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**SCOTT COUNTY  
ZONING BOARD OF ADJUSTMENT  
AGENDA  
Wednesday, January 26, 2022  
4:00 P.M.**

**PARTICIPATION OPTIONS:**

**Connect Via Phone:**

**1-408-418-9388** Meeting number: **2489 190 5420** Password: **1234**

**Connect via Computer, or Webex application:**

Host: [www.webex.com](http://www.webex.com) Meeting number: **2489 190 5420** Password: **1234**

**Full URL link for Attendees (copy & paste):**

<https://scottcountyiowa.webex.com/scottcountyiowa/j.php?MTID=m793928514627fe2a24cb4f358af06df5>

**Please find call-in instructions, agenda, and meeting materials here:**

<https://www.scottcountyiowa.gov/planning/zoning-board-adjustment/meetings>

**1. Call to Order**

**2. Minutes:** Approval of the February 24, 2021 meeting minutes.

**3. Election of 2022 Officers**

Election of Chair and Vice-Chair for the 2022 Scott County Board of Adjustment

**4. Public Hearing - Variance:**

Variance application from **Brian and Shelly Holst** to allow a detached garage to be constructed seven (7) feet from the south (side) property line in lieu of the ten (10) foot side-yard setback prescribed in Section 6-12 of the Scott County Zoning Ordinance. The 0.83-acre property is zoned Residential Single-Family (R-1) and is legally described as Pristine Oaks Lot 12 located in Section 16 of Buffalo Township. The parcel ID is #721603112 and the assigned address of the property is 11794 82<sup>nd</sup> Avenue. The applicants' petition cites the unique lot configuration and shape, location of an existing septic system, and lack of level ground as the exceptional situations warranting the variance request. A copy of the proposed site plan for the additional and meeting materials can be viewed at: <https://www.scottcountyiowa.gov/planning/zoning-board-adjustment/meetings>

**5. Other business:** Additional comments or issues to discuss (Commission members) / Opportunity for public comments

**6. Adjournment.**

Public Hearing/Meeting Procedure

- a. Chairman reads public notice of hearing.
- b. Director reviews background of request.
- c. Applicant /Representative provide any additional comments on request.
- d. Public may make comments or ask questions.
- e. Director makes staff recommendation.
- f. Applicant may respond or comment.
- g. Commission members may ask questions.
- h. Chairman closes the public portion of the hearing (No more public comments).
- i. Discussion period for the Commission members.
- j. Commission members make motion to approval, deny, or modify request.
- k. Final vote. Recommendation goes to Board of Supervisors.

**PLANNING & DEVELOPMENT**

600 West Fourth Street

Davenport, Iowa 52801-1106

Office: (563) 326-8643

Fax: (563) 326-8257

Email: [planning@scottcountyiowa.com](mailto:planning@scottcountyiowa.com)



Christopher Mathias  
Director

January 5, 2022

**SCOTT COUNTY  
ZONING BOARD OF ADJUSTMENT  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Scott County Planning and Development Department has on file the following application as allowed by the Scott County Zoning Ordinance. In accordance with Section 6-27, this Notice is being sent to all property owners of record within 500 feet of the area in question and to appropriate County officials to notify all of a public hearing to be held in the **1<sup>st</sup> Floor Board Room, County Administrative Center, 600 W 4<sup>th</sup> Street, Davenport, IA, 52801 on Wednesday, January 26, 2022 at 4:00 P.M.**

The Zoning Board of Adjustment will hear the request of **Brian and Shelly Holst** to allow a 16' x 28' detached garage to be constructed seven (7) feet from the south (side) property line in lieu of the ten (10) foot side-yard setback prescribed in Section 6-12 of the Scott County Zoning Ordinance. The 0.83-acre property is zoned Residential Single-Family (R-1) and is legally described as Pristine Oaks Lot 12 located in Section 16 of Buffalo Township. The parcel ID is #721603112 and the assigned address of the property is 11794 82<sup>nd</sup> Avenue. The applicants' petition cites the unique lot configuration and shape, location of an existing septic system, and lack of level ground as the exceptional situations warranting the variance request.

If you have questions or comments regarding this meeting or the requested variance please call, write or email the Planning and Development Department, 600 West Fourth Street, Davenport, Iowa 52801, (563) 326-8643, [planning@scottcountyiowa.com](mailto:planning@scottcountyiowa.com) or attend the meeting.

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Scott County  
Board of Adjustment  
STAFF REPORT  
January 26, 2022



**Applicants:** Brian and Shelly Holst

**Request:** Approval of a variance to allow a 16' x 28' detached garage to be constructed seven (7) feet from the south (side) property line in lieu of the ten (10) foot side-yard setback prescribed in Section 6-12 of the Scott County Zoning Ordinance.

**Legal Description:** **Lot 12 of Pristine Oaks**, Part of the NE ¼ of the NW ¼ of Section 16 of Buffalo Township.

**General Location:** 11794 82<sup>nd</sup> Avenue

**Existing Land Use:** Single-family residence

**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 request is to allow a 16' x 28' detached garage to be constructed seven (7) feet from the south (side) property line in lieu of the ten (10) foot side-yard setback. This property is located just over 4,000 ft from the city limits of the Buffalo. The triangular-shaped lot, having roadway frontage along the longest side of the triangle, is 0.83 acres. The lot is served by 82<sup>nd</sup> Avenue, a private drive with access to Coon Hunter's Road. The existing dwelling is approximately one hundred and forty-five (145) feet from the 82<sup>nd</sup> Avenue private drive, and a detached accessory building is situated to the north of the dwelling. The property has many topography changes and has ravine to the north, septic facilities to the southwest and long driveway that takes up a lot of space on the east portion of the lot. The applicants' petition cites the small size of the lot, the location of the septic, and the topography constraints the hardships warranting a variance from the Zoning Ordinance.

**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





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Scott County  
Board of Adjustment  
STAFF REPORT  
January 26, 2022

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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 regard the hardships cited by the applicant as legitimate exceptional practical difficulties, primarily the combination of the lot's small size, triangular shape, the topography of the property and the location of the new septic system. Constructing the accessory building anywhere else on the property would be difficult due to topography issues. The requested three foot (3') variance would not reduce visibility as it would be tucked away to the southwest corner of the property and should not have an effect on the neighbors' general welfare. Staff would also point out that if the lot was slightly smaller at 30,000 SF or .69 acre, then only a 5 ft side setback would be required for this accessory building and no variance would be required as proposed.

The County Health Department, Secondary Roads Department, and County Building Inspector were informed of the request. The County Health Department had the only concern/question. There are concerns that the location of the garage is still too close to the septic facilities. The County has a plan that shows the location of the septic with dimensions.

Staff has notified property owners within five hundred feet (500') of this property of this hearing. 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 variance to allow a three foot (3') reduction in side yard setback be approved, with the following conditions:

- 1) All septic facilities be located and flagged in the field.
- 2) The location of the foundation of the proposed accessory structure shall be flagged in the field
- 3) The County Inspector and County Health Dept. review the proposed construction location in conjunction with the location of the existing septic facilities and determine that the proposed construction will not cause any damage to the septic facilities.

This recommendation is made on the basis that 1) the topographical condition of the site, as well as the location of the septic and unique shape of the lot, amount to a hardship upon the applicant and 2) the request is for a minimal reduction in setback that is mitigated by its inconspicuous location on the property and, as such, would do little if anything to impair public health, safety, and general welfare of County residents.

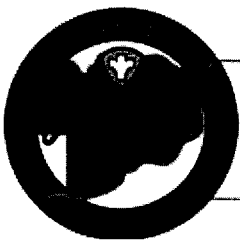


Scott County  
Board of Adjustment  
STAFF REPORT  
January 26, 2022

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**Submitted by:**  
Christopher Mathias  
Planning Director  
January 18, 2022



# Scott County Health Department

600 W. 4th Street | Davenport, IA 52801-1030 | P. 563-326-8618 | F. 563-326-8774  
health@scottcountyiowa.com | www.scottcountyiowa.com/health

## APPLICATION FOR PERMIT PRIVATE SEWAGE DISPOSAL SYSTEM

Application Date: 4/6/2021

Master File: 4571

**Permit Type: CONSTRUCTION**

**911 Address: 11794 82ND AV, BLUE GRASS, IA 52726**

Legal Desc. - Township: BUFFALO	Section:
Owner's Name First: BRIAN	Last: HOLST
Mailing Address: , ,	

Water Supply:	Number of Bedrooms: 2
Well - Distance from Septic Tank:	Distance from Field/Filter:
Capacity (gal): 1500	

Treatment System: SAND FILTER	Absorption Field Trench Width:
Lineal Footage: Sq Ft: 480	Rock Depth:
* Sandfilter Type: MODIFIED GLS LINED	Filter Material:

Notes/Specifications: liner required due to seasonal saturation

Date Approved: 4/6/2021

Approved By: JACK HOSKINS

Contractor: <u>ELLSWORTH</u>
Inspected By: <u>[Signature]</u>
Inspection Date: <u>4/6/21</u> Fee: <b>\$235.00</b>

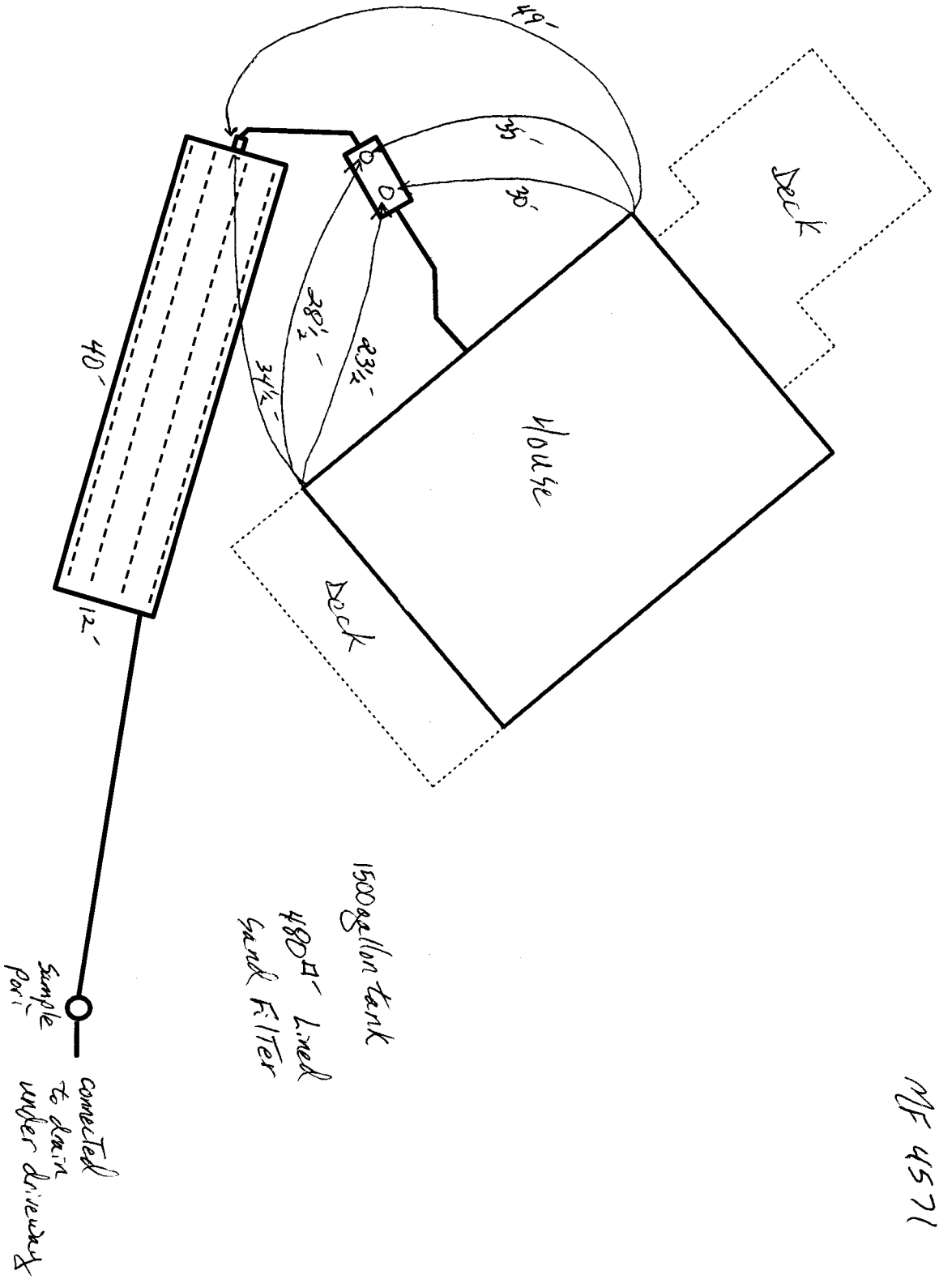
\* Requires Scott County Annual Operational Permit, to be renewed annually at owner's expense. These systems are sampled up to 3 times annually at owner's expense.

It is understood that connection to a public sewer is required should one become available.

This plan is approved as submitted. Any deviation during construction, without prior approval, will invalidate this Application and Permit. The Scott County Health Department, by issuance of a Permit and performance of related inspections, does not warrant the performance of this system, or that it be free from defects.

Property Owner or Agent: BRIAN HOLST

Signature: \_\_\_\_\_



Brian Holst  
11794 82nd Ave  
Blue Grass 52726  
MF 4571

**PLANNING & DEVELOPMENT**  
 600 West Fourth Street  
 Davenport, Iowa 52801-1106  
 Office: (563) 326-8643 Fax: (563) 326-8257  
 Email: [planning@scottcountyiowa.com](mailto:planning@scottcountyiowa.com)



Chris Mathias,  
 Director

**Appeal to the Scott County Board of Adjustment**

Date: 12 / 27 / 2021

**Applicant**

Name: Brian ; Shelly Holst  
 Address: 11794 82<sup>nd</sup> AVE  
BLUE GRASS IA 52726  
 Phone: 563-529-2550

**Deed Holder or Property Owner**

Name: Brian Holst  
 Address: 11794 82<sup>nd</sup> AVE  
BLUE GRASS IA 52726  
 Phone: 563-529-2550

Address of the affected area: 11794 82<sup>nd</sup> AVE Blue GRASS IA  
 Legal description: Parcel ID 721603112  
 Section: \_\_\_\_\_ Township: Buffalo Zoning Classification: R-Residential

Check the  
 appropriate  
 appeal:

- Appeal of the interpretation made by the zoning administrator of zoning text or map boundaries  
 Special use permit  
 site plan and general description of the use are attached  
 Variance to the rules of the Zoning Ordinance

Specifically, I would like to: Reduce the normal set back distance from 10' to 7' on the southern property line  
12' west 16x28' garage footprint

**Variance Only** – The reason why this is an exceptional situation unique to this property:

Due to unique lot configuration, septic system and lack of level ground the request of variance to reduce the set back from 10' to 7' is being asked

I (We) further state that if this request is granted, I (we) will proceed with the actual construction in accordance to the conditions set by the Board of Adjustment, after the application and issuance of a building permit from Planning and Development and in the two (2) year time period as prescribed by Section 6-27.F.(8) of the Zoning Ordinance.

Applicant's Signature: Brian L. Holst

Deed Holder's Signature: Brian L. Holst

Fees Paid (Circle one):

**Appeal of Interpretation**  
 \$50

**Special Use Permit**  
 Less than 5 acres = \$100  
 5 to 10 acres = \$150  
 Ten acres or more = \$200

**Variance**  
 \$100

# Holst Variance For Setback Application

Brian and Shelly Holst  
11794 82<sup>nd</sup> Ave.  
Blue Grass Iowa, 52726

Thank you for the opportunity and consideration to look at our proposal. As you will see our property is unique at best.

- Granting a new setback allowance from the standard 10 foot to the proposed 7 foot is the request.
- Albeit .83 acres, there is very little flat ground to work with.
- The area proposed is the most level on the property.
- Due to having installed a new septic system this year, operating heavy equipment near the inground tanks is not desired.
- Maintenance of the grass between the property line and proposed building location can still be accomplished.
- The area is free of under ground utility obstacles.



Existing property line



Building site location







Please use this point reference picture of all four corners of the property. Using this picture as a reference for the following pages will help in understanding the current property layout.

Point locations 

Proposed building location 





Standing on point 1 looking towards point 2

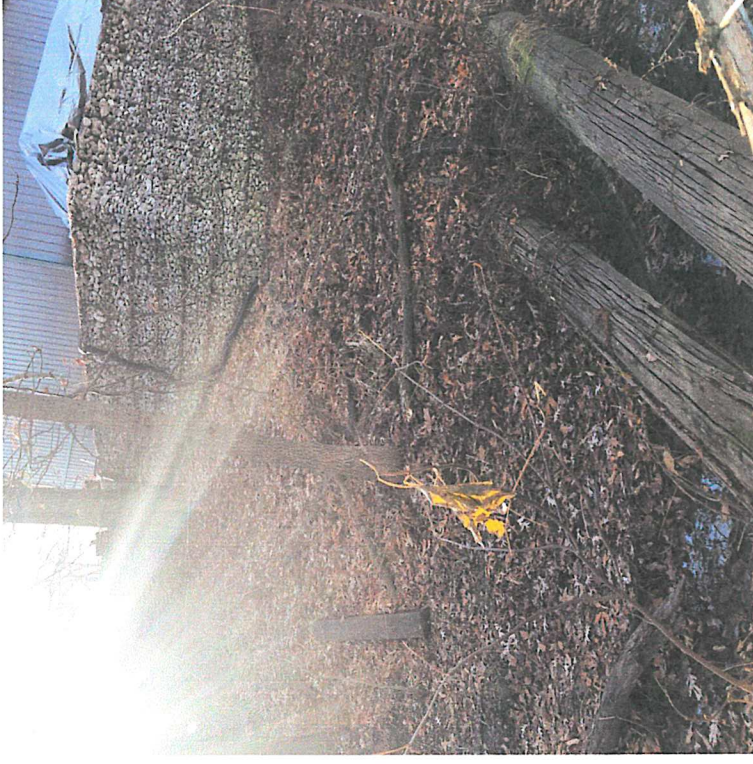


Standing midway from point 1 to 2,  
looking up the hill to point 1





Standing midway from point 1 to point 2,  
looking down the hill to point 2 (blue spec is the marker)



Standing on point 2 looking towards point 1  
As a point of reference the rock basket  
retaining wall is 14' tall.





Standing on point 2 looking towards point 3.  
(Blue spec is pin marker)



Standing on point 3 to looking towards point 4





Standing between point 3 and 4.  
looking towards point 3 (Blue spec is pin marker)

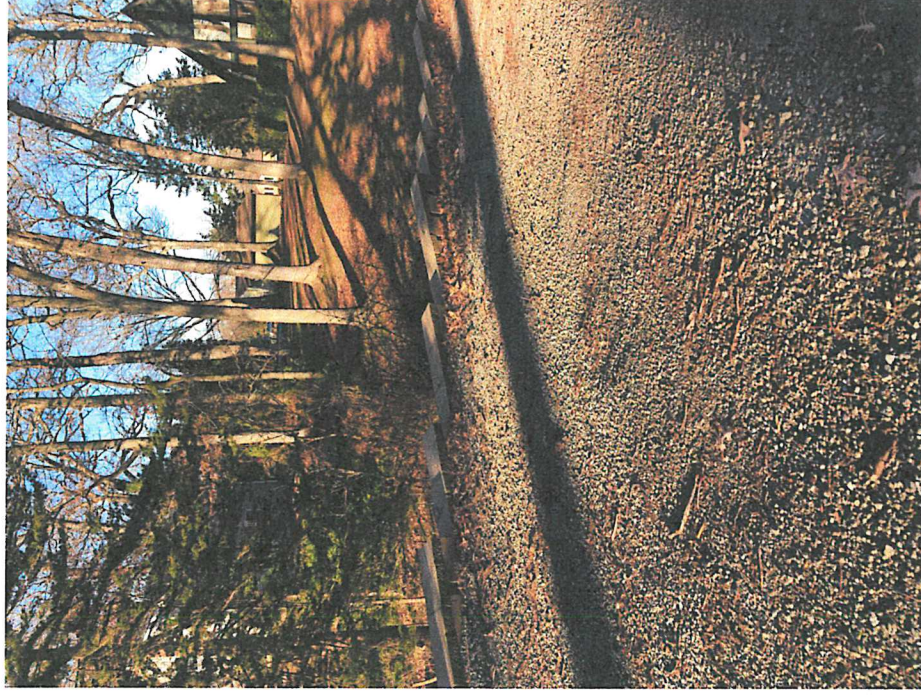


Standing between point 3 and 4.  
looking towards point 4 (Blue spec is pin marker)





Standing on point 4 looking towards point 1



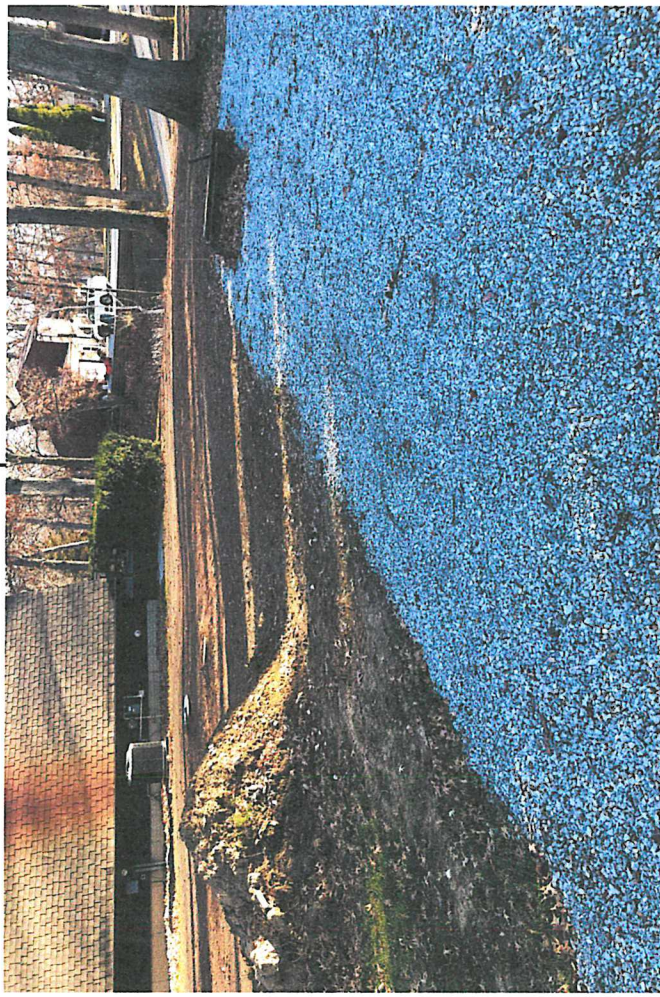
Standing on point 1 looking across the waterway towards point 4.

The following images are of the proposed location we are seeking the variance of setback distance. As you can tell it is the logical location for a storage shed due to the following:

- Neighbor's property line has a long row of arborvitae shrubs that run parallel to the property line resulting in little obstruction of sight.
- The area between the proposed building and house has the new septic system that was mentioned earlier.
- Within this area there are no buried power lines, cable lines, water lines, gas lines or septic system components in the proposed location.



Standing on point 4 looking towards front of house and deck.



Standing on front deck landing looking towards point 4.

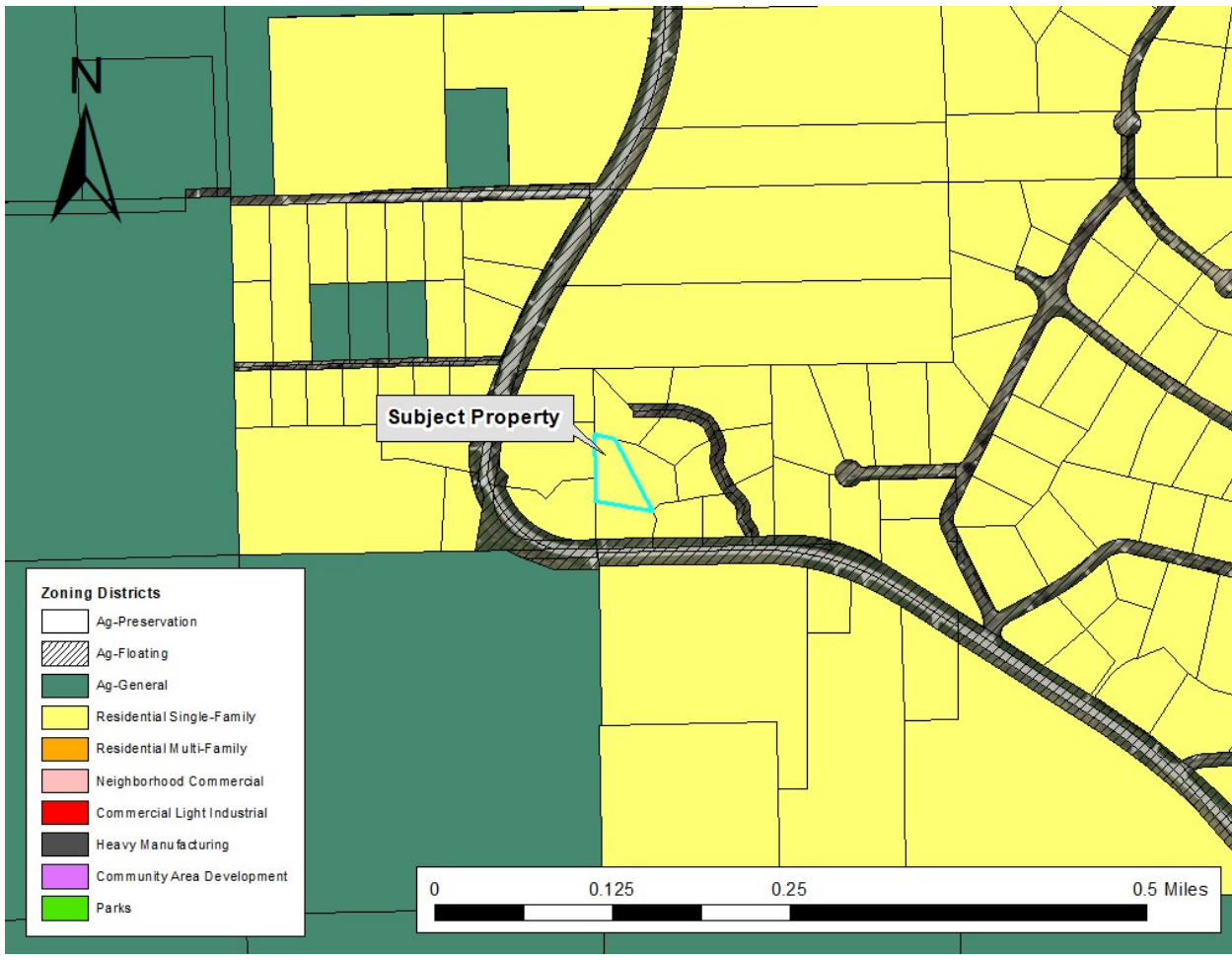
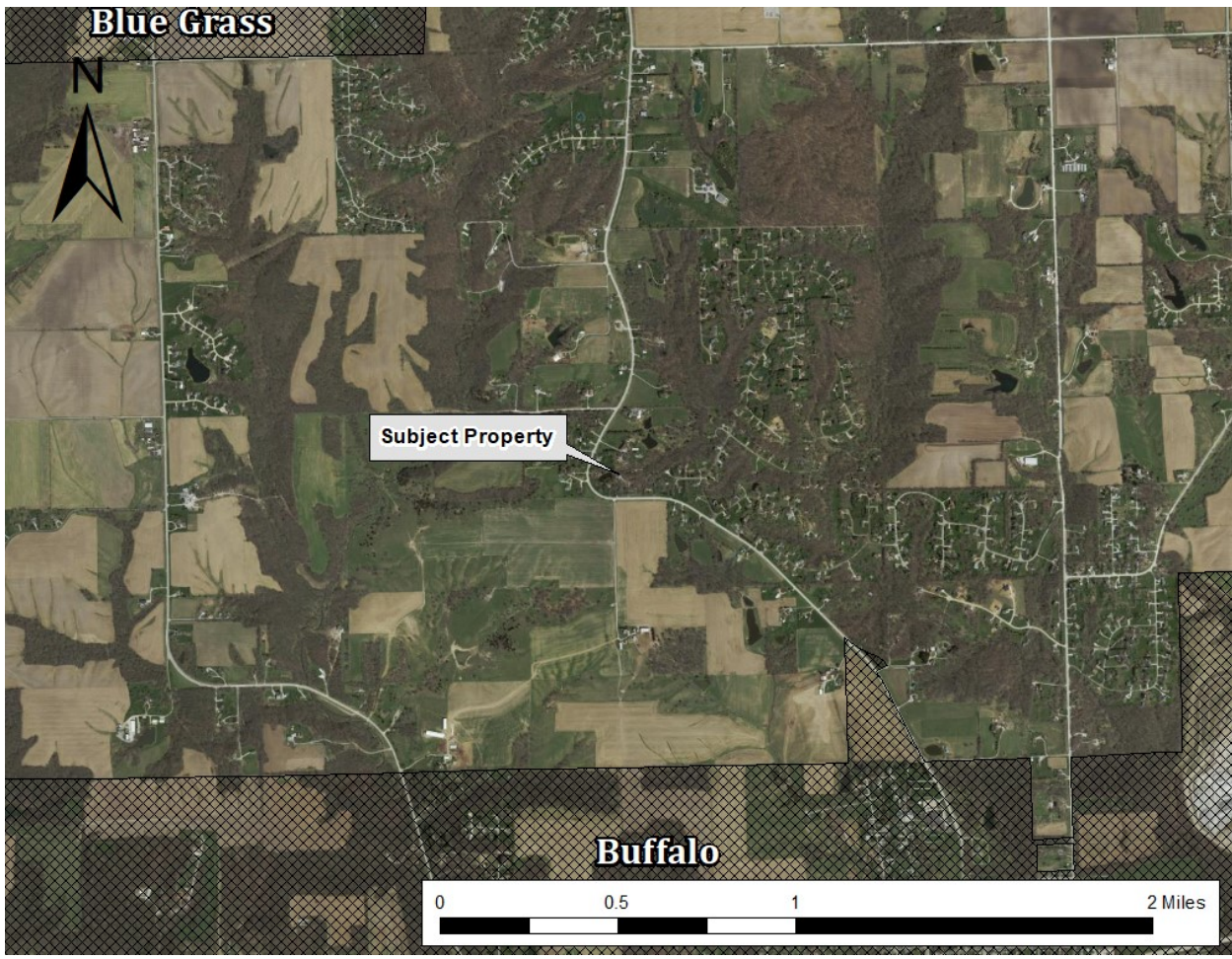


In closing, the reasons for this request are:

- Limited flat ground on the property
- The challenges working around the septic system
- No utilities in this location
- Ease of ground maintenance
- Limited reduction of visibility for neighbors

Thank you again for your time and consideration of this application.

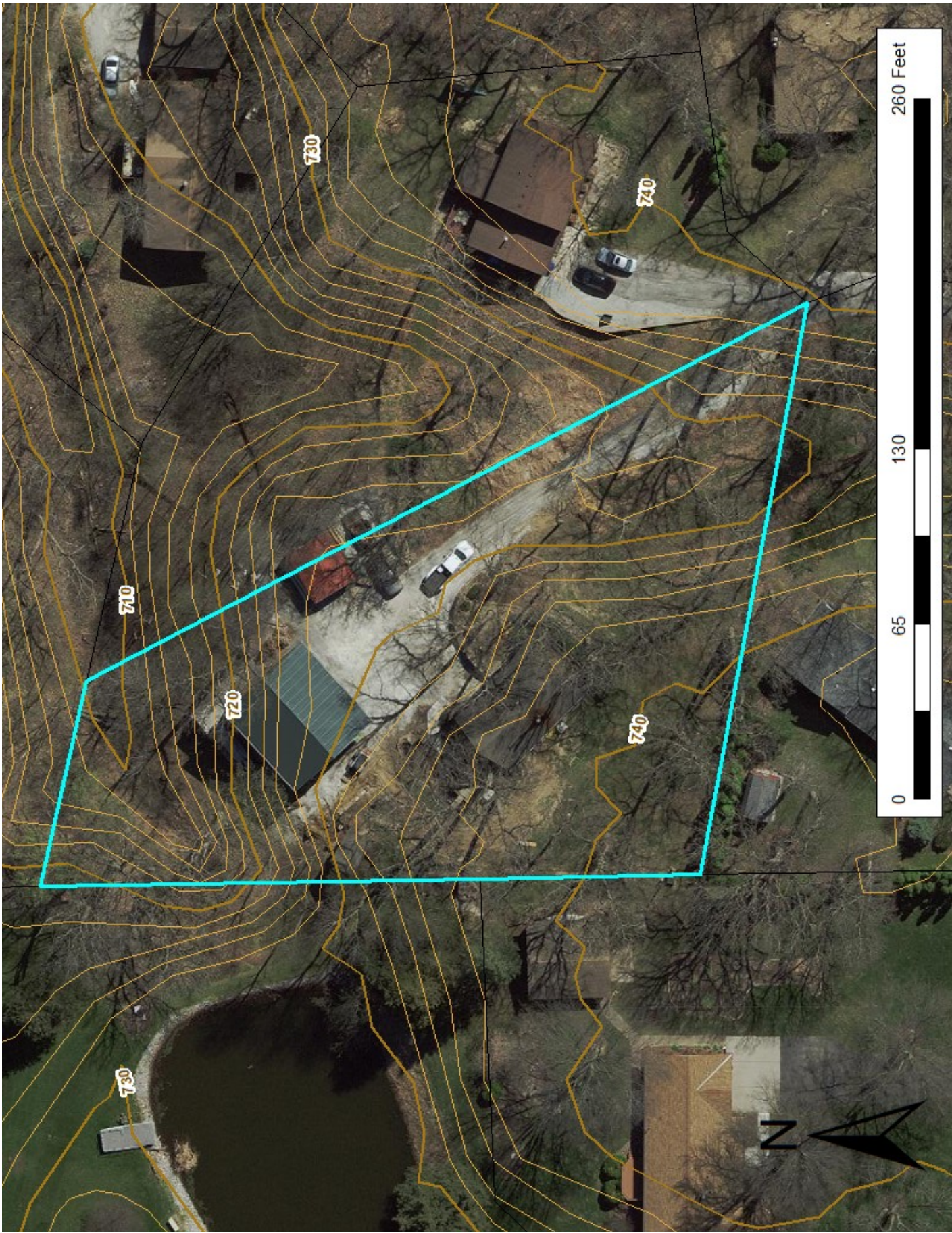
Respectfully submitted,  
Brian and Shelly Holst









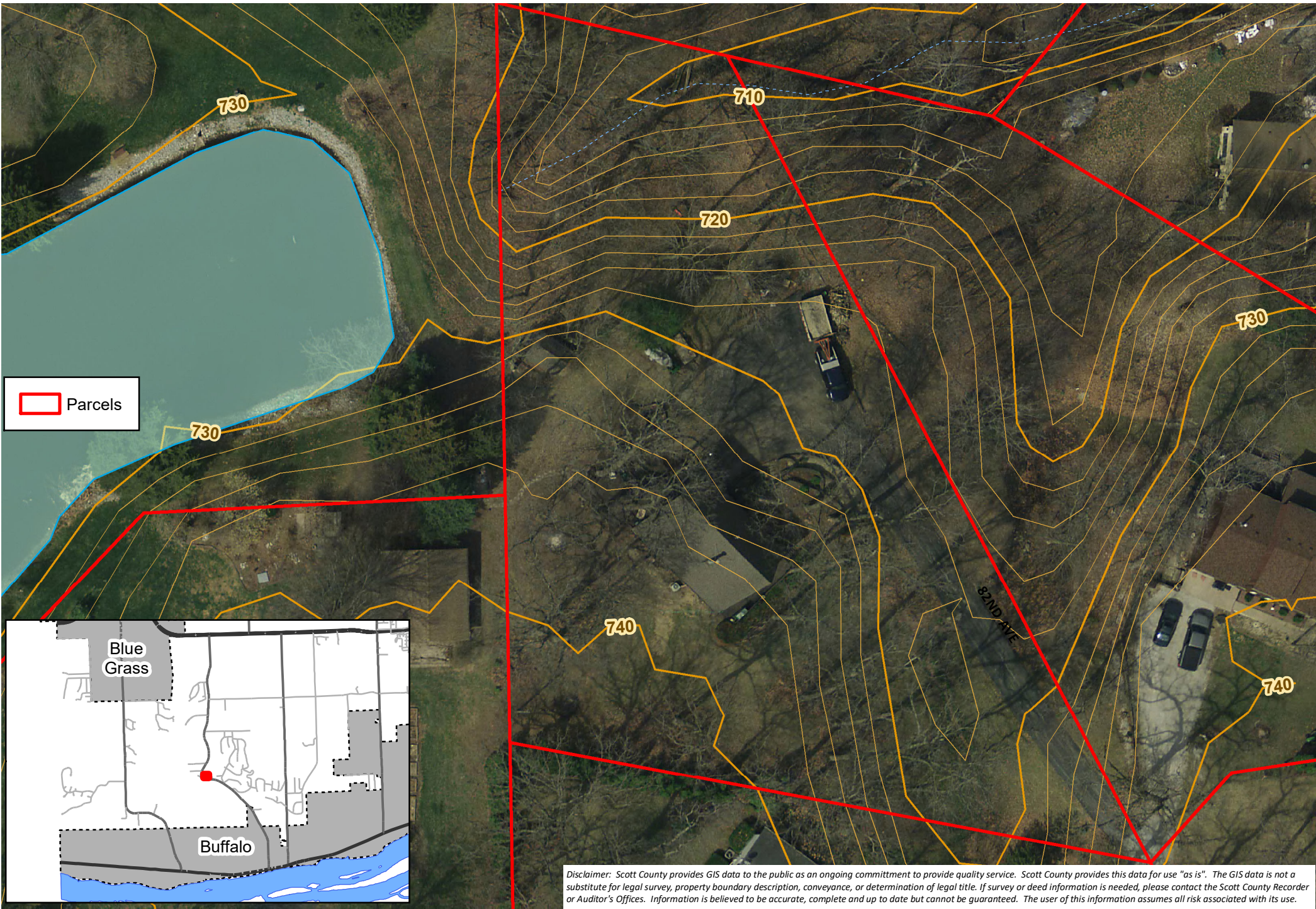
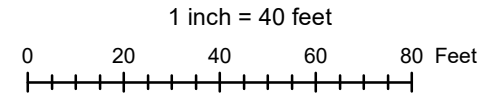






# Site Map with Contours - Holst Variance Request

Scott County, Iowa



Parcels

*Disclaimer: Scott County provides GIS data to the public as an ongoing commitment to provide quality service. Scott County provides this data for use "as is". The GIS data is not a substitute for legal survey, property boundary description, conveyance, or determination of legal title. If survey or deed information is needed, please contact the Scott County Recorder or Auditor's Offices. Information is believed to be accurate, complete and up to date but cannot be guaranteed. The user of this information assumes all risk associated with its use.*