



**ZONING BOARD OF ADJUSTMENTS
AGENDA**

**Tuesday, July 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-24-001(M)

Continued public hearing on the request of Jose Perez to amend an approved conditional use permit for 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, Block 25 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. Location: Property lying immediately north of 1401 14th Avenue. CASE #CU-24-001(M)

B. CASE #BA-25-004

Continued public hearing on the request of DLE Four Way, LC, represented by Chris Murray, for variances from Sections 15.23.020(G) and 15.23.060, Off-Street Parking, Loading, and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) for relief from the required five-foot setback between a property line and parking surface and for the number of required parking spaces for a retail sale use on property legally described as Lot 12, Block 17, Bayliss and Palmers Addition, except City right-of-way, City of Council Bluffs, Pottawattamie County, Iowa. Location: 1824 West Broadway. Case #BA-25-004

C. CASE #BA-25-003

Public hearing on the request of AMAROK LLC, on behalf of Outdoor Recreation Center, for a variances from Sections 15.24.040(C) Fence Regulations and 15.24.040(D)(5)(c) Security Fence

Requirements of the Council Bluffs Municipal Code (Zoning Ordinance) to allow an electrically charged security fence to be located within the area between a structure and the front and street-side property lines and a two-foot variance to allow a 10-foot tall fence in an I-2/General Industrial District on property legally described as a part of the NE ¼ NE ¼ of Section 11-74-44, City of Council Bluffs, Pottawattamie County, Iowa. Location: 3000 S 11th Street. CASE #BA-25-003

D. CASE #BA-25-005

Public hearing on the request of Parker Smith for variances from Section 15.23.030, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), to allow off-street parking to be located within a required front yard and for 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 to be located closer to the front property line than the principal structure on property legally described as Lot 1, Canon Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: 724 Hazel Street CASE #BA-25-005

E. CASE #BA-25-006

Public hearing on the request of Bill Somers for a variance from Section 15.23.030, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), to allow off-street parking to be located within a required front yard on property legally described as Lot 2, Canon Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: 625 Lindberg Drive. CASE #BA-25-006

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-24-001(M)

CASE #CU-24-001(M)

Council Action: 7/15/2025

Submitted by: Moises Monrroy,

Planner, Community Development

Department

Description

Continued public hearing on the request of Jose Perez to amend an approved conditional use permit for 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, Block 25 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. Location: Property lying immediately north of 1401 14th Avenue. CASE #CU-24-001(M)

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Type

Upload Date

Memo for Zoning Board of Adjustment

Other

7/10/2025

Staff Report and Attachments A - E

Staff Report

7/10/2025



Community Development Department Memo

To: Zoning Board of Adjustment
From: Moises Monrroy, Planner, Community Development Department
Date: July 15, 2025
Re: Case #CU-24-001(M)
Location: Undeveloped land lying north of 14th Avenue and west of Indian Creek

On February 20, 2024, the Zoning Board of Adjustment issued a conditional use permit to allow a 'storage yard' 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. Since the issuance of the conditional use permit, the operation of the 'storage yard' has not complied with the following conditions of approval:

- E. *All off-street parking areas, drive aisles, and vehicle circulation routes shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Section 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).* The applicant is currently parking/storing several vehicles, equipment and material on gravel/unpaved surfaces at this site.
- I. *A 10-foot wide landscape buffer shall be planted along the southerly and easterly boundaries of the subject property to properly screen the proposed storage yard from view.* The required landscape buffer has not been installed.
- J. *Any fences and/or walls proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).* The applicant installed an 8-foot tall wood fence along the northerly, southerly and westerly property lines without obtaining the necessary permit approval.

The applicant submitted a request to amend the approved conditional use permit as follows:

- A. Eliminate the requirement to install a 10-foot wide landscape buffer along the southerly boundary of the subject property; and
- B. Allow materials and equipment associated with the operation of the 'storage yard' to be stored on gravel.

The proposed amendments were part of the applicant's efforts to bring his operation into compliance with the approved conditional use permit.

City of Council Bluffs – Community Development Department

209 Pearl Street | Council Bluffs, IA 51503 | (712) 890-5350 | councilbluffs-ia.gov
Equal Opportunity Employer

At the Zoning Board of Adjustment meeting held on June 17, 2025, the Board tabled the public hearing on this request via a unanimous vote. The Board's primary concern was the lack of compliance with the original conditional use permit. The Board expressed reluctance to approve the proposed amendments and requested more information on the process to revoke the permit. Following further discussion, the Board directed the applicant to work with Staff to modify his proposal to be more consistent with the original conditional use permit and provide guarantees he would bring the site into compliance.

On July 1, 2025, the applicant and his development team met with Staff to discuss the Board's concerns and potential modifications to his plan. The applicant subsequently submitted a revised site plan on July 3, 2025 that includes the required 10-foot wide landscape buffer along 14th Avenue and reduces the amount of gravel for outdoor storage. The applicant also indicated that all required improvements to the site will be completed within sixty days of the continued public hearing. The updated site plan and timeline are included with this memo as Attachment 'E.'

The Council Bluffs Community Development Department reviewed the revised site plan submitted on July 3, 2025 and find it to be acceptable. City staff will update the findings of fact and conditions of approval for the proposed amendment to the conditional use permit to reflect the revised site plan upon approval of the request by the Zoning Board of Adjustment.

The public hearing on this request will be continued on **Tuesday, July 15, 2025.**

MOM

Attachment

TO: Zoning Board of Adjustment
FROM: Community Development Department
DATE: ~~June 17, 2025~~ July 15, 2025
RE: CASE #CU-24-001(M)
REQUEST: Public hearing on the request of Jose Lorenzo Perez to amend the approved conditional use permit for 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.

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 15.21.030 Conditional Uses in the I-2/General Industrial District

H. Storage Yard

LEGAL DESCRIPTION: 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.

LOCATION: Property lying immediately north of 1401 14th Avenue

APPLICANT/OWNER: Jose Lorenzo Perez, 14887 Canoe Lane, Council Bluffs, IA 51503

REPRESENTATIVE: Dean Fajen, Fajen Consulting LLC, 4916 Franklin Street, Omaha, NE 68104

BACKGROUND INFORMATION – The Community Development Department has received a request from Jose Perez to amend the approved conditional use permit for a ‘storage yard’ in an I-2/General Industrial District on property lying immediately north of 1401 14th Avenue.

On February 20, 2024, the Zoning Board of Adjustment issued a conditional use permit to allow a ‘storage yard’ on the subject property. Since the issuance of the conditional use permit, the operation of the ‘storage yard’ has not complied with the following conditions of approval:

- E. *All off-street parking areas, drive aisles, and vehicle circulation routes shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Section 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).* The applicant is currently parking several vehicles and storing equipment/materials associated with his contractor business on gravel/unpaved surfaces at this site.

- I. *A 10-foot wide landscape buffer shall be planted along the southerly and easterly boundaries of the subject property to properly screen the proposed storage yard from view. The applicant has not planted the required landscape buffer along 14th Avenue.*
- J. *All fences and/or walls proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance). The applicant installed an eight-foot tall wood fence along the northerly, southerly and westerly property lines without obtaining the necessary permit approval.*

The applicant is requesting to amend the approved conditional use permit as follows:

- A. Eliminate the requirement to install a 10-foot wide landscape buffer along the southerly boundary of the subject property; and
- B. Allow materials and equipment associated with the operation of the ‘storage yard’ to be stored on gravel.

The proposed amendments are part of the applicant’s efforts to bring his operation into compliance with the approved conditional use permit.

The following attachments have been included for your reference:

Attachment A: Location/Zoning Map

Attachment B: Letter of Intent

Attachment C: Construction Plans

Attachment D: Letter from Dan and Tresa Klotz (1324 4th Avenue)

Attachment E: Revised Site Plan and Project Timeline

CURRENT ZONING AND LAND USE – The subject property is zoned I-2/General Industrial District. Surrounding properties to the north, south, and west are also zoned I-2 District. Properties to the east are zoned A-2/Parks, Estates, and Agricultural District and R-1/Single-Family Residential District. Land uses in the vicinity include single-family residential homes, automobile repair shops (Central Body Company, Inc. and Jones Transmission & Auto Repair), storage/contractor yards, a concrete supplier (Ready Mixed Concrete Co.), the Southside Trail, and railroad tracks. The future land use map of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as ‘Light Industrial.’

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



Exhibit A: Looking north toward storage yard



Exhibit B: Looking southwest toward vehicles parked on gravel



Exhibit C: Looking northwest toward storage of equipment and vehicles



Exhibit D: Looking northeast toward storage of conduit reels and other equipment



Exhibit E: Looking northeast toward storage of conduit reels and other materials



Exhibit F: Looking northeast towards storage of equipment and materials



Exhibit G: Looking southeast toward storage of equipment and materials and existing tree line along Indian Creek



Exhibit H: Looking southeast toward storage of equipment and materials



Exhibit I: Looking south toward the location of the future 4,800-square foot building



Exhibit J: Looking east toward existing metal fence



Exhibit K: Looking west toward privacy fence installed without a permit



Exhibit L: Looking north toward privacy fence installed without a permit

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

- A. Dan and Tresa Klotz, owners of 1324 4th Avenue, had several inquiries on the applicant's request to eliminate landscaping requirements and allow the storage of equipment/materials on gravel surfaces. They also expressed concern the subject property could be converted into a junk yard. A copy of their email is included with this report as Attachment 'D.'

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. As per the submitted site plan in Sheet C.01, Attachment 'C,' the applicant is proposing to construct multiple buildings on the subject property, including a 4,800-square foot building on the southeast corner of the lot, a 5,500-square foot building on the southwest corner of the lot, and a 900-square foot building on the northeast corner of the lot. All proposed structures shall be constructed in accordance with I-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage).
2. As per the approved conditional use permit issued by the Zoning Board of Adjustment on February 20, 2024, outdoor storage at this site is limited to conduit reels, underground plastic vaults, and other similar equipment/materials. The applicant is requesting the amend the conditional use permit by allowing equipment and materials associated with their contractor business to be stored on gravel. The Community Development Department finds that gravel is an acceptable surface for the storage of conduit reels, underground plastic vaults, and other equipment/materials due to the industrial nature of the applicant's contractor business and because there will be paved access to the storage areas from 14th Avenue. Other industrial properties in the vicinity of this site use gravel as a surface for the storage of equipment and materials. As such, the Community Development Department recommends approval of the request. However, off-street parking requirements shall remain intact; all vehicles at this site shall be parked on a paved, hard surface in accordance with Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).

No junk, solid waste, inoperable vehicles, scrap metal, storage/shipping containers, or other similar materials shall be stored on-site.

3. The applicant is requesting to eliminate the requirement to install a 10-foot wide landscape buffer along the southerly boundary of the subject property. In lieu of the required landscape buffer, the applicant intends to install an 8-foot privacy fence along 14th Avenue. The Community Development Department finds this alternative is acceptable as the proposed fence will appropriately screen the subject property from public view. The applicant shall be required to obtain a fence permit for the installation of the proposed fence, as well as for the fence(s) installed at this site without the necessary permit approval. All fences and/or walls proposed to be installed on the subject property shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
4. The applicant shall maintain the existing tree line along the easterly property line. Any existing gaps on the tree line shall be filled with evergreen trees to ensure the storage yard is appropriately screened from public view. Dead trees shall be replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year. If the existing tree line is removed, the applicant shall replace it with a double row of evergreen trees to ensure the storage yard is appropriately screened from public view.

- B. The Council Bluffs Public Works Department stated that they have no additional comments on the request.
- C. The Council Bluffs Parks and Recreation Department stated that they have no comments on the request.
- D. The Council Bluffs Police Department stated that they have no comments or objections to the request.
- E. Council Bluffs Water Works stated that they have no comments on the request.
- F. MidAmerican Energy stated that they have no conflicts with the request. They also stated that the developer or their agents should contact MidAmerican Energy directly to identify any costs associated with relocating existing electric facilities and/or extending new electric service to the site.

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 15.02.090I, 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 zoned I-2/General Industrial District. The subject property contains 59,863 square feet in area, which exceeds the minimum lot size requirement for the I-2 District. The size of the property is adequate for a ‘storage yard.’*

Outdoor storage shall be limited to conduit reels, underground plastic vaults, and other similar equipment/materials, as indicated in the applicant’s letter of intent. Equipment/materials associated with the applicant’s contractor business may be stored on a gravel surface and may be stacked up to 18 feet in height. No equipment/material shall be stacked within 10 feet of any property line. No junk, solid waste, inoperable vehicles, scrap metal, storage/shipping containers, or other similar materials shall be stored on-site.

- B. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided. The applicant is proposing to construct multiple buildings on the subject property. The applicant will be required to connect into one of the existing water lines along 14th Avenue to service the proposed building. Due to existing conditions, extending water service to this site will require boring underneath the railroad tracks or Indian Creek. Sanitary sewer connection shall be the responsibility of the property owner. Since*

the proposed building will be located within 200 feet of existing infrastructure, the applicant will be required to connect into the City's sanitary sewer system. Stormwater management shall be required for this site.

- 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 direct frontage onto 14th Avenue. All off-street parking areas, drive aisles, and vehicle circulation routes shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance). Equipment/materials associated with the applicant's contractor business may be stored on a gravel surface.*

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 comply with all federal, state, and local laws and requirements for the proposed use. The applicant is proposing to construct multiple buildings on the subject property. All structures shall be constructed in accordance with I-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage). A full set of construction, architectural, and civil plans shall be required at the time of building permit submittal for each building.*
- E. *All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. If any outdoor lighting is proposed to be installed on the subject property, it shall comply with the standards in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance). The applicant shall be required to submit a photometric plan that demonstrates that all light will be contained on-site.*
- 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 zoned I-2/General Industrial District. The subject property contains 59,863 square feet in area, which exceeds the minimum lot size requirement for the I-2 District. Land uses in the vicinity include automobile repair shops (Central Body Company, Inc. and Jones Transmission & Auto Repair), storage/contractor yards, a concrete supplier (Ready Mixed Concrete Co.), and railroad tracks. The 'storage yard' will be compatible with the surrounding land uses if conducted in accordance with the comments and conditions outlined in this report.*
- 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 applicant is proposing to construct multiple buildings on the subject property. All structures shall be constructed in accordance with I-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage).*

The applicant shall maintain the existing tree line along the easterly property line. Any existing gaps on the tree line shall be filled with evergreen trees to ensure the storage yard is appropriately screened from public view. Dead trees shall be replaced at a time appropriate to planting seasons but in all cases shall be

replaced within one year. If the existing tree line is removed, the applicant shall replace it with a double row of evergreen trees to ensure the storage yard is appropriately screened from public view.

The applicant shall install an eight-foot tall privacy fence along the southerly property line to screen the storage yard from public view. All fences and/or walls proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in 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 ‘storage yard’ is not anticipated to have an adverse impact on the property values of existing industrial uses in the surrounding area if conducted in accordance with the comments and conditions outlined in this report.*

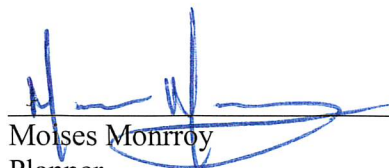
RECOMMENDATION – The Community Development Department recommends approval of the request to amend the approved conditional use permit for a ‘storage yard,’ as defined in Section 15.03.609 of the Council Bluffs Municipal Code (Zoning Ordinance), in an I-2/General Industrial District on property legally 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, as follows (amendments to the adopted conditional use permit are highlighted in gray or crossed out below):

- A. 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.
- B. The hours of operation shall be Monday through Friday from 7:00 A.M. to 7:00 P.M.
- C. Outdoor storage shall be limited to conduit reels, underground plastic vaults, and other similar equipment/materials. No junk, solid waste, inoperable vehicles, scrap metal, storage/shipping containers, or other similar materials shall be stored on-site.
 - 1. Equipment/materials associated with the applicant’s contractor business may be stacked up to 18 feet in height. No equipment/material shall be stacked within 10 feet of any property line.
 - 2. Equipment/materials associated with the applicant’s contractor business may be stored on a gravel surface.
- D. All structures shall be constructed in accordance with I-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage).
 - 1. The applicant shall be required to connect into one of the existing water lines along 14th Avenue to service the proposed building(s).
 - 2. A full set of construction, architectural, and civil plans shall be required at the time of building permit submittal for the proposed building(s).
- E. All off-street parking areas, drive aisles, and vehicle circulation routes shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).

- F. Off-street parking for the proposed storage yard shall comply with Chapter 661—18, Parking for Persons with Disabilities, of the Iowa Administrative Code.
- G. Stormwater management shall be required for this site.
- H. Sanitary sewer connection shall be the responsibility of the property owner. The applicant shall be required to connect into existing sanitary sewer to service the proposed building.
- I. ~~A 10-foot wide landscape buffer shall be planted along the southerly and easterly boundaries of the subject property to properly screen the proposed storage yard from view. No equipment/material shall not be stacked within the required 10-foot wide landscape buffer.~~
- I. The applicant shall maintain the existing tree line along the easterly property line. Any existing gaps on the tree line shall be filled with evergreen trees to ensure the storage yard is appropriately screened from public view. Dead trees shall be replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year.
1. If the existing tree line is removed, the applicant shall replace it with a double row of evergreen trees to ensure the storage yard is appropriately screened from public view.
- J. All fences and/or walls proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
1. The applicant shall install an eight-foot tall privacy fence along the southerly property line to screen the storage yard from public view.
- K. All signage proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Chapter 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).
- L. All outdoor lighting proposed to be installed on the subject property shall comply with the standards in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).
1. The applicant shall be required to submit a photometric plan that demonstrates that all light will be contained on-site if any outdoor lighting is proposed to be installed at this site.
- M. 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-24-001(M) LOCATION/ZONING MAP

Legend

 Subject Property

0 40 80



1 inch = 63 feet

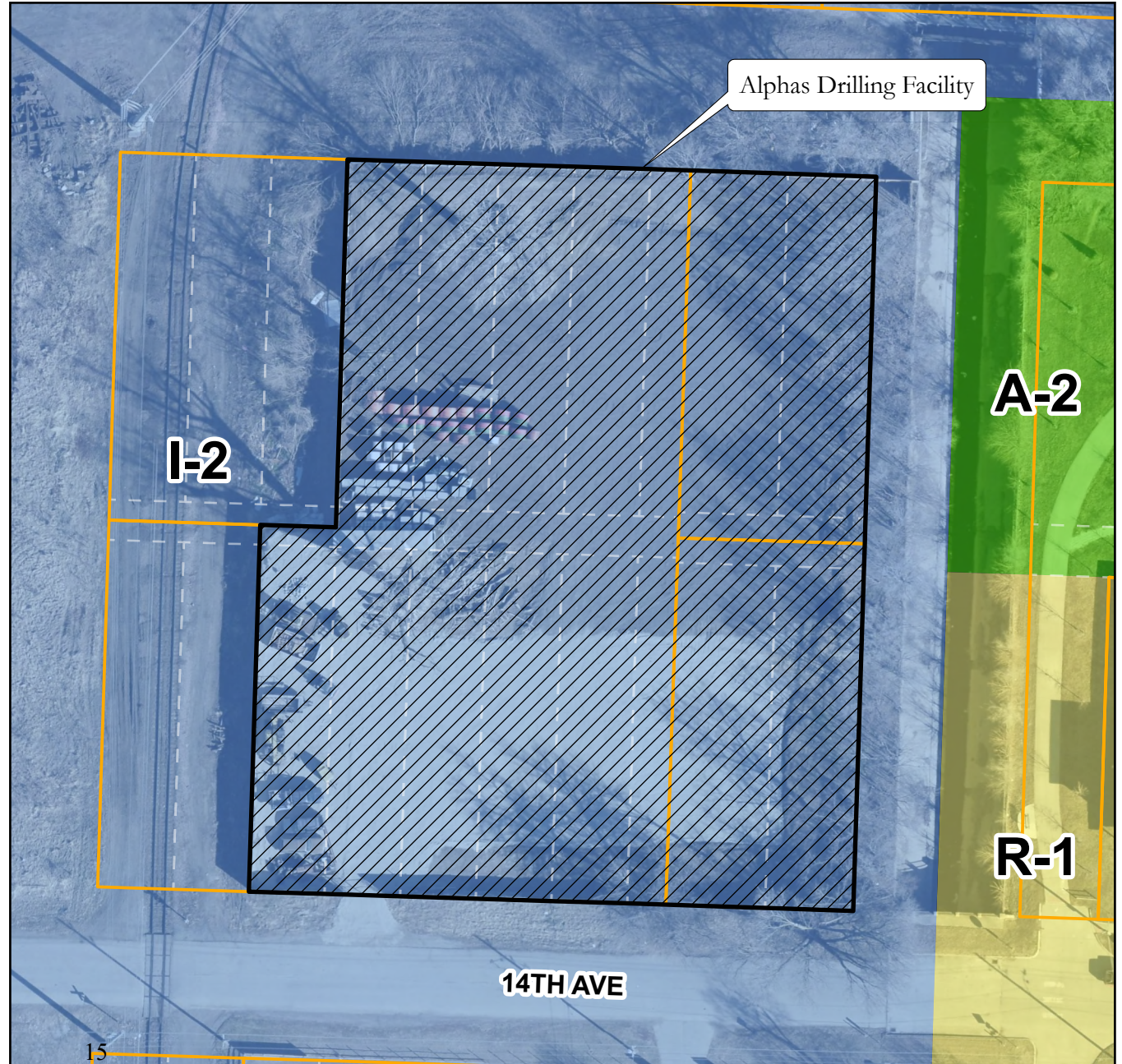


Last Amended: 5/28/25



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 denies any and all responsibility for errors, if any, in the information contained on this map of 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.





May 20, 2025

Chris Gibbons
Planning Manager
Community Development Dept
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Subject: Letter of Intent
Alphas Drilling Conditional Use Permit Variance
1400 14th Avenue
Council Bluffs, IA

Chris:

Jose Perez with Alphas Drilling is requesting to amend the existing Conditional Use Permit for his property at 1400 4th Avenue, Council Bluffs, IA.

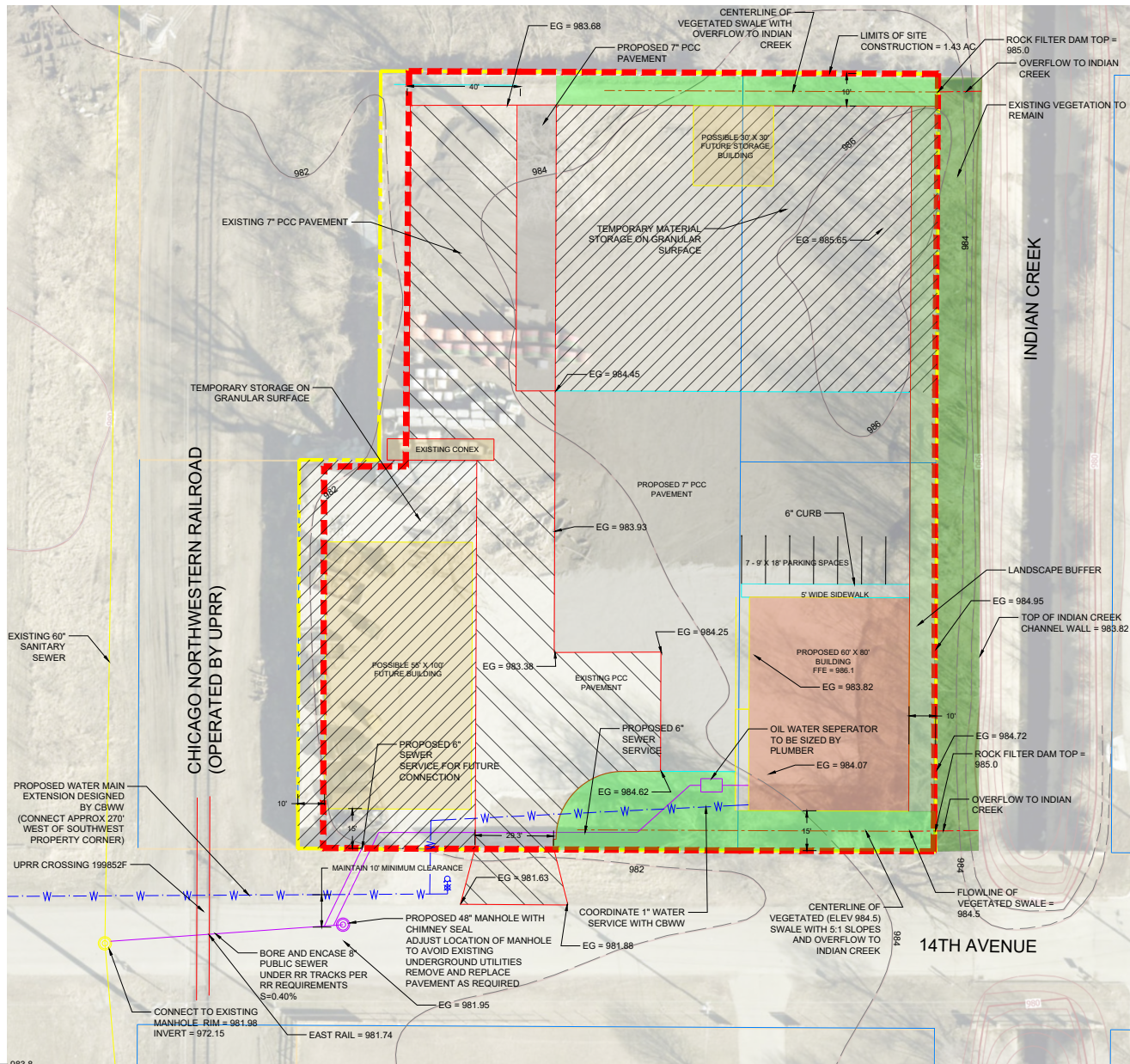
A Conditional Use Permit was issued on February 20, 2024 to allow Alphas Drilling to use the Site as a Storage Yard.

Jose is requesting a variance to the Conditional Use Permit to eliminate the required 10' wide landscape buffer and tree plantings along 14th Avenue. He would also like to continue to develop the Site in the future, with a Storage Building on the West Side of the Property and a Storage Building on the North Side of the Property. Jose would also like to use gravel as their pavement surface for their equipment/material storage area instead of concrete or asphalt.

Please let me know if you have any questions or need more information.

The image shows a handwritten signature of Dean Fajen in black ink. Below the signature, the text "ARCHITECT/STRUCTURAL ENGINEER" is printed in a small, sans-serif font.

Dean Fajen, PE, AIA
Fajen Consulting LLC
4916 Franklin Street
Omaha, NE 68104
DeanFajen@outlook.com
(402) 677-2040



ZONING L2
 MINIMUM LOT AREA = 15,000 SF
 MINIMUM WIDTH = 75 FT
 MINIMUM DEPTH = 150 FT

REQUIRED SETBACKS
 FRONT YARD = 15 FT
 INTERIOR SIDE YARD = 10 FT
 STREET SIDE YARD = 10 FT
 REAR YARD = 10 FT
 MAXIMUM BUILDING HEIGHT = 75'
 LOT COVERAGE (STRUCTURES) = 70% MAX.

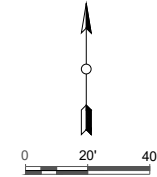
PARKING REQUIREMENTS
 CONTRACTOR YARD = 1 SPACE PER 5,000 SF
 60' X 80' = 3,600 SF = 1 SPACE
 OFFICE OR ADMINISTRATIVE = 1 SPACE PER 300 SF
 60' X 20' = 1,200 SF = 4 SPACES

FLOOD ZONE
 AREA PROTECTED FROM THE 1% ANNUAL CHANCE FLOOD BY LEVEE, DIKE OR OTHER STRUCTURE SUBJECT TO FAILURE DURING LARGER FLOODS.

INDIAN CREEK CHANNEL 100 YR FLOOD ELEVATION = 985.0 NORTH END OF PROPERTY AND 984.2 SOUTH END OF PROPERTY

PRIVATE UTILITIES
 CONTRACTOR TO COORDINATE ELECTRIC, GAS, AND TELECOMMUNICATION UTILITY CONNECTIONS WITH PRIVATE UTILITY COMPANIES.

SPECIFICATIONS
 ALL CONSTRUCTION SHALL COMPLY WITH 2025 SUDAS SPECIFICATIONS



Disclaimer
 This drawing and all related documents (including electronic media) was prepared by Reelfs Engineering, LLC, except as noted otherwise therein and shall remain the property of Reelfs Engineering, LLC. The information herein shall only be used by the client to whom the services are rendered and only for the purpose of constructing and/or installing the work as shown at the designated location. Any other use of said documents, including (without limitation) any reproduction or alteration is strictly prohibited, and the user shall hold harmless and indemnify Reelfs Engineering, LLC from all liabilities which may arise from any unauthorized use. Such use shall cause the waiver of expressed or implied warranties and shall cover any liabilities which may arise from the construction, use or result of any such unauthorized use or changes.

Professional Seal

Revisions

No.	Revision/Issue	Date

Firm Name and Address

REELFS ENGINEERING
 Civil Engineering Solutions

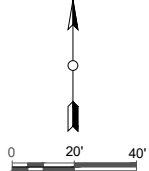
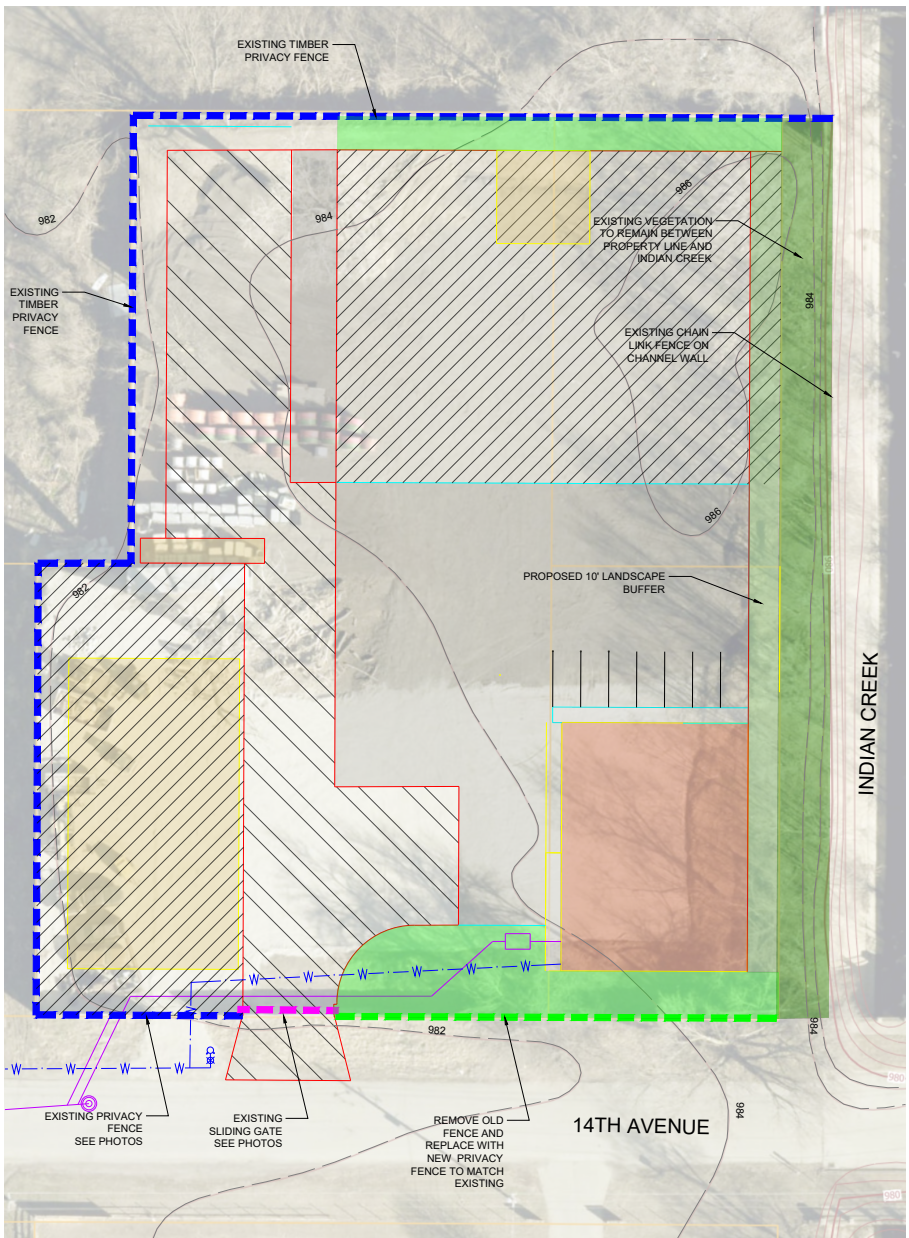
Council Bluffs, IA
 712.314.1948
 sreelfs@reelfsengineering.com
 www.reelfsengineering.com

Project Name and Address
 ALFAS DRILLING BUILDING
 1400 14TH AVENUE
 COUNCIL BLUFFS, IOWA

IOWA ONE CALL
 1-800-292-8989
 www.iowaonecall.com

Sheet	SITE PLAN	Sheet
Date	5/19/25	C.01
Project No.	2420	

5/19/2025 9:41:16 PM C:\Users\stree\OneDrive - Reelfs Engineering, LLC\Projects\2420 - Alphas 1400 14th Ave\2420 Civil Design\2024.dwg



- EXISTING PRIVACY FENCE
- PROPOSED PRIVACY FENCE
- EXISTING SLIDING GATE



EXISTING PRIVACY FENCE - SW PL



EXISTING PRIVACY FENCE - SW PL



EXISTING PRIVACY FENCE - S PL



EXISTING GATE

FENCING

- UTILIZE EXISTING TIMBER PRIVACY FENCING ON SOUTHWEST, WEST AND NORTH PROPERTY LINE.
- UTILIZE EXISTING CHAIN LINK FENCE ON THE EAST.
- REMOVE AND REPLACE EXISTING TIMBER FENCING ON SOUTHEAST PROPERTY LINE WITH NEW TIMBER PRIVACY FENCING TO MATCH EXISTING TO THE WEST.
- REQUEST TO ELIMINATE 10' LANDSCAPE BUFFER REQUIREMENT ON SOUTH PROPERTY LINE WHICH WOULD BE INSIDE NEW PRIVACY FENCE.

Disclaimer

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Professional Seal

Professional Seal

No.	Revision/Issue	Date

REELFS ENGINEERING
Civil Engineering Solutions

Council Bluffs, IA
712.314.1948
sreelfs@reelfsengineering.com
www.reelfsengineering.com

Project Name and Address

ALFAS DRILLING BUILDING
1400 14TH AVENUE
COUNCIL BLUFFS, IOWA

Sheet: FENCING PLAN	Sheet: C.02
Date: 5/19/25	
Project No: 2420	

Attachment 'D'

Moises Monrroy Castillo

From: Tresa Klotz <tresaklotz21004@gmail.com>
Sent: Friday, June 6, 2025 7:31 PM
To: Moises Monrroy Castillo
Cc: Dan Klotz
Subject: Case #CU-24-001(M) Location: Undeveloped land lying north of 14th Ave west of Indian Creek

THIS MESSAGE IS FROM AN EXTERNAL SENDER. Look closely at the SENDER address. Do not open ATTACHMENTS unless expected. Check for INDICATORS of phishing. Hover over LINKS before clicking. Learn to spot a phishing message

To: Moises Monrroy, Planner, Community Development Department

From: Dan and Tresa Klotz

Questions;

Regarding requests to amend the conditional use permit.

1). Requirement to install a 10-foot wide landscape buffer along the southern and easterly boundaries of the subject.

*Why is applicant requesting this amendment?

*What is their justification for not complying with this requirement?

*What is their intent for this area if they are not going to erect the landscape barrier.

*What are their plans for the trees along the easterly border and the waterway or Indian Creek in the buffer zones?

Our property is in the very nice Sunset Park housing development. It has a community pool and park including a very nice paved walking path behind the houses. We believe that not complying to this requirement would diminish the area. Right now the fence and lot is an eye sore to the area and we would encourage any beautification efforts. We do not have a problem with the storage buildings, but we are not in favor of waiving the buffer requirement.

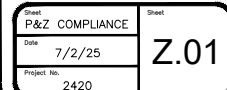
2). If the storage will be on gravel, we maintain that there should be a requirement for the gravel be properly maintained on a yearly basis and not allowed to fall in disrepair including timely replacement of sunken graveled areas, required weed control and monthly pest and animal control procedures including procedures for mice and rodent control.

The city started the redevelopment project of this area over 25 years ago and has invested a lot of time, money and energy to improve this area of Council Bluffs. We hope that the city is still committed to the City's community improvement effort. We personally have an interest in maintaining the area around our house so that the area does not look like a junkyard in the guise of a "storage yard".

These are our thoughts and concerns.

Sincerely,
Dan and Tresa Klotz

Sent from my iPad



Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: BA-25-004

CASE #BA-25-004

Council Action: 7/15/2025

Submitted by: Christopher N.

Gibbons, AICP Planning & Code

Compliance Manager

Description

Continued public hearing on the request of DLE Four Way, LC, represented by Chris Murray, for variances from Sections 15.23.020(G) and 15.23.060, Off-Street Parking, Loading, and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) for relief from the required five-foot setback between a property line and parking surface and for the number of required parking spaces for a retail sale use on property legally described as Lot 12, Block 17, Bayliss and Palmers Addition, except City right-of-way, City of Council Bluffs, Pottawattamie County, Iowa. Location: 1824 West Broadway. Case #BA-25-004

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Type

Upload Date

Memo to Zoning Board of Adjustment

Other

7/10/2025

Staff Report and Attachments A - D

Staff Report

7/10/2025



Community Development Department Memo

To: Zoning Board of Adjustment
From: Christopher N. Gibbons, AICP, Planning & Code Compliance Manager
Community Development Department
Date: July 15, 2025
Re: Case #BA-25-004
Location: 1824 West Broadway, Council Bluffs, Iowa 51501

A handwritten signature in blue ink, likely belonging to Christopher N. Gibbons.

On June 17, 2025, the Council Bluffs Zoning Board of Adjustment held a public hearing on the request from D L E Four Way, LC, represented by Mr. Chris Murray, for the following variances at 1824 West Broadway:

- Variance from Section 15.23.060, Parking Spaces Required, Off-Street Parking Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow seven off-street parking spaces, as opposed to the required 12 spaces, for a 2,404 square foot retail sales use (Verizon store); and
- Variance from 15.23.020(G), General Provisions, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) for relief from the required five-foot setback between a property line and a parking surface on the subject property.

Both variances were requested by the applicant in order to allow his new tenant to be issued permits by the City to renovate the subject property from a 'financial service' use (EZ Money) into a 'retail sales' use (Verizon store).

As part of the public hearing, the abutting landowner to the immediate east (G-A Properties, LLC, represented by Mr. Greg Poor) and their attorney (Ms. Camille R. Hawk) expressed concerns to the Zoning Board of Adjustment about the applicant's proposed seven stall parking layout plan and associated traffic using their property (1816 West Broadway) for access and circulation. Ms. Hawk stated there is no recorded easement(s) that allows for cross vehicular access between the two properties, other than the shared driveway that ties directly into West Broadway. Additionally, Mr. Poor stated he is concerned about the location of the parking stalls south of the building at 1824 West Broadway, as it would require customers to use his parking lot area for traffic circulation and maneuvering, and such traffic movements will impact parking on his property. The Zoning Board of Adjustment acknowledged the subject property at 1824 West Broadway has a legitimate hardship for granting the requested parking lot variances but tabled the public hearing until such time the two landowners (D L E Four Way, LC and G-A Properties, LLC) come to a legal agreement on shared vehicular access.

Following the public hearing, both property owners met to discuss a shared ingress/egress easement agreement for traffic circulation from 1816 and 1824 West Broadway onto West Broadway. Mr. Murray also contacted the Council Bluffs Community Development Department to discuss parking lot design alternatives that take into consideration the access easement area and new bollards/signage on their property that create

City of Council Bluffs – Community Development Department

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Equal Opportunity Employer

a traffic barrier to prevent vehicles from encroaching onto 1816 West Broadway. From these conversations, a proposed new parking lot design was created that reduced the number of parking spaces from seven to five stalls and included additional green space along West Broadway frontage area. The parking lot design allows for all proposed stalls to be constructed with conforming dimensions (9' x 18' for standard stalls and 8' x 18' with an 8' loading zone for handicap accessible parking), as well as, prevents vehicles from parking and circulating through 1816 West Broadway via use of bollards and signage.

On July 2, 2025, the City received a letter from Ms. Hawk that was signed by Mr. Murry and Mr. Poor, on behalf of their respective companies, for a shared easement agreement. Said letter of agreement is included with the case staff report as Attachment 'D'. In summary, both parties agree to a specific ingress/egress easement on 1816 and 1824 West Broadway to access the shared driveway onto West Broadway. The revised parking lot layout plan is attached to said agreement as Exhibit 'A' and shows the location of said ingress/egress easement. The easement will be recorded with the Pottawattamie County Recorder's Office within 90-days of the Zoning Board of Adjustment's decision on the requested variances by D L E Four Way, LC. Additionally, the signed agreement allows both parties a reciprocal "first right of refusal" to the purchase of each other's property.

The Council Bluffs Community Development Department and Public Works Department reviewed the revised parking lot layout plan and find it to be acceptable. The Community Development Department supports the further reduction in parking from seven stalls to five stalls in order for the landowner to provide conforming parking stalls and safe ingress/egress to said stalls. The original findings of facts that were stated in the case staff report for BA-25-004 to support the reduction of required parking are relevant and applicable to the revised parking lot plan. City staff will update the variance findings of fact to reflect five parking stalls upon approval of the request by the Zoning Board of Adjustment.

The public hearing on this request will be continued on **Tuesday, July 15, 2025.**

CNG

Attachment

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: ~~June 17, 2025~~ July 15, 2025

RE: **CASE #BA-25-004**
REQUEST: Variances from Sections 15.23.020(G) and 15.23.060, *Parking Spaces Required, Off-Street Parking, Loading, and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance) for relief from the required five-foot setback between a property line and a parking surface and for the number of required parking spaces for a retail sales use.

APPLICABLE CODE SECTIONS: §15.23.020(A)(2)(a) General Provisions, Off-Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance). *All of the applicable provisions contained within this chapter regarding number of spaces, area or usability of existing parking, loading, and unloading spaces or other areas requiring a paved surface, shall be complied with when any of the following actions occur:*

2. *Building additions, expansions, and/or remodels for existing development:*
a. *Non-residential uses: Any building addition(s), expansion(s), and/or remodel(s) that results in an increase in the total number of required off-street parking spaces for a premises by 50% or more*

§15.23.020(G) General Provisions, Off-Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance). *In non-one and two family uses, all parking surfaces, spaces, circulation and aisles along the outer boundaries of a parking lot, vehicle entry paths, apron spaces, all driveways and other traveled areas shall be set back a minimum of five feet from the property line unless required for approved access.*

§15.23.060 Parking Spaces Required, Off-Street Parking, Loading, and Unloading, of the Municipal Code (Zoning Ordinance). *Retail sales, including grocery store, requires 1 parking space per 200 square feet of gross floor area.*

LEGAL DESCRIPTION: Lot 17, except the right-of-way in the southwest corner thereof, Block 17, Bayliss and Palmers Addition, City of Council Bluffs, Pottawattamie County, Iowa

LOCATION: 1824 West Broadway, Council Bluffs, Iowa 51503

APPLICANT D L E Four Way, LC, 1824 West Broadway, Council Bluffs, IA, Omaha, NE 51501

OWNER: D L E Four Way, LC, 2401 SE Tones Drive, Suite 17, Ankeny, IA 50021

REPRESENTATIVE: Chris Murray, President & CEO, D L E Four Way, LC, 2401 SE Tones Drive, Suite 17, Ankeny, IA 50021

BACKGROUND INFORMATION – The Community Development Department has received an application from DLE Four Way, LC, represented by Chris Murray, for variances from Sections 15.23.020(G) and 15.23.060, *Required Parking, Off-Street Parking, Loading, and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance) for property located at 1824 West Broadway. The subject property was recently renovated from an EZ Money (financial service) to a Verizon store (retail sales) without obtaining permits from the City. The renovation and change of use from EZ Money (finance service use) to a Verizon store (retails sales use) requires the applicant to bring the subject property into full compliance with Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance), due to higher off-street parking requirements for a retail use compared to a finance service use. The former EZ Money business required six off-street parking space and the new Verizon store requires 12 off-street parking spaces, based on the building's size and parking requirements stated in Section 15.23.060, *Required Parking*, of the Council Bluffs Zoning Ordinance.

The subject property is an existing 49' x 120' commercial lot at the northeast corner of the intersection of N. 19th Street and West Broadway. It contains a 2,404 square foot building, built in 1940, that is designed as backwards 'L' shape on the central/northerly portions of the property. The building is considered non-conforming as it does not conform to the required building setbacks of the C-2/Commercial District. Off-street parking is limited to the southerly and westerly portions of the site and does not conform to current City standards in terms of the required five-foot separation between a parking area and an abutting property line. Additionally, the existing parking layout does not provide sufficient dimensions for meeting City standards for required off-street parking spaces and drive aisles. The applicant has submitted a site plan that shows seven parking spaces (including one handicap accessible space) can be striped that conform to City parking space dimension (9'x18') requirements; however, the required five-foot separation between a parking surface and property line cannot be consistently provided due to the lack of space on-site. The applicant requests relief from the required five-foot setback between a property line and parking surface along the southerly and westerly portions of the site, as well as, relief to allow seven off-street parking spaces, as opposed to the required 12 spaces, for a retail sale use so their tenant can operate a Verizon store on the subject property (see Attachments A & B).

CURRENT ZONING AND LAND USE – The subject property is located within the West Broadway Corridor Design Overlay (CDO) and is surrounded by the following zoning districts and existing land uses:

North	C-2/Commercial District and R-3/Low Density Multi-Family Residential	Contractor shop and residential dwellings
South	C-2/Commercial District	Retail sales (Rent-A-Center and Retail Rebel) and a restaurant (Hog Wild BBQ)
East	C-2/Commercial District	Vacant commercial building and business office/commercial building
West	C-2/Commercial District and R-3/Low Density Multi-Family Residential	Financial service (Midlands Credit Union), retail sales (EZ Pawn and Aaron's), and residential dwellings

A location/zoning map is included with this report as Attachment 'C.'

Chapter 5, *Future Land Use Plan*, of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as 'Local Commercial', which is described as *"areas and 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 'retail sales' use is consistent with the 'Local Commercial' designation that is applied to the subject property. Additionally, a retail sales use is classified as a permitted use in the C-2 District.

The following photographs show the existing conditions of the subject area where the parking lot is proposed to be constructed:



Exhibit A: View of northerly/westerly building facades and off-street parking area.



Exhibit B: View of south building façade and existing off-street parking/drive aisle.



Exhibit C: View of shared drive aisle along West Broadway and westerly portion of the existing parking lot.



Exhibit D: View of the easterly building façade and drive aisle on property located at 1816 West Broadway.



Exhibit E: View of the north building façade and rear alley adjacent to the subject property.

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

A. The Community Development Department had the following comments:

1. The subject property is zoned C-2/Commercial District and contains 5,958 square feet (0.14 acres) of land. Per Section 15.15.050, Site Development Regulations, C-2/Commercial District of the Council Bluffs Zoning Ordinance, the minimum lot size requirements for property zoned C-2 District are 50' x 100' and 5,000 square feet of land area. The subject property is considered an irregularly shaped rectangle, as the southwest corner of the property was dedicated to the City for right-of-way purposes as part of the West Broadway Reconstruction Program. The property measures 49 feet wide, as opposed to, the required 50 feet due to the land dedication and thus is considered a non-conforming lot. The topography is generally flat with no terrain impediments that would hinder the use and/or development on the property.

Additionally, the property contains a 2,404 square foot building, built in 1940, that is designed as backwards 'L' shape on the central/northerly portions of the property. The building is considered non-conforming as it does not conform to the required building setbacks of the C-2/Commercial District.

2. Per Section 15.15.010, Statement of Intent, of the Council Bluffs Zoning Ordinance the C-2/Commercial District *“is intended to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods”*. The subject property was recently converted from an EZ Money (financial service) use to a Verizon store (retail use). Both financial service and retail uses are classified as “permitted uses” within the C-2 District, which means they are permitted by-right. The applicant’s variance requests are intended to allow the property to be utilized for retail sales uses, which is one of the primary objectives of the C-2 District zoning designation.
3. The subject property is also located within the West Broadway Corridor Design Overlay, which is intended *“to promote a well-planned and visually attractive corridor that encourages private investment, opportunities for multi-modal transportation options, safe pedestrian access and walkability, improved traffic and parking conditions, and buildings constructed with high quality materials and timeless architectural design. These measures intend to enhance streetscapes, promote active public spaces, and encourage a mixture of land uses that collectively implement the vision of the adopted West Broadway Corridor Plan”*, as per Section 15.32A.010, Statement of Intent of the Council Bluffs Zoning Ordinance.

The change of use from an EZ Money (financial service) to a Verizon store (retail sales) required a remodel of the interior of the building. The applicant’s tenant also repainted the exterior EFIS to provide a “new” appearance to the building. The total valuation of the construction work to the building and the subject property did not meet the minimum 50% building valuation and/or property valuation thresholds to require the building or site to be brought into compliance with the current West Broadway CDO standards, as per Sections 15.32A.040(B) and (C), Applicability of the West Broadway Corridor Design Overlay, of the Council Bluffs Zoning Ordinance.

The applicant’s proposed site plan includes seven off-street parking stalls and a new landscape island to support the new retail tenant and to enhance the site’s aesthetics. These improvements aim to meet the intent of the West Broadway Corridor Design Overlay and off-street parking requirements, within the site’s space limitations.

4. Section 15.23.020(A)(2)(a) General Provisions, Off-Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) states: *“All of the applicable provisions contained within this chapter regarding number of spaces, area or usability of existing parking, loading, and unloading spaces or other areas requiring a paved surface, shall be complied with when any of the following actions occur:*

(2). Building additions, expansions, and/or remodels for existing development:

(a). Non-residential uses: Any building addition(s), expansion(s), and/or remodel(s) that results in an increase in the total number of required off-street parking spaces for a premises by 50% or more”

Per Section 15.23.060 Parking Spaces Required, Off-Street Parking, Loading, and Unloading, of the Council Bluffs Zoning Ordinance *retail sales, including grocery store, requires 1 parking space per 200 square feet of gross floor area, and a financial service use requires 1 parking space per 400 square feet of gross floor area*. The difference between the two off-street parking calculations equates to a 50% increase in the required amount of off-street parking; therefore, the property is required to comply with the provisions stated in Section 15.23.020(A)(2)(a) above.

Historic aerial imagery from Pottawattamie County GIS shows five off-street parking spaces were located along the west side of the subject property and three off-street parking spaces were located along the south side of the subject property. The parking spaces along the westerly side of the property ran perpendicular to the building and were accessed by an open driveway along N. 19th Street. The parking spaces along the south side of the building ran perpendicular to the building and were accessed by a shared driveway with the neighbor to the east – 1816 West Broadway. In 2021, the City rebuilt the section of N. 19th Street abutting the subject property as part of the West Broadway Reconstruction Project. The new street design included a delineated driveway off N. 19th Street along with new sidewalks and green space for landscaping. The new design resulted in the elimination of an open driveway onto N. 19th Street and the ability to provide perpendicular parking on the west side of the site that conforms to City standards.

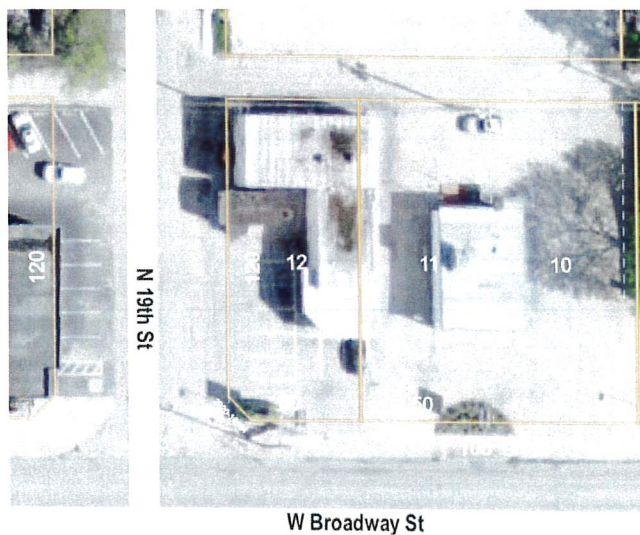


Exhibit D: 2010 aerial view of the subject property showing historic parking configurations.



Exhibit E: 2024 aerial view of the subject property showing historic parking configurations.

5. The applicant's proposed parking plan shows a total of seven parking stalls and new landscape island in the southwest corner of the site. The required five-foot-wide separation distance between a parking area and property line is not consistently provided on their plan. The applicant is requesting a variance to allow a zero-foot setback distance between a parking surface and the adjacent property lines in order to provide on-site parking stalls and associated

drive aisles that comply with City standards. This request was made due to the unique shape of the property and their inability to park vehicles perpendicular on the west side of the property, due to the new N. 19th Street design. All proposed parking stalls will comply with City standards and are intended to provide safe vehicular access and circulation movements on-site and onto the adjacent N. 19th Street and West Broadway rights-of-way.

6. The applicant is required to provide 12 off-street parking stalls for their retail tenant but is only able to provide seven parking stalls on-site that conform to City off-street parking standards. Section 15.23.020(B), General Provisions, Council Bluffs Zoning Ordinance allows for shared parking agreements between landowners, who are located within 400 feet from the building or use which is required to be served. The applicant's letter of intent stated they contacted property owners within 400 feet of their site to inquire about a shared parking agreement but were unsuccessful in obtaining agreements.
 7. If the variance request is denied, the applicant can still utilize the property for other commercial uses that have parking standards that are the same or less than the requirements for a financial service use, as stated above. However, the inability to utilize the property for retail sales would not be consistent with the purpose and intent of the underlying C-2/Commercial District and West Broadway Corridor Design Overlay. It would also limit how the property can be used and marketed in the future, which would be a disadvantage that is not experienced by majority of other properties along West Broadway.
 8. The applicant's letter of intent states the Verizon store hours of operations are Monday through Saturday from 10:00 a.m. to 7:00 p.m. and Sunday from 11:00 a.m. to 6:00 p.m. Overall staffing will consist of a manager and two part-time employees, with one staff member being present on-site at all times. Customer traffic will consist of three people at any given time during peak hours. Based on this information, a minimum of five parking stalls will be needed at any given time to provide sufficient parking for employees and customers. The applicant's proposal is to provide seven off-street parking stalls, which would be sufficient for the number people who would work and/or visit the retail store at any given time. All overflow traffic would be able to park on the adjacent N. 19th Street right-of-way, if space is available.
 9. The Zoning Board of Adjustment has granted the following variances on properties in the nearby vicinity of 1824 West Broadway:
 - a. CASE #BA-14-009 (2025 West Broadway): Variance to allow a zero setback for a 108.5 foot-long section of a rear commercial parking lot at Don's Automotive.
 - b. CASE #BA-70-047 & BA-94-007 (1702 West Broadway): Variance to allow a pole sign in front of building which is less than 25 feet from a right-of-way line.
 - c. CASE #BA-11-009 (1607 West Broadway): Variance to retain an existing pole sign at McDonald's.
- B. The Council Bluffs Police Department stated they have no comments or objections to the request.
- C. The Council Bluffs Fire Department stated they have no comments for the request.
- D. The Council Bluffs Public Works Department stated the applicant's parking layout will conform to City standards.
- E. The Council Bluffs Parks and Recreations Department stated they have no comments for the request.
- F. Council Bluffs Water Works stated they have no comments for the request.

G. MidAmerican Energy stated they have no conflicts or concerns with the proposed variance request.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the requested variance. No comments were received as of the date of this report.

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 zoned C-2/Commercial District and contains 5,958 square feet (0.14 acres) of land. Per Section 15.15.050, Site Development Regulations, C-2/Commercial District of the Council Bluffs Zoning Ordinance, the minimum lot size requirements for property zoned C-2 District are 50’ x 100’ and 5,000 square feet of land area. The subject property is considered an irregularly shaped rectangle, as the southwest corner of the property was dedicated to the City for right-of-way purposes as part of the West Broadway Reconstruction Program. The property measures 49 feet wide, as opposed to, the required 50 feet due to the land dedication and thus is considered a non-conforming lot. The topography is generally flat with no terrain impediments that would hinder the use and/or development on the property.*

Additionally, the property contains a 2,404 square foot building, built in 1940, that is designed as backwards ‘L’ shape on the central/northerly portions of the property. The building is considered non-conforming as it does not conform to the required building setbacks of the C-2/Commercial District.

2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The subject property is an irregularly shaped corner lot that historically used the westerly portion of their property for perpendicular off-street parking. In 2021, the City of Council Bluffs reconstructed N. 19th Street and removed the open driveway which eliminated the property’s ability to provide a row of perpendicular parking. If the variance is denied, the applicant can still utilize the property for other commercial uses that have parking standards that are the same or less than the requirements for a financial service use, as stated in Section 15.23.060, Required Parking, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. However, the inability to utilize the property for retail sales would not be consistent with the purpose and intent of the underlying C-2/Commercial District and West Broadway Corridor Design Overlay. It would also limit how the property can be used and marketed in the future, which would be a disadvantage that is not experienced by majority of other properties along West Broadway.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The development of the site in 1940 (i.e., building placement) determined the placement of parking areas without much flexibility. Then in 2021, the City of Council Bluffs reconstructed N. 19th Street, which created a delineated driveway to the site that reduced the space available for off-street parking on the west-side of the property. Additionally, the change of use from a financial service to a retail use and the associated parking lot improvements that are required from said change, as per Section 15.23.020(A)(2)(a) General Provisions, Off-Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance, creates a hardship for the applicant to fully comply with City’s off-street parking*

standards in terms of the number of spaces required for a retail sales use and the five foot-wide separation distance between a parking surface and an abutting property line.

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 not confer a special privilege not consistently enjoyed by other properties within the City. The Zoning Board of Adjustment has granted three variances (CASE #BA-14-009, BA-11-009, and BA-70-047/BA-94-007) to properties within the immediate vicinity of the subject property.*
5. *Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance. The 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 a variance to allow the applicant to provide seven off-premise parking spaces with a zero setback along the southerly and westerly portions of their site would not be contrary to the public interest and will not adversely affect other properties in the vicinity.*

RECOMMENDATION

The Community Development Department recommends approval of the request by DLE Four Way, LC, represented by Chris Murray, for variances from Sections 15.23.020(G), General Provisions and 15.23.060, Parking Spaces Required, Off-Street Parking, Loading, and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow seven off-premise parking stalls, as opposed to the required 12 spaces for a retail sales use, and to allow a zero foot separation between a parking surface and property lines, as opposed to the required five feet, along the southerly and westerly portions of the property, all on property legally described as Lot 17, except the right-of-way in the southwest corner thereof, Block 17, Bayliss and Palmers Addition, City of Council Bluffs, Pottawattamie County, Iowa, based on reasons stated above.



Christopher Gibbons, AICP
Planning & Code Compliance Manager

Attachment A: Letter of intent

Attachment B: Proposed parking lot plan

Attachment C: Location/zoning map

Attachment D: Letter of agreement and revised parking lot layout plan

Attachment A

Date: 05/13/2025

To: Zoning Board of Adjustments

From: Chris Murray/Denny Elwell Company & DLE Fourway President/CEO

Re: 1824 W. Broadway Street, Council Bluffs, Iowa

Property History: This property located at 1824 W. Broadway was acquired via non-judicial foreclosure by DLE Fourway LC in September of 2010. The property had been an EZ Check Cashing store since the time it was acquired. The tenant vacated the premises at the end of the lease term which was December 31st, 2024. At the time the tenant was vacated they contacted the water company to shut the water off. The owner was not aware of this shut off and water was frozen in the line between the main & the building line and the heater was shut off. When the water service was put back into the landlord's name and turned on, several pipes burst inside the building (walls, ceilings & restrooms). Significant clean-up, pipe, drywall, fixture and flooring repairs were all required inside the premises.

During the time for which the repairs were made inside the premises from the water pipe damage, one of the heaters needed repaired and we had that work completed. At the same time, we replaced the broken window frame system. In an effort to refresh the exterior of the building while these repairs were being made, we reskimmed some of the EFIS and completed all but one side before we were asked to cease working.

During the work process an inquiry was made by Total Wireless, which is an established Verizon reseller of phones and prepaid minutes. The landlord and the tenant reached an agreement to have the landlord repair the damage in the building from the water line and finish the exterior and the tenant would then take possession of the space and complete the fixturing work to meet their needs to sell prepaid phones and minute packages. The tenant began to make some of its own improvements and because there was some confusion with the permits and lack thereof, combined with some deficiencies which were quickly attempted to be rectified they were asked to cease work and not occupy the space.

I was not aware of the overlay district & it's some of its details. I mistakenly assumed the transition of going from a check cashing store to a cell phone pre-paid minute store was retail to retail and not a change in use from financial services to retail.

Proposed Property Use: Prepaid cell phone store (Total Wireless). The store is usually open 7 days per week. The hours are Monday thru Saturday from 10-7 and Sunday 11-6. The owner of the store has explained the cyclical trends of the business. There's typically one employee on site at a time; the overall staff is comprised of a manager and two part-time employees to rotate time off. The model and products sold do not require any more than that.

Customer traffic, when at its heaviest, is up to 3 customers, and if this were to be the case, it's usually late Friday afternoons or Saturday mornings. There is also a chance this pattern could be

seen in the first few days of the month due to some of the patrons' pay cycles and their minute-reloading history.

Building Layout Description/Parking: Please see attached. The retail area for customer sales is approximately 1100sf as shown. Secured storage area is 590sf with restrooms. The garage is 735sf and is not going to be used unless for temporary overflow storage.

Looking at the actual occupant load of the space and its intended use & considering parking requirements: The retail area-1100sf ($1/200\text{sf}=5$) & 1325sf storage, restroom and unused garage space at $1/400\text{sf}=3$.

There are currently 7 stalls on the site and based on our last conversation and based on the suggestion to see if I could rent parking stalls from one of my neighbors, I called Spartan Nash, they are the property owners at 1801 W. Broadway. I talked with their SVP and Retail Officer and the property is being sublet to Retail Rebel and currently they are not interested in leasing any of their parking stalls. Midland Credit Union is across the street and has a tight parking situation of their own with no real ability to lease any of them. I have exchanged voice mails with Donato Silva, owner of Avenue A LLC (the building to my north) and he's hesitant to lease at this time so as not to impinge on his future needs.)

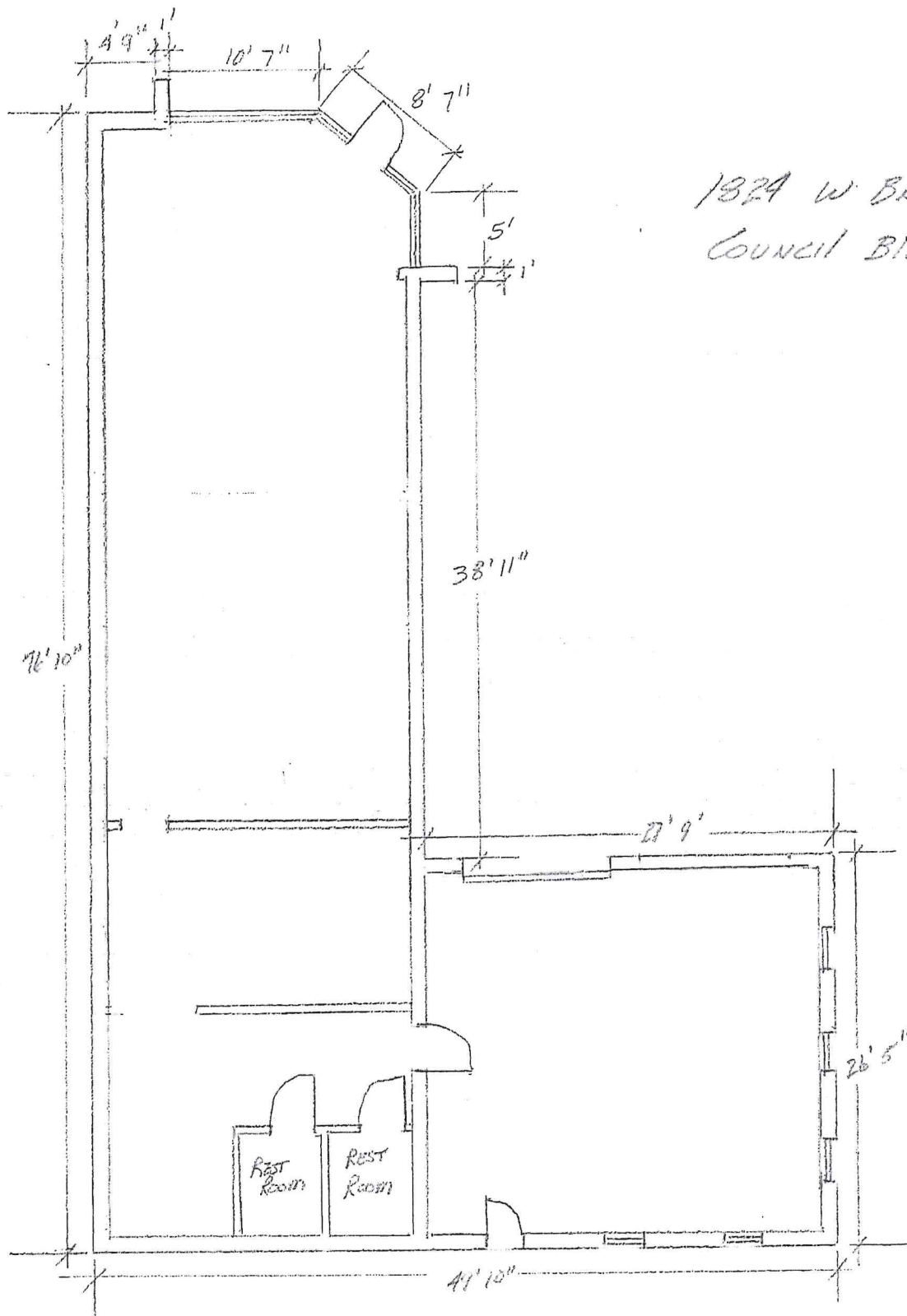
I was able to review this layout with Chris Gibbons during a meeting on the 8th of May and we discussed the code requirements. I realize we are short on parking here, but the practical application based on the hours of operation, a single employee operation & customer base seems to be indicative from a practical standpoint that no parking issues will be created. After engaging Simonson & Associates Architecture Firm to assist me in this evaluation process and consulting with Chris Gibbons (Planning Manager) it became apparent that requesting variance consideration is necessary, because the site is short 5 stalls and the required 5' wide green space around the perimeter of the parking lot given the existing building footprint and unique shape of the lot.

Request for Board of Adjustment Consideration: I respectfully request The Zoning Board of Adjustments to consider the hardship currently faced with this oblong site which is a total of 5958sf and the age of the property which is part of the West Broadway Redevelopment Overlay District to allow for Total Wireless Group to conditionally be allowed to operate at this location with the 7 parking stalls and the waiver of the 5' green space around the perimeter. I would also propose that the conditional use is not approved to be able to transfer with the land but approved for this occupant and use only. If the tenant ceases operating here, then the conditional use of occupancy would cease and the list of Consumer Services in Council Bluffs Code Section 15.03.172 would be the only applicable uses allowed unless this board were to approve otherwise.

During my initial meeting with Chris Gibbons (City of Council Bluffs Planning Manager) on 5/8/25; we reviewed the City of Council Bluffs long-range robust plan for the corridor & I realized the strong likelihood of a long-term master developer potentially coming along and acquiring the entire block at some point in the future. There are three small parcels in this city block & we have the smallest

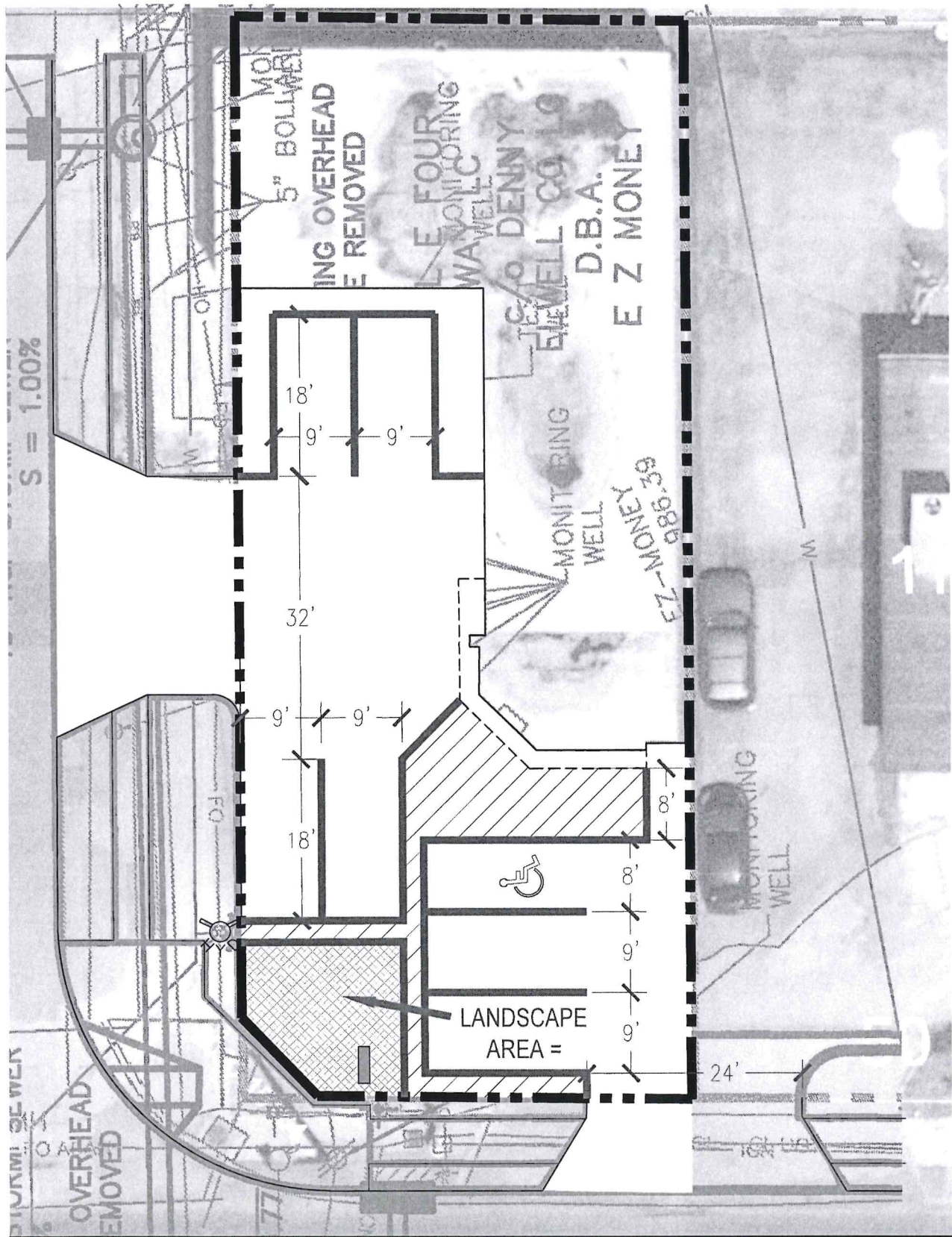
parcel. The proposed use seems to be both compatible with the area and an improvement from prior occupants' use with minimal parking or traffic impact until such time.

If approved, I would also like to immediately complete the back of the building with regard to repainting and the EFIS repair and matching the color of the front and sides as well as overlaying the asphalt parking lot and re-stripping the area as shown on the attached layout without triggering a full site plan resubmittal. I do have some area as showing along the front corner where I can try to plant some shrubs to grow in river rock (planted in the ground (no shallow planters) and if permitted to do so will move forward with that as well.



1324 W BROADWAY
COUNCIL BLUFFS

Attachment B



NORTH
1" = 10'-0"
11"x17" Sheet
S44 21175
DRAWN BY: AVG

This drawing has been prepared by the Architect, or under the Architect's direct supervision. This drawing is intended to be conceptual in nature only. Property boundaries, easements, encroachments, topography, utilities, structures and other physical features shown herein are based on the information available to the architect at the time of design. This document reflects a site plan concept only, and does not necessarily reflect all governing authority requirements, including green space calculations, bulk regulations, landscaping, storm water management, city block, site signage, grading, and other factors that may impact final site design. This drawing shall not be used for construction or legally binding documentation. (C) Copyright 2025 by Simonson & Associates Architects, L.L.C.

1824 W. Broadway
Site Concept #5
Council Bluffs, Iowa

May 20, 2025

39


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CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT

CASE #BA-25-004 LOCATION/ZONING MAP

Attachment C

Legend

 Subject Property
Case #BA-25-004

0 15 30



1 inch = 25 feet

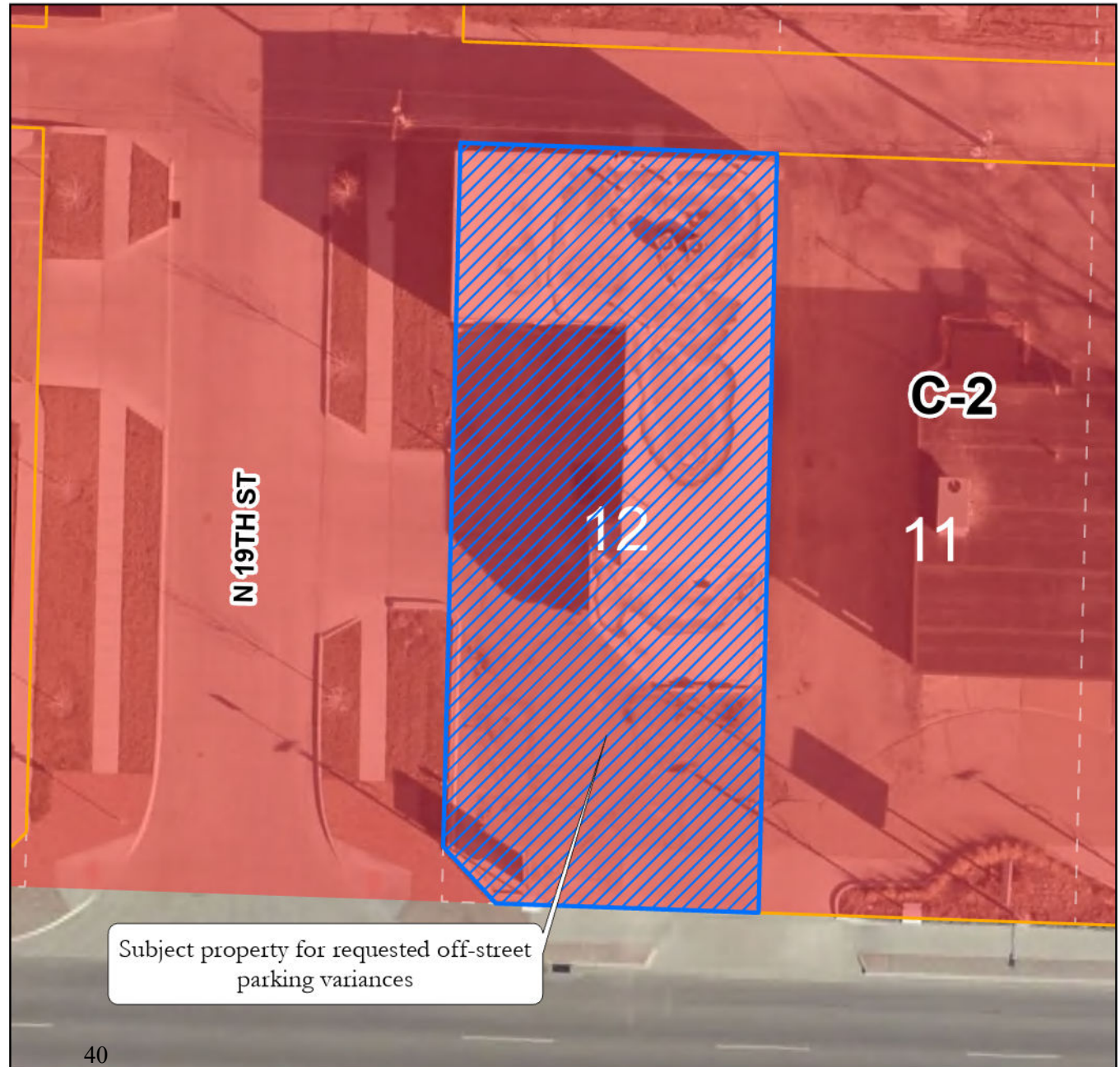


Last Amended: 5/27/25



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

DISCLAIMER
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Camille R. Hawk
chawk@walentineotoole.com

Licensed in Nebraska and Iowa

WALENTINE O'TOOLE, LLP

▲
Attorneys at Law

July 2, 2025

VIA EMAIL: cgibbons@councilbluffs-ia.gov

Christopher Gibbons
Planning Code & Compliance Manager
City of Council Bluffs – Community Development Department
209 Pearl St
Council Bluffs, IA 51503

Re: Case #BA-25-004; 1824 West Broadway; Letter of Agreement

Mr. Gibbons:

Thank you for speaking with me today. I am writing this Letter of Agreement referenced above in relation to Case #BA-25-004, the Application made by D L E Four Way, LC (by Chris Murray) ("DLE") to the Zoning Board of Adjustment and the objection made at the June 17, 2025 public hearing by the adjacent landowner, G&A Properties, LLC aka G-A Properties LLC (by Gregory Poor) ("G&A"). G&A's property is located at 1816 West Broadway, just East of D L E's property.

I represented G&A at the hearing, and my client's main objection was related to the then-provided Site Concept Plan and the parking stalls' placement adjacent to G&A's property, as well as G&A's concerns over the traffic patterns across G&A's property. The hearing was postponed to July 15, 2025, to allow time for the parties to come to a resolution regarding the concerns raised.

Mr. Murray and Mr. Poor have been in contact and negotiations with one another since that time. They have also been in contact with your office in an attempt to come together to move forward.

The most recent rendering of the Site Concept Plan is identified as the 1824 W. Broadway Site Concept #9 dated July 2, 2025. It is attached hereto as Exhibit "A".

Based on said Exhibit "A" and the conversations had, the two parties have come to an agreement as follows:

1. D L E and G&A will have prepared and filed a written easement primarily covering the portion of the property identified in Exhibit "A" as the "Prop. Access Esmt" which is delineated in the orange dotted line area. As applicable, said written and filed easement

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www.walentineotoole.com

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11240 Davenport Street
PO Box 540125
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Phone: (402) 330-6300
Fax: (402) 330-6303

Iowa*
535 West Broadway, Ste. 101
Council Bluffs, IA 51503
(712) 389-2244

South Dakota*
5024 S. Bur Oak Place, #210
Sioux Falls, SD 5710
(605) 681-9030

* By appointment.

likely will include the legal description of the areas coming off of W Broadway to each property.

This written easement is expected to be filed within ninety (90) days of the Board approval of the Variance requests consistent with Exhibit "A", including but not limited to the ballisters and the "No Trespassing" signage, which shall be paid by D L E. Snyder & Associates shall provide the Survey for the legal description to be used in said written easement which also shall be paid by D L E.

2. As part of the Agreement, D L E and G&A will grant each other a reciprocal Right of First Refusal to purchase the other party's property. Said Right of First Refusal shall inure to each party's successors, assigns and heirs, and will require commercially reasonable terms for the First Refusal offer. It will be in writing with a memorandum of the same being filed at the Pottawattamie County Recorder's office against each property to place other parties on notice of the same, which expense shall be paid by D L E.

By the parties' written signature below, each party agrees to these terms and conditions, asks that this Letter of Agreement be presented to the Zoning Board of Adjustment, and that the Board approve this Site Concept Plan # 9 dated July 2, 2025, and attached hereto as Exhibit "A".

Sincerely,



Camille R. Hawk
Encl.

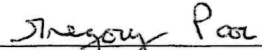
Agreed to and consented by:

D L E Four Way, LC

By: 

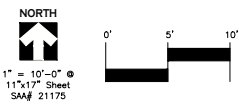
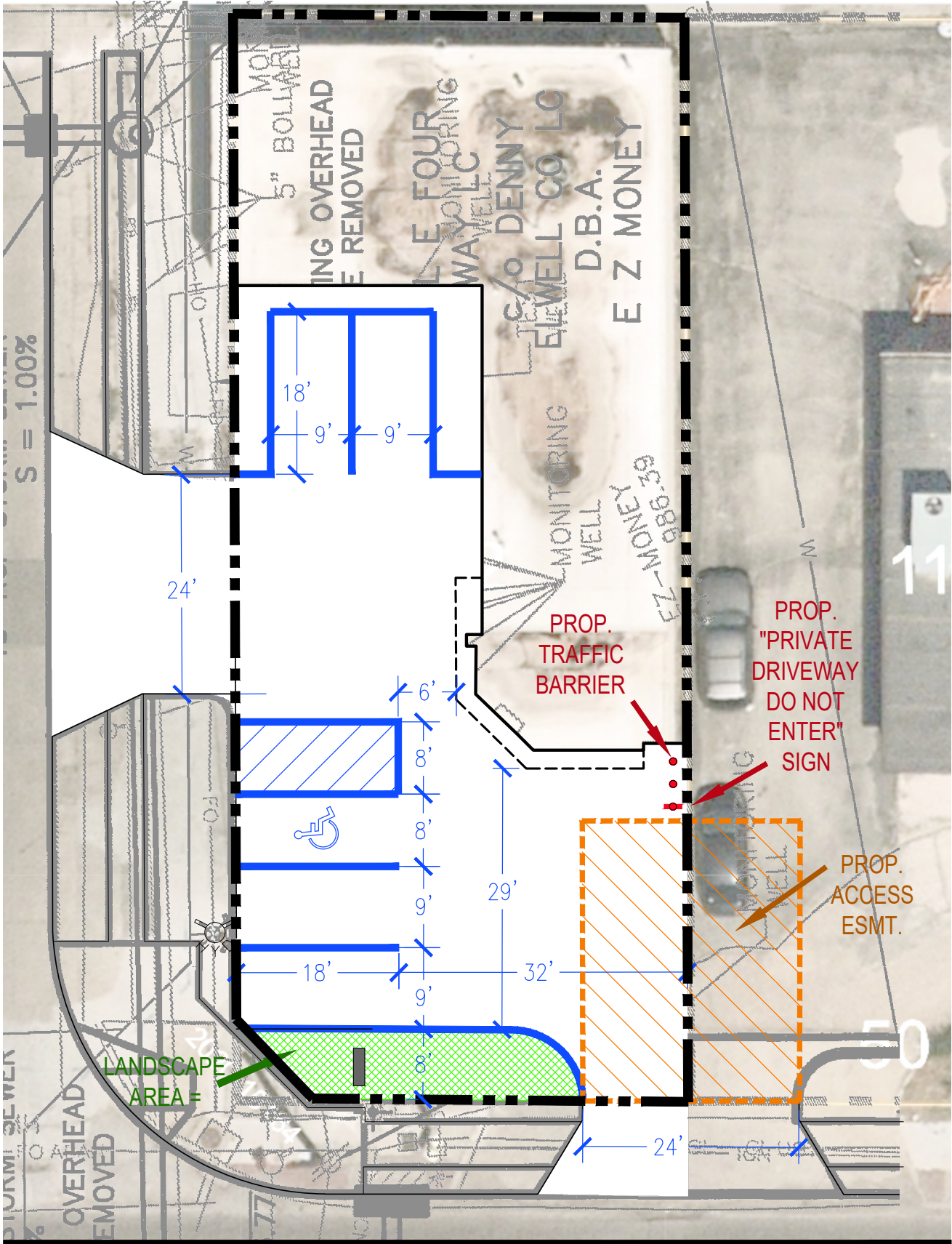
Printed Name: Christopher Murray
Title: President
Dated: July 2, 2025

G&A Properties, LLC aka G-A Properties LLC

By: 

Printed Name: Gregory Poor
Title: Sole Member and Sole Manager
Dated: July 2, 2025

EXHIBIT "A"



This drawing has been prepared by the Architect, or under the Architect's direct supervision. This drawing is intended to be conceptual in nature only. Property boundaries, setbacks, easements, topography, utilities, structures and other physical features shown herein are based on the information available to the architect at the time of design. This document reflects a site plan concept only, and does not necessarily reflect all governing authority requirements, including green space calculations, bulk regulations, landscaping, storm water management, city input, site signage, grading, and other factors that may impact final site design. This drawing shall not be used for construction or legally binding documentation. (C) Copyright 2025 by Simonson & Associates Architects, L.L.C.

1824 W. Broadway
Site Concept #9
Council Bluffs, Iowa
43
July 02, 2025

SIMONSON
PLANNING ■ ARCHITECTURE ■ INTERIORS
Simonson + Associates Architects LLC
1217 Ingersoll Ave., Suite 117, Des Moines, Iowa 50309
Ph. 515-440-5626 www.simonsonassoc.com

Zoning Board of Adjustment Communication

Department: Community
Development

Case/Project No.: BA-25-003

CASE #BA-25-003

Council Action: 7/15/2025

Submitted by: Moises Monrroy,
Planner, Community Development
Department

Description

Public hearing on the request of AMAROK LLC, on behalf of Outdoor Recreation Center, for a variances from Sections 15.24.040(C) Fence Regulations and 15.24.040(D)(5)(c) Security Fence Requirements of the Council Bluffs Municipal Code (Zoning Ordinance) to allow an electrically charged security fence to be located within the area between a structure and the front and street-side property lines and a two-foot variance to allow a 10-foot tall fence in an I-2/General Industrial District on property legally described as a part of the NE ¼ NE ¼ of Section 11-74-44, City of Council Bluffs, Pottawattamie County, Iowa. Location: 3000 S 11th Street. CASE #BA-25-003

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Staff Report and Attachments A - D

Type

Staff Report

Upload Date

7/10/2025

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: July 15, 2025

RE: **CASE #BA-25-003**

REQUEST: Public hearing on the request of AMAROK LLC, on behalf of Outdoor Recreation Center, for a two-foot variance from Section 15.24.040(C), Fence Height Requirements, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow a 10-foot tall fence in an I-2/General Industrial District and a variance from Section 15.24.040(D), Security Fence Requirements, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow an electrically charged security fence to be located within the area between a structure and the front and street-side property lines on property legally described as a part of the NE ¼ NE ¼ of Section 11-74-44, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment ‘D’

**APPLICABLE
CODE SECTION:**

Section 15.24.040, Fence Regulations

C. Fence Height Requirements

All fences shall comply with the maximum height requirements set forth in the following table, unless otherwise specified below.

<u>Zoning District</u>	<u>Front Yard</u>	<u>Street Side Yard</u>	<u>Interior Side/Rear Yard</u>
Industrial	8 feet	8 feet	8 feet

D. Security Fence Requirements

5. Electrically charged security fences may be allowed in the C-2, I-1, I-2 and I-3 Districts in accordance with CBMC Section 13.16.485, subject to the following conditions:

- c. The fence shall not be located within the area defined as the front yard setback, street-side yard setback, or the area between a structure and the front property line or street-side property line, if greater than the minimum required setback.

RELIEF SOUGHT: A two-foot variance from Section 15.24.040(C), Fence Height Requirements, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow a 10-foot tall fence in an I-2/General Industrial District and a variance from Section 15.24.040(D), Security Fence Requirements, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow an electrically charged security fence to be located within the area between a structure and the front and street-side property lines

**LEGAL
DESCRIPTION:**

A part of the NE ¼ NE ¼ of Section 11-74-44, City of Council Bluffs, Pottawattamie County, Iowa, more particularly described in Attachment ‘D’

LOCATION: 3000 South 11th Street, Council Bluffs, IA 51501

APPLICANT: AMAROK, 550 Assembly Street, Columbia, SC 29201

OWNER: TAD-RAY Corp., 83752 S Highway 81, Norfolk, NE 68701

BACKGROUND INFORMATION – The Community Development Department has received a request from AMAROK LLC, on behalf of Outdoor Recreation Center, for the following variances from Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance) on property legally described as a part of the NE ¼ NE ¼ of Section 11-74-44, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment ‘D’:

- A. A two-foot height variance to allow a 10-foot tall fence in an I-2/General Industrial District; and
- B. A variance to allow an electrically charged security fence to be located within the area between the existing structure on the subject property and the front and street-side property lines.

Outdoor Recreation Center, located at 3000 South 11th Street, is a recreational vehicle repair shop. A significant amount of vehicles are stored outdoors at this site as part of the RV repair operation. The applicant is proposing to install a 10-foot tall electrically charged security fence around the perimeter of the site to protect their inventory. As per Section 15.24.040(D)(5)(c) of the Council Bluffs Municipal Code (Zoning Ordinance), electrically charged security fences cannot be located within the area between a structure and the front property line or street-side property line. Additionally, the maximum height allowed for fences in industrial districts is eight feet. As such, the security fence cannot be installed as proposed by the applicant. The purpose of this request is to allow the installation of the proposed security fence.

The following attachments have been included for your reference:

Attachment A: Location/Zoning Map

Attachment B: Letter of Intent

Attachment C: Fence Details Plan

Attachment D: Legal Description

CURRENT ZONING AND LAND USE – The subject property is zoned I-2/General Industrial District. Surrounding properties in the immediate vicinity to the south, east, and west are also zoned I-2 District. Interstate 80/29 is located immediately north of the subject property. Land uses in the immediate vicinity include a truck dealer (SelecTrucks of Omaha/Truck Center Companies), a construction equipment supplier (Rueter’s Equipment), and two local utility service companies (Black Hills Energy and MidAmerican Energy).

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



Exhibit A: Looking northwest toward parking lot (front) and building



Exhibit B: Looking east toward parking lot (rear)



Exhibit C: Looking east toward parking lot (rear) and building



Exhibit D: Looking northwest toward existing fence along South 11th Street



Exhibit E: Looking west toward existing fence along southerly property line

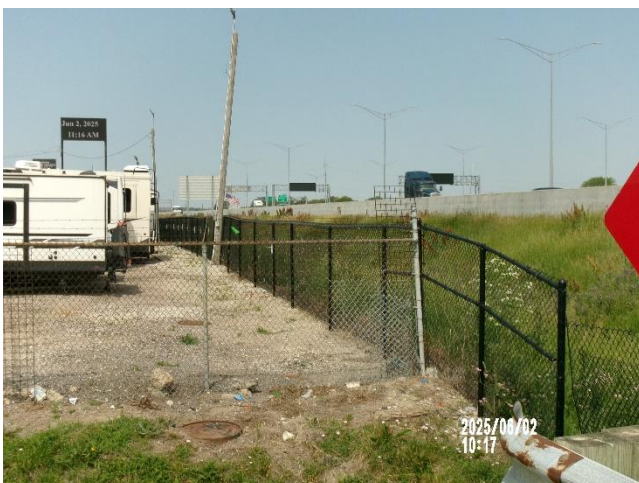


Exhibit F: Looking west toward existing fence along Interstate 80/29 ROW



Exhibit G: Looking south toward existing fence along westerly property line.



Exhibit H: Looking northeast toward existing fence which extends from west wall of building to westerly property line



Exhibit I: Looking east toward existing fence which extends from northwest corner of building to westerly property line (close-up)

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

A. The Community Development Department had the following comments:

1. The subject property is zoned I-2/General Industrial District. The lot contains 5.5 acres in area, which complies with the minimum lot size requirements in the I-2 District (min. lot area: 15,000 square feet). The subject property is generally flat with no topographical constraints.
2. The maximum height allowed for fences in industrial districts is eight feet. As per Section 15.24.040(C)(3) of the Council Bluffs Municipal Code (Zoning Ordinance), a 10-foot tall fence may be allowed in the I-2 District if the parcel contains 50 contiguous acres or more of total land area. Since the subject property only contains 5.5 acres in area, a 10-foot tall fence would not be allowed at this site.
3. The applicant is proposing to install a 10-foot tall electrically charged security fence around the perimeter of the subject property. The proposed security fence would be located behind the existing chain link fence on the subject property. As per Section 15.24.040(D)(5)(c) of the Council Bluffs Municipal Code (Zoning Ordinance), electrically charged security fences cannot be located within the area between a structure and the front property line or street-side property line. There is an existing fence that extends from the northwest corner of the existing building on the subject property to the westerly property line, which is the approximate location the proposed security fence would have to be installed in order to comply with Section 15.24.040(D)(5)(c) of the Council Bluffs Municipal Code (Zoning Ordinance). The existence of this fence shows the applicant has the ability to install an eight-foot tall electrically charged security fence that does not encroach into the area between the existing building and the front and street-side property lines, as required per Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance). Alternatively, the applicant is allowed to install an eight-foot tall fence with sharp or pointed projections, outriggers, or barbed wire strands at this site that is not subject to the setback requirements for electrically charged security fences. Said sharp or pointed projections, outriggers, or barbed wire strands may project an additional two feet from the eight-foot tall fence for a total maximum fence height of 10 feet, which would be consistent with the applicant's proposal. The variance request is the result of a design preference and not an undue hardship that affects the subject property.

- B. The Council Bluffs Public Works Department stated the proposed fence will need to be installed on the private property as per City code.
- C. The Council Bluffs Parks and Recreation Department stated they had comments on the request.
- D. The Council Bluffs Fire Department stated they had no comments on the request.
- E. The Council Bluffs Police Department stated they had no comments or objections to the request.
- F. Council Bluffs Water Works stated they had no comments on the request.
- G. MidAmerican Energy stated they had conflicts or concerns with the request.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the variance requests. No comments have been received as of the date of this report.

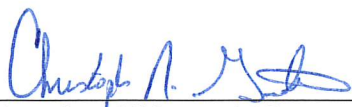
COMMENTS - Evidence must be presented to demonstrate that a literal enforcement of the Ordinance will create a hardship for which relief is necessary. The Board of Adjustment shall approve a variance to grant relief when ‘unforeseen applications of this Ordinance...create particular hardships.’ No variance 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 size, shape and topography of the subject property are typical of those in the general vicinity and surrounding area. The subject property is generally flat with no topographical constraints that would prevent the installation of a security fence that complies with Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).*
2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The owner can continue to use the subject property for recreational vehicle repair if the variance request is not granted.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The variance request is the result of a design preference and not an unnecessary hardship that affects the subject property. The applicant has the ability to install an eight-foot tall electrically charged security fence that does not encroach into the area between the existing building on the subject property and the front and street-side property lines, as required per Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance). Alternatively, the applicant is allowed to install an eight-foot tall fence with sharp or pointed projections, outriggers, or barbed wire strands at this site that is not subject to the setback requirements for electrically charged security fences. Said sharp or pointed projections, outriggers, or barbed wire strands may project an additional two feet from the eight-foot tall fence for a total maximum fence height of 10 feet, which would be consistent with the applicant’s proposal.*
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 confer a special privilege to the applicant that is denied to other commercial and industrial property owners in the City. The subject property has no topographical constraints that prevent the installation of a security fence that complies with Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).*

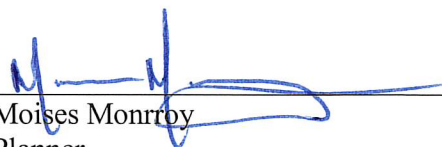
5. *Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance. The variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this ordinance that create particular hardships. Granting a variance to allow the installation of the proposed security fence would not be contrary to the public interest, but would not be in harmony with the purpose and intent of this ordinance as the subject property does not suffer a singular disadvantage or hardship and the variance would confer a special privilege onto the applicant based on a design preference.*

RECOMMENDATION

The Community Development Department recommends **denial** of a two-foot variance from Section 15.24.040(C), Fence Height Requirements, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow a 10-foot tall fence in an I-2/General Industrial District; and **denial** of a variance from Section 15.24.040(D), Security Fence Requirements, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow an electrically charged security fence to be located within the area between a structure and the front and street-side property lines on property legally described as a part of the NE ¼ NE ¼ of Section 11-74-44, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment 'D', based on the reasons stated above.



Christopher Gibbons, AICP
Planning Manager



Moises Monroy
Planner

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT

CASE #BA-25-003 LOCATION/ZONING MAP

Legend

 Subject Property

0 70 140



1 inch = 104 feet



Last Amended: 5/28/25



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 denies any and all responsibility for errors, if any, in the information contained on this map of 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.



Justification Statement for Variance Approval (10' Height)

3000S 11th Street, Council Bluffs, IA

Outdoor Recreation Center is seeking relief from the inability to install the electrically charged security fence system to secure the property from theft and criminal activity.

AMAROK LLC, on behalf of Outdoor Recreation Center, is respectfully requesting variance approval for the proposed security system which has been submitted to Council Bluffs, allowing the installation of a 10' tall low-voltage, battery-powered, pulsed security fence to secure the property of Outdoor Recreation Center safely and effectively. The property is located at 3000 S 11th and Zoned Industrial.

More than 30 years of security industry experience with the system deployed in thousands of locations across the United States definitively shows that a height of ten feet effectively deters crime and is the IEC standard height of this type of system. Lower heights still allow determined criminals the ability to get over the fence to continue plundering the business and are not effective in deterring criminal activity.

The property located at 3000 S 11th street is adversely impacted by zoning restrictions as it severely restricts the applicant from securing the property located on a dead-end street bordering the highway in an industrial zone. The strict zoning regulations with regards to placement on property removes the ability to install an electrically charged security system 4"-8" inside the perimeter fence where the system is necessary to reduce/eliminate criminal activity and provide a safe working environment for employees.

The property currently has a perimeter fence, however, with the types of vehicles and inventory stored on the property, it is highly attractive to thieves. Due to the size and nature of the inventory, it must be stored in an outside lot and cannot be protected inside of a building or other enclosure. Because the business has a considerable number of vehicles, they are targeted by criminals to steal catalytic converters, batteries, tools and auto parts; anything which can be quickly and easily sold on the black market or to metal recyclers. The high value targets secured inside the yard are an open invitation to the criminal class. These mounting losses are unsustainable to the business.

The property is in an industrial area, with little to no ability to see criminal activity at night. The highway allows for someone to easily enter the property and leave by breaching the existing security fence. The entrance to the property is on a dead-end street which has no passing traffic in the evening allowing for criminal activity to occur undetected. By imposing the strict zoning requirements, removing the ability to install 4"-8" inside/behind the perimeter fence, the applicant is stripped of the ability to secure the items inside the perimeter fence and the safety

of employees. The applicant will continue to endure business losses on the subject property if the variance is not granted.

Safety of employees is of great concern. Criminals can access the property by climbing the perimeter fence, committing theft/vandalism, posing a safety threat to employees when entering the work location. Criminal activity also poses a danger to the public when vandalism has occurred to a vehicle which may go undetected until on a public roadway endanger lives.

The disadvantage was not caused through any actions of the property owner or the previous property owners. The disadvantage is caused by the stringent zoning requirements being imposed by the city on the placement of the electrically charged security system which is safely installed 4'-8" behind the perimeter fence per the IEC standards to secure the property. The perimeter fence is on the perimeter of the property which is where the need for the electrically charged security system is proposed and necessary.

Granting this variance is not contrary to public interest, it will not adversely affect other properties in the vicinity nor adversely affect the public health, safety, convenience, comfort, prosperity, and general welfare of the community. The installation of the proposed 10' AMAROK system will ensure public health and safety as well as comfort and general welfare by effectively deterring crime. The general safety and welfare of the public is also maintained, crime is prevented, and the City can redirect law enforcement resources toward more serious crimes other than property break-ins and theft. The ordinance was enacted to allow businesses in certain areas the ability to install an electrically charged security system to secure their property. Allowing the applicant to install the electrically charged system will secure the property and ensure the safety of the employees.

The granting of this variance does not change or alter the use of the property and is virtually invisible to the passerby

No special privileges are granted to the property owner with the approval of this variance that are not able to be granted to any other property owner in the same district and will not oppose the general spirit and intent of this ordinance. The request for a variance and the variance process exists to remedy issues that arise out of the landowner or applicant control and cure hardships created by the ordinance.

By granting the variance, the zoning code and planning remains intact with emphasis on keeping the city, businesses, and residents safe while providing a place of employment for residents, and tax revenue for the city by having a strong reputable business operate in the city

of Council Bluffs.

Applicants should not be denied the right to protect property and assets, nor should the applicant have their business penalized by the inability to effectively secure property. Criminal activity threatens the safety of employees, customers, and business assets. With the installation of the 10' AMAROK system, the threat of physical criminal violence decreases and employees feel safe knowing there is a deterrent to criminal activity in place.

The purpose of the ordinance was to allow businesses to secure their properties. By granting this variance, the purpose and intent of the ordinance to allow businesses in industrial areas to secure their properties and provide a safe work environment will be upheld.

Based on the information and evidence provided, we respectfully request the granting of this variance for Outdoor Recreation Center.


AMAROK
ULTIMATE PERIMETER SECURITY
Michael Pate Director
Government Relations

AMAROK, LLC
Mobile: (803) 422-3600
mpate@amarok.com
www.AMAROK.com


AMAROK
ULTIMATE PERIMETER SECURITY
Michelle Affronti
Sr. Government Relations Manager

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Mobile: (803) 923-2715
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AMAROK
ULTIMATE PERIMETER SECURITY
Courtney Lee
Compliance Manager
AMAROK, LLC

Mobile: (803) 904-5716
clee@amarok.com
www.AMAROK.com

PROPERTY OWNER
TAD-RAY CORP
83752 S HWY 81
NORFOLK, NE 68701

PROJECT DATA
APN: 7444-11-226-002
ZONING: I-2
ACRES: 5.50

SITE PLAN
REQUEST TO AUTHORIZE A
PERIMETER SECURITY SYSTEM FOR:
OUTDOOR RECREATION CENTER
3002 S 11TH ST
COUNCIL BLUFFS, IA 51501

LEGEND

PROPERTY LINE / ROW
EXISTING FENCE
PROPOSED SECURITY FENCE
ROAD/CURB EDGE

EXISTING BUILDING
PROPOSED RECREATION CENTER
PROPOSED LENGTH
PROPOSED WIDTH

VICINITY MAP
NOT TO SCALE

NOTES

POLE LOCATIONS:
STEEL POLES: TO BE LOCATED
APPROXIMATELY ON EACH SIDE OF GATE(S) &
EVERY 90° (OR GREATER) TURN IN FENCE LINE.
FIBERGLASS/INTERMEDIATE POLES: TO BE
LOCATED APPROXIMATELY EVERY 30'

DISCLAIMER:
POLE LOCATIONS MAY SLIGHTLY DEVIATE
FROM STIPULATIONS ABOVE DUE TO ON-SITE
CONDITIONS

STORM DRAIN:
NO STORM DRAIN IS BEING PROPOSED AS PART
OF THIS PROJECT

PERIMETER FENCE SECTION
NTS

LOCATIONS FOR STEEL POLE NOT TO
EXCEED 300' MAX SPACING PER
CALCULATIONS AND NOTES THIS SHEET

AMAROK
ULTIMATE PERIMETER SECURITY

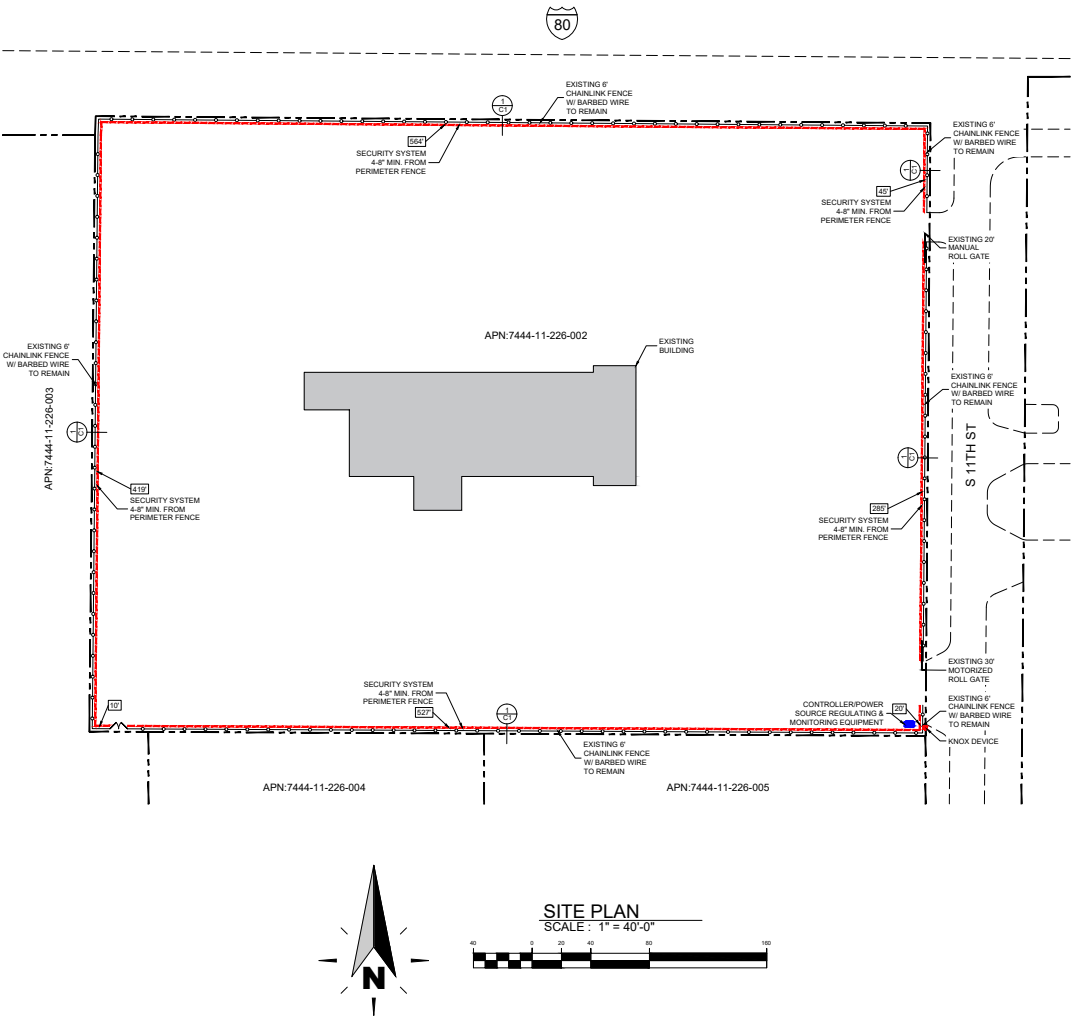
PROJECT:
OUTDOOR RECREATION CENTER
3002 S 11TH ST
COUNCIL BLUFFS, IA 51501
SHEET TITLE: SITE PLAN

APPLICANT: AMAROK
800 ASSEMBLY ST STE 101
COLUMBIA SC 29201
803-404-6189

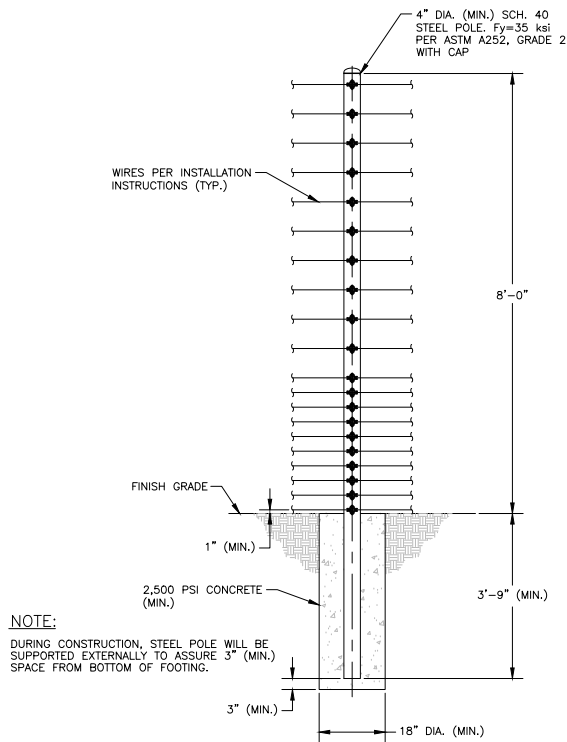
ENGINEER FOR ENGINEERS, PLLC
121 KITTY HAWK DR
MORRISVILLE NC 27560
919-957-5100

DATE: 1/10/2025
DRAWN BY: RLR
SCALE: SEE PLAN

SHEET
C1
of 3



*PROPOSED LOCATION OF ELECTRONICS ONLY, SUBJECT TO CHANGE
BASED ON SITE CONDITIONS.  
*PROPOSED LOCATION OF KNOX DEVICE ONLY, SUBJECT TO CHANGE
BASED ON SITE CONDITIONS.  



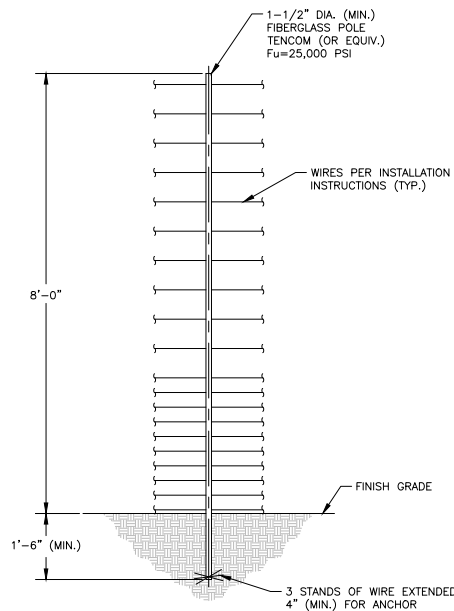
STEEL POLE DETAIL

SCALE: NONE
(STRUCTURAL)



WARNING SIGNS SHALL BE PLACED AT EACH ENTRANCE
OF THE PROPERTY AND MAX 30 FEET ON CENTER THEREAFTER

EXAMPLE WARNING SIGN @ 9"x12"



FIBERGLASS POLE DETAIL

SCALE: NONE
(NON-STRUCTURAL, NON-LOAD BEARING WIRE SEPARATOR)

GATE DETAIL NOTES:

- BRACE BANDS ARE INSTALLED AS HIGH AS POSSIBLE UNDER #3 AND #9, 2" (MIN.) UNDER #12, #15, AND #17, UNDER #19 AND AS HIGH ON THE GATE AS POSSIBLE. MAXIMUM DISTANCE OF 2' BETWEEN BRACE BANDS.
- SPRINGS ARE LOCATED ON HINGE SIDE OF SWING GATE AND REAR OF SLIDE GATE.
- ALL CONTACTS MUST INCLUDE SPRINGS.
- ALL CONTACTS MUST HAVE BOLT THROUGH FIBERGLASS (NO SET SCREWS).
- ALL BRACE BANDS HOOKED TO CHAIN LINK MUST HAVE SET SCREW.
- EVERY GATE PANEL MUST HAVE A SIGN.
- ALL GATE CONTACTS MUST BE SECURE IN A MANNER THAT ENSURES CONTACT WILL EASILY BE MADE.
- GATE MOUNTS WILL NOT IMPACT THE FUNCTIONALITY OF THE GATE.

RAPID TIGHTENERS

RAPID TIGHTENERS ARE INSTALLED IN EVERY SECTION - BETWEEN 6" INCHES AND 3 FEET FROM A FIBERGLASS POLE - TOWARD THE CENTER OF THE RUN.

THE TIGHTENERS ARE ALTERNATED ON OPPOSITE SIDES OF THE POLE TO PREVENT GROUNDS FROM HITTING WIRES WITH CURRENT.

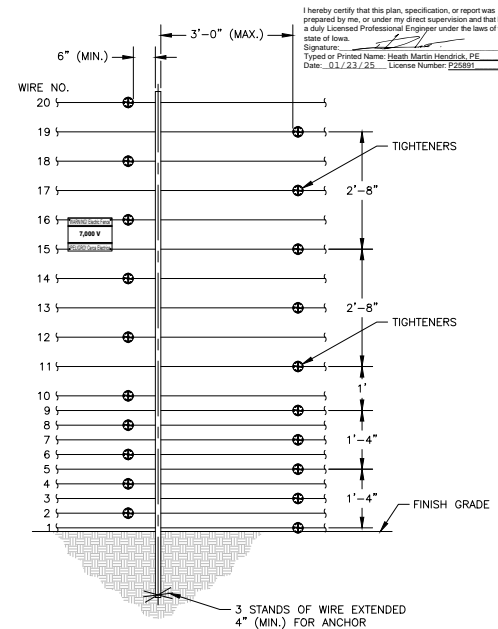
WIRE SHOULD BE WRAPPED TWO OR THREE TIMES AROUND EACH TIGHTENER.

WARNING SIGNS

WARNING SIGNS MUST BE INSTALLED EVERY 30 FEET, WHICH IS THE MAXIMUM DISTANCE BETWEEN SIGNS.

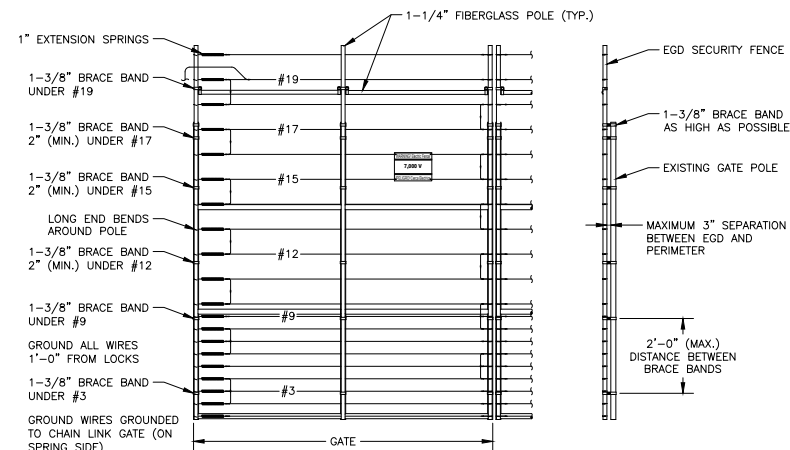
ALL WARNING SIGNS SHOULD BE MOUNTED EITHER BETWEEN WIRES 15 & 16 OR AT BEST VISIBLE HEIGHT.

IF INSTALLED BEHIND A SOLID FENCE, WARNING SIGNS SHOULD ALSO BE PLACED ON OR ABOVE THE PERIMETER FENCE.



WIRE CONNECTIONS

SCALE: NONE
(FIBERGLASS POLE)



GATE DETAIL

SCALE: NONE



DATE / DESCRIPTION



PROJECT:
OUTDOOR RECREATION CENTER
3002 S 11TH ST
COUNCIL BLUFFS, IA 51501
SHEET TITLE: TYPICAL DETAILS

APPLICANT: AMAROK
800 ASSEMBLY ST STE 1FL
COLUMBIA SC 29201
803-404-6169
ENGINEER FOR ENGINEERS, PLLC
121 KITTY HAWK DR
MORRISTOWN NC 27560
919-957-5100

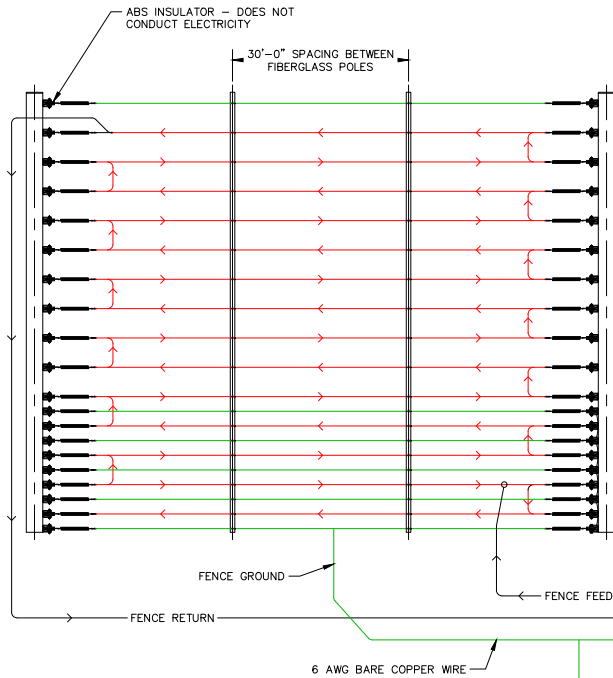
DATE: 1/19/2025
DRAWN BY: RLR
SCALE: SEE PLAN

SHEET

C2

of 3

WIRE RUN DETAILS & OUTSIDE MOUNTED ELECTRONICS/CONTROLLER WITH STEEL POLE DETAIL



CONNECTION NOTES:

A: FENCE CONTROLLER ENCLOSURE - HOUSES THE FENCE ENERGIZER OR EQUIVALENT. THIS BOX CONNECTS TO "B" / ALARM PANEL ENCLOSURE USING THE APS WHIP / 10 CONDUCTOR CABLE. ENCLOSURE WEIGHT 22 LBS. (MAX.).

B: ALARM PANEL ENCLOSURE - HOUSES THE ALARM CONTROL PANEL. THIS BOX INTERCONNECTS TO "A" / FENCE CONTROLLER ENCLOSURE USING THE APS WHIP / 10 CONDUCTOR CABLE AND "C" / SOLAR CHARGE CONTROLLER USING TWO CONDUCTOR CABLE. ENCLOSURE WEIGHT 21 LBS. (MAX.).

C: SOLAR CHARGE CONTROLLER ENCLOSURE - HOUSES POWER ELEMENTS FOR SOLAR CHARGE CONTROLLER AND DISCONNECTS FOR SOLAR, BATTERY, AND LOAD CONNECTIONS. POWER UP PROCEDURE: TURN ON BATTERY BREAKER FIRST, THEN TURN ON SOLAR BREAKER. THE ELECTRONICS POWER IS CONTROLLED BY THE LOAD BREAKER. ENCLOSURE WEIGHT 25 LBS. (MAX.).

D: BATTERY ENCLOSURE - HOUSES THE BATTERIES (12V/DC MAX) AND INTER-CONNECTS TO "C" / SOLAR CHARGE CONTROLLER ENCLOSURE USING TWO CONDUCTOR 14G AND 10G THWN WIRES. ENCLOSURE WEIGHT 50 LBS. (MAX.).

E: KEYPAD ENCLOSURE - HOUSES THE KEYPAD. THIS BOX INTERCONNECTS TO "A" USING 10 CONDUCTOR / 18 AWG WIRE. ENCLOSURE WEIGHT 12 LBS. (MAX.).

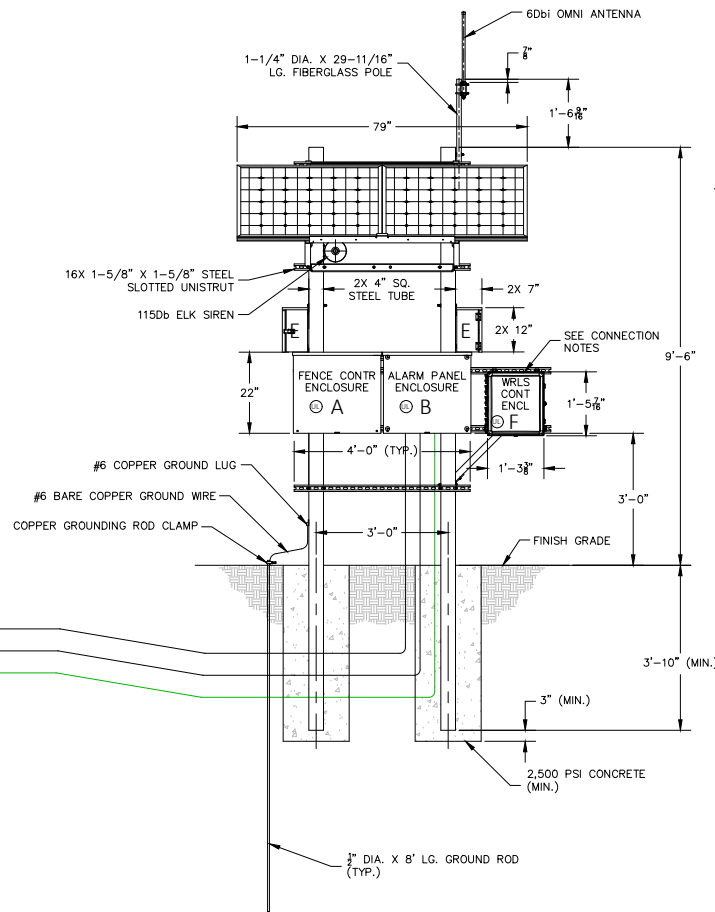
F: WIRELESS CONTROLLER ENCLOSURE - HOUSES THE WIRELESS RADIO CONTROLLER AND RELAYS. CONNECTS TO "C" / SOLAR CHARGE CONTROLLER ENCLOSURE USING TWO CONDUCTOR 14G THWN WIRES. ENCLOSURE WEIGHT 21 LBS. (MAX.).

GENERAL NOTE:

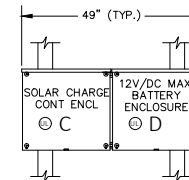
EQUIPMENT ARRANGEMENT AND ELEVATION SHOWN ARE FOR REFERENCE ONLY. ACTUAL EQUIPMENT ARRANGEMENT, SHAPE, SIZE, LOCATION, AND QUANTITY ARE CUSTOMER SITE SPECIFIC AND CAN VARY FROM DRAWING DEPICTION.

NOTES:

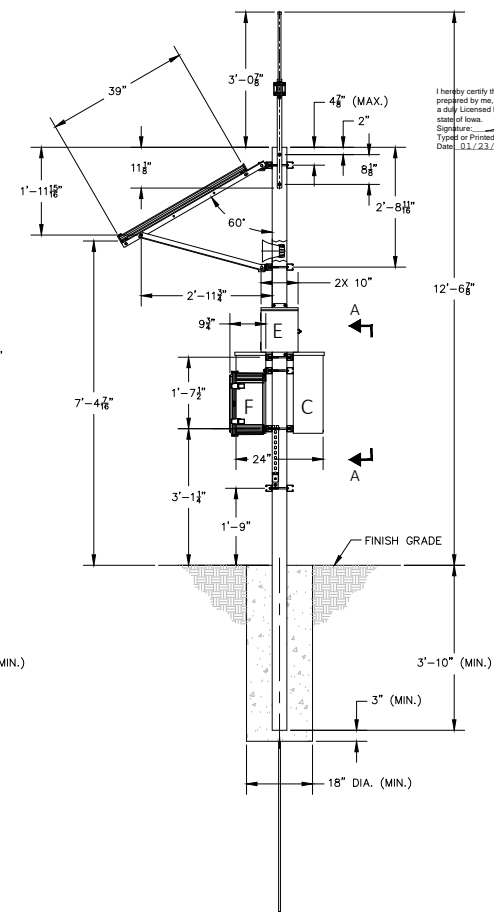
MOUNT 4 SILVER BOXES TO A PAIR OF HSS TUBE 4"x4"x10GA. (0.134" WALL THICKNESS) ASTM A500 GRADE B OR C 55KSI YIELD (MIN.) STEEL POLES. BOTTOM OF THE LOWEST BOX MUST BE A MINIMUM OF 3 FEET ABOVE GROUND LEVEL. THE SUPPORT POLES MUST BE EMBEDDED AT A MINIMUM OF 3'-10" BELOW GROUND LEVEL.



FRONT ELEVATION



VIEW A-A
(KEYPAD ENCLOSURES
REMOVED FOR CLARITY)



RIGHT SIDE ELEVATION

ASSEMBLY WEIGHT CHART

DESCRIPTION	WEIGHT (LBS.)
SOLAR PANELS	61.6
SOLAR PANEL MTG. KIT	27.0
UNISTRUT	108.8
OMNI ANTENNA ASSEMBLY	3.59
SIREN	1.5

ELECTRONICS ARMATURE

LOCATION	DESCRIPTIVE NAME
MAIN GATE	HEAD-END ELECTRONICS



I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Iowa.
Signature: *Heath M. Hendrick*
Typed or Printed Name: Heath M. Hendrick, PE
Date: 01/23/22 License Number: P25891

DATE / DESCRIPTION



PROJECT: OUTDOOR RECREATION CENTER
3002 S 11TH ST
COUNCIL BLUFFS, IA 51501
SHEET TITLE: TYPICAL DETAILS

APPLICANT: AMAROK
880 ASSEMBLY ST STE 101
COLUMBIA SC 29001
803-464-6189
ENGINEER: FOR ENGINEERS, PLLC
121 KITTY HAWK DR
MORRISTOWN NC 27560
919-957-6100

DATE: 1/19/2025
DRAWN BY: RLR
SCALE: SEE PLAN

SHEET

C3

of 3

Attachment 'D'

Legal Description

A PART OF THE NE1/4 NE1/4 OF SECTION 11, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11; THENCE NORTH 89° 43' 40" WEST, 53.8 FEET ALONG THE NORTH LINE OF THE NE1/4 OF SAID SECTION 11; THENCE SOUTH 0° 12' 00" WEST, 319.35 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0° 12' 00" WEST, 418.92 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF SOUTH 11TH STREET; THENCE WEST 1083.97 FEET TO THE WESTERLY RIGHT-OF-WAY OF INDIAN CREEK FLOOD RELIEF CHANNEL; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY OF INDIAN CREEK FLOOD RELIEF CHANNEL ALONG THE FOLLOWING COURSES: NORTH 20° 03' 05" EAST, 169.45 FEET; NORTH 0° 25' 45" EAST, 252.03 FEET; THENCE SOUTH 89° 52' 20" EAST, 1025.37 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 29 AND 80, TO THE POINT OF BEGINNING.

EXCEPT:

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, CONTAINING 4.50 ACRES MORE OR LESS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 11 AND ASSUMING THE NORTH LINE OF THE NORTHEAST QUARTER TO BEAR NORTH 89° 45' 11" WEST; THENCE NORTH 89° 45' 11" WEST A DISTANCE OF 53.80 FEET; THENCE SOUTH 0° 10' 08" WEST A DISTANCE OF 319.40 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF INTERSTATE 29 AND 80; THENCE NORTH 89° 53' 35" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY A DISTANCE OF 571.42 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0° 00' 35" EAST A DISTANCE OF 420.13 FEET TO A POINT ON THE NORTH LINE OF LOT 3, BLOCK 1, FIRST FOUNDATION SUBDIVISION TO THE CITY OF COUNCIL BLUFFS; THENCE SOUTH 89° 59' 11" WEST ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 513.69 FEET TO THE NORTHWEST CORNER OF LOT 5, BLOCK 1, FIRST FOUNDATION SUBDIVISION AND THE EASTERLY RIGHT-OF-WAY OF THE INDIAN CREEK FLOOD RELIEF CHANNEL; THENCE NORTH 20° 02' 24" EAST ALONG THE RIGHT-OF-WAY OF SAID CHANNEL A DISTANCE OF 169.45 FEET; THENCE NORTH 0° 22' 41" EAST ALONG THE RIGHT-OF-WAY OF SAID CHANNEL A DISTANCE OF 261.91 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF INTERSTATE 29 AND 80; THENCE SOUTH 89° 53' 35" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 453.83 FEET TO THE POINT OF BEGINNING.

Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: BA-25-005

CASE #BA-25-005

Council Action: 7/15/2025

Submitted by: Haley Weber,

Planner

Description

Public hearing on the request of Parker Smith for variances from Section 15.23.030, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), to allow off-street parking to be located within a required front yard and for 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 to be located closer to the front property line than the principal structure on property legally described as Lot 1, Canon Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: 724 Hazel Street CASE #BA-25-005

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Type

Upload Date

Staff Report and Attachments A - C

Staff Report

7/10/2025

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: July 15, 2025

RE: **CASE #BA-25-005**

REQUEST: Public hearing on the request of Parker Smith for variances from Section 15.23.030, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), to allow off-street parking to be located within a required front yard and for 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 to be located closer to the front property line than the principal structure on property legally described as Lot 1, Canon Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.

APPLICABLE

CODE SECTION(S): **Section 15.08B.050 Site Development Regulations for the R-1/Single-Family Residential Zoning District:**

<u>Minimum Setback</u>	<u>Principal Structure</u>	<u>Accessory Structures</u>
<i>Front Yard</i>	<i>25 feet</i>	<i>Greater of 25 feet or existing front setback line of principal structure</i>

Section 15.23.030, Design Standards, Off-Street Parking, Loading and Unloading

A. Parking Provisions for Personal Vehicles. All parking in one and two family residential uses shall be parked or stored in the following manner:

5. Parking is permitted outside in the side yard or in the rear yard, behind the required front yard setback and must be contiguous with the primary surfaced driveway;

RELIEF SOUGHT: A 23-foot, more or 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 to allow off-street parking to be located within the required front yard setback

LEGAL

DESCRIPTION: Lot 1, Canon Subdivision, City of Council Bluffs, Pottawattamie County, Iowa

LOCATION: 724 Hazel Street, Council Bluffs, IA, 51503

APPLICANT/OWNER: Parker Smith, 724 Hazel Street, Council Bluffs, IA 51503

BACKGROUND INFORMATION – The Community Development Department has received an application from Parker Smith for the following variances:

- A. A variance from Section 15.23.030, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), to allow off-street parking to be located within a required front yard; and
- B. 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 (carport) to be located closer to the front property line than the principal structure, on property legally described above.

The applicant and their neighbor to the south (625 Lindberg Drive) previously vacated a portion of Lindberg Drive right-of-way adjacent to their properties (Case #SAV-25-001, Resolution No. 25-98) in order to acquire additional land area for off-street parking purposes. Said vacation was contingent upon the applicants executing a final plat to combine the acquired portions of right-of-way with their landholdings so that all lots continued to have access following the vacation. A two-lot residential subdivision (Canon Subdivision) combining the vacated Lindberg Drive and the applicant's adjacent landholdings was approved by City Council on May 19, 2025 (Case #SUB-25-003, Resolution No. 25-134). At this time, the applicant at 724 Hazel Street (Parker Smith) is requesting variances to provide required off-street parking within the required 25-foot front yard setback and to place an 18' x 18' carport over said parking area.

A site plan is included with this report as Attachment 'A' and the applicant's letter of intent is included as Attachment 'B'.

The following attachments are included with the case staff report:

Attachment A: Site Plan

Attachment B: Letter of Intent

Attachment C: 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	Undeveloped lot (immediately adjacent) and single-family dwellings
South	R-1/Single-Family Residential District	Single-family dwellings
East	R-1/Single-Family Residential District	Single-family dwellings
West	R-1/Single-Family Residential District	Undeveloped land and single-family dwelling

A location/zoning map is included with this report as Attachment 'C.'

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

Exhibit A: Looking north towards the subject property



Exhibit B: Looking west towards the subject property



Exhibit C: Looking south towards the subject property



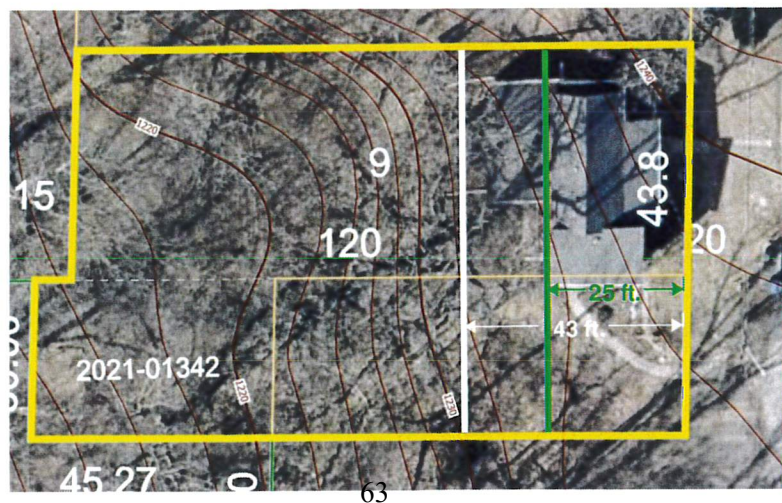
Exhibit D: Looking east towards the subject property:



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

The Council Bluffs Community Development Department provided the following comments:

1. The subject property is zoned R-1/Single-Family Residential District and contains a single-family dwelling constructed in 1920, which sits approximately five-feet (more/less) from the front property line. A two-lot residential subdivision (Canon Subdivision) combining the vacated Lindberg Drive and the applicant's adjacent landholdings was approved by City Council on May 19, 2025 via Resolution No. 25-134. The applicant is currently in the process of finalizing the final plat to be recorded. If approved, the requested variances shall not go into effect until such time the Canon Subdivision final plat is recorded. Lot 1, Canon Subdivision (724 Hazel Street) contains 8,473 square feet, and exceeds the minimum size, width, and depth requirements per Section 15.08B.040, *Site Development Regulations, R-1/Single-Family Residential District*, of the CBMC (Zoning Ordinance).
2. In November 2024, the property owner at 724 Hazel Street contacted the Community Development Department to discuss options for off-street parking at their property. Due to the lot's configuration, placement of the dwelling, and topography, the applicant did not have the ability to provide off-street parking spaces on the property. In order to obtain off-street parking that complies with all City standards, the applicant took the following steps:
 - A. Vacated a portion of Lindberg Drive right-of-way adjacent to their property to acquire additional land area for off-street parking purposes. Said vacation was contingent upon the applicants executing a final plat to combine the vacated right-of-way with their respective properties;
 - B. Obtained approval to create Canon Subdivision; and
 - C. Applied for variances from the Council Bluffs Zoning Board of Adjustment (current request) to allow off-street parking and a carport structure to be located within the front yard setback to overcome the development and topographical challenges of the property.
3. The subject property faces unique challenges that encumber the applicant's ability to further develop or provide off-street parking in a manner that conforms with current zoning requirements, as discussed below:
 - A. The property is located within the Loess Hills, which, due to significant grade changes, renders the majority of the property undevelopable.
 - B. The dwelling on the property was constructed in 1920 in the only flat area of the site without any off-street parking areas.
 - C. Per Section 15.23.030(C), *Parking Provisions for Personal Vehicles*, of the CBMC (Zoning Ordinance), "*parking is permitted outside in the side yard or in the rear yard, behind the required front yard setback and must be contiguous with the primary surfaced driveway.*" Based on the required 25-foot front yard setback for the R-1 District and the minimum 18 foot depth for a parking space, the applicant is required to pave a minimum 43 foot long driveway. Due to the placement of the existing dwelling, the only area available to pave a parking area and driveway is south of the dwelling. As shown by the topographical lines in the image below, paving a driveway and parking spaces in a manner that conforms to the requirements of Section 15.23.030, *Design Standards*, of the CBMC (Zoning Ordinance) would encroach into steep Loess Hill terrain, requiring significant grading and filling of the area. Staff has determined that a variance is necessary to allow for off-street parking to be provided on the property as it is encumbered by the placement of the existing nonconforming dwelling and the steep Loess Hills topography.



- D. Per Section 15.08B.050, *Site Development Regulations*, of the CBMC (Zoning Ordinance), accessory structures are required to meet the greater of 25 feet or the existing front setback line of the principle structure. Therefore, the proposed carport is required to meet a 25-foot front yard setback. Due to the placement of the nonconforming dwelling, the only space available to place an accessory structure is south of the dwelling. The topography of the site, as shown in the image in item 'C', renders much of the land area beyond the front yard setback undevelopable. The proposed placement of the carport is the only flat, undeveloped area of the property. Therefore, staff has determined that the requested setback variance is necessary to overcome the topographical and development constraints of the property.
4. All off-street parking areas shall be hard surfaced paved and designed to comply with the requirements of Section 15.23.030, *Design Standards*, of the CBMC (Zoning Ordinance).

The Council Bluffs Public Works Department stated they have no comment on the requested variance but noted that the easement retained over the sanitary sewer in the vacated Lindberg Drive right-of-way states that the City will not replace concrete if work is completed on the sewer.

The Council Bluffs Fire Department stated they have no comment on the request.

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

MidAmerican Energy noted they opposed the previous vacation request (Case #SAV-25-001) without the granting of a permanent easement to ensure reasonable access to their facilities. In regards to the current request, all minimum code clearances as well as reasonable and safe access must be maintained to the MidAmerican Energy (MEC) electric distribution facilities, within, adjacent to, or overhanging the setback area. This includes clearances and access for any existing MEC facilities that may overhang or be adjacent to the proposed parking pad and carport mentioned in the applicant's letter of intent and site plan. Before any construction begins, the property owners or their agents shall contact MEC directly to identify any costs associated with relocating any electric distribution facilities that may conflict with their construction plans.

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

Staff Note on Public and Private Utility Comments:

Note: Approval of the proposed variance requests does not constitute approval of the carport structure. Due to the existing utilities within the vacated Lindberg Drive right-of-way a utility access easement was reserved over said area. As such, the following items shall apply to any carport constructed in said easement area:

- A. *The applicant shall coordinate with the applicable utility providers and the City's Public Works Department to identify and resolve any conflicts with public or private utilities prior to issuance of a building permit for the carport structure. Documentation from applicable utility providers and the City's Public Works Department stating that all conflicts with utilities have been resolved, including but not limited to relocation of utility lines, shall be provided at the time of building permit submittal. All costs to construct, remove, and/or relocate any utilities for the proposed project shall be the responsibility of the property owner(s) and not the City.*
- B. *Any carport structure installed within the easement area shall be temporary in nature and easily removed in order to maintain access to utilities within the area.*

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 located within the Loess Hills and the majority of the property is encumbered by significant grade changes, limiting the developable land to the east portion of the site. The subject property is located on the edge of a steep slope within the Loess Hills, which puts it at a greater disadvantage than other properties in the vicinity who have less of the developable area on the property encumbered by a steep drop-off. The placement of the nonconforming dwelling, further restricts the developable areas of the property to the south side of the dwelling, within the front yard setback area.*
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 variances are not granted.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The challenging topography of the Loess Hills serves as the most significant disadvantage to providing conforming off-street parking or further development of the subject property, which is a condition of the natural environment and was not created by the owner or previous owners of the property. The existing nonconforming dwelling was constructed in 1920 with no off-street parking areas and in the only flat area on the property.*
4. *Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district. Granting the requested variances does not constitute a special privilege, as the variances are necessary to overcome the steep, challenging topography of the Loess Hills that encumbers the majority of the land area of the subject property and placement of the nonconforming dwelling. Many other properties in the vicinity, while still in the Loess Hills, have a greater portion of their property that is developable.*
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 variances to provide off-street parking and an associated carport in the front yard setback will not be contrary to the public interest and will not adversely impact surrounding properties.*

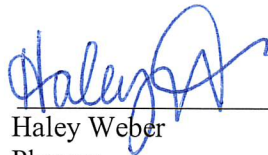
RECOMMENDATION—The Community Development Department recommends **approval** of the requested variances from Section 15.23.030, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), to allow off-street parking to be located within a required front yard and for 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 to be located closer to the front property line than the principal structure on property legally described as Lot 1, Canon Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, based on the reasons stated above and subject to the following condition(s):

- A. The Canon Subdivision final plat shall be recorded prior to the request variances going into effect.
- B. All off-street parking areas shall be hard surfaced paved and designed to comply with the requirements of Section 15.23.030, *Design Standards*, of the CBMC (Zoning Ordinance).
- C. Approval of the proposed variance requests does not constitute approval of the carport structure. The applicant shall coordinate with the applicable utility providers and the City's Public Works Department to identify and resolve any conflicts with public or private utilities prior to issuance of a building permit for the carport structure. Documentation from applicable utility providers and the City's Public Works Department that all conflicts with utilities have been resolved, including but not limited to relocation of utility lines, shall be provided at the time of building permit submittal. All costs to construct, remove, and/or relocate any utilities for the proposed project shall be the responsibility of the property owner(s) and not the City.

- D. Any carport structure installed within the easement area shall be temporary in nature and easily removed in order to maintain access to utilities within the area and shall be permitted by the Council Bluffs Permits and Inspections Division prior to installation.
- E. The applicant shall be responsible for replacement of any hard surface pavement removed for utility access and maintenance purposes.



Christopher Gibbons, AICP
Planning Manager



Haley Weber
Planner

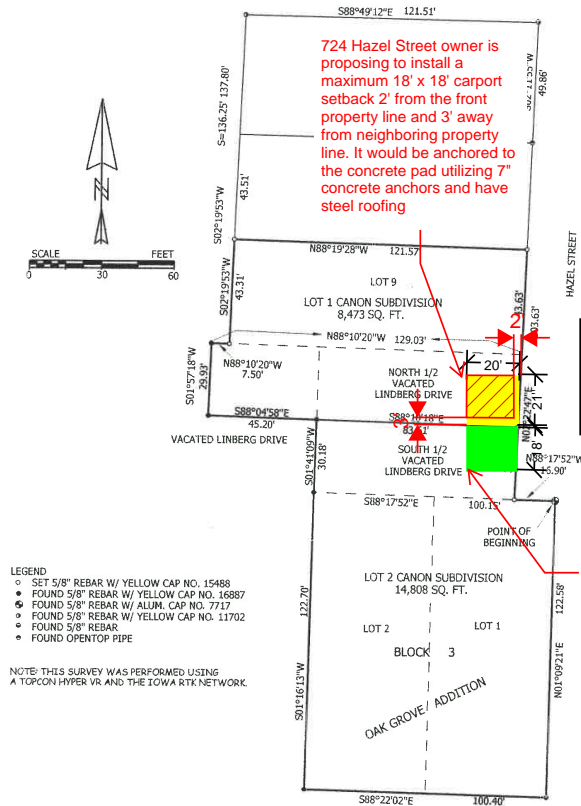
RECORDERS INDEX:
COUNTY: POTTAWATTAMIE
CITY: COUNCIL BLUFFS
SUBDIVISION: OAK GROVE ADDITION
BLOCKS: 1 & 3
LOTS: LOT 9 BLOCK 1 / LOTS 1 & 2 BLOCK 3
PROPRIETOR: MURRAY, DEVON P J /
CROOKHAM, JOHN S - RAMONA C TRUST
REQUESTED BY: PARKER SMITH
SURVEYOR: LONNIE R. MAYBERRY
COMPANY: LAND SURVEYING SERVICES, INC.
12 N. WALNUT ST. GLENWOOD, IA. 51534
712-527-3509

ATTACHMENT 'A'

PREPARED BY: LAND SURVEYING SERVICES, INC. 12 N. WALNUT ST. BOX 408 GLENWOOD, IA. 51534 (712)-527-3509

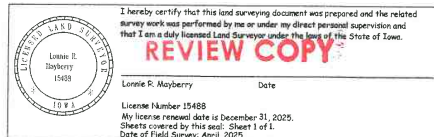
CANON SUBDIVISION

NAME OF PROPRIETOR: MURRAY, DEVON P J / CROOKHAM, JOHN S - RAMONA C TRUST



LEGEND
• SET 5/8" REBAR W/ YELLOW CAP NO. 15488
• FOUND 5/8" REBAR W/ YELLOW CAP NO. 16887
• FOUND 5/8" REBAR W/ ALUM. CAP NO. 7717
• FOUND 5/8" REBAR W/ YELLOW CAP NO. 11702
• FOUND 5/8" REBAR
• FOUND OPENTOP PIPE

NOTE: THIS SURVEY WAS PERFORMED USING
A TOPCON HYPER VR AND THE IOWA RTK NETWORK.



Legal Description

A parcel of land located in Lot 9 of Block 1 also part of Lots 1 and 2 in Block 3 all in Oak Grove Addition in the City of Council Bluffs, Pottawattamie County, Iowa, together with a part of vacated Linberg Drive all being more fully described as follows:
Commencing at the Northeast Corner of said Lot 1 in Block 3 of Oak Grove Addition and the Point of Beginning; thence N88°17'52"W along the North line of said Lot 1 a distance of 16.50 feet to the Westerly extension line of the Westerly right of way of Hazel Street; thence N02°22'47"E along said right of way a distance of 103.63 feet to the Northeast Corner of said Lot 9 of Block 1 of Oak Grove Addition; thence N88°19'28"W along the North line of said Lot 9 a distance of 121.57 feet to the Northwest Corner of said Lot 9; thence S02°19'53"W along the West line of said Lot 9 a distance of 43.31 feet to the Southwest Corner of said Lot 9; thence N88°10'20"W a distance of 7.50 feet; thence S01°57'18"W a distance of 29.93 feet; thence S88°04'58"E a distance of 45.20 feet; thence S01°41'09"W a distance of 30.18 feet to the Northwest Corner of said Lot 2 of Block 3; thence S01°16'13"W along the West line of said Lot 2 a distance of 122.70 feet to the Southwest Corner of said Lot 2; thence S88°22'02"E along the South line of said Lot 1 and 2 a distance of 100.40 feet to the Southeast Corner of said Lot 1; thence N01°09'21"E along the East line of said Lot 1 a distance of 122.58 feet to the Point of Beginning.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I, DEVON P J MURRAY AND JOHN S CROOKHAM, BEING THE OWNER, OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS TO BE NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS CANON SUBDIVISION, AND I DO HEREBY RATIFY AND APPROVE OF THIS DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT.

A PERPETUAL EASEMENT IS RESERVED FOR STORM DRAINAGE AND THE INSTALLATION AND MAINTENANCE OF UTILITIES 5 FEET WIDE ALONG EACH SIDE OF INTERIOR LOT LINES AND 10 FEET IN WIDTH ALONG ALL FRONT AND REAR LOT LINES

ERECTION OF STRUCTURES PROHIBITED: GRANTOR SHALL NOT ERECT ANY STRUCTURE OVER OF WITHIN THE EASEMENT AREA WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER, PROVIDED HOWEVER GRANTOR SHALL HAVE THE RIGHT TO PLACE AND MAINTAIN A SURFACED ROADWAY OVER AND WITHIN THE EASEMENT AREA.

- Key**
- Proposed 18' x 18' carport
 - 20' x 21' parking pad
 - 20' x 18' parking pad

GRANTOR SHALL NOT CHANGE THE GRADE, ELEVATION OR CONTOUR OF ANY PART OF EASEMENT AREA IN CONSENT OF THE CITY ENGINEER.

RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHTS OF INGREE AND EGREE AND ENJOYMENT OF THE EASEMENT AREA AS HERE IN DESCRIBED.

OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN EXERCISE OF THE RIGHTS UNDER THIS EASEMENT, SHALL BE BORNE BY THE GRANTOR OR THEIR

SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN EASEMENT AREA SHALL BE LIMITED ONLY TO GRADING AND SEEDING, AND REPLACEMENT OF GRANTORS SURFACED ROADWAY.

DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, OR YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASEMENT AREA WHICH MAYBE BE DAMAGED AS A RESULT IF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS SHALL BE REPAIRED AT NO EXPENSE TO GRANTOR.

625 Lindberg owner intends to pour a 20' x 18' concrete parking pad with a paved approach per City requirements

EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON GRANTOR AND ASSIGNS

ARY

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2025 BY

NOTARY PUBLIC

APPROVAL OF COUNCIL BLUFF CITY COUNCIL

THIS FINAL PLAT OF CANON SUBDIVISION WAS APPROVED BY THE COUNCIL BLUFFS IOWA CITY COUNCIL ON THIS _____ DAY OF _____, 2025

MATT WALSH, MAYOR

ATTEST:

JODI QUAKENBUSH, CITY CLERK

APPROVAL OF COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPARTMENT

THIS FINAL PLAT OF CANON SUBDIVISION WAS APPROVED BY THE COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPARTMENT ON THIS _____ DAY OF _____, 2025

COURNEY HARTER, DIRECTOR

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OF SPECIAL TAXES, DUE OR DELINQUENT, AGAINST THE PORPORY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN ON THE RECORD OF THIS OFFICE, THIS _____ DAY OF _____, 2025

LEA VOSS, POTTAWATTAMIE COUNTY TREASURER

SURVEY - PART OF LINDBERG DRIVE NORTH OF LOTS 1 & 2
BLOCK 3 OAK GROVE ADDITION & SOUTH OF LOT 9 OF
BLOCK 1 OAK GROVE ADDITION CITY OF COUNCIL BLUFFS,
POTTAWATTAMIE COUNTY, IOWA
SCALE: 1"=30' DATES: APRIL, 2025 DRAWN BY: RSF
REQUESTED BY: PARKER SMITH
724 HAZEL STREET COUNCIL BLUFF, IA 51503
DRAWING NO. PSMITHZAK

Letter of Intent

To Whom It May Concern,

I am requesting a variance to pour a driveway within the required front yard setback due to property constraints and topography that exceeds the 25-foot setback. I intend to pour a driveway 18-foot by 34-foot within the front yard setback. I would like you to consider the possibility of also putting a carport (roughly 18-foot by 20-foot) on this driveway while still meeting the 3-foot required to be away from the neighbor's property line. I would greatly appreciate you considering my proposal for a variance.

Thank You,

A handwritten signature in cursive script, appearing to read "Parker Smith".

Parker Smith

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT

CASE #BA-25-005 LOCATION/ZONING MAP

Legend

Subject Property Case
#BA-25-005 (724 Hazel
Street)

0 15 30

1 inch = 27 feet

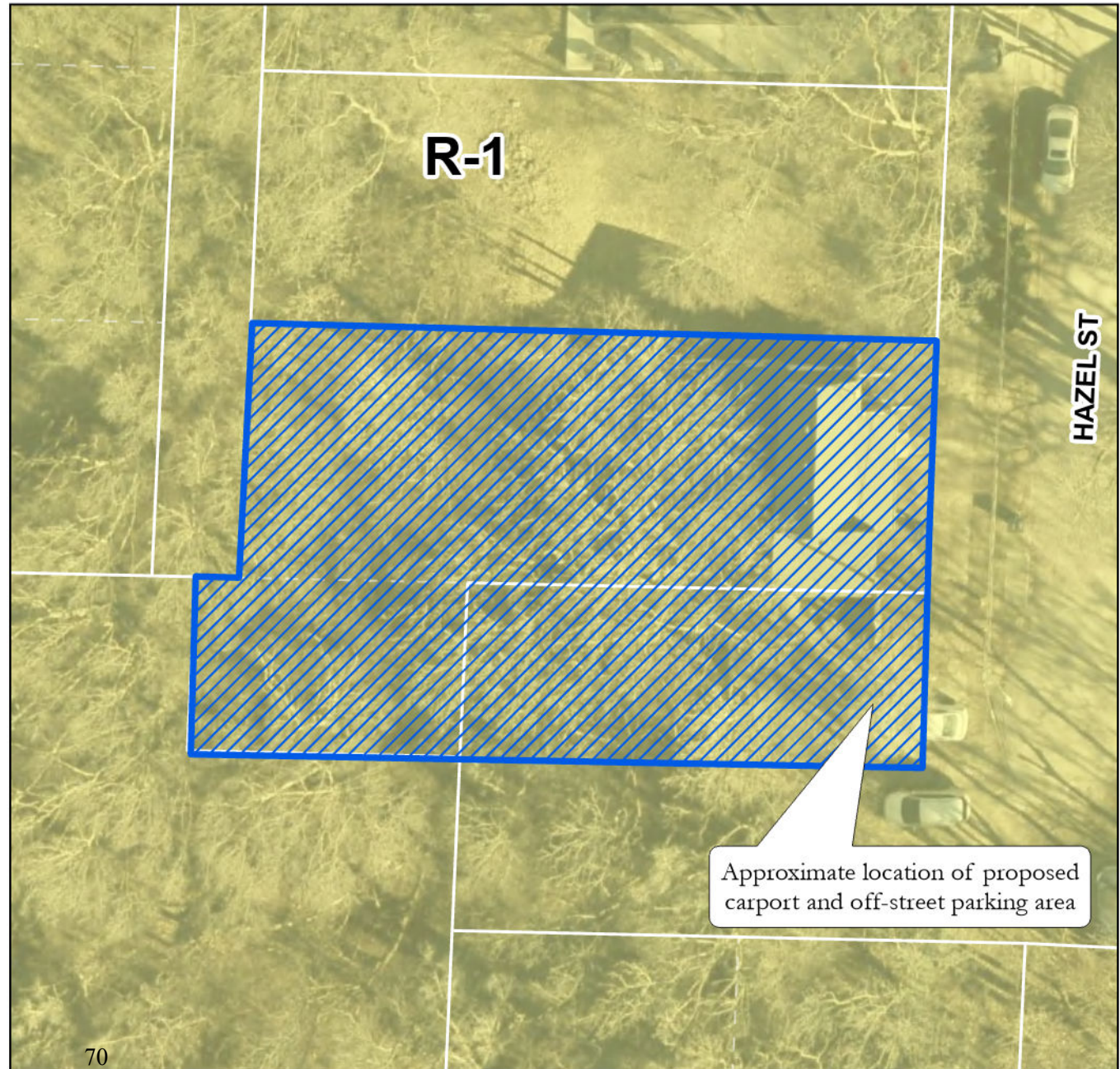


Last Amended: 6/23/2025



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.



Zoning Board of Adjustment Communication

Department: Community
Development

Case/Project No.: BA-25-006

CASE #BA-25-006

Council Action: 7/15/2025

Submitted by: Haley Weber,
Planner

Description

Public hearing on the request of Bill Somers for a variance from Section 15.23.030, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), to allow off-street parking to be located within a required front yard on property legally described as Lot 2, Canon Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: 625 Lindberg Drive. CASE #BA-25-006

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Type

Upload Date

Staff Report and Attachments A - C

Staff Report

7/10/2025

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: July 15, 2025

RE: **CASE #BA-25-006**
REQUEST: Public hearing on the request of Bill Somers for a variance from Section 15.23.030, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), to allow off-street parking to be located within a required front yard on property legally described as Lot 2, Canon Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.

APPLICABLE CODE SECTION(S): **Section 15.23.030, Design Standards, Off-Street Parking, Loading and Unloading**

A. Parking Provisions for Personal Vehicles. All parking in one and two family residential uses shall be parked or stored in the following manner:

5. Parking is permitted outside in the side yard or in the rear yard, behind the required front yard setback and must be contiguous with the primary surfaced driveway;

RELIEF SOUGHT: A variance to allow off-street parking to be located within the required front yard setback

LEGAL DESCRIPTION: Lot 2, Canon Subdivision, City of Council Bluffs, Pottawattamie County, Iowa

LOCATION: 625 Lindberg Drive, Council Bluffs, IA, 51503

APPLICANT: Bill Somers (Trustee), 65030 232nd Street, Glenwood, IA 51534

OWNER: John S. Crookham and Ramona L. Crookham Trust, 625 Lindberg Drive, Council Bluffs, IA 51503

BACKGROUND INFORMATION – The Community Development Department has received an application from Bill Somers for a variance from Section 15.23.030, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), to allow off-street parking to be located within a required front yard on property legally described above.

The applicant and their neighbor to the north (724 Hazel Street) previously vacated a portion of Lindberg Drive right-of-way adjacent to their properties (Case #SAV-25-001, Resolution No. 25-98) in order to acquire additional land area for off-street parking purposes. Said vacation was contingent upon the applicants executing a final plat to combine the acquired portions of right-of-way with their landholdings so that all lots continued to have access following the vacation. A two-lot residential subdivision (Canon Subdivision) combining the vacated Lindberg Drive and the applicant's adjacent landholdings was approved by City Council on May 19, 2025 (Case #SUB-25-003, Resolution No. 25-134). At this time, the applicant at 625 Lindberg Drive (Bill Somers) is requesting a variance to provide required off-street parking within the required 25-foot front yard setback. The applicant intends to pave a 20' x 18' hard surfaced parking pad within the front yard setback, as shown on Attachment 'A'. The applicant's letter of intent is included as Attachment 'B'.

The following attachments are included with the case staff report:
 Attachment A: Site Plan
 Attachment B: Letter of Intent
 Attachment C: 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	Single-family dwellings
South	R-1/Single-Family Residential District	Single-family dwellings
East	R-1/Single-Family Residential District	Single-family dwellings
West	R-1/Single-Family Residential District	Single-family dwelling

A location/zoning map is included with this report as Attachment 'C.'

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

Exhibit A: Looking north towards the subject property



Exhibit B: Looking west towards the subject property



Exhibit C: Looking south towards the subject property

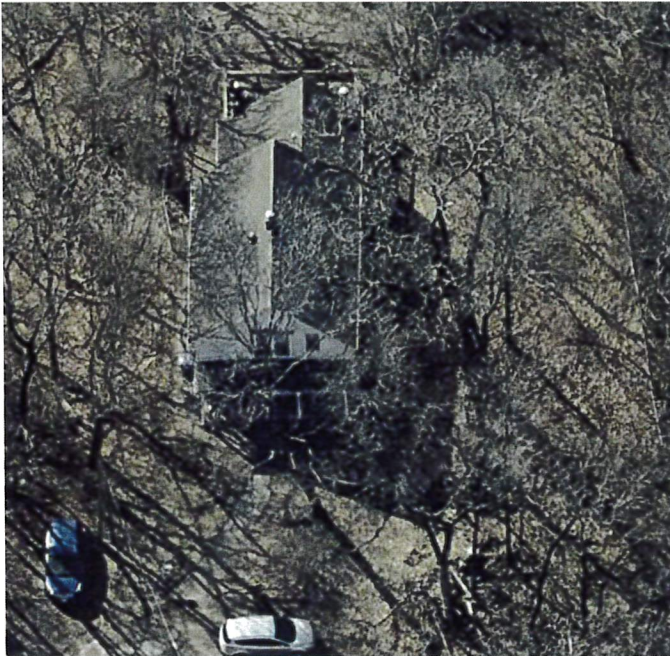


Exhibit D: Looking east towards the subject property:



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

The Council Bluffs Community Development Department provided the following comments:

1. The subject property is zoned R-1/Single-Family Residential District and contains a single-family dwelling constructed in 1900. A two-lot residential subdivision (Canon Subdivision) combining the vacated Lindberg Drive and the applicant's adjacent landholdings was approved by City Council on May 19, 2025 via Resolution No. 25-134. The applicant is currently in the process of finalizing the final plat to be recorded. If approved, the requested variance shall not go into effect until such time the Canon Subdivision final plat is recorded. Lot 2, Canon Subdivision (625 Lindberg Drive) contains 14,808 square feet, and exceeds the minimum size per Section 15.08B.040, *Site Development Regulations, R-1/Single-Family Residential District*, of the CBMC (Zoning Ordinance).
2. In November 2024, the property owner at 724 Hazel Street contacted the Community Development Department to discuss options for off-street parking at their property. Due to the lot's configuration, placement of the dwelling, and topography, the applicant did not have the ability to provide off-street

- A. Vacated a portion of Lindberg Drive right-of-way adjacent to their property and the applicants property to acquire additional land area for off-street parking purposes. Said vacation was contingent upon the applicants executing a final plat to combine the vacated right-of-way with their respective properties;
- B. Obtained approval to create Canon Subdivision; and
- C. Applied for a variance from the Council Bluffs Zoning Board of Adjustment (current request) to allow off-street parking to be located within the front yard setback to overcome the development and topographical challenges of the property.

-
- Key**
- Front Lot Lines
 - Side Lot Lines
 - Rear Lot Lines
 - Front Yard Setback
 - Front Yard
- FOUND OPENTOP PIPE
- NOTE: THIS SURVEY WAS PERFORMED USING A TOPCON HYPER VR AND THE IOWA RTK NETWORK
- Survey Plat Details:**
- Block 3**
 - Lot 2**
 - Lot 2 Canon Subdiv** (14,808 SQ. FT.)
 - Front Lot Lines:** N88°17'52"E 15.90', N02°22'47"E 30.00', N01°09'21"E 122.58'
 - Side Lot Lines:** S88°10'18"E 95.61', S88°22'02"E 100.40'
 - Rear Lot Lines:** S01°16'13"W 122.70', S01°04'16"W 122.58'
 - Front Yard Setback:** 100.15'
 - Front Yard:** 808°17'52"E 30.43'
 - Point of Beginning:** Located at the intersection of the front lot lines.
 - Other Features:** VACATED LINDBERG DRIVE, LINDBERG DRIVE, OAK GROVE / ADDITION

D. The proposed placement of the off-street parking area is the only flat, undeveloped area of the property. Staff has determined that a variance is necessary to allow for off-street parking to be provided on the property as it is encumbered by the steep Loess Hills topography.

- The Council Bluffs Public Works Department stated they have no comment on the requested variance but noted that the easement retained over the sanitary sewer in the vacated Lindberg Drive right-of-way states that the City will not replace concrete if work is completed on the sewer.

The Council Bluffs Fire Department stated they have no comment on the request.

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

MidAmerican Energy noted they opposed the previous vacation request (Case #SAV-25-001) without the granting of a permanent easement to ensure reasonable access to their facilities. In regards to the current request, all minimum code clearances as well as reasonable and safe access must be maintained to the MidAmerican Energy (MEC) electric distribution facilities, within, adjacent to, or overhanging the setback area. This includes clearances and access for any existing MEC facilities that may overhang or be adjacent to the proposed parking pad. Before any construction begins, the property owners or their agents shall contact MEC directly to identify any costs associated with relocating any electric distribution facilities that may conflict with their construction plans.

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)

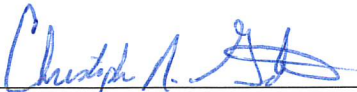
1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity. The subject property is located within the Loess Hills and the majority of the property is encumbered by significant grade changes, limiting the developable land to the northeast portion of the site. The subject property is located on the edge of a steep slope within the Loess Hills; which puts it at a greater disadvantage than other properties in the vicinity who have less of the developable area on the property encumbered by a steep drop-off. The lot is irregularly shaped after the applicant replatted the property. However, the applicant did not have the ability to create a regular shaped lot due to the City’s requirements on maintaining minimum required right-of-way widths. This irregular lot shape creates a greater area of the property that is considered the front yard, further limiting where off-street parking can be placed on 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 variances are not granted.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The challenging topography of the Loess Hills serves as the most significant disadvantage to providing conforming off-street parking or further development of the subject property, which is a condition of the natural environment and was not created by the owner or previous owners of the property. The existing nonconforming dwelling was constructed in 1900 with no off-street parking areas and is in the only flat area on the property outside of the front yard setback. While the irregular shape of the lot was created by the current owner, the applicant did not have the ability to create a regular shaped lot due to the City’s requirements on maintaining minimum required right-of-way widths.*
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 requested variance does not constitute a special privilege, as the variance is necessary to overcome the steep, challenging topography of the Loess Hills that encumbers the majority of the land area of the subject property. Many other properties in the vicinity, while still in the Loess Hills, have a greater portion of their property that is developable. The lot’s irregular shape was a result of the applicant’s inability to acquire additional right-of-way from the City when replatting*

their property. This irregular shape makes it unique in that it has two front lot lines, unlike other properties in the general vicinity. This irregular lot shape creates a greater area of the property that is considered the front yard, further limiting where off-street parking can be placed on the property.

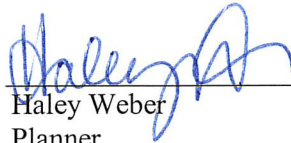
5. Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance. The variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this ordinance that create particular hardships. Granting the requested variance to provide off-street parking in the front yard setback will not be contrary to the public interest and will not adversely impact surrounding properties.

RECOMMENDATION—The Community Development Department recommends **approval** of the requested variance from Section 15.23.030, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), to allow off-street parking to be located within a required front yard on property legally described as Lot 2, Canon Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, based on the reasons stated above and subject to the following condition(s):

- A. The Canon Subdivision final plat shall be recorded prior to the request variances going into effect.
- B. All off-street parking areas shall be hard surfaced paved and designed to comply with the requirements of Section 15.23.030, *Design Standards*, of the CBMC (Zoning Ordinance).
- C. The applicant shall coordinate with MidAmerican Energy prior to installation of the pavement to ensure compliance with all applicable codes and requirements.
- D. The applicant shall be responsible for replacement of any hard surface pavement removed for utility access and maintenance purposes.



Christopher Gibbons, AICP
Planning Manager



Haley Weber
Planner

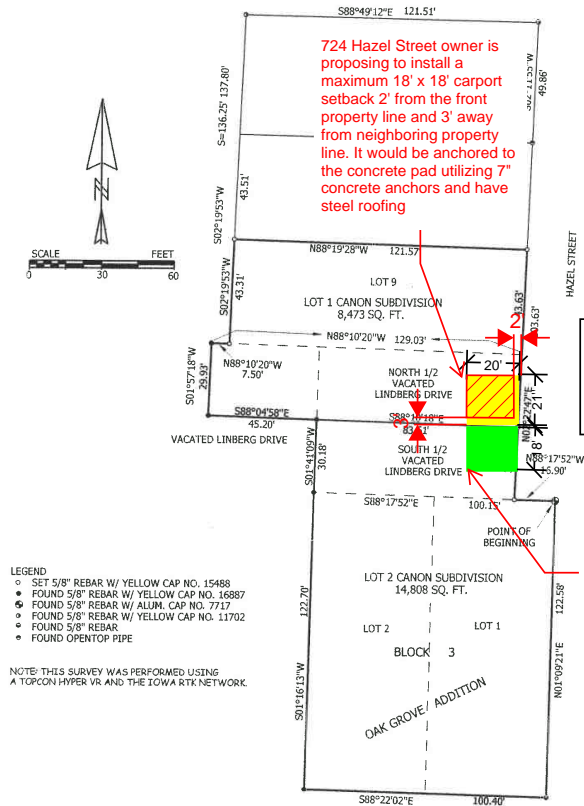
RECORDERS INDEX:
COUNTY: POTTAWATTAMIE
CITY: COUNCIL BLUFFS
SUBDIVISION: OAK GROVE ADDITION
BLOCKS: 1 & 3
LOTS: LOT 9 BLOCK 1 / LOTS 1 & 2 BLOCK 3
PROPRIETOR: MURRAY, DEVON P J /
CROOKHAM, JOHN S - RAMONA C TRUST
REQUESTED BY: PARKER SMITH
SURVEYOR: LONNIE R. MAYBERRY
COMPANY: LAND SURVEYING SERVICES, INC.
12 N. WALNUT ST. GLENWOOD, IA. 51534
712-527-3509

ATTACHMENT 'A'

PREPARED BY: LAND SURVEYING SERVICES, INC. 12 N. WALNUT ST. BOX 408 GLENWOOD, IA. 51534 (712)-527-3509

CANON SUBDIVISION

NAME OF PROPRIETOR: MURRAY, DEVON P J / CROOKHAM, JOHN S - RAMONA C TRUST



- LEGEND
- SET 5/8" REBAR W/ YELLOW CAP NO. 15488
 - FOUND 5/8" REBAR W/ YELLOW CAP NO. 16887
 - FOUND 5/8" REBAR W/ ALUM. CAP NO. 7717
 - FOUND 5/8" REBAR W/ YELLOW CAP NO. 11702
 - FOUND 5/8" REBAR
 - FOUND OPENTOP PIPE

NOTE: THIS SURVEY WAS PERFORMED USING
A TOPCON HYPER VR AND THE IOWA RTK NETWORK.

Legal Description

A parcel of land located in Lot 9 of Block 1 also part of Lots 1 and 2 in Block 3 all in Oak Grove Addition in the City of Council Bluffs, Pottawattamie County, Iowa, together with a part of vacated Lindberg Drive all being more fully described as follows:
Commencing at the Northeast Corner of said Lot 1 in Block 3 of Oak Grove Addition and the Point of Beginning; thence N88°17'52"W along the North line of said Lot 1 a distance of 16.50 feet to the Westerly extension line of the Westerly right of way of Hazel Street; thence N02°22'47"E along said right of way a distance of 103.63 feet to the Northeast Corner of said Lot 9 of Block 1 of Oak Grove Addition; thence N88°19'28"W along the North line of said Lot 9 a distance of 121.57 feet to the Northwest Corner of said Lot 9; thence S02°19'53"W along the West line of said Lot 9 a distance of 43.31 feet to the Southwest Corner of said Lot 9; thence N88°10'20"W a distance of 7.50 feet; thence S01°57'18"W a distance of 29.93 feet; thence S88°04'58"E a distance of 45.20 feet; thence S01°41'09"W a distance of 30.18 feet to the Northwest Corner of said Lot 2 of Block 3; thence S01°16'13"W along the West line of said Lot 2 a distance of 122.70 feet to the Southwest Corner of said Lot 2; thence S88°22'02"E along the South line of said Lot 1 and 2 a distance of 100.40 feet to the Southeast Corner of said Lot 1; thence N01°09'21"E along the East line of said Lot 1 a distance of 122.58 feet to the Point of Beginning.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I, DEVON P J MURRAY AND JOHN S CROOKHAM, BEING THE OWNER, OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS TO BE NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS CANON SUBDIVISION, AND I DO HEREBY RATIFY AND APPROVED OF THIS DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT.

A PERPETUAL EASEMENT IS RESERVED FOR STORM DRAINAGE AND THE INSTALLATION AND MAINTENANCE OF UTILITIES 5 FEET WIDE ALONG EACH SIDE OF INTERIOR LOT LINES AND 10 FEET IN WIDTH ALONG ALL FRONT AND REAR LOT LINES

ERECTION OF STRUCTURES PROHIBITED: GRANTOR SHALL NOT ERECT ANY STRUCTURE OVER OF WITHIN THE EASEMENT AREA WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER, PROVIDED HOWEVER GRANTOR SHALL HAVE THE RIGHT TO PLACE AND MAINTAIN A SURFACED ROADWAY OVER AND WITHIN THE EASEMENT AREA.

- Key
- Proposed 18' x 18' carport
 - 20' x 21' parking pad
 - 20' x 18' parking pad

R SHALL NOT CHANGE THE GRADE, ELEVATION OR CONTOUR OF ANY PART OF EASEMENT AREA IN CONSENT OF THE CITY ENGINEER.

RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHTS OF INGREE AND EGREE AND ENJOYMENT OF THE EASEMENT AREA AS HERE IN DESCRIBED.

OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN EXERCISE OF THE RIGHTS UNDER THIS EASEMENT, SHALL BE BORNE BY THE GRANTOR OR THEIR

SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN EASEMENT AREA SHALL BE LIMITED ONLY TO GRADING AND SEEDING, AND REPLACEMENT OF GRANTORS SURFACED ROADWAY.

DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, OR YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASEMENT AREA WHICH MAYBE BE DAMAGED AS A RESULT IF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS SHALL BE REPAIRED AT NO EXPENSE TO GRANTOR.

625 Lindberg owner intends to pour a 20' x 18' concrete parking pad with a paved approach per City requirements

EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON GRANTOR AND ASSIGNS

ARY

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2025 BY

NOTARY PUBLIC

APPROVAL OF COUNCIL BLUFF CITY COUNCIL

THIS FINAL PLAT OF CANON SUBDIVISION WAS APPROVED BY THE COUNCIL BLUFFS IOWA CITY COUNCIL ON THIS _____ DAY OF _____, 2025

MATT WALSH, MAYOR

ATTEST:
JODI QUAKENBUSH, CITY CLERK

APPROVAL OF COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPARTMENT

THIS FINAL PLAT OF CANON SUBDIVISION WAS APPROVED BY THE COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPARTMENT ON THIS _____ DAY OF _____, 2025

COURNEY HARTER, DIRECTOR

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OF SPECIAL TAXES, DUE OR DELINQUENT, AGAINST THE PORPORY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN ON THE RECORD OF THIS OFFICE, THIS _____ DAY OF _____, 2025

LEA VOSS, POTTAWATTAMIE COUNTY TREASURER

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

REVIEW COPY

Lonnie R. Mayberry
15488

Lonnie R. Mayberry Date _____

License Number 15488
My license renewal date is December 31, 2025.
Sheets covered by this seal: Sheet 1 of 1.
Date of Field Survey: April, 2025.

SURVEY- PART OF LINDBERG DRIVE NORTH OF LOTS 1 & 2
BLOCK 3 OAK GROVE ADDITION & SOUTH OF LOT 9 OF
BLOCK 1 OAK GROVE ADDITION CITY OF COUNCIL BLUFFS,
POTTAWATTAMIE COUNTY, IOWA
SCALE: 1"=30' DATE: APRIL, 2025 DRAWN BY: RSF
REQUESTED BY: PARKER SMITH
724 HAZEL STREET COUNCIL BLUFF, IA 51503
DRAWING NO. PSMITHZAK

Applicaton for Variance – 625 Lindberg Dr., Council Bluffs

The topographical position of this property presents a drainage problem for us. We're located at the bottom of Hazel St., and every time it rains water flows unimpeded onto our front yard and then into the basement. Over time, this has cause foundation problems. Cementing the section in front of the house would not only give us some parking, but would allow us to pour an adequate curb to re-route that water and prevent further erosion.

Most of the original asphalt of the Right Of Way has eroded and left a mostly dirt surface. It's all mud and broken asphalt after every rain. My Aunt, the resident here is 94 years old and uses a wheelchair. It's nearly impossible to use at those times, and there is no other viable space to use for off-street parking.

We haven't created these conditions, and haven't made any alterations to the property because it was previously owned by the city. These issues are simply a by-product of time, neglect and the elements.

Granting this variance shouldn't have any bearing on the other properties or structures within the district, and is not contrary to public interest. It is intended to be an improvement to the neighborhood, while at the same time providing us with off-street parking and safe pedestrian/handicapped access.

Bill Somers, trustee

John S. and Ramona L. Crookham Revocable Trust

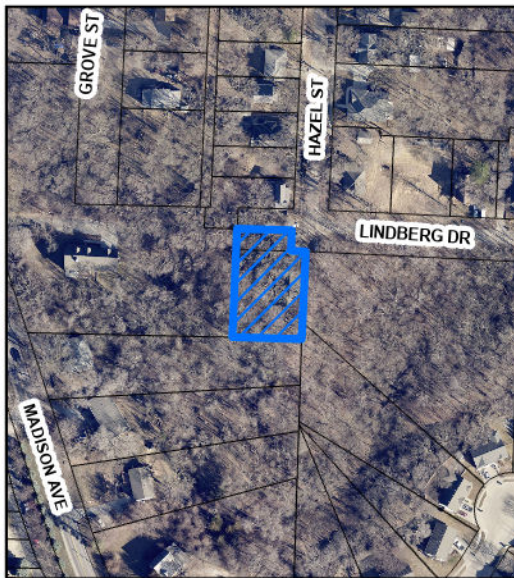
CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT

CASE #BA-25-006 LOCATION/ZONING MAP

Legend

Subject Property Case
#BA-25-006 (625 Lindberg Drive)

0 25 50
1 inch = 43 feet



Last Amended: 6/23/2025



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

DISCLAIMER
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