



Scott County Board of Adjustment

June 24th, 2015

1st Floor Board Room
Scott County Administrative Center

MEETING MINUTES

Members Present: Guy, Winborn, Madden, Scheibe

Members Absent: Dittmer

Staff Present: Brian McDonough, Tim Huey, Ellen Schwartz

Others Present: Shirley Cruzen (applicant's mother,) Greg Dibona (tower representative,) Michael Galligan (applicant)

1. **Call to order.** Chairman Scheibe called the meeting to order at 4:00 P.M.
2. **Minutes** – Winborn made a motion to approve the January 28, 2015 minutes. Madden seconded the motion. **All Ayes (4-0).**
3. **Public Hearing – Variance** – Michael Cruzen, home addition with a 20 foot setback in lieu of the required 25 foot setback at 24778 Valley Drive, Section 7 of Pleasant Valley Township.

Tim Huey reviewed the case and showed aerial and site photos of the property, including site plan drawings. The property is located in Pleasant Valley and is surrounded by houses that have been built in the similar fashion that Mr. Cruzen would like to rebuild his house in. Huey explained the overall layout of the structure that is to be built and how the 20 foot setback with a five (5) foot open deck would match the integrity of the rest of the neighborhood.

Scheibe opened the meeting to public comments.

Shirley Cruzen represented her son, Michael Cruzen and spoke in favor of the request. She stated that the variance was needed in order to finish the project and to ensure the success of this rebuild. They purchased an additional 17 feet from the neighbor to allow for a new sand filter wastewater system, and easement for the outlet pipe to Spencer Creek.

Scheibe asked for staff's recommendation. **Huey** stated that staff recommends approval based upon the exceptional practical difficulties caused by the of unusually small lot and previous placement of the residence on the lot.

Scheibe questioned the closeness of the neighboring houses and **Huey** responded that the houses were five (5) feet apart and that it met all of the regulations.

Scheibe asked if the applicant had any other responses to the staff recommendation, and the applicant had no further comments.

Scheibe closed the public hearing, and no discussion by the Board took place.

Winborn made a motion to approve the variance request in accordance with staff's recommendation. Kim Guy seconded the motion.

Vote: All Ayes (4-0)

Public Hearing – Special Use Permit – Central States Towers/Verizon Wireless Company requests permit to allow a 250 foot tall communications tower and accompanying 11' x 25 equipment cabinet on property located in Part of the SW ¼ NE ¼ of Section 32, Liberty Township. 26618 20th Avenue.

Huey reviewed the case and showed aerial and site photos of the property, including the site plan. The property is located within Liberty Township and is surrounded by other farms. No comments have been received from neighbors notified. He pointed out that to have a tower that big FAA regulations require it to be lit.

Scheibe opened the meeting for public comments

Greg Dibona, representative for Central State Towers approached and provided the board with information about the details of the tower, including the needed electric.

Huey pointed out that Scott County tries to limit towers unless there is a need and explained that there needs to be a contingency that if the lease ends or service fails for over 12 months that it is upon Central States Towers to remove the tower with no charge to the farm owner.

Scheibe asked about colocations and if there were other towers in this area and **Dibona** answered and explained that there are no other towers around.

Winborn asked Dibona if Central States Towers was to go bankrupt, what would happen to the tower – **Dibona** answered by explaining that if that was the case, tower companies sell their towers direct to the service providers or other companies for their use before service goes inactive. He continued to say that within the contract with the farm owner there was a 180 day agreement, that if the service was down or inactive for 180 days that the tower would have to be removed before the end of that period of time.

Winborn asked about notification of neighboring homes/farms, and **Huey** ensured the notification of any adjacent neighbors and explained that no problems were brought up.

Scheibe closed the open hearing and opened up discussion to the Board, there was no discussion – Scheibe asked for staff's recommendation. Huey presented the recommendation for approval with two conditions, 1) The applicant allow co-location; and 2) The tower be removed if the use is discontinued for one-year or greater.

Guy motioned for approval with staff recommendation, Winborn seconded the motion. Votes: All ayes (4-0)

Public Hearing – Variance: Michael Galligan requests the right for a one (1) foot variance to allow a new room addition to observe a 49 foot front yard setback, in lieu of the required 50 feet; this property is located at 21926 272nd Avenue, Section 27 of Butler Township.

Huey reviewed the case and showed aerial and site photos of the property. The property is surrounded by other homes. **Huey** stated staff has received only one comment from a neighbor and in support of the request.

Scheibe opened the public hearing for comments and Michael Galligan had none.

Huey presented staff's recommendation for approval that was based upon the existence of an unnecessary hardship and exceptional practical difficulties caused by the property's septic system, unusually large road right-of-way, and lack of other suitable building sites. Huey explained approval would also fit in with the character of the area.

Scheibe asked for the applicant's response to the recommendation. Galligan exclaimed in excitement/agreement “WOO-HOO!” *Minor laughter*

Scheibe requested to see the aerial photo of the property again, and explained that Mr. Galligan's neighbors patio appears to be partially on his property. **Galligan** responded saying that it was not a problem.

Scheibe closed the public hearing and opened discussion to the board, there was no discussion and Scheibe called for a motion. Madden motioned for approval in accordance with staff's recommendation, and Guy seconded the motion.

Votes: All Ayes (4-0)

Other Business: Scheibe advised that if there was a July meeting that he would not in attendance.

Scheibe made a motion to adjourn, seconded by **Madden. The meeting adjourned at 4:26 P.M.**