

Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
May 28, 2014

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

Roll Call Present:

Planning Commission:

- | | |
|---------------------------|------------------------------------|
| ✓ Melvin Gratton | ✓ Steve Keeffer, Highway Engineer |
| ✓ Nick Tranel | Matt Calvert, JDC Health Dept. |
| Dave Jansen | John Hay, State's Attorney |
| ✓ Ron Mapes | ✓ Linda Delvaux, Building & Zoning |
| ✓ Gary Diedrick | ✓ John O'Boyle, JDC Board Member |
| ✓ Laura Winter, Alternate | ✓ Merri Berlage, JDC Board Member |
| Jody Carroll, Alternate | |

Staff & County Board Members:

Approval of Minutes: A motion was made by Nick Tranel to accept the April 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

Thomas Noller, owner (address: 10717 E Chelsea Road, Stockton IL 61085), and Scott & Karla Noller, petitioners (address: 244 W Mapes Avenue, Stockton, IL 61085)

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. Common Location: On North Stockton Road, approximately .2 miles south of the intersection of East Chelsea Road and North Stockton Road

Staff Report

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the classification of statewide importance farmland, Agricultural Preservation Area .1 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 3.5 mile southwest of Nora. 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 this parcel are Group IV and not 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. An alternative septic system, such as a sand filter system would be required, if on-site borings confirm the soils in the USDA soil survey. This property will be served by private water well.
- Access Considerations: The parcel has frontage on Rush Township maintained North Stockton Road. Within this frontage, there are locations where an entrance with adequate sight distance can be placed.
- Other Considerations: This property is surrounded mostly by Agricultural uses. The Land Evaluation score on this property is 72, which is above the County average of 62.2 - with an overall LESA score of 227. 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 12 points, availability of public water and sewer came in at 10 points each and soil suitability for onsite waste disposal came in at 25 points. The consistency with the County Comprehensive Plan came in at 20 points as it is 3.5 miles outside of the nearest community.

Paul Brashaw, surveyor representing petitioner

- Their desire is to build a single family home on the family farm, his father intends to sell the farm to Scott and Karla and at that time Tom who currently lives in a mobile home on the farm, and this house is intended on replacing the mobile home on the farm when he decides to sell. Services are available there. Site distance is adequate. Soil borings have not been done, but will be done pending approval to determine what type of septic system is available. We are about 3.3 miles north of Stockton and 3.5 miles southwest of Nora, Scott works in Stockton and grew up in Stockton. His intent is to take over the family farm at some time. We feel that the special use standards can be met without any problem. He chose a corner of the farm where the soils are a little bit on the poorer side, does have some slope to it, but we are taking farm ground out of production and as Linda stated it is not a very suitable site as far as the soils are concerned.

Gratton asks why this particular parcel, configuration, and why 5.12 acres.

- Paul states that we tried to work with the contours on the farm and make it flow for the equipment use. The property slopes down to the southeast corner of the property. We are trying to minimize erosion control and he may build on the higher ground, but the access will be on the south east corner of the property.

Diedrick asks if there is a swale or drainage in that area where the driveway would possibly be.

- Paul states there is a little grass waterway which should be maintained and if pulled in there it may require a tube there. It should not be an issue at all. He will have to preserve that waterway.

Gratton states that the LESA score of 227 raises concern for us, how would you justify changing this to residential use.

- Paul states you are right, I did not address that, last month we had one that was

significantly higher. I am looking at Scott wants to come back to the family farm and build a farmhouse on the farm and try to eliminate the use of the trailer that is on his dad's farm. The trailer will be removed once his father no longer lives in it and this house would replace that, not sure time frame.

Diedrick asks if any of those 5.12 acres would remain tillable if a house were to be built.

- Paul states that there would be a possibility that he would only take an acre and a half and the rest could be farmed yet.

Gratton asks about the situation of when the trailer may go, are both members active in the farming operation right now

- Paul states Tom rents the farm out and would assume Scott would do the same and I am not sure on the timetable to remove trailer, Tom was a classmate so he is around 60.

Public Testimony

Jane Hamilton, 10664 E Rush Town Road

- We are directly across from the Noller farm; nothing has been said about the existing farm house that is on the property. I am curious as to who is living in the actual farmhouse on the property and where that septic field is in relation to the new house and if it would interfere with that.
 - Paul Brashaw states that I surveyed out the existing farmhouse several years ago where Scott's sister currently owns and resides in that house. The size was over two acres and made sure the septic was within the lot. At that time was when they moved the trailer in on the property, I am not sure of a date when that when in.
- Question about where the septic field would go or fit on the property.
 - Paul Brashaw states that soil borings have not been completed on this site, but will need to be done to determine the type of system. If the request would be granted then soil borings would be completed to determine the type of system.

Public Testimony Closed

Discussion:

Gratton states that we need to discuss what the LESA score is indicating to us

Mapes asks if there is any other place on the farm and why did you choose that location.

- Scott Noller indicated that this was the place originally when I got married we were going to build, but life changes and this is the start of the farm, is the low corner of the farm where he can't farm that is water runoff from the roadway and puts us on the blacktop roadway and not the gravel road. It puts us on a nice location on his property. The angle on the lot is to help the larger equipment in the farming operation.

Mapes states there was no other acreage on the farm that was non-productive that would be desirable to you.

- Scott Noller states no, everything else is either tillable or inaccessible with a long lane.
- Paul Brashaw states that Tom bought to the west, and the buildings were sold off previously when he bought it, there is a significant creek through the property.

Gratton asks how many total acres on the farm.

- Paul indicates there are 174 acres.

Gratton states that if he owns 40 acres he would have a right to build on this property, but you have to have a willing seller and willing buyer.

Diedrick states that the LESA score is a concern, but hearing from the petitioner he would be willing to till some of the 5 acre parcel makes it a little more tolerable and a possibility.

Tranel states that the access was briefly talked about, but can you specify where that would be.

- Steve Keeffer states that there is one spot that it would work you could get access – near 2nd power pole. Would recommend meeting with township at time of installation of access to make sure it gets in safe location if approved.

Gratton states that each request is different – particularly the request last month I see two differences to this request – there was an old foundation on the site so it precluded it from being worked even though the soils were good and the participant was actively involved in farming that parcel. We have tried to accommodate young farmers in being near their operation and with this it was about 1,500 acres that they could have chosen. The reason we have the LESA score is to protect ag property. In JDC we are blessed with very good ag land, but we are also rather deficient in it compared to surrounding counties. The LESA was designed to still have places in the country for people to live and they can make it work without making burden on surrounding properties and also with preserving an asset. What are those extenuating circumstances on this request? There may have been options on this request, not as desirable, but options.

Review of standards –

Gratton states the only issue might be the additional compliance standard with the LESA score.

A motion was made by Gary Diedrick 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.

Seconded by Nick Tranel

Discussion:

Linda asks if Standard 8-2d-5 was not met because of the LESA score

- Gratton indicates it is questionable – not met because of LESA score
- Mapes – not met due to LESA score
- Diedrick – not conclusive because some of the property may be still utilized as ag usage
- Tranel – not-conclusive
- Winter – not met

Consensus that 8-2d-5 was not met due to the LESA score.

Tranel states that if he were to have 40 acres he could get a building permit

- Delvaux indicates that would be correct.

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

Dave & Jo Anne Sedbrook, owners, (address: 8389 N Badger Road, East Dubuque IL 61025) requesting a special use permit to allow for self storage warehouse in the AG District. Also requesting a variation from 8-4A-4 Number of principal structures on a lot and 8-4A-5 Number of uses on a lot. Common Address: 19190 York Road, East Dubuque, IL 61025

Staff Report

- Comprehensive Plan: Although this request would not be classified as commercial or industrial it is somewhat of an accessory to both that type of industry and residential. The Comprehensive Plan states that we recognize the importance of cooperating with municipalities in guiding growth and development to those areas within or near communities where services are most readily available and where growth is desired. The City of East Dubuque has not commented on this request.
- Waste Treatment: The existing septic tank, for the house, is located north of the driveway by the southeast corner of the house, and the drainfield is straight south of the septic tank. It appears that the construction of storage buildings, in the location shown on the plan, would not affect any part of the septic system.
- Access Considerations: The property is located at the end of Dunlieth Township maintained York Road and is essentially a continuation of said road. Sight distance is not a factor or issue for this request.
- Other Considerations: This is a predominantly residential neighborhood. Although this parcel is not within a subdivision, there are subdivisions adjacent to it. The City of East Dubuque has forwarded some documentation to the Zoning Office that indicated prior to County Zoning the City might of viewed this area for some type of industrial use. Due to the fact there already is a principal use of residential on the lot, a variance from 8-4A-4 Number of principal structures and 8-4A-5 Number of uses on a lot will need to be addressed also. The parking requirement is not clearly identified in the Ordinance, with this type of use it would be reasonable to believe that any parking would be in front of or adjacent to the rented space. Lighting and signage will need to comply with Article 4C and 4E of the County Zoning Ordinance.

Dave Sedbrook, owner

- Bought the property as an investment and have cleaned up the property from what it was before. It does have a house on the property and we rent that out. I would like to put the storage building on the north property line. The initial building will be along the north property line about 200 feet long and if I did build another one it would be to the south of the initial one and that would be 200 feet long, if I put a third one up it would be to the east along that back property line and that would be 100 feet long. There would not be a need for additional septic system on the property, the natural drainage flow – I am just going to stay away from it. The natural drainage comes from the north east down across the property. Someone had built pond or a detention basin and we are going to clean that out to prevent a whole bunch of water runoff. Septic drainfield is located on the south west corner of the property, tank is behind

the garage to the north, and it comes down to the south of the property. The driveway is over a pipe that goes to the drainfield. They were driving semis over the pipe and it is still working.

Diedrick ask if there is a third storage building it would be east of the drainage way, will you allow for a culvert for drainage under a new roadway.

- Dave Sedbrook indicates that there is a culvert in there now.

Gratton asks if there would be a need for additional detention area because we are not sure how much drainage area we are talking about; once you make an impervious surface you increase water runoff to the neighbors.

- Dave Sedbrook indicates the area he is on right now is already all rock and gravel so it should not affect it too much I hope.

Gratton asks about dimensions and locations of the buildings on the property

Public Testimony

Randy Hoppman, 19201 York Road, ED

- We are an adjoining landowner. I have lived here 26 years and this is the fourth owner and he has cleaned it up. He has been a good neighbor.

Al Junk, 8671 Badger Road, ED

- I adjoin his property in the back. I have no problem with his request. Previously they had raced trucks and things on the property late at night.

Public Testimony Closed

Discussion:

Mapes asked if we are looking at just the first building and if wants more he will have to come back

- Linda indicates that if you grant the request it is for the use and he has proposed three buildings.

Variance standards

- 1- Not sure how this affects this request
- 2- Diedrick states you are changing the use of the property with the additional use from residential to self storage,
- 3- This can not be said to be true, because the storage building will get him more money out of this.
- 4- Petitioner is creating hardship
- 5- The detrimental part has been addressed with the neighbors speaking tonight. The character of the area will be altered by the petitioner.
- 6- There will be more traffic – petitioner indicates there will be a total of 40-50 units. Not everyone visits their storage building every day or every week, or month. There would be an increase in traffic. Petitioner indicates he will not let anyone make it into a commercial business. Winter asks if you will have set hours and that will affect traffic. Owner indicates there will be set hours on the contract from 8-8 and if they won't adhere to that I talked to a couple security companies and I can put a security gate on it and you would have to have a security code to get in, but it shuts off at 8pm and wouldn't come back on until 8 am. Gratton

states that the water drainage should not be an issue, but there will be an increase in flow of water. Petitioner indicates he will be doing gravel.

- 7- Gratton states that we have a large lot for a residence, but it is having trouble meeting two parts of the ordinance as far as the principal use and structure, compatibility comes into play here. There are other storage structures in the area and we have approved some, but they have been on their own lots.

Diedrick indicates that we are short on some of the standards - #2, #3, and #4.

Gratton asks if the standards hold true for both the number of principal structures and number of uses on a lot.

Diedrick indicates they are applicable to both.

A motion was made by Nick Tranel to approve a variance request for 8-4A-4 Number of principal structures on a lot.

Seconded by Ron Mapes

Discussion:

Gratton asks if the standards for variation have been met

Gratton indicates no they have not been met

Tranel indicates no

Mapes indicates no

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

A motion was made by Nick Tranel to approve a variance request for 8-4A-5 Number of uses on a lot.

Seconded by Gary Diedrick

Discussion:

Gratton asks if the standards for variation have been met

Gratton indicates no they have not been met

Diedrick indicates no

Tranel indicates no

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

Discussion:

Gratton asks about the special use standards

1. Ok – sufficient area to meet regulations
2. Ok – it is close to residential, but behind it.
3. Ok
4. Would be gravel for driving surface.
 Diedrick asks if electric will be required for the buildings.
 Petitioner indicates for security lighting only.
 Winter asks about more specific about the building and drainage.
 Petitioner indicates it will be on a cement slab, metal structure; roll up doors on the south side for the first building.
 Mapes asks what type of lighting will be installed.
 Petitioner indicates that lighting will not be very bright, the will be the square ones placed under the eaves.
 Gratton indicates that we have an ordinance regulating lighting standards and will need to meet the requirements as well as signage.
 Linda Delvaux indicates about signage will not be allowed for off-premise signage
5. Gratton indicates this use should not create an undue amount of traffic.
 Diedrick states especially with the hours of operation.
6. Meeting all the additional requirements would meet the standard.

Linda indicates we typically talk about off premise parking, but I think there should be enough parking for the clients to park. Parking and loading will be done in same location. The things that were paramount on my end were the signage and lighting.

A motion was made by Ron Mapes to recommend approval of a special use permit to allow for self storage warehouse in the AG Agricultural District. With the following conditions:

1. Hours of operation 8am-8pm
2. Signage to comply with the Zoning Ordinance
3. Lighting to comply with the Zoning Ordinance
4. Standards for Special Use have been met.
5. Limited to three (3) buildings 25x200, 50x200, and 25x100

Seconded by Laura Winter

Discussion:

Gratton states that I have no objection to the special use request, mine were with the variations and since they have been approved this opens it up to looking at it favorably.

Petitioner indicates that he is looking at 25x100 for building 3.

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

Peter & Berna Zid, owners, (address: 11720 E Wilson Road, Stockton IL 61085)
 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. Also requesting a variation from the required lot frontage and lot configuration. Common Address: 11720 E Wilson Road, Stockton IL 61085

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 particular parcel is very heavily wooded. This request is approximately 6.5 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:** This house has an existing septic system in which the septic tank was installed in 1995 and the drainfield was installed in 2008. The system is sized properly for a 3 bedroom house. The well was drilled in 1994. The variance request should not affect the septic system or well.
- **Access Considerations:** The property has an existing entrance onto Pleasant Valley Township maintained Wilson Road. The entrance has 250' of sight distance to the west and 375' of sight distance to the east. The limited sight distance meets a 20 mph design speed which is less than the prevailing speed of traffic on Wilson Road.
- **Other Considerations:** This property is surrounded by Agricultural uses. This home was built in 1997 on a parcel over 40 acres. The Land Evaluation score on this property is 45, which is below the County average of 62.2 with an overall LESA score of 177. 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 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

Peter Zid, owner

- Purchased the property in September 2004 with the property as is, the lot configuration was as it is today. The home was 827 square feet and now it is 3895 square feet. The property was not maintained when we bought it, with junk, old cars and has been cleaned up. The property is in the forest management program, I actively work it. According to the Soil and Conservation District this is not prime ag land. The original owner sold all the tillable farm land to Haas. I am surprised that he was not forced to go by zoning restrictions when they subdivided the property. The home was not built to sell. My wife has had health issues and is living in our home in Sedona, AZ and I am left here trying to sell this, but not meeting zoning requirements

is a big red flag for anyone selling the property. I am here investing another \$1,723 to try and get a variance and a special use permit to make this property in compliance.

Gratton asks about the home being built prior to the lot configuration requirement

- The petitioner states that the home was built in 1998

Gratton states that it probably was part of the whole farm at that time on over 40 acres

- Linda Delvaux states that we researched this property and came up with this property being created in 2004 and we discussed the opportunities for Mr. Zid to get this in compliance.

Gratton states that the lot configuration was not in place when created, but it clearly does not meet the requirement today.

Gratton states the site distance is not very good, but I don't think many cars travel that road.

- Mr. Zid states that the only traffic on this road is the farm traffic during harvest. The previous owner owned 400 acres and just kept selling off farm ground.

Public Testimony

None

Public Testimony Closed

A motion was made by Nick Tranel to approve a variance request for the lot frontage requirement of 150 feet. Stating the following:

1. Standards for variation are met

Seconded by Ron Mapes

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

A motion was made by Laura Winter to approve a variance request for the lot configuration requirement. Stating the following:

1. Standards for variation are met

Seconded by Nick Tranel

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

Discussion:

Gratton states we have a LESA score of 177 with an existing house

A motion was made by Mel Gratton to recommend approval of a special use permit to allow

for a single family residence in the AG Agricultural District on a lot less than forty (40) acres. Stating the following:

1. LESA score of 177
2. Existing lot with home on the property
3. Special Use standards have been met

Seconded by Gary Diedrick

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

Reports and Comments:

Merri Berlage invited the Zoning Board to the Development and Planning Committee Special Meeting on June 17, 2014 at 7:00 pm regarding potential zoning changes

Nick Tranel made a motion to adjourn at 8:45 PM. Ron Mapes seconded. Voice Vote: All Ayes