

LINN COUNTY BOARD OF ADJUSTMENT

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

MINUTES

Wednesday, September 25, 2024

CALL TO ORDER

The Linn County Board of Adjustment meeting was called to order at 6:00 p.m. by Vice-Chair, Brandy Meisheid. 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
	Michael Martin	12/31/24

ABSENT:	Brian Price, Chair	12/31/26
	Ron Hoover	12/31/27

STAFF: Elena Wolford, Assistant County Attorney
Stephanie Lientz, Planning & Zoning Division Manager
Brad Wylam, Planner II
Sue Bennett, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of August 28, 2024, Board of Adjustment meeting were approved as submitted.

REGULAR AGENDA

PV24-0004	Stephanie Lientz	Linn County, Owners Feed Iowa First, Petitioner	Variance from Flood Plain Regulations
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On May 4, 2023, the applicant received an Agricultural Exemption from Linn County Planning & Development to construct a 24' x 40' (960 sq. ft.) pole building for farm equipment storage on the subject property. The building was constructed in the Floodway Fringe Overlay District. The applicant has installed flood vents to protect the structure in the event of flooding. The applicant is requesting

a variance from floodplain regulations that requires elevation of the structure to two feet above the base flood elevation.

Non-residential structures are allowed within the Floodway Fringe Overlay District, provided the structure meets the performance standards in Article VII, Section 107-144, §(g)(5) of the Linn County Unified Development Code (UDC). Non-residential structures must be elevated a minimum of two feet above the base flood elevation (BFE). The applicant has installed flood vents but does not propose elevating the structure to meet the two feet above BFE requirement. Per Article VII, Section 107-144, §(e)(3) of the UDC, 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. The applicant must demonstrate that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense. A local floodplain development permit and Elevation Certificate will be required.

If approved, this variance request must also be approved by the Iowa Department of Natural Resources prior to construction of any facilities.

Staff is not providing a recommendation for this case.

Emmaly Renshaw, 4716 Riverside Dr NE, spoke to the Board. She stated that she had received the Agricultural Exemption and then, right before they built, she had called Planning & Development to ask if there was anything else she needed. She stated that she was told there was nothing else, and she never realized she wasn't supposed to build in the flood plain. She stated that the area where they are building has the lowest quality of soil, so that they can keep the best parts of the land free for the farming unit.

Martin asked if the property had ever flooded. Lientz stated she did not know.

Martin asked why it matters if anyone builds in the Flood Plain. Lientz stated that Floodplain Regulations are required by state law, and that the flood of 2008 and the subsequent county buyouts prove that flood plain damage is a burden on the environment and on the taxpayers.

Alden asked if the variance was for the structure, or the fact that the structure is in the floodplain. Lientz stated it is for the structure in the floodplain.

Meisheid asked why there was no departmental oversight on this project. Lientz responded that it was granted an Agricultural Exemption from zoning and building codes, therefore, Planning & Development was no longer involved in building siting, construction, or inspection.

Meisheid asked what would have to happen if the variance wasn't approved. Lientz stated that the applicant would either need to raise the building up to meet flood regulations or move the building out of the floodplain.

Emmaly Renshaw approached the podium. She stated that there was no record that the property flooded in 2008. She reiterated that she had called Planning & Development and was told that there was nothing else she needed to do after receiving the Agricultural Exemption. Feed Iowa First works with underserved farmers, and the shed is essential to the operation. Moving the shed, or raising the shed, are not feasible, and would cause substantial hardship. They have placed flood vents in the building.

Jake Pease, 483 Wanatee Creek Circle, spoke. He stated that have no issues with where the structure is located, and that he supports Feed Iowa First and that they are good neighbors. He presented a letter signed by Wanatee Creek Circle homeowners, which indicates that they do not like the red color of the building, as it creates an unattractive view, and they request the Board of Adjustment require the color of the building be changed to dark green or dark brown, and he wishes they had been consulted on the color prior to the erection of the building.

Alden asked Pease if he had spoken to Feed Iowa First about the color. Pease said he had not.

Meisheid clarified with Lientz that the Board of Adjustment can't require a building to be a particular color. Lientz stated that the county code of ordinances does not contain standards related to building color.

Motion by Alden to grant the Variance request and the Findings of Fact, Conclusions of Law, and Decision & Order as developed by the Board of Adjustment for the Variance PV24-0004, and to approve case PV24-0004, with conditions from staff, as the hardship was demonstrated by the quality of the soil on the rest of the property, and the county trail cutting through part of the area. Second by Martin.

Alden	Aye
Price	Absent
Meisheid	Aye
Hoover	Absent
Martin	Aye

PV24-0005	Stephanie Lientz	Linn Co Conservation, Owners	Variance Flood Plain Regulations
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The applicant is requesting a variance from floodplain regulations to replace two (2) and add one (1) new pit toilet restrooms with Huffcutt restrooms. The subject property is located within Pinicon Ridge Park, within the Floodway Fringe Overlay District on property owned by Linn County, IA and managed by the Linn County Conservation Department. The Huffcutt restrooms are 10' x 10' concrete buildings with sealed vaults and flood venting in case of flooding. They will also be handicapped accessible.

Structures accessory to open space uses are allowed within the Floodway Fringe Overlay District, provided the structure meets the performance standards in Article VII, Section 107-144, §(g)(5) of the Linn County Unified Development Code (UDC). Non-residential structures must be elevated a minimum of two feet above the base flood elevation (BFE). The applicant is providing flood vents but does not propose elevating the structures to meet the two feet above BFE requirement, because of handicapped accessibility concerns. Per Article VII, Section 107-144, §(e)(3) of the UDC, 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. The applicant must demonstrate that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense. A local floodplain development permit and Elevation Certificate will be required.

If approved, this variance request must also be approved by the Iowa Department of Natural Resources prior to construction of any facilities.

Staff is not providing a recommendation for this case.

Ted Doscher, 39 N Lowel St, Iowa City, spoke about the reasons for the restrooms, and that they are replacing older bathrooms, built in the 70's. This bathroom is a handicapped bathroom, and they would like to make it a permanent structure so that they don't have to worry about flooding.

Meisheid asked if this bathroom is like the bathrooms by the playground that are in the floodplain, Doscher said yes. Meisheid asked if that bathroom had a floodplain variance, Lientz stated she was unsure without doing additional research.

**Motion by Alden to grant the Variance request and the Findings of Fact, Conclusions of Law, and Decision & Order as developed by the Board of Adjustment for the Variance PV24-0005, and to approve case PV24-0005 citing the hardship is the necessity for handicapped bathrooms.
Second by Martin.**

Price	Absent
Meisheid	Aye
Hoover	Absent
Martin	Aye
Alden	Aye

OTHER BUSINESS

BOARD COMMENTS

STAFF COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,



Brandy Melsheid, Vice-Chair



Sue Bennett, Recording Secretary