



Scott County Board of Adjustment

February 22, 2017

1st Floor Board Room
Scott County Administrative Center

MEETING MINUTES

Members Present: Scheibe, Dittmer, Guy, Madden, Winborn

Members Absent: None

Staff Present: Timothy Huey, Planning and Development Director
Alan Sabat, Planning and Development Specialist

Others Present: Nathan McConnell, Applicant
Two (2) members of the public
One (1) member of the press

1. **Call to order:** Chairman **Sheibe** called the meeting to order at 4:00 P.M.
2. **Minutes:** **Dittmer** made a motion to approve the October 26, 2016 minutes. **Guy** seconded the motion. **All Ayes (5-0)**
3. **Election of 2017 Officers:** **Dittmer** made a motion to nominate **Scheibe** as 2017 Chairman. Seconded by **Madden**. **All Ayes (5-0)**

Winborn made a motion to nominate **Dittmer** as 2017 Vice-Chairman. Seconded by **Madden**. **All Ayes (5-0)**

4. **Public Hearing – Variance:** Request from **Nathan and Patricia McConnell** to allow a single-family residence to be constructed thirty-five (35) feet from the 230th Street Court right-of-way in lieu of the fifty (50) foot front-yard setback prescribed in Section 6-12 of the Scott County Zoning Ordinance, at the property legally described as Lot 1 of Woods and Meadows 8th Addition in Section 23 of LeClaire Township.

Huey reviewed aerial and site photos of the property and its vicinity along with the site plan submitted by the applicant, and described the challenges created by the roadway



easement in which the physical road is not centered, and the steep topography in the Woods and Meadows subdivision. The County Health Department provided a report regarding the request, which **Huey** explained may bolster the case for requiring the typical 50-foot setback: The community well on the lot leaves very specific and limited space for a private septic system that the Health Department described as “leaving little error for the placement of the house.” **Huey** noted that the Board had the freedom to approve, reject, or modify the variance request as it sees fit.

Chairman Scheibe welcomed the applicant to comment, and **Nathan McConnell** described how his desired house placement would still keep a majority of the structure behind the typical 50-foot setback requirement. **McConnell** stated that removing the trees that would be required to adhere to a 50-foot setback would not fit with the character of the neighborhood which has “Woods” in its name. **McConnell** said removing the trees would also cause erosion problems, require significantly more grading work, and reduce privacy for neighboring properties. **McConnell** described the lesser setbacks in the older additions of Woods and Meadows and said the Homeowner’s Association indicated probably approval of his plans.

Chairman Scheibe opened the public hearing. **Spencer Zick** (28211 230th Street Court), a neighboring property owner, detailed the history of the Woods and Meadows additions, describing the 8th Addition as “upscale” and the applicant’s planned house placement as too close to the road. **Zick** said trees would need to be cleared for construction anyways and that his attempts to save trees on his own property proved to have failed post-construction.

Chairman Scheibe asked for staff’s recommendation. **Huey** stated that staff found no evidence of a real hardship and thus recommends denial of the request. **Huey** reiterated that the Board may modify the request if it sees a lesser variance as appropriate.

Chairman Scheibe welcomed the applicant and the Board to respond. **McConnell** said he felt the 15-foot variance he was requesting would not be noticeable, but said even a 10-foot variance would help to conserve trees. **Dittmer** asked **McConnell** if he would be able to re-angle the house to meet the required 50-foot setback. **McConnell** responded that he considered that, but preferred the appearance that he submitted for consideration since it places the house equidistant from neighboring properties. After reviewing an aerial map of the neighborhood again, **Scheibe** said he agreed with **Dittmer** that the house could be angled differently to meet the 50-foot setback. **Winborn** posed that the purpose of having setbacks is largely aesthetic. **Huey** said setbacks do prevent buildings from being too close to utilities, but they are largely aesthetic. **Winborn** asked whether the setback could be measured from the curb of the road rather than the edge of the roadway easement. **Huey** said the non-centered roadway within the easement may present a unique circumstance where that would make sense. **Scheibe** noted that the easement is platted because the roadway could be rebuilt in the future. **Scheibe** asked **Huey** to confirm whether the Health



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Department felt the septic placement was impossible with the requested house placement or just a design challenge. **Huey** said it was described as a challenge, not impossible. **Steve Ingleby**, McConnell's homebuilder, said a septic system would fit on site. **Scheibe** asked Ingleby if there would be room for a secondary septic, which **Ingleby** responded there would be. With no further comments, **Chairman Scheibe** closed the public hearing.

The Board discussed whether any members could see an alternative variance to approve. **Winborn** suggested an amended request of a 10-foot variance rather than 15-foot, which garnered no motion.

Chairman Scheibe made a motion to deny the variance request in accordance with staff recommendation. Guy seconded the motion.

Vote: Deny (4-1), with Winborn dissenting.

5. With no other business to discuss, **Chairman Scheibe adjourned the meeting at 4:42 P.M.**