

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
December 16, 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 October 28, 2015 minutes. Seconded by Gary Diedrick. Voice Vote: All Ayes

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

New Business

John & Linda Adams, (address: 13912 Kickapoo Tr., IL 6060491), owners, requesting a variance from the required platted front line setback of twenty-seven (27) feet from the front property line to seventeen (17) feet from the front property Line. Requesting a ten (10) foot variation. Property is located in the RP Planned Residential District. Common Location: 7A19 Broken Lance Lane, Apple River

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of planning for future infrastructure such as roadway expansion, and variances should be reviewed with that in mind.
- Wastewater Treatment: This house has an existing septic system that was installed in 1976. The septic tank is located 12' northeast of the house and the septic drainfield is located north and northeast of the tank. The property is served by Apple Canyon Lake's central water system. The construction of the garage and variance request should not affect the septic system.
- Access Considerations: The property has an existing access onto Thompson Township maintained Broken Lance Lane. Sight distance to the south is limited, but it is a short dead end lane with limited low speed traffic. Sight distance to the west is adequate.
- Other Considerations: This house was built pre 1995 and applicant would like to build an accessory structure. This parcel sits at the end of Broken Lance Lane and has an odd setback line. Apple Canyon Lake has indicated based upon

hardship of the lot, their committee will approve the variation pending a proper application submittal process through the ACL and Jo Daviess County Zoning approval.

Paul Brashaw, surveyor representing owner

- The owners wish to build a garage on this lot, due to topography and the slope of the lot the further back they go it would drop by 3 feet if met the setback. The placement of the garage would be in front and constructed to the house. The garage should not interfere with the roadway. Apple Canyon Lake Board did approve the variance request because of the slope and hardship of the lot.

Deidrick asks where the entrance to the garage would be.

- The entrance would be from the south side.
- Paul Brashaw states from the road to the shed in the rear there is at least 15-20 feet in elevation drop.

Public Testimony

None

Public Testimony Closed

Gratton states these are small lots in Apple Canyon Lake

A motion was made by Tranel to approve the variance from the required platted front lot line setback of twenty-seven (27) feet from the front property line to seventeen (17) feet from the front property line, noting the lot size is small, the topography limits the lot for garage placement, and variance standards are met.

Seconded by Diedrick

Roll Call:	Nick Tranel – Aye	Jody Carroll – Aye
	Gary Diedrick – Aye	Mel Gratton – Aye
	Ron Mapes – Aye	

Michael Deneen, (address: 3250 N Paris, Chicago IL 60634), owner, requesting a variance from the allowed accessory structure square footage Chapter 3, Article A-4, B, 2 of the County Zoning Ordinance. Property is located in the AG Agricultural District. Common Address: 174 North Canyon Park Road, Stockton

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of planning for future infrastructure such as roadway expansion, and variances should be reviewed with that in mind.
- Wastewater Treatment: No septic or well are present on this property.
- Access Considerations: The quarry has an existing entrance onto county maintained Canyon Park Road. The existing entrance has adequate sight distance.
- Other Considerations: This parcel was granted a special use permit for the operation of a quarry in 2013. The applicant has constructed an accessory

structure on the quarry parcel without a building permit which has exceeded the allowed 3600 square feet in size and is coming forward for the requested variations to bring the structure into compliance with the Zoning Ordinance. This structure was reviewed for the option of an agricultural site plan but was denied, as required proof of use on the parcel was unable to be provided

Michael Deneen, owner

- I hired Iron Man Building to build a pole barn on my property. I was unaware he was not going to pull the permit for the building. The builder was telling me that I could build a 4,800 square foot pole barn and as soon as he was constructing it, I found out we did not have our building permit. To my fault, I went and applied for a building permit, I was told I was building too big of a building than what was allowed, 3,600 square foot. I am requesting a variance due to hardship because I need a bigger building to put my equipment in and bigger doors.

Gratton asks how large your parcel is.

- Mr. Deneen states 25.5 acres.

Deidrick asks what the length and width of the structure that was constructed.

- Mr. Deneen indicates 60x80 instead of 60x60.

Mapes asks if you reviewed the plans with the building department before building it. You were not aware you needed a permit.

- Mr. Deneen indicates I did not. I was aware I needed a permit, but I thought the builder was going to get the permit. As soon as I figured out he did not have a permit, I contacted Linda, and then we stopped construction of the structure.

Deidrick asks if the quarry permit from 2003 is active and following the hours of operation.

- Mr. Deneen indicates that the quarry is not yet, we are hoping to open up in March, and I just completed all my qualifications with MSHA.

Mapes asks Linda if that is correct, that the builder or owner was not at the office before.

- Linda Delvaux indicates no they were not.

Mapes asks if the builder was local and aware of the building permit requirements.

- Mr. Deneen indicates that Russ Tippet from Iron Man Builders, he used to work for Cleary Buildings.

Mapes indicates that he builds a lot of buildings in the county and should be aware.

- Linda Delvaux states that I cannot speak for the contractor.
- Mr. Deneen apologized for not getting permit, if I would have known I would have pulled the permit before building.

Public Testimony

Paul Brashaw, surveyor

- I think he is trying to do this right, he was unknowing about not having a building permit and once he found out he is trying to correct and stopped construction.

Public Testimony Closed

Gratton states that this is not the right process; it will be hard to meet some of the standards because it has been a hardship created by the individual. I think that another part talks about our ordinance and if that creates the hardship. Talks about the size limitation for accessory buildings on smaller acreages, but leaves a gap from the three acres to the 40 acres. It is the owners fault, but the size of the structure on a 25.5 acre parcel isn't a wrong placement of the building. If he would have followed procedures and asked for the variance, I don't think this

would have been an issue.

Tranel states that he agrees. This does not pose any detriment to the neighbors.

Deidrick states it was wrong the way it was done, but it is nice to see the structure there rather than trying to imagine the size on the lot. I think it fits in with the area and size on the acreage.

Review the standards that do not meet - #4 created by the owner

A motion was made by Diedrick to approve the variance from the allowed accessory structure square footage Chapter 3, Article A-4, B, 2 of the County Zoning Ordinance stating Standard #4 not met.

Gratton states the larger building on this larger acreage has a purpose and can get by Standard #4 because of circumstances of the property.

Seconded by Tranel

Roll Call:	Gary Diedrick – Aye	Mel Gratton – Aye
	Ron Mapes – Aye	Nick Tranel – Aye
	Jody Carroll – Aye	

Gerald & Sheila Johnson, owners (address: 9650 W Hart John Road, Galena IL 61036), & Lucas Trevarthen & Jenna Johnson, petitioners, (address: 9650 W Hart John Road, Galena IL 61036), requesting a Special Use Permit to allow for a single family residence in the AG Agricultural District on a lot less than forty (40) acres. A one lot subdivision and a three (3) year time extension to commence use. Common Location: North side of Hart John Road, just east of Pilot Knob & River Roads

Staff

- **Comprehensive Plan:** The Comprehensive Plan would indicate this parcel to be in Agricultural Area, a classification with a mix of farmland of statewide importance and not prime farmland. This request is approximately 2.7 miles south of the city of Galena. The County’s Comprehensive Plan recognizes that home building provides an enormous infusion of dollars to the local economy. It contributes not only the construction value of the homes but also increases the tax base and provides hundreds of well-paying jobs. The County recognizes the importance of this sector of the local economy. At the same time The Comprehensive Plan also recognizes concerns with rural residential development such as: increased loss of farmland, nuisance conflicts with agricultural uses, increased cost of services such as fire, ambulance, police and school bus transportation traveling longer distances as well as concerns about proliferation of septic systems and safety with access points.
- **Waste Treatment:** According to the USDA soil survey, the soils on the eastern .3 acres of the parcel are Group VI and not suitable for a conventional septic system. The remaining 1.7 acres of the lot has Group I soils that can support a conventional septic system. On-site soil borings have not been

completed at this time and would ultimately determine the soil type and best location for the septic system. This property will be served by a private water well.

- Access Considerations: The proposed parcel has an existing entrance onto Rice Township maintained Hart John Road. The sight distance to the east is adequate. The entrance is quite close to the intersection of Hart John Road and River Road. The sight distance to the west does offer a good view of River Road both north and south of the Hart John intersection so approaching traffic that may be turning onto Hart John Road can be seen.
- Other Considerations: This property is surrounded by a mix of Agricultural and residential uses. The Land Evaluation score on this property is 43, which is below the County average of 62.2 with an overall LESA score of 169. Some of the contributing scores to the Site Assessment end of the LESA were the percent of Agricultural land adjacent coming in at 25 points, percent of land in agriculture within 1 mile coming in at 6 points, commitment to agriculture adjacent to site at 10 points, availability of public water and sewer came in at 10 points each and the consistency with the County Comprehensive Plan came in at 20 points.

Paul Brashaw, surveyor representing

- On the property there will be an agricultural easement on the west end of the property to access the farm acreage to the north. We chose this area due to not prime ground, too steep to be farmed, they desire to build a house. Land Evaluation is 43 which is well below the county average. LESA score was 169 which is below the 200 score that is looked at. We feel we meet the standards for approval.

Gratton asks if an access was established on the property

- Paul Brashaw indicates that it was established on the west end of the lot. This would be the best location for site distance to the east.

Deidrick asks about the construction of the house in relation to the house to the west.

- Paul Brashaw indicates that it would be relatively 50-75 foot east of the west property line, and meeting all setbacks. Soil borings would have to be done to determine where septic would be.

Public Testimony

None

Public Testimony Closed

Gratton states that this fits the criteria and is the best placement on the farm for a house. They are not taking out agricultural land and it fits with the County Comprehensive Plan.

Steve Keeffer states that it is a little different to have the access point so close to the intersection, but you have pretty good site distance there, I would be concerned on the adjacent lot if they planted trees along the lot line.

A motion was made by Mapes to recommend approval of the Special Use Permit to allow for a single family residence in the AG Agricultural District on a lot less than forty (40) acres, a one lot subdivision, and a three (3) year time extension to commence use stating the

standards are met.

Seconded by Carroll

Roll Call: Ron Mapes – Aye
 Jody Carroll – Aye
 Mel Gratton – Aye

Nick Tranel – Aye
Gary Diedrick – Aye

Reports and Comments:

Nick Tranel made a motion to adjourn at 7:50 PM. Gary Diedrick seconded. Voice Vote: All Ayes