

**PLANNING & DEVELOPMENT**

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Timothy Huey  
Director

**SCOTT COUNTY  
ZONING BOARD OF ADJUSTMENT  
MINUTES**

**Wednesday, June 24, 2020**

Virtual Due to COVID

**4:00 P.M.**

**Board Members Present:** Myron Scheibe, Mary Beth Madden, Tom Dittmer

**Board Members Absent:** None

**Staff Present:** Tim Huey, Taylor Beswick

**Applicants Present:** Wade **Dumond** (Kwik Star); Michael **Ouellette**; Vahan “George” **Bedeian**; Nicholas **Schemmel**

**Public Present:** Marcia **Bornemann** (26410 274<sup>th</sup> Avenue, Princeton)

1. **Call to Order:** Chair **Scheibe** called the meeting to order at 4:00 PM
2. **Minutes:** *Approval of the May 27, 2020 meeting minutes.*

**Winborn** motioned to approve the May 27, 2020 meeting minutes as presented. **Madden** seconded. **Vote: 3-0, All Ayes. Minutes approved.**

3. **Public Hearing – Special Use Permit:** *Request from Kwik Star, Inc. for a Special Use Permit to construct an on premise accessory signs that exceeds the height an area regulations for the Commercial-Light Industrial (C-2) Zoning District. The proposed accessory on premise sign is 75 feet high, and 275.5 square foot in area on each face (551 square feet in total area). The “C-2” Zoning District allows a maximum sign height of 45 feet and a maximum total area of 500 square feet for all accessory signs on the premise. The proposed high-rise sign along with additional proposed accessory signs on the premise would exceed the total allowable sign square footage for the property. Section 6-28.B.(14) of the Zoning Ordinance prescribes that “Any proposed accessory sign which exceeds the height or size limits identified above shall be reviewed in accordance with the provisions and criteria for a Special Use Permit established in Section 6-30.” The location of the request is 13888 118th Avenue, Davenport. The 23.6 acre property is legally described as Lot 1 of Brus Farm Commercial Park 2nd Addition in Buffalo Township (Parcel Number 720105011).*

**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 **Wade Dumond**, representing **Kwik Star**, commented that there are many trees in the right-of-way which would obstruct a shorter sign height.

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 a high rise on premise accessory sign 75 feet in height and 275.5 square foot in sign area on each face for a total sign area of 551 square feet be approved based on the minimal effect of the proposed sign on the character of the neighborhood and the adjoining property values and that approval of this SUP would appear not to be contrary to the spirit and intent of the Zoning Ordinance, the Comp Plan and Scott County Land Use Policies.”

**Dittmer** commented to the Board that because this is a Special Use Permit, we do not to prescribe a max height allowance.

**Dittmer** made a motion to approve the Special Use Permit as presented by staff. **Scheibe** seconded. **Vote: 3-0, All Ayes. Special Use Permit approved.**

4. **Public Hearing – Variance:** *Request from Michael Ouellette for a variance to construct a detached garage with a 5’ foot side yard setback in lieu of the 10’ foot side yard setback prescribed in the Zoning Ordinance for the Single-Family Residential (R-1) Zoning District. The location of the request is 26446 274th Avenue, Princeton. The property is legally described as a 0.85 acre tract at Lot 20 of Centennial Oaks – 3rd Addition (Parcel Number 053435120). The applicant states the topography, irregular geometry of the lot, and dense tree growth in alternate site locations on the property as reasons for applying for the variance.*

**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 **Michael Ouellette** commented that the reasoning for the variance request is to situate the garage at a proper angle to back a trailer into and to turn into it.

**Marcia Bornemann** (neighbors residing at 26410 274<sup>th</sup> Avenue, Princeton) commented that they are not objecting to the variance and she understands the hardship.

**Huey** gave the staff recommendation:

“Staff recommends that the variance to allow a 22-foot x 22-foot accessory building to be constructed with a five (5) foot side yard setback in lieu of the ten (10) feet required be

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denied due to the lack of hardship and that granting this variance request would appear to be contrary to the purpose and intent of the Zoning Ordinance and Comprehensive Plan.”

The applicant, **Ouellette**, commented on the recommendation that a previous variance submitted by **Drew Mangler** (residing at 27501 265<sup>th</sup> Street Place, Princeton) was approved by this Board.

**Beswick** responded to the applicant’s question, explaining that the variance request by **Mangler** involved right-of-way bisecting the property. The circumstances do not exist with the applicant’s property.

**Scheibe** asked the applicant if the accessory building could be moved or made smaller. **Huey** commented, that staff recommended that the building site plan could be altered to comply with setbacks.

**Dittmer** asked the applicant how wide the driveway is on the property. **Huey** responded 10 feet.

**Madden** commented that she did not wish to set precedent for more variances.

**Dittmer** commented that he did see the hardship request from the applicant as sufficient for a variance.

**Dittmer** made a motion to approve a seven (7) foot setback in lieu of the ten (10) foot setback prescribed by the Zoning Ordinance. No second. **Motion not passed.**

**Scheibe** made a motion to deny the variance based on a lack of hardship. **Madden** seconded.

**Vote: 3-0. All Ayes. Variance denied based on a lack of hardship.**

- 5. Public Hearing – Variance:** *Request from Nicholas Schemmel for a variance to construct an accessory building for storage with a 30 foot front yard setback in lieu of the 50 foot front yard setback as prescribed in the Zoning Ordinance for the Agricultural-General (A-G) Zoning District. The location of the request is 17449 267th Street, Long Grove. The property is legally described as a 5.38 acre tract part of the SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 36 in Winfield Township (Parcel Number 033619007). The applicant states the location of an additional existing pole building and the proposed location of a pool as reasons for applying for the variance.*

**Huey** presented an overview of the variance application, location maps of the property, site plans, building plans of the proposed structure, and site photos of the property.

**Nic Schemmel**, the applicant, had no additional comment.

No members of the public were present for comment.

**Huey** gave the staff recommendation for the variance:

“Staff recommends that the variance to allow the proposed 20 foot by 20 foot accessory building be denied due to lack of hardship and that granting this variance request would appear contrary to the purpose and intent of the Zoning Ordinance and Comprehensive Plan.”

**Schemmel**, explained the location of an underground electrical line 50’ east of the side lot line and 120’ south of the front yard setback being a reason for the hardship request.

**Scheibe** asked for more details on the reasoning.

**Schemmel** explained a future pool would be located at the setback distance.

**Dittmer** made a motion to deny the variance per staff recommendation. **Madden** seconded.

**Vote: 3-0. All Ayes. Variance denied due to a lack of hardship.**

6. **Public Hearing – Variance:** *Request from Vahan G. Bedeian for a variance to construct an accessory building for storage with a 4’ foot side yard setback in lieu of the 10’ foot side yard setback as prescribed in the Zoning Ordinance for the Single-Family Residential (R-1) Zoning District. The location of the request is 13085 61st Avenue, Blue Grass. The property is legally described as a 4.77 acre tract at Lot 7 of Revelle's 7th Subdivision (Parcel Number 720649107). The applicant states the location of an additional accessory building's entrance for tractors, the equipment being used on the property, and the location of the septic system as reasons for applying for the variance.*

**Huey** presented an overview of the variance application, location maps of the property, site plans, building plans of the proposed structure, and site photos of the property.

**George Bedian**, the applicant, commented that the reason in applying for the variance was the proposed use of the structure, location of a horse corral, and site of a septic field.

No members of the public were present for comment.

**Huey** gave the staff recommendation:

“Staff would recommend a five (5) foot variance to the side-yard setback requirements be approved. This favorable recommendation is due to the presence of a private septic field on the property, the location of an existing accessory building on the property, lack of practical alternatives for placement of an additional accessory building allowing current use of the property, and absence of concerns expressed by County entities and

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neighboring property owners. The staff recommendation differs from the applicant's request due to Building Code requirement of firewall separation for any structures within five (5) feet of adjacent lot lines.

**Madden** made motion to approve the variance per the staff recommendation. **Scheibe** seconded.

**Vote: 3-0. All Ayes. Variance of five (5) feet side yard setback in lieu of the ten (10) foot setback prescribed in the Zoning Ordinance approved.**

- 7. Discussion of Recently Enacted State Legislation:** *House File 2477, an Act relating To County Regulation of Certain Agricultural Experiences; AND House File 2512, an Act relating to county zoning procedures, and including effective date and applicability provisions.*

**Huey** explained the ramifications of recently passed State of Iowa legislation. Board members who do not reside in unincorporated Scott County can no longer be on the Board. In addition, House File 2477, expands agricultural exemptions to uses that can be defined as "agricultural experiences".

- 8. Other business:** *Additional comments or issues to discuss*  
No other business was discussed.
- 9. Adjournment.** Meeting was adjourned at 6:00 PM