



## Scott County Board of Adjustment

March 22, 2017

1<sup>st</sup> Floor Board Room  
Scott County Administrative Center

### MEETING MINUTES

**Members Present:** Scheibe, Dittmer, Guy, Madden, Winborn

**Members Absent:** None

**Staff Present:** Timothy Huey, Planning and Development Director

Robert Buck, County Building Inspector

Alan Sabat, Planning and Development Specialist

**Others Present:** David and Jennifer Fredericksen, Applicant and Spouse

Two (2) members of the public

- 1. Call to order: Chairman Sheibe** called the meeting to order at 4:02 P.M.
- 2. Minutes: Dittmer** made a motion to approve the February 22, 2017 minutes. **Guy** seconded the motion. **All Ayes (5-0)**
- 3. Public Hearing – Special Use Permit:** Request of David Fredericksen for a Special Use Permit to operate a home industry that exceeds the floor area limits described in Section 6-6.V. of the Zoning Ordinance of Unincorporated Scott County in the form of a multi-use event building, 6,080 square feet of which will be dedicated to the business at property located in Part of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 21 of Butler Township.

**Huey** began by describing the home industry and home occupation regulations in the Zoning Ordinance and displayed aerial maps and site photos of the subject property. **Huey** noted that the request proposed that the home industry operate on a separate farm parcel from where the farmstead is located, but that the parcel is adjacent to the farmstead parcel to the north and owned by the applicant's family. **Huey** also pointed out that, while the Zoning Board of Adjustment is not tasked with reviewing building code requirements for occupancy, the applicant's design would allow for the consumption of food and beverages, but not the consumption of alcohol due to the absence of a fire suppression system. **Huey**



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then reviewed the criteria for reviewing Special Use Permit requests, noting mostly the increase in traffic and the aesthetic impact such facility would have on the mostly agricultural character of the area.

**Chairman Scheibe** opened the public hearing. **Elneta Hull** (20742 290th Street), a nearby property owner, spoke against the request citing the problems additional traffic may create, her concerns about a possible increase in crime, and her belief that prime farmland should not be developed. **John Gries** (27985 210th Avenue), a neighboring property owner, echoed Ms. Hall's concerns, adding that he felt the request varied from the Zoning Ordinance in too many ways. The applicant, **David Fredericksen**, and his spouse responded by describing the need they see for a rural event space for the community's use, their design plans for the building which will be cohesive with the older agricultural buildings in the vicinity, and their assessment of minimal impacts on the neighborhood's character.

With no further comments from members of the public, **Chairman Scheibe** closed the public hearing and asked for staff's recommendation. **Huey** indicated that staff recommended approval with the following conditions: The event center building and business be operated and owned by the occupants and owners of the residence on the adjacent property or the property lines be reconfigured to have the event center building property combined with the farmstead property; all other requirements of Section 6-6.V. of the Zoning Ordinance be met; all building and health codes be continually met; that no more than three events per week be held; that all events cease by midnight; and that no event have amplified music played outside the building.

**Chairman Scheibe** welcomed the applicant and the Board to respond. **Fredericksen** indicated that he intended to comply with the conditions given the large investment he would be making in the project. **Dittmer** responded to the applicant's written statement that the building would not be intended for the consumption of food and drink, pointing out that the building plans show a kitchen. **Fredericksen** responded that the kitchen would be used for preparation, not as a restaurant or bar. **Dittmer** asked whether smoking would be allowed, which **Buck** responded that the public smoking ban was a State law but not addressed in the building code. **Fredericksen** explained how he re-configured and downsized the building after meeting with Huey and Buck to discuss his building plans in the weeks prior to the hearing. **Fredericksen** described the high cost of installing a central sprinkler system for fire suppression, and suggested that the building code allows other buildings to have alcohol consumed on the premises without one. **Buck** and **Huey** disagreed with that suggestion and had a lengthy back-and-forth with Fredericksen concerning alcohol consumption in relation to building code requirements, to such an extent that **Fredericksen** asked the Board how they felt they should move forward. **Chairman Scheibe** said the Board could table the request for a later meeting, vote for the request as-is, or the applicant could withdraw the request entirely. **Fredericksen** stated



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preference for tabling the request. **Huey** suggested that the applicant formally request to be placed on a future agenda within thirty (30) days.

**Guy made a motion to table the request. Winborn seconded the motion.**

**Vote: Table (5-0), All Ayes**

4. With no other business to discuss, **Chairman Scheibe adjourned the meeting at 5:10 P.M.**