



**ZONING BOARD OF ADJUSTMENTS
AGENDA**

**Tuesday, October 20, 2020 - 4:00 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

1. CALL TO ORDER

- A. *****DUE TO THE COVID-19 PANDEMIC ALL PERSONS ATTENDING THIS MEETING ARE REQUIRED TO WEAR A FACEMASK AND/OR FACESHIELD AT ALL TIMES*****

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPTION OF AGENDA

5. APPROVAL OF MINUTES

6. PROOF OF PUBLICATION/POSTING

7. REVIEW OF MEETING PROCEDURES

8. PUBLIC HEARINGS

A. **CASE #BA-20-006**

Public hearing on the request of Brian Ramsey for variances from Section 15.10.050, Site Development Regulations in the R-3/Low Density Multifamily Residential District of the Municipal Code (Zoning Ordinance) which include a 50-foot (more/less) front yard setback variance and a variance to allow the construction of an accessory structure which is closer to the front property line than the existing principal structure on property legally described as being the North ½ of Lot 13, Chapman Addition and the South 80 feet of Lots 1 and 2, Benjamin Smith Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: 178 West Graham Avenue.

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.: BA-20-006

CASE #BA-20-006

Council Action: 10/20/2020

Submitted by: Moises Monrroy,
Planner

Description

Public hearing on the request of Brian Ramsey for variances from Section 15.10.050, Site Development Regulations in the R-3/Low Density Multifamily Residential District of the Municipal Code (Zoning Ordinance) which include a 50-foot (more/less) front yard setback variance and a variance to allow the construction of an accessory structure which is closer to the front property line than the existing principal structure on property legally described as being the North ½ of Lot 13, Chapman Addition and the South 80 feet of Lots 1 and 2, Benjamin Smith Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: 178 West Graham Avenue.

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
CASE #BA-20-006 Staff Report & Attachments	Other	10/15/2020

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: October 20, 2020

RE: **CASE #BA-20-006**
REQUEST: Public hearing on the request of Brian Ramsey for variances from Section 15.10.050, Site Development Regulations in the R-3/Low Density Multifamily Residential District of the Municipal Code (Zoning Ordinance) which include a 50-foot (more/less) front yard setback variance and a variance to allow the construction of an accessory structure which is closer to the front property line than the existing principal structure on property legally described as being the North ½ of Lot 13, Chapman Addition and the South 80 feet of Lots 1 and 2, Benjamin Smith Addition, City of Council Bluffs, Pottawattamie County, Iowa.

APPLICABLE CODE SECTION: **Section 15.10.050 Site Development Regulations for the R-3/Low Density Multifamily Residential Zoning District:**

<u>Minimum Setback</u>	<u>Principal Structure</u>	<u>Accessory Structures</u>
<i>Front Yard</i>	<i>20 feet</i>	<i>Greater of 20 feet or existing front setback line of principal structure</i>

RELIEF SOUGHT: A 50-foot, more or less, front yard setback variance and a variance to allow an accessory structure to be built closer to the front lot line than the principal structure.

LEGAL DESCRIPTION: The South 80 feet of Lots 1 and 2, Benjamin Smith Addition, along with the North ½ of Lot 13, Chapman’s Addition, all in the City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: 178 West Graham Avenue, Council Bluffs, IA 51503

APPLICANT/OWNER: Brian Ramsey, 178 West Graham Avenue, Council Bluffs, IA 51503

BACKGROUND INFORMATION – Brian Ramsey has applied for variances from Section 15.10.050, Site Development Regulations, of the Municipal Code (Zoning Ordinance) in the R-3/Low Density Multifamily Residential District which include a 50-foot (more/less) front yard setback variance and a variance to allow an accessory structure to be built closer to the front lot line than the principal structure.

The applicant purchased a parcel of land, formerly addressed as 185 16th Avenue and legally described as the North ½ of Lot 13, Chapman’s Addition, adjacent to his property with the intention of building a 30’ x 40’ detached garage. The single-family residential structure that stood on said parcel of land was demolished by the applicant after acquiring it from the previous owner. The applicant intends to combine the newly purchased property to his existing residence, and with the new property containing less frontage to a publicly dedicated right-of-way than his current parcel, the ordinance defined ‘front lot line’ will change from West Graham Avenue to 16th Avenue. Due to this definition, the proposed accessory structure would be built on the front yard, which is not allowed in the R-3 District.

The following attachments have been included for your reference:

Attachment A: Location/Zoning Map

Attachment B: Plot Plan

Attachment C: Structural Plans

Attachment D: Site Photos

CURRENT ZONING AND LAND USE – The subject property is zoned R-3/Low Density Multifamily Residential District. Surrounding land uses in the vicinity primarily consist of single-family dwellings that are also zoned R-3/Low-Density Multifamily Residential District. Pusey Elementary School, which closed down in 2018, is located east of the subject property and split-zoned R-3/Low-Density Multifamily Residential District and R-1/Single-Family Residential District.

The following variance has been issued in the general vicinity of the subject property:

- Case #BA-98-007: A 32-foot front yard setback variance to allow the construction of an accessory structure closer to then front property line than the existing principal structure at 1511 High Street was granted due to site constraints.

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

- The Community Development Department had the following comments:
 1. In order to construct a non-residential storage building in the R-3 District, it must be considered an accessory structure and must be on the same parcel as a principal structure. To accomplish this, the applicant must combine the newly purchased property to his existing residence.
 2. The two parcels of land which constitute the subject property are located at different elevations, ranging from 1,020 feet to below 1,000 feet.
 3. The combination of the two properties owned by the applicant will result in a double frontage, irregularly shaped lot. As per Section 15.03.430 of the Council Bluffs Municipal Code (Zoning Ordinance), the ‘front lot line’ is defined as “the shortest lot line along a street other than an alley.” It is determined that the property line along 16th Avenue, which has a frontage of 70 feet, will be considered the front lot line of the subject property, while the property line along West Graham Avenue, which has a frontage of 92 feet, will be considered a street-side lot line. Due to the change of what is considered the front lot line, the proposed garage will be located closer to the front property line than the existing principal structure.
 4. There are no water utilities located along the portion 16th Avenue that abuts the newly purchased parcel. To construct another single-family dwelling on said parcel, a water line would have to be extended from either High Street or West Graham Avenue.
 5. As per the plot plan submitted by the applicant (see Attachment ‘B’), proposed garage will be built 20 feet from the front lot line, which is the required front yard setback for principal structures in the R-3 District.
 6. Proposed garage meets all other R-3 District site development standards, as established in Section 15.10.050 of the Council Bluffs Municipal Code (Zoning Ordinance).
 7. A hard surfaced driveway that connects the entrance of a garage to a publically dedicated right-of-way is required by the Zoning Ordinance. Therefore, a driveway shall be paved from the proposed garage to either 16th Avenue or the public alley adjacent.
- The Council Bluffs Fire Department stated they had no comments on the variance request.
- The Council Bluffs Public Works Department stated they had no comments on the variance request.
- The Council Bluffs Parks and Recreation Department stated they had no comments on the variance request.
- Council Bluffs Water Works stated they had no comments on the variance request.

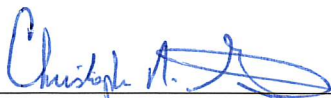
NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the requested variance. No comments have been received as of the date of this report.

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)

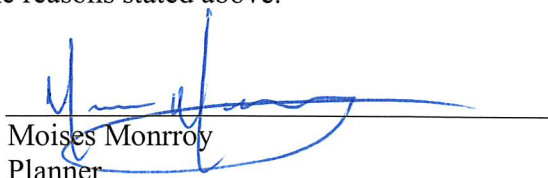
1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity. The subject property is a double frontage, irregularly shaped lot. The topography of the property is not typical of those in the general vicinity and surrounding area. As stated above, the property line along 16th Avenue will become the front lot line despite the fact that West Graham Avenue will continue to serve as the primary frontage for the subject property. Due to the location of the existing single-family dwelling, the entirety of the newly purchased parcel will be considered the front yard, which creates a singular disadvantage for this particular property.*
2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. Due to such disadvantage, the owner is unable to construct any accessory structures on the newly purchased parcel of land. Additionally, constructing a separate single-family dwelling on said parcel would not be feasible due to the limited utilities along 16th Avenue. As such, the owner will be unable to make reasonable use of the newly purchased property if the above-mentioned variances for the proposed garage is not granted.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The disadvantage exists because of the development pattern in this area. The newly purchased parcel and the existing residence are only partially contiguous, which creates the irregular shape of the combined parcel. Other properties contiguous to the existing residence are already developed, thus the ability to expand is limited to the newly purchased 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 they are necessary to overcome the limitations of a double frontage lot and the topographical constraints of this site.*
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 construct the proposed garage 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 15.10.050, Site Development Regulations in the R-3/Low Density Multifamily Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance) for property legally described as the South 80 feet of Lots 1 and 2, Benjamin Smith Addition, along with the North ½ of Lot 13, Chapman’s Addition, all in the City of Council Bluffs, Pottawattamie County, Iowa, based on the reasons stated above.




Christopher Gibbons, AICP
Planning Manager

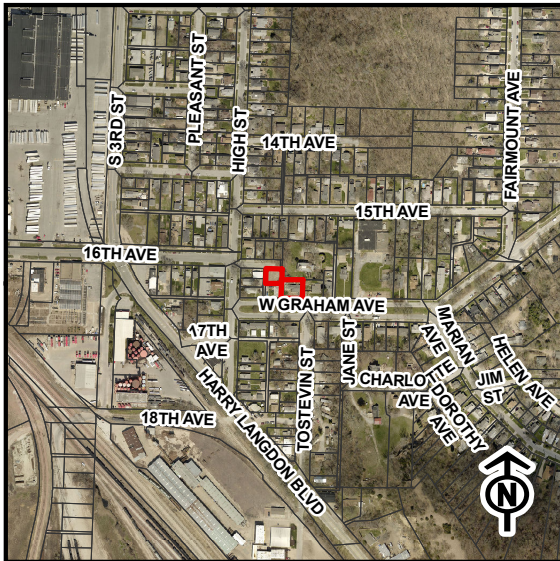
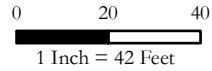


Moises Monroy
Planner

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASES #BA-20-006 LOCATION/ZONING MAP

Legend

 Subject Property (178 W Graham Avenue)



Last Amended: 9/30/2020



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 responsibilities for errors, if any, in the information contained on this map, the misuse 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.



side walk 70' wide

↓ 20' from side walk

over head door

Big

64'

long

5'
from
Alley

30

Double

over
head
door

40

Service
Door

↑ 5'

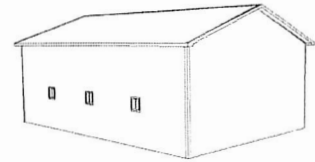
Items Selected:

Gable roof w/ 4/12 pitch, Standard Trusses 2' O.C.
 Truss Design Location Zip Code: 51503
 Residential Post Frame Construction
 with Concrete Floor (not included)
 30' Wide X 40' Deep X 14' - 6" High
 Light Gray 40 Year Steel Panel Siding
 Charcoal Gray Steel Wall Trim
 Block-It Housewrap
 12" gable/12" eave overhangs
 7/16" OSB Roof Sheathing
 40 Year Exposed Fastener Panel Roofing
 - Charcoal Gray
 Charcoal Gray Steel Roof Trim
 Colored roof screws installed in flat
 Economy Vented Closure Strip
 Charcoal Gray Steel Soffit & Fascia
 Charcoal Gray Steel Roof Edge
 Steel Overhead Door Jamb
 Colored wall screws installed in flat

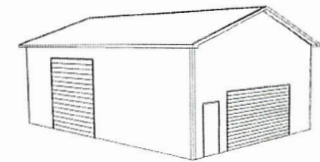
Options Selected:

The options you have selected are:
 1 - 16x8 Overhead Door - Insulated Ribbed
 3 - 24x24 Window - White Vinyl Utility
 1 - 36x80 Service Door - CP1 Flush Steel LS
 1 - 12x12 Overhead Door - Insulated Ribbed

Front View



Back View



footing

Estimated price: \$17,900.86*

*Today's estimated price, future pricing may go up or down.

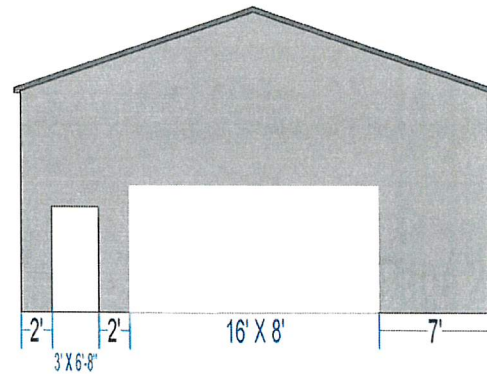
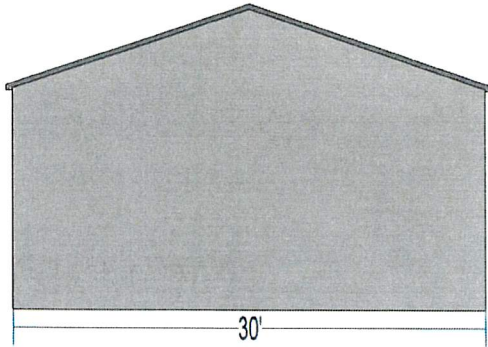
*Tax, labor, and delivery not included.

***** Take this sheet to the Building Materials counter to purchase your materials. *****

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

*** Here are the wall configurations for your design.

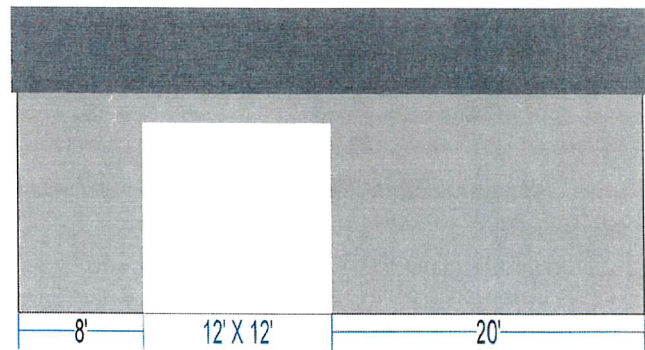
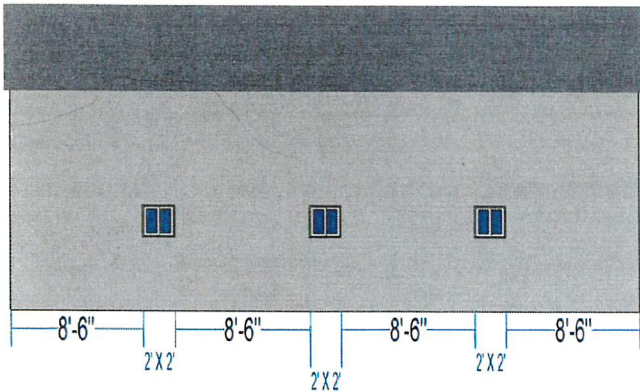
Illustration May Not Depict All Options Selected



Gable Front View

Gable Back View

- (1) - PREHUNGSTE SERVICEDOO CP1 FLUSH STEEL DOOR PH
- (1) - IDEAL RIBBED M5ESV 16X8 EZ-SET WHITE M5ESV INSUL



Eave Front View

- (3) - WINDOW 24X24 SLIDER UTILITY WINDOW 24X24

Eave Back View

- (1) - GARAGEDOOR STEELRIB 12X12 WHT INSL RIB TORSN

Building Size: 30 feet wide X 40 feet long X 14 feet high

Approximate Peak Height: 19 feet 4 inches (232 inches)

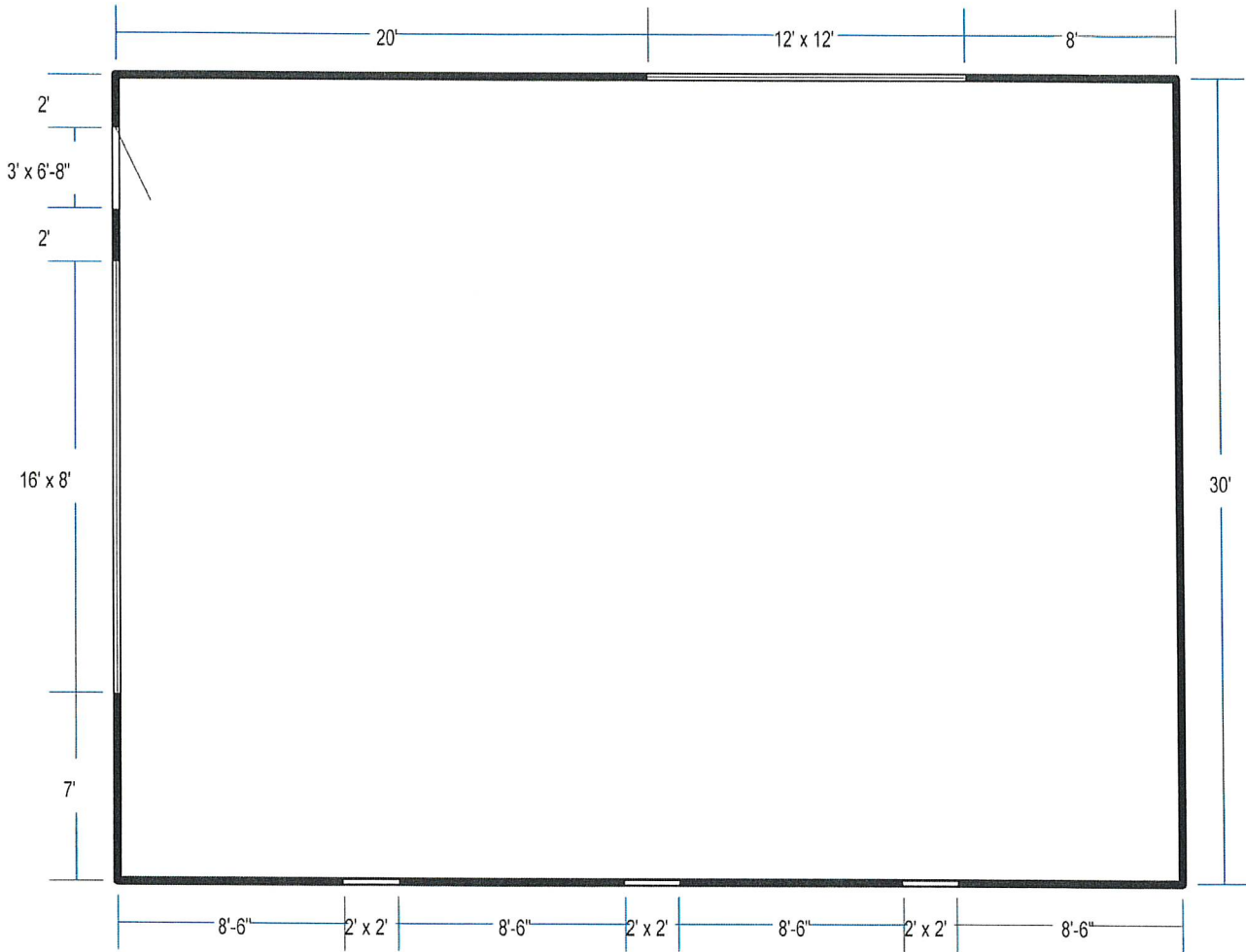
NOTE: Overhead doors may need to be "Wind Code Rated" depending on your building location.

Confirm the door requirements with your local zoning official before construction.

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, all final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

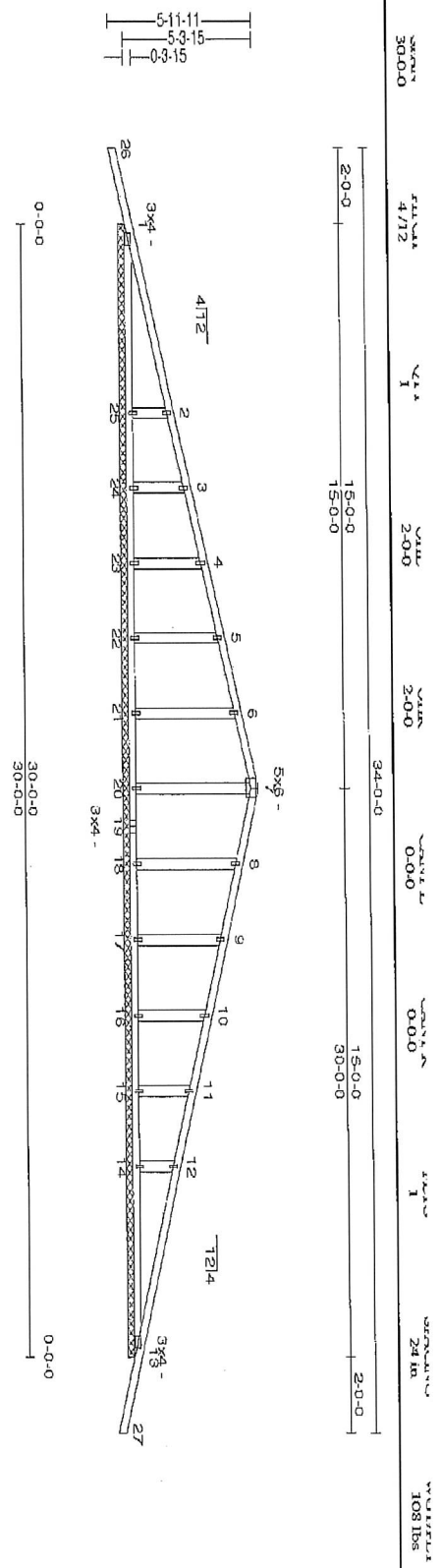
*** Floor Plan.

Illustration May Not Depict All Options Selected



Building Size: 30 feet wide X 40 feet long X 14 feet high

All plates shown to be Eagle 20 unless otherwise noted.



Reaction Summary		Max React		Max React		Max React		Max React	
Dist	Combo	Dist	Value	Dist	Value	Dist	Value	Dist	Value
1		1	554 lbs	1	160 pcf	1	5 lbs	1	142 lbs

Material Summary		CSI Summary		Deflection		T/		(Roc)		Allowed	
TC	SPF #2	TC	Value	Dist	Value	Dist	Value	Dist	Value	Dist	Value
1	2x4	1	0.77 (13-27)	1	0.02 in	1	L/899	1	(13-27)	1	L/180
2	2x4	2	0.13 (6-23)	2	0 in	2	L/899	2	14	2	L/240

Notes

- 1) Unless noted otherwise, do not cut or alter any truss member or plate without prior approval from a Professional Engineer.
- 2) Gable requires connection between ridge and eave.
- 3) Attach gable webs with 1st 20g plates, UNOC.
- 4) Bracing shown is for in-plane configuration. For out-of-plane requirements, refer to BCSI-B5 published by the SPC/A.
- 5) When truss has been chosen for gravity assistance application, the Double Polygon Method per TPI 1-2007/Chapter 3 shall be used.
- 6) The fabrication tolerances for this roof truss is 1/8" (Cg = 0.90).
- 7) Creep has been considered in the analysis of this truss.
- 8) Listed wind uplift reactions based on ASCE 7-10 SWS at CMC handling.

Member Forces Summary

TC	Dist	Value	Dist	Value	Dist	Value	Dist	Value
1	2-2.5	0.089	-336 lbs	8-1.5	0.130	-302 lbs		
2	6-2.5	0.130	-303 lbs	19-1.4	0.099	-436 lbs		

Notes

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- 7) Creep has been considered in the analysis of this truss.
- 8) Listed wind uplift reactions based on ASCE 7-10 SWS at CMC handling.

ALL PERSONS FABRICATING, HANDLING, BRACING OR INSTALLING ANY TRUSS BASED UPON THIS TRUSS DESIGN DRAWING ARE INSTRUCTED TO REFER TO ALL OF THE INSTRUCTIONS, CONDITIONS, SETBACKS SET FORTH IN THE EAGLE METAL PRODUCTS DESIGN NOTES ISSUED WITH THIS DESIGN AND AVAILABLE FROM EAGLE UPON REQUEST. DESIGN VALID ONLY WHEN EAGLE METAL CONNECTORS ARE USED.

Tru-Build® Software v5.5.2-240
Eagle Metal Products
Dallas, TX 75234

Attachment D: Site Photos

