

SUPREME COURT OF IOWA

Daryl D. Lang v. Linn County Board of Adjustment

829 N.W.2d 1 (Iowa 2013) · No. No. 11-0683 · Decided March 29, 2013

SUMMARY

The Iowa Supreme Court reviewed consolidated certiorari proceedings challenging Linn County Board of Adjustment decisions denying agricultural zoning exemptions for two residences. The court held that substantial evidence supported the Board’s determinations that the properties and houses were not primarily adapted for agricultural purposes under Iowa Code section 335.2, and it affirmed the district court and court of appeals while annulling the writs.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Mansfield, Justice; Appel, Justice; Hecht, Justice; Wiggins, Justice
JURISDICTION	Iowa
DECIDED	March 29, 2013
DOCKET	No. 11-0683
DISPOSITION	affirmed
PROCEDURAL POSTURE	Property owners sought further review of a court of appeals decision affirming the Iowa District Court's denial of their petitions for writs of certiorari challenging Linn County Board of Adjustment decisions denying agricultural zoning exemptions for two houses.
STANDARD OF REVIEW	The Board's factual findings are reviewed for substantial evidence, and its action may not be disturbed when its reasonableness is open to a fair difference of opinion. Claimed legal errors are reviewed for correction of errors at law.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential
PARTIES	Daryl D. Lang, Daryl D. Lang and Arlene P. Lang v. Linn County Board of Adjustment

TOPICS

- zoning
- writ of certiorari
- judicial review of agency action
- statutory interpretation
- standard of review

PRACTICE AREAS

real estate

municipal law

administrative law

zoning

QUESTIONS PRESENTED

1. Whether substantial evidence supported the Board's 2004 determination that the 6.52-acre parcel and House #4 were not primarily adapted, by reason of nature and area, for agricultural purposes under Iowa Code section 335.2.
2. Whether substantial evidence supported the Board's 2007 determination that House #3, when occupied by Ms. Lang's son and family, was not primarily adapted for agricultural purposes as a second farmhouse under Iowa Code section 335.2.
3. What standard governs whether land or a house qualifies for Iowa's agricultural exemption from county zoning.

HOLDINGS

1. Substantial evidence supported the Board's determination that the 6.52-acre parcel and the large residence on it were not primarily adapted, by reason of nature and area, for use for agricultural purposes. The Board could consider the relative size, value, and construction date of the residence and the scope, value, and duration of the claimed agricultural activities, but it did not apply an impermissible automatic minimum-acreage test.
2. Substantial evidence supported the Board's denial of an agricultural exemption for House #3 under the proposed occupancy by Ms. Lang's son and family. A county may consider how much time the occupant of an additional rented house spends on farming activities when determining whether the house is primarily adapted for agricultural purposes.
3. After the 1963 amendment, Iowa Code section 335.2 no longer requires agricultural use to be the owner's primary means of livelihood, but it does require the land or structure to be primarily adapted, by reason of nature and area, for agricultural purposes.

KEY QUOTATIONS

“An applicant for an exemption must demonstrate that the “land, farm houses, farm barns, farm outbuildings or other buildings or structures” are “primarily adapted” for the asserted agricultural purpose.” (829 N.W.2d at 5)

“We agree with the court of appeals that the “primarily adapted” test allows county zoning authorities to consider the overall importance and underlying purpose of the agricultural activities in question.” (829 N.W.2d at 8)

“When landowners build an additional house on their land, rent it out, and then want to claim it as another exempt farmhouse, it is appropriate for the county to ask how much time the tenants of the house spend on farming activities.” (829 N.W.2d at 11)

FACTUAL BACKGROUND

The Langs acquired a 48.9-acre parcel in Linn County and progressively subdivided and developed it, ultimately retaining a 43.3-acre parcel with two houses and conveying a 6.52-acre parcel containing another residence. Linn County zoning generally prohibited more than one dwelling on a parcel, but Iowa Code section 335.2 exempts land and structures primarily adapted for agricultural purposes. The Langs claimed that tree planting, berries, fish, sheep, and other activities supported farmhouse exemptions, but county officials found the agricultural activities insubstantial and found that the occupants of the second house were not sufficiently engaged in agriculture. The Board denied both exemption requests, and the district court and court of appeals upheld those decisions.

PROCEDURAL HISTORY

The Langs sought agricultural exemptions from Linn County zoning requirements for a house on a 6.52-acre parcel and for a second house on a 43.3-acre parcel. The Board denied both requests, and the district court denied the Langs' consolidated certiorari petitions. The Iowa Court of Appeals affirmed in a split decision, and the Supreme Court of Iowa granted further review.

DISPOSITION

affirmed

CASES CITED

- Bontrager Auto Serv., Inc. v. Iowa City Board of Adjustment, 748 N.W.2d 483 (Iowa 2008)
- W & G McKinney Farms, L.P. v. Dallas County Board of Adjustment, 674 N.W.2d 99 (Iowa 2004)
- Kuehl v. Cass County, 555 N.W.2d 686 (Iowa 1996)
- Kramer v. Board of Adjustment, 795 N.W.2d 86 (Iowa Ct. App. 2010)
- DeCoster v. Franklin County, 497 N.W.2d 849 (Iowa 1993)
- State v. Huffman, 253 N.E.2d 812 (Ohio Ct. App. 1969)
- Thompson v. Hancock County, 539 N.W.2d 181 (Iowa 1995)
- Goodell v. Humboldt County, 575 N.W.2d 486 (Iowa 1998)
- Auen v. Alcoholic Beverages Division, 679 N.W.2d 586 (Iowa 2004)
- State v. Dohlman, 725 N.W.2d 428 (Iowa 2006)
- Cedar Rapids Steel Transportation, Inc. v. Iowa State Commerce Commission, 160 N.W.2d 825 (Iowa 1968)
- Raper v. State, 688 N.W.2d 29 (Iowa 2004)
- Meincke v. Northwestern Bank & Trust Co., 756 N.W.2d 223 (Iowa 2008)
- Cyclone Sand & Gravel Co. v. Zoning Board of Adjustment, 351 N.W.2d 778 (Iowa 1984)
- Armstrong v. State of Iowa Buildings & Grounds, 382 N.W.2d 161 (Iowa 1986)
- Johnson v. Board of Adjustment, 239 N.W.2d 873 (Iowa 1976)
- U.S. Cellular Corp. v. Board of Adjustment, 589 N.W.2d 712 (Iowa 1999)
- Sahu v. Iowa Board of Medical Examiners, 537 N.W.2d 674 (Iowa 1995)
- Farmegg Products, Inc. v. Humboldt County, 190 N.W.2d 454 (Iowa 1971)

- County of Lake v. Cushman, 353 N.E.2d 399 (Ill. App. Ct. 1976)

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