



Scott County Board of Adjustment

November 28, 2018

1st Floor Board Room
Scott County Administrative Center

MEETING MINUTES

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

Members Absent: none

Staff Present: Timothy Huey, Planning and Development Director
Deb Munro, Planning and Development Clerk

Supervisors Present: Diane Holst

Others Present: about 25 others

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 July 25, 2018 minutes. **Winborn** seconded the motion. **All Ayes (5-0)**
3. **Public Hearing – Special Use Permit:** Request of Harry and Kathleen Wierzba to convert an existing detached accessory building to a subordinate dwelling unit at 9481 220th Street, legally described as Part of the NE ¼ of the NW ¼ and Part of the NW ¼ of the NE ¼ of Section 27 in Hickory Grove Township.

Chairman Scheibe introduced the request and asked for staff's review. **Huey** noted that this application is to convert an existing wood frame corn crib on a farmstead in Hickory Grove Township to a subordinate dwelling unit. **Huey** displayed aerial photos, the zoning map, and site photos. **Huey** said it was staff's view that the impacts of the proposed conversion of the old corn crib to subordinate dwelling unit would be minimal.

Chairman Scheibe welcomed the applicant to respond. Kathleen and Harry Wierzba said they had little to add after Huey's review. They said it is their intention to use the converted corn crib as a guest house for family and friends and not as a rental on either a short or long term basis. They wanted to preserve the corn crib and have additional space for visitors to stay.

Chairman Scheibe opened the public hearing. No members of the public spoke for or against the request. **Chairman Scheibe** closed the public hearing and asked for staff's recommendation.



Huey stated that staff recommended approval with the condition that the renovations for the conversion of the corn crib to a subordinate dwelling unit meet all building and health codes for life, health and safety

Chairman Scheibe asked for any questions from board members. Madden asked what happened if the property was sold. Huey stated a Special Use Permit approval runs with land and subsequent owners could use it subject to any conditions of approval. Winborn asked if it could be run as a Bed and Breakfast. Huey stated that B & B's are required to get approval of a Special Use Permit to operate so to do that for this property would require additional approval.

Chairman Scheibe said he would prefer a condition be added not to allow short or long term rental of the unit to insure it was just used for family visits as the applicants stated. **Huey** said the Board could add that as a condition if the Board thought it was necessary but it was not something staff was recommending.

Winborn made a motion to approve the Special Use Permit as recommended by staff. Seconded by Guy. Madden made a motion to amend the conditions to not allow the short or long term rental of the dwelling.

Vote on amendment (3-2) Winborn & Guy Nay

Vote on amended motion: Approve (5-0)

- 4. Public Hearing – Special Use Permit:** Request of Julia Rubino to construct and operate a winery for the production of native Iowa wine in conjunction with a vineyard and associated facilities for the production, bottling, marketing and sale of the wine, which may also include associated facilities for tastings and other events held on the premises, at the property legally described as Lot 2 of Great River Hills Addition in Section 14 of LeClaire Township.

Chairman Scheibe introduced the request and asked for staff's review. Huey noted that she had been pursuing approval to operate a vineyard, winery and associated facilities, including a tasting room and event center on this property for a number of months. The Board of Supervisors, following the unanimous recommendation of the Planning Commission, had approved an amendment to the Scott County Comprehensive Plan's land use policies to specifically address applications for Special Use Permits for wineries with associated facilities. Additionally the Board unanimously approved the amendment of the Ag-General Zoning District regulations to add "wineries" as a Special Permitted Use. Finally the Board approved the rezoning of the subject parcel back to Ag-General from R-1. Approval of all three applications allows the Zoning Board of Adjustment to review this current application. Huey presented slides and site photos of the property.

Chairman Scheibe asked the applicants if they had any comments. Flaherty and Rubino presented slides of other similar facilities and operations and addressed many of the issues and concerns that had been raised by the neighbors during the course of the process to obtain approval for their project.



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

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

Chairman Scheibe asked if anyone else wanted to address the Board on this matter, Andrea Faulhaber spoke and stated she was speaking on behalf of herself, her husband Brock and his parents, Tom & Brenda Faulhaber. She read her statement that said they were adamantly opposed to the wedding venue. She asked that if it was approved for the Board to require security cameras, an 8 foot tall security fence and that security personnel be required at all events. She also stated her concern with the possibility of lighting on the property shining on her property, cars being parked on Great River Road, and other issues. Stan Scharf said his land adjoined the golf course property and that he thinks this is the wrong location for such an operation. He said the soil was not good for a vineyard and that a lot of their grapes would have to be imported from other areas. He said the Special Use Permit was really a back door way to get a commercial use approved. Jami Morash spoke on behalf of her mother Susan Leander who was the current property owner and who had operated the golf course on the property previously. She said the property had been in her family for over 100 years. She said her mother's concerns were related to lights, traffic and the location of the parking lot and event building being too close to her mother's house on the adjacent property.

Chairman Scheibe asked if anyone else wanted to address the Board. Dennis Stolk, Ruhl and Ruhl said he represented the seller, Susan Leander. He said the way it was initially presented, was as a vineyard and winery with a tasting room, not an event center too. He said the Board could address Leander's concerns by flip flopping the site plan to have the event center building and parking area on the north side of the property and not the south side next to Leander's property.

Chairman Scheibe closed the public hearing and asked for staff's recommendation.

Huey stated that staff recommended approval with eleven conditions as stated in the staff report.

Chairman Scheibe asked for any questions from the Board. Winborn asked how the applicants would feel about flipping the building and parking area on the site plan as suggested by Stolk? Flaherty said they could look at it but there were other issues that complicated that related to the location of the approach off the highway and the location of gas pipeline easements on the property. Guy asked about the location and size of the patios. Flaherty said there would be two patios, one would be adjacent to the tasting room and separate from the event center, and the other would be next to the event center. Tom Dittmer asked what the pole barn up by the house would be used for and what was the size of the proposed event center. Huey stated that both the house and the pole building were related to the vineyard and growing crops on the property and therefore were ag-exempt. The building would be to store the farm equipment in. Huey stated both the winery/tasting room and event center could be no larger than 1% of the total area of the property so in this case they would be limited to no greater than 5775 square feet of floor area.



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

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

Chairman Scheibe asked whether an access permit would be required by the State DOT and Huey said yes, new State highway access permits always require approval from the local zoning authority. Scheibe also asked why the vineyard had to be in operation two years before the event center and how was “in operation” defined? Huey stated the two year time frame was intended to ensure the vineyard was established before the event center was built and his determination that grape vines would need to have been growing on the property for at least two years for a permit for an event center be issued. Huey stated it was usually longer than two years before vines were producing viable grapes but all wineries in Iowa import some or even most of their grapes from other sources. Scheibe said he felt approving the event center before the vineyard was proven viable was premature. He thought the applicant should have to come back for further approval once the vineyard was in operation.

Dittmer asked the applicants if the event center was critical to their business plan. Flaherty said it was and they needed to know they had approval for it before they purchased the land. They said they were fine with the two year stipulation. He said most wineries have events centers because they help offset the cost of the vineyard and winery.

Chairman Scheibe said he would like to see a number of operation and design issues addressed before the Board approved. Huey stated that those could be added as conditions and then reviewed by the P & Z during the required Site Plan Review by the Commission. Winborn suggested that staff’s condition #3 be amended to have the applicants try to amend the site plan to address Leander’s concerns. Scheibe recommended that condition #9 be amended to limit events to 200 attendees. Dittmer asked if there should be a time limit on this permit. Huey stated that the applicants were making a considerable investment and need to have assurance of the conditions for approval and not be faced with them changing if the permit expired. Huey said it was the Zoning Administrators job to be sure they remained in compliance.

Winborn made a motion to approve the Special Use Permit as recommended by staff but to amend condition #3 to require the site plan be amended if feasible to better limit the impact on the neighbor and to amend condition #9 to limit events to no more than 200 attendees. Guy seconded.

Vote to approve with conditions All Ayes (5-0)

5. With no other business to discuss, **Chairman Scheibe adjourned the meeting at 6:10 P.M.**