



Scott County Board of Adjustment

October 22, 2014

1st Floor Board Room
Scott County Administrative Center

MEETING MINUTES

Members Present: Scheibe, Dittmer, Winborn, Madden

Members Absent: Gallin

Staff Present: Timothy Huey, Brian McDonough

Others Present: Two (2) members of the public, Jane Lakeman (applicant) and contractor

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 August 27, 2014 minutes. Dittmer seconded the motion. **All Ayes (3-0). Madden was not present for the vote, but arrived shortly after, and prior to the variance public hearing.**
3. **Public Hearing – Variance** – Jane Lakeman of 23855 Great River Road, Section 14 of LeClaire Township.

Huey reviewed the case and showed aerial and site photos of the property. He also showed GIS images demonstrating the property's general location and presence in the mapped floodplain. All surrounding properties are zoned R-1, and are developed with single-family houses. The applicant is proposing to building a new single-family home on what is currently a vacant lot. **Huey** explained that a variance is required to reduce the front yard setback. Normally, staff would be able to administratively approve a reduced front yard setback in a situation like this, due to the fact that the majority of houses nearby have set the established building line at less than the Ordinance-required 25 feet. However, the previous owner of this lot requested a variance in 2002 in order to allow the property a development right, and a condition of the approval of that variance was to require any new house meet the minimum 25 foot front yard setback. **Huey** explained that this case is a typical area or setback variance, but the request itself is actually a request to amend a condition of approval imposed by the Board from a previous variance for the property. He showed that the property was located in the floodplain, and that the building site would be almost entirely within the 100-year floodplain. A building and floodplain permit would be issued for the house, along with the requirement that an elevation certificate be submitted

to document that the lowest finished floor of the house would be a minimum of one foot above the base flood elevation for the property. **Huey** stated that no comments or objections were received from the County Engineer or Health Department. One comment letter was received in support of the request from a surrounding property owner.

Chairman Scheibe opened the meeting to public comments.

With no one from the public wishing to speak, Chairman Scheibe asked for staff's recommendation.

Huey stated that staff recommends a ten (10) foot front yard variance to allow a new house to be constructed at a minimum front yard setback of 15 feet.

Chairman Scheibe asked if the applicant had any response to the staff recommendation, and the applicant had no comments.

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

Chairman Scheibe asked about access to the property, and the condition of the road serving the property. **Huey** responded that it is not a road but a shared driveway that is maintained by the adjoining property owners.

Dittmer made a motion to approve the request for a ten (10) foot front yard variance in accordance with staff's recommendation, and based upon an unnecessary hardship created by the fact that the majority of other surrounding homes have observed a lesser setback, and that the reduced setback would limit the probability of damage to the structure caused by flooding.

Vote: All Ayes (4-0)

Huey thanked the Board for their attendance and participation at the joint meeting early in the month with the Board of Supervisors and the Planning & Zoning Commission. He stated that the meeting was very productive and helped highlight the issues and requests that the Board of Adjustment is commonly asked to review. The input will help the Planning Commission move forward with their review of the Zoning Ordinance.

There was a brief discussion about the definition of hardship in State Code and the definition of a farmer in the Zoning Ordinance. **Huey** explained that hardship is technically defined as a financial hardship, but can be anything the Board reasonably determines on a case-by-case basis, and can defend. **Huey** explained that the County had recently amended the definition of a farmer and how the agricultural exemption is applied. The language exactly mirrors state law.

Winborn made a motion to adjourn, seconded by **Dittmer**. **The meeting adjourned at 4:25 P.M.**