

**ZONING BOARD OF ADJUSTMENT
MINUTES
MAY 23, 2025**

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

2. **ROLL CALL**

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

Members Absent: None

Staff: Harter, Gibbons, Jura, and Weber

3. **PLEDGE OF ALLEGIANCE**

4. **ADOPTION OF AGENDA**

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

5. **APPROVAL OF THE APRIL 15, 2025 MEETING MINUTES**

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

Weber provided an overview of the request.

The following members of the public spoke in favor of the request:

David Brandt, 11475 240th Street, Council Bluffs, Iowa 51503, spoke as the applicant of the request. Brandt noted they currently live in the County and are looking to move to the subject property within a couple years. Brandt stated they are requesting the variance to expand the garage to accommodate parking of two larger vehicles and additional storage area.

Mark Sornson, 20896 Cardinal Lane, Council Bluffs, Iowa 51503, spoke as the contractor who prepared the proposed garage plans. Sornson discussed the aesthetic compatibility of the proposed garage and issues with building an attached garage.

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

Vargas asked about the variance granted at 4 Westlake Village. Gibbons gave an overview of the variance granted at 4 Westlake Village and noted the unique hardships specific to that property.

Behrens discussed the unique nature of properties in Lakewood Villa and variances granted in that subdivision. Gibbons concurred and noted that properties on Westlake Village do not suffer from the same constraints as properties in Lakewood Villa.

Olson asked for confirmation that detached nature of the garage is the reason the variance is needed. Gibbons stated that if the garage was attached the applicant could potentially benefit from an average front

yard setback. Gibbons noted that any addition to the nonconforming detached garage would be required to be located behind the front wall of the principal structure.

Behrens asked if denial of the request would eliminate the applicant's ability to propose modified plans in the future. Gibbons stated the applicant could not bring back an identical request, but the applicant could bring back a modified proposal. Gibbons discussed alternative options that confirm with the City's Zoning Ordinance.

Olson noted the Board has to base their decision on the findings of fact outlined by the City's Municipal Code.

Vargas noted that he is not supportive of the requested variance as it would exacerbate the existing nonconformity.

Motion made by Behrens, second by Tritsch, to deny the request of David and Beverly Brandt for a variance from Section 15.26.040, *Nonconforming Structure*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow the enlargement of a nonconforming accessory structure (garage) from 20' x 22' (440 square feet) to 26' x 30' (780 square feet) on property legally described as Lot 2, Westlake Village, City of Council Bluffs, Pottawattamie County, Iowa, based on the following findings of fact:

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

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

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

9. OTHER BUSINESS

A. Gibbons noted there are multiple cases scheduled for the June Zoning Board of Adjustment meeting.

10. ADJOURNMENT – Skudler adjourned the meeting at 4:17 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.