

**Scott County Board of Adjustment**  
**April 27, 2011**  
**1<sup>st</sup> Floor Board Room Administrative Center**

Members Present: Dittmer, Jenkins, Scheibe, Vollbeer

Members Absent: Hittle

Staff Present: Huey, Kelly

Others Present: 6 others

1. **Call to order.** Chairman Scheibe called the meeting to order at 4:00 p.m.
2. **Minutes** – Vollbeer made a motion to approve the October 27, 2011 minutes. Jenkins seconded the motion. All Ayes (4-0)
3. **Public Hearing-Variance-** Joy Development, Pleasant Valley Township, Section 7

Scheibe read the public notice and asked for staff's review. Huey showed air photos of the property and the proposed preliminary plat and explained the triple sided front yard setbacks on the proposed Lot 1 of Schutter Farm Addition. Due to the topography of the site said Huey, the applicant has indicated that the road cannot be moved further east. Visually said Huey, the rear of the proposed home would face Spencer Road. The rear yard setback in the county said Huey is forty feet.

Scheibe asked if the applicant would like to speak. Mike Peterson addressed the Board explained the topography of the property and the location of mature trees that would make moving the road difficult.

Scheibe asked if anyone from the public would like to speak. No one spoke.

Scheibe asked for staff's recommendation. Huey said staff recommends that the variance to allow the proposed Lot 1 of Schutter Farm Addition to have a forty (40) foot front yard setback from the Spencer Road easement in lieu of the fifty (50) feet require be approved on the basis that granting this variance would not appear to impair the purpose of the Development Plan nor would it appear to impair the public health, safety and general welfare.

Board discussion took place regarding the moving of the proposed roadway into the new subdivision, the topography and what the grade of the proposed road would be.

Scheibe made a motion to deny the request due to the lack of hardship. Jenkins seconded the motion.

Vote: 2 Ayes, 2 Nays (Dittmer, Vollbeer). Motion failed

Additional discussion took place on tabling the request to allow the applicant to produce additional documentation regarding the road placement. Dittmer made a motion to table the request until the May 25, 2011 meeting. Vollbeer seconded the request.

Vote: 2 Ayes, 2 Nays (Scheibe, Jenkins) Motion failed

Vollbeer made a motion to approve the variance to allow a forty foot front yard setback from the Spencer Road easement due to the topography of the property. Dittmer seconded the motion.

Vote: 2 Ayes, 2 Nays (Scheibe, Jenkins) Motion failed. Without majority of the total number of the Board the request was denied.

4. **Public Hearing-Special Use Permit-** Russell and Leanna Bowers, Hickory Grove Township, Section 8

Scheibe read the public notice and asked for staff's review. Huey explained the request and that the parcel retains a development right for a single family dwelling but the applicants wish to build a residence with an attached apartment. Two family dwellings, said Huey, are permitted in an A-P zoning district with approval of a special use permit. Huey showed air and site photos of the property. The County Engineer had no comments on the request, the health department, said Huey, noted that the residence can have a common septic tank and drain field which will have to be properly sized for the number of bedrooms in both units.

Scheibe asked if the applicant would like to speak. Leanna Bowers addressed the Board and said they would like to construct a two family dwelling that would be handicapped accessible for her parents use now and their use in the future.

No one from the public was present to speak. Board discussion took place. Jenkins made a motion to approve the request, Vollbeer seconded the motion.

Vote: All Ayes (4-0)

**5. Update**

The Board of Adjustment was given an update on the outcome of the Dean Marten court action and the proposed changes to the zoning ordinance regarding parking requirements for new development.

With no new business to come before the Board the meeting was adjourned at 4:45 P.M.