

## Scott County Board of Adjustment

May 25, 2011

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

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

Members Absent: None

Staff Present: Huey, Kelly

Others Present: 10 others

1. **Call to order.** Vice Chair Jenkins called the meeting to order at 4:00 p.m.
2. **Minutes** – Vollbeer made a motion to approve the April 27, 2011 minutes. Dittmer seconded the motion. All Ayes (4-0)

3. **Public Hearing-Variance-** Michael Wallace, Buffalo Township, Section 6

Huey showed air photos of the property and explained the front yard setback and road easement. The site plan submitted was shown. Huey showed site photos of the property and said property owners within five hundred feet were notified, a sign placed on the property and no comments were received. Neither the County Engineer nor the Health Department had any comments said Huey.

Chair Scheibe arrived and the meeting was turned over to him. Schiebe asked if the applicant would like to speak. Michael Wallace addressed the Board explaining the location of the septic field, mature trees and several structures in the addition that are closer to the road easement than allowed.

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

Scheibe asked for staff's recommendation. Huey said staff recommends that the variance to allow the proposed 30-foot x 30-foot detached garage be denied due to the lack of hardship and that the granting of this variance would appear to be contrary to the purpose and intent of the Zoning Ordinance and Comprehensive Plan.

Board discussion took place regarding septic field location, trees and the other locations possible.

Jenkins made a motion to deny the variance due to the lack of hardship, Hittle seconded the motion.

Vote: 4 Ayes 1 Nay (Dittmer)

4. **Public Hearing-Variance-** Joy Development, Pleasant Valley Township, Section 7

Scheibe read the public notice and asked for staff's review. Huey said this is a resubmittal of the request from the April 27 2011 meeting that resulted in a split vote. 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, the historic barn that he wished to save and the cost of moving the road. 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 required 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 the historic barn location.

Hittle made a motion to approve the variance to allow a forty (40) foot front yard setback from the Spencer Road easement in lieu of the fifty (50) feet required based on 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. Vollbeer seconded the motion.

Vote: 4 Ayes 1 Nay (Jenkins)

5. **Public Hearing-Special Use Permit-** Dean Marten, Section 18, Butler Township and Section 13, Winfield Township

Scheibe read the public notice and asked for staff's review. Huey introduced Rob Cusack, Attorney, Detective Bawden and Major Brown from the Sheriff's Department. Huey showed air and site photos of the property and gave the history of the two previous Special Use Permits issued in 2007 and 2008 and the conditions placed on those Special Use Permits. The County Engineer commented said Huey that the entrance to this property is a class "B" road and that additional traffic would create additional maintenance. The Health Department said Huey commented that any food sold would have to comply with the Health Department regulations.

Major Brown and Detective Bawden addressed the Board with their concerns regarding safety issues; location of spectators, protective barrier, ability of emergency vehicles to gain access to the site, vehicle weight of modified trucks, speeds obtained and fire protection.

Marten addressed the Board in response to the issues outlined by Brown and Bawden. Marten said that fire and emergency response is provided through McCausland and Long Grove and on site during all races. Marten explained the 5 gallon fuel cells and modified truck weight to the Board. Discussion took place on the construction of the existing cable barrier.

Scheibe asked if anyone from the public wished to speak. Joe Slater and Gerald Benson addressed the Board with their concerns that the events have gotten too big, in the beginning it was a small group of people said Benson and last year the event went into the overnight with a band and overnight camping taking place. Slater said he and none of the neighbors object to one or two weekends a year but with the event getting so big things are getting out of hand.

Board discussion took place regarding the lapse of the yearly Special Use Permit for 2009 and 2010, the safety issues, and the impact on the neighbors

Jenkins made a motion to deny the Special Use Permit based on the concerns related to public health, safety and the negative impact on the surrounding property owners. Jenkins said he would like to see a written plan showing documentation of how these issues will be addressed. Vollbeer seconded the request.

Vote: All Ayes (5-0)

With no new business to come before the Board the meeting was adjourned at 5:45 P.M.