



## Scott County Board of Adjustment

February 27, 2013

### 1<sup>st</sup> Floor Board Room Administrative Center

**Members Present:** Hittle, Gallin, Vollbeer

**Members Absent:** Scheibe, Dittmer

**Staff Present:** Timothy Huey, Brian McDonough

**Others Present:** David Mirfield (applicant)

1. **Call to order.** Board member Vollbeer served as Chairman in the absence of Chairman Scheibe, and called the meeting to order at 4:00 p.m.
2. **Election of 2013 Officers** – Discussion took place regarding the election of 2013 officers. There was general agreement that all members should be present for election of new officers. The Board members asked Mr. Huey if there was any requirement that they elect new officers today. Mr. Huey responded that the by-laws state election of officers shall happen at the beginning of every new calendar year at the first meeting of that year. Due to a lack of agenda items, there was no January meeting, and Mr. Huey believed it would be appropriate to postpone the 2013 election of officers until a later meeting with all members present. **Gallin made a motion to postpone 2013 election of officers until the next meeting. Hittle seconded. All Ayes (3-0).**
3. **Minutes** – Gallin made a motion to approve the November 28, 2012 minutes. Hittle seconded the motion. All Ayes (3-0)
4. **Public Hearing – Variance** – David Mirfield of 22952 245<sup>th</sup> Street, Section 11, Lincoln Township

Mr. Huey presented staff's review of the case. Mr. Mirfield is proposing to build a 24-foot by 30-foot detached accessory garage in his front yard. The Scott County Zoning Ordinance allows accessory buildings in a front yard only if both the accessory building and principal structure have a minimum front yard setback of 100 feet. In this case the applicant's house has a front yard setback of well over 100 feet, but the proposed garage will only have a front yard setback of 55 feet. Therefore the applicant is asking for a variance on the remaining 45 feet required by the Ordinance.

Front yard setbacks are measured from the edge of any adjacent platted road right-of-way. In this case, 245<sup>th</sup> Street extends approximately 60 feet onto both Mr. Mirfield's lot as well as his neighbor's lot to the east. Mr. Huey explained that the Willow Stream Estates

subdivision was approved two months prior to the adoption of the County's subdivision ordinance, and this type of street design is rare and unusual. Mr. Huey noted that a blanket variance was approved in 1997 to allow reduced front yard setbacks for principal structures in the subdivision, but it did not address the placement of accessory buildings in front yards. The portion of 245<sup>th</sup> Street protruding onto the applicant's lot is a platted street by definition, but functions as a shared driveway access for lots 1 and 2 of the subdivision. Because the street protrudes 60 feet onto Mr. Mirfield's property, it effectively creates an additional 60 feet of required front yard setback.

Mr. Huey shows aerial photographs of the lot in question. Mr. Huey drew attention to an existing tree which would have to be removed, as well as noted the property's gradually sloping topography, both of which would have to be dealt with in order for the applicant to construct the garage with the required setback. Mr. Huey also showed aerial photographs of surrounding properties in the Willow Stream Estates subdivision, citing examples of similar variances that have been granted for accessory buildings in the front yards. He noted that all lots in this subdivision are irregularly shaped and many have platted streets protruding onto lots. Together these factors make it difficult to meet required setbacks in many cases.

**David Mirfield (22952 245<sup>th</sup> Street):** Mr. Mirfield agreed with the review of his case by staff. He noted that if he were required to meet the full 100 feet or more of front yard setback, his lot's topography would significantly increase the cost of construction, due to increased sub-grade work.

No one else from the public was present to speak.

Board member Gallin asked if there was any uniformity in the past variances granted in this subdivision?

Mr. Huey responded that it was on a case-by-case basis. There had been several variances granted for lots in this subdivision in the past which allowed front yard accessory buildings. Each request was unique, but the atypical street design, unusual lot configuration, and irregular lot shapes all factored into past Board decisions.

Chairman Vollbeer asked for Mr. Huey's recommendation.

Mr. Huey presented staff's recommendation for approval of the request. The recommendation was based upon the existence of an unnecessary hardship resulting from the following exceptional situation(s): Unusual lot configuration of the subdivision, irregular shape of the lot in question, and the atypical road design.

**Gallin made a motion to approve a variance of forty-five (45) feet, to allow a 24-foot x 30-foot accessory garage within a required front yard setback on property described as: 22952 245<sup>th</sup> Street, also known as Lot 2 of Willow Stream Estates subdivision in rural Scott County, due to an unnecessary hardship resulting from exceptional**

**circumstances related to lot layout and shape as well as atypical road design. Hittle seconded the motion.**

**Vote: All Ayes (3-0)**

With no new business to discuss, **Gallin made a motion, seconded by Hittle, to adjourn.** The meeting was adjourned at 4:15 p.m.