

## Scott County Board of Adjustment

August 24, 2005

### 1<sup>st</sup> Floor Board Room Administrative Center

Members Present: Hittle, Jenkins, Scheibe  
Members Absent: Dittmer, Vollbeer  
Staff Present: Huey and Kelly  
Others Present: 10 others

1. **Call to order.** Scheibe called the meeting to order at 4:20 p.m. due to the late arrival of Hittle
2. **Minutes.** Hittle made a motion to approve the minutes of the May 25, 2005 meeting. Scheibe seconded the motion. All ayes (3-0).
3. **Special Use Permit-** Dixon Telephone Co. Section 12, Liberty Township

Huey showed the air photo of the property pointing out the approximate location of the proposed 300-foot tower and equipment building. Huey said this would be a leased lot on an existing farm, allowed with an approval of a Special Use Permit in an A-P or A-G zoning district. Huey explained the criteria used to determine if the request is appropriate for the proposed location. Huey explained the location of homes in relation to the proposed tower. Huey showed site photos of the property and said the County Engineer and Health Department had no comments or concerns with this request. A sign was posted on the property and property owners within 500 feet have been notified, said Huey, staff received no comments on this request.

Scheibe asked if the applicant would like to speak. Bill McNally said this tower was necessary due to a gap in coverage with no tower in this area. This tower said McNally will fill the growing needs of the Dixon Telephone Company.

Sheibe asked if anyone from the public had any comments. No one spoke.

Scheibe asked for staff's recommendation. Huey said staff would recommend approval of the Special Use permit to allow construction of a 300 foot tower and equipment shelter with the conditions that 1). The applicant allow the co-location of similar transmitter facilities if this is determined to be a suitable location for additional users in the future; and 2). The tower be dismantled and removed if the use is discontinued for one year or greater.

Dittmer asked if the applicant would like to respond. McNally said he would be glad to answer any questions.

Discussion took place regarding utility locations and access to the site. Hittle made a motion to approve the Special Use Permit with the two conditions recommended by staff. Jenkins seconded the motion.

Vote: All Ayes (3-0)

#### 4. **Special Use Permit**-New Cingular, Section 29, Winfield Township

Scheibe read the public notice and asked for staff's review. Huey showed the air photo of the property and pointed out the proposed location of the tower. Huey showed the site plan submitted and the site photo of the property. This is very similar to the case previously heard, said Huey. Huey stated the criteria used to determine the effect of the proposed request on the character of the neighborhood. Huey pointed out the location on the air photo of the existing residences in the area and said the County Engineer and Health Department had no comments on this request. A sign was placed on the property and notices sent to property owners within 500 feet, said Huey and staff has not received any comments.

Scheibe asked if the applicant would like to speak. Scott Casanova, representing New Cingular said this tower is necessary to fill a gap in the coverage area between Interstate 80 and US Hwy 130. The site said Casanova will be a 100 foot x 100 foot secured compound.

Scheibe asked if anyone from the public had any comments. No one spoke.

Scheibe asked for staff's recommendation. Huey said staff recommends the Special Use Permit be approved to allow construction of a 240-foot communications tower and a 12-foot x 20-foot equipment building with the conditions that: 1). The applicant allow the co-location of similar transmitter facilities if this is determined to be a suitable location for additional users in the future; 2). The tower be dismantled and removed if the use is discontinued for one year or greater.

Board discussion took place regarding the type of building being proposed. Hittle made a motion to approve the Special Use Permit with the two conditions recommended by staff and adding a third condition that: 3) The 12-foot x 20-foot equipment building also be dismantled and removed if the use is discontinued for one year or greater. Scheibe seconded the request.

Vote: All Ayes (3-0)

#### 5. **Public Hearing-Variance**- Dale Frahm, Section 7, Butler Township

Scheibe read the public notice and asked for staff's review. Huey showed the air photo of the property and the proposed site plan pointing out the location of the old house. Huey explained the flare of the road right of way and the location of the ag buildings and well, as well as the setback distance of the existing home to the north. Staff has notified the adjacent property owners within 500 feet, said Huey and placed a sign on the property and staff has received no comments on this request. The County Engineer and Health Department also had no comments on this request said Huey.

Scheibe asked if he applicant would like to respond. Frahm showed a larger site plan to the Board with an overlay of the proposed home. Frahm explained the location of the well, existing buildings and utility pole making the fifty foot setback not feasible. Frahm said he has modified the house plans to allow additional footage on the front yard setback.

Scheibe asked if anyone from the public had any comments. No one spoke.

Scheibe asked for staff's recommendation. Huey said staff would recommend approval of a variance to allow a thirty five (35) foot front yard setback from Scott Park Road right of way due to the unique circumstance of the configuration of the road right of way and also allow more of the property to remain in agricultural production.

Board discussion took place. Various scenarios were discussed to attempt to meet the fifty (50) foot front yard setback.

After considerable deliberation Scheibe made a motion to approve the variance to allow a forty (40) foot front yard setback. Jenkins seconded the motion.

Vote: All Ayes (3-0)

6. **Public Hearing-Variance-** Tammy Havill, Section 28, LeClaire Township

Huey showed air photos of the property and explained the splitting of the original farmstead from the farm in 2000. A plat of survey was prepared in 1976 for the splitting of this parcel but never recorded said Huey. In 2002 said Huey the original farm house on the property was demolished and a new farm house built. The applicant is now requesting, said Huey, to split this second farm house from the farm so it may be sold separately and the balance of the farm land stay in the family. Huey showed the air photos and site photos of the property. If the plat of survey prepared in 1976 had been recorded no variance would be necessary said Huey. The County Engineer and Health Department had no comments or concerns with this request. Staff notified all adjacent property owners within 500-feet and placed a sign on the property and has received no calls or comment son this request said Huey.

Scheibe asked if the applicant would like to respond. John Aiken, attorney for the applicant, said due to the untimely death of Mrs. Havill's husband she would now like to sell the house and move to Illinois but keep the family farm.

Scheibe asked if anyone from the public had any comments. No one spoke.

Scheibe asked for staff's recommendation. Huey said staff recommends that a variance to allow a second farmstead split be approved with the condition that the lot for the house be no larger than necessary to include the house and the existing yard.

Discussion took place on an ag nuisance waiver, and the size of the proposed parcel. Scheibe made a motion to approve the second farmstead split with the conditions that: 1) An ag nuisance waiver be filed with the plat; and 2). The parcel be a minimum size of 1.3 acres. Jenkins seconded the motion.

Vote: All Ayes (3-0)

7. **Public Hearing-Variance-** Dubberke, Section 6, Buffalo Township

Huey showed the air photo of the property and said the road into this property is essentially a driveway but is within a platted fifty (50) foot road easement with the actual road surface approximately 12 feet wide and located directly adjacent to the north edge of the easement. Huey showed the site plant submitted by the applicant and the explained the various distances proposed. Huey showed site photos of the property pointing out the sloping topography.

Scheibe asked if the applicant would like to speak. Donna Dubberke said they need an additional bath and this addition will consist of a master bath and additional basement area. Dubberke said due to the location of utilities, well and septic and the sloping of the property there is no other location for the addition.

Scheibe asked if anyone from the public would like to speak. No one spoke.

Scheibe asked for staff's recommendation. Huey said staff recommends approval of the variance to allow a thirty (30) foot front yard setback be approved based on the hardship created by the topography of the property and the unique circumstance of the location of the road within the easement adjacent to this property.

Board discussion took place on the topography. Jenkins made a motion to approve the variance to allow a thirty (30) foot front yard setback. Hittle seconded the motion.

Vote: All Ayes (3-0)

With no new business to come before the board the meeting was adjourned at 5:30 p.m.