POTTAWATTAMIE COUNTY
BOARD OF ADJUSTMENT MINUTES
WEDNESDAY, AUGUST 26, 2026
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, Kay, Anderson, Leaders
Members Absent:	Huerter
Staff Present:	Wyant, Kalstrup

3. MINUTES

Motion #1:	to approve the Minutes of July 22, 2026
Motion by:	Kay.
Second by:	Anderson.
Vote:	Unanimous. Motion carried.

The Chairman read a statement advising the audience that the public hearings would be conducted in accordance with the Board's Rules of Procedure.

4. PUBLIC MEETING

CASE #ZV-2026-03

PROPERTY OWNER:	Michael Scott Hersh
REQUEST:	A 45' side yard setback variance to allow the construction of a commercial building with a 5' side yard setback variance in lieu of a 50' side yard setback in a Class I-1 (Limited Industrial) District.
TOWNSHIP:	Rockford
STREET:	16906 Sumac Road
ZONING:	I-1(Limited Industrial)
LEGAL DESCRIPTION:	ROCKFORD TWP 35-77-44 PT NE NE W270' E845' N201' & TRI TRACT ADJ E

Motion #2: to approve the revised request of Michael Scott Hersch for a 40' side yard setback variance to allow the construction of a commercial building with a 10' side yard setback variance in lieu of a 50' side yard setback in a Class I-1 (Limited Industrial) District, as filed under Case #ZV-2026-03.

Subject to the following conditions:

1. The applicant shall secure a building permit for the project to ensure compliance with the Pottawattamie County, Iowa, Building Code.

Based on the following findings of facts:

1. The applicant provided evidence of a practical difficulty based on the layout of the site, waterway on the corner of the site and width of the site.

Motion by:	Kay.
Second by:	Anderson.
Vote:	Aye - Kay, Anderson, Genereux. Abstain – Leaders. Motion Carried.

5. 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-2026-04

PROPERTY OWNER:	Mark and Mischa Martens
APPLICANT:	Kristian Martens
REQUEST:	Conditional use permit approval to permit the operation of a rural enterprise business (lawn care and landscaping business) in a Class A-2 (Agricultural Production) District.
TOWNSHIP:	Belknap
STREET:	38515 Honeysuckle Road
ZONING:	A-2 (Agricultural Production)
LEGAL DESCRIPTION:	9-75-40 PT NW NE COMM N1/4 COR SECTION TH E1305.41' S656.75' W1308.14' N654.60'TO POB (INCLUDES PARCELS A & B)

Motion #3:	to open the public hearing on Case #CU-2026-04.
Motion by:	Kay.
Second by:	Leaders.
Vote:	Unanimous Vote. Motion Carried.

Motion #4:	to close the public hearing on Case #CU-2026-04.
Motion by:	Kay.
Second by:	Anderson.
Vote:	Unanimous Vote. Motion Carried.

Motion #5: to approve the request of Kristian Martens for a conditional use permit approval to permit the operation of a rural enterprise business (lawn care and landscaping business) in a Class A-2 (Agricultural Production) District

Subject to the following conditions:

1. The applicant will follow the criteria set forth in Section 8.004.165 Rural Enterprise Business.
2. The area dedicated to the Rural Enterprise Business shall be limited to 1,500 square feet in the subject building with a maximum of 5 employees.
3. The total area devoted to the rural enterprise business shall not exceed one (1) acre, including the building, parking areas and any outside storage area.
4. Outdoor storage area shall be limited to 1 acre minus the building site and shall be enclosed within a sight-obscuring fence and shall not be visible from an adjoining parcel or from the private or public road.
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.
6. No on street parking, loading or unloading of materials is permitted with this land use.
7. No hazardous wastes or by-products will result from this rural enterprise business.
8. No yard waste or debris of any type shall be brought back to the property.
9. No business activity related to the CUP shall commence until the conditions imposed have been met and an inspection, including a final building inspection, has been conducted to verify compliance.

Based on the following findings of facts:

1. The rural enterprise business is a listed permitted conditional use in the A-2 District, which conforms to the Land Use Policy Plan.
2. The subject property is located in an area which is a mixture of residential and agricultural. The business is a lawn service landscaping business The equipment to be utilized in this service-related business are atypical of the type of equipment that can be routinely seen on a rural acreage or an agricultural operation.
3. The existing road system is adequate to accommodate the rural enterprise business.
4. The aforementioned conditions will minimize any potential adverse impact on adjoining properties by limiting the size of the rural enterprise business.
5. 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 a lawn service and landscaping company.
    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.
    E. No on-street parking will be permitted with this rural enterprise business.

Motion by: Kay.
Second by: Anderson.
Vote: Aye - Huerter, Kay, Anderson. Nay – Genereux. Motion Carried.

5. ADJOURNMENT

Motion #6: to adjourn.
Motion by: Kay.
Second by: Huerter.
Vote: Unanimous. Motion carried.

The meeting was adjourned at approximately 5:44 P.M.

APPROVED: _____
Mike Genereux, Chairman Date

ATTEST:_____
Matt Wyant, Planning Director
Planning & Development