

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
April 23, 2014**

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

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- ✓ Nick Tranel
Dave Jansen
- ✓ Ron Mapes
- ✓ Gary Diedrick
Laura Winter, Alternate
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 Gary Diedrick to accept the March minutes. Seconded by Nick Tranel Voice Vote: 3 Ayes, Mapes-Abstain

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

New Business

Chris P Bambulas Living Trust Dated September 28, 2010, (address: 107 Coopers Pond Dr., Lawrenceville, GA 30044), owner requesting a variance from the required 150' of road frontage, identified as Lot 1 on the survey in the Agricultural District.
Common Location: Across from 9689 S Massbach Road, Elizabeth
And

Chris P Bambulas Living Trust Dated September 28, 2010, (address: 107 Coopers Pond Dr., Lawrenceville, GA 30044), owner requesting a variance from the required 150' of road frontage, identified as Lot 2 on the survey in the Agricultural District.
Common Location: Across from 9689 S Massbach Road, Elizabeth

Staff Report

- 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: According to the USDA soil survey, the soils for each parcel are Group I and suitable for 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 when needed.
- Access Considerations: The parcel is accessed via an ingress and egress easement that utilizes an existing entrance onto Jo Daviess County maintained Massbach

Road. The existing entrance has adequate sight distance to the north and 450' of sight distance to the south. 450' of sight distance is adequate for a 40 mph design speed per the 2001 edition of the AASHTO 'A Policy on Geometric Design of Highways and Streets'.

- Other Considerations: This is a 20 acre parcel with no road frontage and an existing easement that pre-existed zoning. The recipients of this trust would like to split the property in half and create two new parcels 10 acres each. The Zoning Ordinance requires that newly created parcels have at least 150 feet of road frontage. The applicants do not want to retain joint ownership of the 20 acre piece. The only way to allow the split of this property and keep it conforming is to apply for and procure a variation in the road frontage requirement

Mike Toepfer, attorney representing trust

- Christianne Bambulas Heba, one of the trust beneficiaries is here tonight, Chris has since passed away. Half the property was left to his daughter and the other half was left to his brother and his nephew. This property is an unusual shape. Up until around 1955 the northern triangle was served by a township road from Massbach Road up through the property. That road was plowed under by the owner to the south of this property in the 1990's. They had a problem accessing their property and several years of controversy, the purple access easement was negotiated and put on file in the recorders office. Addresses the standards for variation: 1 - the physical shape, surrounding causes practical difficulties and a hardship to the current owner. 2 - Conditions to split this into two 10 acres triangular pieces is unique to this parcel. I have not seen a parcel this shape in the 19 years of working with real estate. 3 - They would like to enjoy the area they have no intentions on developing the land. 4 - Hardship was not caused by owner or beneficiaries. 5 - The granting of this variance will not alter the essential character of the locality and will not be detrimental or injurious to the property or the improvements of the neighborhood. There should be no noticeable change, gate will remain as is and access for both parcels. 6 - the granting of these variances will not impair light, or air to the adjacent property and will not create congestion onto Massbach Road. No increase in fire or floods. 7 - Will allow the beneficiaries to own and enjoy a rural piece of beauty that is Jo Daviess County. We would ask that you approved these variances.

Christianne Bambulas Heba, trust beneficiary

- I have been coming out here since I was a little girl.

Public Testimony

None

Public Testimony Closed

Discussion:

Gratton states that this is a unique parcel and we don't like to create land locked parcels. Easement is in place. I see no difference between the properties. I would concur with the testimony given by Michael Vincent that it does meet the standards for variances.

Diedrick states the easement is only for ingress and egress and this property would stay the same, no allowance for utilities.

A motion was made by Gary Diedrick to approve the variance request from the required 150' of road frontage for Lot 1 in the AG Agricultural District. Stating the following:

1. Variance standards have been met

Seconded by Nick Tranel

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

A motion was made by Ron Mapes to approve the variance request from the required 150' of road frontage for Lot 2 in the AG Agricultural District. Stating the following:

1. Variance standards have been met

Seconded by Nick Tranel

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

Clint & Cory Haas, owners, (address: 10550 S Good Hope Road, Elizabeth, IL 61028), and Cory & Nicole Haas, (address: 10036 S Good Hope Road, Elizabeth, IL 61028) petitioners requesting a special use permit to allow for an existing single family residence in the AG Agricultural District on a lot less than forty (40) acres. Common Address: 10036 S Good Hope Road, Elizabeth

Staff Report

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in Agricultural Preservation Area 2, a classification of farmland of statewide importance with fingers of not prime farmland. This is land that although it does not qualify as prime farmland it can have a positive impact on the production of food, feed, fiber, forage and oilseed crop production. This request is approximately 8 miles south of the Village of Stockton. Although this is an existing residence, 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:** A new, conventional septic system was installed and inspected in 2013. This system meets code for a 3 bedroom house without a garbage disposal. An existing well is on this property that successfully meets all well – septic system setbacks.
- **Access Considerations:** The house is accessed from an existing entrance onto Pleasant Valley Township maintained Good Hope Road. The entrance has adequate sight distance.
- **Other Considerations:** This property is surrounded by Agricultural uses. This home was built in 2013 as an Agricultural Residence on a parcel over 40 acres. The Land Evaluation score on this property is 76, which is above the County average of 62.2 with an overall LESA score of 246. 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 15 points, commitment to agriculture adjacent to site at 20 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 petitioners

- Cory and Nicole built this house on over 40 acres initially. Cory is a full time farmer in the area with his brother. They jointly own this parcel now and Cory has farmed since he was 15 years old. Their dad has since passed away and now they are running the farm. There was nothing available in the area for them to build on or buy because it is owned by most of the Haas families. A house was previously bulldozed down in 1995 on this property and there was an existing well on the property they were able to utilize. They could not completely farm this corner because of the old foundation area. They want to get a lower interest rate for the mortgage. We are asking for approval to get the special use and get these 2 acres into Cory and Nicole's name. We feel we meet the special use standards. We recognize the LESA score was a 246 and unfortunately in this area that is what it always will be.

Gratton asks where the old foundation was located.

- Paul indicates in the area where the green is at on the map. The existing well was able to be utilized. They chose this area because it was not all suitable to be farmed and had poor soils in this area. They want to work and live where they operate.

Public Testimony

Nicole Haas, petitioner

- The LESA score is high because three corners of this are farmed by our family so hopefully that would provide some leniency with this, we are our own reason why the score is so high. As much as that sounds ridiculous, we want to be where we farm. It works in our lifestyle because it is great farmland, but in this case asking for

a special use permit it does not work in our favor, please take that into consideration when looking at that score. We are in Mt. Carroll Fire District and that was a huge increase in our LESA score of 15 points.

Gratton states what you indicate is very pertinent. If someone were to come in and request a residence right next door to this, you would probably be testifying that this is an ag district with a high LESA score. However this did meet the criteria for the 40 acre requirement and had plenty of land in the family for that. The picture does not show this, but the home has been built. This is something we need to consider as well.

Public Testimony Closed

Discussion:

Gratton states we need to talk about the LESA score

Mapes states due to the circumstances of the request and having a farm partnership involved this is a good thing to do.

Tranel asks if you own the farm land around the existing home.

- Cory Haas indicates it is owned. We have about 698 acres that we own.

Gratton states that this is truly an ag district and need to look at this cautiously. This is basically for a farm residence

A motion was made by Ron Mapes to recommend approval of a special use permit for a single family residence in the AG Agricultural District on a lot less than forty (40) acres. Stating the following:

1. Special Use standards have been met
2. Full time farmer of the surrounding farm ground
3. Because of the old foundation the house location works

Seconded by Gary Diedrick

Discussion:

Gratton states the scoring for the LESA is the distance from services and the farm land around it. The soils information does not tell us that it was used for a residence at one time and has been disturbed. The productivity after reclaiming is not always the same as what it was before.

Tranel states that he does not see any interference with ag production in the area.

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

Reports and Comments:

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