

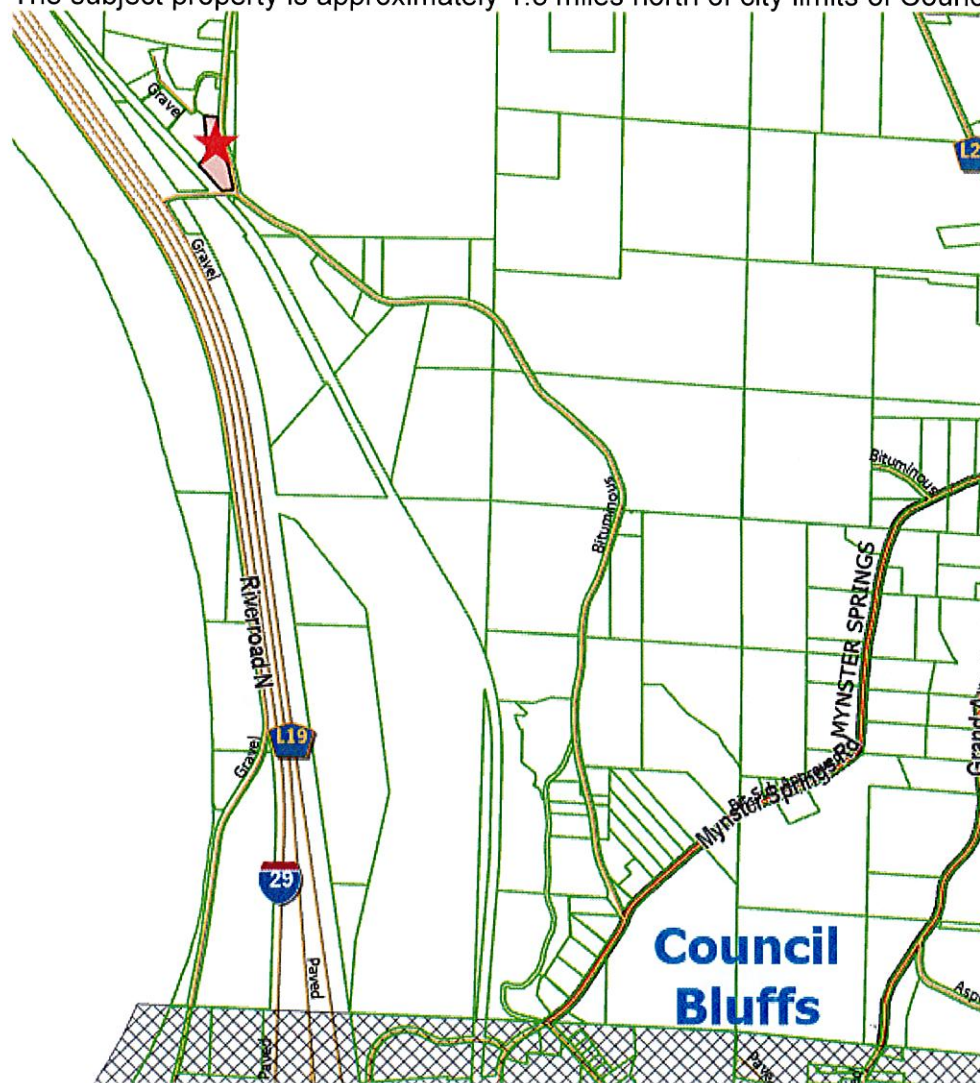
TO: Zoning Board of Adjustment
FROM: Matt Wyant, County Planning Director
DATE: January 10, 2025

RE: Case #ZV-2024-08

REQUEST: A 25' front yard setback variance in lieu of 75' for a single family dwelling.

LOCATION: 20638 Hillsboro Ln S
Lake Township
Lot 3 Musical Hills

The subject property is approximately 1.5 miles north of city limits of Council Bluffs.

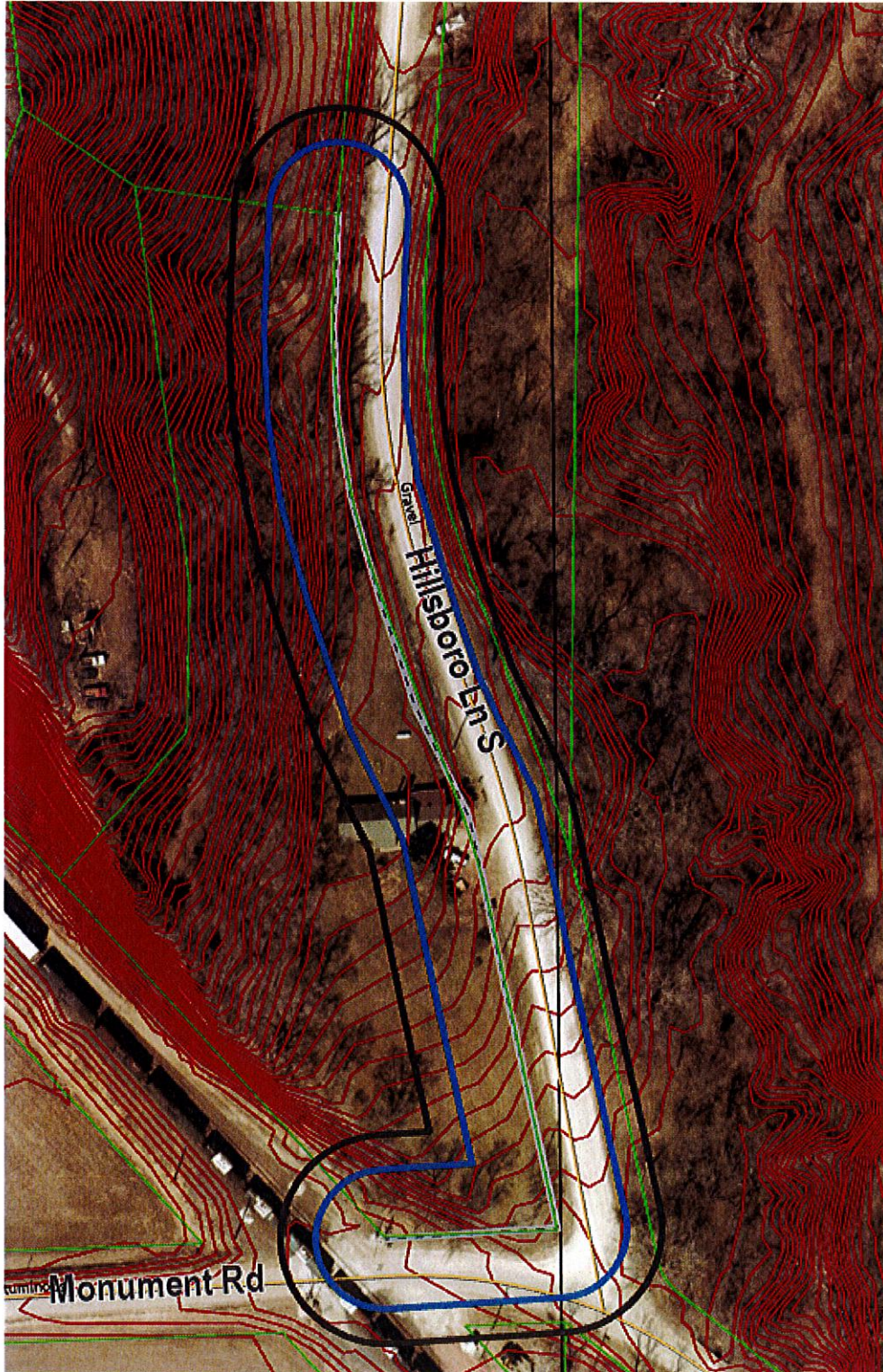


APPLICANT: Tim Moeller and Christine Demey

**GENERAL
INFORMATION:**

The applicants would like to construct a home with a front yard setback of 50' in lieu of 75'. See Attachment #1.

The black buffer line on the map below depicts the 75' setback. The blue line depicts the 50' setback.



AREA REVIEW: The use of properties in the area are a combination of primarily residential.



ZONING: The subject property is located in a Class A-4 Loess Hills District.
The current maximum standards for the A-4 District are as follows:

8.010.070 SETBACK REQUIREMENTS: The setback requirement for buildings and structures in a Class A-2 District shall be as follows: (Ordinance #2004-14/07-01-04)

- .01 The front yard setback shall be a minimum of fifty (50) feet. (Ordinance #2004-14/07-01-04)
- .02 The side yard setback shall be a minimum of twenty-five (25) feet. (Ordinance #2004-14/07-01-04)
- .03 The rear yard setback shall be a minimum of fifty (50) feet. (Ordinance #2004-14/07-01-04)
- .04 The minimum setback for any yard which abuts a highway or county road shall be seventy-five (75) feet. (Ordinance #2004-14/07-01-04)

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:

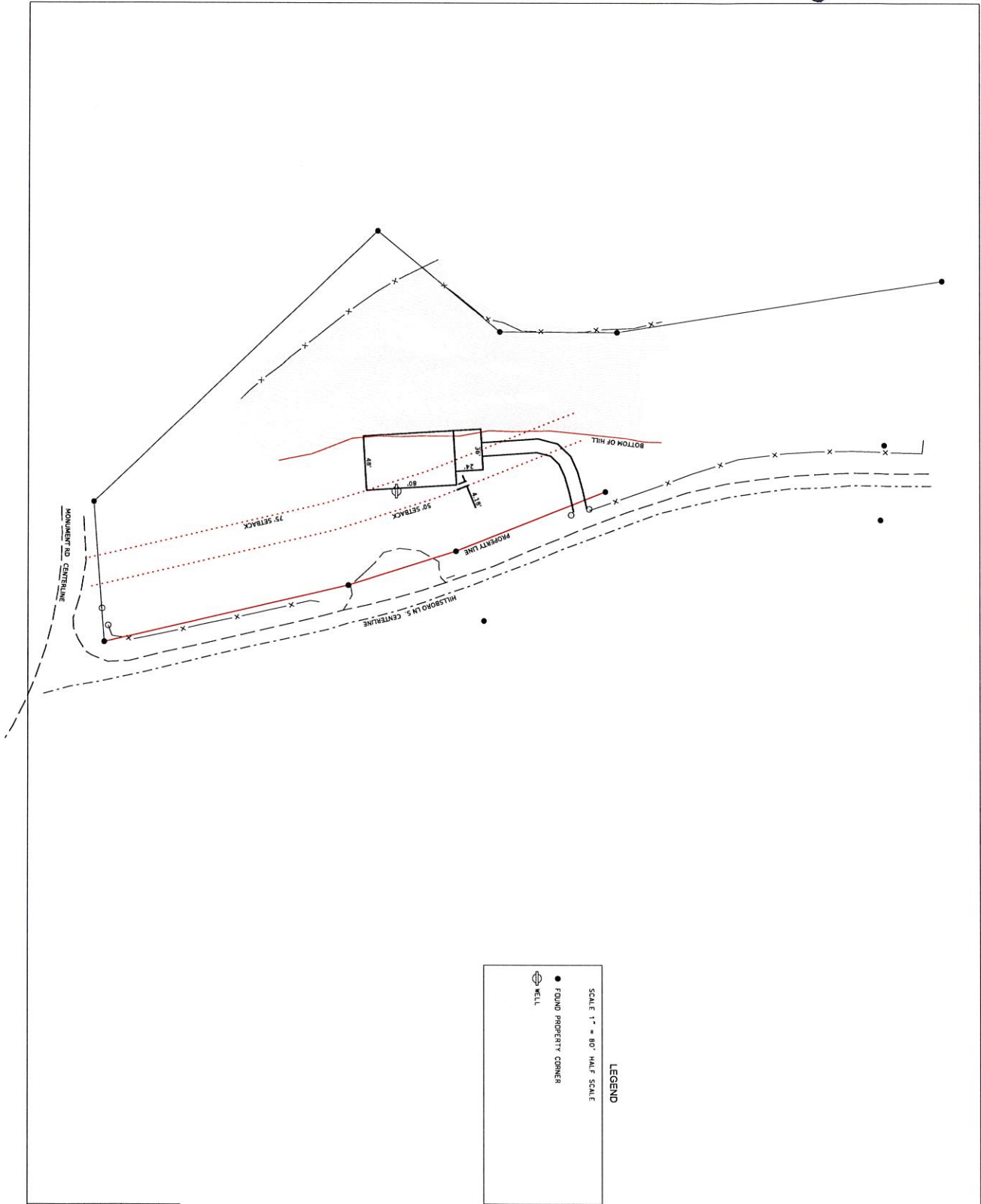
- A. Is necessary to alleviate a demonstrable hardship or difficulty so great as to warrant the variance;
- B. Will not merely serve as a convenience to the applicant;
- C. Will not impair the general purpose and intent of the regulations and provisions contained in this Ordinance;
- D. Will not impair 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.

STAFF

RECOMMENDATION: Based on the above information, the preliminary recommendation by the Planning Department is to **deny** the application:

- 1. The applicant has failed to submit evidence to insure that fulfillment of the terms of Section 8.096.030.02 of the County Code can be complied with in the granting of the requested variance.

Case #ZV-2025-01 Attachment #1



LEGEND

SCALE 1" = 80' HALF SCALE

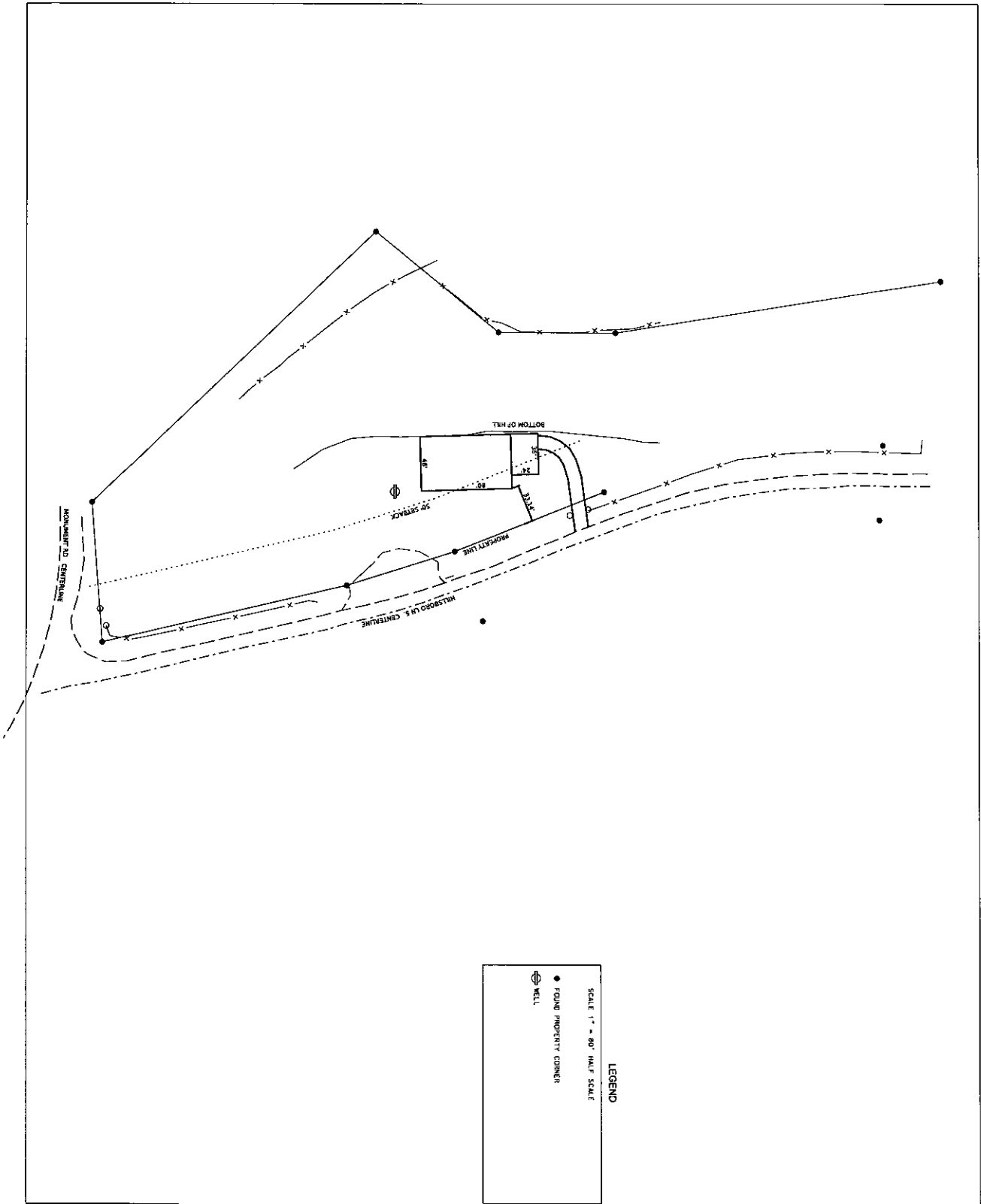
- FOUND PROPERTY CORNER
- ⊕ WELL



PROPOSED BUILDING SKETCH

MUSICAL HILLS SUBDIVISION
PARCEL # 75441176 004
LOT 3
SECTION 11-775N-R44W
POTTAWATTAMIE COUNTY
20638 HILLSBORO LANE S
CRESCENT, IA 51526
OWNERS: CHRISTINE DEMEY & TIM MOELLER

PROPOSED BUILDING SKETCH



LEGEND

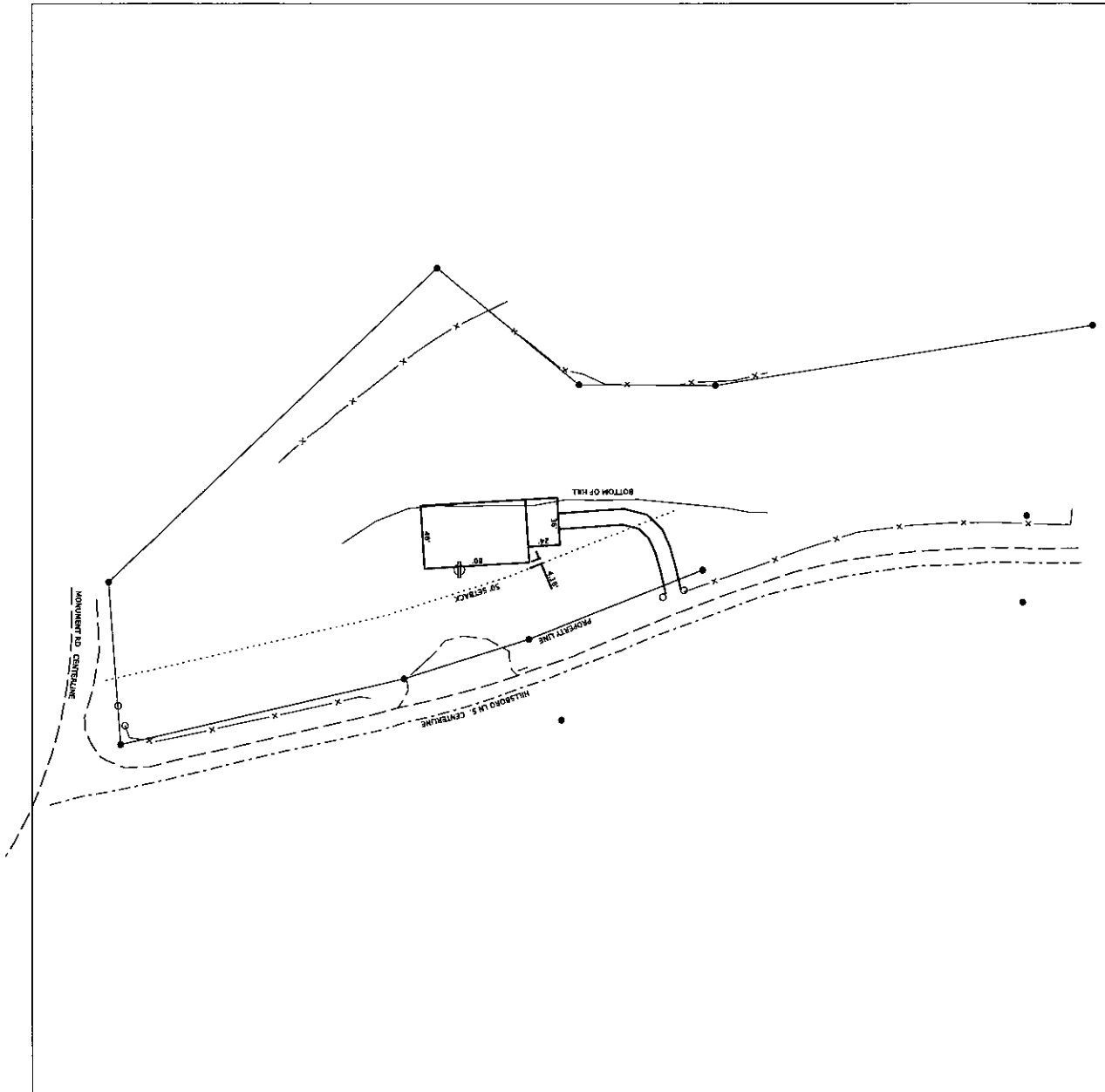
SCALE 1" = 80' HALF SCALE

● FOUND PROPERTY CORNER

⊕ WELL

MUSICAL HILLS SUBDIVISION
PARCEL # 78441176 004
LOT 3
SECTION 11-775N-R44W
POTTAWATTAMIE COUNTY
20698 HILLSBORO LANE S
CRESCENT, IA 51526
OWNERS: CHRISTINE DEMEY & TIM MOELLER

PROPOSED BUILDING SKETCH

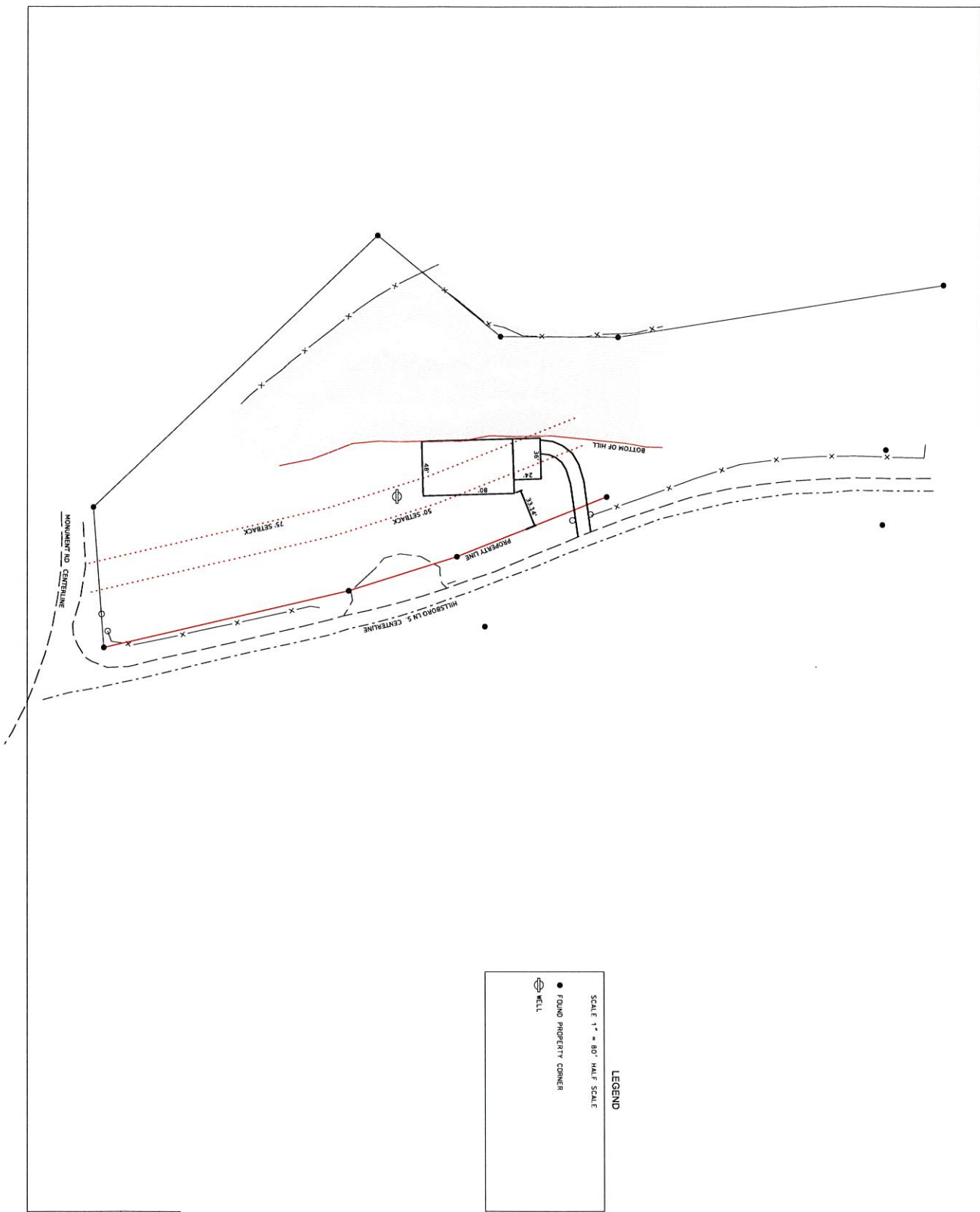


LEGEND
SCALE 1" = 80' HALF SCALE

- FOUND PROPERTY CORNER
- ⊕ WELL

MUSICAL HILLS SUBDIVISION
PARCEL # 75441178 004
LOT 3
SECTION 11, T79N-R44W
POTTAWATTAMIE COUNTY
20636 HILLSBORO LANE S
CRESCENT, IA 51528
OWNERS: CHRISTINE DEMEV & TIM MOELLER

PROPOSED BUILDING SKETCH



LEGEND

SCALE 1" = 80' HALF SCALE

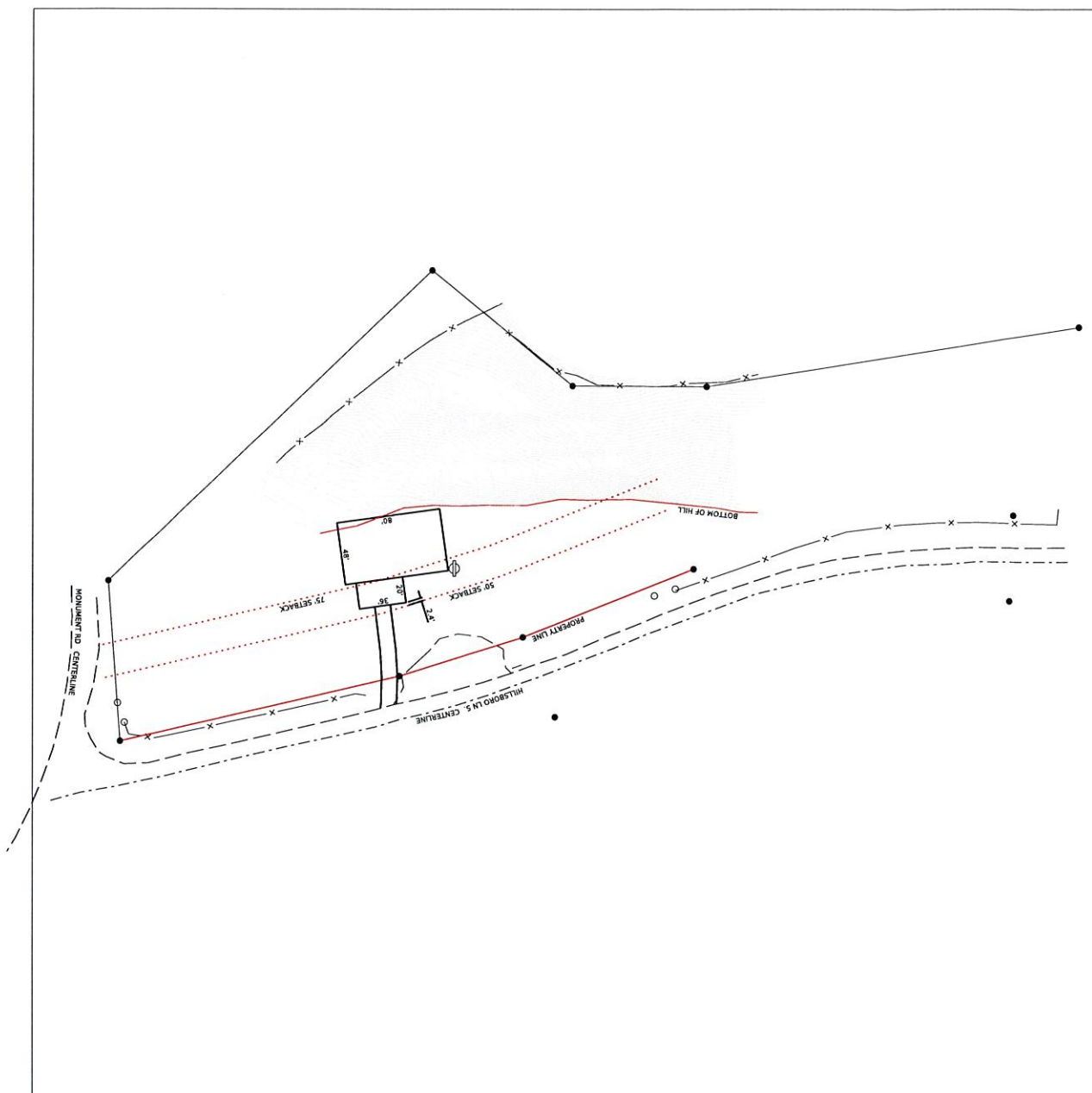
● FOUND PROPERTY CORNER

⊕ WELL



MUSICAL HILLS SUBDIVISION
PARCEL # 75441176 004
LOT 3
SECTION 11-175N-R44W
POTTAWATTAMIE COUNTY
20638 HILLSBORO LANE S
CRESCENT, IA 51528
OWNERS: CHRISTINE DEMEY & TIM MOELLER

PROPOSED BUILDING SKETCH



LEGEND

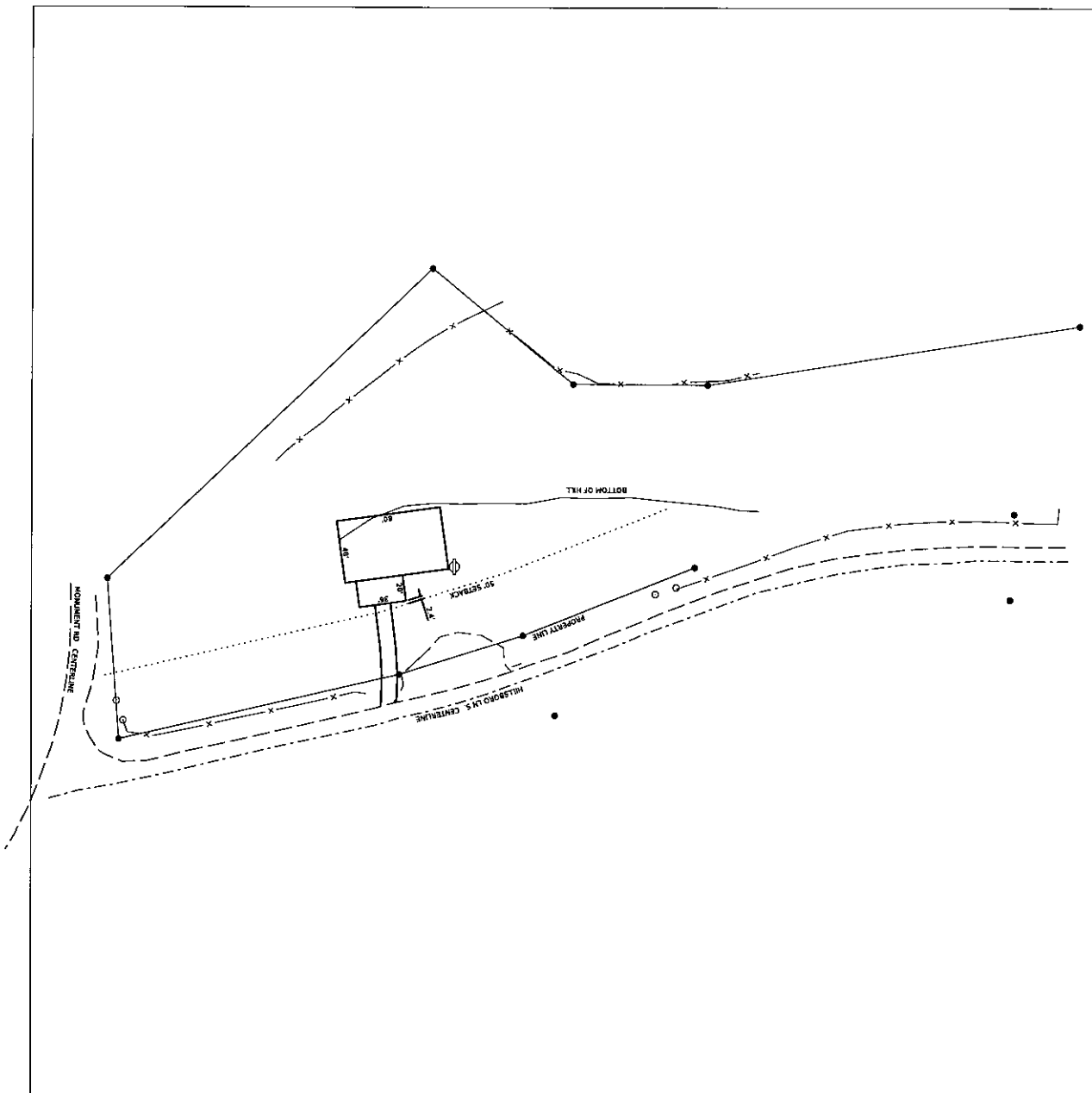
SCALE 1" = 80' HALF SCALE

● FOUND PROPERTY CORNER

⊕ WELL

MUSICAL HILLS SUBDIVISION
PARCEL # 754411776 004
LOT 3
SECTION 11-775N-R44W
POTTAWATTAMIE COUNTY
20638 HILLSBORO LANE S
CRESCENT, IA 51526
OWNERS: CHRISTINE DEMEY & TIM MOELLER

PROPOSED BUILDING SKETCH



LEGEND
SCALE 1" = 80' HALF SCALE

- FOUND PROPERTY CORNER
- ⊗ WELL

MUSICAL HILLS SUBDIVISION
 PARCEL # 75441176 004
 LOT 3
 SECTION 11-T75N-R44W
 POTTAWATTAMIE COUNTY
 20638 HILLSBORO LANE S
 CRESCENT, IA 51526
 OWNERS: CHRISTINE DEMERY & TIM MOELLER





