

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
August 26, 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 Ron Mapes to accept the June 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

Robert Hall, owner, (address: 11990 W Red Gates Road, Galena IL), requesting a variance from the required side property line setback of twenty (20) feet to fifteen (15) feet on tract 2 and a lot size variation on tract 1, all located in the AG Agricultural District. Common Location: 7458 & 7394 W Mount Hope Road, Galena

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances.
- Wastewater Treatment: Due to the age of the septic system at 7458 W. Mt. Hope Rd. there is no file on record. During a site visit, the septic tank was found 10 feet north of the house. The drainfield location is unknown. Investigation should be done to locate the existing drainfield to determine if the entire septic system will be located on the proposed parcel. The well is located southeast of the house, and located on the proposed parcel. The existing septic tank for 7394 W. Mt. Hope Rd. is located approximately 53 feet southeast of the house, and the drainfield is southeast of the septic tank. The existing septic system is located on the proposed parcel. The well is located off west of the house, and located on the proposed parcel.
- Access Considerations: There are two existing entrances onto East Galena Township maintained Mt. Hope Road. Sight distance to the west for both entrances is adequate. Sight distance to the East for the eastern entrance is approximately 350 feet, which equates to a 30 mph design speed per nationally accepted AASHTO geometric design standards.

- Other Considerations: The applicant currently has a tract of 10.26 acres with two pre-zoning residences. Applicant would like to split them giving each home its own parcel. Since both homes were in existence prior to 1995 the property can be split under 8-3A-2, C of the Zoning Ordinance. Tract one is asking for a variance in the size requirement of 2 acres and tract 2 will need the side setback variance for the existing structures from the new property line. The applicant is not subdividing this property and understands the order of the processes that must take place in order for the smaller piece to be recorded and potentially sold.

Paul Brashaw, surveyor representing owner

- Looking for a variance on the side setback and lot size variation on other lot. We knew we couldn't meet setbacks the owner had me draw this up in 2006, not sure what the setbacks were at that time. They both have own well and septic and adequate replacement area. If the 1.15 acres sold first we would have to come back to you as a two lot subdivision. We are taking one step at a time. The shed in the back of the house on the 9.11 acre parcel is gone.

Mapes asks why didn't move line to get setbacks.

- Paul Brashaw states that I am not sure what the side setback was in 2006, I am not sure when they changed the setback from ten feet.
- Linda asks what survey
- Paul Brashaw states that we did the survey in 2006, but it was never recorded
- Linda states that if it was never recorded then it did not affect the property at that time. When he did it in 2006, it may have met the regulations for an accessory building at that time, but it was never recorded, so even if it met at that time that is invalid at this point.
- Paul Brashaw states we were struggling to get the acreage behind the right of way line. We could conceivably move that line if need be, but we are still going to need a variance on the lot size.

Public Testimony

None

Public Testimony Closed

Gratton states that looking at the standards the hardship should be created by the ordinance and not by the owner, the setback on the larger piece could be met, correct.

- Paul Brashaw states that we could move that line and rewrite the description to meet the setback of the 20 feet. We will withdraw the request for the side setback request.

Gratton states he is requesting a variance on the lot size of 1.15 acres and this could also been done with a 2 acre parcel.

- Paul Brashaw says this could have been done, but it would have been challenging and to be able to meet the lot configuration standard.

Tranel asks where the drain fields are for both of the houses.

- Paul Brashaw states that they each have own septic and are located on each separate parcel and replacement area is available. We may lose 1/100 of an acre by adjusting the line.

Mapes states that you stated it is challenging to get the 2 acres; the other parcel has 9.11 acres, why can't you go back farther and reconfigure to get the 2 acres.

- Paul Brashaw states going back 70 feet wide we would have to go back 400 feet to get the acreage.

Mapes states there is 722 feet back there.

- Paul Brashaw states yes we would be going back to the east property line; it would be an awkward shape. The back gets rougher and we are trying to make it a decent lot.

Diedrick asks also about getting the 2 acres, we would not need this request in front of us.

Carroll asks if there is a fence on the north property line

- Paul Brashaw states there is a fence on the north property line with Mel Gratton.

Carroll asks about the ditch/draw.

- Mel Gratton states on foot it would be okay, it is steep and wooded.
- Paul Brashaw states that you can play with numbers and lines, but it may not work in the field.

Gratton states is it feasible to get the acreage with the way the land is.

- Paul Brashaw states that we are trying to be desirable and practical.

Carroll states that it may be hard to maintain if past the ditch is incorporated into smaller acreage to get the 2 acres.

A motion was made by Carroll to accept the withdrawal of the requested variance on the side lot line on tract 2.

Seconded by Tranel

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

A motion was made by Mapes to approve the variance on the lot size on tract 1.

Seconded by Diedrick

Standards have been addressed and met

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

Anatoly & Marilyn Bezkorovainy, owners, (address: 4 Northbend Lane, Galena IL 61036), and Richard Burton (550 Newton Ave, Glen Ellyn, IL 60137) contract purchaser, requesting a variance from the side setback requirement of fifteen (15) feet to ten (10) feet as indicated in Chapter 5, Article B-46 of the County Zoning Ordinance. Property is located in the RP Planned Residential District. Common Location: 4 Northbend Lane, Galena

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of tourism and the use of the homes for rental is a

direct result of tourism.

- Wastewater Treatment: This property is served by the Galena Territory's central sewer and water system. The variance should not have any effect on these utilities.
- Access Considerations: This home has an existing entrance onto East Galena Township maintained Northbend Land with adequate sight distance for this low speed road. No changes to the entrance are being proposed.
- Other Considerations: This is a parcel located in the Galena Territory with an existing residence. This is a parcel that was created prior to the adoption of Zoning in the County. The home on this parcel was built pre 1995; a deck was added in 2001 which is prior to the setback standards being adopted in 2006. This home has greenspace to the west, an undeveloped lot to the south and a developed lot to the north. The variance request is to the south side of the property. The site plan shows the deck sitting slightly into the 10 foot setback shown on the plat which is also a utility easement. I would suggest the applicant contact the utilities and get a sign off from them on their encroachment. Below are the Standards from the Zoning Ordinance, careful consideration should be given to these standards as they will be included in the Finding of Fact and be the basis of which the Zoning Boards decision comes from.

Richard Burton, contract purchaser

- Have photos of the property and deck. The home was built a while ago and met side setback for construction, but for Guest Accommodations it needs 5 additional feet. We are purchasing the property to eventually become full time residents, but in the meantime we would like to have the ability to rent to defray some costs. We have not created the situation, we believe if absolutely necessary we can reconstruct the deck and feel that is a hardship to us and destroys the form and flavor of the deck. We have committed to planting additional shrubs to the south property line. We have 3 letters of no objection to the request.

Diedrick asks if there are existing utilities in the south property line.

- Rick Burton states not that I am aware of. We have been told from the condition of the home and the locks on the doors this was previously rental.

Gratton asks about the vacant lot to the south.

- Rick Burton states that we contacted everyone that was also notified by the County and there is a letter in the packet from the owner of the vacant lot and he stated he has no objection, he actually asked them if they wanted to buy the lot.

Mapes asks if you looked at taking the deck back to meet the requirements.

- Rick Burton states that we do have a contractor's price if we do have to do that. We would like to avoid this and it being an existing structure it would be a hardship.

Mapes states that it would be easier to remove the deck and it would save having to grant a variance.

- Rick Burton states we will do anything to mitigate that, the main part of the deck is located to the north, this is more of a walkway, but it does have built in seating. Their might be people there from time to time.

Public Testimony

None

Public Testimony Closed

Gratton states that they were put in place to be able to provide a buffer from neighbors, the vacant lot it should not be an issue, but it could have a house built at some time. This is a three bedroom.

Diedrick states that this is not out of the ordinary; the contract purchaser states that at some future time they would like to be full time residents, but we don't know how long that would be until then. House was built prior to the contract purchaser and prior to 1995.

- Linda Delvaux states that it was built pre-1995, in 2001 a deck was built and the standards for guest accommodations were adopted in 2006.

Gratton states current owner or contract purchaser did not create the issue.

Standards have been discussed and met

A motion was made by Diedrick to approve the side setback variance from fifteen (15) feet to ten (10) feet stating the variance standards have been met.

Seconded by Tranel

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

Benjamin & Julie Golding, owners, (address: 2818 Chippewa Trail NE, Cedar Rapids IA 52411), requesting a variance from the side setback requirement of twenty-five (25) feet to twenty-three (23) feet and the rear setback requirement of thirty (30) feet to eight and a half (8.5) feet as indicated in Chapter 5, Article B-46 of the County Zoning Ordinance. Property is located in the RP Planned Residential District. Common Location: 13 Colony Lane, Galena

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of tourism and the use of the homes for rental is a direct result of tourism.
- Wastewater Treatment: This property is served by the Galena Territory's central sewer and water system. The variance should not have any effect on these utilities.
- Access Considerations: This home has an existing entrance onto East Galena Township maintained Colony Lane with adequate sight distance for this low speed roadway. No changes to the entrance are being proposed.
- Other Considerations: This is a parcel located in the Galena Territory with an existing residence. This is a parcel that was created prior to the adoption of Zoning in the County. The home on this parcel was built in 1995. When this home was built it was pushed to the rear of the lot which has an interesting bottle neck shape coming off of the road. Where the house sits on this parcel there is golf course rough to the rear, to the east and the west. The area surrounding the home is wooded. The site plan shows the home to be approximately a foot into the utility easement at the rear. I would suggest the applicant contact the utilities and get a sign off from them on their encroachment. Below are the Standards

from the Zoning Ordinance, careful consideration should be given to these standards as they will be included in the Finding of Fact and be the basis of which the Zoning Boards decision comes from.

Ben Golding, owner

- Purchased this house earlier this year. To the south of the house is the golf course. The closest neighbor to the house is about 260 feet. We looked at the purpose of the setback and wanting to keep the houses separated, we felt this was reasonable even though we are requesting 30 feet down to 8.5 feet. The previous owner built the house. This has never been rented and we would like to have that option. We wouldn't do anything probably until next year.

Gratton states that it is interesting where the house was located within the setback.

- Linda states that the GTA setback is 10 feet from the rear property line, but it is only 8.5, it should have probably been 10 feet.

Mapes asks about the safety of the renters with the long driveway and the sidewalk to the house.

- Ben Golding states that we understand there is a 100 foot requirement to get emergency vehicles to the front door, the end of the driveway to the house is about 80 feet. It is a hardscape walkway; it is fairly flat in front of the house. We would expect to have it maintained for snow removal.

Diedrick asks about the decks if they were built at the time the house was.

- Ben Golding states it appears the deck was built at the time the house was, but the decking has been replaced.

Diedrick ask how many bedrooms are in the home.

- Ben Golding states there are 5 bedrooms.

Gratton asks Steve about the driveway grade.

- Steve Keeffer states I did not do the grade, but does not appear to be bad.
- Ben Golding states I had the driveway grade completed and it meets.
- Linda Delvaux states that the worst spot is 12.5% and that is at the beginning of the driveway.

Mapes asks about the parking for 6 cars.

- Ben Golding states that I have talked with Melissa about this and we have many projects to do at the property, but we do know that we may have to adjust the parking to accommodate the bedrooms plus one. There is room for it on the property.

Public Testimony

None

Public Testimony Closed

Gratton states that the request is mitigated with having the golf course surround the requested area, will not be another property impacted by this.

- Ben Golding states that the sloping nature around the lot would not be ideal for development.

Standards have been reviewed and met

A motion was made by Tranel to approve the setback variance from twenty-five (25) feet to twenty-three (23) feet and from thirty (30) feet to eight and a half (8.5) feet stating the

indicated they are in support of the subdivision and the rezoning of the two parcels to residential. The FEMA Flood Insurance maps indicate that a mapped flood plain is present on both lots. Homes can be located on both lots that will not be impacted by flooding.

Frank Fincel, owner

- I have a vegetable farming operation with a little less than 100 acres and I requesting this zoning change to have my two sons to be able to build on the farm because they are both active with the farming.

Gratton asks that you are convinced that you can put a home and septic on each lot outside of the floodplain and meet the setbacks

- Mr. Fincel states yes I am.

Linda Delvaux states Steve Keeffer looked at the lots and the floodplain as well.

Public Testimony

Bob Hingtgen, 60 N Frentress Lake Road, East Dubuque

- I live across from proposed Lot 2 and am completely in favor of having neighbors. I have known the Fincel family and other than the farming operation you would not know they are there.

Public Testimony Closed

Gratton states that with the LESA score and availability of city water this does lend itself to a zoning change.

Diedrick states that East Dubuque is in favor of this and that is a plus.

Mapes states this is a good thing, existing farming operation, good concept.

Gratton states we are not taking productive farm ground out.

- Mr. Fincel states I have lived here since 1979 and that piece has never been farmed only mowed to keep weeds down.

A motion was made by Diedrick to recommend approval the Map Amendment from AG Agricultural District to R-1 Single Family Residential District and a two (2) lot subdivision.

Seconded by Tranel

LESA score of 127

Roll Call: Mel Gratton – Aye
Ron Mapes – Aye
Jody Carroll – Aye

Gary Diedrick – Aye
Nick Tranel – Aye

Sandra Gottschalk, owner, (address: 4933 N Scout Camp Road, Apple River IL 61001), and Troy & Rhonda Pokoj, (525 S Rantoul Street, Lena IL 61048) contract purchasers,

requesting a Special Use Permit to allow for the operation of a single operator, auto body collision and restoration show. Common Location: 4933 N Scout Camp Road, Apple River

Staff

- Comprehensive Plan: The County's Comprehensive Plan states that Jo Daviess County is strongly supportive of commercial and industrial growth. Although this request would not be zoned as commercial or industrial it is somewhat subtle growth. The plan recognizes businesses for the contribution they make to the local economy and the tax base. The County also recognizes and encourages the re-use of existing buildings. The Comprehensive Plan goes on to state 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.
- Waste Treatment: The existing septic tank for the house is located approximately 3 feet east of the garage, and the drainfield is east of the septic tank. The Cleary Building does not have a bathroom or running water. No floor drains were observed in the building intended for auto body repair, so there is limited/no groundwater contamination potential from this special use.
- Access Considerations: This property has an existing entrance onto Jo Daviess County maintained Scout Camp Road with adequate sight distance. No change to the access is being considered with this application.
- Other Considerations: The structure intended to be utilized has previously been an accessory to the residential use adjacent. Apple Canyon Lake sits less than a mile to the west and Apple River sits approximately 4 miles to the Northeast. Just to the north of this request is a pre-existing miniature golf business and a campground that came in for a special use permit in 2002 to expand. There should be adequate space for the required parking. Although Schedule B, parking doesn't provide a direct correlation of use to parking area required there is adequate space available. Lighting and signage will need to comply with Article 4C and 4E of the County Zoning Ordinance

Troy Pokoj, contract purchaser

- We are looking for a Special Use Permit as laid out in the concept plan. I want to go over a few things about the hazardous waste. We will be using the Cleary Building, no water is within the building, and the biggest thing about auto body is hazardous waste. Goes over the paint preparation system, EPA standards states that you are EPA compliant and hazardous waste exempt, you are a low producer of hazardous waste. The technology for the spray gun has come a long way. Showed containers where paint is mixed and all paint and primers are catalyzed. We put a chemical into the paint and it hardens, it has a shelf life of about 8 hours. To clean the gun we used to use a lot of lacquer thinner, but now with this new system you use a small amount three times through the gun and let it out onto a paper towel and once it is dry that can be thrown away. We have to have a paint booth that is EPA approved, based on the exhaust. The filter has to be 99.5% efficiency. The stuff in the air is very minimal. Other hazardous waste that may be here would be when a car comes in you may have Freon, antifreeze, and some oil. The Freon if still in place will be recycled. The antifreeze is dumped into a contained unit and if it is still good it will be reused, if it is contaminated it will go into a 55 gallon drum and a company gives us a drum of antifreeze and a waste drum, antifreeze if biodegradable, EPA compliant, it is not

toxic. They recycle the antifreeze and then bring it back. The waste oil is put in 5 gallon drums and taken to places where they heat with oil; they have to be EPA compliant as well. We will be a one man shop, our expectancy is about two to three cars per week, some weeks we may have one, others we may have three. I am going to limit the amount of cars I do. When the cars are being worked on they will be in the Cleary building 50x72. There will be 4 stalls inside the building, so plenty of parking in the building, if a car is ready to be picked up there is plenty of room outside to park a vehicle. There will not be junk cars and stuff outside. This is also our place of living. Currently we are running a body shop in Lena for 14 years and we do between 10 and 12 cars a week and we have been EPA compliant for the last 14 years, we have never had an issue with anyone complaining about fumes in the air, noise, or anything. We have gotten an A+ rating within our community.

Diedrick states that you stated there would be 4 stalls in the building, what is the flooring in the building right now.

- Troy Pokoj states the whole building is cement floor. Inside the existing structure there is a 35x20 shop already and would be the body shop, there would be an additional paint booth put up inside the building that is EPA compliant.

Diedrick asks if one of those stalls would be the paint booth.

- Troy Pokoj states no. A stall is 11 feet wide by 20 feet long.

Diedrick asks if you will require a hydraulic lift system in the facility.

- Troy Pokoj states there will be a portable scissor lift put in there.

Diedrick states that in the packet it is stated that no floor drains are needed or intended.

- Troy Pokoj states that is correct. If there is spillage we use kitty litter or oil dry to put on the spill. I would only need water to spray down the paint booth at times to keep the dust down, but there are other coatings that you put down to keep the dust down. As far as fires, I am required to have fire extinguishers at every entrance. Paint mixing room has to have a fire extinguisher and a certain material on the wall. This has to all meet to get a license.

Mapes is concerned with not having a water supply, if you did run the water, what will happen to the water.

Public Testimony

None

Public Testimony Closed

Diedrick asks about advertising – signage

- Rhonda Pokoj states that I am picky it is a beautiful log home, Cleary building setback; it has always been our dream to have our home and business at the same location. We have talked about a small wooden sign maybe out by the mailbox, we don't feel we need a big sign, his reputation precedes him, most of our business is not from our sign in front of our existing building, but by word of mouth and advertising in the local papers. Any sign we have will be in compliance.
- Troy Pokoj states that we have many Apple Canyon Lake customers and Scales Mounds body shop he retired. I have 12 cars already to do, so I have two years of work lined up already.

Tranel ask about lighting

- Troy Pokoj states that I am not sure what is out there for exterior lighting. Our

assure safe drinking water for guests.

- Access Considerations: This home has an existing entrance onto Jo Daviess County maintained Derinda Road with adequate sight distance. No changes to the access points are being considered with this application.
- Other Considerations: Should a Special Use Permit be granted, the applicant will need to license annually with the Environmental Health Department for a Bed & Breakfast License. This parcel is located in the Wendell Chapin Subdivision, applicant will be responsible for reviewing and following the covenants and restrictions should the subdivision have any. This request is approximately ½ mile from the village limits of Elizabeth. The Elizabeth Village President has indicated that they support this request.

Linda Delvaux states that we received email correspondence from a Doug & Kate Freeman of 5377 Tower Road, indicating that they were in support of this request. They state they are country neighbors. This would be about 1 mile south of the request.

Sandra Smith, owner

- I would like to get a permit to do a B&B, I have been in the business for 20 years, I have worked for B&B's before, and I am a caterer. I have a food license and get inspected every year. I am getting older and want to cut back on catering and I think a B&B would be a good fit for me. I have already had the septic work done, water test done, and I talked to the Environmental Health Director and he is planning on inspecting after getting this meeting done.

Gratton states that you indicated in the application that you would use the upper level for the B&B and you would live on the lower floor.

- Sandra Smith states that it is kind of set up that way, when my mother was alive we had that set up for her and my catering kitchen is downstairs to it kind of worked out that we didn't use the upstairs. This area is scenic and pretty and we have a nice deck.

Diedrick asks the B&B would consist of two bedrooms, 2 bathrooms, living room, dining room, and a deck.

- Sandra Smith states that is correct, but the only thing different is that I will only rent to one family or couples that know each other. I would not have strangers staying in each bedroom.

Mapes asks if the driveway is enough parking for guests and you to park and how wide it is.

- Sandra Smith states that it is not very wide, but we have parking on the north side below the house.

Public Testimony

None

Public Testimony Closed

Gratton states that I would hope they understand the B&B licensing procedure.

- Linda Delvaux states that once the special use permit is approved then they will need to license with the Health Department.

A motion was made by Gratton to recommend approval of the Special Use Permit for a Bed & Breakfast in the AG Agricultural District stating the following:

1. Location is appropriate
2. Access is okay
3. Parking is adequate
4. Standards have been met

Seconded by Mapes

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

Reports and Comments:

Public Hearing by the Zoning Board of Appeals will be held September 15, 2015 7:00 pm at the County Courthouse, third floor board room to hear proposed drafted changes to the Jo Daviess County Zoning Ordinance

Nick Tranel made a motion to adjourn at 9:00 PM. Ron Mapes seconded. Voice Vote: All Ayes