



BOARD OF ADJUSTMENT
STAFF REPORT
February 24, 2021



Applicant: Derrick Siefers

Request: Variance request for a side yard setback of 5 (five) feet in lieu of the 10 (ten) feet as prescribed in the Scott County Zoning Ordinance. The side yard setback variance request is being requested for a proposed attached garage addition.

Legal Description: A 0.87 acre lot, part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 35 in Sheridan Township (Parcel# 933523010).

General Location: 16901 206th Street, Davenport

Existing 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: This variance request for a side yard setback of five (5) feet in lieu of the ten (10) feet as prescribed in the Scott County Zoning Ordinance. The side yard setback variance request is being requested for a proposed attached garage addition in the R-1 Zoning District. The applicant cites the location of his septic field as a hardship for alternate siting of a detached garage.

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.

According to the County Assessor's website the residence on property was built in 1953 with an accessory building (garage) built behind the house on the east side of the property around the same time period as the house. The current deed for the property was recorded in 2014. The existing outbuilding is setback ten (10) feet from the eastern side lot line and the current dwelling is setback forty-two (42) feet from the eastern side lot line. Both of these setback are in conformance with the Zoning Ordinance.



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This house is in a long established residential subdivision developed on the fringe of Davenport in the area known as Mt. Joy before US Hwy 61 was developed into a four lane controlled access road. The lots are served by public water but have individual on-site septic systems. The lots are relatively small with some below the minimum lot size of .69 acre. The applicant's property is slightly larger than the minimum lot size at .87 of an acre and is 120 feet wide. This results in 100 feet of width for possible building area. The existing house is forty feet wide and is relatively evenly centered on the property. All of the property in this area is relatively flat resulting in little topographic constraints or difficulties in the placement of buildings.

Due to the flat topography of the property and the options for placement of room additions on the house that would be within the required setbacks, staff does not see any particular hardship or exceptional conditions that would merit approval of this variance. It would appear that approval of any reduction in the side yard setback would not be based on any hardship or special circumstance but merely serve as a convenience for the applicant.

The Scott County Engineer and Scott County Health Department were all notified of this request for review and comment. Neither department had any comments or concerns with this request.

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 five (5) foot variance to the front-yard setback requirements be **denied**.

This recommendation is based on staff's determination of a lack of hardship or exceptional conditions that would merit approval of this variance and would appear to merely serve as a convenience for the applicant..

Submitted by:
Timothy Huey,
Planning Director
February 18, 2021



Site Photo: Looking south onto proposed attached garage building location. View of existing garage, dwelling, and entrance.



Site Photo: Looking west onto 206th Street



Site Photo: Looking east on 206th Street.



Site Photo: Looking southwest onto back yard. View of existing accessory building (far left) and dwelling (far right).