



Scott County Board of Adjustment

April 26, 2017

1st 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 Scheibe** called the meeting to order at 4:00 P.M.
- 2. Minutes: Guy** made a motion to approve the March 22, 2017 minutes. **Madden** seconded the motion. **All Ayes (5-0)**
- 3. Public Meeting – 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. **Chairman Scheibe** asked staff to present only new information and changes to the request since the last meeting.

Huey 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. Huey stated the applicant amended the request to: increase the size of the event building; include a fire suppression system to allow clients to bring alcohol to the facility to be served; and eliminate the limits on number of events to be held per week as suggested in staff's recommendation from the March 22, 2017 meeting.



Chairman Scheibe welcomed to applicant to respond, which Fredericksen had no further information to add. **Chairman Scheibe** welcomed the public to respond. **Harold Kempf** (20437 290th Street), a dairy producer to the west of the proposed site, expressed concerns about the potential noise generated from the event center and the effects it would have on his livestock, the danger of having additional vehicular traffic among agricultural operations, and the risk of starting a precedent of allowing commercial land uses in agricultural zones. **Robert Hilsenbeck** (28100 210th Avenue) said an increase in vehicular traffic would endanger the increased number of bicyclists that use 210th Avenue and echoed Kempf's concerns about the potential noise and its effects on livestock. **John Gries** (27985 210th Avenue) described the many variances from the Zoning Ordinance he sees with the request, adding he felt Park View would be a more appropriate location, and listed wastewater and stormwater management, parking lot illumination, and noise as additional concerns. **Lauren Dauw** (185 Dayton Valley View, Colona, IL), who is related to a nearby property owner, said she believed farmland should remain farmland, and that she was troubled by potential construction pollution and the pollution that would be generated once the event center was operational, and by the consumption of alcohol on the site as well. **Elneta Hull** (20742 290th Street) provided the Board a handout about the world's limited inventory of agricultural soil, and spoke against the request citing concerns about the precedent approval of the request would set, and about the increase in traffic among agricultural operations.

With no further comments from members of the public, **Chairman Scheibe** welcomed the applicant to respond. **Fredericksen** and his spouse spoke on behalf of the request and addressed the concerns raised during the hearing. Ultimately, each Board member described what s/he saw as the disconcerting elements of the request, primarily its non-conformity with the Home Industry standards in the Zoning Ordinance, the potential effects of increased traffic on surrounding agricultural operations, and the fact the proposed "accessory" structure would effectively be a principal structure, being that it would be on a parcel separate from the applicant's farmstead.

Guy made a motion to deny the request based on its non-conformity with the Home Industry standards in the Zoning Ordinance, the potential effects of increased traffic on surrounding agricultural operations, and the fact the proposed "accessory" structure would effectively be a principal structure. **Madden seconded the motion.**

Vote: Deny Special Use Permit request (5-0), All Ayes

- 4. Public Hearing – Variance:** Request of James Henderkott to allow a single-family dwelling to be constructed thirty (30) feet from the private roadway easement in lieu of the required fifty (50) feet prescribed in the Zoning Ordinance on property legally described as Lot 1 of Farwell's 1st Addition in Section 26 of LeClaire Township.



**Planning & Development
Scott County, Iowa**

Email: planning@scottcountyiowa.com
Office: (563) 326-8643
Fax: (563) 326-8257

Timothy Huey, Director

Administrative Center
600 West Fourth Street
Davenport, Iowa 52801-1106

Huey presented aerial, zoning, and topographic maps, the submitted site plan, and site photos of the subject property, all portraying the steep topography the applicant cited as his reason for making the variance request.

Chairman Scheibe welcomed the applicant to respond. **Henderkott** described the practical difficulties of building on the lot, the secluded setting of the site, and stated his desired placement would place the edge of the gravel drive about forty-five (45) feet from the closest wall of the house.

Chairman Scheibe opened the public hearing. **Chuck Coopman** (27950 Bowker Drive) spoke in favor of the request, saying he faced a similar situation on a similar site nearby and was denied a variance request. **Kelly Drapeau** (28053 214th Street) said the applicant built her family's home immediately south of the property, so he should have been aware of the difficult topography and the Board should not set a precedent of granting variances in this heavily-wooded area. **Henderkott** responded that two of the three adjacent lots he owns where the house will *not* be constructed are not buildable, so additional variance requests are unlikely. **Huey** asked Henderkott whether he would be willing to sign a Restrictive Covenant that would bind the three lots together, prohibiting the future sale of the other two individual lots (Agreement Not to Sever), which **Henderkott** said he would.

Chairman Scheibe asked for staff's recommendation, which **Huey** said was to approve the request with the condition an Agreement Not to Sever be filed binding the three lots owned by the applicant together.

Chairman Scheibe welcomed the Board to respond. **Winborn** asked Henderkott whether he could rotate the house's intended footprint to meet the typical setback requirement, which **Henderkott** responded that he had drafted multiple designs and the one he and his wife had settled on is their dream house. **Dittmer** stated he viewed the topography on site as an exceptional hardship, that the reduction in setback would be minimal aesthetically, and that he would support the filing of an Agreement Not to Sever as the condition. **Chairman Scheibe** expressed his hesitation in granting variances for unbuildable lots that were platted as development lots.

Dittmer made a motion to approve the request based on the topography on site being an exceptional hardship with the reduction in setback having minimal impact on the surrounding properties, with the condition that an Agreement Not to Sever be filed to bind the three lots owned by the applicant together. **Seconded by Winborn.**

Vote: Approve Variance request with the condition an Agreement Not to Sever be filed to bind the three lots owned by the applicant together (4-1), Scheibe dissenting



5. **Public Hearing – Variance:** Request of Grant and Tarrah Parrish to allow a 14' x 26' room addition to be constructed forty-four (44) feet from the Valley Drive roadway easement in lieu of the required fifty (50) feet prescribed in the Zoning Ordinance at 24919 Valley Drive, legally described as Lot 1 of Henry Boege's Plat in Section 7 of Pleasant Valley Township.

Huey presented aerial and zoning maps, the submitted site plan, and site photos of the subject property from the adjacent roadways, which showed a principal structure screened from view by trees and unobstructed visibility at the nearby intersection.

Chairman Scheibe welcomed the applicants to respond. **Tarrah Parrish** described the personal health circumstances regarding their request, and said she and her husband had spoken with their neighbors and heard no objections. **Parrish** said she felt their house wasn't very visible from the road and their minimal variance request wouldn't have much of an impact.

No members of the public were present for the public hearing. **Chairman Scheibe** asked for staff's recommendation, which **Huey** said was to approve based on the site's screening from adjacent roadways and minimal variance from the Zoning Ordinance.

Winborn made a motion to approve the request. Guy seconded the motion.

Vote: Approve Variance request (5-0), All Ayes

6. With no other business to discuss, **Chairman Scheibe adjourned the meeting at 5:15 P.M.**