

Scott County Board of Adjustment
February 27, 2008
1st Floor Board Room Administrative Center

Members Present: Dittmer, Hittle, Jenkins, Scheibe, Vollbeer

Members Absent: None

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** – Vollbeer made a motion to approve the December 19, 2007 minutes. Hittle seconded the motion. All Ayes (5-0)
3. **Public Hearing–Special Use Permit.** Jeff Smid, Section 25, Sheridan Township

Huey showed air photos of the property giving a history of the property from the Special Use granted in 2005 for a fence and the recent rezoning from Commercial Light Industrial to Heavy Manufacturing. Huey showed site photos of the property. Huey explained the request is to allow the applicant to sell and store used wholesale parts, with little or no retail traffic. 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. Smid said Huey covered everything but he would be glad to answer any questions.

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 Special Use Permit be approved with three conditions: 1). That outdoor storage be strictly limited to the area adjacent to side and rear of the building and be screened with a solid fence a minimum of six feet in height; 2). That no dismantling of vehicles or salvaging of parts be conducted on the property; and 3). That the parking and circulation in the front yard of the building be paved.

Dittmer asked if the applicant would like to respond. Smid said he agrees to those conditions.

Board discussion took place regarding the size of the building, the number of parking stalls and the number of employees.

Scheibe made a motion to approve the Special Use Permit to allow the sales and storage of used wholesale parts with the conditions outlined by staff, modifying condition number three to include a minimum of two parking stalls. Vollbeer seconded the motion.

Vote: 5-0 All Ayes

4. **Public Hearing-Variance.** Jayson and Samantha Blake, Section 19, Cleona 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 topography and proximity to Interstate 80. Huey explained how the setback became an issue for the 32-foot x 32-foot addition as no footing was called in nor inspected. 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. Jayson Blake addressed the Board and apologized for the error in measuring the distance from the road right of way.

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 variance based on the sloping nature of the road easement and the minimal impact on the adjacent agricultural land

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

Board discussion took place regarding the hardship associated with the property and other locations for the addition to be placed.

Hittle made a motion to approve the variance to allow the 32-foot x 32-foot addition to remain as constructed with a 37-foot front yard setback in lieu of the 50-foot required due to the topography of the property and the proximity of the property to Interstate 80. Jenkins seconded the motion.

Vote: 5-0 All Ayes

4. **Public Hearing-Special Use Permit-** Billie Cole, Section 19, Cleona 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 Commercial Kennel to be operated for the breeding and sale of large breed dogs. Huey explained the difference between and private and commercial kennel. Huey explained the business plan submitted by Cole. Huey said staff sent notices to neighbors within 500 feet and placed a sign on the property and received one call expressing concern with the effect on the wildlife in the area.

Dittmer asked if the applicant would like to speak. Cole said she agreed with everything outlined by Huey.

Dittmer asked if anyone from the public wished to speak. Doug Vickstrom addressed the Board regarding his 700 acres and the wetlands created. Vickstrom expressed his concern with the effect of the dogs on the wildlife and the noise created by large breed dogs and the wastewater coming from the property.

Dittmer asked for staff's recommendation. Huey said staff recommends that the Special Use Permit to allow a Commercial Kennel for the breeding and sale of large breed dogs be approved with the conditions that: 1). That the facility have no more than 15 adult dogs as anyone time; 2). That all dog runs and dog kennels be kept in a sanitary and humane condition, subject to review by Scott County Animal Control; 3). That customer access to the property be by appointment only; 4). That no grooming or boarding services for the dogs not owned by the kennel operator be permitted other than for breeding purposes; 5). That all outdoor play and exercise areas containing adult dogs be enclosed with a sound fence a minimum of six feet in

height; and 6). That the facility be operated in compliance with all applicable State and Federal regulations.

Dittmer asked if the applicant would like to respond. Cole said she agrees to all of the conditions.

Board discussion took place regarding the revocation of a Special Use Permit, the distance of the property from a paved road, the number of litters a year and the existing septic system.

Dittmer made a motion to approve the Special Use Permit with the conditions outlined by staff and adding the word secure to condition number five. Vollbeer seconded the motion.

Vote: 5-0 All Ayes

6. **Election of Officers**

Jenkins made a motion to retain Dittmer as Chair and Vollbeer as Vice Chair. Hittle seconded the motion.

Vote: 5-0 All Ayes

With no new business to come before the Board, the meeting was adjourned at 5:00 PM