

**MINUTES
ZONING BOARD OF ADJUSTMENT
OCTOBER 20, 2020**

1. **CALL TO ORDER** – Mescher called the meeting to order at 4:01 p.m.

2. **ROLL CALL**

Members Present: Behrens, Tritsch, Vargas and Mescher

Members Absent: Olson

Staff: Gibbons, Jura, Monrroy* and Weber

**Attended via Video Call*

3. **PLEDGE OF ALLEGIANCE**

4. **ADOPTION OF AGENDA**

Motion by Behrens, second by Vargas, to adopt the agenda as presented. Motion carried by unanimous voice vote.

5. **APPROVAL – MINUTES OF SEPTEMBER 25, 2020 MEETING**

Motion by Behrens, second by Tritsch, to approve the minutes, as presented. Motion carried by unanimous voice vote.

6. **PROOF OF PUBLICATION** – Gibbons

7. **REVIEW OF MEETING PROCEDURES** – Mescher

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.

Monrroy provided an overview of the request.

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

Brian Ramsey, 178 West Graham Avenue, Council Bluffs, IA 51503 spoke as the applicant of the request. Ramsey stated that he is requesting the variance to build a garage to help with the increased parking needs of his household and to reduce the need to park on West Graham Avenue.

No one spoke in opposition. Mescher closed the public hearing.

Behrens stated that the unique double frontage configuration and lack of certain utilities presents a hardship for the property. Behrens stated that the proposed variances would be consistent with the character of the neighborhood as there is a garage right next to the property along 16th Avenue that faces the same direction of the proposed garage.

Mescher agreed with Behrens and added that the proposed garage is the best use of the property at present due to the property's constraints.

Motion made by Vargas, second by Tritsch, to approve the request 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., as per staff's recommendation.

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

The findings of fact are as follows:

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 variance does not constitute a special privilege as they are necessary to overcome the limitations of a double frontage lot and the topographical constraints of the 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.

9. OTHER BUSINESS

- A. Items of Interest—Gibbons asked the Board to provide updated contact information.

10. ADJOURNMENT – Mescher 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.