

**POTTAWATTAMIE COUNTY
BOARD OF ADJUSTMENT MINUTES
WEDNESDAY, NOVEMBER 20, 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: Kay, Leaders, Anderson, Huerter, Genereux
Staff Present: Kalstrup, Wyant

3. MINUTES

Motion #1: to approve the Minutes of October 23, 2024
Motion by: Huerter.
Second by: Kay.
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-2024-07

PROPERTY OWNER: Jessica Luke
REQUEST: Conditional use approval to permit a commercial kennel and a commercial stable in a Class C-1 (Highway Commercial) District.
TOWNSHIP: Knox
STREET: 45615 Hwy 83
ZONING: C-1 (Highway Commercial)
LEGAL DESCRIPTION: Parcel 24087 of 15-77-39

Motion #2: to open the public hearing on Case #CU-2024-07.
Motion by: Leaders.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #3: to close the public hearing on Case #CU-2024-07.
Motion by: Kay.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the conditional use permit request to allow a commercial kennel and a commercial stable in a Class C-1 (Highway Commercial) District, as filed under Case #CU-2024-07, subject to the following conditions:

Dog Kennel:

1. The applicant shall secure a license from the Iowa Department of Agriculture and Land Stewardship.
2. The owner shall follow a manure plan.
3. The number of kennels shall be limited to 17.
4. The applicant shall provide restroom facilities, either through approved portable toilets or restroom facilities/septic system on the premises.
5. Signage, if proposed, shall be required to comply with Chapter 8.090.030.06.

6. The applicant shall agree to allow the Pottawattamie Animal Control Division to inspect the facility at least once per year.
7. The applicant will bring dogs inside if barking becomes a nuisance.
8. The applicant shall provide adequate off-street parking for all patrons.
9. The applicant shall secure permits through the County Building Code Division to ensure that the structures comply with the Pottawattamie County, Iowa, Building Codes.
10. The applicant shall secure permit approval through the County Environmental Health Division for the septic system and well.
11. The area devoted to the use shall be in a clean and sanitary condition and shall be maintained so as drainage will not affect the health and safety of adjacent property owners.

Horse Boarding Facility:

1. The maximum number of animals shall be 12 horses.
2. Each standard size horse shall have an indoor stable area of at least 12 foot by 12 foot.
3. The applicant shall provide adequate off-street parking for all patrons.
4. The applicant shall provide restroom facilities, either through approved portable toilets or restroom facilities/septic system on the premises.
5. Signage, if proposed, shall be required to comply with Chapter 8.090.030.06.
6. The applicant shall secure permits through the County Building Code to ensure that the structures comply with the Pottawattamie County, Iowa, Building Codes.
7. The applicant shall agree to allow the Pottawattamie Animal Control Division to inspect the facility at least once per year.
8. The applicant shall provide an official manure management plan which complies with the IDNR regulations.
9. The applicant shall secure any applicable State of Iowa permits.
10. The area devoted to the use shall be in a clean and sanitary condition and shall be maintained so as drainage will not affect the health and safety of adjacent property owners.
11. The applicant shall secure permit approval through the County Environmental Health Division for the septic system and well.

Based on the following facts of findings:

1. The subject property is located in the C-1 (Highway Commercial) 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 C-1 District.
2. The subject property is located in an area which consists primarily of ag and rural acreages. It is in close proximity to the town of Avoca. The kennel, nor the boarding facility are foreseen to have any negative impact on area properties.
3. The aforementioned conditions will minimize any potential adverse impact on adjoining properties.
4. The commercial kennel and boarding facility are compatible with the surrounding area.
5. The existing road system is a paved state highway and adequate to accommodate this activity.

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

CASE #ZV-2024-07

PROPERTY OWNER: Celene Zenteno (Hahn)
APPLICANT: Dustin Hahn
REQUEST: Zoning variance to allow an ADU with a size of 936 square feet in lieu of 800 square feet.
TOWNSHIP: Lake
STREET: 19495 Old Lincoln Hwy
ZONING: R-2 (Urban Transitional)
LEGAL DESCRIPTION: 18-75-43 LTS 9 & 10 SE NW-EXC COMM 9.45' SLY SW COR LT 9-ELY164' NW27.16' NLY160.83' WLY211' SLY234.69 ALONG RD TO POB & NLY55' LT 4 NE SW

Motion #5: to open the public hearing on Case #ZV-2024-07.
Motion by: Leaders.
Second by: Anderson.
Vote: Unanimous Vote. Motion Carried.

Motion #6: to close the public hearing on Case #ZV-2024-07.
Motion by: Anderson.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #7: to approve a zoning variance to allow an ADU with a size of 936 square feet in lieu of 800 square feet, as filed under Case #ZV-2024-07, subject to the following conditions:

1. Chapter 8.004.095 shall be adhered to.

Based on the following finding of facts:

1. The applicants' lot size is 1.57 acres larger than required by code.
2. The property owner shall secure the applicable building and environmental health permits from the County.
3. The property owner shall secure permits and/or documentation from the USCE, the IDNR and the NRCS regarding the drainage ditch on said property.

6. ADJOURNMENT

Motion #8: to adjourn.
Motion by: Kay.
Second by: Anderson.
Vote: Unanimous. Motion carried.

The meeting was adjourned at approximately 5:53 pm
P.M.

APPROVED: _____
Mike Genereux, Chairman Date

ATTEST: _____
Matt Wyant, Planning Director
Planning & Development