

PLANNING & DEVELOPMENT

600 West Fourth Street
Davenport, Iowa 52801-1106
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Office: (563) 326-8643



**SCOTT COUNTY
ZONING BOARD OF ADJUSTMENT
AGENDA**

**Wednesday, September 24, 2025
4:00 P.M.**

**Meeting Room A/B
Scott County Library – Eldridge Branch
200 North 6th Street
Eldridge, Iowa 52748**

- 1. Call to Order**
- 2. Attendance**
- 3. Approval of Minutes:** Approval of the July 23, 2025, meeting minutes.
- 4. New Business**
 - a. **Public Hearing – Variance:** Request from **Kelly Wernke** for a variance to the front yard setback for an accessory structure at 10250 160th Street, Davenport, IA, legally described as: Part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 78 North, Range 2 East of the 5th P.M (Parcel #822351001).
 - b. **Approval of 2026 Meeting Schedule:** Approval of meeting schedule for 2026.
- 5. Old Business**
- 6. Zoning Administrator's Report**
- 7. Public Comment**
- 8. Adjournment**

Public Hearing Procedure:

- a. Chairman reads notice of public hearing.
- b. Director reviews case.
- c. Applicant/Representative speaks on behalf of request.
- d. Public may ask questions or make comments.
- e. Director makes staff recommendation.
- f. Applicant may respond to comments and/or recommendation.
- g. Board members may ask questions.
- h. Chairman closes the public portion of the hearing. (No more comments from public or applicant.)
- i. Discussion period to determine justification for decision.
- j. Board members move to approve, deny, and/or modify request.
- k. Final vote. Case closed. Three members of the Board constitute a quorum. The concurring vote of three members of the Board shall be necessary to reverse any decision or determination of the zoning administrator or to decide in favor of an application for a variance or conditions for a special use permit. The Board of Adjustment is “quasi-judicial” and not a recommending body. Therefore, any appeals to their decisions should be filed with District Court within 30 days of the meeting.

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SCOTT COUNTY ZONING BOARD OF ADJUSTMENT Wednesday, July 23, 2025 4:00 P.M.

MEETING MINUTES

Eldridge Library
Meeting Room A/B
200 North 6th Avenue
Eldridge, IA 52748

MEMBERS PRESENT: Patrick Dodge, Carrie Keppy, Myron Scheibe

MEMBERS ABSENT: Tom Dittmer, Mary Beth Madden

OTHERS PRESENT: Greg Schaapveld, Planning & Development Director
Caitie Leighton, Senior Administrative Assistant
Irwin Young & Patricia Funte, applicants

1. **Call to Order:** **Scheibe** called the meeting to order at 4:01 P.M.
2. **Approval of Minutes:** Consideration of May 28, 2025 meeting minutes. **Keppy made a motion to approve. Seconded by Dodge.**

Vote (approve May 28, 2025 minutes): 3-0, All Ayes

3. **Public Hearing – Variance:** **Scheibe** introduced the Variance request as stated on the public hearing notice and welcomed staff to explain the case. **Schaapveld** provided an overview using maps, site photographs, and the proposed updated building footprint.

Scheibe welcomed the applicant to respond.

Young explained the intent to add a carport next to his existing garage to store his truck.

Scheibe opened the public hearing.

With no public attendees, **Scheibe** closed the hearing and requested the staff recommendation.

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Schaapveld stated staff supported approval of a variance for the front yard setback, but recommended denial of a variance for the side yard setback due to concerns with reduced spatial buffer between adjacent property and any potential structures.

Schaapveld suggested the applicant try to acquire the additional footage to meet the required side yard setback, or to build on the other (south) side of the garage as an alternative.

Keppy asked what kind of structure and **Scheibe** asked if it would have open sides.

Dodge asked if the structure would be permanent. **Young** explained it would be a permanent carport with open sides.

Dodge asked for the applicant's thoughts on the alternative suggestions. **Young** stated he did not think he would be able to acquire more land, and he would have to do more work to place the carport on the other (south) side of the garage, but it was not a bad option.

Scheibe opened the floor for Board discussion.

Scheibe expressed concerns on encroachment.

Dodge asked the time limit for a temporary structure. **Schaapveld** responded 180 days.

Dodge made a motion to approve the front yard setback Variance and deny the side yard setback Variance in accordance with staff recommendation. Motion seconded by Keppy.

Vote (approve a front yard setback Variance and deny a side yard setback Variance):

Vote was 3-0, All Ayes

4. **Old Business:** *none*

5. **Zoning Administrator's Report:**

6. **Public Comment:** *none*

7. **Adjournment:** With no further public comments and no additional business, **Scheibe** adjourned the meeting at 4:47 P.M.

Submitted by: Caitie Leighton, Senior Administrative Assistant

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Date: Aug / 13 / 2025

Appeal to the Scott County Zoning Board of Adjustment

Applicant

Name: Kelly Wernke

Address: 10250 160th St.

Davenport, IA 52804

Phone: _____

Deed Holder or Property Owner

Name: Kelly Wernke

Address: " "

" "

" "

Phone: " "

Address of the affected area: 10250 160th St., Davenport, IA 52804

Legal description: _____

Section: 23 Township: 78 Zoning Classification: R

**Check the
appropriate
appeal:**

☐ **Appeal of the interpretation** made by the zoning administrator
of zoning text or map boundaries

☐ **Special use permit**

☒ **Variance to the rules of the Zoning Ordinance**

Specifically, I would like to: reduce the 50' front yard setback
to 30' in order to replace the garage that was
destroyed in an F1 tornado on 3/5/22.

I (We) further state that if this request is granted, I (we) will proceed with the actual construction in accordance to the conditions set by the Board of Adjustment, after the application and issuance of a building permit from Planning and Development and in the two (2) year time period as prescribed by Section 6-27.F.(8) of the Zoning Ordinance.

Applicant's Signature K Wernke Deed Holder's Signature _____

Fees Paid (Circle one):

Appeal of Interpretation

\$50

Special Use Permit

Less than 5 acres = \$100

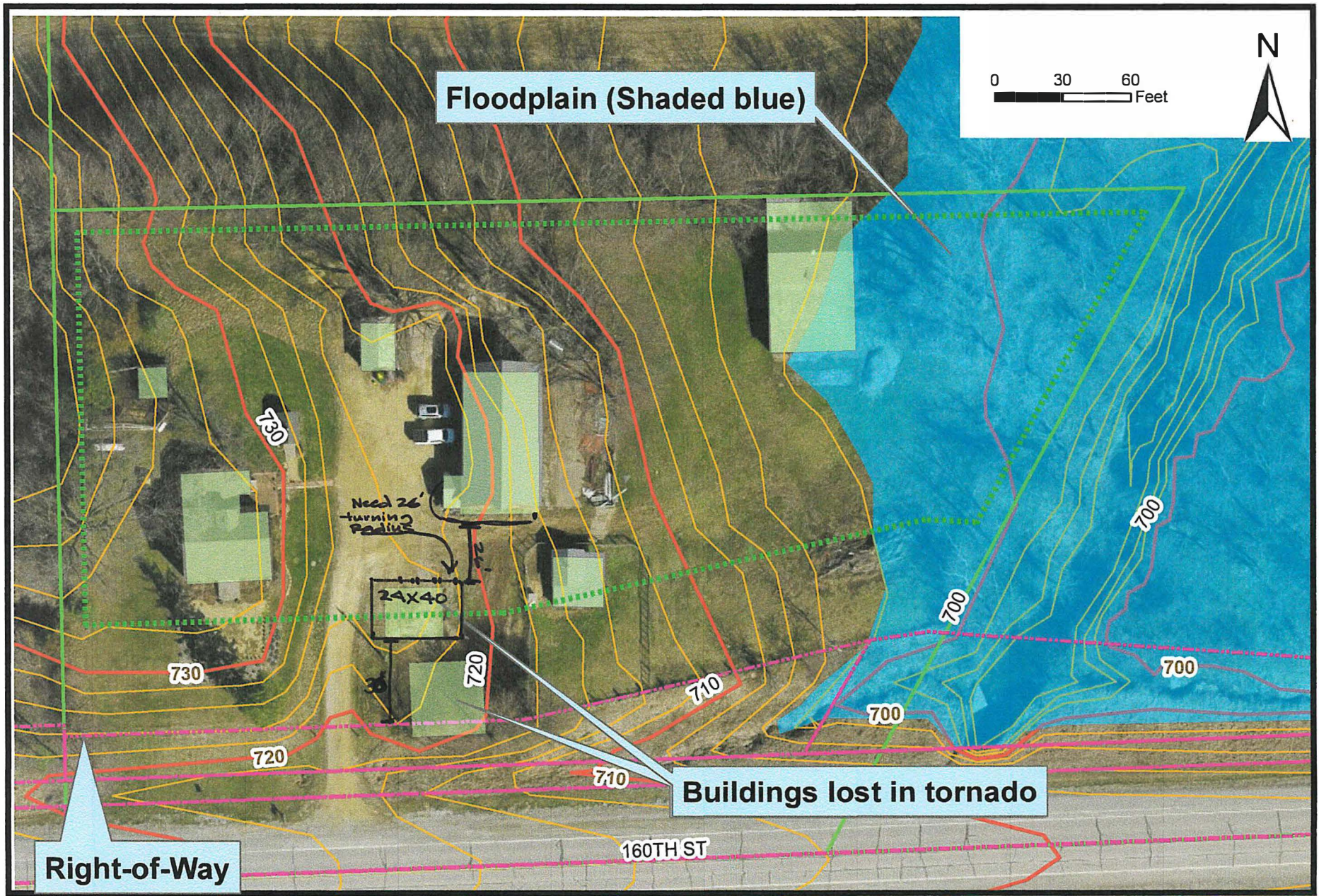
5 to 10 acres = \$150

Ten acres or more = \$200

Variance

\$100

**Wernke Property
10250 160th Street
Existing Conditions**



Accessory Building Setbacks shown as dashed green lines (50' front, 10' side and rear)



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Applicant: Kelly Wernke

Request: A variance to construct a detached garage with a reduced front-yard setback.

Legal Description: Part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 78

Address: 10250 160th Street, Davenport

Existing Land Use: Single-Family Dwelling

Zoning: Agricultural Preservation (A-P)

Surrounding Zoning:

North: Agricultural Preservation (A-P)
South: Agricultural Preservation (A-P)
East: Agricultural Preservation (A-P)
West: Agricultural Preservation (A-P)

GENERAL COMMENTS: The applicant is requesting a variance for a reduced front yard setback of 30' in order to relocate a 24' x 40' detached accessory structure to be used as a garage, positioned to the east of the existing residence. The proposed structure is currently located on a nearby property and would replace two buildings that were previously demolished following significant tornado damage in 2022.

STAFF REVIEW: Staff has reviewed this request for compliance with the requirements of the Zoning Ordinance for the granting of the variances.

Before granting a variance, the Zoning Ordinance the Board must determine that doing so will not merely serve as a convenience to the applicant, nor impair the purpose and intent of the Development Plan and Land Use Policies, or otherwise impair the public health, safety and general welfare of the residents of the County.

Additionally, in the 2025 Iowa legislative session new language related to variances was added to Iowa Code 335.15, specifically allowing approval of variances to dimensional limitations where:

1. The variance is not contrary to the public interest, and
2. Owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property, and
3. The spirit of the ordinance shall be observed and substantial justice done.

When requesting such a variance, the applicant must prove that:



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1. The practical difficulties faced are unique to the property at issue and not self-created, and
2. Granting the variance will not significantly alter the essential character of the surrounding neighborhood.

The County Secondary Roads Department had no concerns regarding this request.

The Health Department has no concerns, but noted if the proposed garage is to include plumbing fixtures it would necessitate its own septic system. It was also noted the septic system for the existing dwelling runs directly east of the residence, south of the larger barn, and north of the smaller barn. The septic tank is situated just east of the house, with the seepage fields located in the grassy area east of the larger barn. The applicant is advised to avoid damaging the septic system with heavy equipment during construction.

Staff has notified the adjacent property owners within five hundred feet (500') of this property for this hearing, and a public notice was published in the North Scott Press. A sign has also been placed on the property stating the date and time this request would be heard by the Board of Adjustment.

As of the date of this report, no comments or objections have been received.

It is worth noting that the two former structures previously encroached into the front yard setback, with one extending into the right-of-way. Records suggest that the right-of-way was expanded twice in the past, contributing to the encroachments. Had the original right-of-way dimensions remained unchanged, the current proposed location for the new structure would not necessitate a variance.

Although the parcel appears to be large enough to accommodate the structure within standard setbacks, several site-specific constraints limit feasible placement options. These include the applicant's intention to use the building as a garage adjacent to the residence, steep topography in the northern and eastern portions of the lot, the location of the septic system, and the presence of a mapped floodplain on the far eastern side of the property. These factors have prompted the request for a reduced front yard setback.

RECOMMENDATION: Staff recommends **approval** of the variance to allow a reduced front yard setback of 30 feet for an accessory structure. The recommendation is based on the unique site constraints—including topography, floodplain boundaries, and septic system location—as well as the minimal anticipated impact on surrounding properties.

Submitted by:

Caitie Leighton, Senior Administrative Assistant, September 19, 2025



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Site Photo: At the end of the driveway, looking north



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Site Photo: At the end of the driveway, looking east



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Site Photo: East of the property looking west



Zoning Board of Adjustment *DRAFT 2026 Schedule*

Meetings begin at 4:00 PM and are normally held in Meeting Room A/B of the Eldridge Branch of the Scott County Library System, 200 North 6th Street, Eldridge, Iowa 52748

Application Deadline (Friday)

December 19, 2025 (1 week early)
January 30, 2026
February 27, 2026
March 27, 2026
May 1, 2026
May 29, 2026
June 26, 2026
July 31, 2026
August 28, 2026
October 2, 2026
October 23, 2026
November 20, 2026
December 31, 2026 (1 day early)

Public Hearing Meeting (Wednesday)

January 28, 2026
February 25, 2026
March 25, 2026
April 22, 2026
May 27, 2026
June 24, 2026
July 22, 2026
August 26, 2026
September 23, 2026
October 28, 2026
November 18, 2026
December 16, 2026
January 27, 2027

The Zoning Board of Adjustment is responsible for the following appeals/applications: Variances, Special Use Permits, and zoning interpretations.

January through October, meetings are held on the fourth Wednesday of the month. November and December meetings are held on the third Wednesday of the month.

Applications are typically due four Fridays before a scheduled meeting, however if that deadline would fall within a week containing a multi-day holiday the deadline will be up to one week earlier.

Generally if no applications have been submitted by the deadline the Zoning Board of Adjustment will not hold the meeting. Please call the Planning and Development Department by noon of the date of the meeting/public hearing to verify whether a meeting will be held, its time, and its location.