Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:30 PM
February 26, 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 Susie Davis to accept the January minutes
Seconded by Bill Tonne Voice Vote: All Ayes

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

Unfinished Business:
The following requests are being continued:

- Request R02-04, Tom Wienen
- Request by Tim & Jodi Knautz & Mike & Jennifer Nolan, contract purchasers. Common Location: Ford Road. This request has been sent back to the Planning Commission from the County Board. **This request has been continued to the March Planning Commission Meeting.**
- Request by Matthew Thompson, petitioner. Common Location: Fiedler Road, Warren. **Due to notification problems this request has been continued to the March Planning Commission Meeting.**

New Business

John & Maylene Crain, owners, requesting rezoning from R-1 Rural Residential District to R-2 Rural Residential district for lots 2 & 3 as portrayed on the Plat of Subdivision, and the approval of a 3 lot subdivision. Common Address: 6773 Illinois Route 78 North, Warren

Presented by Paul Brashaw, representing owners

- 1978 purchased 6 acres
- Lot 1 is used for Automobile sales and is grandfathered in by the County Zoning Ordinance, lot 2 currently has a home on the property, and lot 3 would be the future smaller homesite for the Crain's.
- Suitable septic has been found on lot 3 with expansion area
- No land is being taken out of Ag production

Public Testimony

None

Public Testimony Closed

Discussion:

Staff Report

- Comprehensive Plan: The subject property is designated in the Comprehensive Plan as Agricultural Preservation Area 1 and is shown to have important farmland soils with pockets of prime farmland soils in the area. This property in within 1 ½ miles of Warren and is shown to be in their contiguous growth area.
- Waste Treatment: Soil borings for Lot 3 have been done and indicate suitable soils for septic and an area for expansion.
- Access Considerations: There are three existing accesses and petitioner will not need any more.
- Other Considerations: A LESA score was done on this property and resulted in a score of 136. A letter was received from the Warren Community Unit School District # 205 stating that they have no opposition to the proposal. The productivity index for this parcel is a 108 compared to the County average of 77.1. Even though this parcel is within the mile and half of Warren it is surrounded by what would appear to be productive agriculture ground.

- Access would be on the south end of the property with a common farm access – no new curb cuts
- Minimum lot size for an R-2 is 1 acre causing the L-shape of lot 3
- Lot 1 is 2.67 acres
- The only concern would be the Productivity Index. The parcel is 108 compared to the County average of 77.1. It is offset due to being within Warren's contiguous growth area. This parcel was not in Ag production anyway.

A motion was made by Tom Heidenreich to recommend for approval the request stating the following:

1. No additional curb cut will be needed to Highway 78
2. Within mile and a half of Warren
3. No land taken out of Ag production

Seconded by Nick Tranel

Roll Call Vote: All Ayes

Founders Bank & Trust #5651 (Jon & Molly Kreiss), owners, requesting a 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: 1 Oakmont, Galena Territory

Jon Kreiss, owner

- Would like to use the home as transient rental
- Thinks fits in there very well

Paul Brashaw

- Drew up the site plan showing the placement of the house, driveway, and shot grades of driveway.
- Grade of the driveway overall that they shot was 6.6%. A distance of about 46 feet was 10.4% and some 10%.

Public Testimony

- John Kreiss – Parking 3 spaces in front of garage and 2 off to the side

Public Testimony Closed

Discussion:

Staff Report

- Comprehensive Plan: Although the Comprehensive Plan does not address transient rental directly it does support tourism.
- Waste Treatment: This house is on sewer.
- Access Considerations: Sight distance to access on and off of Oakmont is adequate. A sight check was done and the driveway grade appears to be 12%.
- Design Considerations: This is a 5-bedroom home on a .693 acre lot. There is greenspace to the rear and vacant lots on either side. It appears parking is sufficient for four to possibly five cars and would have to be enlarged to meet the minimum standard of one car for every two occupants. The outdoor recreation areas are located close to the lot lines. Due to the size of the home and the relatively narrow small lot, screening detail should be examined carefully.
- Other Considerations: This immediate area seems to have a mix of occupied and rental uses.

- Garage is a permissible use to consider for parking spots
- The driveway itself cannot be considered when addressing parking space
- Driveway grade issue – Steve Keeffer used a 4 foot level and has proven to be relatively accurate and resulted in a 12% grade at the worst spot.
- The driveway can be corrected by shaving off the driveway in particular spots to meet the 10%.
- Mel asks if it is the same house that was presented 2 years ago. Petitioner states it is the same request. Mel states rejected at that time because it was oversized for that lot and to close to the lot lines and not allowing buffers. Might encourage over occupancy for this size

of house and lot. What has changed here? – Petitioner states that they have closed some of the outside areas – the all season room. Petitioner indicates the adjacent lots would not have any kind of view of the public areas in this request.

- Suggestion at that time of the first proposal in 2000 was to make it a 4 bedroom home and downsize the footprint to make enough room within the setback for screening on the sides. The number of bedrooms encourages over occupancy.
- They did take the second patio out on the backside of the lot
- The 12.5 feet from lot line on one corner, front corner is 20 feet, and the lower left side is 19 feet, and 17.5 on the back side. The house placement uses about three tenths of an acre of the seven tenths acre lot for a five bedroom home, about 3700 square feet of living space.
- Separation and distance from other properties so that large groups don't cause problems with their neighbors. The upside is that both lots beside this are vacant, but have limited your neighbors as to where they might best be able to build their homes on their lots. The house does fit on the back of the lot, but does not fit best here when being used for Guest Accommodations. The use could become intrusive to neighboring lots due to the size of the home and the close proximity to the lot lines.
- The change is that the home has been built now instead of when it originally came through it was not built.
- The point is that the lot is not wide enough for the size of home and its placement to allow sufficient setbacks
- Did you downsize the footprint of the home from the previous request? No
- A Special Use has to be compatible with the uses surrounding it. Trying to make the rental homes compatible with other residential uses.
- Previously told you if you would downsize the footprint and revise the plan to a 4 bedroom home, we would approve, but that did not happen.
- A 50 foot setback is recommend for outdoor activity areas and room for screening and buffering so you do not infringe upon your neighbors
- Nick states that the placement of the home decreases the adjoining lots because the home is so close to the lot lines and the neighbors are limited on their placement of a home

A motion was made by Susie Davis to recommend the request for denial stating the following:

1) Special Use Standards 1,2&3 cannot be met
2) 5 bedroom home to large for the size and configuration of the lot
3) House setbacks do not allow enough room for screening of the outdoor activity areas.
4) Driveway grade does not currently meet the 10% grade standard

Seconded by Tom Heidenreich

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

Standards – No special use shall be recommended for approval by the Planning Commission unless the commission shall find:

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

The request could interfere with the comfort issue of the neighboring properties due to the lack of sufficient setback to allow for screening of the outdoor activity areas.

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 request could impair the use of the neighboring properties due to the proximity of the home to the lot lines by limiting house placement on the adjoining lots.

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

   This request could impede the development of the adjoining properties due to the placement of a five bedroom home on a small lot with relatively short setbacks that would not allow sufficient screening.

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 a slight driveway discrepancy, but may be addressed

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

   Ingress and egress are adequate and the adequate parking facilities are provided

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 of the R-P District

Roll Call Vote – Bill Tonne – Aye
Tom Heidenreich – Aye
Susie Davis - Aye
Mel Gratton – Aye
Nick Tranel – Aye

Reports and Comments:
Steve McIntyre presented information about the Foster Field Airport and its future planning.

Mel Gratton reminded committee members about the upcoming Agri-Res & LESA sub-committee meeting, Thursday, March 6, 2003, 7:00 PM at the County Building and Zoning office in Elizabeth.

Bill Tonne made a motion to adjourn at 9:45 PM. Nick Tranel seconded the motion. Voice Vote: All Ayes