

Scott County Board of Adjustment

March 28, 2007

1st Floor Board Room Administrative Center

Members Present: Dittmer, Hittle, Jenkins, Scheibe,
Members Absent: Vollbeer
Staff Present: Huey and Kelly
Others Present: 10 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 January 24, 2007 minutes. Hittle seconded the motion. All Ayes (4-0).
3. **Public Hearing–Variance-** Michael Mayfield, Section 27, Winfield Township

Dittmer read the public notice and asked for staff's review. Huey showed the air photos of the property and explained the regulations for a fence in the side and rear yard. Huey showed site photos of the property going over the topography of the property and the location where the fence would be ten feet in height. Huey said the seventy foot section of fence that would exceed the six feet allowed would allow the top of the fence to be relatively level. Huey explained the history with the neighbor to the west and the zoning violations that have occurred on that property. Neighbors within five hundred feet have been notified and a sign placed on the property, said Huey, and staff has received no phone calls or concerns with this request.

Dittmer asked if the applicant would like to speak. Mayfield said he needs the fence ten feet in height at that location to screen the neighbors' property.

Dittmer asked if anyone from the public wished to speak. Dale Ambrosy the neighbor to the west asked what type of fence it would be and if it would be placed on the property line.

Dittmer asked for staff's recommendation. Huey said staff recommends approval of the variance request to allow a portion of the fence to be ten feet in height and that granting this variance would appear not to impair the purpose of the Development Plan nor would the public health, safety and general welfare be impaired. Dittmer asked if the applicant would like to respond. Mayfield said the fence would be treated wood, dog eared and approximately six to eight feet in from the property line.

Board discussion took place on drainage in the area and the elevation. Scheibe made a motion to approve the variance. Jenkins seconded the motion.

Vote: All Ayes (4-0)

4. **Public Hearing-Special Use Permit-** Franco and Alana Fedrizzi, Section 2, Buffalo Township

Dittmer read the public notice and asked for staff's review. Huey showed air photos of the property and explained the request. Huey said the proposed carriage house would contain living quarters above the garage area until the time the main house was built which would be attached by a breezeway in the future. Huey said gave the definition of a duplex. Huey showed site photos of the property and explained that the current mobile home would have to be removed prior to the main house being built or the property would have to be split, which could be done with a plat of survey.

Dittmer asked if the applicant would like to speak. Franco Fedrizzi said Huey explained everything and he had nothing new to add.

Dittmer asked for staff's recommendation. Huey said staff recommends approval of the Special Use Permit to allow construction of a carriage house, a garage with living quarters above to be constructed as a duplex be approved with the conditions that: 1). Prior to construction of the main house the existing manufactured home be removed or a separate parcel created; 2). All requirements of the Health Department relating to well and waste disposal be met; 3). All building and fire code requirements are fully met.

Board discussion took place. Scheibe said he would like to see a condition placed on the approval that would require the location of the main house to be substantially the same as the site plan submitted. Discussion took place on the definition of a duplex. Hittle made a motion to approve the Special Use Permit to allow a carriage house to be constructed prior to the construction of the main house with the three conditions outlined by staff and adding condition 4). That the site plan submitted be substantially followed at the time of the construction of the main house.

Vote: All Ayes (4-0)

5. **Public Hearing-Special Use Permit-**Alex Hammer, Section 7, Pleasant Valley Township

Dittmer read the public notice and asked for staff's review. Huey showed the air photo of the property and gave the history of how the request came to light. Huey showed air photos and site photos of the property. Research was done, said Huey, in an effort to determine when the barn had been converted to living quarters, and no supporting documentation was found. The County Assessor first had record of a second dwelling in 1998. Huey explained the duplex definition and said unlike the previous request there would be no connection to the main existing house. The neighbor's recollection, said Huey, is that the barn has served in this capacity since the 1950's with no problems or concerns occurring as a result.

Dittmer asked if the applicant would like to speak. Tom Schirman, attorney for the applicant said this request is really a combination of a variance and a special use. The neighbors are present to speak on behalf of this request, and their recollection of when the barn was converted.

Dittmer asked if anyone from the public wished to speak. Harry Ven Horst said he has lived in the area for over fifty years and recalls that the barn was converted to living space in 1953.

Dittmer asked for staff's recommendation. Huey said staff would recommend that the Special Use Permit to allow the barn residence to be re-occupied as a dwelling unit/duplex with the existing house be approved with the condition that all health, building and fire code requirements be fully met.

Dittmer asked if the applicant would like to respond. Hammer said he is willing to do whatever is necessary.

Discussion took place on the ability to bring the barn up to code. Scheibe said he is concerned with the liability of stating all building and fire code requirements be fully made, he is not sure that is feasible with a building constructed in the turn of the century.

After considerable deliberation, Scheibe made a motion to approve the Special Use Permit to allow the barn residence to be re-occupied as a dwelling unit based on the fact that it has been in existence for over fifty years and that building and fire codes be enforced as deemed necessary by the building official. Dittmer seconded the motion.

Vote: All Ayes (4-0)

With no new business to come before the Board the meeting was adjourned at 4:50 p.m.