

LINN COUNTY BOARD OF ADJUSTMENT

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

MINUTES Wednesday, May 31, 2023

I. QUORUM DETERMINED:

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

PRESENT: Sara Alden, Chair 12/31/25
Brian Price, Vice-Chair 12/31/26
Brandy Meisheid 12/31/23
Ron Hoover 12/31/27
Michael Martin 12/31/24

ABSENT:

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

See attendance sheet for community sign in.

II. OLD BUSINESS

III. NEW BUSINESS

PV23-0003	Mike Tertinger	Jeffrey & Alisha Gardner, Owners Jim Buresh Construction, Petitioner	Variance from Accessory Structure Limitation
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Mike Tertinger presented the staff report.

The applicant is requesting a variance from the 2,000 sq. ft. accessory structure size limitation in the USR (Urban Services Residential) zoning district for lots between 2.0 – 4.99 acres in size. The applicant is proposing to construct a detached accessory structure with approximately 4,216 square feet of floor area, including a main level 8-car garage, “man cave” with kitchen and full bathroom, golf simulator, exterior deck, lower-level storage area and mechanical room. Therefore, the applicant is requesting 2,216 sq ft of relief above the allowed zoning district accessory structure limit.

For a parcel of this size (2.00-4.99 acres), the maximum square footage allowable for accessory structures is 2,000 sq. ft. per Article V, Section 107-94 § (c)(2)(a). 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. The applicant must demonstrate that the hardship was created by the ordinance and not the applicant.

Staff recommends denial. There are no special topographic or other conditions related to the property that necessitate the construction of a larger than allowable accessory structure. The request serves as a convenience to the applicant to allow the construction of a desired accessory structure size. The property, including an existing 5,285 square foot single-family dwelling with attached garage, still has reasonable economic use if used in compliance with the regulations, and therefore there is no "practical confiscation" of the property without the Variance. Any perceived hardship was not created by the provisions of the ordinance, but rather by the applicant.

Martin asked if staff had heard anything from the neighbors. Tertinger stated no.

Alden asked if there were any other structures in the neighborhood that were this large. Tertinger responded that it wasn't something staff had researched.

Meisheid asked if the deck was included in the square footage. Tertinger replied yes.

Jamie Buresh, 1630 42nd St NE, spoke. He was the developer of the subdivision, and is also the contractor for this project. He stated his figures for total square footage was actually more like 3800, including the deck. He explained that the structure could not be attached to the house as the location of the existing septic system is in that area.

Price asked if there was a size limitation if the garage was attached to the house, Tertinger responded no.

Meisheid asked how many 2000 sq ft structures could be placed on the property. Tertinger stated as many as would fit and meet required setbacks from the property.

The Board discussed their concerns about the staff recommendation to deny the variance. Alden was not sure the applicant had made enough of a compelling argument to state that a hardship was present, that no alternatives were available, and that to deny the variance would deprive the owner of any economic use of the property. The other board members stated the applicant had proven a hardship was present on the property as evidenced by the septic location and existing landscaping and lack of viable alternatives. They concluded that meeting the accessory structure ordinance limitation of 2,000 sq. ft. was not a viable alternative for the applicant due to the fact that the submitted Site Plan was developed with 4,200 sq ft and could not be changed. According to the Board deliberation, the existing site plan proposal was not something that could be amended at this time otherwise there would be no reason to have a Board of Adjustment. Attaching the proposed structure to the existing principal dwelling was also not considered a viable option and helped reinforce the Board decision to overturn the staff recommendation. The Board did not believe the variance was a convenience to the applicant and that the ordinance created the septic and landscaping hardship, not the applicants desire to construct a larger than allowed accessory building.

Motion by Meisheid to approve the Findings of Fact, Conclusions of Law, and Decision & Order as discussed by the Board for the Variance case PV23-0003, and to approve case PV23-0003, subject to the conditions of the staff report. Second by Martin.

Meisheid	Aye
Martin	Aye
Alden	Nay
Price	Aye
Hoover	Aye

IV. OTHER BUSINESS

V. APPROVAL OF MINUTES

The minutes of April 26, 2023, Board of Adjustment meeting were approved as submitted.

VI. ADJOURNMENT

The meeting was adjourned at 7:07 p.m.

Respectfully submitted,



Sara Alden, Chair


Sue Bennett, Recording Secretary