

**POTTAWATTAMIE COUNTY  
BOARD OF ADJUSTMENT MINUTES  
WEDNESDAY, JANUARY 22, 2020  
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, Jensen, Leaders  
Members Absent: Pierce  
Staff Present: Kalstrup, Wyant

**3. MINUTES**

Motion #1: to approve the Minutes of December 18, 2019  
Motion by: Jensen.  
Second by: Huerter.  
Vote: Unanimous. Motion carried.

**4. ELECTION OF OFFICERS**

- Chairman  
Huerter nominated Genereux for Chairman, which was seconded by Jensen.  
By acclamation, Genereux was elected Chairman of the Zoning Board of Adjustment for 2020.
- Vice-Chairman  
Genereux nominated Huerter for Vice-Chairman, which was seconded by Leaders.  
By acclamation, Huerter was elected Vice-Chairman of the Zoning Board of Adjustment for 2020.

**5. 2020 MEETING SCHEDULE and 2019 ROSTER WAS REVIEWED**

**6. 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-2020-01**

**PROPERTY OWNER:** Zeb and Wendy Donner  
**REQUEST:** Conditional use approval to permit a rural enterprise business (vehicle mechanical repair shop) in an accessory building.  
**TOWNSHIP:** Lake  
**STREET:** 19410 Mudhollow Rd  
**ZONING:** R-2 (Urban Transitional)  
**LEGAL DESCRIPTION:** 18-75-43 LT 6 SW NE

Motion #2: to open the public hearing on Case #CU-2020-01  
Motion by: Leaders.  
Second by: Huerter.  
Vote: Unanimous Vote. Motion Carried.

Motion #3: to close the public hearing on Case #CU-2020-01.  
Motion by: Leaders.  
Second by: Huerter.  
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the request of Zeb and Wendy Donner for conditional use approval to permit a rural enterprise business (vehicle mechanical repair shop) in an accessory building, as filed under Case #CU-2020-01, subject to the following conditions:

1. The area in the subject accessory structure dedicated to the rural enterprise business shall be limited to that which was submitted with the application.
2. For any outside storage of vehicles, a site obscuring fence shall be constructed to block the view from the road.
3. If generated, hazardous waste or by products will be handled in accordance with all government regulations.
4. All work shall be conducted indoors.
5. Any signage shall be limited to Section 8.090.030.06 of the Pottawattamie County, IA Code and installed after building permit is issued.

based on the following findings of fact:

1. The rural enterprise business 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 agricultural and residential purposes. This rural enterprise business is not foreseen to have any negative impact on area properties.
3. The number of vehicles that will be received by this rural enterprise business at any given time will be monitored by the applicant to ensure that the outside storage of vehicles complies with the requirement of being located in an area fenced behind the building as limited by the Rural Enterprise Business Code provisions.
4. The existing road system is adequate to accommodate the rural enterprise business.
5. The aforementioned conditions will minimize any potential adverse impact on adjoining properties by limiting the size of the rural enterprise business.
6. The rural enterprise business complies with the conditions imposed for such a land use as follows:
  - A. The rural enterprise business is located on the same property where the business owner's residence is located.
  - B. The rural enterprise business is for auto body & mechanical repair.
  - C. There is no evidence that the rural enterprise business will create excessive noise, obnoxious odors, and electrical disturbances.
  - D. The total area devoted to the rural enterprise business is less than 1 acre. All work will occur with the building, with the exception of vehicles that may be staged in the fenced area behind the subject building.
  - E. The total area of the building dedicated to the rural enterprise business is 960 square foot.
  - F. No on-street parking will be permitted with this rural enterprise business.
  - G. No hazardous wastes or by-products will result from this rural enterprise business.
  - H. Signage will be required to comply with Chapter 8.090.030.06.

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

**CASE #ZA-2020-01**

**PROPERTY OWNER:**  
**REQUEST:**

Andrew J Fischer and Jill A Olsen-Fischer  
Appeal an Administrative Zoning Decision to deny an agricultural exemption request (sale of propane)

**TOWNSHIP:**

Garner

**STREET:**

22457 Harbor Lane

**ZONING:**

A-4 (Loess Hills)

**LEGAL DESCRIPTION:**

2-75-43 PT W1/2 SE & PT SE SW COMM 40.01'E SW COR NW SE TH NW18.12' NE560.36'SE586.73'SW960.91' NW714.53'TO C/L RD NE645.4'NW113' TO POB (PARCELS A NW SE, BSW SE. A SW SE & GSE SW)

Motion #5:

to table Case #ZV-2020-01 until February 26, 2020 at 5:30pm.

Motion by:

Jensen.

Second by:

Leaders.

Vote:

Unanimous Vote. Motion Carried.

**7. ADJOURNMENT**

Motion #6:

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