



Scott County Board of Adjustment

June 25, 2014

1st Floor Board Room
Scott County Administrative Center

MEETING MINUTES

Members Present: Scheibe, Gallin, Winborn

Members Absent: Dittmer, Madden

Staff Present: Timothy Huey, Brian McDonough, Gabriel Martin (planning intern)

Others Present: Stephen Allison (applicant)

1. **Call to order.** Chairman Scheibe called the meeting to order at 4:00 P.M.
2. **Minutes** – Gallin made a motion to approve the April 23, 2014 minutes. Winborn seconded the motion. **All Ayes (3-0)**
3. **Public Hearing – Variance** – Stephen Allison of 26545 285th Avenue, Section 35 of Princeton Township

Chairman Scheibe asked for staff's review of the case.

Huey presented the case background and showed aerial and site photos of the property. He explained the applicant's request for a variance to place a portable shed in the rear yard of the property, and less than the required ten (10) feet from the rear property line. He explained that the property is triangular shaped and has a rear yard formed by a railroad easement, and is directly adjacent to the Princeton Wildlife Preserve. **Huey** displayed floodplain maps of the property showing that it was within the 500-year floodplain prior to 2011, but is entirely within the 100-year floodplain since 2011. He explained that the applicant's house and immediate adjacent land are elevated slightly compared to the rest of the property, and therefore are not historically prone to flooding. Topography maps showed that the house and immediate surrounding land are elevated approximately two (2) feet higher than the rest of the property. The site is isolated, with no other nearby residences. No comments were received from notified property owners.

Chairman Scheibe opened the meeting to public comments.

Stephen Allison (applicant) thanked the Board for their time and for considering his request. He stated that he is a veteran on a fixed income, and that the shed will be used to store motorcycles and for woodworking. He stated that he is in a very remote location and the shed is movable. He stated that higher ground is at a premium on his property, and while he could put the shed elsewhere and not need a variance, he would like to locate it on higher ground to avoid flooding concerns. The applicant explained that he had been issued a building permit to place the shed in a conforming location, but afterwards realized it would not fit without going past the front of his house and into the front yard. For this reason he would like to have the variance to move the shed to the rear of the property.

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, as the applicant explained, a building permit had been issued for the shed in a conforming location. Therefore, the variance would appear to serve as a "mere convenience" to the applicant, which the ordinance specifically prohibits. **Huey** mentioned that in light of the fact that the applicant has stated that the shed cannot fit in the conforming location described in the building permit, the Board could determine that a hardship exists due to the lack of conforming buildable sites on the property.

Chairman Scheibe asked if the applicant would like to respond to the recommendation.

Stephen Allison stated that after he submitted a revised plot plan and received a building permit, he re-measured the site, and discovered that the shed would extend beyond the front building line of the house, and encroach into the front yard setback. He explained that he would rather put the shed in the rear yard to preserve the view out the side and front of his house. If the building were located as allowed by the building permit, it would severely limit his view to the side and front of his house. For this reason he applied for a variance to locate the shed in the rear yard.

Chairman Scheibe said that the site plan is not to scale, but that taken together with the aerial photo it looks like there is room to locate the shed in the original location as allowed by the building permit, and not need a variance. It would certainly fit if it was turned 90°.

Huey explained that staff had expressed the same understanding to the applicant, and has met with Mr. Allison on several occasions to explain where the shed could go without needing a variance. The result is that Mr. Allison would need a variance to put the building in either location of his choosing. Even though the building permit was issued to place the structure in a conforming location, the applicant's site plan was incorrect, and the building will not fit as he would like it in that location. He either needs a variance to come out past

the front building line of the house into the front yard, or to place the shed in the rear yard, which is the request of this application.

Scheibe asked if the shed would fit beside the house as allowed by the permit without a variance.

Huey said that it might be possible to fit in the location, but not how the applicant would situate the building.

Gallin asked about the location of the septic system.

Stephen Allison pointed out the location on the aerial photo. It is located just north and west of the house, and would not affect the proposed location of the shed.

Gallin stated that there appears to be other possible locations besides the two (2) discussed.

Huey explained that any other locations on the property are significantly lower in elevation and are more exposed to flooding.

Winborn stated that if a variance would be needed in either location, it would be less visible to have the shed in the rear yard, than extending out past the front of the house into the front yard.

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

Scheibe stated that there is an absence of hardship. It sounds as if the shed could go beside the house, but the applicant wants to preserve his view in a certain direction, which is not a hardship.

Winborn stated that hardship is a difficult standard to define, and that a hardship in this case could be the lack of building sites and the shape of the property. He also expressed that the site is extremely isolated, and it would be better to have the shed in the rear yard than the front.

Gallin made a motion to deny the request in accordance with staff's recommendation due to a lack of a demonstrated hardship. Scheibe seconded the motion.

Vote: 2-1 (with Winborn voting Nay)

Huey explained that because fewer than three (3) votes were cast for the motion, it did not pass, and therefore the application is effectively denied. The Board's By Laws require three (3) members for quorum, but also require that a majority of the Board membership concur in order for action to be taken when fewer than all five (5) members are present.

Huey introduced Gabriel Martin as the Planning Department intern for the summer.

Planning Specialist Brian McDonough told the Board that staff had spoken with an applicant about submitting a request for the July 23rd meeting, but has yet to receive an official application. The deadline is this Friday, June 27th.

Chairman Scheibe stated that he would not be available for the July meeting.

Gallin made a motion to adjourn, seconded by **Winborn**.
The meeting adjourned at 4:30 P.M.