

LINN COUNTY BOARD OF ADJUSTMENT

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

MINUTES

Wednesday, November 22, 2021

I. QUORUM DETERMINED:

The Linn County Board of Adjustment meeting was called to order at 6:33 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
Brandy Meisheid, Vice-Chair 12/31/23
Sara Alden 12/31/25

ABSENT: Michael Martin 12/31/24
Margaret Burns 12/31/21

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

See attendance sheet for community sign in.

II. OLD BUSINESS

III. NEW BUSINESS

Staff informed the Board that the applicants for two cases on the agenda requested that their cases be tabled until a future date. The impacted cases are: JC21-0008 Conditional Use - Gun Club & Campground, Otter Creek Sportsman's Club, owner; and JC21-0015 Conditional Use Minor Modification - Utility Substation, Central Iowa Power Cooperative, owner.

JC21-0019 Conditional Use - Cedar Valley Humane Society Expansion ITC Midwest, Owner

Stephanie Lientz presented the staff report.

This applicant is proposing the expansion of an existing animal shelter use on the 7.73-acre subject property, which is zoned AG (Agricultural). The animal shelter use has existed on this property since 1968, and the current building is 6,850 sq. ft. in size. A new 4,940 sq. ft. structure is proposed to be constructed to the west of the existing building, which will provide space for the shelter to hold Board meetings, vaccination clinics, and obedience classes, as well as provide overflow space to house additional cats and dogs, if needed.

Dog kennels/animal shelters/veterinary clinics were a permitted use in the AG zoning district prior to August 15, 1981, when it changed to a conditional use. Although staff has determined the existing shelter is considered to be a lawful conditional use which may continue indefinitely, staff finds that this proposal does not qualify as an insignificant or minor modification of an existing conditional use. Due to the size of the proposed expansion and the proximity of the new structure to dwellings located east of the subject property, staff has determined that a Conditional Use permit application is needed. A 1-lot final plat will be required prior to the approval of any building permit(s).

The animal shelter use is allowed with a Conditional Use Permit in the AG (Agricultural) zoning district. The proposal must meet 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), as well as the standards for animal shelters in Article VI, Section 107-115, § (b). **All animal runs or exercise areas shall be located at least 100 feet from any adjoining property line; this requirement is not currently met by the exercise area east of the existing structure, but must come into compliance within 5 years.** The proposal must meet the parking standards found in Article V, Section 107-93, § (e) of the UDC; the use is classified as Retail, Service, and Commercial, and as such, 4 spaces must be provided for every 1,000 sq. ft. of building area. All necessary local, state, and federal permits must be maintained.

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

Brent Jackman, Hall & Hall Engineers, informed the Board of changes that have been proposed since the Planning & Zoning Commission meeting. Based on concerns from members of the public, Jackman said the existing driveway will be widened to meet Secondary Roads' current design standards, there will be 20 additional overflow parking spaces, and property maintenance and upkeep would be prioritized. He stated there are currently 40 dog kennels and no additional kennels included in the proposal.

Jeff Anderson, 1571 Forest Grove Rd, expressed concerns about upkeep of the property and functionality of the animal waste septic system.

Lonnie Viner, Director of Cedar Valley Humane Society, informed the Board that the animal waste septic system was replaced ten years ago, but the human waste septic system would need to be enlarged in the near future. She also said they would begin cleaning up the rear portion of the property. The derecho damaged several trees on the front yard, and Viner said this was prioritized for aesthetic purposes, but now that front yard cleanup is done, they will work on the back. She said the humane society is willing to work with surrounding property owners on preferred buffers.

The Board deliberated; Hoover wondered if it would be helpful to surrounding property owners to add a buffer requirement to the conditions. Meisheid asked about adding a condition to ensure the entrance would be widened to 20 ft., per Secondary Roads' recommendation.

Motion by Meisheid to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for Conditional Use case JC21-0019, but to include a condition for approval stating that the property owner must widen the existing entrance to meet current design standards, and to approve case JC21-0019, Second by Alden.

Martin	Absent
Meisheid	Aye
Alden	Aye
Hoover	Aye
Burns	Absent

JC21-0018 Conditional Use Home Occ - HVAC & Electric Company James & Crystal Lynn, Petitioners

Mike Tertinger presented the staff report.

The applicant is requesting a Conditional Home Occupation for an HVAC and Electric Business on the 2.06 acre subject property, which is zoned AG (Agricultural). The applicant is proposing to utilize an existing 2,280 square

foot accessory structure: 1,080 square feet will be used for personal items, while the remaining 1,200 square feet is to be used as contractor storage. The petitioner has indicated that no more than 2 non-resident employees will be onsite at any one time and the use is proposed to occur entirely within the accessory building or at off-site service and repair jobs. The business includes a maximum of 11 vehicles, however, the majority go home with the employees at night. Any remaining vehicles will be parked inside the accessory structure. The proposed normal business hours are Mon-Fri 7am to 5pm, however, the business does offer 24-hour emergency services. The applicant indicated that less than 10 customers would be on-site per week.

A Conditional Home Occupation allows the applicant to use up to 1,200 square feet for the home occupation business on a parcel of this 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, it is not yet in conformance with Article VI, Section 107-113, § (h), as 3577 N Alburnett Rd is not the primary residence of the home occupation owner. Per condition of approval, the applicant must confirm relocation to this address before operation of the business may commence. There is an existing Conditional Use Permit (Case C-05-96) for the same business on the property, however, per Article VI, Sec 107-113, § (h)(1)(d), the conditional home occupation permit shall automatically be discontinued upon the sale, lease, rental or transfer of the property. The applicant in this case has indicated a desire to purchase the property and the business from the current owner and has subsequently applied for a new Conditional Home Occupation permit.

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

James Lynn, petitioner, explained that there is a second (primary) business location, where most of the company employees will report to on a daily basis, hence the reason his proposal only mentions two employees at this site.

Motion by Meisheid to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for Conditional Use Home Occupation case JC21-0018 , and to approve case JC21-0018 , Second by Alden.

Alden	Aye
Meisheid	Aye
Martin	Absent
Burns	Absent
Hoover	Aye

JSE21-0005 Owners	Special Exception from Front Yard Setback	Landon & Kaitlan Cassill ,
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Mike Tertinger presented the staff report.

The applicant is requesting a special exception to the 50' front yard setback requirement in the RR3 (Rural Residential 3-Acre) zoning district. The applicant is proposing to build a 24' x 35' garage addition to the west side of an existing single-family dwelling. The garage addition is proposed to be 25' from the front yard property line at its closest point. Therefore, the applicant is requesting 25' of relief from the front yard setback requirement.

A demonstration of a practical difficulty appears to have been shown in this case due to the location of the existing dwelling and driveway in proximity to the north property line, the layout of the driveway and dwelling floor plan, the proximity of the surrounding residences, and the topography of the site. As a condition of approval the applicant will be required to re-plat Lot 10 of Bannockburn Estates 2nd Addition to remove the platted 50' building setback.

Staff recommends approval of this application as it appears that a practical difficulty has been demonstrated.

Landon Cassill offered to answer questions from the Board or staff. No questions were asked.

Motion by Alden to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for Special Exception case JSE21-0005 , and to approve case JSE21-0005 , Second by Meisheid .

Burns	Absent	
Martin	Absent	
Hoover		Aye
Meisheid	Aye	
Alden	Aye	

IV. OTHER BUSINESS

V. APPROVAL OF MINUTES

The minutes of October 27, 2021 Board of Adjustment meeting were approved as submitted.

VI. ADJOURNMENT

The meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Ron Hoover, Chair

Jessie Black, Recording Secretary