



Board of Adjustment

Meeting Minutes Wednesday, July 30, 2025

The Linn County Board of Adjustment meeting was called to order at 6:00 p.m. by Chair, Brian Price. The meeting was held in the Jean Oxley Public Service Center Formal Board Room, 935 2nd Street SW, Cedar Rapids, Iowa.

QUORUM DETERMINED:

PRESENT:	Brian Price, Chair	2026
	Sara Alden	2025
	Michael Martin	2029
	Chris Meader	2028

ABSENT:	Ron Hoover	2027
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STAFF:	Charlie Nichols, Planning & Development Director
	Stephanie Lientz, Planning & Zoning Division Manager
	Mike Tertinger, Senior Planner
	Brad Wylam, Planner II
	Sue Bennett, Recording Secretary
	Elena Wolford, Assistant County Attorney
	Grace Hobson, Zoning Intern

See attendance sheet for community sign in

APPROVAL OF MINUTES:

The minutes of the June 25, 2025, Board of Adjustment meeting were approved as submitted.

REGULAR AGENDA:

PSE25-0002

SPECIAL EXCEPTION

Brad Wylam presented the staff report.

The applicant is requesting a Special Exception from the 25-foot front yard setback and 10-foot side yard setback requirements in the Urban Services Residential (USR) zoning district. The applicant is proposing to construct a 768 sq. ft. accessory building that is 3 feet from the front property line and 3 feet from the side property line. Therefore, the applicant is requesting 22 feet of relief from the front yard setback requirement and 7 feet of relief from the side yard setback requirement.

For parcels in the USR zoning district, the minimum front yard setback is 25 feet per Article VII, Section 107-137 § (e)(3)(a). The minimum side yard setback is 10 feet per Article VII, Section 107-137 § (e)(3)(b). Article V, Section 107-94 § (c)(2)c.1 states that detached accessory structures may be

allowed in front of the principal structure provided the detached accessory structure maintains principal front and side yard setbacks. A Special Exception may only be granted by the Board of Adjustment upon a finding that, due to special conditions, an enforcement of the provisions of the ordinance will result in a "practical difficulty" upon the applicant.

Staff recommends the special exception be denied.

Martin asked if the homeowner could add to his existing structure. Wylam replied that it would be acceptable to the zoning department, assuming setback distances were met.

David Blacizek, 1297 43rd St SE, spoke. He stated he was surprised to find out that that was his front yard lot line and also surprised that Zoning staff had recommended denial. He stated that to the north there is a steep slope, and he didn't want to add to the existing building because there is a hay elevator on each side, and he didn't want to block that. He said that the flat area of his property was prone to flooding. He stated that he could make a 10' setback on the east side work.

Price asked for clarity on the original request. The original request was for 22' feet relief from the front property line and 7' relief on the southern property line.

Motion by Alden to recommend approval of case PSE25-0002, as developed by the Board of Adjustment, that 15' of relief be granted for the front yard setback requirement, and no relief granted for the side yard setback. The building can be 10' from the front property line and 10' from the side lot line. Second by Martin.

Alden	Aye
Price	Aye
Meador	Aye
Hoover	Absent
Martin	Aye

PAP25-0002

APPEAL OF ZONING ADMINISTRATOR'S DECISION

Charlie Nichols presented the staff report.

The appellant is appealing the decision to deny an agricultural exemption for an existing 16'x66' accessory dwelling unit (manufactured home) and the completion of a single-family dwelling with shop space on the subject property.

The subject property contains approximately 24.41 acres. The exemption determination request form lists 20 acres of hay produced on average annually, and 15 beef cows (all for commercial production). The accompanying staff report will show that:

1. The land is not primarily adapted for agricultural purposes.
2. The individuals residing on the parcel are not primarily engaged in agricultural practices on the same land.

For these reasons the 16'x66' temporary dwelling and the under-construction single- family dwelling do not qualify for an agricultural exemption from building and/or zoning regulations.

Staff recommend the Board of Adjustment uphold the determination of the Zoning Administrator to deny the second Agricultural Exemption request for the single-family dwelling with shop space and first agricultural exemption request for the accessory dwelling unit (manufactured home).

Price asked what the exception was for. Nichols replied that it was for a mobile home and a outbuilding with living quarters.

Alden asked what would happen if the property was sold. Nichols responded that the new owner wouldn't be automatically considered a farm, they would need to be primarily engaged in agriculture.

Michael Jimenez, 3635 E Otter Road, spoke. He stated he felt that the staff report had omitted that he had 6 inspections on the outbuilding with living quarters. He stated he was unaware an affidavit had been filed by the county on that structure. He stated that the Linn County Assessor knew about the manufactured home. He stated that estimating the financial worth of the cattle is a monetary limit that is not allowed by the state. He stated that the cattle fertilize the hay field. He stated that the state didn't allow the income from his hay sales to be used as a determining factor in whether he was a farm, but it was more than \$1000 per year, which is the USDA cutoff. He stated that he stopped getting inspections because he was told by the county that his property had been rezoned and was agriculturally exempt.

Price asked for a clarification of the timeline – when permits were obtained.

Martin said if it's a farm there's no point in clarifying the timelines.

Nichols clarified that there was no permit obtained for the mobile home.

Dan Morrow, 3585 E Otter Rd, spoke in favor of the appellant. He stated that he has seen the Jimenez working on the farm, and that the Morrow family has built part of the shouse. He stated that Jimenez cuts hay for him, and that he is a pilot, a mechanic, and has a YouTube channel.

Jeremy Jacobs, 2499 28th Ave, spoke as a close friend and character witness. He said the Jimenez family works on the farm, and that it's not a vanity project.

Laura Kensington, 3023 Arabian Road, stated she runs the cattle operation and that Mike and Sara are integral to the operation.

Nichols made a closing statement that he still believes they are not primarily adapted for agriculture, and he is concerned that the building might not be safe.

Jimenez made a closing statement. He stated that he appreciates Mr. Nichols, but he still feels that the goalposts have been moved during this experience.

The Board closed the public meeting and began deliberations.

Alden stated that from the use of the land, for livestock and crops, that it is a farm and both houses are farm buildings.

Meader agreed.

Price stated that he believes it qualifies as a farm.

Motion by Martin to recommend reversing the Zoning Administrator's Decision and granting the Appeal for case PAP25-0002, as developed by the Board of Adjustment. Second by Alden.

Martin	Aye
Alden	Aye
Meador	Aye
Price	Aye
Hoover	Absent

OTHER BUSINESS:

BOARD COMMENTS:

STAFF COMMENTS:

PUBLIC COMMENTS:

ADJOURNMENT:

The meeting was adjourned at 7:29 p.m.

Respectfully submitted,



Brian Price, Chair



Sue Bennett, Recording Secretary