

# LINN COUNTY BOARD OF ADJUSTMENT

## MINUTES

Wednesday, August 26, 2020

### 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
Dave Machacek	12/31/20
Brandy Meisheid	12/31/23
Margaret Burns	12/31/21

### ABSENT:

**STAFF:**

- Les Beck, Director
- Elena Wolford, Assistant County Attorney
- Mike Tertinger, Planner II
- Jessica Black, 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. OLD BUSINESS

### III. NEW BUSINESS

**JSE20-0005   Mike Tertinger                      Stephen Gaston & Kayla Hanson , Owners                      Special Exception**

Tertinger presented the staff report.

The applicant is requesting a special exception related to the 10' side-yard setback requirement in the USR (Urban Services Residential) zoning district. The applicant is proposing to build a 28' x 28' garage addition to the west side of an existing single-family dwelling. The garage addition is proposed to be 8' from the side-yard property line at its closest point. Therefore, the applicant is requesting 2' of relief from the side-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 west property line, the layout of the dwelling floor plan, and the location of existing utilities. The applicant had previously pursued a Minor Boundary Change with the adjoining property owner to transfer ownership of 0.04 acres in order to have enough distance to meet the side-yard setback requirement for the proposed project. However, change of title was never finalized and purchasing that property from the adjoining owner is no longer considered a viable option.

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

Meisheid wondered if Planning & Development had received any complaints or supporting comments from surrounding property owners. Tertinger said P&D has not received any comments in support of, or against, the case.

Gaston offered to answer any questions from the Board. The Board had no questions for her.

**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 JSE20-0005 , and to approve case JSE20-0005 . Second by Machacek .**

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

#### **IV. OTHER BUSINESS**

#### **V. BOARD COMMENTS**

Beck thanked the Board members for their dedication during these difficult times.

#### **VI. STAFF COMMENTS**

#### **VII. PUBLIC COMMENTS**

#### **X. APPROVAL OF MINUTES**

The minutes of July 29, 2020 Board of Adjustment meeting were approved as submitted.

#### **XI. ADJOURNMENT**

The meeting was adjourned at 6:52 p.m.

Respectfully submitted,

---

Ron Hoover, Chair

---

Jessie Black, Recording Secretary