicant:</b> Pottawattamie County</p> <p><b>Location:</b> 227 South 6<sup>th</sup> Street</p> <p><b>Request:</b> Variance to allow a new parking lot to have a zero setback from the northwesterly property line abutting an east/west alley</p>	Denial	Denied

<p>BA-24-010</p>	<p><b>Applicant:</b> Victor Almanza <b>Location:</b> 3510 Scott Drive <b>Request:</b> Variance to allow a building addition to be constructed 3.6 feet from the rear property line, as opposed to the required 10 feet and to allow a 40% lot coverage, as opposed to the 35% maximum allowed</p>	<p>Denial</p>	<p>Denied</p>
<p>BA-24-011</p>	<p><b>Applicant:</b> Kevin Durner <b>Location:</b> 400 Franklin Avenue <b>Request:</b> Variance to allow a new parking lot to have a zero setback from the northerly property line abutting Carson Avenue right-of-way</p>	<p>Approval</p>	<p>Denied</p>

**SUMMARY OF ACTIVITIES**

**CONDITIONAL USE PERMITS – 2024**

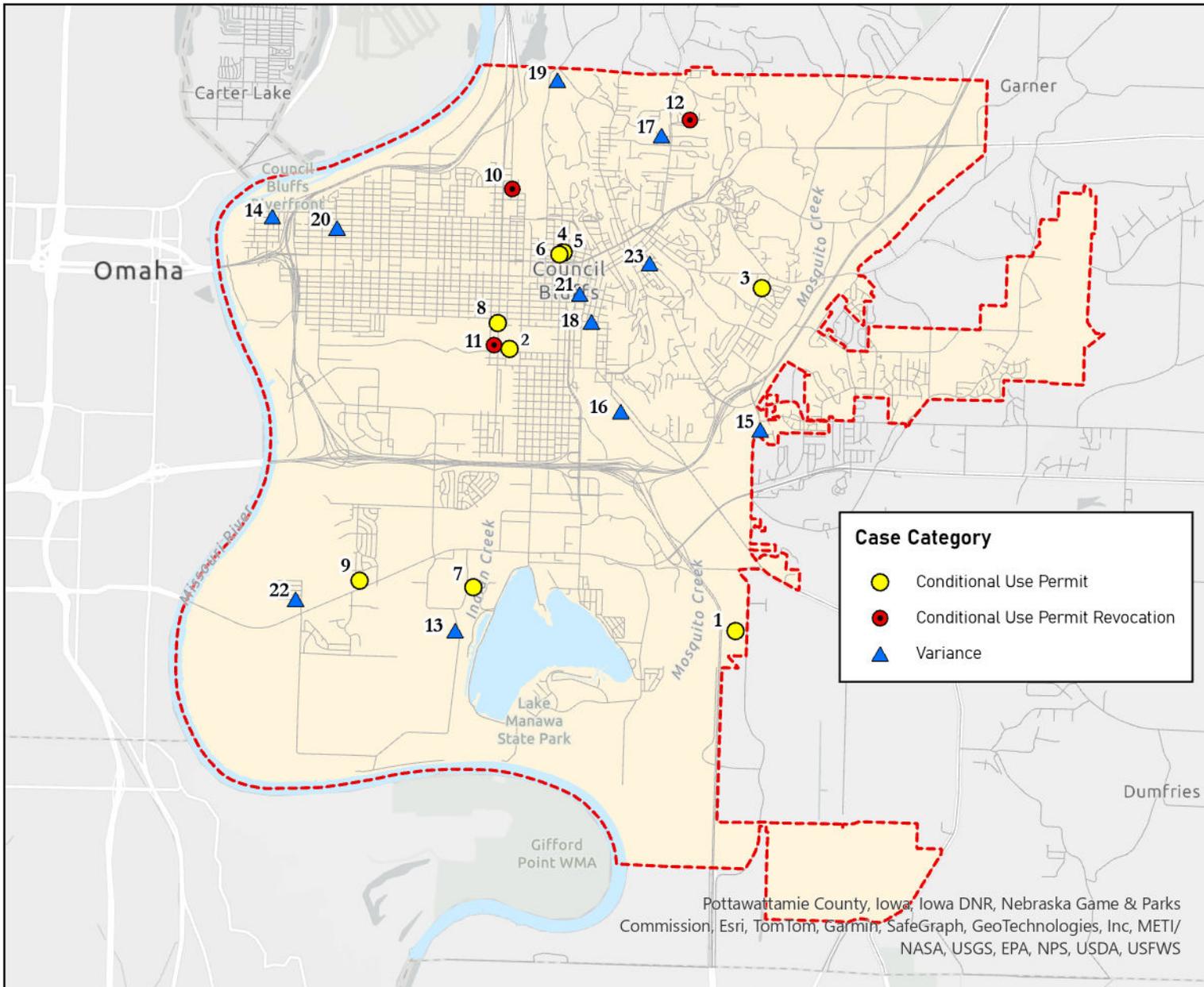
Case #	Request	Recommended Action by CD Staff	ZBA Decision
<p>CU-17-003(M)</p>	<p><b>Applicant:</b> Steve and Jane Morris <b>Location:</b> 13500 192<sup>nd</sup> Street <b>Request:</b> Modification to an approved conditional use permit to allow the expansion of a ‘salvage operation’ in an I-2/General Industrial District, including variances to allow sub-standard pavement and an extended time-period to install hard-surface pavement</p>	<p>Approval, with conditions</p>	<p>Approved, with conditions</p>
<p>CU-24-001</p>	<p><b>Applicant:</b> Jose Lorenzo Perez <b>Location:</b> Undeveloped land lying north of 14<sup>th</sup> Avenue and west of Indian Creek <b>Request:</b> Conditional use permit to allow a ‘storage yard’ in an I-2/General Industrial District</p>	<p>Approval, with conditions</p>	<p>Approved, with conditions</p>
<p>CU-24-002</p>	<p><b>Applicant:</b> Shala Tolle <b>Location:</b> 24 Bennett Avenue</p>	<p>Approval, with conditions</p>	<p>Approved, with conditions</p>

	<p><b>Request:</b> Conditional use permit to allow a ‘day care services’ establishment in an R-1/Single-Family Residential District</p>		
CU-24-003	<p><b>Applicant:</b> Habitat for Humanity of Council Bluffs</p> <p><b>Location:</b> The northeast corner of the intersection of North 8<sup>th</sup> Street and Mynster Street</p> <p><b>Request:</b> Conditional use permit to allow an ‘infill dwelling structure’ in an R-3/Low Density Multifamily Residential District</p>	Approval, with conditions	Approved, with conditions
CU-24-004	<p><b>Applicant:</b> The 712 Initiative</p> <p><b>Location:</b> Property immediately west of 738 Mynster Street</p> <p><b>Request:</b> Conditional use permit to allow an ‘infill dwelling structure’ in the R-3/Low Density Multifamily Residential District</p>	Approval, with conditions	Approved, with conditions
CU-24-005	<p><b>Applicant:</b> New Community Development Corporation d/b/a NeighborWorks Home Solutions</p> <p><b>Location:</b> The southwest corner of the intersection of North 8<sup>th</sup> Street and Mynster Street</p> <p><b>Request:</b> Conditional use permit to allow an ‘infill dwelling structure’ in the R-3/Low Density Multifamily Residential District</p>	Approval, with conditions	Approved, with conditions
CU-24-006	<p><b>Applicant:</b> L&amp;W Supply Corporation</p> <p><b>Location:</b> 4525 South 19<sup>th</sup> Street</p> <p><b>Request:</b> Conditional use permit to allow a ‘contractor yard’ in an I-2/General Industrial District</p>	Approval, with conditions	Approved, with conditions
CU-24-007	<p><b>Applicant:</b> Dave P. Ayala</p> <p><b>Location:</b> Undeveloped property located immediately east of 1610 10<sup>th</sup> Avenue</p>	Approval, with conditions	Approved, with conditions

	<b>Request:</b> Conditional use permit to allow a ‘storage yard’ in an I-2/General Industrial District		
CU-24-008	<p><b>Applicant:</b> Tony Nano</p> <p><b>Location:</b> 3020 Veterans Memorial Highway</p> <p><b>Request:</b> Conditional use permit to allow the continuance of a nonconforming ‘contractor yard’ in a C-2/Commercial District</p>	Approval, with conditions	Approved, with conditions

**CONDITIONAL USE PERMIT REVOCATIONS – 2024**

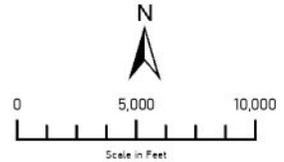
Case #	Request	Recommended Action by CD Staff	ZBA Decision
CU-11-004	<p><b>Applicant:</b> Community Development Department</p> <p><b>Location:</b> 1109 N. 15<sup>th</sup> Street</p> <p><b>Request:</b> Revoke conditional use permit approved on April 13, 2016 to allow small engine repair in an R-3/Multi-family Residential District</p>	Approval	Approved
CU-11-007	<p><b>Applicant:</b> Community Development Department</p> <p><b>Location:</b> Parcel #754435452002 – Formerly known as 1319 South 17<sup>th</sup> Street</p> <p><b>Request:</b> Revoke conditional use permit approved on October 18, 2011 to allow a salvage operation (asphalt shingle recycling) in an I-2/General Industrial District</p>	Approval	Approved
CU-23-005	<p><b>Applicant:</b> Community Development Department</p> <p><b>Location:</b> 162 North Linden Avenue</p> <p><b>Request:</b> Revoke conditional use permit approved on November 21, 2023 and later amended on February 20, 2024 for a ‘day care services’ establishment in an R-1/Single-Family Residential District</p>	Approval	Approved



2024 ZBA Cases	
1	CU-17-003(M)
2	CU-24-001
3	CU-24-002
4	CU-24-003
5	CU-24-004
6	CU-24-005
7	CU-24-006
8	CU-24-007
9	CU-24-008
10	CU-24-007
11	CU-11-007 (Revocation)
12	CU-23-005 (Revocation)
13	BA-24-001
14	BA-24-002
15	BA-24-003
16	BA-24-004
17	BA-24-005
18	BA-24-006
19	BA-24-007
20	BA-24-008
21	BA-24-009
22	BA-24-010
23	BA-24-011

**Case Category**

- Conditional Use Permit
- Conditional Use Permit Revocation
- ▲ Variance



Pottawattamie County, Iowa; Iowa DNR, Nebraska Game & Parks Commission, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, USDA, USFWS

# Council Bluffs Zoning Board of Adjustment

## Case Location Map

# 2024



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

**DISCLAIMER**  
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