

PLANNING & DEVELOPMENT

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Timothy Huey
Director

**SCOTT COUNTY
ZONING BOARD OF ADJUSTMENT
MINUTES**

Wednesday, May 27, 2020

1st Floor Board Room Administrative Center

5:00 P.M.

Board Members Present: Myron Scheibe, Mary Beth Madden, Ed Winborn

Board Members Absent: Kim Guy, Tom Dittmer

Staff Present: Tim Huey, Taylor Beswick

Applicants Present: Tammy Spiedel, Dave Donovan, Tracy Sanders, Brad Kuhl, Les Kuhl, Deb Kuhl, Beau Hines, Lindsay Hines

1. **Call to Order:** Chair Scheibe called the meeting to order at 5:00 PM
2. **Minutes:** *Approval of the February 26, 2020 meeting minutes.*

Winborn motioned to approve the February 26, 2020 meeting minutes as presented.

Madden seconded. **Vote: 3-0, All Ayes. Minutes approved.**

3. **Public Hearing – Special Use Permit:** *Request from Scott Emergency Communications Center (SECC) to construct a 260' foot self-support communications tower and fenced compound. The current deed holder is **Leo and Sandra Rathjen**. The location of the request is adjacent to the east of 4636 220th Street, Walcott. The property is legally described as a 0.458 acre tract part of the SE¹/₄SE¹/₄ of Section 23 in Cleona Township (currently part of Parcel Number 912355002). The location is zoned Agricultural-Preservation (A-P). A plat of survey, splitting the 0.458 acre tract of land is to be recorded contingent on the decision of this application. The applicant states this request is part of the Quad City's P25 radio system enhancement project.*

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

Applicant **Dave Donovan**, Director of Scott Emergency Communication Center, commented that this is one of seven towers in Scott County and part of a bi-state project.

No members of the public were present for comment.

Huey gave the staff recommendation for the Special Use Permit:

“Staff recommends that the Special Use Permit to allow construction of a two-hundred sixty foot (260') high communications tower and accompanying equipment cabinet be approved based on the minimal impact of the tower on the character of the neighborhood and adjoining property with the following conditions:

1. The applicant allow the co-location of similar transmitter facilities if this is determined to be a suitable location for additional users in the future; and
2. The tower be dismantled and removed if the use is discontinued for one year or greater.”

Chair Scheibe asked if the lot of the tower site is owned or leased and if the lot met minimum lot size. **Huey** responded it was owned and the parcel split was allowed with restrictions of utility use only.

Madden made a motion to approve the Special Use Permit as presented by staff with two conditions. **Winborn** seconded. **Vote: 3-0, All Ayes. Special Use Permit approved.**

4. **Public Hearing – Special Use Permit:** *Request from Kuhl Electric & Automation, Inc. to construct a 150' foot mono-pole communications tower. The current deed holder is TBAR Management LLC. The location of the request is 22762 215th Avenue, Davenport. The property is legally described as a 5.10 acre tract part of the NE¹/₄NW¹/₄ AND part of the SE¹/₄NW¹/₄ in section 22 of Lincoln Township (Parcel Number 942219002). The location is zoned Agricultural-Preservation (A-P). The applicant states the communications tower will have receiving and sending antennas, to make high speed internet available to eastern rural Scott County.*

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

Brad Kuhl, representing the applicant, commented that the tower would allow the business to provide internet service to eastern Scott County within a seven mile radius at speeds of 25 megabits per second.

No members of the public were present for comment.

Huey gave the staff recommendation for the Special Use Permit:

“Staff recommends that the Special Use Permit be approved for a one hundred fifty foot tall monopole communication tower.

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.”

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Chair Scheibe made a recommendation to add a condition to dismantle the communications tower if not used within one year of the Special Use Permit approval.

Winborn made a motion to approve the Special Use Permit as recommended by staff with the added condition recommended by **Chair Scheibe**. **Madden** seconded.

Vote: 3-0, All Ayes. Special Use Permit approved with one condition:

1. Tower shall be dismantled if not used within one year of the Special Use Permit approval.

5. **Public Hearing – Special Use Permit:** *Request from **Kuhl Electric & Automation, Inc.** to conduct an expanded home industry on the premises that exceed the conditions and restrictions of the Agricultural-Preservation (A-P) Zoning District. The applicant proposes to construct a 60' X 90' foot (5,400 square feet) accessory building for the purpose of a telecommunications home industry. The current deed holder is **Leslie & Debra Kuhl DBA TBAR Management LLC**. The location of the request is 22762 215th Avenue, Davenport. The property is legally described as a 5.10 acre tract part of the NE¹/₄NW¹/₄ AND part of the SE¹/₄NW¹/₄ in section 22 of Lincoln Township (Parcel Number 942219002). The location is zoned Agricultural-Preservation (A-P).*

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

Brad Kuhl, representing the applicant, commented that more and more equipment is being purchased for the home industry at the property necessitating an expansion of the business. The expansion is not planned to happen immediately, but would be intended to be in the 2-5 year timeframe. The size of the structure which will include the expanded business is currently not finalized, but a 60 foot by 90 foot building is the largest being considered.

No members of the public were present for comment.

Huey gave the staff recommendation for the Special Use Permit with two (2) conditions: “Staff recommends that the Special Use Permit be approved for the home industry at 22762 215th Avenue that exceeds the floor area limits described in Section 6-6.V. of the Zoning Ordinance of Unincorporated Scott County with the following conditions:

1. The construction of new accessory buildings meet all building codes for accessibility, life, and safety requirements; and
2. All operations remain in compliance with the approved conditions of the Special Use Permit granted in 2015.”

Chair Scheibe asked if there will be any additional employees hired for the business expansion. **Brad Kuhl** responded there will be no added employees.

Madden made a motion to approve the Special Use Permit as recommended by staff with two conditions. **Winborn** seconded. **Vote: 3-0, All Ayes. Special Use Permit approved with two conditions.**

6. **Public Hearing – Variance:** *Request from **Beau Hines** to construct a swimming pool and swimming pool deck with a 29' foot front yard setback in lieu of the 50' foot front yard setback as prescribed in the Zoning Ordinance for the Single-Family Residential (R-1) Zoning District. The current deed holder is **Beau and Lindsay Hines**. The location of the request is 112 Prairie Hill Road, Blue Grass. The property is legally described as a 0.73 acre tract at Lot 12 of Timber Valley Estates – 1st Addition (Parcel Number 720805112). The applicant states the irregular geometry of the lot, the location of the septic system, and dense tree growth in alternate site locations on the property as reasons for applying for the variance.*

Huey presented an overview of the Variance application, location maps of the property, site plans, and site photos of the property. **Huey** explained the basis for the variance, due the property's location on a corner lot.

Lindsay Hines, representing the applicant, commented that she had no additional comments to add and would answer any questions.

No members of the public were present for comment.

Huey gave the staff recommendation for the Variance

“Staff would recommend that a variance to allow a twenty-nine (29) foot, front-yard setback at the closest portion of the swimming pool and deck to the property line be approved based on the hardship created by the geometry of the property, the location of the septic system, and the minimal impact on the neighboring property of the granting of this request.

This favorable recommendation is due to the lack of practical alternatives for placement of a swimming pool, and absence of concerns expressed by County entities and neighboring property owners.”

No discussion or comments were made by the Board members.

Winborn made a motion to approve the Variance per the staff's recommendation. **Chair Scheibe** seconded. **Vote: 3-0, All Ayes. Variance approved as submitted.**

7. **Other business:** *Additional comments or issues to discuss*
No other business was discussed.

8. **Adjournment.** Meeting was adjourned at 5:40 PM