

# Carroll Court Upholds Denial Of Variance On Carroll Farmer's Grain Leg Extending Into Airport Space



On Friday, the Iowa District Court for Carroll County upheld the denial of a variance in an appeal filed by a Carroll County farmer. The variance was requested by Loren and Pan Danner after the construction of a grain leg on their farming operation near the Carroll airport was found to project into protected airspace. Danner had sought and received a building permit from the county zoning administrator in 2013, prior to construction. Officials with the Carroll County Airport Commission filed a lawsuit to stop the construction and have the 127-foot grain leg removed. The court found in favor of the commission and deemed the leg a nuisance under Iowa code, however, that case is on appeal. In March of last year, Danner sought the variance, asking the courts to allow the grain leg to remain in place because the city zoning regulations

are preempted by federal legislation and administrative rules. Danner says he has also come to an agreement with the Federal Aviation Administration (FAA) that permits the construction of the grain leg with warning lights. Friday's filing states that those standards are inapplicable in this case. They add that though it may be a burden to the Danners to remove the grain leg, "it will only enhance the safety of planes landing or taking off from the Carroll airport."