

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
June 25, 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 Ron Mapes to accept the May 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

Marion & Joyce Guenzler, owners (address: 8449 S. Massbach Road, Elizabeth, Illinois) & Dennis Guenzler, contract purchaser (address: 8377 S. Massbach Road, Elizabeth, Illinois), requesting a Variance from 8-4A-4: Number of Principal Structures on a Lot. The common address: 8449 & 8377 S. Massbach Road, Elizabeth

Staff Report

- Comprehensive Plan: The Comprehensive Plan does not address Variances.
- Wastewater Treatment: The existing septic system was installed in 2003, and is sized for a 1 bedroom. If slope permits and the system was not destroyed during the debris removal after the fire it can be used and upgraded. If a new system is installed, 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 a private water well.
- Access Considerations: This property has an existing entrance on to Jo Daviess County maintained Massbach Road. No changes to the current entrance are being contemplated as part of this request.
- Other Considerations: The applicant had an existing house on this property that was lost to a fire. Applicant would like to build in a somewhat different spot than where the destroyed home sat, on the existing farm which already has one home on it. In order to allow for two principal structures on one lot a variance is being pursued.

Dennis Guenzler, petitioner/contract purchaser

- Would like to clarify the wastewater report in the staff memo was not about the house that burnt, but, was about the other house on the property. Soil borings have been done for the proposed home and submitted to the Health Department.
- One of the main reasons to move the house location was to find soils better suited for the septic.
- Another reason to move the house placement was because the fire department had indicated the existing placement created difficulties for them when fighting the fire and they suggested better placement be considered when rebuilding.

Public Testimony

- None

Public Testimony Closed

Discussion:

Gratton states that the standards all seem to be met here: Applicant didn't cause the hardship and he is not doing this to make more money, the area will not be altered with the house placement on the parcel.

A motion was made by Dave Jansen for approval of the Variance from 8-4A-4: Number of Principal Structures on a Lot, stating:

Septic will be met

Creating better placement for home than original placement

Zoning Ordinance provides an important function with regulation 8-4A-4, but, in this instance a variance makes sense.

Seconded by Nick Tranel

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

Gary & Debra Kaiser, owner (address: 8229 Route 84 North, Galena IL) and Corey & Jenny Kaiser, petitioners (address: 9106 Route 84 North, Galena IL) Special Use Permit to allow for a single family residence in the Ag Agricultural District on a lot less than forty (40) acres and a time extension of 3 years to commence use. Common Location: Just West of 10003 W. Furlong Road, Galena.

Staff Report

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the concentrated area of Important Farmland, Agricultural Preservation Area 2. 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 miles north 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: Soil borings were completed for this lot in March of 2014, which indicated that the soils can support a conventional septic system. Soils on the northwest portion of the lot have a tighter subsoil, so it is advised to not utilize this area.
- Access Considerations: The parcel has frontage along Vinegar Hill Township maintained Furlong Road. There are locations within the frontage where an entrance with adequate sight distance can be located.
- Other Considerations: This property is surrounded mostly by larger Agricultural parcels with a few small parcels. The Land Evaluation score on this property is 77, which is above the County average of 62.2 with an overall LESA score of 199. Some of the contributing scores to the Site Assessment end of the LESA were the percent of Agricultural land adjacent coming in at 15 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, distance from community services at 15 points and the consistency with the County Comprehensive Plan came in at 20 points as it is 3.5 miles outside of the nearest community.

Jenny Kaiser, Corey Kaiser, Gary Kaiser , petitioner/owner

- My father owns the property.
- The access on and off the property is good here, and will be off of a hard surfaced road, power lines nearby and soil borings have been done.
- This is a piece off of the back corner of the property
- There are other homes within 1/8 of a mile of the parcel.
- This parcel is heavily wooded on three sides which causes problems with planting this piece, that's why we have only done hay here. Wildlife, mostly deer feed well on the corn when we tried it, so we lost quite a bit, which made it not worth our while to plant it again. Also being wooded on three sides makes it difficult to plant anyway.

Public Testimony

- None

Public Testimony Closed

Discussion:

Gratton indicates the LESA score is 199, which causes the board to look closer at the request. The soils in this area are some of the better soils in the county. The closer you get to Highway 84 the better the soils are. The requested parcel is off of Furlong at the back of the property, still very good soils, but, not as good as the remainder of the farm.

Mapes asked if you had considered building anywhere else on the property. The piece just to the west might provide for a homesite that would allow you to preserve the open farm ground.

Corey Kaiser: No, we didn't consider different placement on the farm. This was at the back

end of the farm.

Mapes states that he is struggling with this because the area can be tillable.

Corey Kaiser: We will only be utilizing about 2 acres for the homesite, the rest could be put into prairie grass and maybe even CRP.

Gratton states that he has the same initial thought as Mapes, but, doesn't feel the numbers on the soils would of changed if they had requested just to the west of the current request.

Diedrick states that he is struggling a little bit with the 6 acres, but, acknowledges the issue they have with the woods on three sides and planting this parcel, and that it's probably not the easiest to get to with today's equipment.

Diedrick asks Steve Keeffer about the access opportunities?

Steve Keeffer indicates the existing field access is good as well as he believes there are other opportunities for safe access along the parcel.

A motion was made by Nick Tranel to recommend approval of a Special Use Permit to allow for a Single Family Home on a parcel less than 40 acres zoned Ag Agriculture District and a time extension of 3 years to commence use, stating:

1. Access site distance is good
2. Soils for septic are good
3. Standards have been met

Seconded by Dave Jansen

Discussion:

Mapes states he still has concerns and anything larger than 6 acres here would be hard to recommend approval for, but, does understand the issue with planting this 6 acre area.

Jansen states he agrees with Mapes concerns and the LESA score of 199, but, the additional information provided here tonight, makes a difference.

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

Daniel & Melissa Pflieger, owners (address: 7746 N. Indian Ridge Road, East Dubuque, IL),
Map Amendment from Ag Agricultural District to R-1 Single Family Residential District and approval of a five (5) lot subdivision. Common Address: 7746 N. Indian Ridge Road, East Dubuque, IL

Staff Report

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the

concentrated area of Important Farmland, Agricultural Preservation Area 2. 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 in the mile and a half planning area for both East Dubuque and Menominee. Neither community has designated this area as a contiguous growth area. 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: Soil borings were completed for lots 2-5 in May of 2014, which indicated that all of the lots have soils that can support a conventional septic system. If lots 3 & 5 situate the house in a way that the septic must be placed in the wooded parts of the lots then an alternative septic system, such as a sand filter may have to be utilized. Lot 1 is an existing house (7746 N. Indian Ridge Rd.) and has a conventional septic system that was installed in 1999. The well was also constructed in 1999. All of the lots are large enough to support a septic system and a private well.
- Access Considerations: The lots in this proposed subdivision will access Menominee Township maintained Indian Ridge Road. All of the lots have locations where entrances with adequate sight distance can be located. Existing trees and brush along the lot frontage will have to be removed to achieve the needed sight distance.
- Other Considerations: This property is surrounded by multiple smaller parcels used residentially and a couple of larger Agricultural parcels. The Land Evaluation score on this property is 51, which is below the County average of 62.2 with an overall LESA score of 165. Some of the contributing scores to the Site Assessment end of the LESA were the percent of Agricultural land adjacent coming in at 20 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, distance from community services at 12 points and the consistency with the County Comprehensive Plans came in at 10 points, it is within the mile and ½ of a community, but, not in their contiguous growth areas, therefore the Municipal Plan scored a 10 as well.

Steve Schmidt, MSA, presenter on behalf of owner

- Applicant is relocating because of work
- Workplace relocation will not buy anything over 5 acres, hence the reason for lot 1 being 4.9 acres.
- This area has some existing subdivided lots
- Access is good
- Two acres of Lot 1 was rezoned a few years ago by the County Board.
- Lot three has an odd piece across the road, which we will clean up after approval by quit claim deed with the owner adjacent.

Diedrick asks when the rezoning was done and the home was built?

Melissa Pflieger indicated the rezoning was done and home built in 2000

Gratton asks if Lot 1 meets the road frontage requirement.

Steve Schmidt responds that it does meet the requirement for the R1 District.

Public Testimony

Edwin Kuhle

- Owns land across the road and did some subdividing of his land in the 1980's.
- No objection, this is a good place for development
- Middendorf did a development just down the road
- Good proposed layout

Public Testimony Closed

Discussion:

Gratton asks Linda Delvaux about the buildup in the area.

Linda Delvaux indicated that she couldn't give percentages, but, the two adjacent subdivisions appear to be all sold and have quite a few homes on them already. The Mississippi Heights subdivision appears to have only two homes constructed and not too many are sold.

Gratton indicates the proposal makes sense in this area, with a LESA score of 165 and the standards seem to be met.

Diedrick states the lot sizes are good

Mapes states there is some tillable, but highly erodible land. Would be better for development as opposed to crop production.

Jansen states that it is important to understand there are quite a few vacant lots and home building is slow right now in the County, but, it's very important to understand that it's not just necessarily the number of lots, but the need of the kind of lots being provided. There are existing open lots, but, these are wooded lots that are highly desirable.

Gratton asks Steve Keeffer about site distance

Steve Keeffer indicates the site distance is ok, but, is conditional with removing vegetation along the roadway that may cause problems.

Diedrick indicates a concern with the need for more lots, but, also recognizes the proposed plan with the lot sizes and that they are wooded varies from what is currently available in the area.

A motion was made by Diedrick to recommend approval of a Map Amendment from Ag Agricultural District to R-1 Single Family Residential District and approval of a five (5) lot subdivision: stating the following:

1. LESA score of 165

2. Not removing exceptional land from Ag production
3. Compatible with the surrounding area

Seconded by Mapes

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

Reports and Comments:

Edwin Kuhl asks about the process of further developing his property

John O’Boyle informs the board of the progress with the items identified at the June 17th meeting.

Gratton speaks to the importance of understanding the Zoning Ordinance and the County Comprehensive Plan and the reasoning behind why things are in the Ordinance the way they are and indicates the Zoning Ordinance is for the betterment of the County as a whole.

Jansen announced that he will be resigning from the Board and this will be his last meeting.

Jansen made a motion to adjourn at 9:05 PM. Tranel seconded. Voice Vote: All Ayes