

**POTTAWATTAMIE COUNTY  
BOARD OF ADJUSTMENT MINUTES  
WEDNESDAY, MARCH 27, 2024  
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, Leaders, Anderson, Kay, Huerter  
Staff Present: Wyant, Kalstrup

**3. MINUTES**

Motion #1: to approve the Minutes of February 28, 2024.  
Motion by: Leaders.  
Second by: Anderson.  
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-2024-03**

**PROPERTY OWNER:** Pottawattamie County Conservation Board  
**APPLICANT:** Red Lion Renewables  
**REPRESENTED BY:** Terry Dvorak  
**REQUEST:** A fifty (50') foot front yard setback variance to allow the construction of ground mounted solar arrays with a front yard setback of 10' in lieu of 60' in a Class A-1 (Open Space Conservation) District.  
**TOWNSHIP:** Rockford  
**STREET:** 28072 Ski Hill Loop  
**ZONING:** A-1 (Open Space Conservation)  
**LEGAL DESCRIPTION:** 36-77-44 PT SE SW COMM SW COR E TO SE COR N333' NW328' WLY227' NW265' WLY TO W LINES1039.5' TO POB TO POB(PARCEL A)

Motion #2: to open the public hearing on Case #ZV-2024-03.  
Motion by: Leaders.  
Second by: Anderson.  
Vote: Unanimous Vote. Motion Carried.

Motion #3: to close the public hearing on Case #ZV-2024-03.  
Motion by: Leaders.  
Second by: Huerter.  
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the request of Pottawattamie County Conservation Board for a fifty (50') foot front yard setback variance to allow the construction of ground mounted solar arrays with a front yard setback of 10' in lieu of 60' in a Class A-1 (Open Space Conservation) District, as filed under Case #ZV-2024-03.

Motion by: Leaders.  
Second by: Huerter.

Vote: Ayes – Leaders, Huerter. Nays - Genereux, Anderson, Kay. Motion Failed.

Motion #5: to deny the request of Pottawattamie County Conservation Board for a fifty (50') foot front yard setback variance to allow the construction of ground mounted solar arrays with a front yard setback of 10' in lieu of 60' in a Class A-1 (Open Space Conservation) District, as filed under Case #ZV-2024-03.

Motion by: Leaders.  
Second by: Kay.  
Vote: Ayes - Genereux, Anderson, Huerter, Leaders, Kay. Motion Carried.

**CASE #ZV-2024-04**

**APPLICANT:** Regional Water  
**REPRESENTED BY:** DGR Engineering  
**REQUEST:** A twenty five (25') foot front yard setback and street side yard setback variance in lieu of 75' and a lot size variance of 1.5 acres variance in lieu of two (2) acres to allow the construction of ground booster pump station for potable water in a Class A-2 (Agricultural Production) District.  
**TOWNSHIP:** York  
**STREET:** 330<sup>th</sup> St and Juniper Rd  
**ZONING:** A-2 (Agricultural Production)  
**LEGAL DESCRIPTION:** 27-76-41 PT SW SW EXC COMM 810.61'E SW COR TH E472.87' N384.52' W241.52' SW138.89' W142.77' S275' TO POB

Motion #6: to open the public hearing on Case #ZV-2024-04.  
Motion by: Kay.  
Second by: Huerter.  
Vote: Unanimous Vote. Motion Carried.

Motion #7: to close the public hearing on Case #ZV-2024-04.  
Motion by: Huerter.  
Second by: Anderson.  
Vote: Unanimous Vote. Motion Carried.

Motion #8: to approve the request of Regional Water for a twenty five (25') foot front yard setback and street side yard setback variance in lieu of 75' and a lot size variance of 1.5 acres variance in lieu of two (2) acres to allow the construction of ground booster pump station for potable water in a Class A-2 (Agricultural Production) District, as filed under Case #ZV-2024-04.

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

**CASE #CU-2024-01**

**APPLICANT:** Regional Water  
**REPRESENTED BY:** DGR Engineering  
**REQUEST:** Conditional use approval to permit construction of a ground booster pump station for potable water in a Class A-2 (Agricultural Production) District.

**TOWNSHIP:** York  
**STREET:** 330<sup>th</sup> St and Juniper Rd  
**ZONING:** A-2 (Agricultural Production)  
**LEGAL DESCRIPTION:** 27-76-41 PT SW SW EXC COMM 810.61'E SW COR TH E472.87' N384.52' W241.52' SW138.89' W142.77' S275' TO POB

Motion #9: to open the public hearing on Case #CU-2024-01.  
Motion by: Leaders.  
Second by: Huerter.  
Vote: Unanimous Vote. Motion Carried.

Motion #10: to close the public hearing on Case #CU-2024-01.  
Motion by: Leaders.  
Second by: Huerter.  
Vote: Unanimous Vote. Motion Carried.

Motion #11: to approve the request for conditional use approval to permit construction of a ground booster pump station for potable water in a Class A-2 (Agricultural Production) District, as filed under Case #CU-2024-01.

Motion by: Anderson.  
Second by: Huerter.  
Vote: Ayes – Leaders, Huerter. Nays - Genereux, Anderson, Leaders. Motion Carried.

**CASE #CU-2024-02**

**PROPERTY OWNER:** Erich Ziph  
**APPLICANT:** BTC, Inc.  
**REPRESENTED BY:** Chris Nieland  
**REQUEST:** Conditional use approval to permit construction of a communications hut (internet/phone fiber services) in a Class A-4 (Loess Hills) District.

**TOWNSHIP:** Lewis  
**STREET:** 21947 Pioneer Trail  
**ZONING:** A-4 (Loess Hills)  
**LEGAL DESCRIPTION:** 15-74-43 PT SE NE & NE SE COMM 28.23'N 111'NW SE COR SE NE TH NWLY1347.15' S147.4' SELY1292.85'NE167.6' TO POB

Motion #12: to open the public hearing on Case #CU-2024-02.  
Motion by: Leaders.  
Second by: Huerter.  
Vote: Unanimous Vote. Motion Carried.

Motion #13: to close the public hearing on Case #CU-2024-02.  
Motion by: Leaders.  
Second by: Huerter.  
Vote: Unanimous Vote. Motion Carried.

Motion #14: to approve the request for conditional use approval to permit construction of a communications hut (internet/phone fiber services) in a Class A-4 (Loess Hills) District, as filed under Case #CU-2024-02.

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

**CASE #ZA-2024-01**

**PROPERTY OWNER:** John – Tanna Piniarski  
**REPRESENTED BY:** Joe Thorton, Attorney at Law  
**REQUEST:** Appeal an Administrative Zoning Decision to deny an agricultural exemption request (construction of a single family dwelling)  
**TOWNSHIP:** Hazel Dell  
**STREET:** 19339 Cougar Ave  
**ZONING:** A-4 (Loess Hills)  
**LEGAL DESCRIPTION:** 5-76-43 PT SW1/4 & 8-76-43 PT N1/2 NW COMM 1122.32'E W1/4 COR SECT 5 TH SELY2011.98' S198.05' W903.44' S1386.73' E435.77' S499.46' E517.81' N3980.7'W731.29' TO POB (PARCELS D & E)

Motion #15: to open the public hearing on Case #ZA-2024-01.  
Motion by: Leaders.  
Second by: Huerter.  
Vote: Unanimous Vote. Motion Carried.

Motion #16: to close the public hearing on Case #ZA-2024-01.  
Motion by: Leaders.  
Second by: Huerter.  
Vote: Unanimous Vote. Motion Carried.

Motion #17: to uphold the Administrative Zoning Decision to deny an agricultural exemption request (construction of a single family dwelling), as filed under Case #ZA-2024-01.

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

**5. ADJOURNMENT**

Motion #18: to adjourn.  
Motion by: Leaders.  
Second by: Kay.  
Vote: Unanimous. Motion carried.

The meeting was adjourned at approximately 6:45 P.M.

APPROVED: \_\_\_\_\_  
Mike Genereux, Chairman Date

ATTEST: \_\_\_\_\_  
Matt Wyant, Planning Director  
Planning & Development