

LINN COUNTY BOARD OF ADJUSTMENT

Jean Oxley Public Service Center
935 2nd Street SW, Cedar Rapids, Iowa

MINUTES Wednesday, July 31, 2024

CALL TO ORDER

The Linn County Board of Adjustment meeting was called to order at 6:03 p.m. by Chair, Brian Price. The meeting was held in the Jean Oxley Public Service Center, 935 2nd Street SW, Cedar Rapids, Iowa.

PRESENT: Sara Alden 12/31/25
Brandy Meisheid, Vice-Chair 12/31/28
Ron Hoover 12/31/27
Michael Martin 12/31/24

ABSENT: Brian Price, Chair 12/31/26

STAFF: Elena Wolford, Assistant County Attorney
Stephanie Lientz, Planning & Zoning Division Manager
Mike Tertinger, Senior Planner
Brad Wylam, Planner II
Amy Speed, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of June 26, 2024 Board of Adjustment meeting were approved as submitted.

REGULAR AGENDA

PV24-0003	Mike Tertinger	Paul & Nina Brundell, Owners	Special Exception side yard setback
------------------	-----------------------	---	--

The applicant has proposed to construct a 7.5' x 16' fuel storage utility shed with a zero setback to the east of the existing dwelling. A 10' side-yard accessory structure setback is required in the USR (Urban Services Residential) zoning district when placed beside an existing principal structure.

The applicant recently acquired an additional 8' of property from the neighbor along the east property line. At this time the additional 8' has not been combined with the existing lot via a final plat application and may not be used in the measurement of setback distance.

The applicant is therefore requesting a variance for 10' of relief from the 10' side setback requirement to the existing eastern property line to Lot 1, Parkridge 5th Addition.

Per Article V, Section 107-94, §(c)(2)(b)(2) of the Linn County Unified Development Code (UDC) the required side yard setback for accessory structures, when beside the principal structure, is ten (10) feet. A Variance

may only be granted by the Board of Adjustment upon a finding that, due to special conditions, a literal enforcement of the provisions of the ordinance will result in an unnecessary hardship and amount to a "practical confiscation" of the property.

Staff recommends denial. There appears to be adequate space on the property to locate a new utility shed without violating the 10' side yard setback requirement. The property will retain reasonable economic use if used in compliance with the regulations, and therefore there is no "practical confiscation" of the property.

Tertinger spoke regarding the case. He mentioned the lots have not been replatted so zoning considers the original lot lines to be in force. There is a 16' utility easement but the owners reached out to Alliant and they are ok with building in the easement. Zoning received a letter of support from the neighbor to the East. They also received a phone call and an email from the neighbor to the Northeast that was against the variance and stating there was no undue hardship and that the homeowner already built a building that causes drainage issues.

The floor was opened up for the Board to ask questions of the Zoning staff. Martin asked about the utilities and how it would affect others. Meisheid asked about the replatting process. Tertinger stated that the USR zoning district has a 1-acre lot max and the applicant's parcel currently has 4.94 acres, therefore they cannot add to the existing lot to enlarge it.

The floor was then opened up to comments from the applicant. Paul Brundell- 2331 S 22nd St in Marion came to the podium to speak. He started by saying that he respects the process and the detailed report. He wanted to speak about the drainage issues and how that has never been brought to his attention. The utility easement with Alliant serves his property only. He thinks replatting would be disruptive to neighbors and would cause financial hardship. He spoke about how he can't build in the back because the drop off is dramatic and he would have a hard time accessing it during ice and snow. He is looking for a solution to store things in the winter and to curb vermin infestation. The fuel storage would be on a concrete pad and not in the shed and would house snow clearing equipment and tools. The fuel storage would be inside an enclosed fence.

Susan Forinash- Hall & Hall Engineers- 1860 Boyson Rd in Hiawatha spoke next. She explained that there was no replatting process due to the 1-acre lot maximum and it was too difficult to fit all existing and proposed structures onto a 1-acre lot.

The board then asked Brundell for more clarification. Meisheid said replatting would have been easier and that she struggles with the request being to build on a property line. Martin and Alden agreed. Hoover asked Tertinger about joining them together without having to replat. Tertinger stated that the County used to allow Deed Restrictions for this but they no longer allow it because those sunset after 21 years like restrictive covenants if not re-recorded by the property owner. It was clarified that the parking or any flat work can go up the edge of the property line but Tertinger wasn't sure if Alliant would allow that over the existing electrical easement. Martin asked about alternative options to build. Tertinger stated this was the preferred location for the homeowner. Martin asked if it could be done and Forinash said she didn't think so. Alden and Martin both discussed land in front of the house. Hoover thought there were restrictions if in front of the house. Alden said she wasn't in favor. Hoover said it would be nice to join the properties without replating and Martin was not in favor.

Motion by Alden to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Variance PV24-0003, and to deny case PV24-0003. Second by Martin

Alden	Yes
Price	Absent
Meisheid	Yes
Hoover	No
Martin	Yes

PC24-0006	Ben Schmidt	Cope Agricultural Investments, Owner Devin LeBeau, Petitioner Conditional Use Home Occupation – Landscaping Business
------------------	--------------------	---

This case was postponed at the request of the applicant.

PC24-0005	Stephanie Lientz	Linn County, Owner Allen Custom Homes, Applicant Conditional Use for Contractor's Yard and Outdoor Storage Business
------------------	-------------------------	--

The applicant is proposing to operate a contractor's yard and outdoor storage on the subject property related to the business use(s) of general contractor/developer/property manager. The subject property is zoned GC (General Commercial) and has a land use designation of MUSA (Metro Urban Service Area). The applicant is proposing two phases of development, as shown on the site plan, primarily to reduce the amount of hard surfacing required initially. The applicant is proposing an expansion of the shop during Phase 2, with two existing structures to be removed in the future. Materials proposed to be stored in the outdoor storage include: dirt, fill, gravel, rock, logs, trees, shrubs, mulch, and pavers. The applicant indicates between 5 to 10 full-time and 2 to 10 part-time employees will be coming to the site daily, depending on the season.

The proposed use of contractor's yard or outdoor storage is allowed with a Conditional Use Permit in the GC (General Commercial) zoning district. The proposal appears to meet all of the standards for approval for Conditional Use Permits in Article IV, Section 107-73, § (4) of the Linn County Unified Development Code (UDC), as well as the standards for commercial uses in Article VI, Section 107-115, § (2). Any outdoor storage of materials must be screened from view from adjacent residential properties and the public road. Development standards in Article IV, Section 107-115, of the UDC appear to be met, including requirements for a major site plan. Additional requirements in Article V, Section 107-93 of the UDC must be met including: buffer and screening requirements, hard surfacing of drives and parking areas, and other requirements related to parking and loading. The applicant requested and was granted an administrative 10% reduction of the buffer distance requirement in Article V, Section 107-93, § (d). The buffer has been reduced from 50 feet to 45 feet.

A future proposed use of mini-warehouse and self-service storage of recreational vehicles and/or boats must be approved by the Board of Supervisors and Board of Adjustment prior to commencing operation of that use. In addition to standards listed above, the mini-warehouse and self-service storage use must meet standards in Article VI, Section 107-115, § (y) of the UDC.

Staff recommends approval subject to the conditions in the staff report.

Lientz spoke and said the staff believes all standards are being met and that they recommend granting approval.

Forinash restated that the property will be used for storage and office space.

Motion by Martin to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Conditional Use PC24-0005, and to approve case PC24-0005. Second by Hoover

Hoover	Yes
Alden	Yes
Price	Absent
Meisheid	Yes
Martin	Yes

OTHER BUSINESS

BOARD COMMENTS

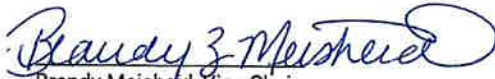
STAFF COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 6:46 p.m.

Respectfully submitted,


Brandy Meisheid, Vice-Chair


Amy Speed, Recording Secretary