

Iowa Court Of Appeals Rules Against Local Farmer In Grain Leg Dispute



The Iowa Court of Appeals has affirmed a Carroll County District Court ruling that requires a local farmer to shorten a grain leg. According to a ruling filed today (Wednesday), the 127-foot tall grain leg owners, Loren and Pan Danner, will be required to shorten the structure by 61 feet to remove it from the airport's protected airspace. Greg Siemann, an attorney and member of the Carroll Airport Commission, says this is certainly the outcome they wanted.

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The dispute dates back to 2013 when Danner received a building permit from the county zoning office to construct the grain leg. The Carroll Airport Commission later determined the structure protruded into the protected airspace surrounding the airport and filed a petition for nuisance abatement in July of 2015. Danner entered an agreement with the Federal Aviation Administration (FAA) to keep the structure, on the condition they install warning lights. Siemann says the court ruled that Danner's argument the FAA letter supersedes local ordinances was not valid.

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He hopes that the dispute ends there, but says he cannot be sure that will be the case.

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Siemann adds there is another decision pending before the Iowa Court of Appeals regarding Danner's request for a zoning variance.

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Siemann says it is impossible to know if and how that ruling will affect the one issued today (Wednesday). Carroll Broadcasting has reached out to Danner and his attorney, Steve Hamilton, for comment.