



## Scott County Board of Adjustment

June 27, 2018

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

### MEETING MINUTES

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

**Members Absent:** Dittmer, Scheibe

**Staff Present:** Timothy Huey, Planning and Development Director  
Alan Sabat, Planning and Development Specialist  
Kennedy Knight, Planning Intern

**Others Present:** Sean Terrell, applicant  
James Thiel, applicant  
Six (6) members of the public

1. **Call to order:** **Madden** called the meeting to order at 4:00 P.M.
2. **Minutes:** **Guy** made a motion to approve the April 25, 2018 minutes. **Winborn** seconded the motion. **All Ayes (3-0)**
3. **Public Hearing – Variance:** Request from **Sean Terrell** to create a lot through a minor subdivision known as Terrell’s First Addition that is less than the minimum lot area requirements for a lot zoned “Commercial-Light Industrial (C-2)” with no sewer and water service in Part of the NW ¼ of Section 18 in Pleasant Valley Township.

**Madden** introduced the request and asked for staff’s review. **Huey** noted the unique nature of this case, in that it was a subdivision proposal that would be reviewed by the Planning and Zoning Commission and the Board of Supervisors in accordance with the Subdivision Ordinance, but also by the Board of Adjustment in order to allow the proposed variance. **Huey** said the minimum lot area requirements established in the Zoning Ordinance were based on the space presumed to be needed for sewer and water utilities in each zoning district. In this case, **Huey** explained, the proposed lot that would not meet that minimum lot area is already occupied with a commercial mini-warehouse building that doesn’t require



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sewer and water service. **Huey** displayed aerial photos, the zoning map, site photos, and the proposed subdivision plat, and described the Planning and Zoning Commission's proceedings earlier in the month where the Commission recommended approval of the plat with the condition the variance be approved by the Zoning Board of Adjustment. **Huey** noted that the other lots that would be created by the subdivision would need to undergo site plan review by the Planning and Zoning Commission prior to their development.

**Madden** welcomed the applicant to respond. **Terrell** said he had no definitive plans for further development, but that he would likely sell all the proposed lots, including the mini-warehouse.

**Madden** opened the public hearing.

**Teresa Perkins (3308 East Harbor Drive, Bettendorf)** asked how maintenance of 244<sup>th</sup> Avenue would be addressed as the property is subdivided and developed since her neighborhood lies south of the property and utilizes 244<sup>th</sup> Avenue for ingress and egress. **Terrell** responded that the users of the roadway would be responsible for making improvements. **Perkins** said her neighborhood association pays into maintenance costs. **Huey** noted that roadway easement issues are matters between the parties utilizing the easement, but that it would be reasonable to expect future owners of the proposed commercial lots to help with maintenance costs. **Terrell** said he was not part of the association Perkins alluded to, which **Perkins** confirmed. **Perkins** asked why 244<sup>th</sup> Avenue wasn't a city street, to which **Huey** replied that it wasn't in the city, but that her neighborhood could petition the city to accept the street into its maintenance system. **Terrell** assured Perkins and the others in attendance that he didn't intend to destroy the road. **Winborn** said the easement discussion was a legal matter to be worked out outside of the public hearing.

With no further comments from the public, **Madden** closed the public hearing and asked for staff's recommendation. **Huey** stated that staff recommended approval due to the existing, non-intensive land use on the proposed lot that would not meet minimum lot area requirements.

**Madden** welcomed the applicant to respond. **John Carroll**, the applicant's attorney, said the subdivision with the proposed variance should be approved because the property is surrounded by commercial land uses and is appropriately zoned for commercial land uses to expand onto the proposed lots. **Carroll** said the easement issue would be addressed later.

**Madden** welcomed the Board to respond.



**Winborn made a motion to approve the variance request to allow the creation of a lot through a minor subdivision that is less than the minimum lot area requirements in accordance with staff's recommendation. Seconded by Guy.**

**Vote: Approve (3-0)**

- 4. Public Hearing – Variance:** Request from **James Thiel** to build a detached garage thirty (30) feet from the roadway easement in lieu of the fifty (50) feet prescribed in the Zoning Ordinance at the property legally described as Lot 7 of Schutter Farm 1<sup>st</sup> Addition in Pleasant Valley Township.

**Madden** introduced the request and asked for staff's review. **Huey** displayed aerial maps and site photos, describing the property as a large lot consumed by steep topography. **Huey** displayed the site plan showing the proposed location of the garage and the presence of an unutilized roadway easement stub that ends twenty (20) feet into the subject property. **Huey** said the applicant could vacate the easement, but that the process would be more cumbersome than requesting a variance with the same effect.

**Madden** welcomed the applicant to respond. **Thiel** said any feasible alternative locations would require him to remove or modify a berm toward the back (north) of his property, which would alter the water runoff flow into nearby Spencer Creek.

**Madden** opened the public hearing.

With no comments from the public, **Madden** closed the public hearing and asked for staff's recommendation. **Huey** said staff recommended approval due to its minimal impacts on adjacent property owners and the presence of the nonfunctional roadway easement.

**Winborn** asked how large the garage would be, and **Thiel** responded thirty (30) feet by thirty-six (36) feet.

**Guy** asked if there was any potential the roadway easement would need to be used in the future. **Huey** said no since the property adjacent to the north is an established residential area with little potential for expansion.

**Guy made a motion to approve the variance request to allow a twenty (20) foot reduction to the required front yard setback in accordance with staff's recommendation. Seconded by Winborn.**

**Vote: Approve (3-0)**

- 5. With no other business to discuss, Madden adjourned the meeting at 4:35 P.M.**