



Scott County  
Board of Adjustment  
STAFF REPORT  
February 22, 2023



**Applicant:** Ronald D. Cline

**Request:** Construct a detached garage with a 2-foot (south) front-yard setback, and 12-foot (east) front-yard setback in lieu of the 50 feet required

**Legal Description:** Lot 3 of Geist's 2<sup>nd</sup> Addition (Parcel Number 850737303)

**Address:** 24630 184<sup>th</sup> Street Place

**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 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. The applicant's petition cites the lot topography, location of utilities, and the positioning of the roadway easements as the hardships warranting approval of the variances from Ordinance regulations. The lot is approximately 0.84 acres in size and the current residence is set back approximately thirty (30) feet from the south (front) property line, which was the minimum required setback upon its construction in 1978.

In 2013, the west-adjacent property (24590 184<sup>th</sup> Street Place) was granted a thirty-foot (30') variance to construct a 30' x 30' detached garage twenty (20) feet from the south (front) roadway easement. See exhibit on the next page (subject structure highlighted with an asterisk).

**STAFF REVIEW:** Staff has reviewed this request for compliance with the requirements of the Zoning Ordinance for the granting of the variances. 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

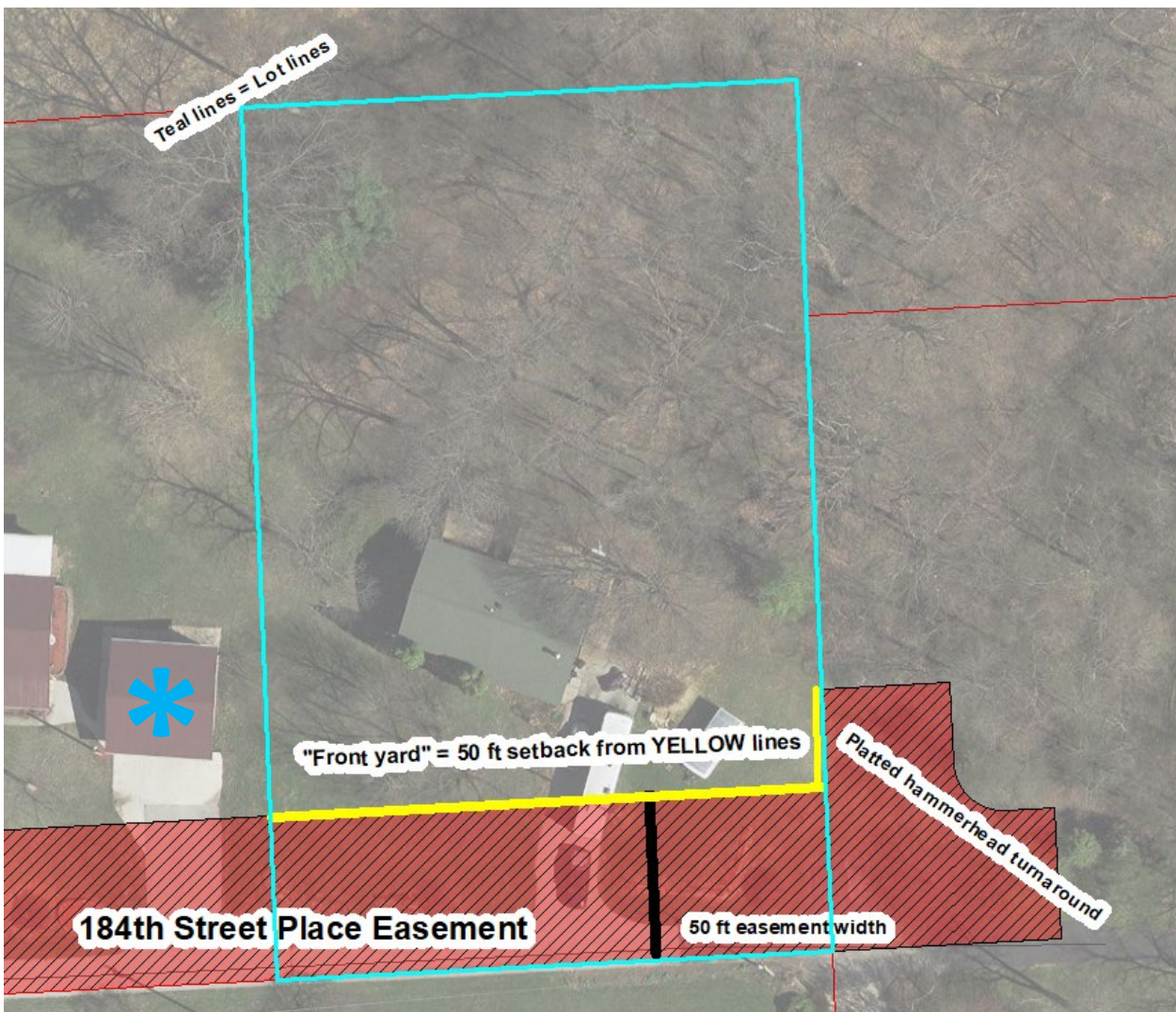


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Policies or otherwise impair the public health, safety and general welfare of the residents of the County.

Staff believes the main “exceptional situation” on the subject property is the location the roadway easement for 184<sup>th</sup> Street Place: First, typical subdivision design would divide the 50-foot roadway easement evenly between properties on either side of the easement. In this case, the subject property has the entirety of the 50-foot roadway easement within its lot boundaries. Additionally, a hammerhead turnaround was platted on the east-adjacent property, which creates a second “front yard” in the property’s southeast corner. See exhibit below:





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It should be noted that a total of five (5) dwellings have frontage along the 184<sup>th</sup> Street Place easement, including the subject property and three (3) dwellings to the west and one (1) dwelling to the east. The hammerhead was presumably platted to provide turnaround for the five dwellings and emergency vehicles.

A second exceptional situation is the lot's steep topography. The applicant submitted a site drawing (Sketch A) showing altimeter readings at multiple points on the site, which showed a steep decline from south to north. County GIS data shows a high point in the southwest corner of an approximately 692-foot elevation and a low point in the northeast corner of approximately 628 feet. The majority of the property and the relief area appears to be ravine.

The third exceptional situation is created by the current locations of utilities, including overhead electrical service wires, septic tanks/field, and fiber optic cables (Sketch A submitted by the applicant).

The County Health Department did confirm the general location of the septic system on the property and noted that the applicant should verify its exact location prior to the start of construction. The Health Department reported they did not have any other issues with the proposal. Secondary Roads also had no 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:** Aside from providing turnaround for emergency vehicles, staff would regard the easement for the hammerhead turnaround functionally obsolete. There is little to no potential for future development to the east of the property, and therefore only one (1) dwelling relies on this far-eastern segment of the roadway easement. As such, staff would recommend approval of the 38-foot variance to construct the detached garage twelve (12) feet from the hammerhead easement.

As far as the 48-foot variance to construct the garage two (2) feet from the southern roadway easement boundary, staff initially compared the case to the 30-foot variance granted for the neighboring property in 2013 as mentioned in the General Comments section. However, the topography of the two lots is very different, especially the southern portion of the lots: the neighboring property had considerably more flat land to work with, whereas the subject property slopes more dramatically more immediately from south to north. Staff believes this amounts to a hardship worthy of variance approval and would recommend approval of the 48-foot variance as well.



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Board of Adjustment  
STAFF REPORT  
February 22, 2023

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Staff would recommend that variances 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 **be approved** 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.

**Submitted by:**

Chris Mathias  
Planning & Development Director  
February 17, 2023