

LINN COUNTY BOARD OF ADJUSTMENT

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

MINUTES

Wednesday, November 28, 2018

I. QUORUM DETERMINED:

The Linn County 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
Ron Hoover 12/31/22
Pat Harstad, Vice Chair 12/31/19
Sabrina Grace 12/31/21

ABSENT: Dave Machacek 12/31/22

STAFF: Les Beck, Director
Heidi Carmer, Assistant County Attorney
Stephanie Lientz, Planner
Mike Tertinger, Planner
Jessie Black, Recording Secretary

See attendance sheet for community sign in.

II. OLD BUSINESS

III. NEW BUSINESS

**JC18-0012 Mike Tertinger Lee Boyse & Kaitlin Johnston-Boyse, Conditional Use,
Owners Home Occupation -
General Contractor**

Tertinger presented the staff report. The applicant is requesting a Conditional Home Occupation for a general contractor business. The request is for 200 square feet of outdoor storage space to park a 20 foot enclosed trailer in front of the garage in the applicant's existing driveway. The proposal states there will be no non-resident employees coming to the site and there will be no customers coming to the site. The applicant has indicated the trailer will be present periodically between jobs and parked in the driveway approximately 3 to 4 nights per week. No business related sign is proposed with this application.

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 that stores business-related equipment or materials outside requires a Conditional Use Permit for a Home Occupation in the USR (Urban Services Residential) zoning

district. The proposal conforms to the standards for approval in Article IV, Section 107-73, §(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.

Hoover pointed out an error in the staff report conditions. Conditions list January 2018 for property reassessment, but should state 2019 instead. Tertinger agreed to revise.

Lee Boyse (homeowner), 2999 Orrian Dr, offered to answer questions from the Board. He explained that his small general contracting business is growing and while not on jobsites, he prefers to park his trailer in his driveway.

John Huk, 1015 Orrian Dr, spoke in support of Boyse. He wondered if there were any restrictions on the Conditional Use Home Occupation permit that would limit the amount of equipment Boyse stores in his driveway. Huk mentioned his concerns for neighborhood esthetics, especially if Boyse used his driveway to store several other pieces of equipment.

Tertinger confirmed the permit would only allow the trailer, as listed on Boyse's application, to be stored on the premises. Additional equipment storage would be prohibited, unless a modification of the Conditional Use Permit was approved at a later date.

Greg Slager, 3000 Orrian Dr, spoke in favor of Boyse, insisting that Boyse has done nothing but improve his property since taking ownership and sees no problem with Boyse parking his enclosed trailer in the driveway.

Andy Anton, 3007 Orrian Dr, spoke in favor of Boyse.

Motion by Hoover 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 JC18-0012, and to approve case JC18-0012, Second by Harstad.

Hoover	Aye
Machacek	Absent
Harstad	Aye
Stone	Aye
Grace	Aye

IV. OTHER BUSINESS

V. APPROVAL OF MINUTES

The minutes of October 24, 2018 Board of Adjustment meeting were approved as submitted.

VI. ADJOURNMENT

The meeting was adjourned at 6:54 p.m.

Respectfully submitted,

Herb Stone, Chair

Jessie Black, Recording Secretary