

Another Appeal Denied In Carroll Farmers' Grain Leg Cases



Coming
after an
Iowa

Supreme Court review upheld a zoning ordinance that deemed a local farmer's grain leg a nuisance to the Carroll Airport protected airspace, the same court has now rejected a zoning variance in the case as well. Loren and Pan Danner built a gravity-fed, 127-foot tall grain leg on their farm in Carroll County in 2013 after receiving permission from Carroll County Planning and Zoning. A suit was brought against the farmers by the Carroll Airport Commission in 2015, asking that it be declared a nuisance and either removed or lowered by about 60 feet to conform to zoning regulations. This request also asked the courts to discount an aeronautical study conducted by the Federal Aviation Administration (FAA) that concluded the leg need only be painted and lit to be exempt from a hazardous designation. The District Court ruled in favor of the commission, and the Danners were ordered to remove or lower the leg at their own cost, estimated at more than \$200,000. This was appealed to the highest court in the state, which upheld the lower court's ruling. Because of that, the Iowa Supreme Court ruled this week that since the variance was tied to the zoning issue, it too will be denied. A nine-month window from the date the Supreme Court filed

their instructions was provided for the farmers to complete the required work on the leg. The Danners and their attorney, Steve Hamilton, have been in negotiations with Carroll County's insurer on a settlement to help defray the costs of remediation.