

# LINN COUNTY BOARD OF ADJUSTMENT

## MINUTES

Wednesday, February 24, 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 electronically, via GoToMeeting.

**PRESENT:** Ron Hoover, Chair 12/31/22  
Michael Martin, Vice-Chair 12/31/24  
Brandy Meisheid 12/31/23  
Margaret Burns 12/31/21

### ABSENT:

**STAFF:** Charlie Nichols, Director  
Elena Wolford, Assistant County Attorney  
Stephanie Lientz, Senior Planner  
Ryan Sampica, Recording Secretary

Special Statement: in accordance with Iowa Code Chapter 21.8, and to comply with current local Public Health guidelines limiting public gatherings, this meeting will be held electronically. Information on how to access this meeting has been provided on the meeting agenda, posted on our website.

### II. ELECTION OF OFFICERS

Martin nominates Hoover for Board Chair. Burns seconds the nomination. All vote in favor.

Martin nominates Meisheid for Board Vice-Chair. Hoover seconds the nomination. All vote in favor.

### III. OLD BUSINESS

### IV. NEW BUSINESS

**JC21-0001 Stephanie Lientz Brecke Construction Services, Owner  
Conditional Use – Contractor’s Yard & Outdoor Storage**

Lientz presented the staff report.

The applicant is currently operating a contractor’s yard and outdoor storage business on the subject property, located within the unincorporated village of Covington. This use is allowed in the VM (Village Mixed) zoning district with a Conditional Use Permit. There are two existing structures related to the business (1634 sq. ft. & 2,422 sq. ft.), and the applicant indicated that a new 4,800 sq. ft. structure is proposed in the future. The combined floor area of the 3 buildings will total 8,856 sq. ft. (10,000 sq. ft. is the maximum allowed. There is an outdoor storage area proposed, which must be screened from adjacent residential properties and the public road. The applicant will be required to hard surface the parking areas and provide dust control on the outdoor storage areas.

An associated final plat case (JF21-0001) and associated rezoning case (JR21-0001) are running concurrently with this case.

The proposed use of contractor's yard or outdoor storage is allowed with a Conditional Use Permit in the VM (Village Mixed) zoning district. 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 Linn County Unified Development Code. Other development standards include those requirements for a major site plan, and a requirement to hard-surface parking and drives for commercial uses in the MUSA (Metro Urban Service Area). The proposal must meet the parking standards found in Article 5, Section 3, § (5) of the UDC. Buffering requirements in Article VI, Section 107-115, § (z) must be met. Commercial uses in the VM zoning district shall be limited to a maximum floor area of 10,000 square feet, and the outdoor storage area shall not exceed 5,000 square feet in size.

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

There were no questions from the Board for staff.

Adam Recker, engineer from Fehr-Graham speaking on behalf of the applicant, requested that the fencing on the south side of cold storage area be held off until property is sold. Miesheid asked what is the reason for the request.

Recker said if the fencing were to go up before the house is sold it would inhibit them from the using the cold storage area.

Tom Papelka, 6900 N Glen Dr, asked about the fencing as well and wondered if there could be fencing installed along N Glen Dr for screening purposes.

Recker explained how the parking would be laid out on the subject property, and stated the applicants are planning on putting a fence on the east side of the storage area and parking to screen it from neighbors.

Lientz didn't have any closing comments but mentioned that she is going recommend that the existing conditions remain in place unless otherwise directed by the Board. She also mentioned that the Board can alter conditions if they wanted too.

The Board discussed altering the condition requiring the installation of fencing around the outdoor storage area to extend it from 6 months for 1 year from the date of BOA approval.

**Motion by Martin to accept the Findings of Fact, Conclusions of Law, and Decision & Order, and changing the condition in the staff report requiring fencing around the outdoor storage area to be installed after 1 year from Board approval, as reflected in the staff report for Conditional Use case JC21-0001, and to approve case JC21-0001. Second by Meisheid.**

<b>Burns</b>	<b>Aye</b>
<b>Hoover</b>	<b>Aye</b>
<b>Meisheid</b>	<b>Aye</b>
<b>Martin</b>	<b>Aye</b>

**JSE21-0001 Charlie Nichols**

**Steven Knospe, Owner  
Special Exception – Accessory Structure Size Limitation**

Nichols presented the staff report.

The applicant is requesting a special exception from the 1,500 square foot accessory structure size limitation in residential zoning districts for lots between 1.01 – 1.99 acres in size. The applicant is proposing to construct a 24' x 24' addition to an existing 30' x 40' garage, bringing the total structure size to 1,776 square feet. The proposed addition would replace a 20' x 24' barn that was destroyed during the August 10, 2020 derecho storm.

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 1,500 square foot size limitation. 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.

Martin asked Nichols if the applicant is able to build another structure on the site.

Nichols responded yes.

Martin asked about the size limitations to this property.

Nichols said that staff has updated the size limitations and actually has increased the structure size by 10-20% across the board.

Steve Knospe, 2622 O'Brien Ln, said that the reason they are wanting to build the addition is to have everything under one roof and for that reason it doesn't make sense to have multiple buildings. He also mentioned that he spoke with contractors on the pricing of rebuilding the damage structure or doing an addition and it came back that the addition would be around \$11,000 but would be all new and esthetically pleasing whereas the rebuild of the damage structure would around \$9000.

The Board had no questions for the applicant.

There was no public comment.

Nichols said in his closing argument that Staff believes there is no practical difficulty in this situation because there is no loss to the land as the applicant could rebuild a new structure in that same area and size as before.

Martin asked if Nichols could give him an example or two of what a practical difficulty could be.

Nichols said that if there is a detached structure where if you built on one that would get closer to the property line but the other side is where the well or septic is so you couldn't build on the one side or if there were steep slopes on the part of the property.

Knospe said in closing arguments that if he had .5 more acres this wouldn't be an issue and he was just hoping to add 18% more space in order to put everything under one roof.

**Motion by Martin to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for Special Exception case JSE21-0001, and to deny case JSE21-0001. Second by Burns.**

<b>Martin</b>	<b>Aye</b>
<b>Burns</b>	<b>Aye</b>
<b>Hoover</b>	<b>Nay</b>
<b>Meisheid</b>	<b>Aye</b>

**JSE21-0002 Charlie Nichols Chad & Heather Selby, Owners  
Special Exception – Accessory Structure Size Limitation**

Nichols presented the staff report.

The applicant is requesting a special exception from the 1,500 square foot accessory structure size limitation in residential zoning districts for lots between 1.01 – 1.99 acres in size. The applicant is proposing to construct a 2,160 square foot structure. The proposed structure would replace a 1,512 square foot structure which was damaged more than 50% in the August 10, 2020 derecho storm.

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 1,500 square foot size limitation. 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.

Martin asked for clarification on the lay of the land for this property.

Nichols said there is some slopes but he will let the applicant speak to that more specifically.

Chad Selby, 1751 McRoberts Rd, spoke that he is looking to build a new structure to make it more aesthetically pleasing for the neighbors. He also spoke that he did a measurement and there is a 7’-8’ drop off from the edge of the current building to where a new building would go which would include lots of dirt work and a retaining wall.

Burns asked if Selby needed to tear down the existing building anyway.

Selby responded that no he didn’t need to tear down the existing building.

Burns asked if trees were a problem.

Selby said not really. However, there were a lot of trees that were lost in the derecho storm, and they don’t really want to tear down anymore, if possible.

Nichols asked Selby if he is ok with going to a 2,000 sq. ft. building because on his application it says he is requesting a 2,160 sq. ft. building. Selby says yes he is open constructing a 2,000 sq. ft. building.

**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 Special Exception case JSE21-0002. Second by Meisheid.**

<b>Hoover</b>	<b>Aye</b>
<b>Meisheid</b>	<b>Aye</b>
<b>Martin</b>	<b>Aye</b>
<b>Burns</b>	<b>Aye</b>

**V. OTHER BUSINESS**

**VI. BOARD COMMENTS**

**VII. STAFF COMMENTS**

**VIII. PUBLIC COMMENTS**

**IX. APPROVAL OF MINUTES**

The minutes of October 28, 2020 Board of Adjustment meeting were approved as submitted.

**X. ADJOURNMENT**

The meeting was adjourned at 7:54 p.m.

Respectfully submitted,

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Ron Hoover, Chair

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Ryan Sampica, Recording Secretary