

**LINN COUNTY BOARD OF ADJUSTMENT**

Jean Oxley Public Service Center  
935 2<sup>nd</sup> Street SW, Cedar Rapids, Iowa

**MINUTES**  
**Wednesday, September 26, 2018**

**I. QUORUM DETERMINED:**

The Linn County Board of Adjustment meeting was called to order at 6:35 p.m. by Chair, Herb Stone. The meeting was held in the Jean Oxley Public Service Center, 935 2<sup>nd</sup> Street SW, Cedar Rapids, Iowa.

**PRESENT:** Herb Stone, Chair 12/31/18  
Ron Hoover 12/31/22 (by phone)  
Dave Machacek 12/31/22  
Sabrina Grace 12/31/21

**ABSENT:** Pat Harstad, Vice Chair 12/31/19

**STAFF:** Les Beck, Director  
Heidi Carmer, Assistant County Attorney  
Stephanie Lientz, Planner  
Mike Tertinger, Planner  
Sue Bennett, Recording Secretary  
Jessica Black, Zoning Secretary

See attendance sheet for community sign in.

**II. OLD BUSINESS**

**III. NEW BUSINESS**

<b>JC18-0009</b>	<b>Stephanie Lientz</b>	<b>Patrick &amp; Amanda Madison, Owners</b>	<b>Conditional Use Home Occupation - Construction Business</b>
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Lientz presented the staff report.

The applicants are requesting a Conditional Use Permit for a Home Occupation for a home construction and remodeling business. The applicants are proposing to construct a 1,600 square foot dwelling with a 1,440 square foot attached garage (3,040 square feet total). The 750 square feet for the proposed home occupation will be located in the attached garage, and will be partitioned from the personal storage/garage area. An additional 3,750 accessory structure has been proposed for personal storage. The applicants indicated that there will no outside storage of business related equipment, no nonresident employees coming to the site, no customers visiting the site, and no deliveries made to the business.

A Conditional Home Occupation allows the applicant to use up to 750 square feet for the home occupation business on a parcel of this size. A home occupation with one or more nonresident employees or that will use part of an accessory structure for the business requires a Conditional Use Permit for a Home Occupation in the AG (Agricultural) zoning district. The proposal conforms to the standards for approval in Article IV, Section 107-173, §(4) and Article VI, Section 107-113, §(h) of the Linn County Unified Development Code.

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

**Motion by Machacek to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Conditional Use Home Occupation case JC18-0009, and to approve case JC18-0009. Second by Grace.**

Hoover	Aye
Grace	Aye
Harstad	Absent
Stone	Aye
Machacek	Aye

JC18-0008	Mike Tertinger	Heidi & Patrick Liegl, Owners	Conditional Use - Event Center & Winery
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Tertinger presented the staff report.

The applicant is proposing construction of a 17,624 square foot facility for a winery and event center on Lot 63 of Browns Addition in Viola. A winery and associated event center is a permitted use via a Conditional Use Permit and a Major Site Plan in the Village Mixed (VM) zoning district. Phase one includes rehabilitation of the existing gymnasium, primarily for use as a wedding reception venue accommodating up to 275 guests. Phase two involves construction of a new building with uses that include wine production, a retail store, commercial kitchen, equipment storage, bridal suite and meeting space. Site design includes a cherry tree orchard, grape vines, an apiary, an outdoor pavilion and onsite parking for 117 vehicles. It also includes a vegetative buffer along the majority of the property and a stormwater management basin along Summer Street.

It appears that the proposal meets all of the standards for approval for Conditional Use Permits in Article IV, Section 107-73, §(4), the standards for industrial uses provided in Article VI, Section 107-116, §(a), the general regulations for uses found in Article V, Section 107-93, § (d&e), and the retail, service, and the commercial use standards in Article VI, Section 107-115 § (i&r) of the Linn County Unified Development Code. Prior to operation, all applicable local, state and federal requirements regarding wine production, sales and consumption of food or alcohol, permitting for a public well and septic systems, and proper removal of asbestos contamination prior to demolition shall be required as a

condition of approval. Other development standards include those requirements for a major site plan, and a requirement that the site shall have access to a hard surfaced road of sufficient capacity to accommodate the anticipated uses.

Staff recommends approval of the proposal subject to conditions.

Machacek asked where the authors of the opposition responses lived in relation to the subject property. Tertinger showed the Board those locations on the property location map.

Machacek asked what was being done to mitigate storm water concerns. Doug Brain, Brain Engineering, (1340 Midland Ct NE) stated that the plan is to add the detention basin to the south and more plantings to the north in order to alleviate storm water concerns. Heidi Liegl (2085 County Home Road) added that one of the neighbors with a concern had stated that their ditch wasn't deep enough to catch storm water runoff. She will be having the road improved so that the ditch would actually be lower and would catch more of the runoff. Stone asked if an engineer had done more calculations regarding storm water runoff. Brain stated that he had done so.

Machacek stated there is nothing more depressing than an abandoned school house. He drove by the site this week and saw some of the demolition and feels that this property is a diamond in the rough and could be really nice. He also likes the proposed road improvements, and that there is no on-street parking.

**Motion by Grace to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Conditional Use Home Occupation JC18-0008 , and to approve case JC18-000 8. Second by Machacek.**

Machacek	Aye
Stone	Aye
Harstad	Absent
Grace	Aye
Hoover	Aye

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

#### **V. APPROVAL OF MINUTES**

The minutes of July 25, 2018 Board of Adjustment meeting were approved as submitted.

#### **VI. ADJOURNMENT**

The meeting was adjourned at 7:09 p.m.

Respectfully submitted,

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Herb Stone, Chair

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Sue Bennett, Recording Secretary