

Scott County Board of Adjustment

August 22, 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** –, Jenkins made a motion to approve the July 25 2007 minutes. Scheibe seconded the motion. All Ayes (4-0).
3. **Public Hearing–Variance**-Jeff Herman and Annette Spies Herman, Section 32, Butler Township Dittmer read the public notice and asked for staff's review. Huey showed the air photos of the property and explained that this request was to allow a farmstead split to include two residences. Huey explained the approximate property lines for the proposed split. Huey said previous requests to allow a farmstead split to include two residences have been approved with the condition that if one or the homes is removed or destroyed it may not be replaced. Staff placed a sign on the property and notified property owners within five hundred feet and received one call on this request.

Dittmer asked if the applicant would like to speak. Annette Spies Herman addressed the Board and said they would like to keep this property in the family and no land would be taken out of production.

Dittmer asked if anyone from the public wished to speak. Ron Tuftee addressed the Board regarding his concerns, property values, additional homes and entrances to the property.

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

Dittmer asked if the applicant would like to respond. Spies Herman reiterated that they just want to keep the property in the family.

Board discussion took place regarding Tuftee's concerns, previous cases and the criteria for an Agricultural Exemption.

Scheibe made a motion to approve the variance to allow a farmstead split with two residences on one parcel with the condition that if one of the houses is removed or destroyed it could not be replaced and no tillable land be taken out of production for the creation of this parcel. Jenkins seconded the request.

Vote: All Ayes (4-0)

4. **Public Hearing-Variance-** William Meyer, Section 34, Liberty Township

Dittmer read the public notice and asked for staff's review. Huey showed air photos and site photos of the property. Huey said this request is to allow the creation of an approximate five acre parcel with a development right for a Single Family Home. Huey said this is the second time the Board has heard this request with the first time being in 1996. Huey said the Health Department has no record of a septic tank or well on the property and if approved, the property would have to meet the requirements of the Health Department. Staff placed a sign on the property and notified property owners within five hundred feet and staff received no calls on the request.

Dittmer asked if the applicant would like to speak. Beverly Meyer addressed the Board and said this request is somewhat different than in 1996. The cabin now has heat and someone living in it all year round. There is a septic and well on the property said Meyer and they just want to split approximately five acres off with the cabin now and allow someone to build a home on the property in the future.

Dittmer asked if anyone from the public would like to speak. Scott Case said he doesn't understand how farmers can be penalized when they farmed their whole lives and now want to sell property to finance their retirement.

Dittmer asked for staff's recommendation. Huey said staff recommends denial of the variance to allow creation of a five acre parcel with a development right for a single family dwelling in an area zoned Agricultural Preservation on the basis that approval would appear to be contrary to the purpose and intent of the Scott County Development Plan and Zoning Ordinance.

Dittmer asked if the applicant would like to respond. Meyer had nothing new to add.

Board discussion took place regarding enforcement consistency, previous requests and Agricultural Exemptions.

Jenkins made a motion to deny the request to allow the creation of a five acre parcel with a development right for a single family dwelling in an area zoned Agricultural Preservation on the basis that approval would appear to be contrary to the purpose and intent of the Scott County Development Plan and the Zoning Ordinance. Hittle seconded the motion.

Vote: All Ayes (4-0)

5. **Public Hearing-Correction of Decision-** Michael Steen, Section 15, Allens Grove Township

Huey explained that this request is being brought forward by staff for consideration of correction to a decision on a variance granted to Michael Steen on September 26, 2001 and due to a clerical error the decision that was prepared did not include the condition under which it was approved. Huey showed photos of the building in question in 2001 and in 2007. Huey said the decision did not reflect the condition placed on the approval that the building remains unenclosed. Huey said Mr. Steen's attorney requested that action be tabled until the September 26, 2007 meeting. Ted Priester, Scott County Attorney addressed the Board and said due to possible litigation he would advise that the Board table the request.

Schiebe made a motion to table this request until the September 26, 2007 meeting. Hittle seconded the motion.

Vote: All Ayes (4-0)

With no new business to come before the Board, the meeting was adjourned at 4:50 PM

