

**POTTAWATTAMIE COUNTY
BOARD OF ADJUSTMENT MINUTES
WEDNESDAY, DECEMBER 18 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, Jensen, Pierce, Huerter
Members Absent: Pierce
Staff Present: Kalstrup, Wyant

3. MINUTES

Motion #1: to approve the Minutes of November 20, 2019
Motion by: Huerter.
Second by: Jensen.
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-2019-03

PROPERTY OWNER: Patricia E Birusingh
REQUEST: Conditional use approval to permit a private cemetery.
TOWNSHIP: Lake
STREET: 20525 Monument Rd
ZONING: A-4 (Loess Hills)
LEGAL DESCRIPTION: 11-75-44 NE1/4 E OF RR

Motion #2: to open the public hearing on Case #CU-2019-03.
Motion by: Jensen.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #3: to close the public hearing on Case #CU-2019-03.
Motion by: Huerter.
Second by: Jensen.
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the request of Patricia E Birusingh for a conditional use approval to permit a private cemetery, as filed under Case #CU-2019-03, subject to the following conditions:

1. The cemetery shall contain an area of five (5) acres or more.
2. The cemetery shall be at least fifty (50) feet from any wells.
3. The National Cemetery Guidelines adapted from the Green Burial Council are adhered to.
4. The cemetery shall conform to the Iowa Cemetery Act Chapter 523I.
5. The Property owner Shall notify the County Recorder's office on interments.

6. The Property owner Shall provide the County with a survey drawn to scale of the site also showing an easement of ingress and egress to the site 25 feet in width.

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 primarily utilized for agricultural and residential.
3. The existing road system is not foreseen to be impacted.

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

CASE #CU-2019-04

PROPERTY OWNER:

Richard L Player

REQUEST:

Conditional use approval to permit a commercial activity (chiropractic office).

TOWNSHIP:

Garner

STREET:

20854 McPherson Ave

ZONING:

R-2 (Urban Transitional)

LEGAL DESCRIPTION:

28-75-43 NE SE LT 1 COMM SE COR E OF HWY NE 110
WLY71.2' NLY110' WLY73' SLY113.4' ALSO PT ELY OF HWY 6
EXC RD ROW

Motion #5: to open the public hearing on Case #CU-2019-04.
Motion by: Jensen.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #6: to close the public hearing on Case #CU-2019-04.
Motion by: Jensen.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #7: to approve the request of Richard L Player, for a conditional use approval to permit commercial activity (chiropractic office)., as filed under Case #CU-2019-04, subject to the following conditions:

1. The required five (5) parking spaces shall be delineated and ADA parking shall be paved.
2. The residential portion of the structure shall not be utilized for the chiropractic office or multifamily units. Any modifications being made to the residential unit shall be permitted through the County Planning Department.
3. Any signage shall be limited to Section 8.090.030.06 of the Pottawattamie County, IA Code and installed after building permit is issued.
4. Building will be brought up to accessibility standards of the 2015 International Building Code and 2015 International Fire Code. Building Inspector will review the Structure to ensure compliance permits for any work needed will be Commercial Building Permits issued through the County Planning Department.

Based on the following findings of fact:

1. The commercial activity is a listed permitted conditional use in the R-2 District, which conforms to the Land Use Policy Plan.
2. The subject property is located in an area primarily utilized for residential purposes. This conditional use is not foreseen to have any negative impact on area properties.
3. The existing road system is adequate to accommodate this commercial activity.
4. The aforementioned conditions will minimize any potential adverse impact on adjoining properties.

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

5. ADJOURNMENT

Motion #4: to adjourn.
Motion by: Huerter.
Second by: Jensen.
Vote: Unanimous. Motion carried.

The meeting was adjourned at approximately 6: 01 P.M.

APPROVED: _____
Mike Genereux, Chairman Date

ATTEST: _____
Matt Wyant, Planning Director
Planning & Development