

TO: Zoning Board of Adjustment
FROM: Matt Wyant, County Planning Director
DATE: December 16, 2022

RE: Case #ZV-2022-01

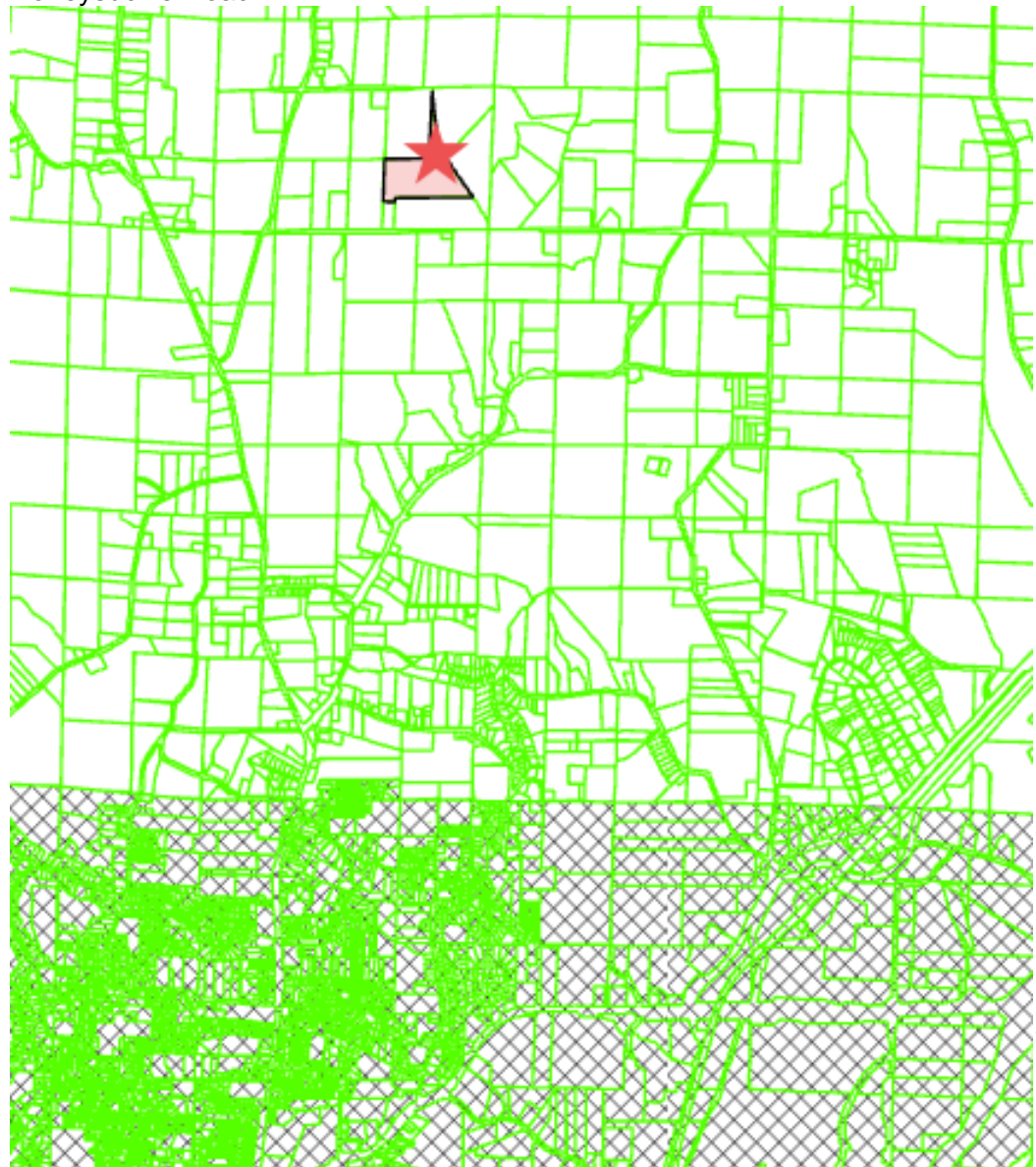
REQUEST: A 200 square foot size variance to allow the construction of an accessory dwelling unit with a size of 800 square feet foot print in lieu of 600 square feet foot print.

LOCATION: 18860 Honeysuckle Rd

Lake Township

6-75-43 PT SE1/4 COMM 1149.3'W & 238.77'S OF E1/4 COR TH SLY833.29 SE278.18'
E45.22'SE853.23' W1441.12'S71.21' W208.71'N793.16' E821.2' N1075.77' TO POB

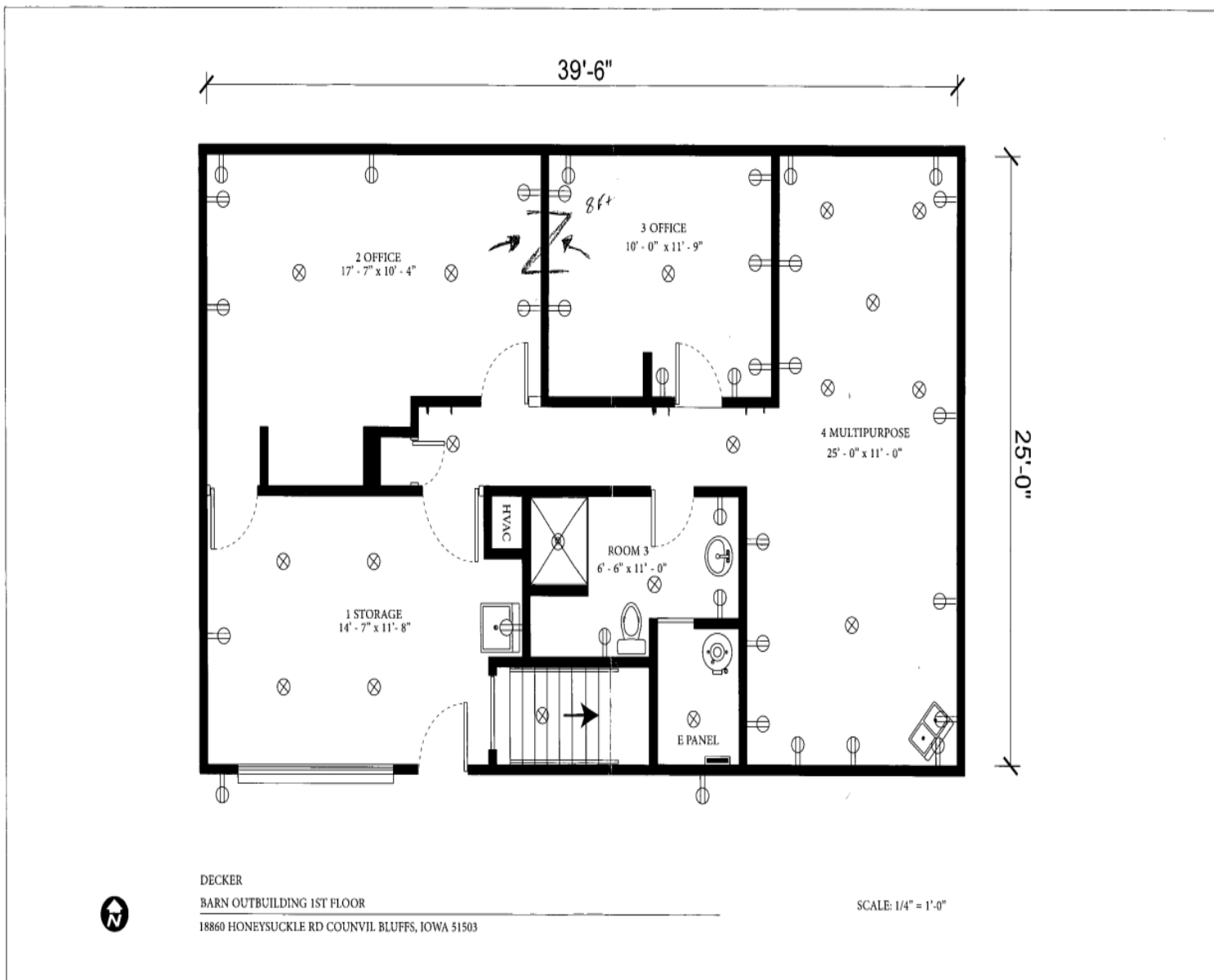
The subject property is approximately 2 miles north of city limits of Council Bluffs on Honeysuckle Road.



APPLICANT: Duane – Sherry Decker

GENERAL INFORMATION: The applicant has made this request in order to allow them to keep an area of 800 square feet of habitable space that was constructed in an accessory building without a permit in lieu of the 600 square feet foot print allowed per code for an accessory dwelling unit. The applicant had secured a permit for a detached garage with no interior finish. The interior finish was discovered during an inspection by the Building Division.

The following is the applicant's floor plan:



The following is an engineer's report regarding the structure:



November 7, 2022

Duane and Sherry Decker
18860 Honeysuckle Road
Council Bluffs, IA 51503

Subject: Structural Evaluation
Storage Building
18860 Honeysuckle Road
Duane and Sherry:

On Monday, November 7th, I inspected the Storage Building you have built on your property at 18860 Honeysuckle Road, Council Bluffs, Iowa.

The 26 x 40 foot existing Building was moved to the Site and erected on a poured concrete foundation wall, steel beams, wood floor joists and 2x6 insulated stud walls. A Lean-to Addition was added to the back. Wood Trusses provide the Roof Framing.

An inspection of the construction of the Storage Building reveals that is in excellent condition. It meets or exceeds all Structural Requirements of Local Building Codes.

If you have questions or need more information, please contact me.

Dean Fajen, PE, AIA
Licensed Iowa Structural Engineer
Fajen Consulting LLC
4916 Franklin Street
Omaha, NE 68104

(402) 677-2040



1| Decker Storage Building Investigation
18860 Honeysuckle Road, Council Bluffs, Iowa
Fajen Consulting LLC

SITE REVIEW:

A single family dwelling, two outbuildings, well and septic system are all on the 26.01 acres lot.



AREA REVIEW:

The use of properties in the area are a combination of primarily residential and timber.



ZONING: The subject property is located in a Class A-4 (Loess Hills) District.

Definition of Accessory Dwelling Unit:

ACCESSORY DWELLING UNIT (ADU): A secondary living unit, on a single-family lot. An ADU contains its own kitchen, sleeping area, and bathroom facilities. ADUs shall be detached from the primary residential unit. ADUs are subordinate in size, location, and appearance to the primary dwelling unit. ADUs are commonly referred to as mother-in-law apartments, Elder Cottage Housing Opportunities (ECHO homes), guest cottages, caretaker cottages or carriage houses. (*Ordinance #2015-05/12-18-2015*)

8.004.085 The following accessory uses shall be permitted in the Class "A" and "R-1, R-2 and R-3" Districts, unless otherwise denoted: (*Ordinance #2015-05/12-18-2015*)

.01 Accessory dwelling unit (ADU). (*Ordinance #2015-05/12-18-2015*)

8.004.095 ACCESSORY DWELLING UNITS (ADU): *Accessory dwelling units (ADUs)*, as defined in Section 8.002.020.020, shall be subject to the following conditions: (*Ordinance #2015-05/12-18-2015*)

.01 The size of the parcel or lot upon which an ADU will be situated shall be two times larger than the minimum lot size for the zoning *district* in which the parcel or lot is located. (*Ordinance #2015-05/12-18-2015*)

.02 The ADU must meet all requirements of the Pottawattamie County, Iowa, Onsite Wastewater Treatment and Disposal Code and the Private Water Well Code with respect to the provisions of individual potable water and sewage disposal system or shall be authorized to connect to a municipal or public water and sewer system. (*Ordinance #2015-05/12-18-2015*)

The issuance of a permit for the ADU shall not adversely impact adjoining properties from obtaining a permit septic, sewer or well if the adjoining parcel has not constructed their first residence on their adjoining lot. (*Ordinance #2015-05/12-18-2015*)

.03 The total maximum square footage of the ADU shall not exceed the lesser of six hundred (600) square feet or fifty (50) percent of the square footage of the primary structure, excluding garage and carports. The minimum total square footage of the ADU shall be not less than two hundred sixty (260) square feet. (*Ordinance #2015-05/12-18-2015*)

.04 Location of entrances. Only one main entrance may be located on the street-facing facade of the house, unless the house contained additional entrances before the ADU was created. An exception to this regulation is an entrance that does not have access from the ground, such as an entrance from a balcony or deck. (*Ordinance #2015-05/12-18-2015*)

.05 All ADUs shall comply with the limitations of Section 8.004.040, Lot Frontage Requirement. (*Ordinance #2015-05/12-18-2015*)

- .06 Exterior finish materials, roof pitch, trim, eaves, window orientation and dimension must be the same or visually match those of the house. (*Ordinance #2015-05/12-18-2015*)
- .07 The ADU must be provided with at least one (1) off-street parking space, which shall be in addition to those required for any other structure(s) on the property. (*Ordinance #2015-05/12-18-2015*)
- .08 The ingress/egress driveway to the ADU shall be shared with that of the primary dwelling. No separate entrance shall be permitted. (*Ordinance #2015-05/12-18-2015*)

8.32

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- .09 The ADU shall not be considered an accessory structure for the purpose of determining setbacks. (*Ordinance #2015-05/12-18-2015*)
 - .10 Only one ADU shall be allowed per parcel or lot. (*Ordinance #2015-05/12-18-2015*)
 - .11 The ADU shall not be used as a bed and breakfast. (*Ordinance #2015-05/12-18-2015*)
 - .12 ADUs are permitted only when one of the dwelling units, either the primary residence or the ADU, on the property is owner-occupied. Ownership cannot be fractional. Owner-occupied residence shall not be rented out at any time. (*Ordinance #2015-05/12-18-2015*)
 - .13 Weekly and Daily rentals of ADUs allowed by special permit.. (*Ordinance #2015-05/12-18-2015*)
 - .14 The ADU may be permitted to be divided off and to become a separate lot or parcel from that of the primary structure, provide however, that all zoning and subdivision regulations shall be adhered to. (*Ordinance #2015-05/12-18-2015*)

The current maximum standards for the R-1 District are as follows:

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.

STAFF

RECOMMENDATION: Based on the above information, the preliminary recommendation by the Planning Department is to approve the application, subject to the following conditions:

- 1. Obtain the necessary building permits for the interior finishes of the structure.
- 2. Obtain a septic permit for the structure.
- 3. Area shown on the plans as storage shall be maintained as such.

Based on the following finding of facts:

- 1. The property on which the structure sits is 26.01 acres which allows the structure to sit well above established setbacks.
- 2. The main house on the property has a 2,556 sq ft footprint. At 800 sq ft the accessory dwelling unit size less than 50% of the primary dwelling.

3. The subject property is located in an area which consists primarily of timber and ag uses. The ADU is not foreseen to have any negative impact on area properties.
4. The existing road system is adequate to accommodate this structure.
5. The aforementioned conditions will minimize any potential adverse impact on adjoining properties.

This recommendation is subject to change, based on evidence and information presented by the applicant and interested parties at the public hearing.