

**POTTAWATTAMIE COUNTY
BOARD OF ADJUSTMENT MINUTES
WEDNESDAY, MARCH 25, 2020
VIA ZOOM**

1. CALL TO ORDER

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

2. ROLL CALL

Members Present: Genereux, Huerter (joined late), Jensen, Leaders, Pierce
Members Absent: Pierce
Staff Present: Kalstrup, Wyant

3. MINUTES

Motion #1: to approve the Minutes of February 26, 2020
Motion by: Jensen.
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-2020-02

PROPERTY OWNER: Randy – Kristen Doffin Trust
REQUEST: Conditional use approval to permit a commercial activity (trucking business/office)
TOWNSHIP: Lewis
STREET: 13940 Humbolt Lane
ZONING: A-4 (Loess Hills)
LEGAL DESCRIPTION: 9-74-43 S1/2 LT 6 SE SE, 16-74-43 LT 1 NE NE & 10-74-43 S327.5' W389' & E51' W440' S655' SW SW

Motion #2: to open the public hearing on Case #CU-2020-02
Motion by: Leaders.
Second by: Jensen.
Vote: Unanimous Vote. Motion Carried.

Motion #3: to close the public hearing on Case #CU-2020-02
Motion by: Jensen.
Second by: Leaders.
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the request of Randy – Kristen Doffin for conditional use approval to permit a commercial activity (trucking business/office), as filed under Case #CU-2020-02, subject to the following conditions:

1. The applicant shall obtain the necessary Commercial Building Permits to construct the building in accordance with Pottawattamie County Building Codes.
2. The septic system shall be installed to Code and sized to handle present and future capacity.
3. If any signage is proposed, such signage shall be limited to Pottawattamie County Code.
4. Site shall be inspected and certificate of occupancy shall be issued prior to commencement of commercial activities.

5. The applicants shall record a joint road use agreement. The cost of maintaining the Humbolt Lane Joint Road area, including but not limited to reconstruction when reasonably necessary and any and all snow removal, shall be the sole obligation and responsibility of the applicants, their heirs, assigns and successors.

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. Similar commercial activities have been occurring on the subject property since 1968 (prior to the adoption of the Pottawattamie County Zoning Ordinance).
3. The subject property is located in an area where rural acreages and agricultural activities are common. This activity is not foreseen to have any negative impact on area properties.
4. The existing road system is adequate to accommodate this activity.
5. The aforementioned conditions will minimize any potential adverse impact on adjoining properties.

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

CASE #CU-2020-03

PROPERTY OWNER: Crew Properties LLC
REQUEST: Conditional use approval to permit batched cement manufacturing in an I-2 (General Industrial) Zoning District.
TOWNSHIP: Crescent
STREET: 17298 Lapworth Ln
ZONING: I-2 (General Industrial District)
LEGAL DESCRIPTION: 36-76-44 COMM INTERSECTION N LINE NE NW & E ROW OF HWY 183 SLY236' TO POB E121' SLY181' NLY100' E249' S162' W362' NLY320' TO POB EXC WLY16' STRIP NE NW

Motion #5: to open the public hearing on Case #CU-2020-03
Motion by: Jensen.
Second by: Leaders.
Vote: Unanimous Vote. Motion Carried.

Motion #6: to close the public hearing on Case #CU-2020-03
Motion by: Leaders.
Second by: Jensen.
Vote: Unanimous Vote. Motion Carried.

Motion #7: to approve the request of Crew Properties LLC for conditional use approval to permit batched cement manufacturing in an I-2 (General Industrial) Zoning District, as filed under Case #CU-2020-03, subject to the following conditions:

1. The applicant shall obtain the necessary Commercial Building Permits to construct the building in accordance with Pottawattamie County Building Codes.

2. Site shall be inspected and certificate of occupancy shall be issued prior to commencement of commercial activities.

Based on the following facts of findings:

1. The subject property is located in the I-2 (General Industrial) 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 I-2 District.
6. The subject property is located in an area where rural acreages and agricultural activities are common. This activity is not foreseen to have any negative impact on area properties.
7. The existing road system is adequate to accommodate this activity.
8. The aforementioned conditions will minimize any potential adverse impact on adjoining properties.
9. The silo the applicant proposes to construct will mitigate dust and noise.

5. ADJOURNMENT

Motion #8: to adjourn.
Motion by: Huerter.
Second by: Leaders.
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