



## Scott County Board of Adjustment

March 26, 2014

1<sup>st</sup> Floor Board Room  
Scott County Administrative Center

### MEETING MINUTES

**Members Present:** Scheibe, Dittmer, Gallin, Madden, Winborn

**Members Absent:** None

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

**Others Present:** One (1) member of the public – Applicant Chris Wolford

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 December 18, 2013 minutes. Gallin seconded the motion. **All Ayes (5-0)**
3. **Public Hearing – Variance** – Chris Wolford of 6162 145<sup>th</sup> Street, Section 31 of Blue Grass Township.

Planning & Development Specialist **Brian McDonough** presented the case. He explained the case background and showed aerial and site photos of the property, including surrounding zoning. The applicant is proposing to build a new 22' x 20' attached garage onto the western side of his existing house, which requires a two (2) foot side yard variance. The proposed garage addition would encroach into the required ten (10) foot side yard setback by two (2) feet. In other words, it would be located only eight (8) from the western side property line, in lieu of the required ten (10) feet. **McDonough** explained that the applicant's property was accessed via a shared driveway entrance with the property adjacent to the west (6142 145<sup>th</sup> Street). The driveway entrance is entirely located on the neighboring property, but the applicant is afforded use of the driveway. **McDonough** stated that because the shared driveway is not a public road or recorded easement with right-of-way, the applicant's western property line parallel with the driveway is considered a side yard for setback purposes, and buildings (attached or detached) have a minimum required setback distance of ten (10) feet. **McDonough** explained that the shared driveway access would likely never be further burdened by additional traffic or development due to the surrounding area's Ag zoning classification, which prevents new subdivision and

residential development requests in accordance with the County's Land Use Policies. The neighboring property to the west has a garage that is much closer to the road than what the applicant is proposing. This is such because the shared driveway is completely contained on the neighboring property.

**McDonough paused for Board discussion and public comments.**

**Chris Wolford (applicant)** addressed the Board, and asked for their support of his request. He stated that his septic system location prevents the addition from being located on the opposite side of his house. He also explained that the location of an existing detached garage further to the north prevented the addition from being located in that area of his property. The garage will be end-loaded to the north, and therefore vehicles would not be backing out directly onto the shared driveway.

**Gallin** asked for clarification on the shared driveway access. She wanted to make sure that the applicant has legal access if it is located entirely on the applicant's property.

**Staff** explained that while the driveway is located completely on the neighboring property, the applicant would have an easement by prescription. In other words, the driveway is the only means of accessing the property, and therefore there exists access by usage over time.

**With no other public comments, Chairman Scheibe asked for staff's recommendation.**

**McDonough** stated that staff recommended approval of the request with no conditions based upon the existence of an exceptional situation resulting from the lack of alternative building locations on the property and the location of the septic system.

**The applicant had no response to the recommendation. Chairman Scheibe closed the public hearing, and a brief discussion by the Board took place.**

**Gallin made a motion to approve a two (2) foot side yard variance for a new attached garage onto the west side of the house in accordance with staff's recommendation. Dittmer seconded the motion.**

**Vote: All Ayes (5-0)**

- 4. Election of 2014 Officers** – Staff explained that as this was the first meeting of the 2013 calendar year, and in accordance with the By-Laws of the Board, election of officers for the 2014 calendar year shall take place. **Following a brief discussion the Board voted to unanimously re-elect Myron Scheibe and Thomas Dittmer as Chair and Vice-Chair, respectively.**

**Scheibe entertained a motion for adjournment. Gallin moved to adjourn. Winborn seconded. Vote: All Ayes (5-0)** The meeting adjourned at 4:20 P.M.