

TO: Zoning Board of Adjustment
FROM: Matt Wyant, County Planning Director
DATE: February 12, 2024

RE: Case #ZV-2024-02

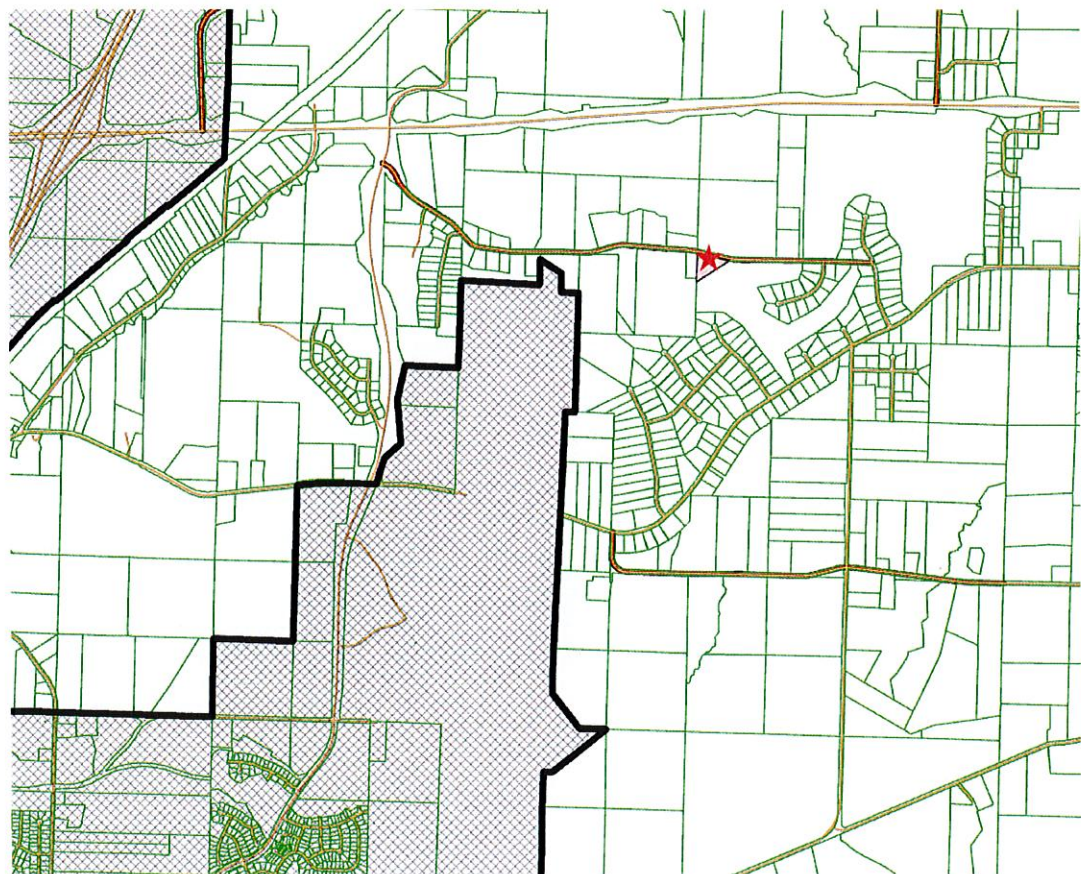
REQUEST: A fourteen and a half (14 ½) foot front yard setback variance to allow the construction of a car port with a front yard setback of 60 ½' in lieu of 75' in a Class R-2 (Urban Transitional) District.

LOCATION: 23303 Three Bridge Rd

Garner Township

GARNER TWP 25-75-43 PT NW NW COMM NW COR TH E584.01' SW72.43'
SW647.31' N395.97' TO POB (PARCEL C) and 4-75-43 PT SW SW COMM SW COR
TH N115.69' SELY427.41' S33' W413.05' TO POB(PARCEL A)

The subject property is approximately 1/2 mile east of city limits of Council Bluffs at 23303 Three Bridge Rd.



APPLICANT: John Butterbaugh

GENERAL INFORMATION: The Planning Department received an anonymous complaint of a carport being constructed too close to the front property line. An inspection of the property confirmed this. The property owner has requested a front yard setback variance of 14 ½ ' to allow the 14' by 36' carport to remain where it is..

Attachment #1 is the applicant's submittals.

SITE REVIEW: The 3.37 acre lot has a family dwelling, septic system and well on it.



AREA REVIEW:

The use of properties in the area are a combination of primarily residential, Bent Tree Gold Course and agricultural.



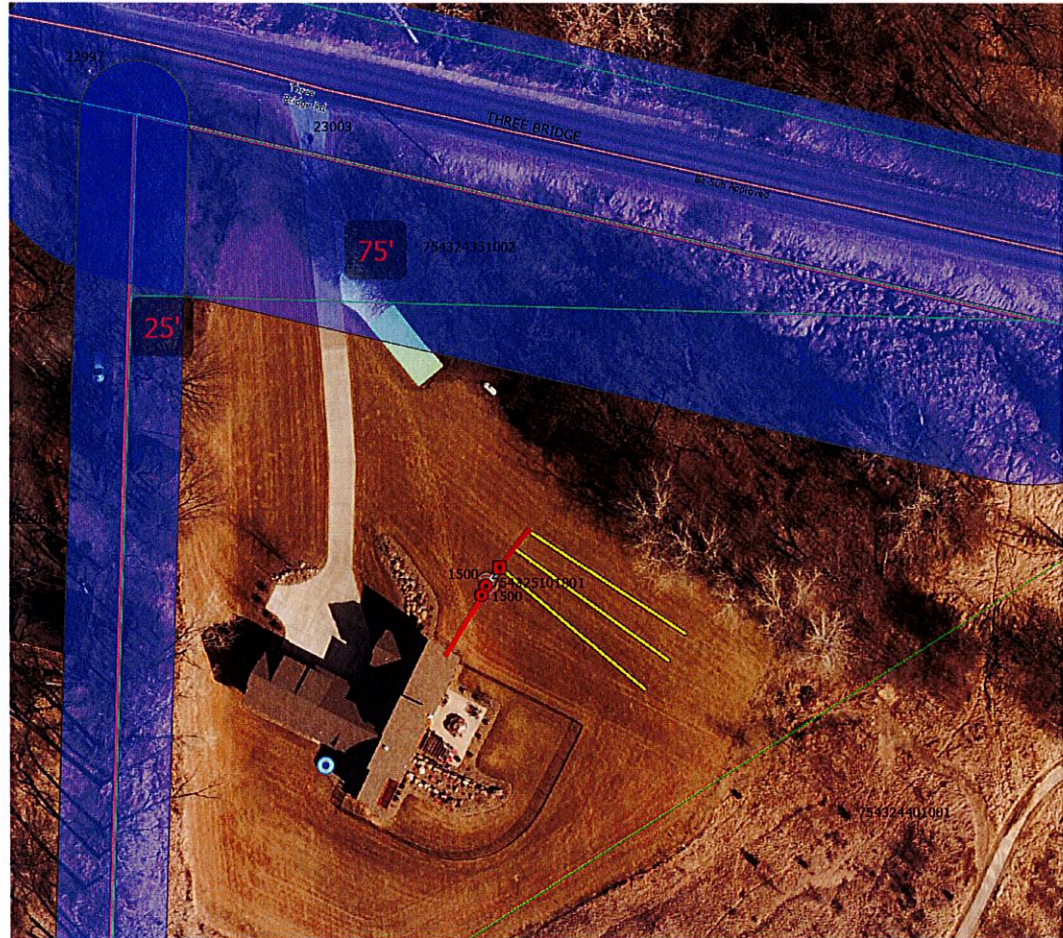
ZONING:

The subject property is located in a Class R-2 (Urban Transitional) District.

The current maximum standards for the R-2 District are as follows:

8.020.070 SETBACK REQUIREMENTS:

- .04 The minimum *setback* for any *yard* which abuts a *highway* or *county road* shall be seventy-five (75) feet, except that the minimum street side yard setback for lots in platted subdivisions for single-family dwellings served by municipal water shall be fifty (50) feet. (*Ordinance #2000-4/04-28-00*)



Section 8.096.030.02 of the County Code states "No variance from the terms of this Ordinance shall be granted unless the Board specifically finds":

- .02 The Board shall have the power to hear and decide appeals for variances from the specific terms of this Ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, and provided, that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

No variance from the terms of this Ordinance shall be granted unless the Board is satisfied that granting the variance:

- A. Is necessary to alleviate a demonstrable hardship or difficulty so great as to warrant the variance;
- B. Will not merely serve as a convenience to the applicant;
- C. Will not impair the general purpose and intent of the regulations and provisions contained in this Ordinance;
- D. Will not impair an adequate supply of light and air to adjacent properties;
- E. Will not increase the hazard from fire and other damages to said property;
- F. Will not diminish the value of land and buildings in the County;
- G. Will not increase the congestion and traffic hazards on public roads; and

- H. Will not otherwise impair the public health, safety and general welfare of the inhabitants of the County.
- I. Is not based on the nonconforming use of neighboring lands, structures or buildings in the same district, and the permitted or nonconforming use of lands, structures, or buildings in other districts is not grounds for the issuance of the variance.
- J. Will not, under any circumstances, allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

FLOOD HAZARD: The Flood Insurance Study prepared by the Federal Emergency Management Agency for the County designates in the Flood Insurance Rate Maps that the property as being in a Zone X-Areas of minimum flooding.

Page 1. Zoning Variance Application

Page 2. Legal description Parcel 754325101001

Page 3. Legal description Parcel 754324351002

Page 4, 5 ,6. Assessors Webpage, Parcel 754325101001

Page 7, 8. Assessors Webpage, Parcel 754324351002

Page 9. Pott County GIS Map with scale drawing.

Page 10. Building permits measurement.

Page 11. Building permits measurement illustrating variance request.

Page 12. Pictures of protective RV Cover.

1. Pictures 1 and 2 shows view of the Assessors measurement.
2. Picture 6 shows access to RV.
3. Measurement from road to RV cover is 101 ft.
4. Measurement from property line to RV cover is 85 ft.
5. Pictures 3, 4, 5, additional views of property.

Incidental notes:

The permits office suggested I have both parcels combined. Under no request from me, a letter dated July 19,2019 from the Assessor's office stated the two parcels were going to be combined. A follow-up letter dated September 19, 2019, stated that the two parcels could not be combined. Please note Parcel 754325101001 is Treynor School District and Parcel 754324351002 is the Council Bluffs School District.

The concrete pad for the RV was poured in the early fall of 2020.

**POTTAWATTAMIE COUNTY, IOWA
ZONING VARIANCE APPLICATION**

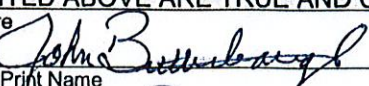
PROPERTY OWNER	Name	John Butterbaugh					
	Mailing Address	Street	23003 Three Bridge Rd		City, State, Zip	Council Bluffs, IA 52503	
	Contact Information	Email <input checked="" type="checkbox"/>	jbutterb@hotmail.com		Home # <input type="checkbox"/> Work # <input type="checkbox"/> Cellular <input checked="" type="checkbox"/>	402-740-4698	
APPLICANT (if other than property owner)	Name						
	Mailing Address	Street			City, St, Zip		
	Contact Information	Email <input type="checkbox"/>			Home # <input type="checkbox"/> Work # <input type="checkbox"/> Cellular <input type="checkbox"/>		
	<input checked="" type="checkbox"/> Best Way to Contact						
REPRESENTED BY	Name	John Butterbaugh					
	Mailing Address	Street	23003 Three Bridge Rd		City, St, Zip	Council Bluffs, IA 51503	
	Contact Information	Email <input checked="" type="checkbox"/>	jbutterb@hotmail.com		Home # <input type="checkbox"/> Work # <input type="checkbox"/> Cellular <input checked="" type="checkbox"/>	402-740-4698	
	<input checked="" type="checkbox"/> Best Way to Contact						
PROPERTY INFORMATION	Job Site Address	<input checked="" type="checkbox"/> Same as above #1 <input type="checkbox"/> To be assigned by Planning Dept.					
	Civil Township	Garner					
	Legal Description	<input checked="" type="checkbox"/> Per Attachment					
	Parcel Number	754325101001 and 754325101001					
	Zoning District	<input type="checkbox"/> A-1 <input type="checkbox"/> A-2 <input type="checkbox"/> A-3 <input type="checkbox"/> A-4 <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> R-5					
	Floodplain Development	<input checked="" type="checkbox"/> No		If yes, subject to Flood Plain Regulations.			
PROPOSAL	Present Use	Single family home - Residential					
	Reason for Request and Intended Improvements	<input checked="" type="checkbox"/> Per Attachment					
VARIANCE REQUESTED	Type	<input type="checkbox"/> Height <input type="checkbox"/> Lot Coverage <input type="checkbox"/> Lot <input checked="" type="checkbox"/> Yard Setback <input type="checkbox"/> Parking <input type="checkbox"/> Sign <input type="checkbox"/> Nonconforming Use <input type="checkbox"/> Nonconforming Structure		<input type="checkbox"/> Principal Structure <input type="checkbox"/> Size <input type="checkbox"/> Front Yard <input type="checkbox"/> Space Size <input type="checkbox"/> Size <input type="checkbox"/> Alteration <input type="checkbox"/> Alteration		<input checked="" type="checkbox"/> Accessory Structure <input checked="" type="checkbox"/> Depth <input type="checkbox"/> Interior Side Yard <input type="checkbox"/> Driving Lane Width <input type="checkbox"/> Rear Yard <input type="checkbox"/> Expansion <input type="checkbox"/> Expansion	
	Minimum	75 ft	Proposed	60 1/2 ft	Variance Proposed (Minimum minus Proposed)	14 1/2 ft	
	ATTACHMENTS						

ATTACHED TO THIS APPLICATION IS THE FOLLOWING DOCUMENTATION AND/OR ATTACHMENTS:

- | | | | | |
|--|----------|-------------------------------------|----|-------------------------------------|
| A. Site Plan, Drawn to Scale | Attached | <input checked="" type="checkbox"/> | NA | <input type="checkbox"/> |
| B. Information Pertinent to the Request | Attached | <input checked="" type="checkbox"/> | NA | <input type="checkbox"/> |
| C. Filing Fee-Checks are to be made payable to "Pottawattamie County Treasurer". | Attached | <input type="checkbox"/> | NA | <input checked="" type="checkbox"/> |

Please make be certain that you want to proceed with this project when you submit your application. The fees that you submit are not refundable once the application is submitted.

SIGNATURE

<input checked="" type="checkbox"/> THE FACTS I HAVE PRESENTED ABOVE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		
<input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Contract Purchaser <input type="checkbox"/> Owner's Authorized Agent <input type="checkbox"/> Legal Option Holder	Signature  Type or Print Name John Butterbaugh	Date 01/29/2024

Parcel 754325101001 summary

Deed holder

Name

BUTTERBAUGH, JOHN-KARLA TRUST

Mailing address

23003 THREE BRIDGE RD

COUNCIL BLUFFS, IA 51503

Location

23003 THREE BRIDGE RD

Sec / Twp / Range

25-75-43

Legal description

GARNER TWP 25-75-43 PT NW NW COMM NW COR TH E584.01' SW72.43' SW647.31' N395.97' TO POB (PARCEL C)

Acreage

0.000

District

025 - GARNER TWP/TREYNOR SCH

Property class

R - Residential

Deed book

2022

Deed page

09274

Deed date

6/27/2022

Parcel 754324351002 summary

Deed holder

Name

BUTTERBAUGH, JOHN-KARLA TRUST

Mailing address

23003 THREE BRIDGE RD

COUNCIL BLUFFS, IA 51503

Location

Sec / Twp / Range

24-75-43

Legal description

GARNER TWP 24-75-43 PT SW SW COMM SW COR TH N115.69' SELY427.41' S33' W413.05' TO

POB(PARCEL A)

Acreage

0.000

District

022 - GARNER TWP/CO BLUFFS SCH

Property class

R - Residential

Deed book

2022

Deed page

09274

Deed date

6/27/2022



[Find Property](#) [Res Sales](#) [Comm/Ind Sales](#)

7543 25 101 001

--- Permanent Property Address ---
BUTTERBAUGH, JOHN-KARLA TRUST
23003 THREE BRIDGE RD
COUNCIL BLUFFS, IA 51503

----- Mailing Address -----
BUTTERBAUGH, JOHN-KARLA TRUST
23003 THREE BRIDGE RD
COUNCIL BLUFFS, IA 51503

District: 025 GARNER TWP/TREYNOR SCH

===== REAL ESTATE TAXES ON TREASURER'S WEBPAGE =====

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/754325101001>

===== TAX DESCRIPTION* =====

* Not to be used on legal documents

GARNER TWP 25-75-43 PT NW NW COMM NW COR TH E584.01' SW72.43' SW647.31' N395.97' TO POB (PARCEL C)

===== ASSESSED VALUE =====

* Class is for Assessment purposes only - Not Zoning

2023	Res. Land	Current Value		Class
		Dwelling	Total	
Full Value	\$98,800	\$568,600	\$667,400	R
Exempt	\$0	\$0	\$0	R
Net Total	\$98,800	\$568,600	\$667,400	R

2022	Res. Land	Prior Year Value		Class
		Dwelling	Total	
Full Value	\$98,100	\$456,300	\$554,400	R
Exempt	\$0	\$0	\$0	R
Net Total	\$98,100	\$456,300	\$554,400	R

===== EXEMPTIONS/CREDITS APPLIED =====

2022 HOMESTEAD
2023 HOMESTEAD

===== OWNERS =====

* Book/Page LINKS TO RECORDER'S WEBPAGE

- 1 D BUTTERBAUGH, JOHN-KARLA TRUST book/page: [2022/09274](#) D
- 2 T BUTTERBAUGH, JOHN L
- 3 T BUTTERBAUGH, KARLA J

===== SALES HISTORY =====

Sale Date	Amount	Code	Book/Page	
04/05/2022	0	D17	2022/09274	multiple parcel sale
05/02/2013	65000	D34	2013/06953	multiple parcel sale
01/20/2006	0	D001	0106/15595	
12/17/2004	15000	D000	0105/12361	
11/20/1998	590500	D026	0099/28197	multiple parcel sale

===== ASSESSMENT DATA =====

PDF: 7 MAP: GARNER TWP

Date Reviewed: 06/27/22 BL

LAND.....129373 sqFt 2.97 acres

Residence 1 of 1 -- Single-Family

BUILDING.....1 Story Frame 4/3 Rooms Above/Below 1/2 Bedrooms Above/Below 2038 SF Base
Built:2014 Normal Bsmt: Full Bsmt Finish: 1900 SF Attic Finish: None AC

FINISH.....Foundation: Conc Exterior: Wd Lap Roof: Asph / Gable
Interior: Drwl Flooring: Carpet / Hdwd / Tile

FIREPLACE.... 1 Prefab

PLUMBING.....2 Standard Bath - 3 Fixt 1 Toilet Room (1/2 Bath) 1 Lavatory
1 Shower Stall/Tub

BUILT INS....1 Dishwasher 1 Microwave

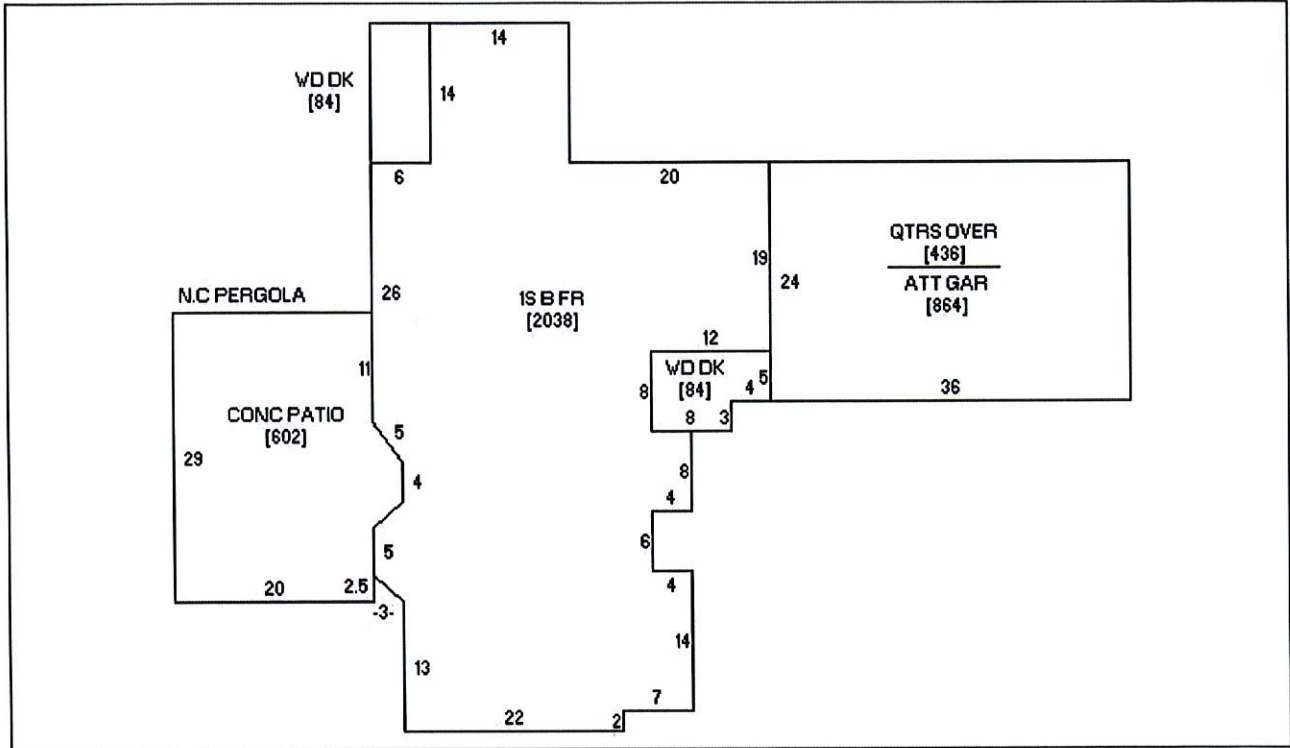
DECK/PATIOS..602 SF Concrete Patio

84 SF Wood Deck
84 SF Wood Deck

GARAGES(1)...1 Attached

Garage 1: 864 SF Att Frame Built: 2014 (436 SF Frame Qtrs Over w/AC)

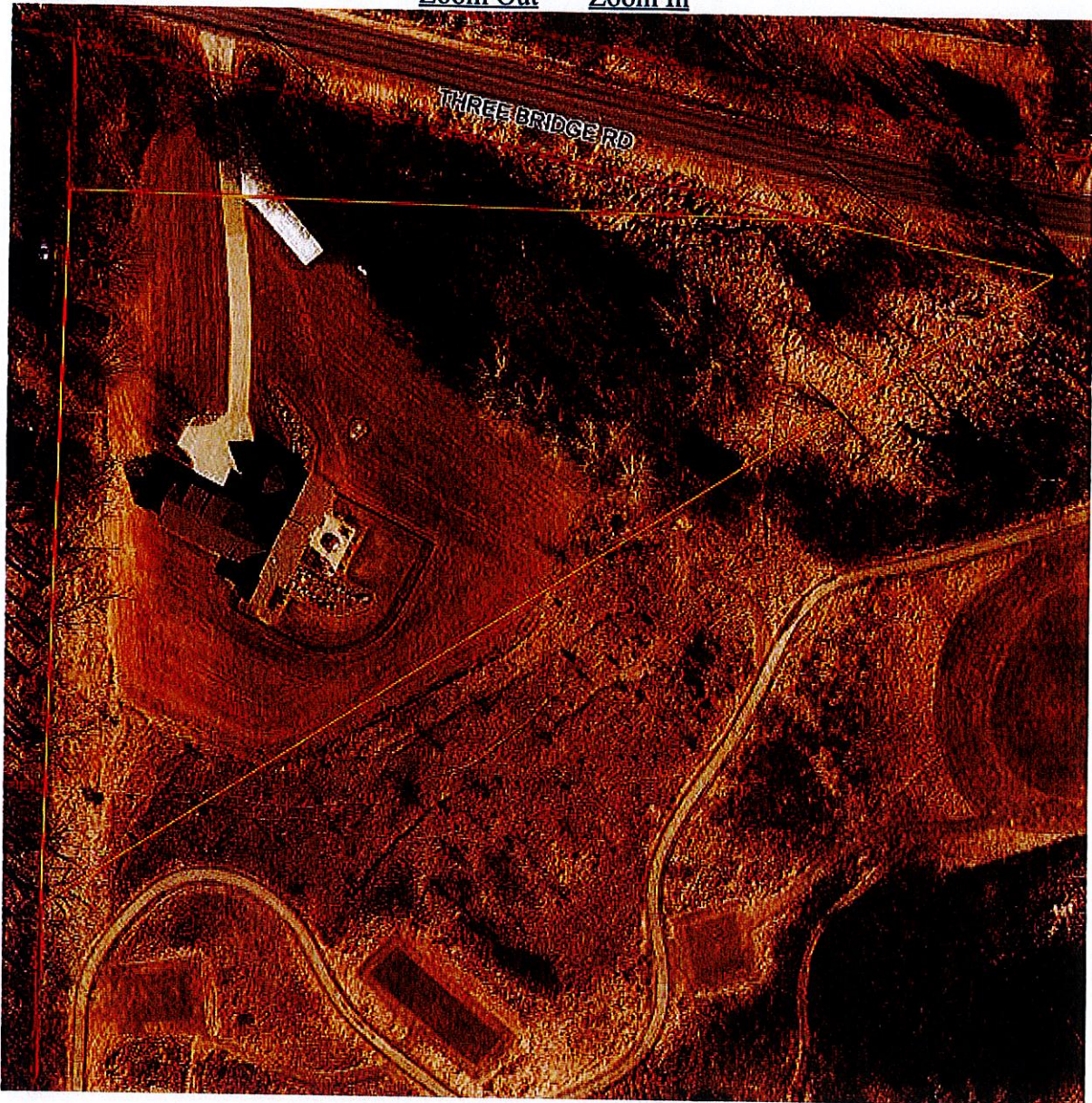
YARD EXTRAS..Shed W12.00 x L14.00 168 SF, Frame Shed



23003 THREE BRIDGE RD, BUTTERBAUGH, JOHN-KARLA TRUST



23003 THREE BRIDGE RD, BUTTERBAUGH, JOHN-KARLA TRUST, 1 09/15/2021



600ft x 600ft

Click any parcel to go to its web page

Spring 2022 aerial

See [more maps](#) at the [County GIS Department](#).

As of: On Web



Get Card

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Find Property Res Sales Comm/Ind Sales

7543 24 351 002

--- Permanent Property Address ---
BUTTERBAUGH, JOHN-KARLA TRUST

----- Mailing Address -----
BUTTERBAUGH, JOHN-KARLA TRUST
23003 THREE BRIDGE RD
COUNCIL BLUFFS, IA 51503

=====
District: 022 GARNER TWP/CO BLUFFS SCH

=====
REAL ESTATE TAXES ON TREASURER'S WEBPAGE

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/754324351002>

=====
TAX DESCRIPTION*

* Not to be used on legal documents

GARNER TWP 24-75-43 PT SW SW COMM SW COR TH N115.69' SELY427.41' S33' W413.05' TO POB(PARCEL A)

=====
ASSESSED VALUE

* Class is for Assessment purposes only - Not Zoning

2023	Res. Land	Current Value		
		Dwelling	Total	Class
Full Value	\$2,800	\$0	\$2,800	R
Exempt	\$0	\$0	\$0	R
Net Total	\$2,800	\$0	\$2,800	R

2022	Res. Land	Prior Year Value		
		Dwelling	Total	Class
Full Value	\$1,500	\$0	\$1,500	R
Exempt	\$0	\$0	\$0	R
Net Total	\$1,500	\$0	\$1,500	R

=====
EXEMPTIONS/CREDITS APPLIED

=====
OWNERS

* Book/Page LINKS TO RECORDER'S WEBPAGE

- 1 D BUTTERBAUGH, JOHN-KARLA TRUST book/page: [2022/09274](#) D
- 2 T BUTTERBAUGH, JOHN L
- 3 T BUTTERBAUGH, KARLA J

=====
SALES HISTORY

Sale Date	Amount	Code	Book/Page	
04/05/2022	0	<u>D17</u>	<u>2022/09274</u>	multiple parcel sale
05/02/2013	65000	<u>D15</u>	<u>2013/06953</u>	multiple parcel sale
01/20/2006	1	<u>D050</u>	0106/16092	
10/13/2005	5000	<u>D026</u>	0106/16091	
10/13/2005	5000	<u>D026</u>	0106/16091	

=====
ASSESSMENT DATA

PDF: 7 MAP: GARNER TWP

Date Reviewed: 06/27/22 BL

LAND.....17424 sqFt .40 acres

[Zoom Out](#) [Zoom In](#)



600ft x 600ft

[Click any parcel to go to its web page](#)

Spring 2022 aerial

See [more maps](#) at the [County GIS Department](#).

As of: On Web

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9

Navigation Find/Identify Measure/Draw Print/Share/Contact Links Tool Labels X



Pan



Zoom In



Zoom Out



Initial View



Full Extent



Previous Extent



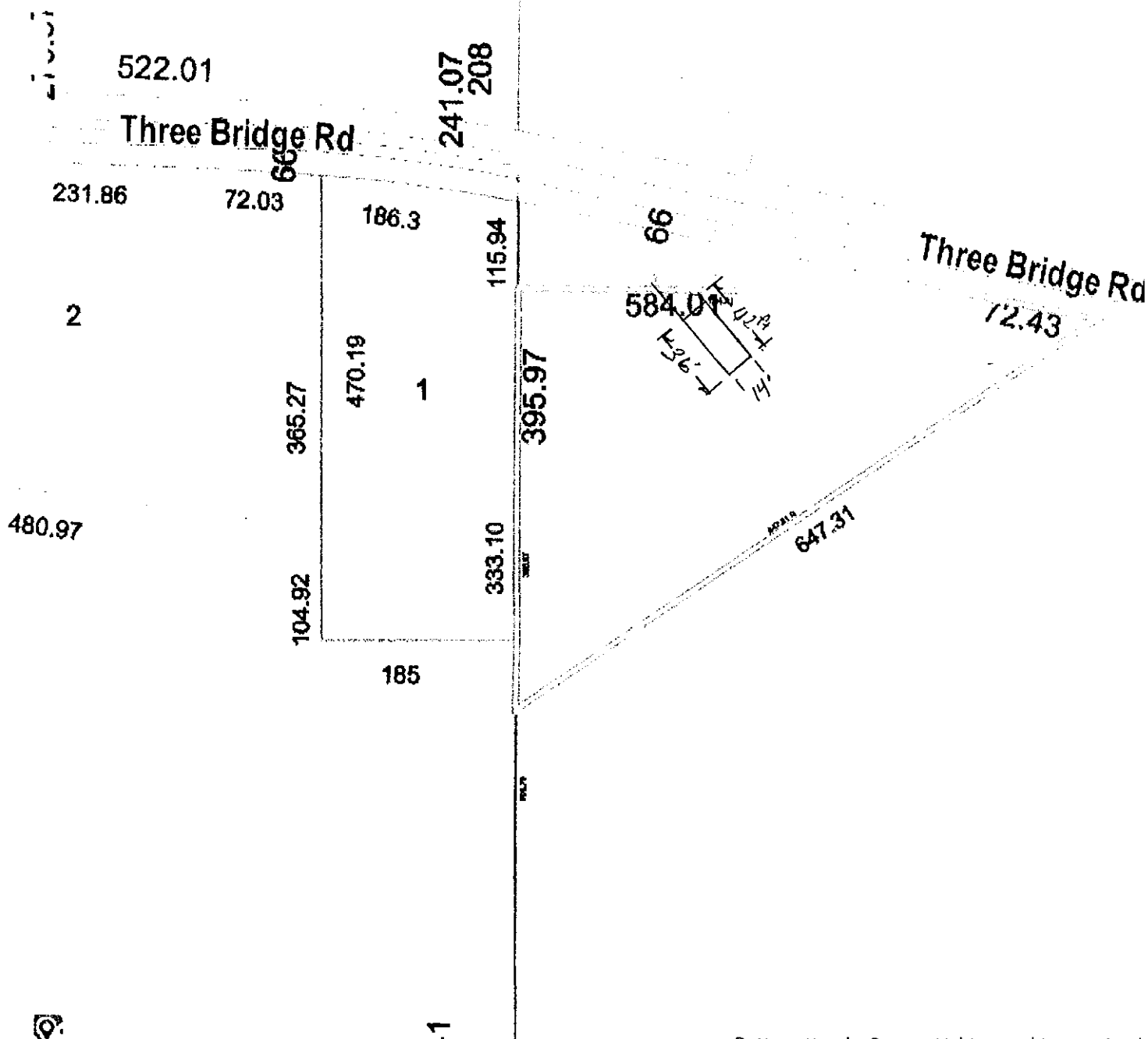
Bookmarks



Add More Layers

Navigation

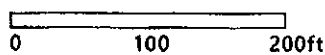
I want to...



Basemaps

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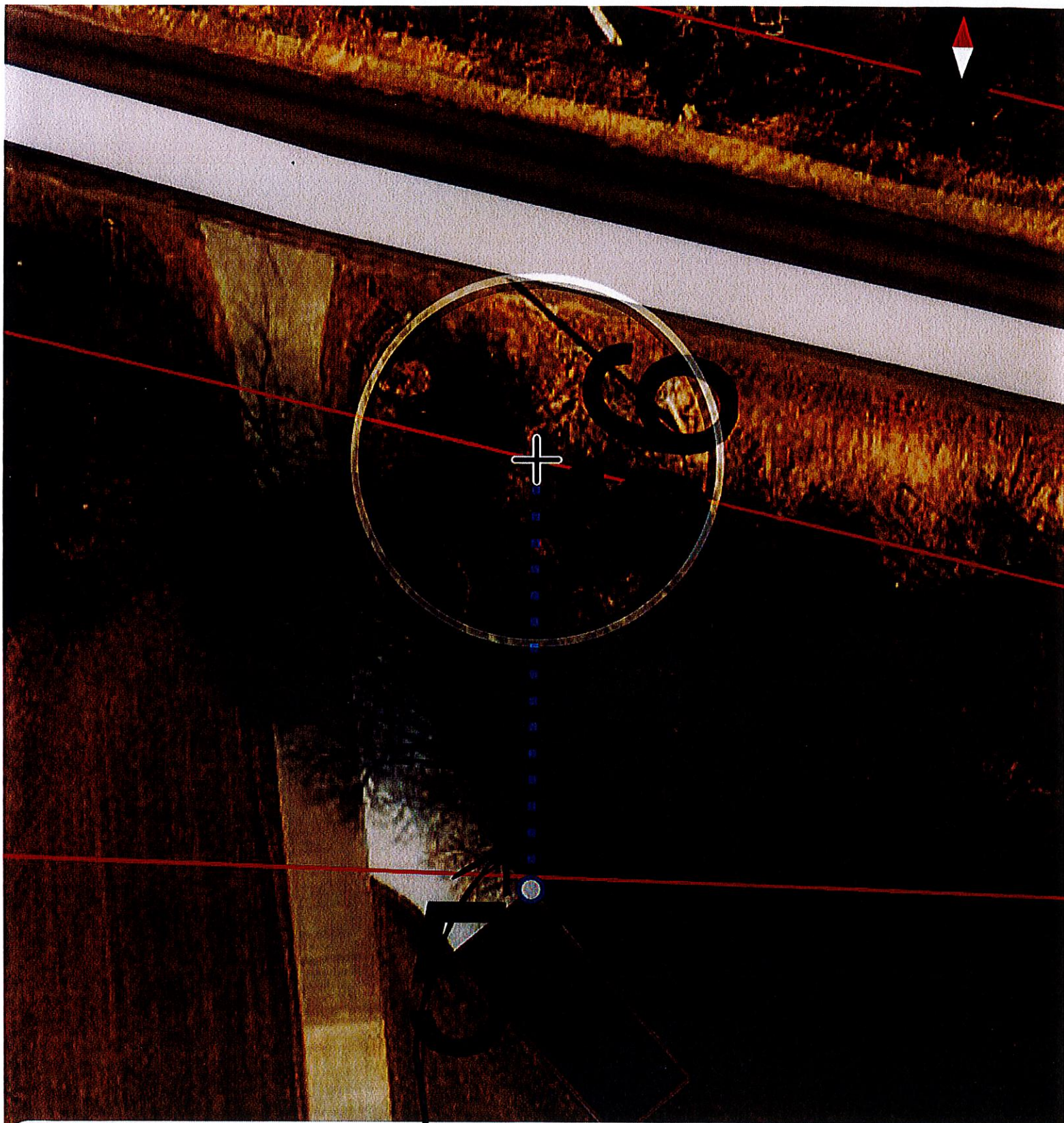
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Lon: 95.7446° W



Pottawattamie County IA | Layers | Interactive |

Scale 1: 2,257 Go

Terms of Use

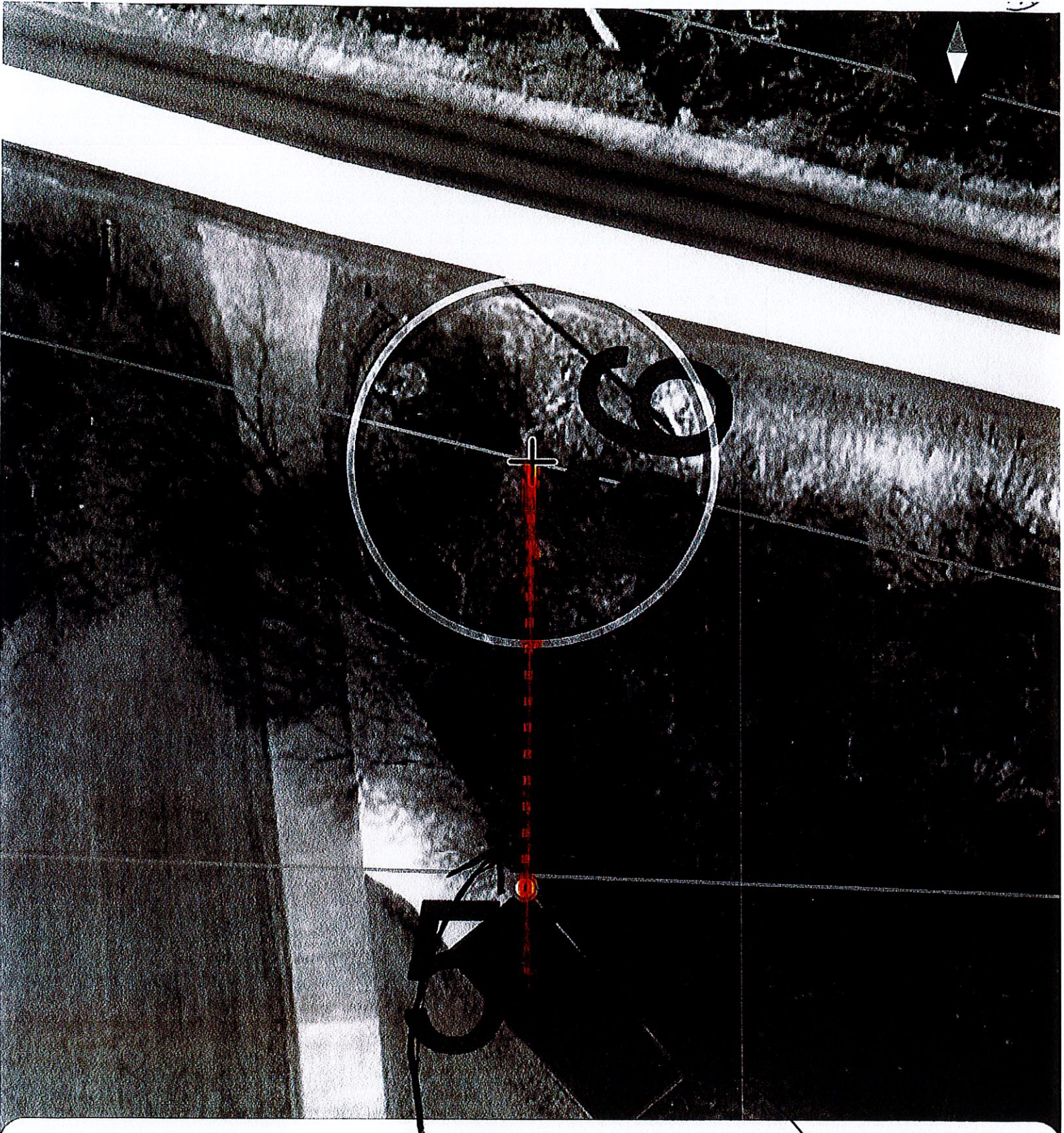


Measure

60.51 ft.

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Add Point



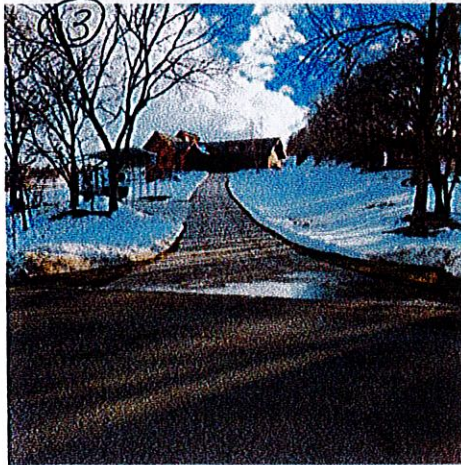
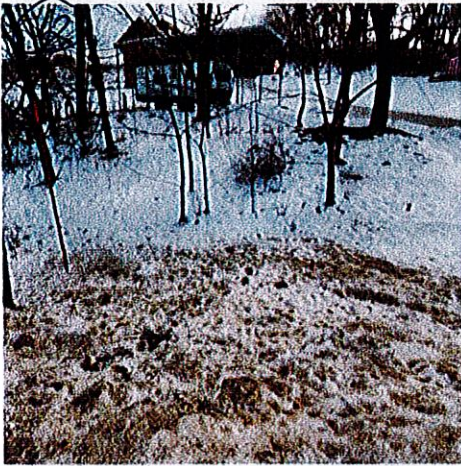
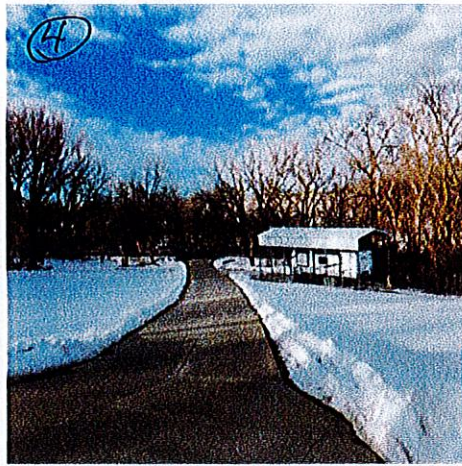
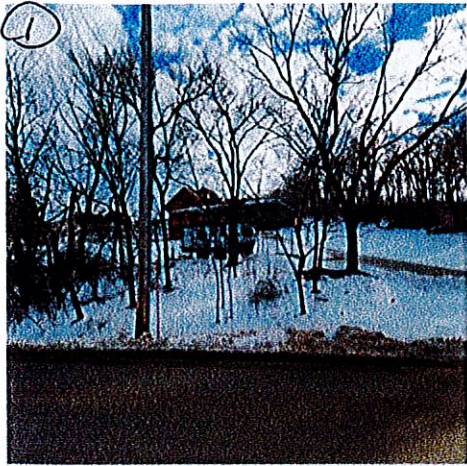
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75 ft

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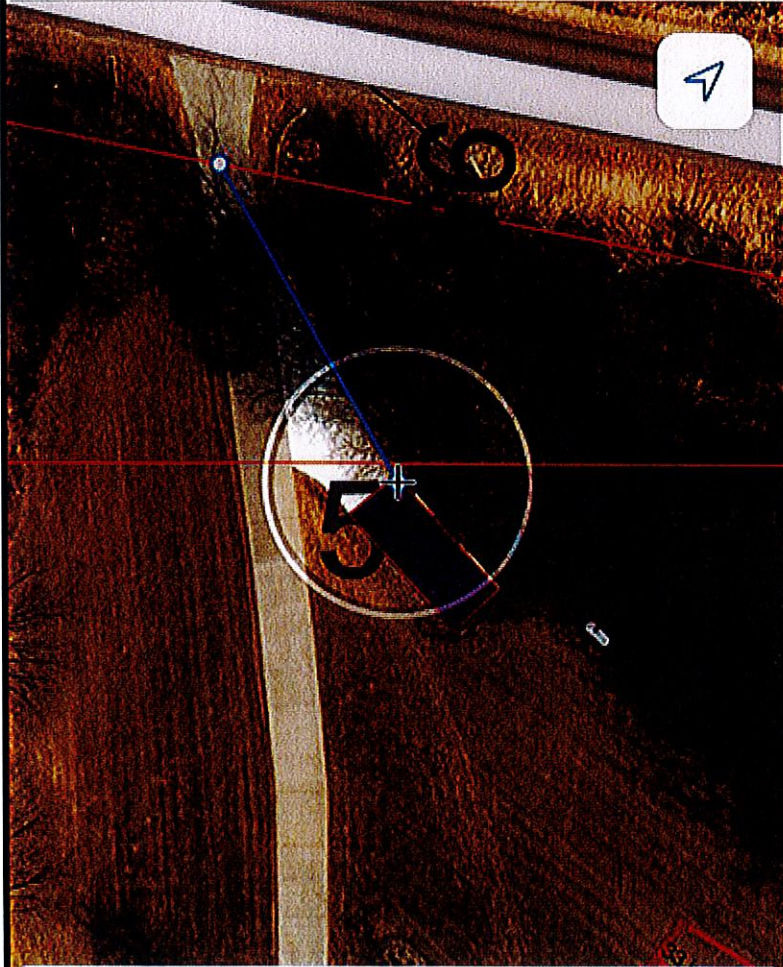
2:50

96

Clear

Done

GPS accuracy 114.8 ft · 30 ft required



Measure



Add Point

Length
80.90 ft

Area
-

2:50

96

Clear

Done

GPS accuracy 114.8 ft · 30 ft required



Measure



Add Point

Length
83.50 ft

Area
-