

**MINUTES OF THE LINN COUNTY BUILDING BOARD OF APPEALS**  
**Wednesday, May 1<sup>st</sup>, 2019**

The Linn County Building Board of Appeals met at the Jean Oxley Public Service Center, Formal Board Room, 935 Second Street SW, Cedar Rapids, IA 52404. The meeting convened at 5:30 p.m. on Wednesday, May 1, 2019.

**PRESENT:** Steve Emerson, Chair  
Matt Olmstead, Vice Chair  
Mary McGuire  
Mike Broghammer

**ABSENT:** Christine Hodel

**STAFF:** Les Beck, Director of Planning and Development  
Jessie Black, Recording Secretary  
Luke Maloney, Building Official

**Old Business**

None

**New Business**

Beck presented the staff report for Case JAP19-0002. The applicant is appealing the decision to deny an agricultural exemption for construction of a new 75' x 100' outbuilding with living quarters, or "shouse", and an 18' x 42' shed for equipment storage. (An exemption for a proposed greenhouse was granted.)

The subject parcel contains approximately 24.4 acres. The exemption application lists 15 acres of hay/alfalfa (all for commercial production), 1 acre of organic produce (50% for commercial production, and 5 acres of timber (5 % for commercial production). A review of the original exemption application material, including the explanatory letter, led to a reasonable conclusion that the exemption was unwarranted.

The appeal provides evidence to support the exemption for the 18' x 42' shed, but does not provide convincing evidence to support the exemption for the 75' x 100' outbuilding with living quarters.

Staff recommends:

- 1) The appeal supports a decision in favor of the appellant in the agricultural exemption for the 18' x 42' shed, and
- 2) The appeal does not support a decision in favor of the appellant in the agricultural exemption for the 75' x 100' outbuilding with living quarters.

McGuire asked for clarification of what Beck's recommendation is actually denying. Beck explained that the denial simply pertains to the appellant's intent to build without permits, but pointed out that the agricultural exemption denial would not deny the right to build with permits.

Mike Jimenez, applicant, gave the Board his detailed interpretation of what “farmhouse” means and argued that he intends to be “primarily engaged in agriculture” on his property, even though he would be considered a “small” farm. He expects to invest \$50,000 in new farm equipment and explained that he hopes to profit \$6,000 - \$8,000 a year from hay. Jimenez insisted that his intention is to focus mostly on commercial hay production, making him more than just a “hobby” farmer.

Broghammer asked the applicant if the farmhouse and shed were two different buildings. Jimenez confirmed they are separate.

McGuire questioned why Jimenez would want to build without permits; she wondered what he would do differently. Jimenez explained that the proposed shop/house, or “shouse”, is a pre-engineered steel building and local codes have been taken into account. His objection was only to the permit fees and inspections. He insisted that he would not be cutting any corners while building.

Emerson and Olmstead commended Jimenez for his honesty. They both spoke in support of the determinations, agreeing that the “shouse” should not be granted an exemption, but the shed should be.

Broghammer spoke in support of Jimenez, explaining that he considers the proposed “shouse” a farmhouse.

**Motion by McGuire to uphold staff recommendation of case JAP19-0002, subject to the conditions of the staff report . Second by Olmstead.**

<b>Olmstead</b>	<b>Aye</b>
<b>Hodel</b>	<b>Absent</b>
<b>McGuire</b>	<b>Aye</b>
<b>Emerson</b>	<b>Aye</b>
<b>Broghammer</b>	<b>Nay</b>

**Other Business**

None

**Board Comments**

None

**Staff Comments**

None

**Public Comments**

None

**Approval of Minutes**

The minutes of the October 10, 2018 Building Board of Appeals meeting were approved as submitted.

**Adjournment**

The meeting adjourned at 6:18 PM.

Respectfully submitted,

Approved

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Jessie Black, Recording Secretary

Steve Emerson, Chair