

LINN COUNTY BOARD OF ADJUSTMENT

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

MINUTES Wednesday, November 30, 2022

I. QUORUM DETERMINED:

The Linn County Board of Adjustment meeting was called to order at 6:30 p.m. by Chair, Brandy Meisheid. The meeting was held in the Jean Oxley Public Service Center, 935 2nd Street SW, Cedar Rapids, Iowa.

PRESENT: Brandy Meisheid, Chair 12/31/23
Sara Alden, Vice-Chair 12/31/25
Ron Hoover 12/31/22
Michael Martin 12/31/24
Brian Price 12/31/26

STAFF: Elena Wolford, Assistant County Attorney
Stephanie Lientz, Planning & Zoning Division Manager
Cathy Coppess, Recording Secretary

See attendance sheet for community sign in.

II. OLD BUSINESS

III. NEW BUSINESS

JSE22-0006 Special Exception from Front Yard Setback Mark & Lori Lebeda, Owners

Stephanie Lientz presented the staff report.

The applicant is proposing to construct a 1,400 square foot detached accessory structure approximately 39 feet from the front property line. The subject property contains approximately 7.39 acres and is zoned AG (Agricultural). The required front yard setback in the AG zoning district is 50 feet. The applicant is requesting 11 feet of relief.

A demonstration of a practical difficulty appears not to have been shown in this case, in that there are no circumstances unique to the property that would cause a practical difficulty in adhering to the 50' front yard setback. Unique circumstances may include topographical conditions, surrounding, size and shape of the property, location of utilities, and other extraordinary situations.

Staff recommends denial of the proposal as it does not appear that a practical difficulty has been demonstrated.

Applicant Mark Lebeda, 3697 Van Fossen Lane, presented his points against moving the proposed location of his detached accessory structure.

1. Moving to the proposed area will block the view from his dining room window.
2. It will box in his chimney, limiting access and possibly creating a safety issue.
3. The back of the garage would be on a slope and fill dirt would be costly.
4. It would be under the branches of one of his few mature trees.

5. It would block his view from his deck.
6. The existing sidewalk will now lead to nothing.
7. He lives on a dead-end road that will never be extended; this will not interfere with emergency vehicles or utilities.

Ron Hoover asked Lientz what the purpose was for a 50' setback. Her reply was for uniformity and clear line of vision. Price asked if 50' front-yard setback only applies to AG zoned properties. Lientz replied that it also applies to the rural residential zoning districts.

Lebeda's closing statement was that he is AG and has had cattle until the Derecho took out his fences.

The Board deliberated. Hoover said he believed standards 3, 4 and 5 in the staff report actually were met and that he was in favor of approving the Special Exception. Hoover said he believed there were site constraints that could limit the potential location of the detached accessory structure, including: some steep slopes, septic field, some mature trees and the design of the existing dwelling. Hoover said he thought a practical difficulty had been demonstrated by the applicant due to those constraints. Other Board members concurred.

Motion by Martin to amend the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report to reflect the Board believes standards 3, 4 and 5 have been met, for Special Exception case JSE22-0006, and to approve case JSE22-0006, Second by Alden.

Hoover	Aye
Meisheid	Aye
Price	Aye
Martin	Aye
Alden	Aye

JC22-0002	Conditional Use – Reception Facility/Event Center	Camp Tanager, Owner
------------------	--	----------------------------

Stephanie Lientz presented the staff report.

The applicant was recently granted a minor modification (JC20-0005) of an existing conditional use permit (grandfathered use). The modification was proposed to allow Camp Tanager to add a new 24-bed cabin as well as construct a new lodge building. The new structures will allow Camp Tanager to grow from hosting 112 to 181 youth per week in the summer, and from 44 to 68 youth per week during the winter. The Board of Adjustment approved the modification of the Conditional Use Permit on April 29, 2020.

The applicant is also proposing to rent various activities and buildings on the subject property, including the lodge and cabins that are currently under construction, for events such as weddings, retreats, etc. Wedding rentals would be scheduled primarily on weekends; corporate retreat rentals could be scheduled anytime, and guests could stay overnight. The applicant indicates that approximately 300 attendees maximum are anticipated for some events. Staff has determined that the change in use does not qualify for a minor modification of an existing permit, and a new Conditional Use Permit covering both the campground and event center uses must be granted.

The campground or travel trailer park and catering service, banquet/reception facility, social or fraternal organization uses are allowed with a Conditional Use Permit in the AG (Agricultural) zoning district per Table 107-147-1 in Article VII of the Linn County Unified Development Code (UDC). More than one use may be established on a single lot per Article V, Section 107-94, § (a). Parking standards must be met, which are found in Article V, Section 107-93, § (e) of the UDC. All

necessary local, state, and federal permits must be maintained. The applicant is in the process of installing a new and septic system on the subject property.

The outstanding conditions of a previous minor modification case have been addressed. A Certificate of Occupancy was issued for a new cabin and lodge on May 25, 2022. Conditions related to stormwater management were for case JC20-0005 have been met according to the Natural Resource Conservation Service.

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

Alden and Meisheid clarified with Lientz that no amplified music after 10:00pm every day. Acoustic music outdoors would be allowed as long as nothing would be plugged into an amplifier.

Applicant Brad Thatcher started a brief presentation.

Alden asked how long Camp Tanager actually has camping and the volume of people in the other cabins. Thatcher response was 10 weeks during the summer, June - August, any time the pool would be open. Alden followed up asking how the new lodge would be different than renting the existing cabins and what the volume of people they have had at previous events. Thatcher said birthday, graduation, sporting and weddings anytime the camp is not in session. Alden asked if the new lodge is any different than the existing cabins. Thatcher said it is just a newer building and they hope to rent it out more often.

Brad Salazar, 1649 Berry Dr, expressed that as a neighbor, he had not received any type of communication from Camp Tanager. He was concerned that the vegetation being 6' will not come to the siding on the building, so it adversely affect the neighbors with noise, lights, and traffic. He was concerned about the amplified music that is expected to be played. While he is in favor of the camp and what it does, he is concerned about who he should call after 5:00 pm if he had a complaint. He is also afraid that the camp will not govern their selves or follow any rules, they were out of compliance for 23 months. He said the lodge is open to the public this Saturday.

Bernard Friedl, 1650 Berry Dr SE, is concerned about the houses on Ironwood Dr whose property backs up to the camp. A lot of water comes down Berry Drive as well as off the camp. He is concerned about their septic. And midnight is too late for sound. He has and will continue to call the police on that.

Sarah Kolar, 1638 W Mt Vernon Rd, expressed her concerns about the lack of communication between Tanager and surrounding property owners. She thinks this was never intended to be a cafeteria for the campers. The camp is now more concerned about making money. She is also concerned who will oversee security, will there be alcohol, and safety getting onto Mt Vernon road when the events end. Who will make sure all the conditions will be kept.

The board then asked Lientz what the protocol is for complaints. She answered Planning and Development office does operate on a complaint basis due to the size of Linn County. The Sheriff's office is available for life safety issues. When receiving complaints, our department will first reach out to the applicant. If there are problems ongoing or complaints on multiple occasions, either Lientz or P&D director Nichols will bring the Conditional Use Permit back to the BOA for review.

Morgan Lefebure, 1649 Berry Dr, stated while she is in support of Camp Tanager, however she is concerned about the event center closing at midnight, the neighbors will still hear car doors slamming, lights shining in the neighborhood, people will be drunk and leaving. She stated the camp is more focused on profit than the original mission of the camp. She also stated that the kitchen does not appear to be a cafeteria, but it looks as if it was geared toward an event center. She is frustrated with the lack of communication.

Joe Kruth, 1683 Berry Dr, agreed with the previous neighbors concerned. He would like better communication as well as a set of guidelines produced by Camp Tanager. While shutting doors to the cabins and lodge will not stifle the noise. He has concerns about alcohol, weapons, fireworks, and OHVs & quads on the property. He would like contact numbers if an issue would arise. Kruth also stated that camp is ran 10 weeks a year. That is only 20% of the year, which leaves 80% of the year to be used as an event center. That makes the primary use an event center. He does not have contact information for anyone at that camp. He is willing to be a contact for the surrounding neighbors. Also, he was confused about the event scheduled in the lodge for this weekend.

Bob Pearson, 1670 Berry Dr, noticed a change in the staff report summary language since the last draft which said weddings would preferably be held on the weekends to primarily on weekends. He thinks the conditional use permit should say exclusively on weekends or limited to weekends. The cutouts in the drainage of the parking lot; it sends water to one point of the parking lot. On heavy rains, the water goes through the retaining block to the neighbors' back yards leaving standing water. He is concerned about the alcohol and excessive noise and who is responsible for these.

Closing questions:

Price asked the applicant about the communication between Camp Tanager and the neighbors. Thatcher produced several emails he has received as well as the letters drafted to the neighbors. He also stated that Salazar, Kolar, and Pearson have phone numbers. He also stated that although he is at work 8-4 Monday – Friday, the camp director does live on the property. Price asked if there is a way to verify communication. Thatcher produced copies of the emails and letters.

Alden asked the applicant if there is security on site. Thatcher replied that it would depend on the type of event, but the director does live next door to the lodge. For large events they will have a camp representative available.

Meisheid followed up by asking if the director would be required to be on site and what is the largest event, aside from weddings, that they have hosted now. Thatcher again replied that it would depend on the event. And they have fundraising events, corporate events, and said they could have up to 500 people at one time. He also stated that alcohol use would be the responsibility of the caterer.

Alden asked Lientz about any conditions that other event centers may have. Lientz replied Tanager has all the standard conditions that have been applied to event centers/reception facilities in the past plus additional conditions. She also informed the board that if alcohol is at an event, a permit is required, either through the facility or the caterer. But it is all case by case conditions that get applied.

Meisheid also asked about the event scheduled for this weekend. Michael Hines, 2309 C St SW, informed that it is an internal fundraising event. The camp has held Tanager events, trainings, board social, team meetings at the lodge. Lientz did say that is acceptable usage of a lodge and there is well and septic on site.

Martin asked the applicant about the drainage issue. Lisa Burch, civil engineer who has worked on this site, showed slides where originally 63% of the runoff comes from offsite areas. Approximately 35 acres drains through their back yards. With the additional drainage basin, it now shows less than 63%. She also stated that the August Derecho did take out some of the tree area that would have stopped some of that runoff.

Alden asked staff if there is still water runoff mitigations in place that was signed off by DNR and NRCS. Lientz said that was during construction. She also said the seeding should a positive impact with the runoff water. Alden also asked if the county is scheduled to check on the conditions. Lientz replied that Jon Gallagher can go do a site visit if there is an issue, but there is nothing set up.

Hoover asked if tonight's approval or denial decision had anything to do with the drainage. Both Burch and Lientz stated no.

Price asked if the event center changed the drainage. Burch said they did increase the hard surfaces, but there were mitigation requirements through stormwater practices management.

Hoover asked if the county has any type of sound ordinance. Lientz said there is no noise ordinance in Linn County.

Meisheid and Price asked how complaints would be verified or whom they should call. Lientz said if it is an immediate life health safety issue, contact the Sheriff's office so it can be address immediately. If it is something they want documented, call the Planning and Development office so that it can be note it and address it later. Verbal, written, email, any of that will be accepted. If a trend becomes apparent, Lientz will address the applicant and/or bring the concerns to BOA.

Motion by Hoover to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for Conditional Use case JC22-0002, and to approve case JC22-0002, Second by Martin.

Alden	Aye
Martin	Aye
Price	Aye
Meisheid	Nay
Hoover	Aye

IV. OTHER BUSINESS

V. BOARD COMMENTS

Hoover informed Lientz the contact information for Emergency Management Services is outdated. Lientz does have the correct contact information and will get it updated.

VI. STAFF COMMENTS

Lientz let the Board know there will not be a meeting in the month of December, happy holidays.

VII. PUBLIC COMMENTS

Brad Salazar clarified that the communication and drainage issues shows that Tanager does not follow through with conditions.

Joe Kruth said that every county parks does have a noise ordinance. Lientz told him it is a Conservation rule, not a county-wide noise ordinance enforceable by the Sheriff's office.

Price addressed the neighbors to document any complaints.

VIII. APPROVAL OF MINUTES

The minutes of September 28, 2022, Board of Adjustment meeting were approved as submitted.

IX. ADJOURNMENT

The meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Sara Alden, Chairperson

Cathy Coppess, Recording Secretary