

LINN COUNTY BOARD OF ADJUSTMENT

Jean Oxley Public Service Center
935 2nd Street SW, Cedar Rapids, Iowa

MINUTES Wednesday, June 30, 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 in the Jean Oxley Public Service Center, 935 2nd Street SW, Cedar Rapids, Iowa.

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

ABSENT: Charlie Nichols, Director

STAFF: Elena Wolford, Assistant County Attorney
Stephanie Lientz, Planning & Zoning Division Manager
Mike Tertinger, Senior Planner
Ryan Sampica, Recording Secretary

See attendance sheet for community sign in.

II. OLD BUSINESS

III. NEW BUSINESS

JC21-0006 **Conditional Use Floodplain** **City of Cedar Rapids, Owner**
Linn County Secondary Roads, Petitioner

Stephanie Lientz presented the staff report.

The applicant is requesting a Conditional Use Floodplain Permit for excavation within the floodway. The applicant is proposing to remove the existing Bertram Road bridge over Indian Creek and replace it with a new concrete beam bridge. The project involves removing the existing 16' X 191' truss bridge, and constructing a 188'-10" x 40' pre-tensioned pre-stressed concrete beam bridge. Bertram and Berry Roads will be realigned as part of the project, although no overall change is proposed to the channel of Indian Creek. Once excavation activities and bridge construction is complete, the impacted area will be reseeded.

With excavation occurring within the floodway, it is important to ensure that the excavation will not cause a rise in flood heights or velocities by requiring the submittal of a "No-Rise" certificate. The applicant must obtain all relevant permits required by state and federal entities. The proposal appears to meet all applicable standards for approval in Article VII, Section 107-144 of the Unified Development Code. The existing Bertram Road bridge is on the National Register of Historic Places, therefore, a review of this proposed project has been conducted by the State Historic Preservation Office. The Linn County Historic Preservation Commission must also review the proposal and provide comment as part of a Section 106 review.

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

Garrett Reddish, Engineer from Linn County Secondary Roads, reviewed the current bridge specs and mentioned that it was definitely time for this bridge to be replaced.

There were no questions for the staff or the applicant.

Lientz mentioned in closing comments that at the Planning & Zoning Commission meeting there were a few neighbors that asked about the length of the construction and the detour plans. Those questions were answered to the satisfaction of the neighbors.

Reddish mentioned that he has reached out to the City of Bertram to see if they would like this bridge for anything he was given a no.

Motion by Martin to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for Conditional Use case JC21-0006, and to approve case JC21-0006, Second by Meisheid.

Burns	Aye
Meisheid	Aye
Martin	Aye
Hoover	Aye

JSE21-0004	Special Exception from fence height requirements	Larry & Donna Frantz, Owners
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Mike Tertinger presented the Staff Report

This applicant is requesting a special exception from the 7 ft. maximum fence height requirement in the USR (Urban Services Residential) zoning district. The applicant is proposing to construct a 242 ft. fence along their south property line. The proposed fence will vary in height from 8 ft. to 10 ft.

A demonstration of a practical difficulty does not appear 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 7 ft. maximum fence height limitation. Unique circumstances may include: topographical conditions, surroundings, 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 and the request serves as a convenience to the property owner.

Staff recommends denial of this application, as it appears that a practical difficulty has not been demonstrated.

Hoover asked if there was an easement on this property and what is the setback for an accessory structure on this property.

Tertinger said that there is a utility easement on the east side of the property that if they were to build a fence they would need to get a letter from the utility company stating that was ok. Tertinger also said that the setback for an accessory structure on that property in this location is 3'.

Martin asked how high the structure can be.
Tertinger said in the USR district 35' is the max height.

There were no comments or questions from the public and the applicant wasn't present.

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 JSE21-0004, and to deny case JSE21-0004, Second by Meisheid.

Meisheid	Aye	
Hoover	Aye	
Burns	Aye	
Martin		Aye

IV. OTHER BUSINESS

V. APPROVAL OF MINUTES

The minutes of May 26, 2021 Board of Adjustment meeting were approved as submitted.

VI. ADJOURNMENT

The meeting was adjourned at 7:07 p.m.

Respectfully submitted,

Ron Hoover, Chair

Ryan Sampica, Recording Secretary