

**POTTAWATTAMIE COUNTY
BOARD OF ADJUSTMENT MINUTES
WEDNESDAY, OCTOBER 25, 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
Members Absent: Kay
Staff Present: Wyant, Kalstrup

3. MINUTES

Motion #1: to approve the Minutes of May 24, 2023
Motion by: Huerter.
Second by: Leaders.
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-2023-04

APPLICANT: Brad Andersen
REQUEST: Conditional use approval to permit the operation of a rural enterprise business (landscaping business) in a Class R-2 (Urban Transitional) District.
TOWNSHIP: Garner
STREET: 22494 Three Bridge Rd
ZONING: R-2 (Urban Transitional)
LEGAL DESCRIPTION: 23-75-43 PT SW SE & SE SW COMM S1/4 COR TH W139.33' NE288.56' N1057.73' E557'S1311.56'W556.99' TO POB (INCLUDES PARCEL D OF SW SE)

Motion #2: to open the public hearing on Case #CU-2023-04
Motion by: Leaders.
Second by: Andersen.
Vote: Unanimous Vote. Motion Carried.

Motion #3: to close the public hearing on Case #CU-2023-04.
Motion by: Leaders.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the request of Brad Andersen for a Conditional Use approval to permit the operation of a rural enterprise business (landscaping business) in a Class R-2 (Urban Transitional) District, subject to the following conditions:

1. The applicant will follow the criteria set out in Section 8.004.165 Rural Enterprise Business. In accordance with those regulations:
2. The area dedicated to the Rural Enterprise Business shall be limited to 2,000 square feet in the subject building with a maximum of 5 employees.
3. The total area devoted to the rural enterprise business shall not exceed one (1) acre, including the building, parking areas and any outside storage area.

4. Any outdoor storage will be screened from sight by a sight obscuring fence or landscape buffer.

Based on the following finding of facts:

1. The subject property is located in the Class R-2 District. The Zoning Ordinance, adopted in conjunction with the Land Use Plan, stipulates that "Rural Enterprise Business" is a permitted conditional use in the R-2 District.
2. The subject property is located in an area which is a mixture of residential and agricultural. The business is a landscaping business and the equipment to be utilized in this service-related business are atypical of the type of equipment that can be routinely seen on a rural acreage or an agricultural operation.
3. The building dedicated to the business is 2,000 square foot and the total area dedicated to the business is less than 1 acre.
4. The business consists of three employees, the owner, and his son.
5. No on-street parking is permitted with this land use, nor is any proposed by the applicant. The rural enterprise business has three outside employees who will travel to the property in the morning and then leave with the business equipment for the day and return at the end of the day. The employees may occasionally return to the shop during the day. The existing road system is adequate to accommodate the additional vehicles being added to the traffic count.
6. No hazardous wastes or by-products will result from this rural enterprise business.

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

5. ADJOURNMENT

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

The meeting was adjourned at approximately 5:47 P.M.

APPROVED: _____
Mike Genereux, Chairman Date

ATTEST: _____
Matt Wyant, Planning Director
Planning & Development