LINN COUNTY BOARD OF ADJUSTMENT
Jean Oxley Public Service Center
935 2nd Street SW, Cedar Rapids, Iowa

MINUTES
Wednesday, May 29th, 2019

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

PRESENT: Sabrina Grace, Chair 12/31/21
Pat Harstad 12/31/19
Rebecca Palmer 12/31/23

ABSENT: Dave Machacek 12/31/20
Ron Hoover, Vice-Chair 12/31/22

STAFF: Les Beck, Director
Elena Wolford, Assistant County Attorney
Mike Tertinger, Planner
Jessie Black, Recording Secretary

See attendance sheet for community sign in.

II. OLD BUSINESS

III. NEW BUSINESS

JC19-0009 Mike Tertinger Doug & Lisa Greif, Owners Conditional Use - Cell Tower

Tertinger presented the staff report. This applicant is requesting a Conditional Use Permit to construct a 170’ self-supported communications tower. The proposal includes a 10,000 square foot lease area. The lease area will include the tower, a 7’ x 7’ walk-in equipment cabinet, and 3’x6’ generator. An 8’ chain link fence topped with barbed wire will surround the lease area. A 20-foot wide access and utility easement is shown on the site plan and will be used to provide access to the tower from Mount Vernon Road. The new structure will have four providers located on the tower and carry equipment for the AT&T network.

This proposal meets the standards for approval per Article V, Section 107-94, § (k), Tower Regulations, of the Linn County Unified Development Code (UDC). The proposal appears to meet all the standards for review per Article IV, Section 107-73, § (4) for Conditional Use Permits.

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

Steve Ward, Ward Development (applicant), offered to answer any questions from the board.

There were no questions for staff or the applicant from the board.
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 Cell Tower permit JC19-0009, and to approve case JC19-0009, Second by Palmer.

Hoover Absent
Machacek Absent
Harstad Aye
Palmer Aye
Grace Aye

JSE19-0004 Mike Tertinger Harold & Joan Chapman Owners Special Exception - front yard setbacks

The applicant is requesting a special exception from the 50’ front-yard setback requirement in an RR1 (Rural Residential 1-Acre) zoning district. The applicant is proposing to build a 12’ x 33’ roof over an existing deck. Currently, the deck is 32’ from the front property line at its closest point. The posts for the new roof will be placed at 31’ from the front property line, and thereby encroach 1’ further into the front-yard setback than the existing deck.

A demonstration of a practical difficulty appears to have been shown in this case due to the location of the existing dwelling and attached deck in proximity to the front property line.

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

Palmer wondered if there was a preliminary plat to extend the subdivision. Tertinger said no. Palmer asked if secondary roads had any conditions for the applicants. Tertinger explained that Special Exception cases do not go before the Technical Review Committee; therefore, secondary roads would not have any conditions.

Motion by Palmer to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Special Exception JSE19-0004, and to approve case JSE19-0004, Second by Harstad.

Palmer Aye
Machacek Absent
Grace Aye
Harstad Aye
Hoover Absent

IV. OTHER BUSINESS
Beck proposed the idea of in-house training for members of the Board. Such training would take place in the early evening and light dinner would be served. Beck asked if any members were interested in attending. All agreed. Beck will send an email with date and time options for the members to vote on.

V. APPROVAL OF MINUTES
Palmer made mention of a failed motion at the last Board of Adjustment meeting that was not reflected in the minutes. Black will revise.

The minutes of April 24th, 2019 Board of Adjustment meeting were approved as amended.

VI. ADJOURNMENT
The meeting was adjourned at 6:51 p.m.
Respectfully submitted,

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Sabrina Grace, Chair  Jessie Black, Recording Secretary