

Scott County Board of Adjustment

May 23, 2007

1st Floor Board Room Administrative Center

Members Present: Dittmer, Hittle, Scheibe, Vollbeer

Members Absent: Jenkins

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 April 25, 2007 minutes. Vollbeer seconded the motion. All Ayes (4-0).
3. **Public Hearing–Variance-** Dan Koch, Section 30, Lincoln Township

Dittmer read the public notice and asked for staff's review. Huey showed the air photos of the property and explained the necessity of the variance due to two houses being located on one parcel. Huey pointed out the proposed approximate 4 ½ acre site. Huey went over similar requests that had been approved with the condition that if one of the dwellings is removed or destroyed it may not be replaced. 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. Koch said he would maybe have to increase the size of the acreage to five acres to allow the installation of a new septic system. Koch said the homes have been on the property since 1912 with the one house rented since 1945 with only two tenants being in the home since that time.

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

Dittmer asked for staff's recommendation. Huey said staff recommends approval of the variance request to allow two houses to be located on one parcel created as a farmstead split on a property zoned Agricultural Preservation with the condition that if one of the houses is removed or destroyed it could not be replaced.

Board discussion took place. Vollbeer made a motion to approve the variance allow two houses to be located on one parcel created as a farmstead split on a property zoned Agricultural Preservation with the condition that if one of the houses is removed or destroyed it could not be replaced. Hittle seconded the motion.

Vote: All Ayes (4-0)

4. **Public Hearing-Variance-** Robert and Linda Holst, Section 5, Princeton Township

Dittmer read the public notice and asked for staff's review. Huey showed air photos of the property and explained the criteria to allow a Home Industry. Huey explained the difference between a Home Industry and a Home Occupation. Huey said for a Home Industry neighboring property owners are notified of the application. Huey showed site photos of the property and went over the topography and ingress and egress of the property. Huey said since the nearest property is approximately 300 feet from the Home Industry in lieu of the 500 feet required a variance would need to be granted for the business to continue.

Dittmer asked if the applicant would like to speak. Tom Schirman, representing Robert Holst, said trucks leave at approximately 6:00 AM and come back by 6:00 PM, no one actually works on the site. Holst is aware of the legitimate concerns of the neighbors, regarding the dust, and would be willing to apply dust control product to the road as necessary. Holst also would be willing to change the ingress and egress of the property, said Schirman.

Dittmer asked if anyone from the public would like to speak. George Goebel, representing Alan Musal a neighboring property owner said trucks do come in and out all day on a Class B road and then to a county maintained gravel road creating more dust and noise than what the intention of the Home Industry permit allows. Goebel said the nature of a Home Industry is for small business to occur out in the county but not cause hardship for the neighbors. This is an ag zoned property said Goebel, not Commercial zoning and this business is definitely of a commercial nature and he would ask the Board to deny this request. Tony Thornton, the neighbor three hundred feet from the Holst property said when he moved there thirty years ago there was maybe five vehicles a month visiting the cemetery not large tractor trailer rigs start up in the early am and come and go all day. Thornton said he used to be able to apply dust control once a year and now must apply two applications twice a year. Thornton said he is worried about the business affecting the value of his home and talked to a realtor about it and was told that the business certainly would not be beneficial in sale of his home. Dennis Boore said most of his planned comments have already been given by Mr. Goebel and Mr. Thornton but Boore said he is retiring in July and does not enjoy the prospect of heavy truck traffic going by all day and believes the request should be denied as none of the requirements for a Home Industry are being met.

Dittmer asked for staff's recommendation. Huey said staff recommends denial of this variance to allow operation of a trucking company as a home industry in an accessory building located less than 500 feet from a neighboring residence. This recommendation said Huey, is on the basis of the negative impacts on adjacent properties due to increased traffic, noise and dust. Huey said that denial of this variance would still allow the office uses of this business to be operated in the existing home as a home occupation.

Dittmer asked if the applicant would like to respond. Schirman said he would reiterate the willingness to have dust control applied otherwise he had nothing else to add.

Board Discussion took place regarding ingress and egress, lack of hardship, and Home Industry requirements.

Scheibe made a motion to deny the variance to allow a home industry to be located closer than the five hundred feet required due to a lack of hardship and the negative impact on the adjacent properties due to increased traffic, noise and dust. Vollbeer seconded the request.

Vote: All ayes 4-0

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