



Scott County Board of Adjustment

April 24, 2013

1st Floor Board Room Administrative Center

Members Present: Hittle, Gallin, Vollbeer, Scheibe

Members Absent: Dittmer

Staff Present: Timothy Huey, Brian McDonough

Others Present: Jason McCoy (applicant)

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 March 27, 2013 minutes. Hittle seconded the motion. All Ayes (4-0)**
3. **Public Hearing – Variance** – Jason McCoy of 17172 214th Street, North Brady Industrial Park, Section 25 of Sheridan Township

Planner Brian McDonough presented staff's review of the case. He explained that the applicant was asking for a variance from the side yard setback requirement in a Commercial and Light Industrial (C-2) Zoning District. Mr. McCoy is seeking this variance in order to construct a new principal commercial building with a reduced side yard setback of five (5) feet on the subject property. The Scott County Zoning Ordinance requires a side yard setback of ten (10) feet in a C-2 zoning district. McDonough reviewed the application and surrounding zoning. The subject property is bordered by C-2 zoning to the east, south, and west, and is bordered by R-2 zoning to the north. Mr. McDonough explained that the applicant indicated that this new building will be for contractor warehousing and office space for his construction business. McDonough explained that the issue before the Board today relates to granting a variance, and not other site related impacts that may result from the establishment of a new business. Site characteristics, he explained, will be addressed by the Planning Commission during their site plan review for this property at their May 7th meeting. At that time the Planning Commission will review issues such as storm water drainage, hours of operation, outside storage of material, site buffering, and related site-specific characteristics. McDonough discussed the location of the Industrial Park and its access to public facilities, noting that it is served by public water but not served by public sanitary sewer. McDonough showed slides with aerial photographs, the applicant's submitted site plan showing the requested reduced side yard setback, and site photos of the property.

Staff paused for Board discussion and public comments before presenting its recommendation.

Chairman Scheibe opened a public hearing, and asked if the applicant or anyone from the public wished to address the Board.

Ted Taylor (owner of Planetary Corporation and Production Tool property directly adjacent to the west, and several other properties in the Industrial Park): Mr. Taylor expressed concerns about storm water drainage problems that may occur with the development of this property. He stated that the northwest corner of the applicant's property and the north east corner of his property to the west is an area of concern for storm water drainage. He also expressed concerns about storm water drainage along the subject property's west line and the use of a gravel driveway, which is entirely located on his property to the west, if this variance is granted. He corrected staff by saying that the Industrial Park is not served by public water supply, but rather there are several privately owned and maintained wells which serve the businesses in the area.

A brief discussion took place between Mr. Taylor and the applicant about accessing an existing well or drilling a new one. Planning Director, Tim Huey, interjected that such discussions are not pertinent to the variance case before the Board, and that one of staff's recommendations will ensure that Scott County Health Department regulations are met.

Mr. Taylor reiterated that he owns several businesses in the Industrial Park, employs upwards of 35 people, and wants assurances that storm water drainage and potential use of his private gravel drive will be adequately addressed with the establishment of this new use. Mr. Huey explained that the County Engineer will review and approve a storm water drainage plan for this development before construction begins, and that the issue will be continually monitored. He also noted that the issue of storm water drainage will be discussed in more detail at the Planning Commission meeting on May 7th. Mr. McDonough noted that if this variance is granted, building codes would not allow any openings on the west side of the building nearest Mr. Taylor's property and private gravel drive. The Scott County Building Inspector reviewed the application and noted that a commercial building with a five foot property line setback must have a one hour fire rated wall, meaning that the interior part of the wall would have to be covered and fire rated for one hour, and the exterior of the wall would have no openings. Therefore, no exterior access would be allowed which would empty directly onto Mr. Taylor's private driveway.

Jason McCoy (20711 169th Ave): Mr. McCoy agreed with the review of his case by staff. He stated that the reason for his request is the terrain and topography of the site. He stated that the creek which borders the property's east line necessitates locating the building further west on the property.

Chairman Scheibe asked for staff's recommendation.

Mr. McDonough presented staff's recommendation for approval based upon the existence of an unnecessary hardship created by an exceptional situation resulting from the unusual and unique dimensions of the parcel in question (approximately twice the rear width as front width) and the waterway bordering the east property line which, in order to make room for required parking and circulation areas, necessitates a reduced side yard setback. Staff recommends approval with the following two (2) conditions:

- 1) In accordance with the design and installation of the on-site wastewater treatment system, all requirements of the Scott County Health Department shall be met.
- 2) All Scott County Building Codes shall be met, including the construction of a fire separation wall for the principal building's west wall, where this setback variance is in effect.

Mr. McDonough added that the applicant had already submitted building plans for review, so that once approval is granted by the Board of Adjustment and the Planning Commission a permit can be issued and construction can begin.

Board members asked Mr. McCoy about the proposed use of his building and the property. They also asked staff what, if any, site factors they should consider in this case. Mr. Huey explained that they are only deciding upon the existence of a hardship for granting the variance. However, if they wish to send a recommendation on to the Planning Commission regarding any site characteristics, that would be appropriate.

Chairman Scheibe closed the public hearing, and a brief discussion by the Board took place. There was still a general concern over how to adequately address storm water drainage due to the reduced setback.

Hittle made a motion to approve the variance with staff's recommendations, adding well requirements of the Scott County Health Department shall also be met to the first condition, and also adding a third condition recommending to the Planning Commission that they adequately address overall storm water drainage on the site. Gallin seconded the motion.

Vote: All Ayes (4-0)

With no new business to discuss, **Gallin made a motion, seconded by Hittle, to adjourn.** The meeting was adjourned at 4:30 p.m.