

Scott County Board of Adjustment

March 26, 2008

1st Floor Board Room Administrative Center

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

Members Absent: None

Staff Present: Huey, Kelly

Others Present: 8 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 the February 27, 2008 minutes. Vollbeer seconded the motion. All Ayes (5-0)
3. **Public Hearing–Special Use Permit**–Dean Marten, Section 18, Butler Township, Section 13, Winfield Township

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 was a renewal of a Special Use Permit granted in 2007 to allow United Mud Racing events to take place on the property. Huey went over the proposed schedule of events for 2008 and showed air and site photos. Huey said staff has received several calls expressing concerns with this request.

Dittmer asked if the applicant would like to speak. George Goebel, attorney for the applicant, addressed the Board and said his applicant is agreeable to all the conditions placed on the Special Use Permit last year. Marten said no mud was tracked onto the road, no police intervention was needed and there are safety rules in place.

Dittmer asked if anyone from the public wished to speak. Joe Slater, lives west of the mud bog area, said he is concerned with the noise factor; the noise is so bad he cannot hear his family talk in his own back yard. Slater said this started out as a July 4th party and has grown too large for the area. Jerry Benson addressed the Board reiterating Slater's concerns. Brian Arensdorf said he lives over a quarter of a mile away in Woodland Acres and the noise disturbs him and his neighbors.

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 approved with the conditions that: 1). The Special Use Permit is for the race events scheduled for Saturday, May 31, 2008, Saturday & Sunday, June 28 & 29, 2008; Saturday, July 26, 2008; Saturday & Sunday, August 16 & 17, 2008 and Saturday, September 6, 2008. 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 another Special Use Permit in the Spring of 2009 prior to any continuing events.

Dittmer asked if the applicant would like to respond. Marten said he is agreeable to all the conditions. Board discussion took place on mitigating noise, racing classification, frequency of events.

Scheibe made a motion to approve the renewal of a Special Use permit with the eight conditions outlined by staff and adding: 9). Hours of operation be limited to 8AM to 7PM; 10). Open Header classification be limited to 10AM to 2PM and the applicant make effort to mitigate noise.

Vote: 5-0 All Ayes

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