

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

**3. MINUTES**

Motion #1: to approve the Minutes of March 25, 2020  
Motion by: Pierce.  
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 #ZV-2020-01**

**APPLICANT:** Bryce – Jamie Poland  
**REQUEST:** A 2'4" height variance to allow the construction of a pole building with a height of 24'4" in lieu of 22'.  
**TOWNSHIP:** Hardin  
**STREET:** 29787 Dogwood Rd  
**ZONING:** R-1  
**LEGAL DESCRIPTION:** 36-75-42 N1/2 NE N529' W563' E1394'

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

Motion #3: to close the public hearing on Case #ZV-2020-01  
Motion by: Jensen.  
Second by: Pierce.  
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the request of Bryce – Jamie Poland for a 2'4" height variance to allow the construction of a pole building with a height of 24'4" in lieu of 22'), as filed under Case #ZV-2020-01, subject to the following conditions:

1. The proposed building shall be setback at a minimum of 25 (twenty five) feet from the side yard and 50 (fifty) feet from the rear yard.

Based on the following facts of findings:

1. The applicants' lot size is sufficient to support proposed structure.
2. The property is not in a platted subdivision.
3. The subject building is not going to be used for any commercial activities.

4. The aforementioned facts reduce the potential visual and aesthetic impacts on the line of sight for which the height restriction was adopted.

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

**CASE #ZV-2020-02**

**APPLICANT:** Pottawattamie County, Iowa  
**PROPERTY OWNER:** Connie D Crispin  
**REQUEST:** A variance to create a parcel of land in an A-3 (River Front and Ag Production) to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.  
**TOWNSHIP:** Rockford  
**STREET:** 31699 140<sup>th</sup> St  
**ZONING:** A-3 (River Front & Ag Production) District  
**LEGAL DESCRIPTION:** 16-77-44 SW NW

Motion #5: to open the public hearing on Case #ZV-2020-02  
Motion by: Jensen.  
Second by: Pierce.  
Vote: Unanimous Vote. Motion Carried.

Motion #6: to close the public hearing on Case #ZV-2020-02  
Motion by: Jensen.  
Second by: Leaders.  
Vote: Unanimous Vote. Motion Carried.

Motion #7: to approve the request of Connie D Crispin for variance to create a parcel of land in an A-3 (River Front and Ag Production) to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-02, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20042 and Parcel 20048 to be severed from PIN774416100007.
2. The survey to create Parcel 20042 and Parcel 20048 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20042 and Parcel 20048 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20042 and Parcel 20048 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20042 and 20048 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20042 and Parcel 20048 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

**CASE #ZV-2020-03**

**APPLICANT:**

Pottawattamie County, Iowa

**PROPERTY OWNER:**

Connie D Crispin

**REQUEST:**

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

**TOWNSHIP:**

Rockford

**STREET:**

140<sup>th</sup> St

**ZONING:**

A-3 (River Front & Ag Production) District

**LEGAL DESCRIPTION:**

16-77-44 SW NW

Motion #8:

to open the public hearing on Case #ZV-2020-03

Motion by:

Jensen.

Second by:

Pierce.

Vote:

Unanimous Vote. Motion Carried.

Motion #9:

to close the public hearing on Case #ZV-2020-03

Motion by:

Jensen.

Second by:

Leaders.

Vote:

Unanimous Vote. Motion Carried.

Motion #10:

to approve the request of Connie D Crispin to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-03, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20042 and Parcel 20048 to be severed from PIN774416100007.
2. The survey to create Parcel 20042 and Parcel 20048 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20042 and Parcel 20048 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the

property owner to record said deeds will automatically void this variance approval.

3. Parcel 20042 and Parcel 20048 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20042 and 20048 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20042 and Parcel 20048 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

**CASE #ZV-2020-04**

**APPLICANT:**

Pottawattamie County, Iowa

**PROPERTY OWNER:**

Rockford Farms Inc

**REQUEST:**

A variance to create a parcel of land in an A-3 (River Front and Ag Production) to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

**TOWNSHIP:**

Rockford

**STREET:**

31938 130<sup>th</sup> St

**ZONING:**

A-3 (River Front & Ag Production) District

**LEGAL DESCRIPTION:**

18-77-44 NE NE

Motion #11:

to open the public hearing on Case #ZV-2020-04

Motion by:

Jensen.

Second by:

Pierce.

Vote:

Unanimous Vote. Motion Carried.

Motion #12:

to close the public hearing on Case #ZV-2020-04

Motion by:

Jensen.

Second by:

Leaders.

Vote:

Unanimous Vote. Motion Carried.

Motion #13:

to approve the request of Rockford Farms Inc for variance to create a parcel of land in an A-3 (River Front and Ag Production) to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-04, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20047, 20052, 20053 and 20054 to be severed from PIN 7744 18 200 002.
2. The survey to create Parcels 20047, 20052, 20053 and 20054 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20047, 20052, 20053 and Parcel 20054 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20047, 20052, 20053 and 20054 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20047, 20052, 20053 and 20054 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcels 20047, 20052, 20053 and 20054 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

**CASE #ZV-2020-05**

**APPLICANT:**

**PROPERTY OWNER:**

**REQUEST:**

Pottawattamie County, Iowa

Rockford Farms Inc

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

**TOWNSHIP:**

**STREET:**

**ZONING:**

**LEGAL DESCRIPTION:**

Rockford

130<sup>th</sup> St

A-3 (River Front & Ag Production) District

18-77-44 NE NE

Motion #14:

Motion by:

Second by:

to open the public hearing on Case #ZV-2020-05

Jensen.

Pierce.

Vote: Unanimous Vote. Motion Carried.

Motion #15: to close the public hearing on Case #ZV-2020-05  
Motion by: Jensen.  
Second by: Leaders.  
Vote: Unanimous Vote. Motion Carried.

Motion #16: to approve the request of Rockford Farms Inc for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-05, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20047, 20052, 20053 and 20054 to be severed from PIN 7744 18 200 002.
2. The survey to create Parcels 20047, 20052, 20053 and 20054 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20047, 20052, 20053 and Parcel 20054 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20047, 20052, 20053 and 20054 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20047, 20052, 20053 and 20054 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcels 20047, 20052, 20053 and 20054 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

**CASE #ZV-2020-06**

**APPLICANT:** Pottawattamie County, Iowa  
**PROPERTY OWNER:** Rockford Farms Inc  
**REQUEST:** A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.  
**TOWNSHIP:** Rockford  
**STREET:** 130<sup>th</sup> St  
**ZONING:** A-3 (River Front & Ag Production) District  
**LEGAL DESCRIPTION:** 18-77-44 NE NE

Motion #17: to open the public hearing on Case #ZV-2020-06  
Motion by: Jensen.  
Second by: Pierce.  
Vote: Unanimous Vote. Motion Carried.

Motion #18: to close the public hearing on Case #ZV-2020-06  
Motion by: Jensen.  
Second by: Leaders.  
Vote: Unanimous Vote. Motion Carried.

Motion #19: to approve the request of Rockford Farms Inc for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-06, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20047, 20052, 20053 and 20054 to be severed from PIN 7744 18 200 002.
2. The survey to create Parcels 20047, 20052, 20053 and 20054 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20047, 20052, 20053 and Parcel 20054 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20047, 20052, 20053 and 20054 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20047, 20052, 20053 and 20054 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcels 20047, 20052, 20053 and 20054 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.

2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

**CASE #ZV-2020-07**

**APPLICANT:** Pottawattamie County, Iowa  
**PROPERTY OWNER:** Rockford Farms Inc  
**REQUEST:** A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.  
**TOWNSHIP:** Rockford  
**STREET:** 130<sup>th</sup> St  
**ZONING:** A-3 (River Front & Ag Production) District  
**LEGAL DESCRIPTION:** 18-77-44 NE NE

Motion #20: to open the public hearing on Case #ZV-2020-07  
Motion by: Jensen.  
Second by: Pierce.  
Vote: Unanimous Vote. Motion Carried.

Motion #21: to close the public hearing on Case #ZV-2020-07  
Motion by: Jensen.  
Second by: Leaders.  
Vote: Unanimous Vote. Motion Carried.

Motion #22: to approve the request of Rockford Farms Inc for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-07, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20047, 20052, 20053 and 20054 to be severed from PIN 7744 18 200 002.
2. The survey to create Parcels 20047, 20052, 20053 and 20054 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20047, 20052, 20053 and Parcel 20054 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20047, 20052, 20053 and 20054 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20047, 20052, 20053 and 20054 are not acquired by Pottawattamie County through the Hazard Mitigation Grant

Program, the property owner shall record a deed that describes Parcels 20047, 20052, 20053 and 20054 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

**CASE #ZV-2020-08**

**APPLICANT:**

**PROPERTY OWNER:**

**REQUEST:**

**TOWNSHIP:**

**STREET:**

**ZONING:**

**LEGAL DESCRIPTION:**

Pottawattamie County, Iowa

Ellen Ruth Dilts Trust Et. Al.

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program. Program.

Crescent

22926 Riverroad N

A-3 (River Front & Ag Production) District

33-76-44 & 32-76-44 SW NW SECT 33 EXC N528' E825' & EXC COMM 286.42'E NW COR THE40' S124.57' W40'N121.4' TO POB &32-76-44 PT SE NE COMM NE COR THS435.6' W364.77'N435.6' E366.39' TOPOB (PARCEL C)

Motion #23:

Motion by:

Second by:

Vote:

to open the public hearing on Case #ZV-2020-08

Jensen.

Pierce.

Unanimous Vote. Motion Carried.

Motion #24:

Motion by:

Second by:

Vote:

to close the public hearing on Case #ZV-2020-08

Jensen.

Leaders.

Unanimous Vote. Motion Carried.

Motion #25:

to approve the request of Ellen Ruth Dilts Trust Et Al for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-08, subject to the following conditions:

1. The lot size variance is granted for the sole purpose of allowing Parcel 20043, to be severed from PIN 7644 33 100 006.
2. The survey to create Parcel 20043 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deed to create Parcel 20043 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20043 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcel 20043 is not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcels 20043 and another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

**CASE #ZV-2020-09**

**APPLICANT:**

Pottawattamie County, Iowa

**PROPERTY OWNER:**

Gary Frost Trust

**REQUEST:**

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

**TOWNSHIP:**

Crescent

**STREET:**

25834 Meadowlark Loop

**ZONING:**

A-3 (River Front & Ag Production) District

**LEGAL DESCRIPTION:**

17-76-44 G/L 1

Motion #26:

to open the public hearing on Case #ZV-2020-09

Motion by:

Jensen.

Second by:

Pierce.

Vote:

Unanimous Vote. Motion Carried.

Motion #27:

to close the public hearing on Case #ZV-2020-09

Motion by:

Jensen.

Second by:

Leaders.

Vote: Unanimous Vote. Motion Carried.

Motion #28: to approve the request of Gary Frost Trust for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-09, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20044 and Parcel 20045 to be severed from PIN 7644 17 200 001.
2. The survey to create Parcel 20044 and Parcel 20045 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20044 and Parcel 20045 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20044 and Parcel 20045 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20044 and 20045 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20044 and Parcel 20045 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

**CASE #ZV-2020-10**

**APPLICANT:** Pottawattamie County, Iowa

**PROPERTY OWNER:** Gary Frost Trust

**REQUEST:** A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

**TOWNSHIP:** Crescent

**STREET:** Meadowlark Loop

**ZONING:** A-3 (River Front & Ag Production) District

**LEGAL DESCRIPTION:** 17-76-44 G/L 1

Motion #29: to open the public hearing on Case #ZV-2020-10  
Motion by: Jensen.  
Second by: Pierce.  
Vote: Unanimous Vote. Motion Carried.

Motion #30: to close the public hearing on Case #ZV-2020-10  
Motion by: Jensen.  
Second by: Leaders.  
Vote: Unanimous Vote. Motion Carried.

Motion #31: to approve the request of Gary Frost Trust for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-10, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20044 and Parcel 20045 to be severed from PIN 7644 17 200 001.
2. The survey to create Parcel 20044 and Parcel 20045 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20044 and Parcel 20045 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20044 and Parcel 20045 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20044 and 20045 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20044 and Parcel 20045 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

**CASE #ZV-2020-11**

**APPLICANT:** Pottawattamie County, Iowa  
**PROPERTY OWNER:** Alan William Peterson, Tom – Toni Mackland Trust  
**REQUEST:** A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.  
**TOWNSHIP:** Crescent  
**STREET:** 26659 Meadowlark Loop  
**ZONING:** A-3 (River Front & Ag Production) District  
**LEGAL DESCRIPTION:** 9-76-44 NE SW

Motion #32: to open the public hearing on Case #ZV-2020-11  
Motion by: Jensen.  
Second by: Pierce.  
Vote: Unanimous Vote. Motion Carried.

Motion #33: to close the public hearing on Case #ZV-2020-11  
Motion by: Jensen.  
Second by: Leaders.  
Vote: Unanimous Vote. Motion Carried.

Motion #34: to approve the request of Alan William Peterson, Tom – Toni Mackland Trust for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-11, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20046 to be severed from PIN 7644 09 300 002.
2. The survey to create Parcel 20046 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020m. The deed to create Parcel 20046 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20046 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcel 20046 is not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20046 and another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property

values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.

5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

**CASE #ZV-2020-12**

**APPLICANT:**

Pottawattamie County, Iowa

**PROPERTY OWNER:**

Kenneth Lee – Jan C Schnack

**REQUEST:**

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

**TOWNSHIP:**

Crescent

**STREET:**

26997 152<sup>nd</sup> St

**ZONING:**

A-3 (River Front & Ag Production) District

**LEGAL DESCRIPTION:**

10-76-44 NE NW

Motion #35:

to open the public hearing on Case #ZV-2020-12

Motion by:

Jensen.

Second by:

Pierce.

Vote:

Unanimous Vote. Motion Carried.

Motion #36:

to close the public hearing on Case #ZV-2020-12

Motion by:

Jensen.

Second by:

Leaders.

Vote:

Unanimous Vote. Motion Carried.

Motion #37:

to approve the request of Kenneth Lee – Jan C Schnack for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-12, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20049 to be severed from PIN 7644 10 100 002.
2. The survey to create Parcel 20049 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deed to create Parcel 20049 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20049 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcel 20049 is not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20049 and another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.

2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

**CASE #ZV-2020-13**

**APPLICANT:** Pottawattamie County, Iowa  
**PROPERTY OWNER:** Marty N – Rachel K Summy  
**REQUEST:** A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.  
**TOWNSHIP:** Crescent  
**STREET:** 15273 Missouri Ave  
**ZONING:** A-3 (River Front & Ag Production) District  
**LEGAL DESCRIPTION:** 15-76-44 N400' W300' NE NW

Motion #38: to open the public hearing on Case #ZV-2020-03  
Motion by: Jensen.  
Second by: Pierce.  
Vote: Unanimous Vote. Motion Carried.

Motion #39: to close the public hearing on Case #ZV-2020-03  
Motion by: Jensen.  
Second by: Leaders.  
Vote: Unanimous Vote. Motion Carried.

Motion #40: to approve the request of Marty N – Rachel K Summy for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-13, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20050 to be severed from PIN 7644 15 100 002.
2. The survey to create Parcel 20050 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deed to create Parcel 20050 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20050 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcel 20050 is not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20050 and another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and

Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

**CASE #ZV-2020-14**

**APPLICANT:**

Pottawattamie County, Iowa

**PROPERTY OWNER:**

Robert G Summy Trust

**REQUEST:**

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

**TOWNSHIP:**

Crescent

**STREET:**

14897 Marigold Ln

**ZONING:**

A-3 (River Front & Ag Production) District

**LEGAL DESCRIPTION:**

9-76-44 E1/2 SE EXC I-29

Motion #41:

to open the public hearing on Case #ZV-2020-14

Motion by:

Jensen.

Second by:

Pierce.

Vote:

Unanimous Vote. Motion Carried.

Motion #42:

to close the public hearing on Case #ZV-2020-14

Motion by:

Jensen.

Second by:

Leaders.

Vote:

Unanimous Vote. Motion Carried.

Motion #43:

to approve the request of Ellen Ruth Dilts Trust Et Al for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-14, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20051 to be severed from PIN 7644 09 400 003.
2. The survey to create Parcel 20051 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deed to create Parcel 20051

shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.

3. Parcel 20051 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcel 20051 is not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20051 and another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

**5. ADJOURNMENT**

Motion #44: to adjourn.  
Motion by: Jensen.  
Second by: Pierce.  
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