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Scott County Board of Adjustment

December 20, 2006

1st Floor Board Room Administrative Center

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Members Present: Dittmer, Hittle, Jenkins, Scheibe,Vollbeer

Members Absent: None

Staff Present: Huey and Kelly

Others Present: 6 Others

1. **<u>Call to order</u>.** Chairman Dittmer called the meeting to order at 4:00 p.m.

2. **<u>Minutes</u> –** Vollbeer made a motion to approve the minutes from the October 25, 2006 meeting. Jenkins seconded the motion. Vote: All Ayes (5-0)

3. **<u>Public Hearing-Special Use Permit</u>** I Wireless, Section 32, Lincoln Township

Huey showed air photos of other property and pointed the location in relation to the Davenport City Limits. Huey showed the site plan submitted by the applicant. Huey said property owners within 500 feet had been notified and staff received no comments regarding this request. Huey said the tower will not be lighted and has been approved by the FAA.

Dittmer asked if the applicant would like to speak. Andy Anderson representing I Wireless said Huey did a good job. Anderson said the tower is needed to increase the quality of the signal and is not intended for an additional coverage area. The tower said Anderson will be designed for two additional providers.

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

Dittmer asked for staff's recommendation. Huey said staff recommends that the Special Use Permit to allow construction of a 170-foot guyed tower be approved on the basis that the granting of this Special Use Permit will not have a negative impact on the character of the neighborhood and the adjoining property owners 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 coverage area.

Sheibe made a motion to recommend approval of the Special Use Permit to allow a 170-foot guyed tower with the two conditions recommended by staff. Vollbeer seconded the motion.

Vote: All Ayes (5-0)

4. **Public Hearing-Variance-**Timothy and Kay Flemming, Section 3, Buffalo Township

Huey showed the air photos of the property and gave the history of the previously requested rezoning from Agricultural Preservation to Agricultural General and amend the Future Land Use Map that was unanimously denied by the Planning Commission and not forwarded to the Board of Supervisors. Huey explained that the existing farmhouse had been demolished without a permit prior to a plat of survey for farmstead split was prepared. Had the house remained, said Huey, a variance would not have been necessary. Huey showed site photos of the property.

Dittmer asked if the applicant would like to speak. Clark Stojan, counsel for the applicant, said the Flemmings are new to the area and hired a contractor to demolish the existing house who was not aware of the necessity of a permit. It was not the applicants intention, said Stojan, to try to get around the rules and they apologize for this error.

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

Dittmer asked for staff's recommendation. Huey said staff recommends approval of the variance to allow an eleven (11) acre parcel to be created as a farmstead split on a property zoned Agricultural Preservation (A-P) and to allow one development right for a new single family house on the property based on its approval appears to meet the purpose and intent of the Scott County Development Plan.

Board discussion took place regarding the proposed location for the house.

Jenkins made a motion to approve the variance to allow an eleven (11) acre parcel for one development right for a single family house on the basis that the approval of the variance appears to meet the purpose and intent of the Scott County Development Plan. Hittle seconded the motion.

Vote: All Ayes (5-0)

With no new business to come before the Board the meeting was adjourned at 4:35 p.m.