

Scott County Board of Adjustment

May 24, 2006

1st Floor Board Room Administrative Center

Members Present: Dittmer, Scheibe, Vollbeer
Members Absent: Hittle, Jenkins
Staff Present: Huey and Kelly
Others Present: 10 Others

1. **Call to order.** Chairman Dittmer called the meeting to order at 4:00 p.m.
2. **Minutes** – The Board did not receive the March 22, 2006 minutes, Scheibe made a motion to approve the March 22, 2006 minutes at the June 28, 2006 meeting, Vollbeer seconded the motion. All Ayes (3-0).
3. **Public Hearing–Appeal of Interpretation-** Anke Maass, Section 15, LeClaire Township

Dittmer read the public notice and asked for staff's review. Huey showed the air photos of the property and gave the history of the original variance to allow the property to be split into two equal parcels. Huey showed the existing plat, two 2.5 acre parcels and the proposed plat, a 3.333 acre and 1.23 acre parcel. Huey explained that the existing property lines run down the middle of the existing pond and the proposed plat would reconfigure the pond on the 3.333 acre parcel.

Dittmer asked if the applicant would like to speak. Maass said Huey had covered everything and she did have a buyer for the small parcel if this request was approved.

Dittmer asked if anyone from the public wished to speak. No one spoke. Dittmer asked for staff's recommendation. Huey said staff recommends approval of the request to amend the condition of the variance granted in 1999 to require the parcel to be split into equal parcels and allow the land to be split into a 3.33 acre lot and a 1.23 acre lot.

Board discussion took place. Vollbeer made a motion to approve the appeal to allow the condition of the previous variance to be amended and allow the property to be reconfigured into a 3.33 acre and 1.23 acre parcel. Scheibe seconded the motion.

Vote: all ayes (3-0)

4. **Public Hearing-Variance-** Kerry Meyer, Section 20, Liberty Township

Dittmer read the public notice and asked for staff's review. Huey showed air photos of the property and gave a history of the lagoon that belongs to the City of New Liberty. Huey said Meyer recently purchased the farmland and would like to split the original farmstead from the farm. Huey showed site photos of the property. Huey explained the one time farmstead split and said this house was removed years ago and therefore a variance must be granted before a plat of survey may be prepared to allow the split. Huey said neither the Health Department nor the County Engineer had any comments on this request. Huey explained the IDNR regulations regarding the proximity of the lagoon to the property and said a lagoon may not be constructed within 1,000 feet of an existing house, however, in this situation the lagoon already exists and would be a buyer beware therefore, staff would recommend a waiver of distance separation be filed with the proposed plat if approved.

Dittmer asked if the applicant would like to speak. Meyer said the existing ag buildings remain on the property along with the windmill and it would be a scenic place for a house.

Dittmer asked for staff's recommendation. Huey said staff recommends approval of the variance to allow an approximately eight (8) acre parcel to be created as a farmstead split to allow one development right for a new single family house on the property.

Board discussion took place regarding the size of the split and the access to the property. Scheibe made a motion to approve the variance to allow an eight (8) acre farmstead split with the condition that a waiver of distance separation be filed with the plat. Dittmer seconded the motion.

Vote: all Ayes (3-0)

5. **Public Hearing-Appeal of Interpretation-**Robert and Shelley Griffing. Section 13, Winfield Township

Dittmer read the public notice and asked for staff's review. Huey showed the air photo of the property and gave the history of the original variance. Huey showed the proposed site plan and explained the original variance request for a reduced front yard setback that was granted with the condition that no parking pad be allowed on the west side of the house. Huey showed site photos of the property both before the addition and since.

Dittmer asked if the applicant would like to speak. Trisha Fairfield, attorney with Vollertsen and Britt said she represents the applicant. Fairfield said the applicant has no plans to install a driveway to the proposed accessory building but would drive over the grass as it would be used for storage of a race car and only removed several times a year. Fairfield said the neighbors have no objection to this request.

Dittmer asked if anyone from the public wished to speak. Bryan Arensdorf said he has not heard anything negative regarding this request, but would like to see Griffing be able to park the trailer on the west side of the property instead of in front of his house.

Dittmer asked for staff's recommendation. Huey said staff would recommend denial of amending the conditions of the variance granted in 2004 to allow a reduction of the front yard setback for the previous garage addition on the basis of the lack of hardship and that it would appear to serve merely as a convenience to the applicant.

Dittmer asked if the applicant would like to respond. Griffing said he would agree to some type of an agreement filed that states he cannot have a driveway on the west side of the property. Griffing explained his recollection of the original variance request meeting.

Discussion took place on the enforceability of a covenant restricting a driveway on the west side of the home, the existing parking pad and the original request.

After considerable deliberation, Scheibe made a motion to allow an addition to be constructed on the south side of the property, maintaining the existing forty two (42) foot front yard setback with the condition that a covenant be filed and recorded stating no driveway is allowed on the west side of the property. Vollbeer seconded the motion.

Vote: All Ayes (3-0)

6. **Public Hearing- Variance-** Cory Siem and Lissa Kucher, Section 23, Princeton Township

Huey told the Board staff received a written request from the applicant's attorney, which the Board was given a copy of, to table this request until the June 28, 2006 meeting.

Dittmer asked if anyone from the public was present to speak on behalf of this request. No one spoke. Scheibe made a motion to table this request until the June 28, 2006 meeting. Vollbeer seconded the request.

Vote: All Ayes (3-0)

7. **Public Hearing-Appeal of Interpretation-** Mack Duffey, Section 28, Hickory Grove Township

Dittmer read the public notice and asked for staff's review. Huey showed air photos of the property and explained the request in relation to the agricultural exemption requirements. The applicant said Huey, is proposing to sell off the approximately 90 acres that is tilled and keep the two houses on nine acres of yard and pasture land. In the current case, said Huey, the applicant owns and farms sufficient acreage to meet the criteria to be considered ag-exempt. However, said Huey, in order to sell off most of the farm and keep both houses on the proposed nine acre balance of the farm, a determination that the property would retain ag exemption must be approved. The County Health and County Engineer had no comments on this request said Huey.

Dittmer asked if the applicant would like to respond. Dennis Stolk, representing the applicant, said the applicant currently crop shares the land with his tenant, but continues to operate his cow/calf operation.

Dittmer asked if anyone from the public had any comments. Bill Fredericks, 21676 80th Avenue, said he doesn't understand how the second house was allowed to be moved in and has never been lived in or hooked up to septic or well. Fredericks said the cow/calf operation is not well cared for. Huey explained the farmstead split and ag exemption. Duffey said he has already been issued a septic and well permit from the Health Department but just hasn't installed it yet.

Dittmer asked for staff's recommendation. Huey said staff recommends that the appeal of interpretation be approved to grant an ag exemption to allow the creation of a nine (9) acre farmstead

with two farmhouses based on the determination that the property will remain primarily adapted for agricultural purposes.

Discussion took place regarding the conditions that may be placed on the property if the request is approved.

Scheibe made a motion to approve this request with the conditions that: 1). An affidavit be filed that states both houses be occupied by individuals actively involved in farming of the property; 2). Only one house be permitted on the property if the agricultural operations are discontinued for one year or longer; 3). An ag nuisance waiver be included in the covenants. Vollbeer seconded the motion.

Vote: All Ayes (3-0)

With no new business to come before the Board the meeting was adjourned at 5:50 p.m.