

## Scott County Board of Adjustment

August 27, 2008

### 1<sup>st</sup> Floor Board Room Administrative Center

Members Present: Hittle, Jenkins, Scheibe, Vollbeer

Members Absent: Dittmer

Staff Present: Huey, Kelly

Others Present: 8 Others

- 1.
2. **Call to order.** Vice Chair Vollbeer called the meeting to order at 4:00 p.m.
2. **Minutes** – Jenkins made a motion to approve the April 23, 2008 minutes. Hittle seconded the motion. All Ayes (5-0)
3. **Public Hearing–Special Use Permit.**Riverstone/LeClaire Investments Inc., Sections 27,28, 33 and 34 Liberty Township

Vollbeer read the public notice and asked for staff's review. Huey showed the air photos of the property and explained the request. Huey explained the request to rezone the property from Agricultural Preservation (A-P) to Agricultural General (A-G) and the Planning Commission's recommendation to only rezone the property north of Hwy 130. Huey showed the site map submitted by the applicant and explained the future zoning request to rezone a seventy acre portion from Agricultural General to Heavy Manufacturing. Huey showed site photos and explained the access to the property both existing and future.

Vollbeer asked if the applicant would like to speak. Steve Hunter, legal counsel for the applicant addressed the Commission regarding the applicant's desire to prepare for the future expansion of the existing quarry that has been in place since the 1950's. Hunter went over the tillable area of the property stating one third is not tillable. Greg Kasting, representing LeClaire Investments addressed the Commission on the numerous regulations that LeClaire Investments/Riverstone Group must abide by. Kasting said future expansion that may not take place for 20 or more years.

Vollbeer asked if anyone from the public wished to speak. Linda MacDonald of Blue Grass had a question about the type of quarry.

Vollbeer asked for staff's recommendation. Huey said staff recommends the Special Use Permit to allow the extraction, primary material processing and removal of stone, gravel, sand, clay and topsoil with the three conditions recommended by staff: 1). A landscaped berm be constructed in a buffer area shown on site plan to be approved by the Board of Adjustment prior to the initiation of extraction operations; 2). All applicable State and Federal regulations regarding air and water quality be continually met; and 3). Any significant changes to the conditions of this Special Use Permit require approval of the Scott County Board of Adjustment.

Board discussion took place on land acquisition, future site plan review, traffic, speed limit, wetlands, water quality and placement of conveyors.

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Scheibe made a motion to approve the Special Use Permit with the three conditions outlined by staff. Hittle seconded the motion

Vote: 4-0 All Ayes

4. **Public Hearing-Variance-** Chester Loose, Section 4, Buffalo Township

Vollbeer read the public notice and asked for staff's review. Huey showed the air and site photos of the property and explained the topography of the property. Huey said this request is necessary due to the fact that the road meanders within the easement and even though the proposed garage is setback the same distance from the edge of the road as the house, the road is nine feet closer to the easement line in front of the house than it is in front of the proposed garage location. Huey said all staff that does inspections went to the site to make sure all dimensions were correct.

Vollbeer asked if the applicant would like to speak. Loose said he tried very hard to abide by the rules and it was a misunderstanding from where to measure the setback from.

Vollbeer asked if anyone from the public wished to speak. Linda MacDonald addressed the Board about concerns of more detached garages appearing due to the restrictive covenants of Forest Manor lapsing. MacDonald said she is concerned about the aesthetic effect all the detached structures will have on the subdivision. Teresa Grabosch also of Forest Manor addressed the Board about utility easements and concern of structure being too close to the utility easement.

Board discussion took place on topography and how much of the proposed structure would encroach into the front yard setback.

Scheibe made a motion to allow a 32-foot x 36-foot garage to be constructed with a forty six foot front yard setback in lieu of the fifty five feet required based on the topography of the property and the location of the adjacent roadway within the road easement. Jenkins seconded the motion.

Vote: 4-0 All Ayes

5. **Public Hearing-Variance-** Joshua Lawlor, Section 27, LeClaire Township

Huey told the Board that the applicant has withdrawn this request as stated in the letter provided to the Board. Hittle made a motion to accept the withdrawal of this request. 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