



**Planning & Development
Scott County, Iowa**

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

December 13, 2023

To: Zoning Board of Adjustment
From: Alan Silas, Planning & Development Specialist
Re: Appeal of Interpretation, lossi

As a quasi-judicial authority for Scott County's adopted Zoning Ordinance, the Zoning Board of Adjustment is tasked with considering three main appeals: Variances, Special Use Permits, and Appeals of Interpretation. Variance and Special Use Permit appeals are by far the most common; the last documented Appeal of Interpretation was in October 2005.

According to the Zoning Ordinance, an Appeal of Interpretation is defined as, "[an allegation] there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the Ordinance or of any supplement or attachment." The applicant in the case before you on December 20, 2023 received a determination letter dated October 18, 2023 from Interim Zoning Administrator Chris Still regarding a building permit application that he wishes to have appealed by the Zoning Board of Adjustment. The Zoning Board of Adjustment is tasked with deciding whether there was an error in that determination.

The five (5) statements of fact in the determination letter were the basis for the Zoning Administrator's decision. While Chris Still is no longer the Interim Zoning Administrator, current County staff (including Tim Huey, contracted Planning Consultant) believes the interpretation of the Zoning Ordinance is sound.

Staff notified the County Engineer, the County Health Department, the County Building Inspector, neighboring property owners within 500 feet of the subject property (which included several addresses in Clinton County), and published the legal notice for the public hearing in the December 13, 2023 edition of the *North Scott Press*.

- The County Engineer did not have any comments on the Appeal of Interpretation.
- An Environmental Health Specialist (Jack Hoskins) in the County Health Department did not have any comments on the Appeal of Interpretation, but indicated the Health Department would need to discuss water supply and wastewater disposal plans should the building permit application be allowed to proceed.
- The County Building Inspector did not have any comments on the Appeal of Interpretation, and would perform a full building code review only if the building permit application were allowed to proceed.
- Luke Shelton (2773 210th Avenue, Clinton County) called the Planning & Development Department to have entered into the record his support for approving the Appeal of Interpretation.

Staff recommends the Appeal of Interpretation be denied based on the statements of fact in the determination letter dated October 18, 2023.