

LINN COUNTY BOARD OF ADJUSTMENT

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

MINUTES

Wednesday, July 27, 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

ABSENT:

STAFF: Stephanie Lientz, Planning & Zoning Division Manager
Ryan Sampica, Recording Secretary

See attendance sheet for community sign in.

II. OLD BUSINESS

II. NEW BUSINESS

JSE22-0002 Special Exception Gavin P McGrath & Audrey E McGrath Rev Trust

Stephanie Lientz presented the staff report.

The applicant is requesting a special exception from the 2,800 square foot accessory structure size limitation in residential zoning districts for lots between 5.0 - 9.99 acres in size. The applicant is proposing to construct a detached accessory structure with approximately 4,098 square feet of floor area, including a main level and basement. The subject property consists of 2 parcels (Lot 4 Country Creek First Addition and Lot 1 of Junge's First Addition) totaling 6.26 acres, which were combined via a deed restriction in 2009 (Bk. 7255 Pg. 487) to allow for construction of the pool on the lot adjacent to the principal dwelling (6630 Country Creek Lane SE). As noted by the applicant, the owner has a total of 9.76 contiguous acres of property. A platting process would be required to combine all three parcels together, after which 2,800 square feet would still be the maximum size detached accessory structure allowed.

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 2,800 square foot size limitation in Article V, Section 107-94 § (c)(2). Unique circumstances may include topographical conditions, surrounding, size and shape of the property, location of utilities, and other extraordinary situations. In this case, it appears that no unique circumstance has been demonstrated.

Staff recommends denial of this application, as it appears that a practical difficulty has not been demonstrated.

Gavin McGrath, 6630 Country Creek Ln SE, presented his case and background to how they decided on this design for the pool house. McGrath spoke to the topography of the land and that they looked into bringing fill dirt on the property but it just wasn't feasible.

Price asked if the only reason for the basement was because of the topography of the land. McGrath answered yes.

Martin asked staff if he didn't do anything with the basement and just left it empty would that change staff's recommendation or the square footage of the structure. Lientz said all finished or unfinished area within an enclosed structure counts towards the total square footage of that accessory structure.

Lientz made a brief closing statement and mentioned that if the Board does approve the request Planning and Development has included conditions in the staff report that would need to be met.

The Board deliberated. Hoover reviewed the legal principles and said he believed that a practical difficulty has been demonstrated by the applicant due to the topography of the subject property, location of mature trees, presence of steep slopes, and location of septic lines/fields, and that all principles for granting a special exception have been met for standard #3 in the staff report. Hoover said he believed a grant of a special exception was reasonably necessary due to these practical difficulties, and for that reason, standard #4 in the staff report was met. Hoover then stated that due to topographic issues on the subject property, the practical difficulties faced by the applicant cannot be overcome by any feasible alternative means, and that standard #5 in the staff report was met.

Motion by Martin to accept the Findings of Fact, Conclusions of Law, and Decision & Order as developed by the Board in support of the application, and to approve case JSE22-0002, subject to conditions of the staff report, second by Price.

Alden	Aye	
Meisheid	Aye	
Price	Aye	
Martin	Aye	
Hoover		Aye

IV. OTHER BUSINESS

V. APPROVAL OF MINUTES

The minutes of the June 29, 2022, Board of Adjustment meeting were approved as submitted.

VI. ADJOURNMENT

The meeting was adjourned at 6:59 p.m.

Respectfully submitted,

Brandy Meisheid, Chair

Ryan Sampica, Recording Secretary