



**SCOTT COUNTY
ZONING BOARD OF ADJUSTMENT
Tuesday, February 22, 2023
4:00 P.M.**

MEETING MINUTES

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

MEMBERS PRESENT: Tom Dittmer, Carrie Keppy, Mary Beth Madden, Myron Scheibe
Greg Schaapveld

MEMBERS ABSENT: None

OTHERS PRESENT: Chris Mathias, Planning & Development Director
Alan Silas, Planning & Development Specialist
Caitie Leighton, Senior Office Assistant
Ronald Cline, applicant
Five (5) members of the public

1. **Call to Order:** Chair Madden called the meeting to order at 4:00 P.M.
2. **Election of 2023 Officers:** Dittmer made a motion to nominate Madden as 2023 Board Chair. Seconded by Keppy. Vote: All Ayes (5-0)

Dittmer made a motion to nominate Schiebe as 2023 Board Vice-Chair. Seconded by Keppy. Vote: All Ayes (5-0)
3. **Minutes:** Consideration of August 24, 2022 meeting minutes. Dittmer made a motion to approve. Seconded by Schaapveld. Vote: All Ayes (5-0)
4. **Public Hearing – Variances:** 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, site photos, as well as a site plan showing the proposed garage location. Mathias explained the factors that make it difficult to construct the garage with adequate setbacks, namely the existence of two (2) relevant and irregular roadway easements, the lot's steep topography, the locations of utilities including overhead electrical service wires, septic tanks/field, and fiber optic cables.

Chair Madden provided an opportunity for the applicant to respond. **Cline** reiterated how difficult and expensive it would be to locate the garage an adequate distance from the roadway easements.

Chair Madden opened the public hearing. **Bob Geist** (24522 184th Street Place) agreed with Cline's assessment and stated support for granting the variances.

Chair Madden closed the public hearing and asked for staff's recommendation. **Mathias** stated that staff recommends recommended that the variances be approved to allow the construction of a 30' x 30' detached garage two (2) feet from the south (front) roadway easement, and twelve (12) feet from the east (front) roadway easement in lieu of the fifty (50) foot front-yard setback prescribed in Section 6-12 of the Scott County Zoning Ordinance based on the hardships created by the existence of two (2) relevant and irregular roadway easements, the lot's steep topography, the locations of utilities including overhead electrical service wires, septic tanks/field, and fiber optic cables, the minimal impacts on the limited number of neighboring properties, and the lack of practical alternatives.

Chair Madden welcomed the Board to respond.

Dittmer asked Cline how long he had lived on the property. **Cline** said he had lived there since 2008 and purchased it five (5) years ago.

Scheibe asked to review the contour map again, and said he had an issue with the two-foot (2') setback especially since the property next door was granted only a thirty-foot (30') variance in 2013. **Scheibe** said he was not concerned about the encroachment toward the east roadway easement, but thought bringing in fill and grading the property could probably reduce the need for such a drastic variance toward the south.

Dittmer and **Cline** had an exchange about the topography of the lot and the neighboring lot to the east. **Dittmer** asked whether Cline could spare a couple of additional feet from the south easement (a lesser variance) in exchange for a greater variance toward the east. **Cline** said he could probably make eight (8) feet from the south easement and six (6) feet from the east easement work.

Schaapveld asked whether 184th Street Place was maintained by the County, which **Cline** responded that it was privately-maintained.

Dittmer asked how far the actual surface of the roadway would be from the garage if built as proposed. **Mathias** estimated between 35-40 feet. **Dittmer** and **Scheibe** had an exchange about the initial platting and required setbacks at the time.

Dittmer asked whether any neighboring property owners contacted the Planning and Development Department in opposition to the request, which **Mathias** said they had not.

Board members discussed the platted utility easement shown on the plat, with **Schaapveld** and **Scheibe** stating their preference that the garage remain out of the easement. **Dittmer** asked Mathias how critical the utility easement was, to which **Mathias** said it was not immediately critical since all the existing utilities are located on the south side of the roadway easement and not on the subject property.

Cline shared site photos with the Board and discussed the practicality of pivoting the proposed garage with Board members.

Dittmer said there was clearly a topographical hardship, and that the actual roadway surface would be an adequate distance from the proposed garage, and that the property is at the end of a cul-de-sac anyway so the garage probably wouldn't stand out.

Scheibe said he'd prefer to approve a lesser variance for the setback toward the south easement and a greater variance for the setback toward the east as Dittmer and Cline discussed earlier. **Keppy, Dittmer, and Scheibe** discussed different options and agreed on a forty-five-foot (45') variance for the south side and a forty-five-foot (45') variance for the east side.

Scheibe made a motion to approve two (2) variances to construct the detached garage five feet (5') from the south roadway easement and five feet (5') from the east roadway easement with one (1) condition:

- 1) The location of all utilities on the subject property and within the utility easement are confirmed prior to construction

Seconded by Dittmer.

Vote (approval of variances with condition): 5-0, All Ayes

5. **Adjournment:** With no further public comments and no other business to discuss, Chair Madden adjourned the meeting at 4:53 P.M.