

Scott County Board of Adjustment
January 26, 2005
1st Floor Board Room Administrative Center

Members Present: Bates, Dittmer, Jenkins, Scheibe, Vollbeer
Members Absent: None
Staff Present: Kononovs and Buck
Others Present: 2 others

1. **Call to order.** Chairman Dittmer called the meeting to order at 4:00 p.m.
2. **Minutes.** Scheibe made a motion to approve the minutes of the January 26, 2005 meeting. Dittmer seconded the motion. All ayes (5-0).
3. **Public Hearing-Variance** Plett, Section 28, Butler Township

Dittmer read the notice and asked for staff's review. Kononovs showed the air and site photos of the property and said this request is to allow fifteen(15) foot front yard setback for a single family home, in lieu of the fifty (50) foot required . Kononovs said there is a drainage way along the south boundary of this property that runs under the road and drains into the lake. The houses to the north and south of this lot appear to be constructed with the fifty foot front yard setback said Kononovs. There have been five variances granted for houses in Lake Huntington 2nd Addition, said Kononovs allowing a twenty five (25) foot front yard setback. A sign was placed on the property and property owners within five hundred feet were notified of this request, said Kononovs, staff received two calls regarding this request, one in support and one against the request. The Health Department and County Engineer had no comments on this request said Kononovs.

Dittmer asked if the applicant would like to speak. Brad Plett said that due to the topography of the property an enormous amount of fill would be necessary and any reduction in the front yard setback would help. Plett told the Board the style of home planned for the site..

Dittmer asked for staff's recommendation. Kononovs said staff would recommend approval of a variance to allow a forty (40) foot front yard setback on the basis of the hardship created by the slope and topography of the property.

After deliberation, Jenkins made a motion to deny the Special Use Permit to allow a six foot high fence in the front yard setback based on the determination that it is not in keeping with the character of the neighborhood. Bates seconded the motion.

Vote: 3-0 All Ayes

4. **Public Hearing-Variance**-Capranos, Section 5, Princeton Township

Scheibe read the notice and asked for staff's review. Huey said this request is to allow a development right to be reinstated for a single family house on a parcel that was recently replatted. Huey gave the history of the property. Huey showed the air photo and the original auditor's plat. Had the applicant, said Huey, built the house prior to replatting the property it would have been considered a boundary

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line adjustment and only required a plat of survey, but by doing the replatting prior to the house being built, the original development right for the property was voided. Huey showed site photos of the property. Huey said staff notified property owners within 500 feet and placed a sign on the property and received a few calls regarding this request. Neither the Health Department said Huey, nor the County Engineer had any comments or questions regarding this request.

Scheibe asked if the applicant had any comments. No one spoke. Scheibe asked if anyone from the public had any comments. Again, no one spoke.

Scheibe asked for staff's review. Huey said staff recommends that the variance to allow a development right for one single family residence be approved based on the substantial justice that will be done and that granting of this variance would appear not to impair the purpose of the Development Plan nor would the public health, safety and general welfare be impaired.

Board discussion took place. Scheibe made a motion to approve the variance to reinstate a development right for one single family house with the condition that the decision be recorded and contain an agricultural nuisance waiver. Jenkins seconded the motion.

Vote: 3-0 all Ayes

5. Election of Officers

Jenkins nominated Dittmer for Chairman and Vollbeer for Vice Chair. Bates seconded the motion.

Vote: 3-0 All Ayes

With no new business to come before the Board the meeting was adjourned at 4:27 p.m.