



Scott County Board of Adjustment

October 23, 2013

1st Floor Board Room Administrative Center

Members Present: Scheibe, Dittmer, Madden, Winborn

Members Absent: Gallin

Staff Present: Timothy Huey

Others Present: Approximately 12 members of the public

1. **Call to order.** Chairman Scheibe called the meeting to order at 4:00 P.M.
2. **Minutes** – Winborn made a motion to approve the September 25, 2013 minutes. Madden seconded the motion. **All Ayes (4-0)**
3. **Public Hearing – Variance** – Charles and Pamela Trodick of 22159 283rd Avenue, Section 23 of LeClaire Township.

Planning Director **Tim Huey** presented the case. He explained that 283rd Avenue serves more as an alleyway to access adjacent properties than it does an actual street. It is a privately maintained street with a right-of-way, and therefore properties along 283rd Avenue are subject to front yard setbacks. Huey stated that several variances have been granted over the years to allow similar detached accessory buildings to be located between a house and 283rd Avenue. He explained that most of the homes in the neighborhood have small lot status, and are therefore subject to twenty-five (25) foot front yard setbacks instead of the typical fifty (50), and all homes are also double frontage lots, subjected to front yard setbacks along Great River Road and 283rd Avenue.

Huey paused for Board discussion and public comments.

Scheibe asked about the nature of past similar variances granted in the area.

Huey responded that several had been granted for detached garages and accessory buildings to be placed between the house and road. The current request is for a 10' x 16' garden shed, while the other variances allowed much larger structures, typically garages. Huey explained that if this shed were slightly smaller it would not even require a building permit.

With the applicant not present and no one from the public wishing to speak, Chairman Scheibe asked for staff's recommendation.

Huey presented staff's recommendation that the variance request be approved.

Chairman Scheibe closed the public hearing, and a brief discussion by the Board took place.

Winborn made a motion to approve the variance. Madden seconded.

Vote: All Ayes (4-0)

4. Public Hearing – Special Use Permit Amendment – County Estates Mobile Home Park (30980 Scott Park Road), Section 7 of Butler Township.

Huey presented Country Estates Mobile Home Park's application for an amendment to an existing special use permit. He explained that the park wishes to allow for the placement of temporary travel trailers on existing lots within the park. Currently the Zoning Ordinance makes a distinction between travel trailer parks and mobile home parks, with travel trailers only allowed specifically in travel trailer parks. Huey made it clear that this is not an expansion of Country Estates, but simply a means by which the park can fill some of its vacant lots with travel trailers. Huey explained that the issue came about when it came to the Department's attention that travel trailers were being moved into the park. At that time staff sat down with park owner Ken Bennett and explained that the proper procedure would be to amend the park's special use permit if they wished to continue the practice. At that time Ken Bennett explained that temporary travel trailers allow the company to generate revenue on otherwise vacant lots, and he ensures that the units are properly connected to the park's water and sewer service as well as have a hard-wired electrical connection. Mr. Bennett explained that he locates travel trailers in several other mobile home parks which he owns and operates in the state of Iowa.

Huey paused for Board discussion and public comments.

Ken Bennett (park owner) addressed the Board. He stated that owns many parks in Iowa, and that he has never had an issue with locating temporary travel trailers in existing mobile home parks. He had approximately thirty (30) temporary units located in Country Estates this past summer. He explained that he screens applicants just like he would for a new mobile home, and requires each unit to have a self-contained kitchen, sleeping quarters, sanitation, and properly connected electrical service. There are 89 current lots within the park. He explained that most of the travel trailers wanting to locate are transient workers who need temporary residences. He stated that they have very nice units and are a benefit to the local economy. Bennett expressed his plan to require temporary travel trailers to stay a minimum of 30 days to decrease short stays and camping, even if this is not a County requirement. He explained that his sewer and water systems have recent Iowa DNR permits, and are in compliance. The entrance to the site has good visibility and the road can handle any additional traffic.

Park manager **Lee Swanson** spoke in favor of approving the request. He said companies have approached the park looking for a place to accommodate temporary employees. He stated that while they live here, they shop and spend money in the County and are good for the economy.

Holly Bowman lives in the park and stated that the past tenants of temporary travel trailers were clean, worked hard, and mostly spent evenings at their units eating and sleeping.

Larry Paulsen lives in the park and told a personal story of his son, who passed away in an accident. He explained that some of the people living in the temporary travel trailers were a big help during this tragedy.

Sherry Claeys (neighboring property owner) stated that surrounding property owners had several issues with the request. She was concerned about this expansion and past troubles with residents. She presented a petition to deny the request, signed by twenty-two (22) surrounding residents.

With no one else from the public wishing to speak, Chairman Scheibe asked for staff's recommendation.

Huey recommended approval of the request with the five conditions outlined in the staff report which – defined the terms “temporary” and “travel trailer,” limited the number of temporary travel trailers allowed to not exceed more than one-half ($\frac{1}{2}$) of the total lot capacity of the park, required that temporary travel trailer units connect to the park’s potable water and sewage treatment system and comply with all Scott County Health Department regulations, and all temporary travel trailers be required to obtain a building permit and receive inspection for electrical service connection.

Bennett agreed to all of the conditions.

Holly Bowman answered some of the concerns raised by **Claeys**.

Chairman Scheibe closed the public hearing, and a brief discussion by the Board took place.

Scheibe asked if the Board should consider adopting a minimum stay requirement.

Winborn stated that would not be for the Board to decide. If the park wants to enforce such a regulation on its own, so be it, but the County should only be concerned with enforcing the 90-day maximum stay time, defined as temporary.

Dittmer made a motion to approve the special use permit amendment in accordance with staff's five (5) conditions. Winborn seconded.

Vote: All Ayes (4-0)

5. **Public Hearing – Variance** – Dave DeVault of 10225 210th Street, Section 35 of Hickory Grove Township.

Huey presented staff's review of the case. He explained that the DeValut's were proposing to demolish a portion of an existing legal non-conforming structure. Typically staff allows for additions onto legal non-conforming (grandfathered) structures without a variance so long as the extent of the non-conformity is not being increased. However, in this case the applicants are removing a portion of the non-conformity, and therefore are not allowed to construct a new addition back in its place without either meeting current setbacks or being granted a variance. Huey explained that the structure in question was located in a front-yard and not setback over one-hundred (100) feet from the road right-of-way along 210th Street. Huey explained that the portion to be demolished was an existing 17'x 14' block milk shed, attached to an existing barn. The barn will remain, and a new 50'x 14' addition will take the place of the milk shed, and will not be any closer to the right-of-way than the previous milk shed. The new addition will be used for personal storage.

Huey paused for Board discussion and public comments.

DeVault's (applicants) stated that Huey accurately explained their request. The new addition will only be used for personal storage. The width of the new addition will be the same as that portion being demolished. Therefore, the building will not be any closer to the right-of-way once the project is complete.

With no one else from the public wishing to speak, Chairman Scheibe asked for staff's recommendation.

Huey recommended approval with no additional conditions. He explained there is adequate buffering in place including a row of mature pine trees in front of the building. If the variance were granted the structure would not be visually dominating from the street.

Chairman Scheibe closed the public hearing, and a brief discussion by the Board took place.

Winborn made a motion to approve the variance request with no additional conditions. Dittmer seconded the motion.

Vote: All Ayes (4-0)

With no new business to discuss, Chairman Scheibe entertained a motion for adjournment. It was moved by Dittmer and seconded by Winborn to adjourn the meeting.

Vote: All Ayes (4-0)

The meeting adjourned at 4:40 P.M.