

LINN COUNTY BOARD OF ADJUSTMENT

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

MINUTES

Wednesday, April 27, 2022

I. QUORUM DETERMINED:

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

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

ABSENT: Brandy Meisheid, Chair 12/31/23

STAFF: Elena Wolford, Assistant County Attorney
Stephanie Lientz, Planning & Zoning Division Manager
Mike Tertinger, Senior Planner
Ryan Sampica, Recording Secretary

See attendance sheet for community sign in.

II. OLD BUSINESS

III. NEW BUSINESS

JC22-0003 Mike Tertinger Conditional Use Home Occupation - Lawn Care & Snow Removal

Mike Tertinger presented the staff report.

The applicant is requesting a Conditional Home Occupation Permit for a lawn care and snow removal business on the subject property, which contains 33.66 acres, and is zoned AG (Agricultural). The applicant proposes to construct a 7,200 square foot pole building: 2,500 square feet will be partitioned for the business, while the remaining 4,700 square feet is to be utilized as personal space and agricultural equipment storage. The applicant's proposal indicated that no non-resident employees will be on site, no customers will be coming to the site, and the business use is to occur entirely within the accessory building.

Lawn, Garden and Yard Maintenance services are allowed in the AG (Agricultural) Zoning District as a **Conditional Home Occupation per Article VI, Section 107-115, § (k)(5)(a)**. A **Conditional Home Occupation** allows the applicant to use up to 2,500 square feet for the home occupation business on parcels that are 10 acres or greater in size. A home occupation with one or more nonresident employees or that will use part of an accessory structure for the business requires a Conditional Use Permit for a Home Occupation in the AG (Agricultural) zoning district. The proposal conforms to the standards for approval in Article IV, Section 107-73, **§ (4)**. **However, the proposal is not yet in conformance with Article VI, Section 107-113, § (h) of the Linn County Unified Development Code** as 838 Hodgin Rd is not yet the primary residence of the proposed home occupation business owner. As a condition of approval, the applicant must confirm relocation to this address before operation of the business may commence.

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

Price asked why the property owner was required to apply for a Conditional Use Home Occupation permit. Tertinger explained the ordinance language related to these types of permits and when they are required.

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 Home Occupation case JC22-0003, and to approve case JC22-0003, second by Hoover .

Hoover	Aye
Martin	Aye
Meisheid	Absent
Price	Aye
Alden	Aye

JC22-0004 Stephanie Lientz Conditional Use - Rock Crushing & Recycling Business

Stephanie Lientz presented the staff report.

The applicant is proposing continued operation of a rock/concrete crushing and recycling facility on approximately 10.5 acres of the subject property. The applicant was previously granted a Temporary Use Permit (JTU17-0001) for the same use on the subject property from March 1, 2017 to December 3, 2019. Sometime after that period ended, the operation recommenced at the same location. The applicant is proposing to operate the facility on site permanently, therefore, staff has determined that a Conditional Use Permit will be required.

Materials stored on the site will include: raw broken concrete, raw broken asphalt, dirt, recycled aggregate, recycled asphalt millings, and recycled granite. Proposed hours of operation are 6:30 a.m. to 7:00 p.m., Monday through Friday, with four (4) part-time employees coming to the site.

The proposed use of recycling facility or solid waste hauling and transfer station is allowed with a Conditional Use Permit in the AG (Agricultural) zoning district. It appears that the proposal meets 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). Other development standards which must be met include: those requirements for a major site plan, paving of parking areas and drives, and all other parking standards found in Article V, Section 107-93, § (e) of the UDC. All standards pertaining to this type of industrial use listed in Article VI, Section 107-116, § (d) appear to be met.

Buffering and screening requirements in Article V, Section 107-93, § (d) shall be met; when the existing scale house is replaced or moved, the new location for that structure must at least 50 feet from the north property boundary. All required federal, state, and/or local permits must be maintained for the duration of the use.

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

Price asked if staff is requiring a certain type of tree species to be planted to meet the vegetative screening conditions mentioned in the staff report. Lientz explained the ordinance language related to buffering and vegetative screening, indicating that specific tree species are not required, but that the plants used in said buffer shall be a certain height within 3 years after planting.

Price also asked if the applicant was planning to use the entire 10-acre area included on the site plan for the business use. Lientz confirmed that is the current plan put forth by the applicants. Lientz also stated that if a

future expansion is needed, the owners would need to apply for a modification of their Conditional Use Permit and that case would come back before the Board of Adjustment.

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 case JC22-0004, and to approve case JC22-0004 , second by Price.

Price	Aye	
Meisheid	Absent	
Alden	Aye	
Hoover		Aye
Martin	Aye	

IV. OTHER BUSINESS

V. APPROVAL OF MINUTES

The minutes of the March 30, 2022 Board of Adjustment meeting were approved as submitted.

VI. ADJOURNMENT

The meeting was adjourned at 7:06 p.m.

Respectfully submitted,

Brandy Meisheid, Chair

Ryan Sampica, Recording Secretary