



Chris Mathias, Director

**SCOTT COUNTY
ZONING BOARD OF ADJUSTMENT
AGENDA
Wednesday, April 27, 2022
4:00 P.M.**

1. **Call to Order**
2. **Minutes:** Approval of the March 23, 2022 meeting minutes.
3. **Public Hearing - Variance:** Variance application from **Beau Hines** to allow a 23' x 30' detached garage to be constructed thirty-six (36) feet from the north (front) property line 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 12 of Timber Valley Estates located in Section 8 of Buffalo Township. 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>
4. **Other business:** Additional comments or issues to discuss (Commission members) / Opportunity for public comments
5. **Adjournment**

PARTICIPATION OPTIONS:

Connect Via Phone:

1-408-418-9388 Meeting number: 2482 660 2843 Password: 1234

Connect via Computer, or Webex application:

Host: www.webex.com Meeting number: 2482 660 2843 Password: 1234

Full URL link for Attendees (copy & paste):

<https://scottcountyiowa.webex.com/scottcountyiowa/j.php?MTID=mb835a433bffb5d4b81ed2cde4ad1b3d>

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

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

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.



Scott County
Board of Adjustment
STAFF REPORT
April 27, 2022



Applicant: Beau Hines

Request: Construct a detached garage with a 36' foot front-yard setback in lieu of the 50' foot front-yard setback

Legal Description: Lot 12 of Timber Valley Estates 1st Addition (Parcel Number 720805112)

Address: 112 Prairie Hill Road, Blue Grass

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 petition is to construct a 23' x 30' detached garage thirty-six (36) feet from the north (front) property line in lieu of the fifty (50) foot front-yard setback prescribed in Section 6-12 of the Scott County Zoning Ordinance. The applicants' petition cites the corner position of the lot, which requires adherence to two (2) front-yard setbacks (Prairie Hill Road and Valley Brook Drive), as the exceptional situation warranting the variance request. The proposed detached garage will be setback from Valley Brook Drive and located north of the house.

The applicant was granted a variance to construct a swimming pool and swimming pool deck with a twenty-nine (29) foot front-yard setback from Valley Brook Drive in May 2020. The Zoning Board of Adjustment determined the hardship created by the geometry of the property, the location of the septic system, and the minimal impact on the neighboring properties merited approval of that request.

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.



Scott County
Board of Adjustment
STAFF REPORT
April 27, 2022



At the variance hearing in May 2020, it was determined the septic system for the house is located in the southeast quadrant of the lot, thus removing an alternative site location for accessory structures. In fact, the area of the backyard where the septic system is located is perhaps the only area where setback requirements for accessory structures could easily be met on the property. This is partially due to irregular geometry of the property's boundaries which is formed by the intersection of Prairie Hill Road and Valley Brook Drive: That intersection forms an acute angle at the property's northwest corner, thus the front-yard setback bears southeasterly instead of directly east from there. In short, the lot is shaped like a trapezoid rather than a rectangle.

The County Health Department did confirm the site of the septic system on the property before the May 2020 hearing and noted at the time it was likely to require replacement soon. The Health Department reported they did not have any issues with the current proposal. Secondary Roads also had no comments or concerns with this request.

Staff has notified property owners within five hundred (500) feet 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. No additional comments or concerns have been received at this time.

RECOMMENDATION: Staff would recommend that a variance to allow the construction of a 23' x 30' detached garage thirty-six (36) feet from the north (front) property line in lieu of the fifty (50) foot front-yard setback prescribed in Section 6-12 of the Scott County Zoning Ordinance **be approved** based on the hardships created by the irregular geometry of the property's boundary lines and the location of the septic system, and the minimal impacts on the neighboring properties.

Staff would also note that the approved variance from May 2020 allowed for a twenty-one (21) foot variance from setback regulations in the same vicinity, and this request is for a fourteen (14) foot variance. Should the Board *not* act in accordance with staff's recommendation in this instance, the Board would need to carefully cite reasons for its determination that approval of this subsequent request would 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.

Submitted by:
Chris Mathias
Planning & Development Director
April 20, 2022



**SCOTT COUNTY
ZONING BOARD OF ADJUSTMENT
Tuesday, March 23, 2022
4:00 P.M.**

MEETING MINUTES

1st Floor Board Room
600 West 4th Street
Davenport, IA 52801

MEMBERS PRESENT: Tom Dittmer, Whitney Kylo, Mary Beth Madden, Myron Scheibe

MEMBERS ABSENT: Heather Jordahl

OTHERS PRESENT: Damen Trebilcock, applicant

1. **Call to Order: Chair Madden** called the meeting to order at 4:00 P.M.
2. **Minutes:** Consideration of January 26, 2022 meeting minutes. **Scheibe made a motion to approve. Seconded by Kylo. Vote: All Ayes (4-0)**
3. **Public Hearing – Special Use Permit: Chair Madden** introduced the request as stated on the public hearing notice and welcomed staff to explain the case. **Mathias** displayed and described location maps of the property, and explained the site plan and building construction proposal. Mathias said construction would include a four-car garage and golf simulator, as well as a bedroom, bathroom, living room, and kitchen above, which staff would regard as a subordinate dwelling requiring review for Special Use permitting. Mathias reviewed the criteria the Board must consider for granting Special Use Permits, specifically mentioning the request's adherence to the "character of the neighborhood" criterion since at least six other properties in the neighborhood currently have a similar subordinate dwelling setup. Mathias finished by saying the proposed location would meet setback requirements, and that the applicant had been coordinating with the Health Department on changes to the septic system to accommodate the added living space.

Chair Madden asked the applicant to respond. **Trebilcock** explained the septic setup, and said that the Homeowners' Association for Stoney Creek had already approved the design and supports the concept of living quarters above detached garages.

Chair Madden opened the public hearing, which no members of the public provided comment. **Mathias** stated that one neighboring property owner had called the Department with questions, but ultimately supported approval of the request.

Chair Madden closed the public hearing and asked for staff's recommendation. **Mathias** stated that staff recommends that the Special Use Permit to construct a detached accessory building to be used as a subordinate dwelling unit be approved with one condition: That the renovations for the conversion meet all building and health codes for life, health and safety.

Chair Madden welcomed the Board to respond. **Dittmer** asked the applicant how long he had owned the property, which **Trebilcock** responded for approximately four years. **Dittmer** asked Trebilcock to confirm that he understood that, if approved, the Special Use Permit would be granted to the *property* and not to the individual/petitioner. **Trebilcock** said he understood.

Scheibe asked the Board to consider two additional conditions: The subordinate dwelling unit shall be used to accommodate short-term visits from relatives, and shall never be listed for long- or short-term rentals; and the parcel shall never be subdivided to separate the principal dwelling unit from the subordinate dwelling unit.

Chair Madden welcomed a motion. **Scheibe made a motion** to approve the request in accordance with staff recommendation with three (3) conditions:

- 1) The renovations for the conversion shall meet all building and health codes for life, health and safety;
- 2) The subordinate dwelling unit shall be used to accommodate short-term visits from relatives, and shall never be listed for long- or short-term rentals;
- 3) The parcel shall never be subdivided to separate the principal dwelling unit from the subordinate dwelling unit.

Seconded by Dittmer.

Vote (approval of Special Use Permit with conditions): 4-0, All Ayes

4. **Other Business:** **Mathias** said Board Member Jordahl would have trouble attending regular meetings in-person, and since only members in attendance in-person count towards quorum, meeting quorum may be a little precarious moving forward.
5. **Adjournment:** With no further public comments and no other business to discuss, Chair Madden adjourned the meeting at 4:15 P.M.