

**Case No. 21-14**  
**Gene Baker – B-20 Auto Salvage (7600 300<sup>th</sup> Street)**

***Figure 1***

Looking at the west side of the driveway



September 16, 2020, J. Robbins

***Figure 2***

Looking at the east side of the driveway



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**Figure 3**  
Looking toward the area south of the hog buildings



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**Figure 4**  
Looking at the area east and south of the office and west of the hog buildings



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**Figure 5**

Looking at the area west of the office



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**Figure 6**

Looking at the area around the machine shed



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**Figure 7**  
Looking at the area north of the office



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**Figure 8**  
Looking at the area south of the grain bins



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**Figure 9**

Looking at the north half of the west hillside



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**Figure 10**

Looking at the south portion of the west hillside



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**Figure 11**

Looking at vehicles parked by the farm fields south of the hillside and north of the animal confinement



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**Figure 12**

Looking at vehicles parked south of the west hillside and north of the animal confinement



September 16, 2020, J. Robbins

**2020 Annual Report to the Cerro Gordo County Board of Adjustment  
concerning  
Gene Baker's Salvage Yard (B-20 Auto Parts)  
7600 300<sup>th</sup> Street**

*In 2003, the Board of Adjustment issued an amended Special Use Permit to Gene Baker for the establishment and operation of a salvage yard and/or junk yard including auto wrecking and salvage. The permit was issued in accordance with Article 20.2, Paragraph DD of the Zoning Ordinance. Condition No. 7 of the Special Use Permit requires the Zoning Administrator to make an annual report to the Board of Adjustment concerning Mr. Baker's compliance with the permit during the preceding year. This report is intended to satisfy that requirement.*

**Background**

On June 11, 1996, the Board of Adjustment granted a Special Use Permit (SUP) to Gene Baker ("Baker") for a salvage yard and/or junk yard including auto wrecking and salvage. The Board of Adjustment adopted a resolution on February 25, 2003, which amended this Special Use Permit. The original permit and the subsequent amendment were issued under Section 20.2(DD) of the Zoning Ordinance.

During 2019, Baker made significant improvements and came into an acceptable state of compliance. The latest inspection was conducted on July 17, 2019. There were only minor compliance issues left to correct at that time, which were:

1. Remove the vehicles parked south of the grain bins.
2. Maintain compliance until next year's annual review and beyond.

The Board did not feel further inspections were necessary and gave Baker until this year to correct the last remaining compliance issues.

**Site Review**

During the site review on March 13, 2020, it was noted that inoperable vehicles were parked along the west side of the driveway (See Figure 1). There were a few vehicles parked east of the driveway, just west of the hog buildings (See Figures 2 & 3). There were tires, vehicle parts, pallets, and other materials around the office and in front of the hog buildings (See Figures 4-6). Many inoperable vehicles were east of the new machine shed south of the grain bins (See Figures 7-9). Vehicles were also noted on the lower part of the hill outside of the permitted salvage area (See Figures 10 and 11). Additionally, vehicles were noted outside of the salvage area south of the west hillside closer to 300<sup>th</sup> Street, which is not a typical area of non-compliance (See Figure 12). The presence of inoperable vehicles and vehicle parts in these locations constitute a violation of Condition 13. Overall, non-compliance has increased since the latest inspection last year.

The fence along the southeast portion of the salvage area is generally in good condition, but one section is missing just east of the hog building (See Figure 13). Condition 8 of the Special Use Permit requires the fence to be maintained so no vehicles can be seen in the salvage area. The fence section will need to be replaced to satisfy this condition.

**Review of Special Use Permit Conditions and Ordinance Regulations** *(Permit conditions are in normal type. Staff comments are in bold.)*

1. This Special Use Permit may be reviewed at any time in the future upon the request of the applicant or a majority of the Board of Adjustment members. **No review is being requested by Baker at this time. At least four members of the Board of Adjustment would have to vote in favor of reconsideration if that was the desired action. Baker still indicates he may apply for a review of the SUP in the near future but is not requesting it at this time.**
2. The provisions and/or regulations shall be minimum requirements and wherever the requirements of any other lawfully adopted rules, regulations or ordinances are at a variance, the most restrictive shall govern. **This is a condition of all Special Use Permits. There are no compliance issues with this condition at this time.**
3. It is contemplated that from time to time during the operation of the salvage yard that conditions may arise which are not covered by the terms of this permit and which cannot be anticipated. In the event such conditions do arise, the Board of Adjustment of Cerro Gordo County, Iowa, may impose additional regulations to meet any new conditions. In addition, if said facility should, at any time, be operated in any manner which violates the rules and regulations of any federal or state regulatory agency, then the Board of Adjustment may impose such other conditions so as to insure compliance with such rules and regulations. **Consideration of additional regulations would require an affirmative vote of at least four members of the Board to hold a hearing prior to the adoption of any such regulations.**
4. This permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of adjustment of Cerro Gordo County, Iowa, under the terms of this permit. **Following this review the Board, at its discretion, may cite any areas of noncompliance with the Zoning Ordinance or this permit and, after public hearing, revoke or change the conditions of the Special Use Permit.**
5. The area to be included under this permit is described as follows: Beginning at the east edge of the grain bin furthest east on the property, thence east approximately 195 feet, thence north approximately 500 feet, thence west approximately 735 feet, thence south approximately 800 feet, thence east approximately 110 feet, thence north approximately 190 feet, thence east 160 feet, thence north approximately 70 feet, thence west approximately 50 feet, thence north approximately 150 feet, thence east approximately 150 feet to the western-most grain bin. **The area on which inoperable vehicles are parked goes beyond the boundary described above.**
6. The Special Use Permit is granted solely to Gene Baker and is not transferable to any other party or parties. **Gene Baker is the owner of the property on which the salvage/junk yard is located.**
7. The Zoning Administrator shall make an annual report to the Board of Adjustment, detailing the applicant's compliance with the Zoning Ordinance and all terms and conditions of this special use permit. **This report is intended to satisfy this condition.**
8. Fencing shall be placed along the eastern and southern boundaries of the salvage yard, and in any area that can be seen from any neighbor or road. The fence shall be at least 6 feet in height. All dismantled and inoperable vehicles and vehicle parts shall be stored within the fenced area. The fence shall not be visually penetrable. A chain link fence with slats shall not be considered a solid fence. All required fencing shall be placed within 180 days of approval of this permit. **Fencing has been placed along the eastern and southern boundaries of the salvage yard. The fence is**



constructed of metal panels mounted on wood posts and is at least six feet tall. There was one short section of the fence at the southeast corner of the salvage area that was missing (See Figure 13). Otherwise, the fence was in good repair.

9. At no time shall junk be allowed to become visible either over or through the required fencing. **Because of the topography of the site, vehicles stored in the western portion of the yard can be seen from B-20 as well as those that are located on the hill and south of west hillside (See Figures 10-12).**
10. Any other permits or requirements established by federal, state, and local governments or agencies shall be obtained by the applicant and kept on file for inspection by the Zoning Administrator. **A Stormwater Discharge Permit was issued by the DNR in 2016 and was valid through July 24, 2019. A copy of the current permit will need to be provided by Baker. Baker's dealer's license is valid through December 31, 2020. His license to recycle, rebuild, sell parts, and hold salvage licenses is also valid through the December 31, 2020. Copies of these are on file. The crusher is on a concrete slab per DNR requirements (See Figure 14).**
11. One 4'x8' double-sided advertising device will be allowed. **This was a condition of the original permit. The sign has been on the premises for some time.**
12. The Board of Adjustment shall have the right to review any proposed expansion of the use. **Baker has not formerly requested an expansion of the operation.**
13. Salvaged vehicles shall not be placed along the driveway into the building site. Salvaged vehicles shall not be placed outside of a fenced area, south of the northern-most confinement building, south of the grain bins, south of the machine shed, or any other location not approved herein. **As noted in the Site Review section of this report, there were vehicles and/or parts in all of these locations in violation of this condition (See Figures 1-12).**
14. The applicant shall place a tree buffer of mostly evergreens or similar species along the east fence and south fence to the northern-most confinement building. Said trees shall be placed no more than 35 feet apart. **Trees were planted along the south and east fences many years ago. The trees are in three rows. Most of these trees far exceed the height of the fence and provide a good visual buffer during the summer and fall (See Figure 15).**
15. The applicant's original operational statement, and operational statement filed December 10, 2002, shall be adopted as presented and adhered to as if a part of the Board of Adjustment's decision. **It does not appear that the use is being operated contrary to the original or amended operational statements.**

### **Remedial Action Required**

The most significant non-compliance issues are the placement of vehicles and vehicle parts in violation of Condition 13. Problems caused by wet conditions are certainly understandable. However, one of the most significant issues on the property contributing to non-compliance continues to be inventory control resulting in a lack of space to park inoperable vehicles. Inventory is not noticeably different from the previous year. The amount of inventory is not regulated by the Special Use Permit or Zoning Ordinance, but the placement of inoperable vehicles is.

The southeast fence is generally in good repair, but has one missing section (See Figure 13). Maintaining the fence is required by Condition 8.



## **Conclusions & Recommendations**

My recommendation is that the Board accepts and files this report with the stipulations that Mr. Baker complete the following on or before June 30, 2020:

1. Remove the vehicles and parts located along the driveway and south of the grain bins.
2. Remove the vehicles from the west hillside and north of the corn field and south of the hillside.
3. Remove the vehicles, tires, and parts from west of the hog buildings.
4. Remove the tires and parts around the office.
5. Repair or replace the missing southeast fence section

Because many of the issues above have been cited in previous reports, I also ask the Board to stipulate that if the violations noted above are not resolved by June 30, 2020, the Zoning Administrator may refer this matter to legal counsel for remedies through legal means as counsel deems appropriate.

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John Robbins  
Planning and Zoning Administrator  
Cerro Gordo County, Iowa



**Follow-Up Report to the 2020 Annual Report to the  
Cerro Gordo County Board of Adjustment  
concerning  
Gene Baker's Salvage Yard (B-20 Auto Parts)  
7600 300<sup>th</sup> Street**

**Background**

On March 31, 2020, the Board considered my report for annual review regarding compliance for Gene Baker's (Baker) Special Use Permit (SUP) for a salvage yard and/or junk yard including auto wrecking and salvage. I noted that Mr. Baker had significant compliance violations regarding the conditions of the SUP and the Board stipulated the following remedial actions be completed by June 30, 2020:

1. Remove the vehicles and parts located along the driveway and south of the grain bins.
2. Remove the vehicles from the west hillside and north of the corn field and south of the hillside.
3. Remove the vehicles, tires, and parts from west of the hog buildings.
4. Remove the tires and parts around the office.
5. Repair or replace the missing southeast fence section.

The remedial actions address violations of Condition 13, which prohibits vehicles from being stored in non-permitted areas. I have enclosed a diagram showing the approximate permitted salvage area in your packet. I conducted an inspection on July 13, 2020.

**Site Review**

During the site review, I noted there were still significant compliance violations. I noted remedial actions 3, 4, and 5 were completed (See Figure 1-7). I noted that remedial actions 1 and 2 had not been completed. I noted vehicles parked south of the grain bins (See Figures 8 & 9). I noted a significant number of vehicles located north of the corn field and on the west hillside (See Figures 10-14).

**Conclusions & Recommendations**

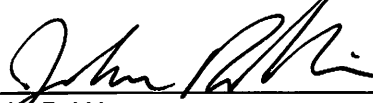
The vehicles parked outside of the designated salvage area are a violation of Condition 13 of Baker's SUP. Problems caused by wet conditions are certainly understandable. However, one of the most significant issues on the property contributing to non-compliance continues to be inventory control resulting in a lack of space to park inoperable vehicles. The amount of inventory is not regulated by the Special Use Permit or Zoning Ordinance, but the placement of inoperable vehicles is.

To be in compliance, Baker needs to complete the aforementioned remedial actions 1 and 2. He has struggled to stay compliance for many years. As a result, my recommendation is that the Board accepts and files this report and have a rehearing of Mr. Baker's Special Use Permit with the stipulation that he complete the following remedial actions by August 31, 2020:

1. Remove the vehicles and parts located south of the grain bins.
2. Remove the vehicles from the west hillside and north of the corn field and south of the hillside.



The Board has the option to make a motion for reconsideration of the SUP with four affirmative votes, which would be heard at the September regular meeting. By then, Baker would have the opportunity to get back into compliance with the SUP. At the rehearing, the Board would have the option to amend the SUP as necessary or possibly revoke the permit if there are still significant violations.



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John Robbins  
Planning and Zoning Administrator  
Cerro Gordo County, Iowa



RESOLUTION 02-65

WHEREAS, Gene Baker is the leasee of the owner of the following described real estate, to-wit:

The SW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section 19, Township 97 North, Range 21 West of the 5th P.M., Cerro Gordo County, Iowa, and

WHEREAS, said leasee has applied to the Board of Adjustment established by the Zoning Ordinance of Cerro Gordo County, Iowa, for an amendment to the special use permit granted on June 11, 1996, for a salvage yard and/or junk yard including auto wrecking and salvage in accordance with Article 20.2(DD), and

WHEREAS, said real property is located in the A-1 Agriculture District under the Cerro Gordo County Zoning Ordinance, and

WHEREAS, said property is located within an area that will not conflict with future growth as designated on the Comprehensive Development Plan of Cerro Gordo County, Iowa, and

WHEREAS, said permit can be granted in keeping with the nature of the neighborhood, and the spirit of the Ordinance will be preserved, and

WHEREAS, a public hearing was held on January 14, 2003, as required by law.

NOW THEREFORE, BE IT RESOLVED by the Board of Adjustment of Cerro Gordo County, Iowa, that the Application of Gene Baker on the above described tract of land be granted an amendment to the Special Use Permit as requested subject to the following regulations and/or conditions:

1. This special use permit may be reviewed at any time in the future upon the request of the applicant or a majority of the Board of Adjustment members.
2. The provisions and/or regulations shall be minimum requirements and wherever the requirements of any other lawfully adopted rules, regulations or ordinances are at a variance, the most restrictive shall govern.
3. It is contemplated that from time to time during the operation of the salvage yard that conditions may arise which are not covered by the terms of this permit and which cannot be anticipated. In the event such conditions do arise, the Board of Adjustment of Cerro Gordo County, Iowa, may impose additional regulations to meet any new conditions. In addition, if said facility should, at any time, be operated in any manner which violates the rules and regulations of any federal or state regulatory agency, then the Board of Adjustment may impose such other conditions so as to insure compliance with such rules and regulations.

4. This permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of Adjustment of Cerro Gordo County, Iowa, under the terms of this permit.
5. The area to be included under this permit is described as follows: Beginning at the east edge of the grain bin furthest east on the property, thence east approximately 195 feet, thence north approximately 500 feet, thence west approximately 735 feet, thence south approximately 800 feet, thence east approximately 110 feet, thence north approximately 190 feet, thence east 160 feet, thence north approximately 70 feet, thence west approximately 50 feet, thence north approximately 150 feet, thence east approximately 150 feet to the western-most grain bin.
6. This Special Use Permit is granted solely to Gene Baker and is not transferable to any other party or parties.
7. The Zoning Administrator shall make an annual report to the Board of Adjustment, detailing the applicant's compliance with the Zoning Ordinance and all terms and conditions of this special use permit.
8. Fencing shall be placed along the eastern and southern boundaries of the salvage yard, and in any area that can be seen from any neighbor or road. The fence shall be at least 6 feet in height. All dismantled and inoperable vehicles and vehicle parts shall be stored within the fenced area. The fence shall not be visually penetrable. A chain link fence with slats shall not be considered a solid fence. All required fencing shall be placed within 180 days of approval of this permit.
9. At no time shall junk be allowed to become visible either over or through the required fencing.
10. Any other permits or requirements established by federal, state, and local governments or agencies shall be obtained by the applicant and kept on file for inspection by the Zoning Administrator.
11. One 4'x8' double-sided advertising device will be allowed.
12. The Board of Adjustment shall have the right to review any proposed expansion of the use.
13. Salvaged vehicles shall not be placed along the driveway into the building site. Salvaged vehicles shall not be placed outside of a fenced area, south of the northern-most confinement building, south of the grain bins, south of the machine shed, or any other location not approved herein.
14. The applicant shall place a tree buffer of mostly evergreens or similar species along the east fence and south fence to the northern-most confinement building. Said trees shall be placed no more than 35 feet apart.



15. The applicant's original operational statement, and operational statement filed December 10, 2002, shall be adopted as presented and adhered to as if a part of the Board of Adjustment's decision.

BE IT FURTHER RESOLVED this permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of Adjustment of Cerro Gordo County, Iowa, under the terms of this permit.

Motion was made by Jack Davis on January 14, 2003, to adopt the staff report as the Board's findings and to grant the application, subject to the conditions recommended by staff and as modified by the Board of Adjustment, for the amendment of a Special Use Permit granted to Gene Baker, and further, that the grant of the application for amendment be made effective immediately on the condition that Gene Baker perform all operations under the direction of the Zoning Administrator until such time as the formal resolution is adopted by the Board of Adjustment. Motion seconded by Charles Norris. Roll call vote taken resulted as follows:

Davis – yes  
Norris – yes  
Boyle - yes

Motion was made by \_\_\_\_\_ on February 25, 2003, to approve said Resolution with the understanding that all provisions of said Resolution are effective retroactive to January 14, 2003. Motion seconded by \_\_\_\_\_. Roll call vote taken resulted as follows:

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Terry Boyle, Chairman, Cerro Gordo County, Iowa, Zoning Board of Adjustment

Attest:

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Barbara Farghum, Secretary to Cerro Gordo County, Iowa, Zoning Board of Adjustment





CH B20 300th ST.