



Scott County Board of Adjustment

December 18, 2013

1st Floor Board Room
Scott County Administrative Center

MEETING MINUTES

Members Present: Scheibe, Dittmer, Gallin, Madden, Winborn

Members Absent: None

Staff Present: Timothy Huey, Brian McDonough

Others Present: One (1) member of the public – Applicant Thomas Holst

1. **Call to order.** Chairman Scheibe called the meeting to order at 4:00 P.M.
2. **Minutes** – Winborn made a motion to approve the November 20, 2013 minutes. Madden seconded the motion. **All Ayes (5-0)**
3. **Public Hearing – Variance** – Thomas Holst of 23270 270th Avenue, Section 16 of LeClaire Township.

Planning & Development Specialist **Brian McDonough** presented the case. He explained the facts and showed aerial and site photos of the property, including surrounding zoning. The applicant approached planning staff approximately one month ago to explain a proposed project involving an existing accessory building on his property. The applicant wished to demolish an existing 48' x 36' accessory pole building, in order to construct a new 40' x 60' accessory pole building in approximately the same location. **McDonough** explained that the existing building has legal non-conforming (grandfathered) status, and is located directly on the 270th Avenue roadway easement, observing a zero foot front yard setback. The applicant's proposed new building (40' x 60') would be located in the same general location, but would observe an approximately thirteen (13) foot front yard setback. The applicant seeks approval of this variance request before moving forward with the demolition of the existing 48' x 36' building.

McDonough showed photos and aerials in explaining the applicant's property, which is an irregularly shaped or pie shaped lot, approximately four (4) acres in size. The property is zoned Ag-Preservation (A-P) and is a farmstead split. The applicant demolished the previous farmhouse and constructed a new single-family house in its place, completed in 2007. The topography and shape of the property severely limit the available buildable

areas. The western portions of the parcel severely slope downward and away from the house and accessory building. **McDonough** explained the Zoning Ordinance requirement that accessory buildings only be placed in side or rear yards, determined by the placement of the principal structure (house in this instance). The current accessory building is located in the front yard, defined as the area between the house and road easement. The proposed new accessory building would also be located in the front yard. A variance would not be needed if the new building would be located behind the front plane of the house adjacent to 270th Avenue or fifty (50) feet back from the edge of the easement in this case. **McDonough** explained that in cases where both an accessory building and principal structure observe a one-hundred (100) foot front yard setback, an accessory building may be placed in the front yard so long as a minimum front yard setback of one-hundred (100) feet is maintained.

McDonough showed the applicant's site plan, which showed the proposed new building observing a seventeen (17) foot front yard setback. He explained that the applicant's front property pins are located in the center of 270th Avenue, but that front yard setback distances are measured from the edge of road easements. In some instances this is also the property line, in this instance it is not. Typical County road easements are sixty-six (66) feet, with thirty-three (33) feet of easement on either side of the road centerline. However, in this case, the easement is slightly offset, and approximately thirty-seven (37) feet of road easement is west of 270th Avenue nearest the applicant's property, with the remaining twenty-nine (29) feet east of road center. **McDonough** explained that the offset road easement renders the applicant's site plan slightly off, and therefore the new building would not be setback seventeen (17) feet, as Mr. Holst's site plan indicates, but closer to thirteen (13) feet.

McDonough paused for Board discussion and public comments.

Thomas Holst (applicant) addressed the Board, and stated that the nature of his request. He would like approval of a variance before he demolishes the legal non-conforming building. He stated that the existing pole building was built in the 1970's as an Ag building.

Staff explained that the current building is legal non-conforming because it both predates the County's current Zoning Ordinance and was built as an exempt Ag building.

With no one else from the public wishing to speak, Chairman Scheibe asked for staff's recommendation.

McDonough stated that staff recommended approval of the request with no conditions based upon the existence of an unnecessary hardship resulting from the exceptional situation created by a combination of the property's topographical limitations and its irregular shape.

The applicant had no response to the recommendation.

Chairman Scheibe closed the public hearing, and a brief discussion by the Board took place.

Gallin asked about the setback distance and discrepancy in the actual road easement versus how it was portrayed in the applicant's site plan.

McDonough explained that the road easement is offset, subjecting Mr. Holst's property to approximately four (4) extra feet of setback than is usually the case on a County road with a centered easement. Therefore, the proposed new building would observe a thirteen (13) foot front yard setback, and not seventeen (17) as the applicant's site plan indicated.

McDonough further stated that any setback distance is an improvement over the current building which observes no setback distance from the road easement edge.

Scheibe asked about the potential for a second driveway entrance for the new building, and believed that the Board should add a condition to deny any additional entrance.

Thomas Holst replied that he had no immediate plans to create a driveway entrance for the building, and would not object to such a condition. He could use the existing driveway for the house to access the building, or simply drive through the ditch.

Scheibe expressed concerns about another driveway entrance to the property, due to the location on the top of a hill, with limited site distances. **Dittmer** agreed, and mentioned recent deaths in Linn County due to traffic visibility on County roads.

Winborn stated that he does not believe it is the job of the Board to regulate the placement of driveway entrances.

Planning Director Tim Huey said that the County Secondary Roads Department issues approach permits for new driveways. He stated that the Board could impose the condition if they determined it was related to issues surrounding the granting of this variance.

Gallin made a motion to approve an amended request for a front yard variance for a future 40' x 60' accessory pole building to observe a thirteen (13) foot front yard setback at 23270 270th Avenue, with the condition that no new future additional driveway approaches be allowed for the new building. Dittmer seconded the motion.

Vote: All Ayes (5-0)

Scheibe entertained a motion for adjournment. Winborn moved to adjourn. Gallin seconded.

Vote: All Ayes (5-0)

The meeting adjourned at 4:20 P.M.