

Scott County Board of Adjustment
August 24, 2011
1st Floor Board Room Administrative Center

Members Present: Hittle, Jenkins, Scheibe, Vollbeer

Members Absent: Dittmer

Staff Present: Huey, Kelly, Cusack

Others Present: 8 others

1. **Call to order.** Chairman Scheibe called the meeting to order at 4:00 p.m.
2. **Minutes** – Jenkins made a motion to approve the May 25, 2011 minutes. Hittle seconded the motion. All Ayes (4-0)
2. **Public Hearing-Variance-** Tom Dorgan, Buffalo Township, Section 4

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. Tom Dorgan addressed the Board stating Huey covered everything.

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 24-foot x 30-foot detached garage to be constructed with a minimum 60 foot setback from the 82nd Avenue road easement be approved based on the fact that it meets the required setback if the garage were attached and that granting this request would not appear to be contrary to the purpose and intent of the Zoning Ordinance and Comprehensive Plan

Board discussion took place regarding septic field location. Vollbeer made a motion to approve the variance in accordance with staff's recommendation. Hittle seconded the motion.

Vote: All Ayes (4-0)

4. **Public Hearing-Special Use Permit-** Dean Marten, Butler Township Section 18

Scheibe read the public notice and asked for staff's review. Huey said this is a resubmittal of the request from the May 25, 2011 meeting that resulted in a denial. Huey showed air photos of the property, the site plan the applicant submitted and site photos.

Scheibe asked if the applicant would like to speak. Marten addressed the Board stating he felt sandbagged at the May meeting. Marten explained the safety plan he had submitted and said he would contract with a professional safety crew next year. Next year there will only be two events said Marten.

Scheibe asked if anyone from the public would like to speak. Lora Steward, 29060 184th Avenue addressed the Board stating she hears very little noise from the races, nothing compared to the noise from the rock quarry blasting or the gunfire from Pioneer Village on occasion. Steward said they

recently returned from a mud racing event near Peoria Illinois and the barrier Marten has is much more than the hay bales they had for a safety barrier. Paul Steward addressed the Board and said he has participated in mud races for years and he rolled over several times and the first responders were faster at Marten's than the fairgrounds were the other rollover occurred. Steward said the barrier there was twenty feet back from the track with a yellow caution tape. Ed Noel, 16800 305th Street addressed the Board and said the mud races make less noise than the existing interstate and is really no louder than a lawn mower. Joe Slater, 29633 170th Avenue, addressed the Board and said the noise on the east side is much louder than the other side of the hill. Slater said neighbors are concerned about where this whole thing is headed with overnight camping and bands. This type of event said Slater just doesn't fit in with the neighborhood. Gerald Benson, 17752 305th Street addressed the Board and said he is present representing a lot of the elderly property owners in the area who could make the meeting, they all signed the petition that the Board received prior to the meeting. Benson said the elderly neighbor to the north has stated that her fence was knocked down and no one offered to repair it. Paul Steward readdressed the Board and said the trucks run into a cornfield and there is no fence that could have been knocked down anywhere near the racing pit. Reid Grunwald, who owns property at 16955 300th Street, addressed the Board and said he cannot hear the trucks run and he is directly across from Joe Slater's place, the highway, said Grunwald is much noisier and the trucks run for 30 seconds with a 5 minute break in between.

Scheibe asked Marten if he did not understand the decision of the Board from the May 25, 2011 meeting that his Special Use Permit was denied and he was not to hold any events but went ahead and did anyway. Marten said everyone makes mistakes and he apologizes.

Scheibe asked for staff's recommendation. Huey said staff recommends that the Special Use Permit submitted by Dean Marten on August 12, 2011, be denied based on the apparent danger to the public safety and the negative effect of the proposed use on the character of the neighborhood and the adjoining property values.

Scheibe asked if Marten would like to respond. Marten said the fence issue may have been caused by his children on four wheelers and had nothing to do with the mud racing events. Scheibe asked Cusack why Marten was not fined for the August 6th, 2011 event. Cusack responded that Mr. Marten pays the fine, but that an injunction would be put in place and that violation of that would constitute a contempt of court and be punishable for up to 30 days in jail. Discussion took place on the timeframe for this Special Use Permit request with Marten responding it is was only for the September 24, 2011 event.

Hittle made a motion to approve the Special Use Permit for one event on September 24, 2011 with the conditions that : 1) An address be issued for the site; 2).The safety fence be moved fifteen (15) south and reinforced with additional cable; 3). A professional safety crew be hired; 4). The race event be approved for September 24, 2011 only; 5). The applicant reapplies for a Special Use Permit prior to events taking place next year; and also the conditions number 2 through 9 of the Special Use Permit issued in 2008 that 1.) All racing trucks will be on trailers to and from the events; 2). Road maintenance will be the responsibility of the applicant and not Scott County; 3). No alcohol will be served; 4). Only a maximum of 40 racing vehicles be allowed; 5).Sanitation facilities be provided; 6). Any mud or debris on the roadway be removed by the applicant; 7).The applicant applies for another Special Use Permit prior to any continuing events; 8). Hours of operation be limited to 8 AM to 7 PM; and 9). Open Header Classification be limited to 10 AM to 2 PM and the applicant make effort to mitigate noise. The motion was seconded

Vote: 2 Ayes 2 Nays (Scheibe, Vollbeer, based on the life safety issues presented by staff) Motion failed. With no new business to come before the Board the meeting was adjourned at 5:05 P.M.

