

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: April 12, 2017

RE: **CASE #BA-17-002**

REQUEST: A variance from Section 15.33.100(4)a Signs, Ground and Monument Signs of the Council Bluffs Zoning Ordinance to allow a monument sign to be placed on property where the front wall of the structure is closer than 15 feet from the right-of-way line of the street.

**APPLICABLE
CODE SECTION:**

Section 15.33.100 Signs

(4) *Ground and Monument Signs*

(a) Ground and monument signs may be used on a premise if the front wall of the building or structure which the sign serves is setback at least 15 feet from the right-of-way line of the street, private way, or court to which the sign is oriented.

RELIEF SOUGHT: A variance to allow the placement of a monument sign.

LEGAL

DESCRIPTION: Lots 11 and 12 along with the west 47 feet 1-inch of Lot 10, Block B, Perry's Second Addition.

LOCATION: 3320 West Broadway, Council Bluffs, Iowa 51501

APPLICANT: City of Council Bluffs

OWNER: Aumkar, Inc., 3320 West Broadway, Council Bluffs, IA 51503

BACKGROUND INFORMATION – The City of Council Bluffs is reconstructing and making improvements to the West Broadway right-of-way. The existing pole sign located at the Deluxe Inn is located within the City right-of-way and will be removed as part of the street reconstruction project.

Section 15.33.100 Signs (4)(a) Ground and monument signs may be used on a premise if the front wall of the building or structure which the sign serves is setback at least 15 feet from the right-of-way line of the street, private way, or court to which the sign is oriented.

A monument sign could not be placed at the property commonly known as 3320 West Broadway because a portion of the building is much closer than 15 feet from the right-of-way line. Because the pole sign must be removed as part of the public street project, a monument style sign has been proposed for the property. The Public Works Department is in support of the requested variance.

CURRENT ZONING AND LAND USE – The subject property is zoned C-2 Commercial District and is located in the CDO/ Corridor Design Overlay District. Surrounding property along West Broadway is similarly zoned.

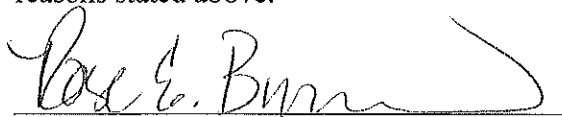
NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the requested variance. One phone call (from a residential property) was received requesting additional information.

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 need for a variance is directly related to the period in history when the structure was built. The front façade of the building is placed much closer to the current front property line than would be permitted today.*
2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The reconstruction and improvement of the West Broadway right-of-way is necessitating the removal of the current detached sign on the property.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The application of these sign standards to allow placement of a new detached monument sign combined with the adjacent public infrastructure project creates an unfair hardship.*
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 variance will not confer a special privilege to the applicant, as monument signs are permitted within the C-2 District and located within the CDO/Corridor Design Overlay. It is only the placement of the building in relationship to the right-of-way line the causes the need for a variance.*
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. Granting the variance will not be contrary to the public interest and will not adversely affect other properties in the vicinity. 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. The Community Development Department has determined the variance request meets this criteria.*

RECOMMENDATION

The Community Development Department recommends approval of a variance from Section 15.33.100(4)a Signs, Ground and Monument Signs of the Council Bluffs Zoning Ordinance to allow a monument sign to be placed on property where the front wall of the structure is closer than 15 feet from the right-of-way line of the street on property legally described as Lots 11 and 12 along with the west 47 feet 1-inch of Lot 10, Block B, Perry’s Second Addition, City of Council Bluffs, Pottawattamie County, Iowa, based on reasons stated above.



Rose E. Brown, AICP
Planning Coordinator

Existing Sign



CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT LOCATION/ZONING MAP - CASE #BA-17-002

Map Legend

- Case #BA-17-002 - Subject Property
- Parcel



2016 Aerial Photograph



Note: Subject property highlighted in red.



Last Amended: 4/11/17



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328-4629

DISCLAIMER

This map is prepared and compiled from public records, including but not limited to, the official plat records of the City of Council Bluffs, Iowa. The City of Council Bluffs is not responsible for any errors or omissions in this map. The user shall verify the accuracy of the information shown on this map before relying on it. The City reserves the right to amend this map at any time without notice.





DRAWING #: 107396
PROJECT ID: 17376

SALES DEPT.: Jay Miller
DRAWN BY: Jefferson Schaefer
INSPECTED BY:
DATE: 04.05.17

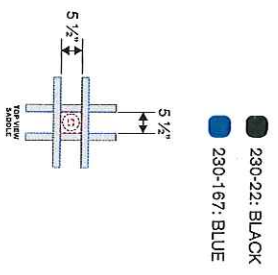
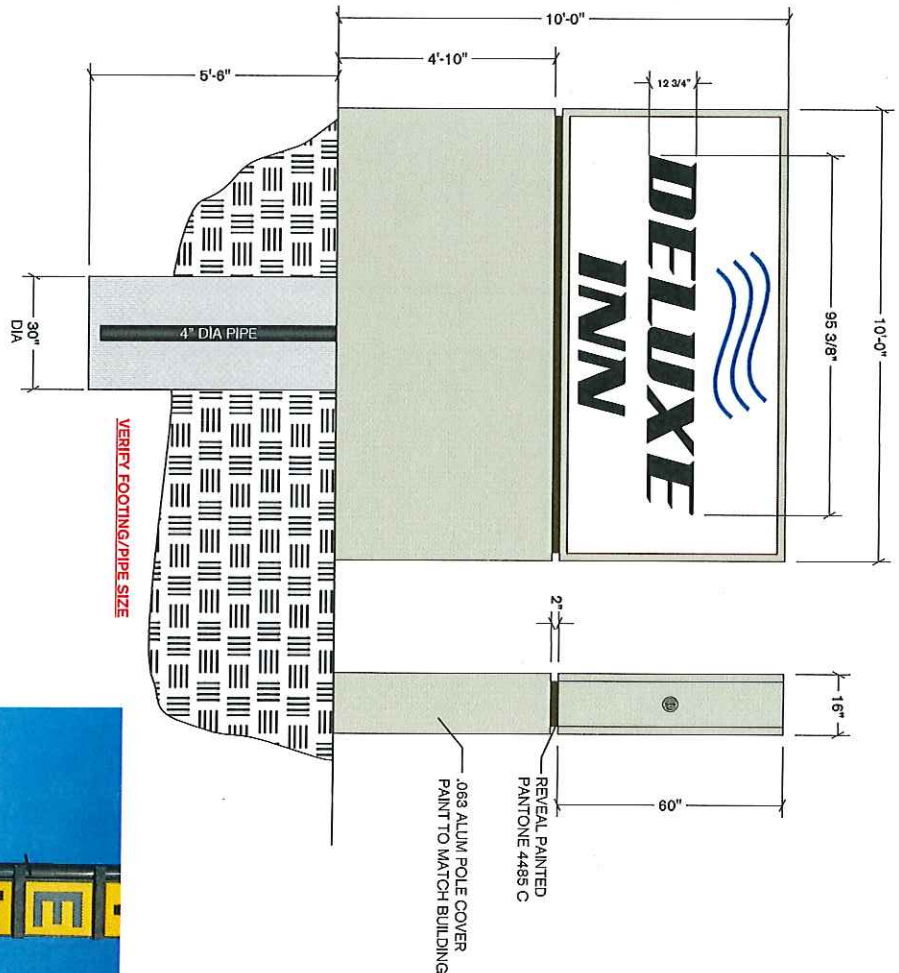
SCALE: 3/8" = 1'-0"

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DELUXE INN
 3320 West Broadway St - Council Bluffs, IA

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 Signed: _____ Date: _____
 Sales Rep: _____

UL LISTED
 This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



D/F MONUMENT SIGN

FRAME:	EC-12 STANDARD FRAME
CABINET COLOR:	PAINTED TO MATCH BUILDING
BACK:	SAVE AS FRONT
RETAINERS:	F#2 RETAINERS PAINTED TO MATCH
FACE MATERIAL:	3/16" WHITE LEXAN
GRAPHICS:	CUT VINYL GRAPHICS
ILLUMINATION:	SYLVANIA OSRAM WHITE LED'S
INSTALLATION:	SIGNAGE IS TO BE MOUNTED USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).
CONSTRAINTS:	