

Scott County Board of Adjustment

December 19, 2007

1st Floor Board Room Administrative Center

Members Present: Dittmer, Jenkins, Scheibe, Vollbeer

Members Absent: Hittle

Staff Present: Huey, Kelly

Others Present: 6 Others

- 1.
2. **Call to order.** Chairman Dittmer called the meeting to order at 4:00 p.m.
2. **Minutes** – Scheibe made a motion to approve November 28, 2007 minutes. Jenkins seconded the motion. All Ayes (4-0)
3. **Public Hearing–Variance**–Steve Lemke/Wade Schneider, Section 31, Butler Township

Huey showed air photos of the property giving a history of the property pointing out the adjoining property and the variance approved to allow expansion of that business. Huey showed site photos and the plat of the property point out the twenty foot wide utility and drainage easement on the rear property line on the property. The Planning Commission said Huey approved a site plan for the proposed building with the conditions that : 1) A minimum of twenty five (25) foot front yard setback be maintained and a variance for no greater than a ten (10) foot side and rear yard be granted; 2) The residential use of the existing two story building on the property be determined to be accessory to the principal commercial use of the proposed building; 3). All residential units in the existing building meet building codes; 4) any outdoor storage adjacent to the proposed building be permitted only on the west side of the proposed building, behind the existing building and screened with a solid wood fence; 5). All vehicular circulation be contained on the property with all access to the property from the existing driveway off of 270th Street; 6).The parking and circulation areas shown on the approved site plan meet the Scott County Engineer’s requirements for hard surfacing within one paving season of the issuance of a building permit; and 7). The buildings meet all building code requirements. Huey said neighbors within 500 feet were notified and a sign placed on the property and staff received no calls or comments on this request.

Dittmer asked if the applicant would like to speak. Steve Lemke said he doesn’t understand why when the Planning Commission said a ten foot rear yard setback it is now being recommended to be a fifteen foot rear yard setback. Lemke said he needs a certain size building and will not be able to meet his needs with a fifteen foot rear yard setback.

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 variance to allow a 50-foot x 100-foot office and storage building be constructed with a fifteen (15) foot rear yard setback and a ten (10) foot side yard setback be approved based on a similar request that was granted to the adjacent property and that granting of this request would not appear to impair the purpose of the Development Plan nor would it appear to impair the public health, safety and general welfare.

Dittmer asked if the applicant would like to respond. Lemke reiterated his desire for a ten foot rear yard setback.

Board discussion took place regarding lot dimensions, landscaping, easement and Planning Commission recommendations.

Jenkins made a motion to allow a warehouse/office building to be constructed with a twelve (12) foot side yard setback and a sixteen (16) foot rear yard setback based on the similar request that was granted to the adjoining property. Scheibe seconded the motion.

Vote: 4-0 All Ayes

4. **Public Hearing-Special Use Permit** Sonshine Community Ministries, Section 25, Sheridan Township

Dittmer read the public notice and asked for staff's review. Huey showed air photos and site photos of the property pointing out the two exits from the mobile home. Huey said this request is to allow after school programs for school age children in the Mount Joy Mobile Home Park, the programs said Huey will consist of tutoring, bible studies and service programs for food and transportation. Huey gave the criteria used to determine if the Special Use Permit should be approved. Staff believes said Huey that this proposal would provide valuable services and activities for the school age children living in the mobile home park. Staff notified property owners within 500 feet and received no calls or comments on this request said Huey.

Dittmer asked if the applicant would like to speak. Jackie Claussen, representing Sonshine Ministries addressed the Board regarding the type of programs and activities planned.

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 Special Use Permit to allow a service ministry to include after school programs with the conditions that: 1). **That no more than twelve (12) children between the ages of 5 and 16 occupy the building at any one time;** 2) **That an adult staff member be on the premises anytime children are present;** 3). **That the hours of normal operation be limited to the hours of 6AM until 10 PM;** 4) **Special events be limited to no more than one (1) per month;** 5) **That an operating 10# ABC fire extinguisher and two clear exits be maintained on the property at all times.**

Dittmer asked if the applicant would like to respond. Claussen said they concur with the conditions recommended by staff.

Board discussion took place regarding parking, age of children and adult supervision.

Scheibe made a motion to approve the Special Use Permit changing condition number one to read1). **That no more than twelve (12) children occupy the building at any one time; and adding condition number 6). No more than two (2) vehicles be parked on the property at any one time.** Vollbeer seconded the motion.

Vote: 4-0 All Ayes

4. **Public Hearing-Variance**-Robert Goff, Section 25, Sheridan Township

Dittmer read the public notice and asked for staff's review. Huey showed air and site photos of the property. This request said Huey is to allow a 22-foot x 22-foot garage to be built with a six (6)

foot side yard setback in lieu of the ten (10) foot required. Huey showed the site plan submitted by the applicant for the original building permit with a ten foot side yard setback being met. Huey said the Board must determine that a variance may be approved due to an exceptional situation or topographical condition resulting in a hardship. Huey said staff sent notices to neighbors within 500 feet and placed a sign on the property and received no call or comments on the request.

Dittmer asked if the applicant would like to speak. Goff said that due to the placement of trees he needs a reduced side yard setback and it would allow access to the rear portion of his property.

Dittmer asked for staff's recommendation. Huey said staff recommends that the variance to allow a 22-foot x 22-foot accessory building with a six (6) foot side yard setback in lieu of the ten (10) foot required be denied due to the lack of hardship and that the request appears to be for the convenience of the applicant.

Dittmer asked if the applicant would like to respond. Goff reiterated his need due to the trees and septic field.

Board discussion took place regarding other areas on the property to place the accessory building and fire and building code issues.

Schiebe made a motion to deny the request to allow a 22-foot by 22-foot accessory building to be built with a six(6) foot side yard setback due to the lack of hardship. Jenkins seconded the motion.

Vote: 4-0 All Ayes

With no new business to come before the Board, the meeting was adjourned at 5:15 PM