

## Scott County Board of Adjustment

February 22, 2006

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

Members Present: Dittmer, Hittle, Jenkins, Scheibe, Vollbeer  
Members Absent: None  
Staff Present: Huey and Kelly  
Others Present: 9 Others

1. **Call to order.** Chairman Dittmer called the meeting to order at 4:00 p.m.
2. **Minutes –** Jenkins made a motion to approve the minutes of the December 21, 2005 meeting. Vollbeer seconded the motion. All Ayes (5-0).
3. **Public Hearing–Special Use Permit,** New Cingular Wireless, Section 25, Butler Township

Dittmer read the public notice and asked for staff's review. Huey showed the air photos of the property pointing out the five (5) residences within a half mile of the proposed site. Huey showed the site plan of the leased area proposed for the tower. The tower will be a tripod type tower, not guyed, but will have lights as required by the FAA. Huey showed the tower site map pointing out other towers in the area. Huey also pointed out the letter, which the Board received copies of, from the neighbor asking that this request be tabled until the March meeting.

Dittmer asked if the applicant would like to speak. Scott Casanova, representative for the applicant said New Cingular considered the towers in the area but none were suitable for their needs. Casanova explained the weight requirements needed to accommodate twelve (12) antennas that will be necessary for coverage. Casanova presented a map to the Board showing existing towers in the area.

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

Dittmer asked for staff's recommendation. Huey said staff recommends that the Special Use Permit to allow construction of a 240-foot tower and 12-foot x 20-foot equipment building be approved 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.

Board discussion took place regarding the length of the lease and the existing towers. Scheibe made a motion to approve the variance to allow the Special Use Permit to construct a 240-foot tower and 12-foot x 20-foot equipment building with the conditions outlined by staff. Hittle seconded the motion.  
Vote: All Ayes (5-0)

4. **Public Hearing-Variance-**Wayne Waetke Trust, Section 9, Lincoln Township.

Dittmer read the public notice and asked for staff's review. Huey showed air photos of the property pointing out the original farmstead that was split from the farm in the 1980's. Huey said farmers are

exempt from Zoning but not the Subdivision requirements. One split is allowed from a forty acre tract, a farmer may build a farmhouse on the balance of the land after a farmstead split has occurred but that farm home may not be split off from that balance of the forty acre tract. Huey showed site photos of the property.

Dittmer asked if the applicant would like to speak. Robert Meyer, attorney for the applicant, said both parties of the Trust are deceased and the family would like to sell this house separate from the farmland and keep the farm. No additional farmland would be taken out of production other than what currently exists. A restrictive covenant, said Meyer, would be filed stating no additional subdivision of the property be allowed. Jon Sickelka, banker for the trust, said they only want to split 1-1/2 to 2 acres, which is already out of production.

Dittmer asked if anyone from the public wanted to speak. No one spoke.

Dittmer asked for staff's recommendation. Huey said staff would recommend that the variance to allow a second farmstead split be denied based on the lack of hardship and that the granting of the variance would appear to be contrary to the purpose of the Development Plan objective to preserve prime agricultural land.

Board discussion took place. Jenkins made a motion to approve the variance to deny the variance to allow a second farmstead split based on the lack of hardship and that the granting of the variance would appear to be contrary to the purpose of the Development Plan objective to preserve prime agricultural land. Hittle seconded the motion.

Vote: All Ayes (5-0)

With no new business to come before the board the meeting was adjourned at 4:30 p.m.