PLANNING AND ZONING
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0Staff Report
Board of Adjustment
Variance Request
November 24, 2026

Case No.: 26-14 **Hearing Date**: November 24, 2026

Request: A variance request to construct a 105' diameter grain bin with a height of 105 feet 9 inches and a 17' diameter overhead bin with support structure for a height of 53 feet.

Applicants
Cartersville Elevator
21823 160th St
Rockwell, IA 50469

Owners
Same

Property Address: 21823 160th St, Dougherty, IA 50433

Brief Legal Description: located in the NE¼ of the NE¼ of Section 4, Dougherty Township

Zoning: M-1 Light Industrial District

Background
The applicant is requesting a variance to construct a grain bin and an overhead bin that exceed the maximum height requirement in the M-1 District. The proposed grain bin will measure 105 feet in diameter and 105 feet, 9 inches in height. The proposed overhead bin will measure 17 feet in diameter and 39 feet in height. The overhead bin will be elevated on a 14-foot support structure, resulting in a total height of 53 feet.

Both proposed structures exceed the maximum permitted height of 45 feet in the M-1 District. Section 16.6 of the Zoning Ordinance states that no building hereafter erected or structurally altered shall exceed three stories or 45 feet in height. However, the ordinance further states that *special consideration shall be given to the height of grain elevators and storage bins.*

In 2013, the Board of Adjustment granted a variance to Cartersville Elevator for the construction of a grain bin and an overhead bin that exceeded the maximum height requirement in the M-1 District.

VARIANCE REQUEST

Structure	Request(s)	Requirement(s)
Grain bin	105-foot height limit	No structure erected shall exceed 45 feet - Article 16.6
Overhead bin	53-foot height limit	No structure erected shall exceed 45 feet - Article 16.6

Findings of Fact

1. Cartersville Elevator is the owner of the subject property.
2. The property is zoned M-1 Light Industrial District
3. The grain bin will be 105 feet in diameter and 105 foot 9 inches in height
4. The overhead bin will be 17 feet in diameter and 39 feet high with a structure support that will stand 14 feet tall, creating a total height of 53 feet
5. Cartersville Elevator received a variance in 2013 for a constructed grain bin

ANALYSIS

The requested variances involve dimensional limitations and are governed by Iowa Code section 335.15(4). Under that section, the property owner must establish that:
To receive the requested variances, the property owner must prove that:

1. Granting the variance will not be contrary to the public interest;
2. Owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the Zoning Ordinance;
3. The spirit of the Zoning Ordinance will be observed and substantial justice done;
4. The practical difficulties faced are unique to the property at issue and not self-created; and
5. Granting the variance will not significantly alter the essential character of the surrounding neighborhood.

The Board of Adjustment is authorized to grant variances under Section 24.4(A)(3) of the Zoning Ordinance. The Board may impose reasonable conditions directly related to the requested variances to ensure compliance with the ordinance and mitigate impacts resulting from the reduced setbacks.

The required Standards of Review per Iowa Code Section 335.15(4)

1. Granting the variance will not be contrary to the public interest

The proposed structures would serve an existing grain elevator operation on property zoned M-1 Light Industrial. Their relationship to that operation supports consideration of the requests. Nevertheless, industrial zoning alone does not establish that the proposed heights will avoid adverse effects on neighboring properties or public safety.

The grain bin would exceed the general height limitation by 60 feet, 9 inches, making its location, scale, and proximity to surrounding uses particularly relevant. The overhead bin requires substantially less height relief, although its elevated support structure also warrants consideration.

The Board should review distances from property lines, residences, and roads; including lighting, shadows, and visual prominence.

2. ***Owing to special conditions a literal enforcement of the provisions of the ordinance will result in "practical difficulties" to the property owner in making a beneficial use of the property allowed by the Zoning Ordinance.***

The proposed bins are associated with the continued use of the property as a grain elevator facility. Section 16.6 supports considering whether the operational requirements of grain elevators and storage bins make compliance with the general height limitation impractical. For the grain bin, the applicant should explain why a height of 105 feet, 9 inches is necessary in relation to the existing facility, available land, grain handling equipment, and storage configuration. The current information identifies the desired dimensions but does not explain why a shorter bin or alternative configuration would create practical difficulties.

For the overhead bin, the applicant should explain the purpose of the 14-foot support structure, including any necessary vehicle clearance, loading arrangement, or connection to existing equipment. These operational requirements could support the request if documented.

Practical difficulties may exist, particularly where the proposed heights are necessary to integrate the bins with the existing facility. Additional clarification is needed to establish why compliance with the 45-foot limitation would create practical difficulties for each structure.

3. ***The spirit of the Ordinance is observed, and substantial justice is done by granting the variance.***

Section 16.6 expressly anticipates special consideration of grain elevator and storage bin heights. This language supports an interpretation that exceeding 45 feet can be consistent with the ordinance's intent when justified by the circumstances and compatible with surrounding properties.

The reported 2013 approval is relevant background. However, the earlier variance does not independently establish that the current proposals satisfy the applicable standards.

Approval would be more consistent with the spirit of the ordinance if the applicant demonstrates a functional need for the requested heights and the Board finds that resulting

impacts are acceptable. The substantial height of the proposed grain bin warrants a distinct explanation rather than reliance on the smaller overhead bin request.

The ordinance provides meaningful support for considering height relief for these structures. This standard could be satisfied if the requested heights are supported by operational and site-specific evidence and remain compatible with surrounding properties.

4. ***The difficulties are unique to the property and not self-created (e.g., lot shape, topography, prior lawful platting).***

Grain storage operations commonly benefit from tall structures, but a characteristic shared by the industry does not, by itself, demonstrate a difficulty unique to this property.

Relevant circumstances may include the established arrangement of existing bins and conveyors, available buildable area, property configuration, access routes, or physical constraints that limit reasonable alternatives. The applicant should identify which circumstances exist and explain how they necessitate the requested heights.

The fact that the applicant selected the proposed equipment does not automatically establish that the difficulty is self-created. Conversely, the selected design alone cannot establish a qualifying difficulty. The Board should determine whether the need for relief results from existing property conditions or primarily from the applicant's preferred expansion design.

The applicant should explain the property-specific constraints and explain why reasonable alternatives complying with the height limit would not adequately address them.

5. ***Granting the variance will not significantly alter the essential character of the surrounding neighborhood.***

The existing grain elevator operation and previously approved bin are relevant to the established character of the site. Additional grain storage structures may be compatible with that setting, particularly if similarly tall structures already characterize the immediate area.

The 105-foot, 9-inch grain bin could substantially increase the facility's visual scale, even though its use would remain the same. Compatibility should be evaluated based on its location and relationship to adjacent properties.

The 53-foot overhead bin represents a smaller departure from the general height limitation, but its compatibility should still be evaluated based on its location and relationship to adjacent properties.

Under Iowa law if the Board cannot make affirmative findings on all five statutory criteria, the variance should be denied.

Recommended Conditions <u>if Approved:</u>

1. The grain bin shall not exceed 105 feet, 9 inches in height, as measured in accordance with the Zoning Ordinance. Final plans shall identify any equipment or appurtenances extending above that height for review by the Zoning Office before a zoning permit is issued.

2. The overhead bin shall not exceed 53 feet in total height, including the 14-foot support structure, as measured in accordance with the Zoning Ordinance. Final plans shall identify any equipment or appurtenances extending above that height for review by the Zoning Office before a zoning permit is issued.

3. Stormwater runoff, roof drainage, grading, and construction activity associated with the project shall be managed to prevent erosion, sediment discharge, or concentrated runoff that creates a nuisance or adversely affects adjoining properties or public rights-of-way.

4. Construction shall substantially conform to the site plan and structure plans submitted to the Zoning Department and approved by the Board of Adjustment, subject to these conditions.

6. Any material change to the approved dimensions, location, height, or use shall be submitted to the Zoning Office before implementation. Changes exceeding the relief granted by the Board shall require further Board approval before construction of the affected portion of the project.

7. Before construction begins, the applicant shall obtain the required zoning permit and all other applicable permits and approvals. Except for the height relief expressly granted, the project shall comply with all applicable zoning and other regulatory requirements.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

<u>Action options:</u>

1. Grant the requested variance subject to any conditions as deemed necessary by the Board.
2. Grant relief less or different from the requested variance by modifying the requested variance.
3. Deny the requested variance.

The following motions are provided for the Board's consideration:

<u>Provided motion of approval:</u>

- I move to adopt the staff report as the Board's findings and to approve the variance as requested by the applicant, based on the Board's findings that all criteria in Iowa Code Section 335.15(4) have been met, subject to the following conditions:
  1. All construction shall comply with the site plan submitted on September 22, 2026.

2. Any material changes in the submitted plans including a change in project size, location, height, use, or setback encroachment shall require review by the Zoning Office and may require further Board approval.
3. No construction shall begin until a Permit has been issued by the Planning and Zoning Office.
4. All recommended conditions in the staff report are followed as part of the approval.

Provided Alternate Action:

- I move to adopt the staff report as the Board's findings and to approve a variance with the following changes **(list changes)**.

Provided motion of denial:

- I move to adopt the staff report as the Board's findings and to deny the variance as requested by the applicant for the following reasons:
  The request does not meet the criteria in Iowa Code Chapter 335.15 (STATE ANY OTHER REASONS FOR DENIAL)

EXHIBITS

- Exhibit 1: Figure 1, aerial view
- Exhibit 2: Variance Application filed September 28, 2026
- Exhibit 3: Site Plan
- Exhibit 4: Parcel Highlight

Figure 1



VARIANCE APPEAL

APPLICATION

Date Filed _____ Date Set for Hearing _____ Case Number: _____

Applicant Name: Cartersville Elevator **Phone:** 641-822-4550 **E-Mail:** Brent@cville-ele.com

Mailing Address: 21823 160th St. Rockwell IA 50469

Property Owner Name: Cartersville Elevator **Phone:** 641-822-4550 **E-Mail:** Brent@cville-ele.com

Property Owner Address: 21823 160th St Rockwell IA 50469

Property Description (Not to be used on legal documents): Parcel # 1604226010 Township Dougherty

Property Address: 21823 160th ST Rockwell IA 50469 Zoning: Commercial

Brief Legal Description:

Project Description

Grain Bin and overhead bin addition.

Decision Date: _____

Variance(s) Requested (As cited on results from denied Zoning Permit Application)

Height

Answer the five (5) Criteria Justifying the Variance under Standards for Review (You may add more details in the Additional Information)

1- We are a farming community and we need additional storage for the farmers grain.

2- We are a grain elevator needing additional storage for the increase in farmers grain

3- We need this variance granted as the 45' restriction hinders our ability to build a bin large enough to meet demand.

4- It is unique to this property we are a grain elevator needing to build structures taller than this ordinance.

5- It will not impact neighbors or the area around this property as [illegible] elevator in an unincorporated town.

I am the ☒ Owner ☐ Contract Purchaser ☐ Other (Explain) _____

_____ of the property affected.

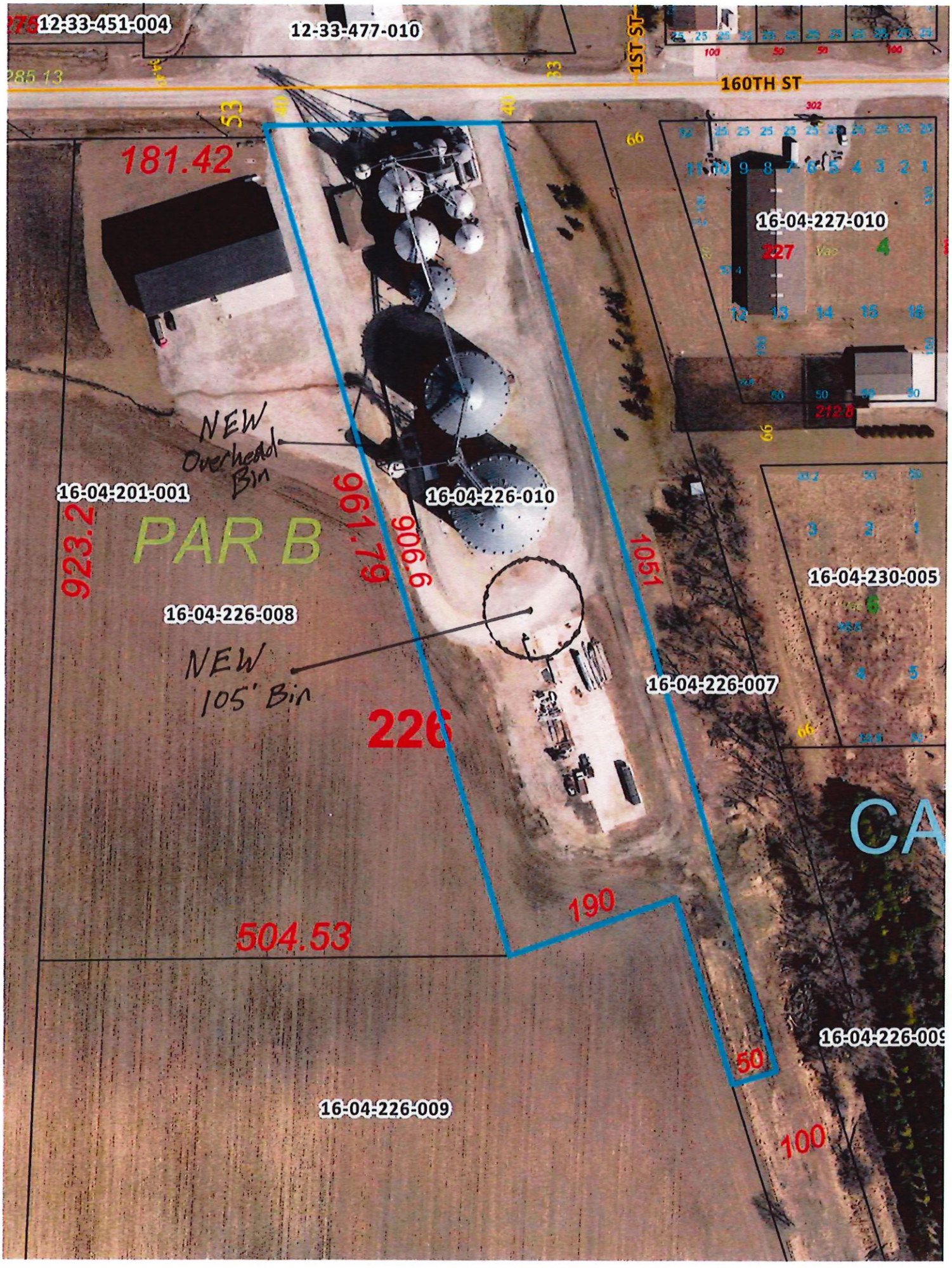
I, the applicant, being duly sworn, depose and say that I am the owner, or that I am authorized and empowered to make affidavit for the owner, who makes the accompanying application; that the application and plan are true and contain a correct description of the proposed building, lot, work, and use to which the structure is to be placed if a variance is granted. The Planning & Zoning staff is also given permission to enter the above property in reviewing this Application.

Applicant Signature Brad Heimer Date 9-28-26

VARIANCE APPEAL

ADDITIONAL INFORMATION

Please provide any additional details below needed to fully address the standards for review and any potential impacts to the immediate vicinity that may directly result from the variance requested.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160TH ST
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Overhead
Bin
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PAR B
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961.79
906.9
1051
16-04-230-005
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NEW
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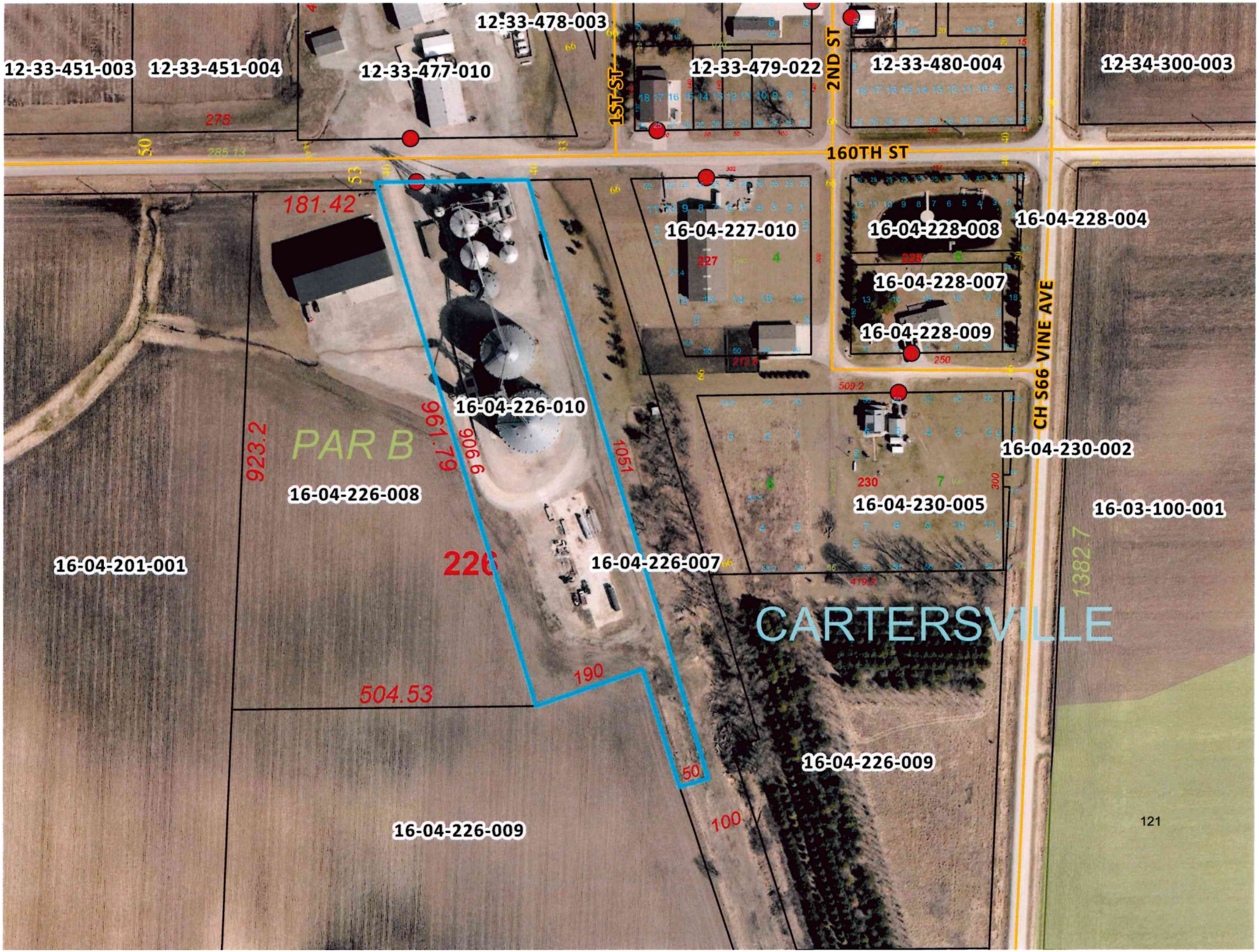
504.53
190
50
16-04-226-009
100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12-33-451-004
12-33-478-003
12-33-477-010
12-33-479-022
1ST ST
2ND ST
12-33-480-004
12-34-300-003
160TH ST
181.42
16-04-227-010
16-04-228-008
16-04-228-004
16-04-228-007
16-04-228-009
CH S66 VINE AVE
16-04-226-010
PAR B
923.2
961.79
906.9
1051
16-04-226-008
16-04-230-002
16-04-230-005
16-03-100-001
16-04-201-001
16-04-226-007
CARTERSVILLE
1382.7
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16-04-226-009
100
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121