

Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
June 23, 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 Gary Diedrick to accept the May minutes. Seconded by Laura Winter. Voice Vote: All Ayes

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

New Business

Deborah Schneider, Trustee, owner, (address: 8952 N Menominee Road, East Dubuque IL), requesting a variance from the required setback of one-hundred ten (110) feet from the centerline of the road right of way to sixty-nine (69) feet to allow for an addition to an existing structure in the AG Agricultural District. Requesting a forty-one (41) foot variation. Common Location: 8952 N Menominee Road, East Dubuque

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: The existing septic tank for the house is located approximately 42 feet west of the house, and the drainfield extends an additional 86' west of the septic tank, onto the adjacent property. The adjacent property is owned by the applicant. The applicant has been advised that adding the land west of the house to capture the entire septic system now will avoid the need for an easement in the future if the ownership of the house lot should change. The well is located north of the house. It appears that the house addition is south & west of the existing structure and the proposed expansion would not affect any part of the septic system or well.
- Access Considerations: The property is served by an existing entrance onto Jo Daviess County maintained Menominee Road. No changes to the entrance are being proposed.

- Other Considerations: This house was built pre 1995 and applicant would like to build an addition. Applicant has acquired more property to meet setbacks in the rear, but, will require a variance on the front setback to commence construction. This property is zoned Agriculture.

Carl Droessler, 6841 N Menominee Road, East Dubuque - representing owner

- Owners have lived in this county and home for 29 years, her husband suddenly passed about December 2013 and previously he took care of snow removal which was a lot due to the garage being on lower level with retaining walls on each side of it. She wants to build an addition onto the south and west of the house. The garage would be on the same level as the main floor of the house and would be less of a hardship of cleaning snow out. This would also lessen stair use as we get older. This would improve the value of the neighborhood properties. Deb is looking to make a substantial investment into her home to stay located in Jo Daviess County. The house sits 75 feet from the centerline of the roadway; we are requesting 6 feet of those 75 feet which would be 8% of the existing setback. We would like to thank ZBA and Planning Commission for considering this variance, respectfully Carl Droessler and Deborah Schneider.

Gratton asks which way the garage will be accessed from.

- Carl Droessler indicates that it will be direct from the highway or east side. We are coming south of the house 17 feet and back 26 feet west, then on the back of the house it will be 18 feet.

Mapes asks if the other lots are still buildable

- Linda states that the other lots are vacated.

Mapes asks about the septic if on this lot.

- Linda states she owns the property to the rear which she is incorporating some of that land into this lot to be able to meet the rear setback, it will include some of the septic, but not all of it. We advised that they consider taking all of the septic in, because if either were separated they would need to address it.

Mapes asks about access issues.

- Linda states that Steve did not mention anything about projects on Menominee Road.

Diedrick asks if this will be a double garage or single garage.

- Carl Droessler states it will be a single garage coming toward the south, kitchen is on the south so it is being pushed out so she can have natural light, and the back will be a great room. The garage is pushed back as much as we can so that we don't take more of the kitchen.

Gratton asks is this is the minimum amount of space to be used or be able to effectively utilize on the frontage of this.

- We looked to go 10 feet out, but the way the house sits, the southeast corner is where the porch goes in about 5 feet and the roof line comes out over that. This caused two problems, it was getting closer to the road and the other was taking some of her view out of the living room window, so we pushed it back as much as we could.

Gratton asks if you pushed that all the way back even with the house.

- Carl Droessler states that our kitchen would be back into the great room far enough that it would be more challenging to use the space as we were looking for.

Public Testimony

- Wastewater Treatment: According to records, the septic system was installed in 2001. The existing septic tank for the house is located 13 feet north of the house, with the sand filter & drainfield north of the septic tank. This property does not have a private well, & is on the Galena Territory's public water supply. The water line enters the property from the south. It appears that the side lot setback variance request does not affect any part of the septic system or water line.
- Access Considerations: The property has an existing entrance on Guilford Township maintained Long Hollow Road. At this time, no changes to the driveway are being proposed.
- Other Considerations: This house was permitted in 2001 and purchased in 2011 by Ryan & Kerry Driscoll. This home is a 4 bedroom home which would require a twenty (20) foot setback from a side property line. Site plan shows the home to be nineteen (19) feet from the side lot line. The side setback could be done administratively, but, since the applicant was coming forward for the grade variation it made sense to address the setback variance at the same time. The Zoning Ordinance would require the driveway grade to be no more than 15% at any one point, the grades were shot on the driveway and they came in over the allowed 15% at up to 18.2% at one point. This property is zoned RP Planned Residential and Guest Accommodations is a permitted use in this district.

Ryan Driscoll, owner

- Bought this property in 2011 and requesting two variances so that we can obtain a guest accommodations license. The driveway is approximately 390 feet long. The slope that exceeds is about 100 feet long which is less than half of the total length ranges from 15.7% and 18.2%. The slope of the remaining driveway is substantially less. I do contract with the Galena Territory in the winter to plow if there is 2 inches of snow. Without variances we can't be approved for the license, not getting the license causes us hardship because of how we may use the property in the future and the value of our home moving forward. I have had Dan Kane give an estimate of redoing the driveway and it was more than \$40,000 to shape it. The setback variance from 20 feet to 19 feet we own the lot next to us. Our property like others in the Territory our property is unique in size, shape, elevation, and slope. The conditions that are basis for our petition are applicable to our property only. I don't think any other property has these same characteristics, home position, driveway configuration; this would not generally apply to other properties in the Territory. We are not looking to make a lot of money off of our property, only to offset some of the costs of having a second home. We bought this home for our enjoyment, we have two kids and are now more involved with activities so we do not utilize as often as previous three years. The home was built in 2001. We don't know for sure why the setback and slope are not made for the Guest Accommodations License, I could guess, because the previous owners never intended on putting into the rental program. No other property will be impaired or affected in a meaningful way. Setback variance could have been done administratively, the driveway grade slope is a matter of public safety and we don't believe granting our variance request will impair the safety of anyone. This is the minimum request.

Diedrick asks about the property to the west.

- Ryan indicates yes he owns it and is vacant. We bought about a year after the house. Points out the parking area and the grade area that exceeds.

- Linda indicates where the grade on the map exceed 15%.

Public Testimony

None

Public Testimony Closed

Gratton talks about the history of Guest Accommodations. Talks about how standards came about from 10% at the Special Use Permit level to 15% when became administratively reviewed. Asks if we have granted a variance exceeding 15%.

- Linda states there was one that was approved on Brodrecht Road, the slope was at the end of the driveway into the property, it may have been 17%, but not positive on that number.

Gratton states the part that exceeds is about 150 feet. I looked at it and it looks steep.

Diedrick asks if the slope applies to Guest Accommodations, but not a single family, correct.

- Linda states that is correct.

Gratton states that owners are aware of the conditions of their own property and have it plowed and salted, but that does not happen all of the time, driveways re-ice because of no sun exposure to the lot.

- Ryan states that there is parking which is before the area of grade exceeding 15%.

Gratton states the setback was not caused by petitioner and is less than 10%, not an issue. I have safety concern with driveway grade.

Diedrick states if an ambulance or fire couldn't get down the driveway, what are the shoulders off the driveway like.

- Ryan indicates that there is grass along the driveway on the left, right it is all grass. Emergency services shouldn't have to carry all the way up the hill because there is parking right before the slope that exceeds.

Mapes says that I see a safety issue here with grade. Did you only get one estimate for the driveway?

- Ryan indicates yes, he has done other work for us and he did the stone work before we bought the property.

Review Standards for variation – safety issue of the driveway slope for emergency vehicles, topography for access, there are other single family properties in the Territory that exceed the slope, but are used for single family only, not Guest Accommodations. Variance setback is not an issue.

Deidrick indicates that single family use is not an issue, but Guest Accommodations you have a variety of folks that will be potential occupants not knowing their situation, time of year this is a concern with the access.

A motion was made by Diedrick to approve the setback variance of one (1) foot stating the variance standards have been met.

Seconded by Winter

Roll Call: Gary Diedrick – Aye
 Laura Winter – Aye

Mel Gratton – Aye
 Ron Mapes - Aye

A motion was made by Diedrick to deny the request for variance in the 15% driveway grade requirement stating:

1. Safety issues
2. Difficulties meeting the standards for variation, such as based on the topography conditions, Standard #1.

Seconded by Mapes

Mapes asks if the petitioner fixes the driveway to meet the requirement does he have to come back.

Linda indicates no.

Gratton states that this would set a precedent if grant this variance, because what would be a safe access grade then. We did approve one previously but was not for 150 feet of the driveway and did have sun exposure on driveway.

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

Reports and Comments:

The Development and Planning Committee met and have recommended moving the Zoning Ad-Hoc Committee recommendations on to the County Board to vote on a resolution to move this on to make application to the Zoning Board of Appeals

Zoning Board of Appeals Meeting for July will not be held due to any applications being submitted.

Gary Diedrick made a motion to adjourn at 8:10 PM. Ron Mapes seconded. Voice Vote: All Ayes