



Scott County Board of Adjustment

April 23, 2014

1st 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: Approximately eight (8) members of the public, including applicants and applicant family members

1. **Call to order.** Chairman Scheibe called the meeting to order at 4:00 P.M.
2. **Minutes** – Winborn made a motion to approve the March 26, 2014 minutes. Gallin seconded the motion. **All Ayes (5-0)**
3. **Public Hearing – Variance** – Richard August of 6381 230th Street, Section 19 of Hickory Grove Township

Huey presented the case background and showed aerial and site photos of the property. The applicant would like to demolish the majority of a non-conforming accessory building, and replace that portion with a new addition. The applicant would like to keep an existing milk shed that is currently attached to the building he would like to demolish. The milk shed is located approximately two (2) feet from the front yard setback as measured from the edge of the road right-of-way.

Chairman Scheibe opened the meeting to public comments.

Richard August (applicant) spoke in favor the request. He stated the need to have a newer and more functional building, as the existing portion he would like to demolish is in disrepair. The variance would help avoid topographical and drainage issues that would have to be dealt with if the building were located even with or behind the house.

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

Huey stated that staff recommends denial of the request due to the fact that topographical and drainage issues are construction design challenges, and do not constitute an unnecessary hardship warranting the granting of a variance. Furthermore, there is adequate space on the property to construct the building without needing a variance.

Richard August responded that if removing the milk shed would allow the Board to recommend approval of an amended request he would consider removing the structure.

Chairman Scheibe closed the public hearing, and a brief discussion by the Board took place.

Scheibe stated that the Board shall only consider the request before them, and not an amended request.

Winborn asked about the setback of the house in relation to the proposed addition.

Huey explained that the addition would be approximately 10 feet closer to the right-of-way than the house. Therefore, the building could be moved back 10 feet and not require a variance.

Dittmer asked about front yard setbacks.

Huey clarified that because the house has a front yard setback of 25 feet the proposed accessory building could be located even with or behind the house (minimum of 25 foot front yard setback) and would not require a variance.

Gallin asked if the proposal would keep the milk shed.

Huey responded that it would remain. He explained that the milk shed could remain as its own stand-alone building without a variance, but a variance is required if the new accessory building proposed will have a front yard setback of less than 25 feet. In other words, the Board does not have the authority to require the milk shed be taken down, but a variance is necessary for a new accessory building (whether it is detached or attached to the milk shed) if it will be between the house and the right-of-way (front yard).

Winborn made a motion to deny the request in accordance with staff's recommendation. Gallin seconded the motion.

Vote: All Ayes (5-0)

4. **Public Hearing – Variance** – Sherry Bowe of 25996 Valley Drive, Section 5 of LeClaire Township

Huey explained the case and showed aerial and site photos of the property. The applicant owns two adjacent parcels, one located in the County and the other within the city limits of LeClaire. A proposed new deck would encroach into the side yard setback between the two properties, and therefore a variance is required. A restrictive covenant and agreement not to sever binding the two parcels together or simply constructing over the shared property line would also bind the two parcels together for development purposes. However, the applicant chose to submit a variance application.

Chairman Scheibe opened the meeting to public comments.

Sherry Bowe (applicant) spoke and stated that she just learned before the meeting in speaking with Tim Huey that a restrictive covenant and agreement not to sever would be a viable option. She asked to withdraw the variance request, and stated she would pursue recording a restrictive covenant prior to construction of the deck.

Gallin made a motion to accept the withdrawal of the application. Winborn seconded.
Vote: All Ayes (5-0)

5. **Public Hearing – Special Use Permit** – Jeff Cook / Cook Real Estate Investment, Section 25 of Blue Grass Township

Huey explained the background of the case and showed aerial and site photos of the property as well as the site plan submitted for Planning Commission approval. At the Planning and Zoning Commission's April 15th meeting the Commission approved the site plan layout for a new commercial warehouse and self-storage business at this property, subject to the Board of Adjustment's ruling on the requested waiver of the paving requirements. **Huey** explained that the issue before the board was as to whether or not to waive paving requirements for a portion of the development's driveway entrance as well as the circulation areas indicated on the site plan. The development has access onto 160th Street, a paved, County road. **Huey** showed the entrance to the property occurred via a 50 foot wide access easement along the western property line of the parcel directly north of this parcel (Shell service station). The applicant also has the right to use the existing driveway entrance for service station, as listed in the abstract for the property.

The first several hundred feet of the driveway entrance are shown as paved, with the remaining driveway extension and all circulation areas shown as compacted gravel. **Huey** explained that the ordinance requires paving for all parking and circulation areas, but does make an exception for areas defined as "storage." Storage areas have controlled access and low traffic. In the case of this proposal, the business is not open to the general public, but only to paying customers renting storage space. The traffic volume is low, and the majority of the driveway entrance is paved, including the entire area leading to the controlled entrance gate. The site plan was approved for all 11 buildings and also includes outdoor RV

storage. **Huey** explained that certain exceptions to the Zoning Ordinance have been set up to be reviewed as special use permits, so that they are reviewed based upon their potential neighborhood impacts and not upon the variance standard of hardship.

Chairman Scheibe opened the meeting to public comments.

Jeff Cook (applicant) spoke in favor of the request, and stated that other self-storage businesses in the County had not been required to pave.

Chairman Scheibe asked for staff's recommendation.

Huey stated that staff recommended approval of the request without conditions. The recommendation for approval was based upon the fact that all areas covered under this waiver would be considered storage areas with low traffic, and controlled access.

Dittmer asked if the applicant would expect any future changes in use on the property that might increase traffic.

Jeff Cook responded that this was the only foreseeable use given how the site is being developed. **Huey** stated that any change in use or even re-occupancy, if vacant for over one year, would require a new site plan review by the Planning Commission, at which point characteristics such as paving could be addressed

Scheibe asked for clarification on where the pavement would end and the gravel would begin, as well as the location of the gate.

Huey pointed them out on the site plan, indicating that the gate would not occur until the access reached the applicant's property, and only a small portion of the remaining driveway would be gravel.

Gallin asked how many total units would be developed.

Jeff Cook responded that approximately 200 individual units amongst the 11 buildings.

Scheibe asked staff if there was any mechanism for mitigating dust if it becomes a future problem.

Huey stated that low traffic and controlled access should ensure that it does not become a problem, but the Planning and Development Office would ultimately be responsible for monitoring any future concerns.

Dittmer made a motion to approve the Special Use Permit for an exemption to waive the paving requirements for areas indicated on the site plan in accordance with staff's recommendation. Gallin seconded. Vote: All Ayes (5-0)
The meeting adjourned at 4:55 P.M.