

Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
July 27, 2016

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 Ron Mapes by to accept the April 27, 2016 minutes. Seconded by Gary Deidrick. Voice Vote: All Ayes

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

New Business

Terry & Annette Schlichting, owners, (address: 1146 S Willow Road, Stockton, IL 61085), requesting a variance from the required front property line/road right of way setback of 110 feet from the centerline of the roadway to 89 feet. A 21 foot variance. Common Location: 1146 S Willow Road, Stockton IL 61085.

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: Due to the age of the septic system there is no file on record. During a site visit, the septic tank was found 15 feet off the northeast corner of the house. The drainfield location is north of the tank. The well is located approximately 60 feet west of the septic tank. It appears that the proposed house addition is east of the house and the expansion would not affect any part of the septic system or well.
- Access Considerations: This property has an existing looped entrance onto Jo Daviess County maintained Willow Road with adequate sight distance. No changes to the existing entrances are being proposed.
- Other Considerations: The applicant would like to construct a front porch and will require a variance. The existing home was constructed pre 1995 and at one time did have a front porch on it, but, was torn down and not replaced quite some time ago. There is existing green screen at the front property line of this parcel

which would minimize any visual impact from the roadway.

Terry Schlichting, owner

- Would like to add 10 feet out toward the road (east) for a front porch

Diedrick asks when the porch was torn off

- Terry Schlichting indicated that he acquired the land in 2003 and it was torn off before then. It will be an open frame porch.

Public Testimony

None

Public Testimony Closed

A motion was made by Mapes to approve the request for variance from the required front property line/road right of way setback of 110 feet from the centerline of the roadway to 89 feet.

Variance Standards have been met

Seconded by Diedrick

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

Corey & Jennifer Kaiser, owners, (address: 10049 W Furlong Road, Galena IL 61036), 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 Location: 10049 W Furlong Road, Galena IL 61036

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 2015. The septic tank is located 46’ west of the house and the septic drainfield is located west of the tank. The well is located east of the house. The variance request should not affect the septic system or well.
- Access Considerations: There is an existing entrance in place with adequate sight distance onto Vinegar Hill Township maintained Furlong Road. The site plan indicates that this existing drive will be used to access the proposed building.
- Other Considerations: The applicant procured a special use permit in 2014 to allow for a single family home to be built on 6 acres. A home was constructed with a garage area of 1,000 square feet which would leave an available 2,600 square feet of additional accessory area structure to be built. Applicant has requested to exceed the allowable square footage area by 2,400 square feet. The anticipated additional accessory structure if the variance is approved will be 5,000 square feet in size. Applicant is anticipating placement to the rear of his house area and has indicated he will use the structure as an accessory to his residence and not for commercial purposes.

Justin Peterson, Brother-in-Law representing owner

- Corey could not be here due to a medical emergency. Requesting to add 4% more than what he requested prior.

Public Testimony

None

Public Testimony Closed

Requesting 200 square feet more than the previous variance allowed for which would be a total building of 5,200 square feet.

Mapes indicates that this building will sit back in the property

Diedrick indicates that this does not meet Standard #4 due to him creating this, but he is setting it back into the property

A motion was made by Diedrick to approve the request for variance from the allowed accessory structure square footage Chapter 3, Article A-4, B, 2 of the County Zoning Ordinance.

1. 5,200 square foot structure.

Seconded by Mapes

Gratton states that we have looked at this property 3 different times and could have been taken care of with one request. This is an accessory building to store personal items; this may be a stretch in size for an accessory building to the home.

Diedrick indicates that Standard d does not meet, but has mitigating factors

Variance Standards have been met with mitigating factors

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

Jay Rhyner, owner, (address: 12840 E Howardsville Road, Stockton IL 61085), requesting a variance from the required rear property line setback of 40 feet to 24 feet. A 16 foot variance. Property is located in the AG Agricultural District. Common Location: 12840 E Howardsville Road, Stockton IL 61085

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 information is on file for this parcel. According to the well permit on file, the septic system is located north & west of the well. The septic system will have to be located & marked to determine if the construction of the proposed building will cause an encroachment to the septic. This property will be served by a private water well which is located southeast of the house.
- Access Considerations: This property has an existing entrance onto Nora Township maintained Howardsville Road with adequate sight distance. No

changes to the entrance are being proposed.

- Other Considerations: The applicant would like to construct an accessory building to the rear of the property closer than the ordinance would allow which will require a variance. The existing home was constructed pre 1995.

Jay Rhyner, owner

- Requesting a workshop to be placed toward the rear of my property. We located the septic tank to be about 28 feet north east of the garage. The drainfield we do not know. I would not like the workshop in the middle of my yard.

Diedrick asks if a driveway will need to be put to this building

- Jay Rhyner indicates no this will be a workshop and will only have a walk door and windows.

Gratton asks the size of structure

- Jay Rhyner indicates 24' x26'

Public Testimony

None

Public Testimony Closed

Gratton comments about the availability of having replacement area for your septic.

Diedrick asks about setbacks for septic if that can be located within the 40'.

- Linda Delvaux states that we do not have setback requirements for septic from our office that would be taken care of from the Environmental Health Department and we believe it may be 5 feet, but not positive on that.

Mapes indicates that this should not interfere with neighbors.

A motion was made by Mapes to approve the request for variance from the required rear property line setback of 40 feet to 24 feet.

Variance Standards have been met

Seconded by Winter

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

John T Greene, owner, (address: 1311 South Route 59, Naperville IL 60564), requesting a variance from the required minimum lot width of one hundred fifty feet (150') at the road right of way, Chapter 3, Article A-4, D, of the County Zoning Ordinance and a variance from Chapter 5, Article B, 48 Lot Configuration. Property is located in the AG Agricultural District. Common Location: Easement access just west approximately two tenths of a mile from 4735 East Zink Road, Elizabeth IL 61028

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 proposed parcel is accessed via an easement from Derinda Township maintained Zink Road. The easement has 350' of sight distance to the west which is considered safe for a 30 mph design speed. Sight distance to the east is adequate. The easement passes through a drainage swale that drains over 50 acres - there will be times that the easement will not be traversable. The easement is also steep and has a vegetative surface - most appropriate for farm equipment and four wheel drive vehicles.
- Other Considerations: The applicant would like to split off the pasture land from the tillable which has created the need for lot width and lot configuration variations. This property is over forty acres and does meet the lot size in the agricultural district should someone want to build a home in the future.

John Greene, owner

- I am going to sell the tillable land to a local farmer and the McCutcheons who own land adjoining to this in a trust want to purchase this pasture acreage because it is in their front yard of their existing buildings. The easement was put in place over 10 years ago when I traded some land with the neighbor.

Mapes asks about the access

- John Greene indicates they will more than likely access from their existing driveway.

Gratton asks whose property the easement is located on.

- John Greene indicates Myron Koester.

Public Testimony

None

Public Testimony Closed

Gratton states that we are looking at lot configuration and lot frontage

Diedrick asks if they would ever release the easement since they own adjoining land.

- John Greene indicates that it gave more access to the farm.

A motion was made by Diedrick to approve the request for variance of the road frontage requirement of 150 feet and the lot configuration requirement:

Variance Standards have been met

Seconded by Mapes

Gratton states that he hates to see the county cut up like this it is not good planning

Winter indicates same feeling, but feels a little better that it is going to the neighbor

Gratton states that the size mitigates the request, but it was created by the individual

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

Janet Einsweiler, owner, (address: 1170 Ferry Landing Road, Galena IL 61036) and Mark & Wendy Einsweiler, petitioners (11114 W Red Gates Road, Galena IL 61036) requesting a one lot subdivision along with a variance from the required lot frontage, Chapter 3, Article A-4, D and a variance from the required lot size, Chapter 3, Article A-2, C, of the County Zoning Ordinance. Property is located in the AG Agricultural District. Common Location: 11034 W Red Gates Road, Galena IL 61036

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. The City of Galena has been notified of the intent to subdivide and may if they so choose to enforce their adopted subdivision regulations since this request is within the mile and one half of the corporate limits. The Counties Comprehensive plan would encourage development either adjacent to a community or within their desired growth area. The City of Galena has indicated this area as greenspace in the plan area proposed land use map #15.
- **Wastewater Treatment:** A new, conventional septic system was installed and inspected in 2004. This system meets code for a 3 bedroom house with a garbage disposal. An existing well is located on the property to the west of this lot and all well – septic system setbacks have been met. An easement is in place that allows usage of the existing water well for this newly proposed lot. The change in lot size will not affect the septic system or well.
- **Access Considerations:** The proposed lot is accessed from an existing entrance onto West Galena Township maintained Red Gates Road with adequate sight distance.
- **Other Considerations:** The applicant would like to subdivide an existing home off of the farm and will be requesting a variance in the lot size requirement as well as the road frontage requirement. The home will be allowed to be separated from the farm under 8-3A-2, C of the County Zoning Ordinance, but, is triggering the State Plat Act, which in turn triggers subdivision approval by the County. The City of Galena will be reviewing this request and provide comment at the public hearing.

Linda Delvaux read the letter from the City of Galena in support of this request

Joe Nack, Attorney representing owner

- This was the old farmhouse that was moved from Highway 20 in 2002-2003 otherwise it would have been torn down. Work has been done on this home. The road frontage is about 117 feet and then has the 40 foot easement access so if you consider that it has the 150 feet. The size was decided based on trying to keep as much in Ag as possible and that took it below the 2 acre minimum size requirement. This is also for a request of a 1 lot subdivision. This lot will fit with the surrounding area of residential, only other access would be from Highway 20. This could be said that the hardship was created by them by moving the house here, but they saved the old house from being torn down. Other residential lots of similar size are in the area, will not impair light or air to adjoining properties, and this is the minimum request.

Gratton states that this will then be able to be split off as an existing Agricultural split, but needed the 2 acres minimum and the 150 feet of road frontage.

Public Testimony

None

Public Testimony Closed

Diedrick asks if this could be annexed into the City.

- Linda Delvaux states that it would have to be contiguous and they would have to look at what can the City provide for them.

Gratton states that this is keeping with the character of the area

- Joe Nack indicates that they would have to be contiguous with the City limits to be able to annex in, and they are not currently.

Gratton states that I see no issues with this request.

A motion was made by Gratton to approve the request for variance of the road frontage requirement of 150 feet and the lot size of less than 2 acres.

Variance Standards have been met

Seconded by Winter

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

A motion was made by Diedrick to recommend approval for the one lot subdivision.

Seconded by Mapes

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

Denis & Susan Vondran, owners, (address: 3088 W Culvert Road, Scales Mound IL 61075) and Brad & Keri Werner, petitioners (36 East Point Drive, Galena IL 61036) requesting Special Use Permit to allow for a residence on a lot less than forty (40) acres, a one lot subdivision along with a variance from the required lot frontage, Chapter 3, Article A-4, D of the County Zoning Ordinance and a 3 year time extension to begin use. Property is located in the AG Agricultural District. Common Location: Parcel is located adjacent to 3088 W Culvert Road, Scales Mound.

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. The Comprehensive Plan would indicate this parcel to be in the Farmland classification of statewide importance, Agricultural Area with areas of prime farmland. This request is in the mile and a half planning radius of Scales Mound, but has not been identified as part of their desired contiguous growth area. Map 5.6, Archaeological Resource Potential, indicates this area to have a high probability of Archaeological Resources. Map 7.2, Land Use Plan, indicates this request to be in the area of an identified environmental corridor. 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.

- Wastewater Treatment: Soil borings were completed for this lot in July of 2015, which indicated that there is a small area of Group I soils that can support a raised, conventional septic system in the northwest portion of the lot. The Natural Resources Inventory Report indicates that the area that can support a conventional septic system is very near the FEMA Floodplain. Further investigation will have to be completed to determine if this area is located at an elevation higher than the FEMA Flood zone. If this area cannot be utilized for the construction of the septic system, then an alternative system, such as a sand filter, will have to be installed due to shallow soil depth over bedrock. This lot will be served by a private water well.
- Access Considerations: Access to this proposed parcel is from an easement onto Scales Mound Township maintained Culvert Road. There was a wood lath with orange flagging in the field and an existing field entrance west of the lath. Assuming this field entrance will be the location of the proposed easement, there is adequate sight distance.
- Other Considerations: The applicant would like to create a one lot subdivision with a variance in the road frontage requirement and overlay a special use permit for a residence on an agricultural lot less than forty acres. An Eco Cat inquiry done with the NRI Report indicates the Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or register Land and Water Reserves in the vicinity of the project location. The Land Evaluation score on this property is 47.9, which is below the County average of 62.2 with an overall LESA score of 222. 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, availability of public water and sewer came in at 10 points each, distance from community services at 12 points, soil suitability for on-site disposal came in at 25 points. The consistency with the County Comprehensive Plan came in at 10 points and the consistency with a Municipal Comprehensive Plan came in at 10 points, this is due to the fact that the property falls within the 1.5 miles of the community, but, is not identified as a contiguous growth area by the Village of Scales Mound. The Village of Scales Mound has not commented on this request.

Keri Werner, petitioner

- We would like to build a home and storage building. The buildings would be on the south end of the property and the rest will be left in pasture. The south end should have soils that meet. We would like to build the accessory building first then when we sell our current house we would then build.

Gratton asks about the contours on the property.

Mapes asks if the easement could be moved to the east to not cut through the farm field.

- Brad Werner states that there are drainage ditches that are along that side and the line of site for the access is limited as you move east. We stayed on the ridge and went across

the field.

Gratton states that it is about 0.44 acres for the easement

Is there a LESA done on the easement?

- No

Gratton asks if using the access point and then follow the contours of the land to help with the farm field to not get broken up.

Public Testimony

None

Public Testimony Closed

Keri Werner asks about some of the ratings on the LESA score such as the fire.

- Linda Delvaux states that the insurance companies give each fire district a rating and that corresponds to a number for the LESA.

Gratton states that the LESA score was reviewed a few years ago and was made so that things are not arbitrary. He asks the owners if they want a residential house in the middle of the farm.

- Owners said yes.

Mapes states this is a high LESA score and having the easement across the farm land is a concern. Did you look at other areas on the farm?

- Keri states that they did, this was the best area for a house with the worst soils. This spot on the farm keeps us from being too close to our parents.

Diedrick states this is a non-tillable area, easement area is not. LESA score is high. What will happen 20-40 years when this may not be in the family?

Winter is concerned with the easement; I have a driveway similar to this and have issues with drainage and other things.

Gratton asks if this would be ideal for you to farm this way.

- Denis Vondran stated that I farm over the driveway at another farm. We could move the easement along the contour of the field.

Gratton states that within the LESA for the 6 acres the land evaluation was below the county average of 62. The easement is still a concern. We have approved higher LESA scores, but each property is different

Winter asks if this is pasture currently.

- Brad Werner states yes it is.

A motion was made by Diedrick to recommend approval of the request for Special Use Permit for a single family home on a lot less than 40 acres with a 3 year time extension

Seconded by Winter

Roll Call: Ron Mapes – Nay
 Mel Gratton – Nay

Gary Diedrick – Aye
Laura Winter - Aye

Motion failed with a tie vote.

Discussion was had on the concerns with the high LESA Score and the way the current access easement was shown on the plat of subdivision was a concern for the continued farming operation.

Discussion was had on the remainder of the Vondran/Werner requests. It was decided to send the Special Use request to the County Board and not rule on the remaining requests at this time.

Reports and Comments:

Deidrick made a motion to adjourn at 9:30 PM. Mapes seconded. Voice Vote: All Ayes