

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:30 PM
August 27, 2003**

Call to Order: Mel Gratton called the meeting to order at 7:30 p.m.

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- ✓ Susie Davis
- ✓ Tom Heidenreich
- ✓ William Tonne
- ✓ Nick Tranel

Staff & County Board Members:

- ✓ Steve Keeffer, Highway Engineer
- Heather Eisbach, Environmental Health
- Glen Weber, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ Merri Berlage, Jo Daviess County
Board Chairperson
- ✓ Marvin Schultz, Jo Daviess County Board
Member

Approval of Minutes: A motion was made by William Tonne to accept the July minutes
Seconded by Nick Tranel Voice Vote: All Ayes

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

Unfinished Business:

- Request R02-04, Tom Wiene - continued
- Request by Tim & Jodi Knautz & Mike & Jennifer Nolan – withdrawn
- Request by Mylinn Corporation - voided

Raymond & Barbara LaMantia, Jeff & Christine LaMantia, Brad & Jody LaMantia & Greg LaMantia, owners, requesting a public hearing and recommendation on an application for Special Use Permit to allow for a single-family home to be used for transient rental. Current Zoning: R-P Planned Residential District. Common Address: 12-A184 Roosevelt Lane, Apple River

This request will be continued to the next Planning Commission/Zoning Board of Appeals in September. Notification process had not been completed.

New Business

Anna Schulting, owner, and Sean & Donna Quinn, petitioner, requesting a public hearing and recommendation for rezoning from Ag-1 General Agriculture District to R-2 Rural Residential District. Location: North Main, Menominee, directly across from 6851 North Main

Sean Quinn, petitioner

- Requesting to change zoning for a single family home
- Donna’s family owns the farm
- Soils came out good

Public Testimony

Cyril Schulting, 6662 N Main Street

- Adjacent and in favor of this request
- Clerk for Menominee Township and would generate residential growth
- A lot of fields in the 10 year program that are not ideal for farming in the area

Public Testimony Closed

Discussion:

Staff Report

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in Agriculture area and this area is shown to have mostly important soils.
- Waste Treatment: Soil borings have been received by the Environmental Health Department and indicate that the entire parcel is suitable for a conventional septic field.
- Access Considerations: Site visit revealed adequate sight distance for access onto this parcel.
- Other Considerations: There are some residential lots in the area and this parcel is within the mile and half of Menominee. A LESA score was done and resulted in a score of 159-177 depending on the soil productivity. The Soil & Water report, which indicates the soil productivity, has not been made available yet.
- Bill Tonne asks about the curb cut issue on the road. Petitioner states that they will be using the same access on the south side of the property as the farm lane
- The other residential parcels in the area are about an acre – subdivision in the area

A motion was made by William Tonne to recommend approval for the rezoning from Ag-1 General Agriculture District to R-2 Rural Residential District stating the following findings:

1. Area is suitable for septic system
2. LESA score was under 200
3. Will have a shared access with the adjacent farm lane
4. Productivity Index is average
5. Good road with adequate site distance
6. Other development in the area
7. Consistent with other residential lots of similar size in the area
8. Testimony in favor of the request

Seconded by Tom Heidenreich

Roll Call Vote: Nick Tranel – Aye

William Tonne – Aye
Tom Heidenreich – Aye
Susie Davis – Aye
Mel Gratton – Aye

Ed & Gretchen DuPlessis, owners, and Doug & Nancy DuPlessis, petitioners, requesting a public hearing and recommendation for rezoning from Ag-1 General Agriculture District to R-1 Rural Residential District. Location: Rocky Hill Road.

Doug DuPlessis, petitioner

- Would like to rezone 2.5 acres to build a single-family home
- They did find an alternate access with some changes to be made by taking out trees to meet the 500 feet of site distance
- Would like to be near family

Public Testimony

Ed DuPlessis, owner of property

- Would like to have family close to him
- Nice property to build on, but has a slight slope to the property

Ray Erner, Township Road Commissioner

- Will work with the petitioner to clear the trees to get the site distance

Public Testimony Closed

Discussion:

Staff Report

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in Agriculture area and this area is shown to have mostly important soils.
- Waste Treatment: Soil borings have indicated that a sand filter system will need to be used.
- Access Considerations: Site visit revealed inadequate access sight distance. The County Highway Engineer assessed the area and concluded that if the access is kept at the very southern end of the parcel, the trees along the right-of-way heading north and if a clump of trees on the west side of Rocky Hill Road heading south could be removed, adequate sight distance could be achieved.
- Other Considerations: There are several residential lots in the area. A LESA score was done and resulted in a score of 152. The Soil & Water report, which indicates the soil productivity, has not been made available yet.
- The access will be on top of the knoll on the property – if the tree removal be done as indicated in the staff report then the site distance would be met
- Soils indicate the possibility of some areas for a septic system, instead of using a sand filter system
- Nick concerned with the curb cuts – 14 residences to the north on that road - curb cut is a farm access currently
- This request has better site distance than the access to the south

A motion was made by Susie Davis to recommend approval for the rezoning from Ag-1 General Agriculture District to R-1 Rural Residential stating the following findings:

1. Other development in the area
2. Poor soils for farming
3. The access will be achieved when the trees will be removed as stated in the Staff Report
4. Suitable septic can be found on the property

Seconded by Nick Tranel

Roll Call Vote: William Tonne – Aye
Tom Heidenreich – Aye
Susie Davis – Aye
Mel Gratton – Aye
Nick Tranel – Aye

D & H Realty, LLC D/B/A Alt's Mini-Storage East (Mary Althaus & Harry Althaus);

requesting a public hearing and recommendation on an application requesting a Special Use Permit to allow for the construction of an additional self storage unit. Location: 6783 N Donna's Drive, East Dubuque

Harry Althaus

- In 1998 a Special Use Permit was received to construct 2 buildings 300 feet long, but they only built 2 buildings at 200 feet long.
- Do have a drainage plan – the discharge runs toward the north
- The new building would be 130 feet by 40 feet, less than if added the 100 feet onto each building – The demand for the building is there
- Would remove the snow completely between the buildings
- Screening toward the mobile home park is about 7-8 feet tall currently
- Storage units sit 15 feet below the mobile home park
- Have been good neighbors

Public Testimony

None

Public Testimony Closed

Discussion:

Staff Report

- Current Zoning: Agriculture/Special Use Permit
- Comprehensive Plan: The Comprehensive Plan designates this area as Agriculture and shows important farmland soils.
- Access Considerations: There is an existing adequate drive off of Donna's Drive
- Waste Disposal: There will be no waste disposal
- Other Conditions: Staff would recommend that an updated erosion & stormwater control plan be submitted. There are two self storage units in place currently. The current use has appeared to be compatible with the surrounding uses.

- Lighting would be on the 2 end peaks on the new building, on the other buildings to shine on the west side of the new building, and would like to put a pole on the east side of the property and the light shining down on the building only.
- Area will only be gravel just as it is now
- Would like to see more vegetation on the north side where the water drains to slow down the water
- City of East Dubuque is in favor of this request

A motion was made by William Tonne to recommend approval for the Special Use Permit to allow for the construction of an additional self storage unit with the following findings:

1. Stormwater not much greater that what would have been originally
2. Similar to original request, but asking for less
3. Lighting – downward cast lighting to reduce glare
4. Maintain screening along the mobile home park

Seconded by Mel Gratton

Roll Call Vote: Mel Gratton – Aye
 Nick Tranel – Aye
 William Tonne – Aye
 Tom Heidenreich – Aye
 Susie Davis – Aye

Mel Gratton read the standards from the County Zoning Ordinance that need to be addressed.

1. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare

No noticeable negative effect

2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair values within the neighborhood

This use will not endanger the integrity of the area due to the lighting, drainage. No objection during public testimony shows people are not against the request.

3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district

Development will not be effected and is a good fit in the area with the existing storage units.

4. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided

The property currently has adequate facilities and access roads

5. That adequate measures have been or will be taken to provide ingress and egress designated to minimize traffic congestion in public streets

**Ingress, egress is adequate and adequate parking facilities are provided.
This will not change the character of the area.**

6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Planning Commission

This request conforms to all applicable regulations.

A motion by Nick Tranel to approve the special use standards as presented.

Seconded by Susie Davis

Voice Vote: All Ayes

Larry Carmichael, appeal to the Zoning Board of Appeals on the denial of a sign application by the Zoning Officer. Location of sign application: Intersection of Mill Creek and Elizabeth Scales Mound Road.

Larry Carmichael

- Could have a grandfathered sign ½ mile north of Mill Creek on Elizabeth Scales Mound Road.
- The people visiting my pet lodge would then have to turn around because they would have missed the turn to go to my property if the sign was in that location.
- Thought the quarry was a commercial use which would be considered a business and that is why he had put the sign on the property to follow under the ordinance in ‘Section 10.2 A. 600 feet from an existing business.’

Linda Delvaux, Zoning Officer

- Previous Zoning Officers, Mark Elder and Duane Olivier, had also denied the request for the sign at this location due to the violation of the Zoning Ordinance
- States that the quarry is a special use in an Agricultural District which would not be considered a business and that is the reasoning for the denial under the ordinance in ‘Section 10.2 A. 600 feet from an existing business.’

Public Testimony

Steve McIntyre

- Have seen one sign for his business on Scout Camp Road

Public Testimony Closed

Discussion:

- Linda Delvaux states that the number of signs is not the issue at hand – does have a sign at the intersection of Hwy 20 and Elizabeth Scales Mound Road
- Can have an on-premise sign on his property
- Not seeing the quarry as a business
- At the time the Special Use was granted signs were not addressed
- The Zoning Ordinance limits the number of signs in an agriculture district

A motion by Tom Heidenreich was to uphold the decision of the Zoning Officer to deny the sign application by Larry Carmichael located at the intersection of Mill Creek Road and Elizabeth Scales Mound Road.

Seconded by William Tonne

Roll Call Vote: Susie Davis – Aye
 Mel Gratton – Aye
 Nick Tranel – Aye
 William Tonne – Aye
 Tom Heidenreich – Aye

Reports and Comments:

Susie Davis, William Tonne, Mel Gratton, Marvin Schultz, Linda Delvaux, Melissa Soppe, and Sally Toepfer attended the Illinois Association of County Zoning Officials seminar on Special Uses on August 15, 2003. A short report was given about the seminar.

Nick Tranel made a motion to adjourn at 9:30 PM. William Tonne seconded the motion. Voice Vote: All Ayes