

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
October 28, 2015**

Call to Order: Mel Gratton called the meeting to order at 7:00 p.m.

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- ✓ Nick Tranel
- ✓ Laura Winter
- ✓ Ron Mapes
- ✓ Gary Diedrick
- Jody Carroll, Alternate

Staff & County Board Members:

- ✓ Steve Keeffer, Highway Engineer
- Matt Calvert, JDC Health Dept.
- John Hay, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ John O'Boyle, JDC Board Member

Approval of Minutes: A motion was made by Nick Tranel to accept the September 15, 2015 minutes. Seconded by Gary Diedrick. Voice Vote: All Ayes

A motion was made by Ron Mapes to accept the September 23, 2015 minutes. Seconded by Laura Winter. Voice Vote: All Ayes Gary Diedrick - Abstain

Mel Gratton swore in all who might want to testify on any request this evening.

New Business

Bahl Water, (address: 17500 John Deere Rd., Dubuque IA 52001), Thomas & Karen Jaeger, owners, (address: 17500 John Deere Rd., Dubuque IA 52001), requesting a Special Use Permit for a Utility Major to allow for the operation expansion of a water treatment & storage system serving Pioneer Acres. In addition, under the Special Use Permit an allowance for building setbacks and separation requirements review and approval as part of the Special Use Permit as established in Article 8, Section 3H-7, A, 8. Also requesting a variance in the setback requirements in Standard 8-5B-39 A. Located in the RP Planned Residential District. Common Location: 25 Remington Park Circle, East Dubuque IL

Staff

- Comprehensive Plan: The County's Comprehensive Plan would support this type of community service.
- Waste Treatment: This lot does not have a septic system. The well on-site services Pioneer Acres and has a Public Water Supply permit through the Illinois Environmental Protection Agency. The placement of this building will not affect the well.
- Access Considerations: The property has an existing entrance onto Dunleith Township maintained Remington Park Circle with adequate sight distance.

No changes to the location of the entrance are being proposed.

- Other Considerations: This request will allow improved storage and distribution of water to the Pioneer Acres Subdivision. The new equipment will be relatively close to the existing and will not change the character of the neighborhood. The water infrastructure is monitored by the IEPA. Petitioner is proposing a storage building for equipment and an above ground water pressure tank to better serve the subdivision. This parcel is adjacent to the current parcel being utilized to serve the subdivision.

The Variance is being requested due to the requirement in Standard 8-5B-39, Utility, Major: A. The facility shall not be located within two hundred feet (200) of a boundary line of an R-1 or R-2 district or residential dwelling. This parcel is zoned RP, which is not indicated as applicable to this setback, but, it appears the statement residential dwelling would be applicable and therefore the applicant should ask for a variance in this instance. The variance would not create incompatibility and would help to comply with Section 8-3H-2 General Requirements in the Planned Residential Zone, stating in part; (3) Provide existing and proposed utility services adequate for the population densities proposed.

This parcel is in the RP Zoning district and lot size requirements would fall under 8-3H-6 D. Other Uses: Lot sizes for uses other than those residential and commercial noted above shall be approved by the county board, after recommendation by the planning commission. The setback regulations would fall under 8-3H-7, 8. Other: Building setbacks and separation requirements for all other uses shall be subject to review and approval by the planning commission and the county board and specified in the special use permit. The Zoning Board has the authority to recommend both lot size and setback regulations as part of the special use permit.

Kevin Jaeger, Board Member Bahl Water 17500 John Deere Road, Dubuque IA 52001

- Would like to build a new building for storage of equipment and future water pressure storage. We didn't know we were not zoned properly, as we bought this as it was and want to start doing upgrades. Build a building from the side lot line 15 feet, then to the back to the easement setback of 20 feet then to the front 30 foot setback. The building is 60 feet x45 feet.

Gratton asks about the storage tanks.

- Kevin Jaeger states that the additional tank will be in the back of the building above ground. This way it is in a heated building, the existing pressure tank is below ground and is not code compliant; this is the first step of improvements to the facility. The existing structures will eventually go away.

Diedrick asks what the proposed structure will be made of.

- Kevin Jaeger stated it would either be pre-fab or post frame, or stud frame. We will have to put a retaining wall to the back, so I would think it would be 2x6 stud framing.

Gratton asks if the existing tanks and structures are adequate or is this in addition too.

- Kevin Jaeger states that the code states that right now we have the capacity, but we are not code compliant because it is buried. We are grandfathered in now, but trying to be proactive because at some point it will spring a leak.

Linda Delvaux asks if the trailer/building currently on the property will be removed

- Kevin Jaeger states that trailer/building will be removed.

Public Testimony

None

Public Testimony Closed

Gratton states the standard was probably more for new developments for the setback requirements of 200 feet where a new development could meet those requirements.

A motion was made by Diedrick to approve the variance to Standard 8-5B-39 Utility Major.

Seconded by Tranel

Variance standards have been met stating this is a unique situation; this is located within an existing subdivision that it serves, and would improve services.

Linda Delvaux states this is dealing with the Use Standard, this will allow the use to be within 200 feet of a residential dwelling.

Roll Call:	Gary Diedrick – Aye	Nick Tranel – Aye
	Ron Mapes – Aye	Mel Gratton – Aye
	Laura Winter – Aye	

This is an existing utility, but this would be upgrading the system. The setbacks for the use will be part of the Special Use Permit if so choose to.

Linda Delvaux describes how the setbacks are established with the Special Use Permit. The use is not specifically described in the RP District with setbacks.

Gratton states Pioneer Acres has small lots for structures to meet existing setbacks that are established. We have to look at what is being presented and if this is reasonable based on location and lot size.

Tranel asks what the height of the structure will be.

- Kevin Jaeger states the structure will have 14 foot sidewalls with a 4/12 pitch. The topography of the land will set the building at least 4 feet in the ground to the back.

Winter asks what the front southwest corner setback be, that is not marked.

- Linda Delvaux measures and it should be about 15 feet according to GIS.

Gratton asks if you will have adequate access to everything with this new building on the lot.

- Kevin Jaeger states that yes we will. The neighbor to the west was going to send something that he was okay with the setback, his name is Nesteby.
- Linda Delvaux states that a James Nesteby called and he had no concerns.
- Steve Keeffer figures height of building at peak would be about 21 or 22 feet.

Tranel asks about existing access to the existing tank

- Linda Delvaux states that they can access from Peace Pipe or Remington Park Circle.

A motion was made by Tranel to recommend approval of the Special Use Permit for Utility Major with setbacks as presented on site plan.

Seconded by Mapes

Standards for special use have been reviewed and met

Roll Call:	Ron Mapes – Aye	Mel Gratton – Aye
	Laura Winter – Aye	Gary Diedrick – Aye
	Nick Tranel – Aye	

Reports and Comments:

November Zoning Board of Appeals meeting will be held the 3rd Wednesday, November 18, 2015 and December will be the 3rd Wednesday, December 16, 2015

Next month we will have the meeting dates for 2016 for you to approve.

Nick Tranel made a motion to adjourn at 7:45 PM. Laura Winter seconded. Voice Vote: All Ayes