

LINN COUNTY BOARD OF ADJUSTMENT

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

MINUTES
Wednesday, October 27, 2021

I. QUORUM DETERMINED:

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

PRESENT: Ron Hoover, Chair 12/31/22
Sara Alden 12/31/25
Michael Martin 12/31/24
Margaret Burns 12/31/21

ABSENT: Brandy Meisheid, Vice-Chair 12/31/23

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

See attendance sheet for community sign in.

II. OLD BUSINESS

III. NEW BUSINESS

JC21-0011 Conditional Use Home Occupation - Meat Locker Dustin Lee, Owner

Mike Tertinger presented the staff report.

The applicant is requesting a Conditional Use Permit - Home Occupation for a meat processing business. The applicant is constructing a 1,170 sq. ft. accessory structure to house an animal processing kitchen and storage locker. The business will process beef, deer and lamb. No poultry will be processed at this location. The applicant anticipates a maximum of 25-50 animals processed annually. 450 additional square feet will be used for 4 parking spaces, including 1 space for parking a future delivery truck. The remaining 100 square feet is proposed for a 10x10 animal waste storage shed. No non-resident employees are indicated with the proposal and the animal processing and storage is proposed to occur entirely within the accessory building. A fenced area in the south end of the property is designated for animal grazing. A future business sign is noted on the site plan adjacent the property entrance along Ponds Ln. The applicant anticipates a maximum of 3 customers per day with proposed business hours of 9:30am to 4:00pm Monday through Saturday.

A Conditional Home Occupation allows the applicant to use up to 1,750 square feet for the home occupation business on a parcel of this size. A business that will use part of an accessory structure requires a Conditional Use Permit for a Home Occupation in the CNR (Critical Natural Resources) zoning district. The proposal conforms to the standards for approval in Article IV, Section 107-73, § (4) and Article VI, Section 107-113, § (h) of the Linn County Unified Development Code. The applicant is required to meet all state and federal permit requirements for the slaughter, processing and sales of animal products in the State of Iowa.

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

Alden asked if there were any neighbor comments. Tertinger said no neighbor comments had been received.

Dustin Lee, 3946 Ponds Ln, said that no pork or pigs will be processed at this site.

Motion by Martin to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for Conditional Use case JC21-0011 , and to approve case JC21-0011, Second by Alden .

Burns	Aye	
Meisheid	Absent	
Hoover		Aye
Alden	Aye	
Martin	Aye	

JC21-0012 Conditional Use Minor Modification - Utility Substation ITC Midwest, Owner

Stephanie Lientz presented the staff report.

The applicant is proposing to expand an existing substation on the 4.91-acre subject property to accommodate area upgrades. A substation has existed at this location since at least 1980, per aerial photography. The property is zoned AG (Agricultural). Utility substations were a permitted use in the AG zoning district prior to August 15, 1981, when it changed to a conditional use. Per Article V, Section 107-93, § (a) of the Unified Development Code (UDC) staff has determined that the existing substation is considered to be a lawful conditional use which may continue indefinitely. Per Article IV, Section 107-73, § (6)(b), minor modifications to approved conditional uses are permissible with the approval of the Board of Adjustment after review by the Technical Review Committee. A modification is minor if it has no substantial impact on neighboring properties, the general public, or those intended to use the development.

In 2008, the existing 240' monopole tower on the subject property replaced a guyed 160' tower (Conditional Use Permit case #C-21-08).

The utility substation use is allowed as a Conditional Use in the AG (Agricultural) zoning district per Table 107-147-1 in Article VII of the UDC. 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 UDC. The use appears to be compatible with surrounding property uses and adequate measures can be taken to minimize any potential adverse impacts on adjoining property.

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

Alden asked if any imaging has been done for the drainage tile.

Lientz deferred to the applicant.

Sam Searls, ITC, said that they have not done any imaging as of yet but will if needed.

Motion by Martin to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for Conditional Use case JC21-0012 , and to approve case JC21-0012 , Second by Burns .

Martin	Aye	
Meisheid	Absent	
Alden	Aye	
Hoover		Aye
Burns	Aye	

JC21-0013 Conditional Use Home Occupation - Taxidermy James Kindig, Owner

Mike Tertinger presented the staff report.

The applicant is requesting a Conditional Home Occupation for a taxidermy business on the subject property, which contains 35.05 acres, and is zoned AG (Agricultural). The applicant is constructing a 3,600 square foot pole building: 2,500 square feet will be used for the business, while the remaining 700 square feet is proposed to be used as personal space. The applicant proposes a maximum of 1 non-resident employees on site and the business use is to occur entirely within the accessory building. The applicant indicates that an average of one customer per day will be visiting the site and those visits will be by appointment only; Monday-Friday 7:00am to 3:00pm or Saturday 9:00am to noon.

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 1859 Horn Rd is not the primary residence of the proposed home occupation business owner. As a condition of approval, the applicant must receive a Certificate of Occupancy for the new dwelling and confirm relocation to this address before operation of the business may commence. As a condition of approval, the applicant must also acquire all applicable state and federal permits required for operation of a taxidermy business in the State of Iowa.

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

Alden asked if there was any concern with animal waste in this type of business.

Tertinger deferred to the applicant.

James Kindig, 1859 Horn Rd, explained his process for how animal waste is handled.

Motion by Alden to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for Conditional Use case JC21-0013 , and to approve case JC21-0013 , Second by Martin .

Alden	Aye	
Meisheid	Absent	
Martin	Aye	
Burns	Aye	
Hoover		Aye

IV. OTHER BUSINESS

V. APPROVAL OF MINUTES

The minutes of September 20, 2021 Board of Adjustment meeting were approved as submitted.

VI. ADJOURNMENT

The meeting was adjourned at 7:19 p.m.

Respectfully submitted,

Ron Hoover, Chair

Ryan Sampica, Recording Secretary