



Mapes asks if there have been any problems with the current home occupations standards.

- Linda states that we have not had any large issues that I can recall; the ordinance does not require someone to apply to our office for home occupation as long as they comply, if they have questions we can help.

Mapes states if we make these changes and I lived close to something that fell under this, there is no protection for the neighbors. I am not in favor of the rewrite.

Gratton states that we are looking to make home occupations permitted in the AG, R-1, R-2, and RP District with changes to the standards for home occupations.

- Linda states that actually home occupations are already permitted in the AG, R-1, R-2 and RP Districts; this will make changes to the standards for the home occupations.

Carroll asks if the committee just clarified or changed things.

- Linda states the committee had a lot of discussion and some things are to clarify, but some are changes.

### **Public Testimony**

Peter Taylor, Elizabeth Scales Mound Road, Elizabeth

- It was expressed last meeting about towns having empty storefronts and would encourage starting businesses in the towns. Most people that are self-employed which are typically your home occupations will never need the larger area or work outside their home. My son worked for a contractor that got bought out and he wanted to work for them and they were negotiating, he insisted that he work from his home and they should not care where that home is. They agreed and he moved from Louisville, KY to Colorado Springs, CO. He will never need commercial space; most home occupations will not need that type of space. Concern was the list of what is allowable, this now is just examples. Gives an example of a custom bike seat seller, not on list, but should be able to meet the requirement. I am in favor of simplifying the standard. I have a home occupation and have been doing it for 23 years in the county.

Gratton asks the new wording will be examples only. He asks if you have ever had an issue with the zoning ordinance and what you can do.

- I asked my clients if being 3 hours away was an issue and it was not as long as I was available on the phone. Talked about the E-Economy that is getting more prominent.

Gratton asks if the example list is a good one in your opinion.

- I don't think you need to list examples, but it doesn't hurt to leave it in there.

Paul Brashaw, 4413 W Stagecoach Trail, Galena surveyor

- I have been working out of my home for over 34 years and most of my business is either on the phone or travel to the location. I don't typically have clients come to my home. You keep your overhead costs down and pass that on to the customer.

### **Public Testimony Closed**

Gratton states that we heard testimony at the last meeting about the amount of occupied area in the home. We want to encourage home occupations and it is the future for a lot of people to work out of their home.

Winter states that I am in favor of all the changes except #9, keep the 2 ton truck traffic. I

work from home and am pro-home occupation, #2 I think the changes are good, gives example of a home day care. I think of my area and if someone made things that needed big trucks constantly, I may have an issue with that.

Tranel gives an example of cabinet making, I would need a larger truck to haul otherwise I am taking them out piece by piece.

Winter asks what size a 2 ton truck would be.

- Steve Keeffer states that a small dump truck, some UPS trucks. The 4,000 pounds would be what they can hold, not what they weigh. A small 1 ton dump truck would not be allowed under that requirement if the 2 ton truck was left in there. I think you might be trying to avoid is your tandem axle trucks. If you make cabinets and menards delivers wood they are going to be over the size requirements. If you want to limit semis then you would do axles or no combination trucks (tractor trailer setup).

Carroll states it all goes back to shall not create a nuisance. It is all about being good neighbors. I think if the shall not create a nuisance is in there the neighbor should have recourse.

Mapes states I like the idea of not combination axles or truck tractor trailer and having them come in every day.

Carroll asks about examples such as Ernie Leib and being a contractor, he lived on the site and had his business. How do you handle the different situations of property types and sizes?

Gratton states if everyone was a good neighbor we wouldn't need a zoning ordinance.

Going over each item individually within Hope Occupation

- 1 – Gratton suggests putting a period after premises and removing everything else.
- 2 – Mapes asks about having 10 employees and them parking at the house that may be a nuisance to neighbors.

Carroll states that this regulation is hard for different acreage properties.

Gratton states that we may not understand this, home occupations are different than rural businesses. A rural business is something that can be permitted with a special use permit. We need to have a distinction between the two types. At what point does it cease to be something that is incidental to the primary home and when it does it become a rural business of some type. I think one employee may not be enough, but if you have 10 employees you need to go to a town or even before that.

Carroll asks about 'shall not constitute a nuisance taking into account the character of the surrounding area.' This should go back to the being a good neighbor.

Gratton asks how you measure that.

Mapes states that can create the bad neighbor.

Tranel states a barber shop in the home is different than a cement contractor with his

office in his home and his equipment in another building on the property.

Winter states I do think one is not enough, but not 20 or 30.

Carroll talks about ways people may not understand what they need and if they have started the business they have incurred the costs.

- Linda states people need to come in and talk to us if they question something, and, at that time we see how it fits in the ordinance. Some people just do it and don't want to know.

Mapes states that the more you open the gap it is harder to differentiate from the home occupation to the rural business.

Winter states that you are going to have a hard time separating home occupation from a rural business. If you are a nuisance in your neighborhood then that would lead to not meeting the standards.

- Linda states that nuisance is difficult because what might be a nuisance to you may not be a nuisance to me. Those statements in the zoning ordinance are very gray. You have been using a contractor or cement guy as examples, but there are uses that are listed in the use table specifically and they are not permitted unless you are in a commercial, industrial or manufacturing district. If someone came to us and wanted to do cement contracting they would be directed to go through a zoning process because it specifically lists that in the use table.
- Carroll states that we list under #10 contracting
- Linda states earthwork contractors should not be considered under that.

Gratton states I would like a number between 2 and 5

Tranel states that you would not park your backhoe, dump truck, trailer and employee parking in your front yard.

Carroll states that I have 10 acres and am doing that what am I considered?

- Linda states that this would be a rural business.

Tranel states 4 employees.

Carroll is concerned with the rural businesses.

No more than 4 employees who do not reside in the house may work at the location of the home occupation on any single day. The home occupation shall not constitute a nuisance taking into account the character of the surrounding area or neighborhood. The number of employees that never visit or work at the home occupation location shall not be limited.

- 3 – Adding majority of sales shall be goods made, assembled, or otherwise prepared on the site, but incidental sale of goods made offsite shall also be allowed.

All agree this is okay.

- 5 – adding in clarification of the sign section

This is clarification of the section

- 9 - No traffic shall be generated by the activity of the home occupation which creates a nuisance taking into account the character of the surrounding area or neighborhood is abnormal to a residential neighborhood. This provision shall also include the prohibition of regular delivery by trucks in excess of a two (2) ton capacity.

No traffic shall be generated by the activity of the home occupation which creates a nuisance taking into account the character of the surrounding area or neighborhood. This provision shall also include the prohibition of regular delivery by tractor trailer combination trucks.

All agree to above change

- 10 – Clarifying that these are not the only things approved, but these are examples only. – Took out things within the examples – remove instruction is limited to five (5) pupils at one time under are, dancing, and music schools; Contracting... took out limit 1 vehicle; Housecleaning...took out limit 1 vehicle; Locksmith...took out limit 1 vehicle; Offices...added legal services and counseling services; Pet Grooming... removed no boarding, training or veterinarian services allowed; Security Service...took out limit 1 vehicle; Swimming pool cleaning... took out limit 1 vehicle.

This shows examples, but not limited to these.

All agree as shown

- 11 –This is a list of home occupations that are not allowed - we have changed equipment rental to Heavy equipment rental; Veterinary clinics...removed kennels and stables; Added Kennels

All agree on changes.

### **Public Testimony**

Paul Brashaw, 4413 W Stagecoach Trail, Galena surveyor

- I disagree with the number of employees. Based on cement contractors that have more than 4 that come in, contractors on Derinda Road that has more than 4. They probably have a lowboy semi-tractor trailer.

Linda asks after hearing the testimony that if the committee would consider in #2 eliminating the word 'never visit'.

Carroll states that I may have more than that working over the winter at my site.



outbuildings so as to retain some of them on the larger tract. By doing this the need for a setback variance from the rear lot line has been created.

- By purchasing the 2.79 acres the applicant will be able to bring a different building on the 2.32 acre parcel into compliance with the zoning ordinance by increasing the property line setback to the required 20 feet or more.
- They will be creating on the other parcel a non-conforming because of the setback.

Gratton asks about the access for the two properties.

- Linda states that the applicant has an existing access. The other parcel will use the existing access onto their property.

Paul Brashaw, surveyor representing owner & petitioners

- We are asking that the adjoining landowner purchase property, but the current owner wants to retain the two buildings to the south. We tried to split the difference, but we did more on the west side because of where the doors on the buildings are. The other building on the property will become compliant with the 20 foot setback. The access is used by both, but the current owners do have their own access. Would have additional room for septic and now can afford additional land.

Gratton asks if it was considered to include the other buildings on this lot

- Paul Brashaw states that when they notified me I told them to go to the zoning office to tell them what you want to do. John Sturm wanted to retain the two other sheds, he doesn't live there, but if he wanted to put a mower or tractor on his property he could.

### **Public Testimony**

Dustin McLane, petitioner

- We went through the seven standards and if you would like me to go through them I can.

Paul Brashaw, surveyor representing owner & petitioners

- I feel that with the variance we can meet all the standards for the request; I don't think we need to allude to them one by one.

### **Public Testimony Closed**

Gratton states that the variance was created by the application, but there is some rational by what they are doing and some precedence by what we have done in the past. We are bringing a homestead into compliance with the existing garage.

Mapes states the standards have been met and it cleans it up.

Discussion on what is a rear setback line versus a side setback line would be on the buildings.

Carroll states that it cleans up the lines and makes it more of a desirable property.

A motion was made by Tranel to approve the rear property line setback variance as presented stating the variance standards have been met.

Seconded by Carroll

Roll Call:        Laura Winter – Aye                                Ron Mapes – Aye  
                      Jody Carroll – Aye                                        Nick Tranel – Aye  
                      Mel Gratton – Aye

**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

- This request came through the special use process on 5/28/2014. The use was not commenced within the following year; therefore the special use permit that was initially issued has expired. Petitioner is coming back through the process with the same application that had been approved back in 2014. Below is the staff report that was done for the 2014 application and is still applicable today.
- 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.
- Updated information: According to the USDA soil survey, the soils on the northern and western two thirds of the parcel are Group IV and not suitable for conventional septic system. The southeast corner of the lot has Group I and Group III soils that can support a conventional septic system. On-site soil borings had not been completed at this time and would ultimately determine the soil type and best location for the septic system. An alternative septic system which is a sand filter system may be required if onsite borings confirm the soils in the USDA Soil Survey. This property will be served by private water well.

Paul Brashaw will provide information on soil borings that were done on this property.

- 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 owner & petitioners

- Last year we came forward with the same request and we did not ask for a time extension at that time, this time we are asking for a time extension of 3 years, but things came up, he let the special use lapse, we called him on it and at that time he was not going to do it, since then he has changed his mind and we are coming back. Soil borings were done on this property by Tom Golden, 9/10/2015. The soil borings indicate that this site is suitable for conventional septic system, so a sand filter system will not be required. Scott is the son of Tom. Tom lives in the trailer on the property and eventually will sell the farm to Scott. The trailer is a non-conforming use and has been there for a while. Allow Scott to build the house with the understanding that he will take over the farm and at some time then the trailer would be removed.

Gratton asks about the history of the two houses already carved out of the farm.

- Paul Brashaw states that these were existing farm buildings and house, I believe Tom's daughter lives in there now with her family and that was the first time split off the farm. Tom has 80 acres with this and has since bought adjoining land. He has probably in excess of 140 acres. Scott's desire is to buy the farm and take over. Farm house is on 2 acres and the mobile home is on over 5 acres, and this will be over 5 acres as well. The farm area is a little steeper where the request is, soils are not the best, it does have a high LESA score, and we are about 3 to 3.5 miles to Nora and Stockton. We are on a seal coat road; site distance is more than adequate at the southeast of the property. The area that will not be house yard will remain farmed.

Mapes asks this is the same application as May 2014 except that you have the soil borings this time

- Paul Brashaw states that is correct. We are asking for the 3 year time extension this time.

**Public Testimony**

None

**Public Testimony Closed**

Gratton states that we need to discuss the LESA score because it is over 200. The NRI Report was the same and indicated the three soil types.

- Paul Brashaw states Tom Golden did 6 soil borings. I feel that we meet the special use standards.

A motion was made by Mapes to recommend approval of the Special Use Permit with the 3 year time extension stating the special use standards have been met.

Seconded by Carroll

Gratton states that we do need to state that the LESA score was 227; this sets precedent that makes our LESA scoring system not mean very much if we approve this type of land for conversion to other purposes. We worked on the LESA a long time to protect prime farm land; I don't think this does that.

Mapes states that the LESA is high, but how that particular piece lays it is not all farmed; it is not the most desirable soils. I don't think that we are putting our LESA score out there.

Roll Call:	Jody Carroll – Aye	Nick Tranel – Aye
	Mel Gratton – Nay	Laura Winter – Aye
	Ron Mapes – Aye	

**Reports and Comments:**

Paul Brashaw shows his frustration with the applicant on the one that was withdrawn on the agenda, because we spent time with them and now they sold and the buyers wanted to buy and they closed and they legally couldn't say they were the owners of the property so it had to be withdrawn. It will have to come to this board after the fact.

Peter Taylor asks about the Public Amusement section and what happened with that.

Gratton states that it was recommended to deny, but asked for further review to another committee, we felt it needed more work.

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