

MINUTES OF THE LINN COUNTY BUILDING BOARD OF APPEALS
Wednesday, April 4, 2018

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, March 7, 2018.

PRESENT: Steve Emerson, Chair
Matt Olmstead, Vice Chair
Christine Hodel
Mary McGuire

ABSENT: Mike Broghammer

STAFF: Les Beck, Director
Jill Mathey, Recording Secretary
Paul Rohlwing, Senior Combination Inspector
Luke Maloney, Senior Combination Inspector

Approval of Minutes

Olmstead made a motion to approve minutes from the 3-7-17 meeting, second by Hodel. All present voting aye.

New Business

Beck presented the staff report and exhibits for JAP18-0002. The applicant is appealing the decision to deny an agricultural exemption for a 36'X40' pole building to be constructed on the subject parcel.

The subject parcel contains approximately 34.5 acres, of which 25 have been in corn production. The exemption application lists the proposed use of the building for housing 3 horses and hay in the near term, and alpacas for breeding and sale within 1 - 3 years.

Beck stated that the accompanying staff report will show that:

1. The subject property is an agricultural unit, however;
2. The proposed use of the building is not for "...animals or fowl being produced primarily for sale or use as food or food products" and therefore is not an agricultural building.

Beck stated that although the Iowa Code states that the exemption shall be applied to buildings used for agricultural purposes "or under construction for that use," the Board must still determine that the proposed building is primarily adapted for agricultural purposes in order to qualify as an agricultural building, and that the agricultural building is located on a farm unit.

Beck presented the staff findings and conclusions, and recommends that the Building Board of Appeals affirm and uphold the determination of the Planning and Development Director.

There were no questions for staff.

Applicant Doug Kelley explained that both he and his wife still work full time, but are trying to get into farming and they need the proposed building to accomplish this.

Kelley said he plans to convert 9 acres of corn to hay to feed his horses, and plans to store and sell any excess hay. He stated he wasn't sure if Beck took this into consideration when denying the exemption. Kelley said he plans to purchase two or three horses, and will house them in the proposed building. Future plans include purchasing alpacas for breeding, and converting the fiber to a useable product. Kelly told the board that he met with Sonia Kendrick of Feed Iowa First a few weeks ago and plans to plant ½ acre or so of onions to donate to that organization.

Emerson explained that recreational horses would not be considered an agricultural use, but that hay production, storage and sales, the sale of alpacas and their fiber, and the onions would be.

Beck said the hay storage was factored into his decision to deny the Ag Exemption.

McGuire asked if a different size building would make a difference in the Kelley's receiving an exemption. Emerson replied no, and Beck explained the size of the building does not matter; it is either considered exempt building or not.

Hodel asked what percentage of the building would be used for agricultural purposes. Kelley said the horses and alpacas would occupy 1/3 of the building, there will be a tack room, and the rest of the building and the loft would be for hay.

Emerson asked what farm equipment Kelley owned, and if he would be storing any of that in the proposed building. Kelley said he owns two tractors, disk, plow, cultivator, wagon and a few other items he stores in an existing barn on the property. He plans to borrow or purchase a baler.

Olmsted made a motion overturn the staff's decision and approve the appeal. McGuire seconded the motion.

Beck requested a roll call vote.

Upon a roll call vote, all members present voted aye.

Old Business

None

Other Business

None

Board Comments

None

Staff Comments

None

Public Comments

None

Adjournment

The meeting adjourned at 5:50 PM.

Respectfully submitted,

Approved

Jill Mathey, Recording Secretary

Steve Emerson, Chair