



## Scott County Board of Adjustment

August 27, 2014

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

### MEETING MINUTES

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

**Members Absent:** Dittmer, Gallin

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

**Others Present:** Two (2) members of the public, applicants Jay and Jean Semsch

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 July 23, 2014 minutes. Madden seconded the motion. **All Ayes (3-0)**
3. **Public Hearing – Variance** – Jay and Jean Semsch of 1678 260<sup>th</sup> Street, Section 32 of Liberty Township.

**Huey** presented the case background and showed aerial and site photos of the property. He also showed GIS images demonstrating the property's general location and topography. All surrounding properties are zoned Ag Preservation. There are a few surrounding residences within a quarter mile. The applicants are proposing to build a 24' x 27' accessory pole building to be used as a horse stable, and being located in their front yard between the house and 260<sup>th</sup> Street. The house has a front yard setback of 50 feet, and the proposed location of the pole building would have a front yard setback of approximately 13 feet. **Huey** explained that the applicant's request for the variance is based upon the sloping topography of the property and the desire to reuse existing concrete at the proposed site. **Huey** showed an aerial photograph of the property which showed its nearly 1,300 feet in width compared to its approximately 300 feet in depth. The topography of the property is such that it slopes off after the first 50 feet or so back from the edge of the road easement along 260<sup>th</sup> Street. At its steepest point, the slopes are approximately 16%. **Huey** showed site photos of the proposed building site and the property. They demonstrated the view both from the site and from the road. **Huey** mentioned that the property is a farmstead split, where the Semsch's do not own the surrounding farmland. He explained that farmers

are exempt from zoning, and therefore a farmer could do what the Semsch's are proposing without meeting zoning or building code requirements whatsoever. The Semsch's are involved with raising horses which are not considered livestock. If they had even a few head of livestock, they would be considered Ag exempt and this variance would not be required.

**Chairman Scheibe opened the meeting to public comments.**

**Jay Semsch (applicant)** asked for support of the request from the Board. He stated he desired to continue a family tradition of horse showing and recreation with his grandchildren. He explained that previously there was a cattle operation on the property near the proposed site of this new building. He wished to repurpose some existing concrete and a water well at the location for the new building.

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

**Huey** stated that staff recommends denial of the request based upon a lack of hardship, and that the granting of the variance would appear to serve merely as a convenience to the applicant. Staff regarded the topography as a design challenge, but not a hardship. Alternative sites exist on the property to construct the building without the granting of a variance. **Huey** expressed that he is very empathetic to the desires of the applicants, but that he also has a professional obligation to evaluate requests on their merits.

**Chairman Scheibe asked if the applicant had any response to the staff recommendation.**

**Jay Semsch** mentioned estimates from contractors regarding the excavating and backfill required to construct the building in conformance with setback requirements. To do so would potentially require a retaining wall as well. The cost to construct the building without the variance would be significant and perhaps even prohibitive.

**Winborn** asked staff if there was anything in the facts of the case that would allow the Board to legally approve this request.

**Huey** responded that the Board always has the discretion to determine if a hardship exists in their opinion. He further stated that the topography of this property in addition to its unique and isolated location could be cited as legally defensible reasons for determining hardship and granting a variance in this case.

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

Board discussion took place regarding traffic site distances along 260<sup>th</sup> Avenue as well as the number of existing driveways accessing the applicant's property.

**Scheibe** asked staff if the Board could require a condition requiring removal of existing driveways.

**Huey** responded that it is within their discretion to require any condition they feel is pertinent to a request and to the health, safety, and welfare of County residents.

**Winborn made a motion to approve the request for a front yard variance based upon the unique and remote location of the property and its topographical constraints**

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

**Huey** mentioned the upcoming deadline for the Board's regularly scheduled September meeting. If no applications were received by this coming Friday, staff would cancel the September 24<sup>th</sup> meeting and notify the Board. **Huey** also mentioned that a joint meeting and work session on the Planning Commission's review and updated of the Zoning Ordinance is scheduled for Tuesday, October 7<sup>th</sup> at 7:00 P.M.

**Madden** made a motion to adjourn, seconded by **Winborn**.  
**The meeting adjourned at 4:40 P.M.**