

**POTTAWATTAMIE COUNTY
BOARD OF ADJUSTMENT MINUTES
WEDNESDAY, MAY 24, 2023
SUPERVISORS' HEARING ROOM-COUNTY COURTHOUSE
227 SOUTH 6TH STREET, COUNCIL BLUFFS, IOWA**

1. CALL TO ORDER

Chairman Genereux called the meeting to order at 5:30 P.M.

2. ROLL CALL

Members Present: Genereux, Huerter, Leaders, Anderson, Kay
Staff Present: Wyant, Kalstrup

3. MINUTES

Motion #1: to approve the Minutes of February 22, 2023
Motion by: Kay.
Second by: Anderson.
Vote: Unanimous. Motion carried.

4. PUBLIC HEARING

The Chairman read a statement advising the audience that the public hearings would be conducted in accordance with the Board's Rules of Procedure.

CASE #CU-2023-03

PROPERTY OWNER: Jeremy Lee
REQUEST: Conditional use approval to permit a commercial kennel in an A-4 Zoning District.
TOWNSHIP: Rockford
STREET: 16733 Whippoorwill Rd
ZONING: A-4 (Loess Hills District)
LEGAL DESCRIPTION: ROCKFORD TWP 2-77-44 A S SE SE ALL LT 3 LYING S WHIPPOORWILL RD

Motion #2: to open the public hearing on Case #CU-2023-03
Motion by: Anderson.
Second by: Leaders.
Vote: Unanimous Vote. Motion Carried.

Motion #3: to close the public hearing on Case #CU-2023-03.
Motion by: Leaders.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the request of Jeremy Lee for a Conditional Use approval to permit a commercial kennel in an A-4 Zoning District, subject to the following conditions:

1. The applicant shall secure a license from the Iowa Department of Agriculture and Land Stewardship prior to opening the kennel.
2. The owner shall follow a manure plan.
3. The number of adult dogs and litters per year shall be limited to what was submitted with application.
4. Signage, if proposed, shall be required to comply with Chapter 8.090.030.06.
5. The applicant shall secure permit approval through the County Building Code Division to ensure that the structure complies with the Pottawattamie County, Iowa, Building Codes.

6. The applicant shall secure permit approval through the County Environmental Health Division for the septic system.
7. The applicant shall agree to allow the Pottawattamie Animal Control Division to inspect the facility at least once per year.
8. The applicant will bring dogs inside if barking becomes a nuisance.

Based on the following facts of findings:

1. The subject property is located in the A-4 (Loess Hills) District. The County Zoning Ordinance, which is adopted in conjunction with the Land Use Plan, stipulates that the proposed land use is a permitted conditional use in the A-4 District.
2. The subject property is located in an area which consists primarily of ag, large rural acreages and timber land uses. The kennel is not foreseen to have any negative impact on area properties.
3. The existing road system is adequate to accommodate this activity.
4. The aforementioned conditions will minimize any potential adverse impact on adjoining properties.

Motion by: Leaders.
Second by: Huerter.
Vote: Ayes – Huerter, Genereux, Anderson, Kay, Leaders. Motion Carried.

5. ADJOURNMENT

Motion #5: to adjourn.
Motion by: Leaders.
Second by: Kay.
Vote: Unanimous. Motion carried.

The meeting was adjourned at approximately 5:50 P.M.

APPROVED: _____
Mike Genereux, Chairman Date

ATTEST: _____
Matt Wyant, Planning Director
Planning & Development