



**SCOTT COUNTY
ZONING BOARD OF ADJUSTMENT
APRIL 24, 2019
4:00 P.M.**

MEETING MINUTES
1st Floor Board Room
Administrative Center
600 W. 4th Street
Davenport, IA 52801

MEMBERS PRESENT: Scheibe, Dittmer, Guy, Madden, Winborn

MEMBERS ABSENT: None

STAFF PRESENT: Timothy Huey, Planning & Development Director
Taylor Beswick, Planning & Development Specialist
Bob Buck, Building Inspector

OTHERS PRESENT: Mark and Christine Drayer, applicants
Austin Ryckeghem, applicant
Twelve (12) members of the public

1. **Call to Order:** Chair Scheibe called the meeting to order at 4:00 P.M.
2. **Minutes:** Approval of the March 27, 2019 meeting minutes. **Dittmer made a motion to approve. Seconded by Winborn. Vote: All Ayes (5-0).**
3. **Public Hearing – Special Use Permit:** *Request from Mark and Christine Drayer to construct two family dwellings on a 3.16 acre parcel, more or less, legally described as part of Lot 6 of Bowker’s Hilltop Fifth Subdivision in the SW¼NW¼ AND part of Lot 6 of Bowker’s Hilltop Fifth Subdivision in the SE¼NW¼ of Section 26 in LeClaire Township (parcel ID: 952617406—4).*

Chair Scheibe introduced the item and asked staff to present the review to the Board.

Huey presented an overview of the Special Use Permit application, location maps of the property, site plans of the proposed structures, building plans of the proposed structures, and site photos of the vacant property.



Huey then reviewed the application in accordance with the requirements for approval of a Special Use Permit. The regulations require the Board to determine the effect of the proposed use of two family dwellings on one lot on the character of the neighborhood, the adjoining property values, the adequacy of the County road to handle the additional traffic, the environmental impacts of the proposed use, and other matters relating to the public health, safety and welfare. **Huey** noted there were two written comments submitted prior to the meeting citing support for the proposal and approval of the Special Use Permit.

Chair Scheibe invited the applicants to present to the Board. **Mark and Christine Drayer (applicants)** said they were content with the overview and review **Huey** presented and had nothing to add. The **applicants** did note they will adhere to a shared road agreement included with the application and any damage caused by construction of dwellings to the road.

Chair Scheibe invited anyone in the audience to speak.

Evan Bailey (neighbor) addressed the board and noted he was attending to find out details of the proposed construction. He had concerns about construction equipment and heavy machinery on the road. The **applicants** responded that they will be responsible for any damage to the road from construction.

Janice Braunbout addressed the Board and spoke of her concerns with water runoff and erosion from the proposed construction. The **applicants** responded that the driveway will be regraded after construction.

With no further public comments, **Chair Scheibe** asked for the staff recommendation.

Huey said that staff recommends that the Special Use Permit to develop a subordinate dwelling unit be approved with the following conditions:

1. The carriage house meet all building and health codes for life, health and safety; and
2. The use of the carriage house for short or long term rentals not be permitted.

This recommendation is made on the basis that granting this Special Use Permit will not have a negative impact on the character of the neighborhood or the spirit and intent of the Zoning Ordinance, the Comprehensive Plan, or the Land Use Policies.

The **applicants** had no additional comments or questions.

Winborn asked if the principle house was built first, would a Special Use Permit still be needed. **Huey** responded that a Special Use Permit would still be required.



Winborn asked how the rental condition is enforced. **Huey** responded it is the responsibility of the Planning and Development Department.

Scheibe asked what material is the road construction. The **applicants** and **Huey** responded it is maintained, graded white rock.

Dittmer addressed the **applicants** and asked if they fully understand the road agreement and the consequences if there is damage to the road from heavy equipment during construction. The **applicants** responded that they do understand and are in full agreement to repair any damage caused from construction of their dwellings.

Dittmer motioned to approve the Special Use Permit with the two (2) conditions. **Winborn** seconded.

Vote: All Ayes (5-0). Special Use Permit approved.

4. **Public Hearing – Appeal of Interpretation:** *Request from Austin Ryckeghem for an Appeal of Interpretation of the Zoning Administrator’s determination that Mr. Ryckeghem does not comply with the regulations set forth in the Zoning Ordinance for Unincorporated Scott County at 521 Park View Drive, legally Park View Drive, legally described as lot 78 of Park View Fifth Addition of Section 31 in Butler Township (parcel ID: 043133278). The applicant states he would like to keep a boat cover structure on the west side of the dwelling on his property on the basis it is not a structure.*

Chair Scheibe briefly introduced the item and asked staff to present an overview and review.

Huey presented a background of the interpretation made that a boat cover with a frame is a structure and as such is subject to the setback requirements of the Scott County Zoning Ordinance. **Huey** displayed site photos of the structure and reviewed a timeline of correspondence and actions with the **applicant**.

Huey cited the Zoning Ordinance as defining a structure as: *“Anything constructed or erected with a fixed location on the ground, attached to the ground, or which is attached to something having a permanent location on the ground, including, but not limited to buildings which require building permits, factory-built homes, billboards, or poster panels, storage tanks, or similar uses.”*

Huey cited the Zoning Ordinance as defining a building as: *“Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property, including mobile homes, but not including signs or billboards.”*



Huey stated it was on the basis of these definitions that the boat cover was determined to be a building and structure; whether it is or is not anchored to the ground is immaterial.

Chair Scheibe invited the **applicant** to address the Board.

The **applicant** addressed the Board. He reread the definition of a structure cited from The Zoning Ordinance. He then cited the brand of the boat cover and it met snow and wind rating. The **applicant** said he had driven around rural Scott County and found 10-15 tent covers similar to his.

Patrick Dodge representing the Park View Home Owners Association (PVHOA), addressed the board and stated he submitted the original complaint to the Scott County Planning and Development Department in January 2019. The PVHOA's view is that the structure is not meeting front yard or side yard setbacks. If this structure is allowed to stay, it opens up Park View to many more unsightly structures.

Kurt Proctor (PVHOA, Park View resident) addressed the board stating that these structures are a sore spot for Park View and he is speaking for others in the community.

Jeff Wolf (Park View resident) addressed the board and reiterated what the previous two Park View residents stated, that these structures are unwanted by a majority of the community.

Don Peterson (Park View resident; neighbor to the south of **applicant**) addressed the board and stated his personal opinion: that it does not affect him nor bother him. He also does not think it is a permanent structure.

There was no further public comment. **Chair Scheibe** asked for the staff recommendation.

Huey stated that staff recommends that the determination of the Zoning Administrator be upheld based on the definitions of structure and building in the ordinance.

Chair Scheibe invited the **applicant** to comment on the staff's recommendation.

The **applicant** asked the Board and staff when the first inspection was conducted. **Staff** responded before January 2, 2019. The property was not entered and the structure was only inspected from public right-of-way. A determination was made with the information available at that time.



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Chair Scheibe asked if the structure met setback requirements for the CAD-R Zoning District.

Huey responded it did not. The **applicant** did not contest this statement.

Dittmer asked the **applicant** if he had considered putting the structure in an alternative location on his property.

The **applicant** said he had not fully considered it.

Dittmer asked if the Board was to only to make a determination on the Zoning infraction, not any Building Code.

Huey responded yes.

Winborn motioned to uphold the determination of the Zoning Administrator based on the definitions of a structure in the Zoning Ordinance. **Madden** seconded.

Vote: ALL AYES (5-0). Determination Upheld.

5. **Other business:** No other business items were brought forward.
6. **Adjourn.** Meeting was adjourned at 4:47 PM.