

**POTTAWATTAMIE COUNTY
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
THURSDAY, AUGUST 25, 2016
SUPERVISORS' HEARING ROOM-COUNTY COURTHOUSE
227 SOUTH 6TH STREET, COUNCIL BLUFFS, IOWA**

1. CALL TO ORDER

Chairman White called the meeting to order at 5:30 P.M.

2. ROLL CALL

Members Present: Huerter, Genereux, White, Wichman, Pierce
Staff Present: Wyant, Kalstrup

3. MINUTES

Motion #1: to approve the Minutes of July 21, 2016
Motion by: Genereux.
Second by: Huerter,
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-2016-06

APPLICANT: Wohlerscape LLC (Brett Wohlers)
REQUEST: Conditional use approval to permit the operation of a rural enterprise business (landscaping) in an accessory building.
TOWNSHIP: Hardin
STREET: 18450 250th St
ZONING: R-1 (Ag-Urban Transitional)
LEGAL DESCRIPTION: 19-75-42 PT NE SE COMM 297.22' S46.11' W OF E1/4 COR SEC 19-75-42 TH W426.17' N157.71' TO R/W CO RD NELY 222.80' ELY172.61' SELY245.46' TO POB

Motion #2: to open the public hearing on Case #CU-2016-06.
Motion by: Wichman.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #3: to close the public hearing on Case #CU-2016-06.
Motion by: Pierce.
Second by: Genereux.
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the request of Wohlerscape LLC (Brett Wohlers) for a conditional use approval to permit the operation of a rural enterprise business (landscaping) in an accessory building, as filed under Case #CU-2016-06, subject to the following conditions:

1. The area dedicated to the Rural Enterprise Business shall be limited to 1,000 square in the subject building.
2. Any outside storage of materials shall be behind a sight obscuring fence.

Based on the following findings of fact:

1. The subject property is located in the Class R-1 District. The Zoning Ordinance, adopted in conjunction with the Land Use Plan, stipulates that "Rural Enterprise Business" is a permitted conditional use in the R-1 District.
2. The subject property is located in an area which is a mixture of residential and agricultural. The business is a landscaping business and 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 area dedicated to the business is 1,000 square foot and most equipment will be stored inside the building. There will be minimal outside storage with this business.
4. The business is a partnership with the property owner and his brother. They employ two other people.
5. No on-street parking is permitted with this land use, nor is any proposed by the applicant. The rural enterprise business has two outside employees who will travel to the property in the morning and then leave with the business equipment for the day and return at the end of the day. The existing road system is adequate to accommodate the additional two to four vehicles being added to the traffic count.
6. The owner of the property resides at this location and is the owner/operator of the business.
7. No hazardous wastes or by-products will result from this rural enterprise business.

Motion by: Wichman.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

CASE #CU-2016-07

APPLICANT: Kelly & Melissa Clark
REQUEST: Conditional use approval to permit the operation of a rural enterprise business (marine/boat repair) in an accessory building.
TOWNSHIP: Garner
STREET: 19273 Hawthorne Ave
ZONING: R-2 (Urban Transitional)
LEGAL DESCRIPTION: GLENDALE ACRES SLY200' LT 30

Motion #5: to open the public hearing on Case #CU-2016-07.
Motion by: Genereux.
Second by: Wichman.
Vote: Unanimous Vote. Motion Carried.

Motion #6: to close the public hearing on Case #CU-2016-07.
Motion by: Pierce.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #7: to tour the Case #CU-2016-07 property on September 22, 2016, leaving the Planning Office at 4:45 P.M. and to continue the Board's deliberation on this request to September 22, 2016 at 5:30 P.M.

Motion by: Genereux.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

CASE #ZV-2016-03

APPLICANT: Christopher – Elizabeth Hytrek
REQUEST: A 3' height variance to allow the construction of a detached pole building with a height of 19' in lieu of 16'.
TOWNSHIP: Lewis
STREET: 20296 Concord Lp
ZONING: R-3 (Urban Residential)
LEGAL DESCRIPTION:

Motion #8: to open the public hearing on Case #ZV-2016-03.
Motion by: Genereux.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #9: to close the public hearing on Case #ZV-2016-03.
Motion by: Pierce.
Second by: Genereux.
Vote: Unanimous Vote. Motion Carried.

Motion #10: to approve the request of Christopher – Elizabeth Hytrek for a a 3' height variance to allow the construction of a detached pole building with a height of 19' in lieu of 16', as filed under Case #ZV-2016-03, subject to the following conditions:

Based on the following finding of facts:

1. The property is not in a platted subdivision.
2. The applicants' lot size is 3.94 acres which is double the largest minimum lot size requirement in an R-3 zoning district.
3. The aforementioned facts reduce the potential visual and aesthetic impacts on the line of sight for which the height restriction was adopted.

Motion by: Huerter.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

CASE #ZV-2016-04

APPLICANT: Curt A – Sandy Lu Whittington
REQUEST: A 1.36' side yard setback variance to allow the construction of an attached garage with a side yard setback of 11.90' in lieu of 13.26'.
TOWNSHIP: Lake
STREET: 11 Ridge Dr W
ZONING: R-2 (Urban Transitional)
LEGAL DESCRIPTION: WEST RIDGE SUB NE SE LT 14

Motion #11: to open the public hearing on Case #ZV-2016-04.
Motion by: Wichman.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #12: to close the public hearing on Case #ZV-2016-03.
Motion by: Pierce.
Second by: Genereux.
Vote: Unanimous Vote. Motion Carried.

Motion #13: to approve the request of Curt A – Sandy Lu Whittington for a 1.36' side yard setback variance to allow the construction of an attached garage with a side yard setback of 11.90' in lieu of 13.26, as filed under Case #ZV-2016-04, subject to the following conditions:

Based on the following finding of facts:

1. The property is a legal nonconforming lot of record in a subdivision that was platted in the 1960s. As State codes have changed it has become important to preserve as much green space as can be. By attaching the garage space keeps area in the back open for septic system replacements.
2. 11.9' setback meets fire code setbacks (10' separation of buildings) and allows light and air to adjacent properties.
3. It is not foreseen to diminish the value of land and buildings in the County;
4. It is not foreseen to increase the congestion and traffic hazards on public roads
5. It will not otherwise impair the public health, safety and general welfare of the inhabitants of the County.

Motion by: Genereux.
Second by: Whichman.
Vote: Unanimous Vote. Motion Carried.

5. ADJOURNMENT

Motion #14: to adjourn.
Motion by: Genereux.
Second by: Wichman.
Vote: Unanimous. Motion carried.

The meeting was adjourned at approximately 6:38 P.M.

APPROVED: _____
Tim White, Chairman Date

ATTEST: _____
Matt Wyant, Director
Planning & Development