

Scott County Board of Adjustment

April 25, 2012

1st Floor Board Room Administrative Center

Members Present: Dittmer, Hittle, Jenkins, Scheibe, Vollbeer

Members Absent: None

Staff Present: Huey, Kelly

Others Present: 7 others

1. **Call to order.** Chairman Scheibe called the meeting to order at 4:00 p.m.
2. **Minutes** – Dittmer made a motion to approve the February 22, 2012 minutes. Hittle seconded the motion. All Ayes (5-0)
3. **Public Hearing-Variance**- Tom Swanwick, Buffalo Township, Section 2

Huey showed air photos of the property and explained the front yard setback and road easement. The site plan submitted was shown. Huey showed site photos and explained the drainage area into Dodge Creek.

Scheibe asked if the applicant would like to respond. Swanwick addressed the Board and said he has been building in the Quad Cities for over 40 years and this is his first variance application. Swanwick explained the drainage area and said a reduced setback of forty feet would also work.

Scheibe asked if anyone from the public wished to speak. No one spoke.

Scheibe asked for staff's recommendation. Huey said staff recommends that the variance to allow the proposed residence to be built with a thirty five (35) foot front yard setback be denied due to the lack of hardship and that granting the request would appear to be contrary to the purpose and intent of the Zoning Ordinance and Comprehensive Plan.

Scheibe asked if the applicant wished to respond. Swanwick said the owner could avoid a sand filter system if the house was moved forward and that he did not think the first house entering the subdivision was set back fifty feet.

Board discussion took place on the topography of the property and the fact that it was the first house in the subdivision and a precedent would be set.

Hittle made a motion to deny the variance due to the lack of hardship and that granting the request would appear to be contrary to the purpose and intent of the Zoning Ordinance and Comprehensive Plan. Jenkins seconded the motion.

Vote: All Ayes (5-0)

4. **Public Hearing-Special Use Permit**-Jack Armstrong, Sheridan Township Section 30

Huey explained the Home Industry and that when a Home Industry exceeds the requirements of the ordinance it is now reviewed as a Special Use Permit and not a variance as it was previously. Huey showed the air photos, site plan and explained the proposed erosion business. All requirements

of the Home Industry are being met with the exception of the 2400 square foot building and that is why the Special Use Permit is necessary Huey said.

Scheibe asked if the applicant would like to speak. Armstrong addressed the board and explained the erosion business and who it serves.

Scheibe asked if anyone from the public wished to speak. No one spoke.

Scheibe asked for staff's recommendation. Huey said staff recommends that the Special Use Permit be approved with the conditions that: 1). The office and building meet all building and health codes for accessibility, life and safety requirements, and 2). All other requirements of the Home Industry regulations be continually met.

Board discussion took place regarding access, vehicular traffic and surrounding neighborhood. Dittmer made a motion to approve the Special Use Permit with the two conditions outlined by staff and adding a third condition that the Home Industry not have a negative impact on the neighborhood. Hittle seconded the motion.

Vote: All Ayes (5-0)

5. **Public Hearing-Variance-** Frank Fritz, LeClaire Township, Section 25

Huey showed air and site photos and explained the road easement. Huey showed the submitted site plan. Huey said no comments from neighbors have been received but the County Engineer is not in favor of the request and the structure would be too close to the road easement and represent a hazard to the traveling public.

Scheibe asked if the applicant would like to speak. Mike Alberts representing the applicant said the location was the only place the building could be placed due to the location of the septic and fields so that creates the hardship. Floyd Warning addressed the board and said he had to move his building and while he doesn't have a problem with the request he thinks it should meet setbacks.

Board discussion took place regarding other possible locations, side yard setbacks, size of building and the lack of enough information.

Jenkins made a motion to deny the request due to lack of hardship and that granting the variance would appear to be contrary to the purpose and intent of the Zoning Ordinance and Comprehensive Plan. Dittmer seconded the motion.

Vote: All Ayes (5-0)

With no new business to come before the board the meeting was adjourned at 4:50 P.M.