

**MINUTES
ZONING BOARD OF ADJUSTMENT
MAY 21, 2019**

1. CALL TO ORDER – Vargas called the meeting to order at 4:00 p.m.

2. ROLL CALL

Members Present: Behrens, Mescher, Olson, Tritsch, and Vargas

Members Absent: None

Staff: Gibbons, Monrroy, Jura, and Weber

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF AGENDA

Motion by Mescher, second by Olson, to adopt the agenda as presented. Motion carried by unanimous voice vote.

5. APPROVAL – MINUTES OF MARCH 19, 2019 MEETING

Motion by Behrens, second by Olson, to approve the minutes as written. Motion carried by unanimous voice vote.

6. PROOF OF PUBLICATION – Gibbons

7. REVIEW OF MEETING PROCEDURES – Vargas

8. PUBLIC HEARINGS

- A. CASE #CU-19-002: Public hearing on the request of All Makes Collision Center, represented by Karl Getzschman, for a conditional use permit to allow ‘automobile repair, major’ in a C-2/Commercial District on property legally described as Lot 8, Block 19, Hughes and Doniphans Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: 524 23rd Avenue.

Weber provided an overview of the request.

Tristch asked for clarification on the hours of operation. Gibbons stated hours of operations refers to the duration of time in which the property can be used to conduct the proposed automobile repair business. Gibbons stated the applicant shall not conduct business outside those hours.

The following member of the public spoke in favor of the request.

Karl Getzschman, 13935 Cherokee Lane, Council Bluffs, IA spoke as the applicant of the request. Getzschman stated that overall he had no issues with the Staff’s recommendation, but asked for clarification on landscaping requirements. Gibbons stated the applicant would be required to tear out pavement along the frontage of the property on either side of the primary driveway, which would result in the loss of two parking spaces, and install landscape areas five feet in depth. Gibbons stated Staff recommended installing landscaping in these areas to bring the property into conformance with the City’s Zoning Ordinance as it would serve as the required 5-foot setback between parking surfaces and property lines. Gibbons stated the applicant could plant either one tree or ten shrubs to meet landscaping requirements. Vargas asked about the purpose of the recommended landscaping along the easterly property line. Gibbons stated landscaping would provide screening from any potential outside storage.

Getzschman also asked for additional time to complete the sidewalk along 23rd Avenue, as it would require relocating a power pole, as well as to remove the easterly most drive off of 23rd Avenue. Gibbons stated the Board could establish a reasonable time frame for the applicant to complete said conditions. Gibbons recommended providing the applicant six months to complete conditions 7 through 10, as outlined in the Staff report. Gibbons also stated Mid-American Energy Company will need to be contacted to relocate the power pole.

Kim Elder, 2423 South 17th Street, spoke as the owner of the subject property. Elder stated he purchased the subject property as three separate parcels, but they were later combined into one parcel by Pottawattamie County. Elder stated he was under the impression that they were still three separate lots, but recently found out that is not the case. Jura stated that when contiguous lots have common ownership, the County combines them into one parcel for taxation and billing purposes.

No one from the public spoke in opposition of the request.

Vargas closed the public hearing.

Mescher and Olson stated they are in favor of the request and providing the applicant with additional time to complete conditions 7 through 10. Olson also stated that Elder did not have to sell the property and could subdivide the property if he preferred.

Motion by Olson, seconded by Mescher, to approve the request for a conditional use permit to allow ‘automobile repair, major’ at 524 23rd Avenue, legally described as Lot 8, Block 19, Hughes and Doniphan’s Subdivision, subject to conditions 1 through 6 of the case staff report being completed prior to the business operating and subject to conditions 7 through 10 being completed within six months of permit approval.

VOTE: AYE – Behrens, Mescher, Olson, Tritsch, and Vargas. NAY – None. ABSTAIN – None. ABSENT – None. Motion carried.

9. OTHER BUSINESS

- A. Items of Interest: Gibbons invited Board members who attended the April 25, 2019 Intro to Planning and Zoning education course to any comments they had about the course. Vargas stated he learned about the responsibilities and processes of other boards and commissions. Gibbons stated he hopes a couple of members from the Planning Commission and Zoning Board of Adjustment can attend this workshop every year, as funding is available, to continue their education and training.

10. ADJOURNMENT – Vargas adjourned the meeting at 4:33 p.m.

The recording of this proceeding, though not transcribed, is part of the record of each respective action of the Zoning Board of Adjustment. The recording of this proceeding is incorporated into these official minutes of this Board meeting as if they were transcribed herein.