



**ZONING BOARD OF ADJUSTMENTS  
AGENDA**

**Tuesday, May 20, 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 #BA-25-001**

Public hearing on the request of David and Beverly Brandt for a variance from Section 15.26.040, Nonconforming Structure, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow the enlargement of a nonconforming accessory structure (garage) from 20' x 22' (440 square feet) to 26' x 30' (780 square feet) on property legally described as Lot 2, Westlake Village, City of Council Bluffs, Pottawattamie County, Iowa. Location: 20 Westlake Village. BA-25-001

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

## Zoning Board of Adjustment Communication

Department: Community  
Development

Case/Project No.: BA-25-001

CASE #BA-25-001

Council Action: 5/20/2025

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

### Description

Public hearing on the request of David and Beverly Brandt for a variance from Section 15.26.040, Nonconforming Structure, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow the enlargement of a nonconforming accessory structure (garage) from 20' x 22' (440 square feet) to 26' x 30' (780 square feet) on property legally described as Lot 2, Westlake Village, City of Council Bluffs, Pottawattamie County, Iowa. Location: 20 Westlake Village. BA-25-001

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description

Type

Upload Date

Staff Report and Attachments A - E

Staff Report

5/13/2025

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

**DATE:** May 20, 2025

**RE:** **CASE #BA-25-001**

**REQUEST:** Public hearing on the request of David and Beverly Brandt for a variance from Section 15.26.040, *Nonconforming Structure*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow the enlargement of a nonconforming accessory structure (garage) from 20' x 22' (440 square feet) to 26' x 30' (780 square feet) on property legally described as Lot 2, Westlake Village, City of Council Bluffs, Pottawattamie County, Iowa.

**APPLICABLE**

**CODE SECTION:** **Section 15.26.040 *Nonconforming structure.***

A. Enlargement of Nonconforming Structure. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity; however, a nonconforming structure may be altered to decrease its nonconformity.

**RELIEF SOUGHT:** A variance from Section 15.26.040 of the Municipal Code (Zoning Ordinance) to allow for the enlargement of a nonconforming accessory structure (garage) from 20' x 22' (440 square feet) to 26' x 30' (780 square feet)

**LEGAL**

**DESCRIPTION:** Lot 2, Westlake Village, City of Council Bluffs, Pottawattamie County, Iowa.

**LOCATION:** 20 Westlake Village

**APPLICANT/OWNER:** David and Beverly Brandt, Land Brandt Company, 11475 240<sup>th</sup> Street, Council Bluffs, IA 51503

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**BACKGROUND INFORMATION** – The Community Development Department has received an application from David and Beverly Brandt for a variance from Section 15.26.040, *Nonconforming Structure*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow for enlargement of a nonconforming accessory structure (garage) from 20' x 22' (440 square feet) to 26' x 30' (780 square feet) on property legally described above.

The subject property is zoned R-1/Single-Family Residential District which, per Section 15.08B.050, *Site Development Regulations, R-1/Single-Family Residential District*, requires the front yard setback for accessory structures be the greater of 25 feet or the existing front setback line of the principle structure. The existing 20' x 22' (440 square feet) garage is located 25.5 feet (more/less) from the front property line. The single-family dwelling on the property is located approximately 34 feet (more/less) from the front property line. Therefore, the existing detached garage is considered nonconforming as it is located within the front yard setback. At this time, the applicant is requesting a variance to enlarge the 20' x 22' (440 square feet) garage to 26' x 30' (780 square feet) by adding on to the north and east sides of the existing garage, as discussed in Attachment 'A' and shown in Attachment 'B,' to accommodate two vehicles. The applicant submitted a site plan (Attachment C) and photograph of the rear side of the property (Attachment D), for review.

The following attachments are included with the case staff report:

Attachment A: Letter of Intent

Attachment B: Elevations

Attachment C: Site Plan

Attachment D: Photograph of Rear Side of Property

Attachment E: Location/Zoning Map

**CURRENT ZONING AND LAND USE** – The subject property is surrounded by the following zoning districts and existing land uses:

Direction	Existing Zoning Districts	Existing Land Uses
North	R-1/Single-Family Residential District	Residential dwellings
South	R-1/Single-Family Residential District	Residential dwellings
East	R-1/Single-Family Residential District and A-1/Open Space Conservation District	West Lake Village Lagoon and Lake Manawa
West	R-1/Single-Family Residential District and A-2/Parks, Estates and Agricultural District	Undeveloped R-1 property owned by the Westlake Village Association and undeveloped agricultural land across Gifford Road

A location/zoning map is included with this report as Attachment ‘E.’

The following photographs show the existing conditions of the subject property:



Exhibit A: Looking east from Westlake Village towards subject property



Exhibit B: Looking north  
toward south wall of dwelling



Exhibit C: Looking northeast  
towards area behind existing  
detached garage and south of  
dwelling

The following variance was issued by the Zoning Board of Adjustment in the general vicinity of the subject property:

- Case #BA-03-002: A one-foot, 4-inch front yard setback variance and a variance to enlarge a nonconforming structure at 4 Westlake Village.

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

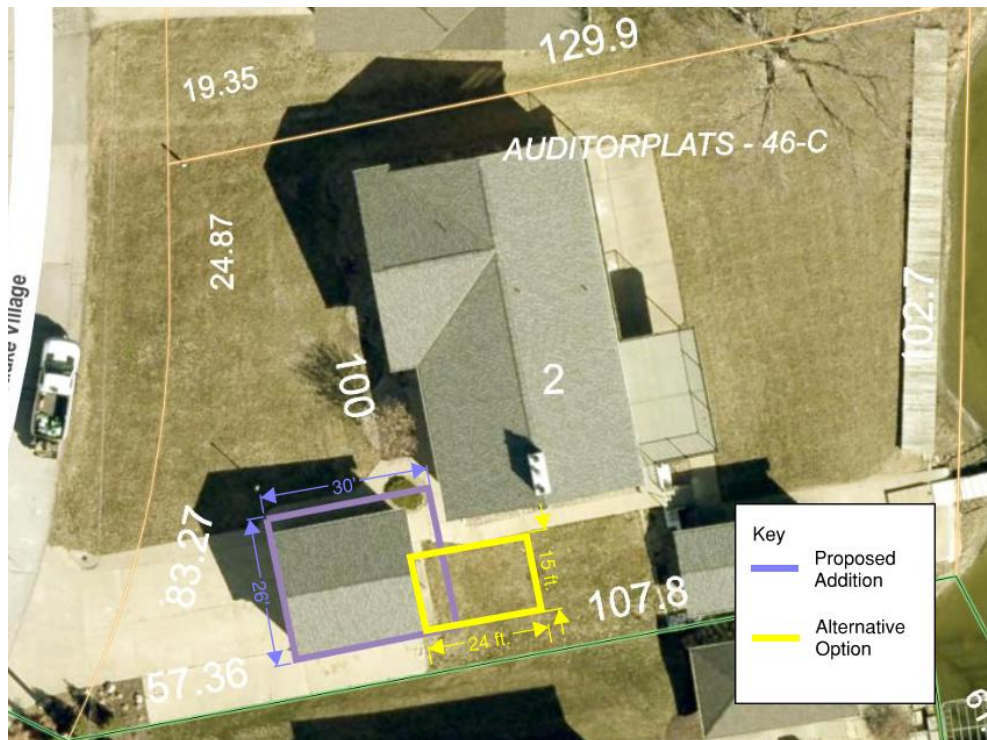
The Council Bluffs Community Development Department provided the following comments:

1. The subject property is zoned R-1/Single-Family Residential District and is considered a conforming lot of record that exceeds the minimum R-1 District width, depth, and area requirements of Section 15.08B.050, *Site Development Regulations, R-1/Single-Family Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance).
2. Per Section 15.08B.050, *Site Development Regulations, R-1/Single-Family Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance), accessory structures are required to meet the greater of 25 feet or the existing front setback line of the principle structure. The existing 20' x 22' (440 square feet) garage, built in 1971, is located 25.5 feet (more/less) from the front property line. The single-family dwelling on the property is located approximately 34 feet (more/less) from



the front property line. Therefore, the existing detached garage is considered nonconforming as it is located within the front yard setback. Due to the detached garage's placement in the front yard setback, it is considered nonconforming.

3. Section 15.26.040(A), *Enlargement of nonconforming structure*, of the Council Bluffs Municipal Code (Zoning Ordinance) states “no nonconforming structure may be enlarged or altered in any way which increases its nonconformity; however, a nonconforming structure may be altered to decrease its nonconformity.” The proposed enlargement of the 20' x 22' (440 square feet) garage to 36' x 30' (780 square feet) would increase the structure's nonconformity and therefore cannot be approved administratively.
4. Per the submitted letter of intent, included with this report as Attachment 'A,' the applicant is proposing to increase the size of the existing detached garage to allow for parking of two vehicles. The proposed expansion to the east side of the garage could be allowed without a variance as it is located outside of the front yard setback. However, the addition to the north is located within the required front yard setback and therefore, cannot be approved administratively. Furthermore, the applicant could make an addition to the rear side of the garage to provide an additional tandem parking space that would be located behind the front yard setback, as shown in the image below, which could be approved without a variance. The below example would result in a total 800 sq. ft. garage, larger than the one proposed, and provides an additional garage parking space. Therefore, the request to expand the width of the structure, thereby enlarging the portion of the structure located within the front yard setback is a design preference and is not necessary for providing an additional garage parking space on the property.



The Council Bluffs Permits and Inspections Division stated if any part of the new garage, including overhangs and eaves, would extend closer than five (5) feet to the adjacent property line, the structure will need to be fire rated.

The Council Bluffs Public Works Department stated that they have no comments regarding the request.

The Council Bluffs Police Department stated they have no comment or objection to the request.

MidAmerican Energy noted a possible conflict between the expanded dimensions of the garage and the location of the existing underground electric service conductors supplying the home. If it is determined the garage expansion will conflict with the existing electric service, it will need to be relocated at the customer's expense. MidAmerican Energy noted their staff has visited with the applicant onsite and shared this information.

Council Bluffs Water Works stated they have no comment on the request.


**NEIGHBORHOOD RESPONSE** – All property owners within 200 feet of the subject property were notified of the requested variance. As of the date of this report, no comments have been received.

**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*)

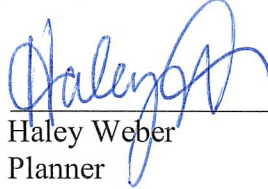
1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity. The subject property is a conforming lot of record that exceeds the minimum R-1 District width, depth, and area requirements of Section 15.08B.050, Site Development Regulations, R-1/Single-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance). The site is relatively flat and does not singularly suffer from physical conditions that hinder use or development of the property.*
2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The applicant can continue to utilize the subject property as a single-family dwelling if the requested variance is not granted. Additionally, the applicant could construct an addition to the rear side of the garage to provide an additional tandem garage parking space. The request to expand the width of the structure, thereby enlarging the portion of the structure located within the front yard setback, is a design preference and is not necessary for providing an additional garage parking space on the property.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The existing detached garage was constructed in 1971 and is located closer to the front property line than is allowed by current zoning regulations.*
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 will allow the applicant to enlarge a nonconforming structure, which is a special privilege denied by this ordinance to all other nonconforming structures in the City. The applicant could construct an addition to the rear side of the garage without obtaining a variance.*
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. Granting the requested*

variance to allow an enlargement of a nonconforming detached garage at the subject property will not adversely affect other properties in the vicinity. The request to expand the 20' x 22' (440 square feet) garage to 36' x 30' (780 square feet) would increase the structure's nonconformity, is a design preference, and is not necessary for providing an additional garage parking space on the property.

**RECOMMENDATION**—The Community Development Department recommends **denial** of the requested variance from Section 15.26.040, *Nonconforming Structure*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow the enlargement of a nonconforming accessory structure (garage) from 20' x 22' (440 square feet) to 26' x 30' (780 square feet) on property legally described as Lot 2, Westlake Village, City of Council Bluffs, Pottawattamie County, Iowa, based on the reasons stated above.



Christopher Gibbons, AICP  
Planning Manager



Haley Weber  
Planner



ATTACHMENT A

David & Beverly Brandt (Brandt Land Company)  
11475 240<sup>th</sup> St  
Council Bluffs IA 51503  
Bbrandt4121@gmail.com  
402-676-0844

April 1, 2025

Zoning Board of Appeals  
Council Bluffs Iowa  
209 Pearl St  
Council Bluffs IA 51503

RE: 20 Westlake Village, Council Bluffs IA 51501 / Parcel #744414378004

Dear Members of the Zoning Board of Appeals,

We are writing to formally request a zoning variance for the property located at 20 Westlake Village, Council Bluffs IA 51501. The purpose of this variance is to slightly increase the size of the existing garage to accommodate two vehicles.

The property is currently zoned as R-1 which restricts changes to a nonconforming structure. However, due to the shape and elevations of the property it is believed that granting this variance is both necessary and justified. The proposed changes to create a two-car garage are minor but will improve the look of the property and enhance the property's value. The landscaping will be improved as part of the project as well.


Relevant documentation to support this request is enclosed. Please let us know if there is anything else you require.

The property owners in the area do not have any issues with the changes being made to increase the size of the garage at 20 Westlake Village.

We respectfully ask that the Zoning Board of Appeals consider our request during the next meeting scheduled for May 21, 2025, or when possible. We are available to meet to show the property & explain the changes to the garage. We would be happy to answer any questions or to provide any additional information the Board may require.

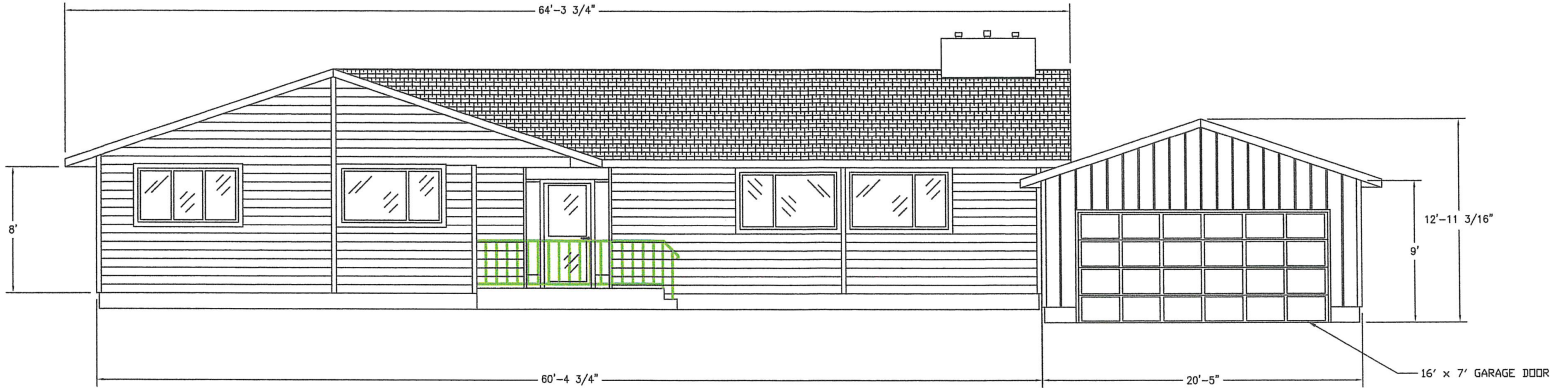
Thank you for your time and consideration.

Sincerely,

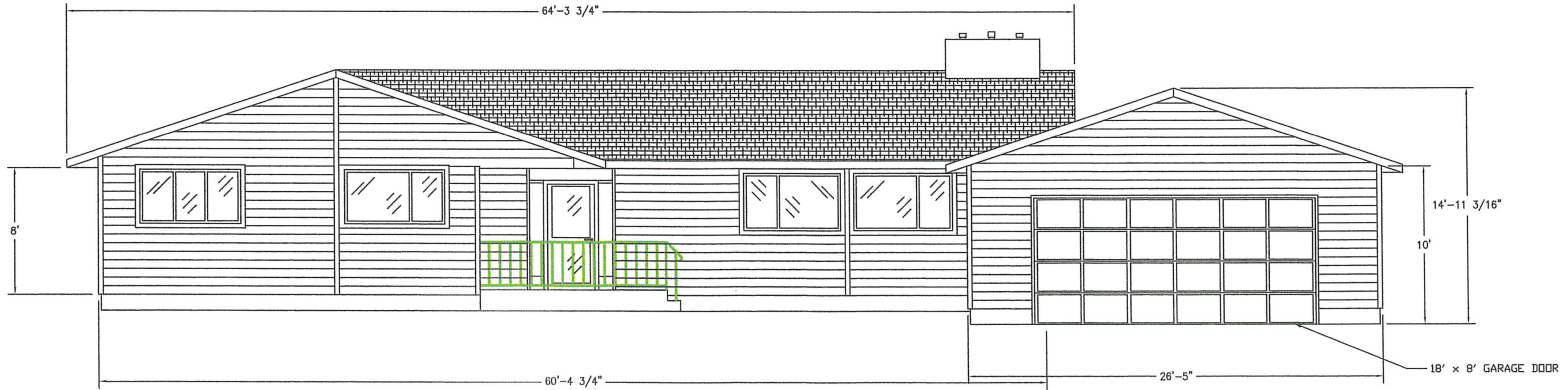


David & Beverly Brandt (Brandt Land Company)

ATTACHMENT B



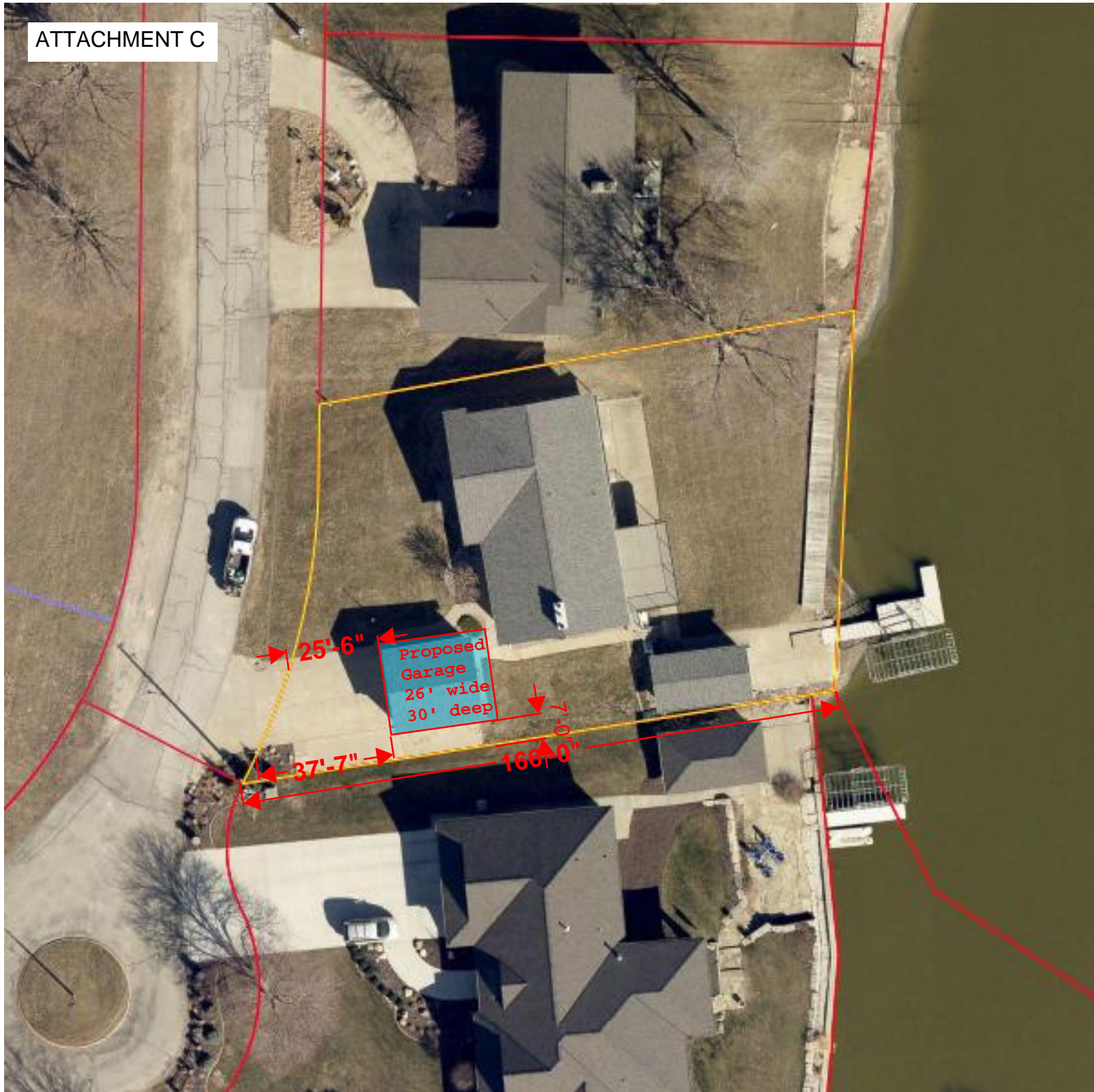
FRONT VIEW WITH CURRENT GARAGE



FRONT VIEW WITH PROPOSED NEW GARAGE

NOTES:  
GUTTERS AND DOWNSPOUTS NOT SHOWN FOR  
CLARITY.

LETTER   DATE   BY		REVISION	
SORNSEN & SONS			
20896 CARDINAL LN, COUNCIL BLUFFS, IA.			
TITLE: BRANDT HOUSE / GARAGE ELEVATION VIEWS 20 WESTLAKE VILLAGE STREET			
SCALE: 1/4" = 1'	TOLERANCE (UNLESS NOTED)	DATE: 10/14/24	DRAWN BY: ELEVATION VIEWS
DWG: 10/14/24	ALL DIMENSIONS ARE TO FACE UNLESS NOTED	DATE: 10/14/24	CHECKED BY: APPROVED BY:
DRAWN BY: MLS	DATE: 10/14/24	DATE: 10/14/24	DATE: 10/14/24



Site plan  
20 Westlake Village  
Council Bluffs, IA 51503



Lakeside looking toward street  
and

ATTACHMENT D





# CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT

## CASE #BA-25-001 LOCATION/ZONING MAP

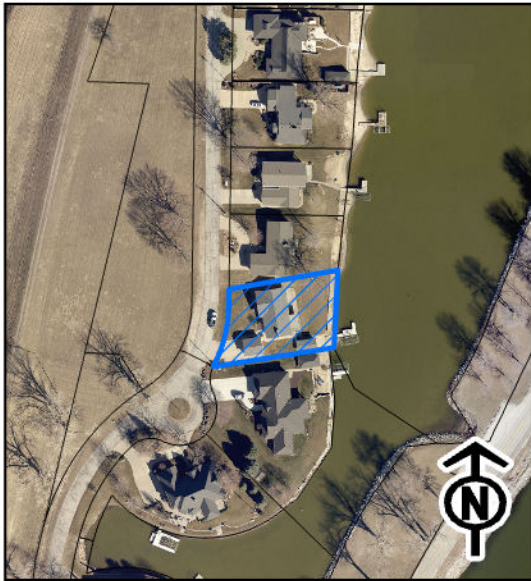
### Legend

 Subject Property  
Case #BA-25-001

0 25 50



1 inch = 39 feet



Last Amended: 4/21/25



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

**DISCLAIMER**  
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