

**ZONING BOARD OF ADJUSTMENT
MINUTES
APRIL 15, 2025**

1. CALL TO ORDER – Skudler called the meeting to order at 3:59 p.m.

2. ROLL CALL

Members Present: Olson, Skudler, Tritsch, and Vargas*
Members Absent: Behrens
Staff: Harter, Gibbons, Jura, and Weber

**Vargas attended the meeting remotely*

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF AGENDA

Motion by Olson, second by Tritsch, to approve the agenda as presented. Motion carried by unanimous voice vote.

5. APPROVAL OF THE MARCH 18, 2025 MEETING MINUTES

Motion by Olson, second by Tritsch, to approve the minutes. Motion carried by unanimous voice vote.

6. PROOF OF PUBLICATION – Gibbons

7. REVIEW OF MEETING PROCEDURES – Skudler

8. PUBLIC HEARINGS

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

Weber provided an overview of the request.

No one spoke in favor or opposition to the request. Skudler closed the public hearing.

Motion made by Olson, second by Tritsch, to approve the request of Nick Petersen to modify an approved conditional use permit for 'automobile repair, major' in a C-2 District (Case #CU-19-002(M)) to construct a 30' x 60' addition to an existing building on property legally described as Lot 8, Block 19, Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa, based on the following findings of fact:

1. *The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations, and all other standards or conditions contained in the provisions authorizing such use. The subject property contains 25,575 square feet in area, which exceeds the minimum lot size requirements in the C-2/Commercial District. The proposed building addition will comply with all site development regulations in Section 15.15.050 of the Council Bluffs Municipal Code (Zoning Ordinance), and with the conditions previously adopted as per conditional use permit #CU-19-002 and #CU-19-002(M).*

2. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided. The 'automobile repair, major' establishment on the subject property is served with existing utilities. No utility service extensions and/or infrastructure improvements are necessary for the proposed building addition.*

3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. The subject property has direct access to 23rd Avenue to the south and South 6th Street to the west. No traffic conflicts or congestion on the adjacent public streets are anticipated to occur as a result of the proposed expansion. No additional improvements are necessary for the request.
4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly states that such permits are obtainable for the proposed conditional use on the subject property. The applicant shall be required to obtain all necessary building permits for the proposed addition. The applicant shall continue to comply with all applicable federal, state and local laws and requirements for the existing 'automobile repair, major' establishment.
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. No new exterior lighting is proposed with this request. Any proposed outdoor lighting shall comply with the standards in Section 15.24.050, *Lighting Controls*, of the Council Bluffs Municipal Code (Zoning Ordinance).
6. The location and size of the conditional use, the nature and intensity of the activities, to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. The subject property is located near the South Expressway, a visible commercial corridor in Council Bluffs, and is zoned appropriately for the existing 'automobile repair, major' establishment. The surrounding uses to the east and south are commercial in nature. The proposed expansion will not change the character of the surrounding area. No exterior storage has been requested as part of this amendment. Therefore, the proposed request is anticipated to have no negative impact on existing or future land uses in the surrounding area. The existing use is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.
7. The location, nature and height of buildings, structures, walls, and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use, and enjoyment of the adjacent land, buildings and structures. All automobile repair activity will occur inside the building. The proposed expansion of the 'automobile repair, major' use is not anticipated to discourage the appropriate development, use or enjoyment of the adjacent land, buildings, and structure if constructed in accordance with the applicant's submittal and all applicable codes and regulations.

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

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

- a. A wood and/or masonry fence, at least fifty (50) percent opaque, six feet in height;
- b. A vegetation fence capable of providing a substantially opaque barrier and attaining a height of six feet within three years of planting;

- c. A landscaped earth berm with a maximum slope of three to one vertical/horizontal, no more than six feet above the existing grade of the property line separating the zoning districts; or
- d. Any combination of the described methods that achieves a cumulative height of six feet.

8. *The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. The proposed expansion of the existing 'automobile repair, major' use is not anticipated to have a negative impact on property values for existing or future land uses in the surrounding area.*

The conditions of approval are as follows:

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

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

9. OTHER BUSINESS

- A. 2024 Zoning Board of Adjustment Annual Report – Gibbons provided an overview of the 2024 Zoning Board of Adjustment Annual Report and asked the Board to review and provide any necessary edits. Gibbons stated that staff will submit the final report to the City Clerk to receive and file with City Council. Motion by Olson, second by Tritsch to approve the 2024 Zoning Board of Adjustment Annual Report. Motion carried by unanimous voice vote.

- B. Items of interest: Gibbons noted there will be a May Zoning Board of Adjustment meeting.

10. ADJOURNMENT – Skudler adjourned the meeting at 4:10 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.