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

PRESENT:
- Herb Stone, Chair 12/31/18
- Veronica Cerka 12/31/17
- Pat Harstad, Vice Chair 12/31/15
- Dave Machacek 12/31/17
- Janet Manatt Pilcher 12/31/16

ABSENT:

STAFF:
- Les Beck, Director
- Dan Swartzendruber, P&Z Division Manager
- Bob Hruska, Assistant County Attorney
- Stephanie Lientz, Planner
- Sue Bennett, Recording Secretary

See attendance sheet for community sign in.

II. OLD BUSINESS

III. NEW BUSINESS

SE-01-14  Dan Swartzendruber  Loren Sands  Special Exception - Setbacks

Swartzendruber presented the staff report.

The property owners have applied for a special exception to permit construction of an addition to the existing dwelling which was constructed in 1936; currently, the dwelling is thirty (30) feet from the front property line. A fifty (50) foot setback is required in the AG (Agricultural) district. The proposed addition will not extend further into the front yard than the existing home.

The proposed bedroom addition will be located to the north side of the existing home; the home is currently 30 feet to the front property line. The addition will not further encroach into the required front yard. A demonstration of a practical difficulty appears to have been shown in this case due to the existing floor plan layout of the home which does not allow construction in another location.
Staff recommends that the special exception be approved to permit the construction of an addition 30 feet from the front property line, less than the required 50 feet in the AG (Agricultural) zoning district.

Loren Sands, 5155 Reamer Road, stated the subject property was a family farm, and that the reason for the addition is to increase the square footage and the value of the home.

**Motion by Machacek to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Special Exception, and to approve Case SE-01-14. Second by Harstad.**

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C-16-14 Stephanie Lientz Joseph & Tammie Ernzen, Owners & Linn Co REC, Petitioner Conditional Use – Utility Substation

Lientz presented the staff report.

The applicant is proposing to expand an electrical utility substation on 0.56 acres (0.45 net acres) of land on the subject property. The existing equipment will remain in place after the new equipment is installed. An accompanying Minor Boundary Change plat (MBC-13-14) has been submitted with this application to enlarge the parcel to accommodate the new substation equipment.

It appears that the proposal meets all of the standards for approval of Conditional Use Permits. 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, which are standards that are of particular concern when siting utility substations.

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

Machacek noted that the proposal requests a relatively small parcel of land for the utility substation compared to previous petitions that have appeared in front of the Board. Lientz stated each case is different, and that this particular proposal is merely to expand an existing utility substation.

Manatt Pilcher asked if there will be a storm water management plan. Lientz stated yes, the Natural Resource Conservation Service will work with the applicant on that.

Manatt Pilcher asked if any surrounding property owners had complained. Lientz stated no. Manatt Pilcher asked how close the applicants lived to the subject property. Tammie Ernzen, 4500 Tower Terrace Rd, stated that they live a couple of miles from the substation area.
Manatt Pilcher asked what would happen to the substation currently on the subject property. Kevin Stucker, Linn County REC, stated that the utility company would continue to use the current substation, as the conditional use permit is for an expansion of the current substation, not a replacement.

Motion by Harstad to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Conditional Use – Utility Substation, and to approve Case C-16-14. Second by Machacek.

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C-02-14 Dan Swartzendruber Morris Duggan Farm LLC, Conditional Use – Contractor Storage

Swartzendruber presented the staff report.

The applicant is proposing to operate a home occupation (contract trucking business) on a 55.41 acre parcel at 890 Bolton Manor Road. A 2400 square foot building is being proposed for the business. The business use will be for the storage of four dump trucks staging from this location to sites around Linn County. Four non-resident employees will come to the site to retrieve trucks on a daily basis.

A conditional use home occupation permit allows the applicant up to 2500 square feet of an accessory building to be used for the trucking home occupation business. Dust control will need to be addressed for Bolton Manor Road, which is a gravel surface. The applicant is proposing the storage of pup trailers outside; any outside storage of equipment related to the business will need to be confined to a 100 square foot area (2500 square feet of allowable area – 2400 square foot of proposed building = 100 square feet). If outside storage will be used, this 100 square foot area needs to be shown on a revised site plan and the area needs to be adequately screened from the neighbors view.

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

Stone asked about the outside storage of a pup trailer. Swartzendruber stated for a Conditional Use Home Occupation, only 2500 sq. ft. of storage is allowed, which includes both inside and outside storage. Manatt Pilcher asked if the site plan for the current proposal showed any outside storage. Swartzendruber stated it did not, so if the applicant wanted to have outside storage, he will need to submit a new site plan. Manatt Pilcher asked if the applicant is asking for outside storage. Swartzendruber deferred to the applicant.

John Morris, 890 Bolton Manor Rd, came to the podium. He explained that the current pole building holds farm-related and personal equipment. In order to house a business, the building would have to have a sprinkler system installed, and the cost was prohibitive. Stone asked if the applicant had looked into any non-water related fire suppression systems. Morris stated he had not.
Morris stated that he had considered splitting the current 7200 sq. ft. building by a fire wall; due to the placement of the doors, it would have increased the size of the business area in the building to 3000 square feet, which exceeds the 2500 sq. ft. storage size allowed by the Ordinance. So he chose to build a 2400 sq. ft. separate building to house his business-related items. Morris brought up the concern that he wants to store 2 pup trailers outside, and they will occupy more than the remaining 100 square feet allowed. Morris brought up that he may have to reduce the size of his building to accommodate the 2 pup trailers outside. Swartzendruber mentioned a revised site plan showing the outdoor storage along with possible screening would need to be submitted. Morris also asked if the Board of Adjustment could overrule the Building Board of Appeals. Beck stated no.

The Board discussed the difference between business and personal vehicles.

Manatt Pilcher asked the applicant if he wanted to table his Conditional Use request to rework the site plan to allow for more outside storage. Morris stated he did not, that he wanted the Board to vote on the proposal in front of them.

Motion by Harstad to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Conditional Use – Contractor Storage, and to approve case C-02-14. Second by Machacek.

Stone  Aye  
Harstad  Aye  
Machacek  Aye  
Cerka  Aye  
Manatt Pilcher  Aye

IV. OTHER BUSINESS

The Board discussed the protocol for submitting items to be included on the agenda.

V. APPROVAL OF MINUTES

The minutes of August 27, 2014 Board of Adjustment meeting were approved as submitted.

VI. ADJOURNMENT

The meeting was adjourned at 7:38 p.m.

Respectfully submitted,

Herb Stone, Chair  
Sue Bennett, Recording Secretary