

Scott County Board of Adjustment
September 5, 2012
1st Floor Board Room Administrative Center

Members Present: Hittle, Gallin, Scheibe, Vollbeer

Members Absent: Dittmer

Staff Present: Huey, McDonough

Others Present: 2 (Travis and Lynette Schaeffer)

1. **Call to order.** Chairman Scheibe called the meeting to order at 4:00 p.m.
2. **Minutes** – Vollbeer made a motion to approve the June 27, 2012 minutes. Gallin seconded the motion. All Ayes (4-0)
3. **Public Hearing – Variance** – Travis Schaeffer, Section 12, Princeton Township

Huey presented staff's report on the request for a variance. Huey first explained the unusually large road easement adjacent to the property. There is 181 feet of total road right-of-way, with 73 feet of that right-of-way extending toward the applicant's property. A typical county road has 66 feet of total road right-of-way, with 33 feet each side of road center. Huey further explained site-specific difficulties that exist on the lot itself, such as a private well and septic system and a large pond, which together prevent a detached accessory garage from meeting traditional front yard setbacks. Next, Huey explained the two possible garage types. Mr. Schaeffer had submitted a packet to staff and Board members showing two possible building dimensions, either a 30 foot by 24 foot or a 24 foot by 24 foot building. The 24 foot by 24 foot building would set 99 feet from the road centerline, while the larger 30 foot by 24 foot building would set 93 feet from road center. Huey continued with staff's report, by discussing pictures submitted by the applicant showing other examples in close proximity to their property of detached accessory buildings with reduced front yard setbacks. Huey noted that the examples were farm buildings which are exempt from zoning and setback requirements under Iowa law. Therefore, they are **not** illegal and are **not** examples of buildings which have been granted setback variances. Lastly, Huey concluded by showing pictures of the view of the Schaeffer property looking down 240th Avenue. The purpose was to show the mature vegetation which screens their property and current house, and which would provide sufficient screening of the proposed detached accessory garage.

Chairman Scheibe asked if the applicant would like to respond. Lynette and Travis Schaeffer addressed the Board. They first thanked Tim Huey for his presentation. The Schaeffer's then explained that the home was built in 1980 with an attached two-car garage, and that they bought the house two years ago and are in need of more indoor parking space. They noted that there is a pole barn on their property, but its distance from the house makes it unsuitable for daily use. Lynette Schaeffer noted that if the variance were granted, the overall look of the new garage would match the house.

No one else from the public was present to speak. Chairman Scheibe closed the public hearing portion of the meeting.

Scheibe asked for staff's recommendation. Huey said staff recommends that the variance, to allow a 24 foot by 30 foot detached garage to be constructed with a 20 foot front yard setback, be approved based

upon the unique circumstances of the adjacent road easement, the practical difficulties created by the topography and general layout of the property, as well as the minimal visual impact that would be created.

Board discussion took place about the unique circumstances of the road easement, as well as the practical difficulties created by the layout of the property. Gallin commented that the applicant was well-prepared and well-spoken. Chairman Scheibe asked why the garage could not be placed just east of the home or on the southwestern part of the property. He explained that it is the Board's duty to avoid granting variances for mere convenience. The applicant responded that the garage cannot go east of the existing one because of the location of a well, a blue spruce tree that would have to be removed, and a steep hillside. The applicant further responded that the southwest part of the property could possibly accommodate the garage, but would be so far from the existing house that it would not make practical sense to build there. Vollbeer stated she would approve due to unique circumstances. Gallin stated she concurs with staff's recommendation based on aesthetics. Hittle stated he agrees due to minimal visual impacts. Scheibe asked if it would be agreeable to the other Board members to attach a condition that the garage "match" the house. The three other Board members agreed.

Hittle made a motion to approve a variance for a 20 foot front yard setback to allow for the construction of a 24 foot by 30 foot detached garage, based upon the unique circumstances of the adjacent road easement, the practical difficulties of the site, and the minimal visual impact created, but subject to the condition that (1) The new garage "match" the exterior architectural and color qualities of the existing house. Vollbeer seconded the motion.

Vote: All Ayes (4-0)

With no new business the meeting was adjourned at 4:25 p.m.