

Scott County Board of Adjustment

May 25, 2005

1st Floor Board Room Administrative Center

Members Present: Dittmer, Hittle, Scheibe, Vollbeer

Members Absent: Jenkins

Staff Present: Huey and Kononovs

Others Present: 8 others

1. **Call to order.** Chairman Dittmer called the meeting to order at 4:00 p.m.
2. **Minutes.** Vollbeer made a motion to approve the minutes of the April 27, 2005 meeting. Scheibe seconded the motion. All ayes (4-0).
3. **Variance** Stutting, Section 2, Princeton Township

Huey showed the air photo of the property explaining the decision to table this request at the April 27, 2005 meeting to allow a wetland delineation report to be completed. Since that meeting said Huey the Board has received the delineation report for review. Huey showed the plat of Carver's Addition and the location of the property on the Flood Insurance Rate Map, explaining the various flood designations. Huey showed the topography map and explained the location of the proposed home and the necessity to protect the wetlands.

Dittmer asked if the applicant would like to speak. Stutting said not only does he want to stay out of the wetlands, he wishes to stay away from the property to the north and build on the highest point on the road should the area become flooded.

Dittmer asked if anyone from the public had any comments. No one spoke.

Dittmer asked for staff's recommendation. Huey said staff would recommend approval of a variance to allow a twenty five foot (25) front yard setback on the basis of the hardship created by the location of the 100 year floodplain and wetlands on the property.

Dittmer asked if the applicant would like to respond. Stutting said he would try to answer any questions the Board may have.

Discussion took place. Scheibe made a motion to approve a variance to allow a home to be constructed with a twenty five (25) foot front yard setback in lieu of the fifty (50) foot required due to the existing wetlands. Vollbeer seconded the motion. Hittle indicated he would be abstaining because he had not been in attendance at the public hearing in April.

Vote: 3 ayes 1 abstention (Hittle)

4. **Public Hearing-Variance-** Meierotto, Section 6, Butler Township

Dittmer read the public notice and asked for staff's review. Huey showed the air photo of the property and pointed out an existing accessory building similar to that the applicant wishes to build. Huey

showed the plat of the property and explained the necessity of the variance due to no principal building on the property. Huey showed site photos of the property. Huey explained that the Department of Natural Resources would need to approve this request prior to a building permit being issued.

Dittmer asked if the applicant would like to speak. Meierotto said Huey covered everything. The Corps of Engineers has given approval of the request and he is now waiting to hear from the Department of Natural Resources said Meierotto.

Dittmer asked if anyone from the public had any comments. No one spoke.

Dittmer asked for staff's recommendation. Huey said staff recommends the variance to allow an accessory building to be built on Tract A without a primary residence with the condition that the property owner file an agreement not to sever Lots 10, 11 from Tract A.

Board discussion took place regarding the type of building being proposed. Scheibe made a motion to approve the variance to allow an accessory building to be built on Tract A without a primary residence with the conditions: 1). that property owner file an agreement not sever Lots 10, 11 and Tract A; 2).No construction begin prior to approval of the Department of Natural Resources, and 3). The building fit the character of the neighborhood. Vollbeer seconded the motion.

Vote: All Ayes (4-0)

5. **Public Hearing-Variance-** Heritage Christian School, Section 31, Butler Township

Dittmer read the public notice and asked for staff's review. Huey showed the air photo of the property and the proposed site plan. Huey said only the south east corner would encroach into the front yard setback six feet with the north east corner being back sixty feet. Huey showed site photos of the property pointing out the approximate location of the south east corner with a proposed nineteen foot front yard setback.

Dittmer asked if he applicant would like to respond. Phil Schissler representing KCI Construction said they have reconfigured the drawing to minimize the encroachment into the front yard setback and would be happy to answer any questions the Board may have.

Dittmer asked for staff's recommendation. Huey said staff would recommend approval of a variance to allow a nineteen foot front yard setback in lieu of the twenty five foot required on the south east corner of the building on the basis of the hardship created by the location of the existing building.

Board discussion took place. Scheibe said he is not in favor of allowing a nineteen foot front yard setback, they have granted similar requests and the building just does not look good. Scheibe asked about moving proposed support areas of the building to the north east corner of the building allowing a twenty five foot setback on the south east corner. Schissler said they would not be large enough to be useful. Hittle asked about the distance of the road easement and the property lines of the property. Site photos were viewed again. Board discussion again took place.

Vollbeer made a motion to approve the variance to allow a nineteen foot front yard setback in lieu of the twenty five foot required due to the hardship created by the location of the existing building and the minimal nature of the request. Dittmer seconded the motion.

Vote: 3 Ayes 1 Nay (Scheibe)

6. **Pubic Hearing-Variance-** Terry Brooks, Section 31, LeClaire Township

Huey showed air photos of the property and proposed site plan. Huey said this request is to allow a garage to be built in the front yard with a seventy five foot front yard setback in lieu of the one hundred feet required. Huey showed site photos of the property. Huey said previous variances for similar requests have been granted and showed site photos of a similar case in the area. The topography of the property said Huey makes placing the garage any farther back difficult, with the proposed garage setback nine feet less than the house and the farthest corner twenty five feet closer to the road than the house.

Dittmer asked if the applicant would like to respond. Brooks said Huey covered everything and he had nothing new to add.

Dittmer asked if anyone from the public had any comments. No one spoke.

Dittmer asked for staff's recommendation. Huey said staff recommends that a variance to allow a 24 x 30 accessory building in the front yard be approved due to the hardship created by the topography of the property and the minimal nature of the request.

Board discussion took place and the site photos again viewed. Scheibe made a motion to approve a 24 x 30 garage with a seventy five foot front yard setback in lieu of the one hundred foot required be approved due to the topography of the property. Vollbeer seconded the motion.

Vote: all Ayes 4-0

Huey welcomed Dennis Hittle to the Board of Adjustment and thanked him for agreeing to serve. With no new business to come before the Board the meeting was adjourned at 4:50 p.m.