

Scott County Board of Adjustment

July 25, 2007

1st Floor Board Room Administrative Center

Members Present: Dittmer, Hittle, Jenkins, Scheibe, Vollbeer
Members Absent: None
Staff Present: Huey and Kelly
Others Present: 40 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 May 23, 2007 minutes. Jenkins seconded the motion. All Ayes (5-0).
3. **Public Hearing—Special Use Permit-**Dean Marten, Butler Township Section 18 and Winfield Township Section13.

Dittmer read the public notice and asked for staff's review. Huey showed the air photos of the property and explained the Special Use Permit process and that this request was to allow United Mud Racing events to take place on the property. Huey said the applicant has already held two events on his property earlier this year and staff contacted the property owner and informed him of the need to obtain approval of a Special Use Permit before additional races could be held. Staff's concern with this request is the noise, dust and mud tracked onto Scott Park Road. Staff placed a sign on the property and notified property owners within five hundred feet and has received a number of calls from surrounding property owners stating their objections to this request based on the noise of the events.

Dittmer asked if the applicant would like to speak. George Goebel, attorney for the applicant, addressed the Board. Goebel said the nearest house is approximately ¼ to ½ mile away, the event does not cause as much noise as the quarry across the road. Mr. Marten, said Goebel is willing to abide by whatever conditions the Board sees fit to place on the Special Use Permit. These are sporting events and allowed under the Special Use Permit said Goebel and cause no flooding nor environmental impacts on the surrounding properties. Marten said he has maintained the gravel road for over 20 years and will continue to do so.

Dittmer asked if anyone from the public wished to speak. Harold Kempf said he lives less than 4 miles away and didn't even know the events were taking place until he saw the sign. Kempf said he hears the trains from Dewitt and the blasting from the quarry but never heard these races. Kathy Grimes and Sue Eller said they are concerned with the effect on the wildlife, they own property in the area and bow hunt. Joe Slater said he is concerned with the noise factor and thinks the events should be taking place in a more public setting like a fairgrounds.

Dittmer asked for staff's recommendation. Huey said staff recommends that the Special Use Permit to allow up to five mud racing events in an Agricultural Preservation District be denied based on its

apparent negative impact on the character of the neighborhood, the area property values traffic and environmental stormwater runoff and danger to the public safety.

Dittmer asked if the applicant would like to respond. Marten said he has had 2 events so far one that ran until 7 PM and one from noon to 4PM. Marten explained where the Class B road ends and his driveway begins and said he has had approximately 200 people at each event which translates into 60 cars or so and 25 trucks and trailers.

Board discussion took place regarding noise, traffic, different classes of vehicles and possible gas spills. Scheibe made a motion to approve the Special Use Permit with the conditions that: 1). The Special Use Permit is only for the two remaining events on July 28th and August 25, 2007; 2). All racing trucks will be on trailers to and from the events; 3). Road maintenance will be the responsibility of the applicant and not Scott County; 4). No alcohol will be served; 5). Only a maximum of 40 racing vehicles be allowed; 6). Sanitation facilities be provided; 7) Any mud or debris on the roadway be removed by the applicant and 8). The applicant applies for a Special Use Permit in the Spring of 2008 prior to any continuing events. Vollbeer seconded the motion.

Vote: All Ayes (5-0)

4. **Public Hearing-Variance-** Stolk/Fredericksen, Section 21, Butler Township

Dittmer read the public notice and asked for staff's review. Huey showed air photos and site photos of the property. Huey explained that the existing farm house had been demolished longer than one year ago. Huey explained if the house was still there it could be replaced without benefit of a variance. Huey said a sign was placed on the property and a notice sent neighbors within 500 feet and staff received no calls or comments on the request.

Dittmer asked if the applicant would like to speak. Dennis Stolk said Huey covered everything and he would be glad to answer questions.

Dittmer asked if anyone from the public would like to speak. Harold Kempf addressed the Board stating that this was a century farm and this should not be allowed. Pretty soon, said Kempf there will be a subdivision there.

Stolk said there is no plan for development and no plan to split the house from the 160 acre parcel.

Dittmer asked for staff's recommendation. Huey said staff recommends approval of the variance to allow a development right for a new single family house to replace a former farmhouse that it appears that this request meets the purpose and intent of the Scott County Development Plan.

Dittmer asked if the applicant would like to respond. Stolk said he had nothing new to add.

Board discussion took place. Jenkins made a motion to approve the variance with the condition that the new home be placed in the same general location of the farm home that has been demolished, and that it would appear to meet the purpose and intent of the Scott County Development Plan. Vollbeer seconded the motion.

Vote: All Ayes (5-0)

5. **Public Hearing-Variance**-Stolk/KTA 600 Partners, Section 15, Sheridan Township

Huey showed the air and site photos of property pointing out where the original farmhouse had been located and was now in crops. Huey said this request is very similar to the previous request except the original farmstead was larger and when the house was torn down crops were planted.

Dittmer asked if the applicant would like to speak. Stolk said this was basically the same request as the previous one and he had nothing new to add but would be happy to answer questions.

Dittmer asked if anyone from the public wished to speak. Harold Kempf addressed the Board and expressed the same concerns as the previous request.

Dittmer asked for staff's recommendation. Huey said staff recommends approval of the variance to allow a development right for a new single family house, replacing the former farmhouse on the basis that approval of the variance appears to meet the purpose and intent of the Scott County Development Plan.

Board discussion took place on how long of time was appropriate to allow replacement of a farmhouse after removal. Scheibe made a motion to approve the variance with the condition that the new home be placed in the same general location of the farm home that has been demolished. Hittle seconded the motion.

Vote: All Ayes (5-0)

6. **Public Hearing-Variance**- Greg Tully, Section 7, Pleasant Valley Township

Huey showed air photos of the property pointing out the corner lot status of the property and the two front yard setbacks. Huey showed the plat of the property and explained the different roadway. The existing attached garage, said Huey, is currently located fifty feet back from the road easement. Approval of this variance would result in the addition being thirty five feet from the edge of the road and twenty four feet from the road easement, said Huey.

Dittmer asked if the applicant would like to speak. Greg Tully said Huey explained thoroughly and he was present to answer questions.

Dittmer asked if anyone from the public. No one spoke.

Dittmer asked for staff's recommendation. Huey said staff recommends that the variance to allow a garage addition thirty five feet from the road and a twenty four front yard setback.

Board discussion took place regarding site distance, height of road, drainage and other possible locations on the house to place the addition.

Scheibe made a motion to amend the variance to allow from the existing garage a ten foot addition in lieu of the sixteen foot requested and that no additional driveway be allowed onto 241st Avenue based on the minimal impact on the neighborhood. Jenkins seconded the motion.

Vote: All Ayes (5-0)

7. **Public Hearing-Variance**-Tom Duncan, Section 15, Buffalo Township

Huey showed air photos of the property and reviewed the request to allow an eight foot fence in lieu of the six foot allowed. Huey showed site photos of the property and gave a brief history of the disputes that have taken place between Mr. Duncan and his neighbor.

Dittmer asked if the applicant would like to speak. Tom Duncan submitted photos to the Board and detailed the history of disagreements that have taken place with his neighbor. Duncan said a six foot fence would not provide the privacy that he and his family need.

Dittmer asked if anyone from the public would speak. Jeff Reed, Duncan's neighbor, said good fences make good neighbors, but he is concerned with that height and the shade produced will create ice on the roadway in the winter. Reed gave a history of the disputes with Duncan. Reed asked what the fence was going to be made of and how it was to be maintained.

Dittmer asked for staff's recommendation. Huey said staff recommends approval to allow an eight foot fence in the side yard of this property based on the location and that the granting of this variance would appear not to impair the purpose of the Development Plan nor would the public health, safety and general welfare be impaired.

Board discussion took place. Vollbeer made a motion to approve the variance to allow an eight foot fence in the side yard in lieu of the six foot on the basis that approval would appear not to impair the purpose of the Development Plan nor would the public health, safety and general welfare be impaired. Scheibe seconded the motion.

Vote: All Ayes (5-0)

8. **Public Hearing-Variance**-Tim and Kay Flemming, Section3, Buffalo Township

Huey showed air and site photos of the property. Huey gave the explanation of how the fence came to light and that it exceeds the 3-1/2 foot allowed in the front yard. Huey said this fence does not obstruct the view of any drivers and visually is compatible with the existing house. Huey said the house is setback approximately 200 feet from the road and a proposed accessory building will be set back approximately 160 feet from the road, therefore it would not appear to significantly intrude into the front yard.

Dittmer asked if the applicant would like to speak. Clark Storjahn, attorney for the applicant said he had nothing new to add and he and his applicant agree with every thing in the staff report.

Dittmer asked if anyone from the public wished to speak. Cheryl Wilkinson said it was a classy fence and should be approved. Delmer Luett said the road is so much higher than the fence you cannot tell its higher than its supposed to be. Ralph Johanssen said he advocates approval of the variance.

Dittmer asked for staff's recommendation. Huey said staff recommends approval of the variance on the basis of the similar nature of those granted previously and that the granting of this variance would not appear to impair the purpose of the Development Plan nor would it appear to impair the public health, safety and general welfare.

Board discussion took place. Vollbeer made a motion to approve the variance to allow a five foot fence in the front yard in lieu of the 3-1/2 feet allowed based on the similar nature of those granted previously and that the granting of this variance would not appear to impair the purpose of the Development Plan nor would it appear to impair the public health, safety and general welfare. Hittle seconded the motion.

Vote: All Ayes (5-0)

9. **Public Hearing-Special Use Permit**- Tim Robert, Section 15, Allens Grove Township

Huey showed air photos of the property pointing out the general location of the proposed music festival. Huey explained that the three day event would include various bands and camping taking place over Labor Day weekend. Huey showed site photos of the location and explained the access onto the property by 98th Avenue. Huey showed the submitted site plan and said the proposed location of the festival is zoned Agricultural Preservation but the adjoining cabins are zoned Single Family Residential. The property is located entirely within the 100 year floodplain said Huey. Huey went over staff concerns regarding this request, noise, dust, traffic and impact on the adjoining property owners.

Dittmer asked if the applicant would like to speak. Tim Roberts said this event would take place Friday, Saturday and Sunday and not on Labor Day. Roberts said security, and sanitation teams would be on site and working throughout the entire event. Roberts said this is a proposed family event with an expected 300 to 700 people expected.

Dittmer asked if anyone from the public wished to speak. Rod Bailey said he attended the event last year in Illinois and it was a very kid friendly, family event, Mr. Roberts, said Bailey works very hard to keep violence to a minimum. Michael Steen, owner of the property said he would not allow an event on this property that was not family oriented. Steen said he has maintained the road, 98th Avenue, by himself for over twenty years as it washes out every year, This event would help pay for the road improvements said Steen. Charles Hoffman said he is concerned with the traffic and dust caused by the event and would like to see dust control placed on the road if approved. Barney Barnhill said he is not against music events such as these but does not feel it is an appropriate area for the event. Mark Wellman said he is concerned with safety during the event and doesn't feel emergency vehicles would be able to access the area. Wellman said he concerned about liability for adjoining property owners and wanted to hear more information regarding the insurance, bonding and hours of operation. Wellman said he thinks two miles on a narrow gravel road to get to this event is a disaster waiting to happen. Molly Zarn said she opposed this event and was handed a bill for \$5,000. for road maintenance prior to the start of this meeting. Zarn said she considers that intimidation. Zarn said she is also concerned about safety issues, who would pay, said Zarn if something would happen and a lawsuit occurred. Jessica Steen said she is excited about the event and looking forward to attending with her young daughter. Dan Urmie said he has known Steen for years and he would not allow

something on his property that was not family oriented. Urmie said he has helped Steen maintain that road with no help from the neighbors for years. Corey Howard said he is looking forward to having an event in the area and not having to drive into Davenport. Nancy Urmie said she is in support of the event and is sure it will be as well run as other events that have taken place on the property. Mark Wellman submitted photos to the Board showing what the road used to look like and what it looks like now, and said it was not an improvement. Penni Steen said she and her husband only want to hold a safe family friendly event and 98th Avenue is wide enough for two vehicles to use, residents will have a clear passage to their property, said Steen, no alcohol will be sold and residents in the area will not have to pay for admission. Charlie Simmons said he lives there May through November, 7 days a week and has no problem with the event taking place over three days, some of the people complaining he hasn't seen in over a year, some for as long as twelve years.

Dittmer asked for staff's recommendation. Huey said staff recommends that the Special Use Permit to allow the proposed music festival with camping be denied based on the lack of compliance with the criteria for approval of a Special Use Permit and the impacts of noise, dust and traffic on the surrounding property owners.

Dittmer asked if the applicant would like to respond. Roberts said there would be a maximum of 700 people equating to maybe 350 cars, which would be considered a slow night for the other event that takes place on this property. All adults said Roberts, will have wrist bands and no under aged drinking will be allowed. No alcohol will be sold but may be brought in said Roberts; the event was moved due to a conflict with the start of pheasant hunting in Sheffield Illinois.

Extensive Board discussion took place regarding parking, hours of operation, food, campfires, road maintenance and the population in the area.

Scheibe made a motion to deny the request for a Special Use Permit to conduct a music festival and camping based on its lack of compliance with the criteria for approval of a Special Use Permit based on the impacts of noise, dust and traffic on the surrounding property. Jenkins seconded the motion.

Vote: All Ayes (5-0)

With no new business to come before the Board, the meeting was adjourned at 7:45 PM