



Scott County
Board of Adjustment
STAFF REPORT
June 27, 2018



Applicant: James Thiel

Request: Build a detached garage thirty (30) feet from the roadway easement in lieu of the fifty (50) feet prescribed in the Zoning Ordinance

Legal Description: Lot 7 of Schutter Farm 1st Addition, Pleasant Valley Township

General Location: 18211 247th Avenue

Existing Land Use: Single-family dwelling

Zoning: Single-Family Residential (R-1)

Surrounding Zoning:

- North:** Single-Family Residential (R-1)
- South:** Single-Family Residential (R-1)
- East:** Single-Family Residential (R-1)
- West:** Single-Family Residential (R-1)

GENERAL COMMENTS: The request is to construct a detached garage thirty (30) feet from the roadway easement in lieu of the fifty (50) feet prescribed in the Zoning Ordinance. The applicant's petition cites the location of an existing roadway easement and lot topography as the exceptional situations warranting a variance.

STAFF REVIEW: Staff has reviewed this request for compliance with the requirements of the Zoning Ordinance for the granting of the variance. The Zoning Ordinance requires the Board to determine that, because of an exceptional situation or topographical condition, the strict application of the requirements of the Ordinance will result in exceptional practical difficulties or particular hardship. Following the above determination, the Board may grant a variance if it is further determined that it will not merely serve as a convenience to the applicant, impair the purpose and intent of the Development Plan and Land Use Policies or otherwise impair the public health, safety and general welfare of the residents of the County.

Staff would determine this case to be an exceptional situation due to the presence of a private roadway easement for 247th Avenue, which projects north twenty (20) feet into the west side of the property and ends. Since front-yard setbacks are measured from the edge of the front roadway easement, the Ordinance would require primary and accessory structures built on the property be at least fifty (50) feet from the edge of that easement projection. Due to the location of the dwelling and the severe topography in the eastern 2/3



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of the property, there is very limited flexibility for placement of the proposed detached garage elsewhere. It is highly unlikely the easement will be utilized or further expanded in order to connect 247th Avenue with development to the north. An alternative for the applicant would be to pursue the vacation of that easement. Since the process of vacating easements can be complicated, cumbersome, and expensive, the applicant is requesting a variance.

The County Health Department had no comments or concerns with this request. The County Engineer said the Secondary Roads Department had no reservations about approval since 247th Avenue is not a County road.

Staff has notified property owners within five hundred feet (500') of this property of this hearing and published notice in the *North Scott Press*. A sign has also been placed on the property stating the date and time this request would be heard by the Board of Adjustment. Staff has not, as of yet, received any calls or comments.

RECOMMENDATION: Staff would recommend the twenty (20) foot variance to the front-yard setback requirements be approved.

This favorable recommendation is due to the presence of an essentially nonfunctional private roadway easement projection, lack of practical alternatives for placement, and absence of concerns expressed by County entities and neighboring property owners.

Submitted by:

Timothy Huey
Planning & Development Director
June 22, 2018