

LINN COUNTY BOARD OF ADJUSTMENT

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

MINUTES Wednesday, July 26, 2023

I. QUORUM DETERMINED:

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

PRESENT: Brandy Meisheid 12/31/23
Ron Hoover 12/31/22
Michael Martin 12/31/24

ABSENT: Sara Alden, Chair 12/31/25
Brian Price, Vice-Chair 12/31/26

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

See attendance sheet for community sign in.

II. OLD BUSINESS

III. NEW BUSINESS

6:30 pm. Lientz called the meeting to order. As the Chair & Vice-Chair were absent, Board members needed to elect an acting Chair. Martin nominated Meisheid, Hoover seconded. Meisheid was elected Acting Chair.

Lientz announced that the appeal case, PAP23-0005, was postponed at the request of the applicant.

PC23-0009	Mike Tertinger	Ironweed Storage LLC, Owner	Conditional Use Mini-Warehouse and Self Storage
------------------	-----------------------	--	--

Tertinger presented the staff report.

The applicant is requesting approval to construct a 6-unit self-service storage facility (approx. 5,400 sq. ft.), on a 0.51-acre property. The applicant has indicated that the units will be accessible to customers 24 hours/day, 365 days per week. The applicant has indicated there will be no water or septic on site, outdoor lighting will be hooded and/or directed away from adjoining property and a 6 ft. privacy fence with vegetative screening will be installed in the buffer area on the south end of the property. There will be no on-site employees associated with the business use and access is proposed to be from 44th Street.

The proposed Mini-Warehouse and Self-Service Storage use is allowed with an approved Conditional Use Permit in the Highway Commercial (HC) zoning district. As submitted, the proposal appears to meet all the standards for approval for Conditional Use Permits in Article IV, Section 107-73, § (4). The proposal is in conformance with the buffer requirement between commercial and residential uses along the south property line (45 ft. is allowed via administrative exception of zoning administrator) and the 10 ft. side yard setback adjacent the west property line. However, the property owner has also submitted a concurrent Special Exception application asking for 5 ft. of relief from the side yard setback and 11 ft. of relief from the south buffer requirement. This request will be heard at the June 28, 2023, Board of Adjustment meeting.

Staff recommends approval of the proposal, including Site Plan as submitted, subject to the conditions of the staff report.

Applicant Daniel Haas, 905 44th Street, offered to answer any questions. There were none.

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 PC23-0009, and to approve case PC23-0009, second by Hoover.

Hoover	Aye
Meisheid	Aye
Martin	Aye
Alden	Absent
Price	Absent

PSE23-0006	Mike Tertinger	Ironweed Storage LLC, Owner	Special Exception Reduction of Side Yard Setback and Rear Yard Buffer
-------------------	-----------------------	--	--

Tertinger presented the staff report.

The applicant is requesting two (2) Special Exceptions including: 5-feet of relief from the 10-foot side yard setback requirement in the Highway Commercial (HC) zoning district, and 7-feet of relief from the 50-foot buffer distance requirement between commercial and residential uses. The zoning administrator can approve a maximum 10 percent (5 feet) reduction of the buffer requirement per Article V, Section 107-93 § (d) of the Linn County Unified Development code. The applicant is requesting an additional 7 feet of relief, in order to place a commercial structure 38 feet from the southern property line. The adjoining property to the south is in the Urban Services Residential (USR) zoning district and includes an existing single-family dwelling. The adjoining property to the west includes an existing commercial business in an HC zoning district. Conditional Use (Case PC23-0009) is running concurrently with the Special Exception requests. The applicant has proposed constructing a new commercial building on the property for use as a self-service storage facility. Self-service storage use is allowed with an approved Conditional Use Permit (CUP) in the HC zoning district.

Per Article V, Section 107-93, §(d) of the Linn County Unified Development Code (UDC), the required buffer distance between commercial and residential uses is fifty (50) feet. Per Article VII, Section 107-139, §(e)(3)(b), the required side yard setback is ten (10) feet. Per Article V, Section 107-93, §(d)(2) the buffer width may be reduced up to ten percent through an administrative exception approved by the zoning administrator. A Special

Exception 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 a "practical difficulty" upon the applicant.

Staff recommends denial of each special exception request as a practical difficulty has not been demonstrated. There are no circumstances unique to the property that would cause practical difficulty in adhering to the 50' buffer requirement between commercial and residential uses nor the 10' side yard setback. A feasible alternative includes relocation or reduction of the building footprint which would allow for the proposal to meet existing setback and buffer distance requirements.

Hoover asked why the administrative exception for the southern buffer was approved. Tertinger responded that the Zoning Staff determined that there would be no adverse effect on the neighborhood if that relief was granted.

The Board discussed each Special Exception request.

Applicant Daniel Haas, 905 44th St, offered to answer any questions. He was asked why he needed the exceptions, and replied that, in order to make the business economically feasible, he needed to be able to have 6 spaces. He is asking for relief from the south buffer and the side yard setbacks in order to make sure that larger vehicles have room to maneuver and turn around. 55' is the "sweet spot" allow for RVs to move into and out of the storage bays easily.

The Board discussed the applications.

Motion by Meisheid to accept the Findings of Fact, Conclusions of Law, and Decision & Order as developed by the Board for the Special Exception PSE23-0006 and to approve the request for relief from the buffer requirements, and to deny the request for relief from the side yard setback. Second by Hoover

Martin	Aye
Hoover	Aye
Meisheid	Aye
Alden	Absent
Price	Absent

PC23-0010	Kaylynn Sieverding	Edna Etzel, Owner, USA Communications, Petitioner	Conditional Use Communications Facility
------------------	---------------------------	--	--

Sieverding presented the staff report.

The applicant is proposing to construct a fiber optics communications facility on 40.5 acres of land on the subject property. The applicant proposed a precast building to be used for termination of fiber optic cables and associated electronics to allow network access for various data services. There will be no employees at the site, no significant traffic to the site after construction, and no water and sewer demands generated at the facility. The lease area which will include the building is approximately 0.16 acres in size.

It appears that the proposal meets all the standards for approval for Conditional Use Permits in Article IV, Section 107-73, § (4) of the Linn County Unified Development Code (UDC). The use appears to be compatible with surrounding property uses.

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

Susan Forinash, 1860 Boyson Road, surveyor, offered to answer any questions the Board might have. They had none.

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 PC23-0010, and to approve case PC23-0010, second by Hoover.

Meisheid	Aye
Hoover	Aye
Martin	Aye
Alden	Absent
Price	Absent

IV. OTHER BUSINESS

V. APPROVAL OF MINUTES

The minutes of May 31, 2023 Board of Adjustment meeting were approved as submitted.

VI. ADJOURNMENT

The meeting was adjourned at 7:21 p.m.

Respectfully submitted,


Brandy Meisheid, Chair


Sue Bennett, Recording Secretary