

**POTTAWATTAMIE COUNTY
BOARD OF ADJUSTMENT MINUTES
WEDNESDAY, MARCH 27, 2019
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, Pierce, Fox, White
Staff Present: Kalstrup, Wyant

3. MINUTES

Motion #1: to approve the Minutes of February 27, 2019
Motion by: Fox.
Second by: Pierce.
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-81-006

APPLICANT: Pottawattamie County

CURRENT

PROPERTY OWNER: Judy Swanson

REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Martha Lange) as granted by the Zoning Board of Adjustment, Affidavit with Respect to Title, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Lewis

STREET: 14435 230th St

LEGAL DESCRIPTION: 12-74-43 COMM 301'S OF NW COR E240' S45' ELY1074' S202' WLY796' W522' N275' TO POB NW SW

Motion #2: to open the public hearing on Case #CU-81-006.
Motion by: Huerter.
Second by: White.
Vote: Unanimous Vote. Motion Carried.

Motion #3: to close the public hearing on Case #CU-81-006.
Motion by: White.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the request of Pottawattamie County to rescind conditional use permit for a commercial dog kennel, as filed under Case #CU-81-006.

Motion by: White.
Second by: Pierce.
Vote: Ayes – Fox, Huerter, Genereux, Pierce, White. Motion Carried.

CASE #CU-82-002

APPLICANT: Pottawattamie County

CURRENT

PROPERTY OWNER: Paul – Ellen Moland

REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Dennis Olmstead) as granted by the Zoning Board of Adjustment, Resolution #82-7, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Crescent

STREET: 14435 230th St

LEGAL DESCRIPTION: 36-76-44 COMM 1171'N OF SE COR SE SW TH SWLY199' S274' SWLY459' W503' NLY537' W283'N360'E721' S473' E110'NELY649' S66' TO POBSE SW

Motion #5: to open the public hearing on Case #CU-82-002.

Motion by: Huerter.

Second by: Fox.

Vote: Unanimous Vote. Motion Carried.

Motion #6: to close the public hearing on Case #CU-82-002.

Motion by: Fox.

Second by: Huerter.

Vote: Unanimous Vote. Motion Carried.

Motion #7: to approve the request of Pottawattamie County to rescind conditional use permit for a commercial dog kennel, as filed under Case #CU-82-002.

Motion by: Fox.

Second by: Pierce.

Vote: Ayes – Fox, Huerter, Genereux, Pierce, White. Motion Carried.

CASE #CU-84-003

APPLICANT: Pottawattamie County

CURRENT

PROPERTY OWNER: Edward Rech

REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Marion – Norma Moss) as granted by the Zoning Board of Adjustment, Resolution #84-7, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Hazel Dell

STREET: 25839 195th St

LEGAL DESCRIPTION: 17-76-43 E of RD NE NW

Motion #8: to open the public hearing on Case #CU-84-003.

Motion by: White.

Second by: Huerter.

Vote: Unanimous Vote. Motion Carried.

Motion #9: to close the public hearing on Case #CU-84-003.

Motion by: White.

Second by: Fox.

Vote: Unanimous Vote. Motion Carried.

Motion #10: to approve the request of Pottawattamie County to rescind conditional use permit for a commercial dog kennel, as filed under Case #CU-84-003.

Motion by: Fox.

Second by: Pierce.

Vote: Ayes – Fox, Huerter, Genereux, Pierce, White. Motion Carried.

CASE #CU-86-003

APPLICANT: Pottawattamie County

CURRENT

PROPERTY OWNER: Tina Canfield

REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Victor Abbott) as granted by the Zoning Board of Adjustment, Resolution #86-11, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Washington

STREET: 35719 Idlewood Rd

LEGAL DESCRIPTION: 1-75-41 PT NW NE COMM 1422'W NE COR SECT 1 TH S660' W675.3' N660.9' E640.7' TOPOB

Motion #11: to open the public hearing on Case #CU-86-003.

Motion by: Huerter.

Second by: Fox.

Vote: Unanimous Vote. Motion Carried.

Motion #12: to close the public hearing on Case #CU-86-003.

Motion by: White.

Second by: Fox.

Vote: Unanimous Vote. Motion Carried.

Motion #13: to approve the request of Pottawattamie County to rescind conditional use permit for a commercial dog kennel, as filed under Case #CU-86-003.

Motion by: Huerter.

Second by: Fox.

Vote: Ayes – Fox, Huerter, Genereux, Pierce, White. Motion Carried.

CASE #CU-86-004

APPLICANT: Pottawattamie County

CURRENT

PROPERTY OWNER: Timothy – Lindsay Gatewood

REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Charles Canapp) as granted by the Zoning Board of Adjustment, Resolution #86-13, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Norwalk

STREET: 28305 Mahogany Rd

LEGAL DESCRIPTION: 14-76-42 PT NW1/4 COMM 742.4W OF NE NW-TH S640' SLY1568.9' W300' NLY1568.9' N640' E300' TO POB

Motion #14: to open the public hearing on Case #CU-86-004.

Motion by: Pierce.

Second by: Huerter.

Vote: Unanimous Vote. Motion Carried.

Motion #15: to close the public hearing on Case #CU-86-004.

Motion by: Fox.

Second by: Huerter.

Vote: Unanimous Vote. Motion Carried.

Motion #16: to approve the request of Pottawattamie County to rescind conditional use permit for a commercial dog kennel, as filed under Case #CU-86-004.

Motion by: Huerter.
Second by: Fox.
Vote: Ayes – Fox, Huerter, Genereux, Pierce, White. Motion Carried.

CASE #CU-87-003

APPLICANT: Pottawattamie County

CURRENT

PROPERTY OWNER: Diana Cooper

REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Wendell – Barbara Thomas) as granted by the Zoning Board of Adjustment, Resolution #87-5 and Resolution #88-21, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Hazel Dell

STREET: 22301 Road L-34

LEGAL DESCRIPTION: Cooper Acres Lt 1

Motion #17: to open the public hearing on Case #CU-87-003.
Motion by: Fox.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #18: to close the public hearing on Case #CU-87-003.
Motion by: White.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #19: to approve the request of Pottawattamie County to rescind conditional use permit for a commercial dog kennel, as filed under Case #CU-86-004.

Motion by: Fox.
Second by: Pierce.
Vote: Ayes – Fox, Huerter, Genereux, Pierce, White. Motion Carried.

CASE #CU-87-006

APPLICANT: Pottawattamie County

CURRENT

PROPERTY OWNER: Richard Jr – Joyce Hardesty

REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Richard Hardesty Sr) as granted by the Zoning Board of Adjustment, Resolution #87-11, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Hazel Dell

STREET: 19524 Pinoak Rd

LEGAL DESCRIPTION: 8-76-43 SW NW NE N OF RD

Motion #20: to open the public hearing on Case #CU-87-006.
Motion by: White.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #21: to close the public hearing on Case #CU-87-006.
Motion by: Huerter.

Second by: Fox.
Vote: Unanimous Vote. Motion Carried.

Motion #22: to approve the request of Pottawattamie County to rescind conditional use permit for a commercial dog kennel, as filed under Case #CU-87-006.

Motion by: Huerter.
Second by: Fox.
Vote: Ayes – Fox, Huerter, Genereux, Pierce, White. Motion Carried.

CASE #CU-88-002

APPLICANT: Pottawattamie County

CURRENT

PROPERTY OWNER: Harley – Carolyn Spencer

REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Clifford Young) as granted by the Zoning Board of Adjustment, Resolution #88-18, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Knox

STREET: 31243 Hwy 59

LEGAL DESCRIPTION: 16-77-39 PT SW SE COMM NW COR TH E320' S665.44' E46' SE254.5' S248' W483' N1107.44' TO POB

Motion #23: to open the public hearing on Case #CU-88-002.
Motion by: Fox.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #24: to close the public hearing on Case #CU-88-002.
Motion by: White.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #25: to approve the request of Pottawattamie County to rescind conditional use permit for a commercial dog kennel, as filed under Case #CU-88-002.

Motion by: Huerter.
Second by: Fox.
Vote: Ayes – Fox, Huerter, Genereux, Pierce, White. Motion Carried.

CASE #CU-88-003

APPLICANT: Pottawattamie County

CURRENT

PROPERTY OWNER: David – Mary Johannes

REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Bernard Morrison) as granted by the Zoning Board of Adjustment, Resolution #88-19, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Rockford

STREET: 17139 Sumac Rd

LEGAL DESCRIPTION: 25-77-44 TRI IN SW COR OF N1/2 SW LYING S & E OF RD

Motion #26: to open the public hearing on Case #CU-88-003.
Motion by: Fox.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #27: to close the public hearing on Case #CU-88-003.
Motion by: Huerter.
Second by: White.
Vote: Unanimous Vote. Motion Carried.

Motion #28: to approve the request of Pottawattamie County to rescind conditional use permit for a commercial dog kennel, as filed under Case #CU-88-003.

Motion by: Fox.
Second by: Pierce.
Vote: Ayes – Fox, Huerter, Genereux, Pierce, White. Motion Carried.

CASE #CU-88-006

APPLICANT: Pottawattamie County

CURRENT

PROPERTY OWNER: Mark – Peggy Sornson

REQUEST: Public hearing to rescind conditional use approval to permit a commercial dog kennel (to Robert Kreiser) as granted by the Zoning Board of Adjustment, Resolution #88-23, as the land use has subsequently been discontinued for a period of one (1) year or more.

TOWNSHIP: Lewis

STREET: 20896 Cardinal Ln

LEGAL DESCRIPTION: 9-74-43 E592.05' S503' SE NE

Motion #29: to open the public hearing on Case #CU-88-006.
Motion by: Fox.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #30: to close the public hearing on Case #CU-88-006.
Motion by: Huerter.
Second by: Fox.
Vote: Unanimous Vote. Motion Carried.

Motion #31: to approve the request of Pottawattamie County to rescind conditional use permit for a commercial dog kennel, as filed under Case #CU-88-006.

Motion by: White.
Second by: Fox.
Vote: Ayes – Fox, Huerter, Genereux, Pierce, White. Motion Carried.

5. OTHER BUSINESS:

Motion #32: Approval to grant the Director of Planning and Development the authority to approve a one day specific temporary establishment permit for large assemblages of people for 2019 RAGBRAI.

Motion by: Fox.
Second by: White.
Vote: Ayes – Fox, Huerter, Genereux, Pierce, White. Motion Carried.

6. ADJOURNMENT

Motion #33: to adjourn.
Motion by: White.
Second by: Fox.
Vote: Unanimous. Motion carried.

The meeting was adjourned at approximately 6:00 P.M.

APPROVED: _____
Mike Genereux, Chairman Date

ATTEST: _____
Matt Wyant, Planning Director
Planning & Development