**Jo Daviess County Planning Commission/Zoning Board of Appeals**
**Minutes for Meeting**
**At the Courthouse-7:30 PM**
**October 26, 2005**

**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

Dave Jansen (Alternate)

**Staff & County Board Members:**

- ✓ Steve Keeffer, Highway Engineer
- ✓ Heather Miller, Environmental Health

Terry Kurt, State's Attorney

Andrew Sosnowski, Assistant State's Attorney

- ✓ Linda Delvaux, Building & Zoning

Ron Mapes, Jo Daviess County Board Member

**Approval of Minutes:** A motion was made by Susie Davis to accept the September 28, 2005 minutes
Seconded by Tom Heidenreich Voice Vote: All Ayes

**Unfinished Business**

Apple River State Bank Trust #1, (Frank & Joanne Fernandes), 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: 446 Territory Drive (ER 20 Lot 38), Galena Territory has been continued

Public hearing and recommendation on an application by Galena State Bank & Trust Company as Trustee under Trust No 586, (Marvin Hartz), owner, requesting a supplemental special use permit to allow for the substantial expansion of Eagle Ridge Realty. Common Address: 5148 US Highway 20 West, Galena has been continued

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

**<u>Jo Daviess County Zoning Administrator</u>**, requesting review of the updated Jo Daviess County Zoning Map reflecting all map amendments approved from the adoption of the initial zoning ordinance on December 14, 1993 which became effective on March 1, 1995 through the date of hearing.

- Linda Delvaux states that this is the Zoning Map that was adopted in 1995 when the Ordinance was adopted, this new map is just a recreation of the 1990 Zoning Map with today's technology. Nothing has changed on the map except for what the committee and County Board has passed since 1995. We have also shown on this map as an overlay the special uses and variance. These are located on there as a courtesy to help the public and our office with information.
- Bill asks if this is all the map amendments since March 1, 1995.
    - Linda states this is up to date up until County Board approval in October 11, 2005
- Tom had questions about the quarries on the zoning map and the coverage if it was the whole parcel or a smaller legal description.
    - Linda states that we reviewed the quarries and if we had a smaller legal description it was changed on the map. If the overlay covered the whole parcel that just basically triggers that a special use is on the property and that we need to go to the file to find what the request is for.
- Mel asks if they covered the whole parcel on a quarry request
    - Linda states that if a smaller legal description was to be provided they are indicated on the map, if they were not required to have a smaller legal then the overlay will be on the whole parcel as an indicator that we need to pull the file.
- Linda states that the map in 1995 was just recreated with today's technology with no more or no less. Any districts that were on the 1990 map are still on this new map. Concern was with floodplains and floodways and we do have FEMA that controls and produces maps that are available for the floodways and floodplains. The ordinance states that FEMA produces these maps. In 2008, FEMA will be digitizing the floodplain and floodway maps for Illinois, when they get those maps digitized in that format, they will work even better with our current digitized maps.
- Joe Kratcha states that Bret Gempler and Melissa Soppe have done much work into this and do appreciate this, along with others that have worked on the map.
- Nick states that it should be relatively easy to update the map, correct.
    - Linda states that once we have the map in place, the technology in the GIS office is leaps and bounds from what we have had in the past and the updating will continue.

**Public Testimony**

<u>Lester Johnson, S&W Conservation</u>

- The map should represent the text of the ordinance and why can't we update it. Still questions the Zoning Map with the Conservation District. The map seems misleading because it shows some of the floodways, but not all. I used the soil types to help in the location of the floodways and floodplains. If we are not going to do it now then when are we going to do it?

- Linda states that the 1990 Zoning Map has been available. The floodplains and floodways are not a simple matter. The maps may be digitized now, but FEMA says that what they have now is not technology savvy as what we have in our GIS office. FEMA is going to review and redo the maps in 2008. The ordinance states that the floodplains and floodmaps are prepared by FEMA and provided by FEMA and wetland maps are available at the USDA Soil &

Conservation office; these are seperate maps from our zoning district map. It is important not to arbitrarily change things now, but, in time there will be a review of the map and can address issues at that time.

- Mel asks that in the future do you think the attributes will be added to the map or will they remain as a separate document.
    - Linda states that anything can be reviewed.
- Mel states that upgrading the zoning map is very important. The floodplains and other maps are available and can be addressed. When we have a request we get the information from the Soil & Water Conservation with that information if it is in a conservation area.

Paul Brashaw, surveyor

- If you put all the floodplain, floodways, wetlands, and any other information on the map will those not clutter the map and be harder to follow.
    - Linda states yes it would and that we also enforce the Floodplain Ordinance in the Building and Zoning office and we utilize the FIRM maps prepared by FEMA.

Chris Kirkpatrick, Galena

- It would be useful to at least show the perennial streams on the map or place a disclaimer on the map.
    - Linda states that I am not comfortable putting a disclaimer on the map. This map is for the zoning districts, the streams are there because Joe has the capability of showing them on the map. The information that is on the new map is on the 1990 Zoning Map and I can not start adding things without going through a different process.
    - Bill asks how you would reconcile what our current ordinance says, with what you are suggesting we do.
        - Chris states that you are working on that.

Lester Johnson, S&W Conservation

- Comments have been made as to zoning districts on the map; there is a whole article in the Zoning Ordinance on the Conservation District. In the beginning it states that all zoning districts are to be shown on the map. I do not understand why this can not be placed on the map. Question is if not now when will it be on the map.
    - Linda states that the conservation district is on the map showing no more or no less than what is on the current map.
- Lester states that we need to rely more on ourselves than the Federal Government and have accurate data for floodplains.

**Public Testimony Closed**

**Discussion:**

- Bill states that at a recent seminar FEMA states that the floodplain maps even though they are digitized are pretty inaccurate. Although we are using it now, the current ordinance states that we need to follow those, I don't think it would be right to put something that is not accurate on the zoning map.
- Tom states that we have to realize the zoning map is a work in progress and changes all the time.
- Mel states that when Lester provides information to the commission it is very helpful

        - Lester states that is would be helpful to the applicant to know right away before a request. We have some perennial streams and soil maps that will show if they will flood within the 100-year flood. Refers to the Coursen Subdivision replatting, where they wanted to put septic field in the wetlands. Why is our department the ones to always bring this information up when we have the technology to put the soil types on the map to define the floodplains?
- Linda states that this is a Zoning Map not a soil map or a floodplain map. This map is to depict the zoning districts. The conservation district is in the ordinance to make aware and utilize the appropriate maps that are available.
- Mel states that when you look at the larger scale, will these lines vary in width.
        - Joe states that the map is not site specific, if the map is intended to be site specific we can do that as accurate as we can get, but you will never be as accurate as going out in the field.
- Joe states that when the new floodplain maps become available and I believe they are going to be working with local government agencies and state, the information will only be mapping grade data, meaning that you will still need a registered land surveyor to go out to the field and find out where the floodplain is.
- Mel states that this is a work in progress and is a major step forward. This may not be a perfect document, but it will be updated as time progresses and we do not know when.
- Tom states that our ordinance does say that we use the FIRM maps prepared by FEMA and that should be in the finding of fact and we do use them.
- Nick states that this fulfills the zoning ordinance requirements

A motion was made by Bill Tonne to approve the request stating:

1. The GIS platting of the original zoning map and all the map amendments and approvals since March 1, 1995 to October 11, 2005

Seconded by Nick Tranel

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

**New Business**

**Estate of Joseph Kaiser, owner,** requesting a rezoning from Ag-1 General Agriculture District to R-1 Rural Residential District along with the approval of a 1 lot subdivision. Common Address: 8982 IL Route 84 N, Galena

Paul Brashaw, representing owner

- Third split off the Kaiser Farm. The first two were sold to family members. The intent of the Joseph Kaisers will is to sell two acres and the house to be sold off the farm. A family member is interested in buying the house. We used the existing driveway and tried to not create another access point off Highway 84. Other smaller subdivision within a quarter of a mile within this

site. The farm is continuing to be farmed by Jim Kaiser and the house is just there. It did result in a high LESA score.

- Paul states that the house and yard cover about 0.75 acres and the remaining is being farmed and if a family member purchases believe it will remain the same way.

**Public Testimony**
None
**Public Testimony Closed**

**Discussion:**

**Staff Report**

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the Agriculture Preservation 2 area, and is shown to have important farmland soils with fingers of prime farmland soils. This request is approximately 4.1 miles from the City of Galena. The Comprehensive Plan would encourage development adjacent to or within a mile and a half of a municipality.
- Waste Treatment: Septic System should be located/identified to make sure it is on the proposed parcel.
- Access Considerations: This parcel will be accessed off of a state highway. Any access changes will have to be approved by IDOT.
- Other Considerations: A LESA has been completed and scored at 227. This parcel is part of a working farm and is surrounded by farmland with some residential. The small parcel size has triggered the State Plat Act and therefore triggered our Subdivision Ordinance. The piece will be sold and not be involved with the remainder of the farm

- Linda states that IDOT has indicated they will not grant any other accesses in that area therefore they will have to share the same access
- Mel asks if the septic system is located within the two acres.
    - Paul states that the septic should be within the two acres. The septic system has to be to the north because of the configuration of the driveway.
    - Heather states this house does not have septic information. There is room for expansion on the property.
    - Jim Kaiser, purchaser of the farm, states that the septic is well within the boundaries of the lot.
- Mel states the LESA score is high, but the house already exists, but, if this were to be asked to be built on today that probably would not happen with the high LESA score and the productivity of the property.

A motion was made by Bill Tonne to approve the rezoning and 1 lot subdivision stating the following

1. Septic is within the 2 acres
2. House existed prior to zoning
3. Not creating a new access, sharing the access with neighbor

Seconded by Susie Davis

Roll Call: Bill Tonne – Aye
Tom Heidenreich – Aye
Susie Davis – Aye

Mel Gratton – Aye
Nick Tranel – Aye

**DSW Investments LLC (Donald & Sandra Wienen), owners,** requesting rezoning from Ag-1 General Agriculture District to R-1 Rural Residential District. Common Location: Mill Creek Road, just north of Schapville

Paul Brashaw, representing owner

- Tract 1 is the request for rezoning
- Wooded parcel, 174 feet of road frontage on the parcel, 5.34 acres. Longer driveway and nice setting for a home back in there, close to Schapville, and not taking any actual farm ground out of production. Low LESA score and will need a sand filter system. The tract will not be recorded because it is over 5 acres, we are just asking for a zoning change.
- Feels this is the best use of the property with the low productivity index.
- Donald Wienen states that they will disclose on the survey that a sand filter system will be needed

**Public Testimony**
None
**Public Testimony Closed**

**Discussion:**

**Staff Report**

- Comprehensive Plan: This parcel is within the mile and half of the community of Schapville. The Comprehensive Plan would encourage development adjacent to or within the growth zone of a municipality. This would also help to insure the vitality of our communities and the close proximity would encourage the use of community infrastructure. This area is indicated to be in the Agriculture District and is shown to have mostly important farmland soils.
- Waste Treatment: Soil borings completed 9-14-05 for the parcel. The parcel is not suitable for a conventional septic field due to shallow soil depths. A sand filter system is recommended.
- Access Considerations: The existing entrance has 465 feet of sight distance to the north, and more than 500 feet to the south.
- Other Considerations: There is a mix of uses in the area, being so close to the community of Schapville. A LESA was done and resulted in a score of 171

- Heather states that the borings were done throughout the whole 5 acres and sand filter system will need to be used on the property.
- Linda asks the petitioner if there is any plan on the remaining property within that area for development.
    - Donald Wienen states the property is in CRP until 2008 and not sure if will develop at that time.

A motion was made by Tom Heidenreich to approve the request stating the following

1. Close to Schapville
2. The property is wooded and not farmland
3. LESA 171

4. Will require a sand filter system

Seconded by Bill Tonne

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

**Jeff & Sharon Kramer, owners,** requesting a Special Use Permit to allow for a single-family home to be used for transient rental. Current Zoning: RP Planned Residential District. Common Address: 294 Blackhawk Trace (SH 16 Lot 3), Galena Territory

Jeff Kramer, owner

- Would like to rent this home as a two bedroom.

**Public Testimony**
None
**Public Testimony Closed**

**Discussion:**

**Staff Report**

- Comprehensive Plan: Although the Comprehensive Plan does not address transient rental directly it does support tourism.
- Waste Treatment: Septic system installed in 1988 designed for a three-bedroom house. System sized correctly for a three-bedroom with a 1000 gallon septic tank and 320 lineal feet of drainfield. Soil borings needed.
- Access Considerations: The existing access drive has a grade of less than 10%, and parking spaces for three vehicles.
- Design Considerations: This is a request for a 2-bedroom rental on approximately 1.43 acres.
- Other Considerations: House placement is shown to be about 15 feet from the closest lot line. The outdoor activity (deck) area is located at the rear and eastern side of the house. Some existing screening is on the parcel. There is greenspace to the rear of this parcel. The area map indicates the requested site is surrounded by a majority of homes not on the rental program.
  Please note the following:
  The Jo Daviess County Zoning Ordinance states that no ordinance granting a special use permit shall be valid for a period longer than twelve (12) month from the date of such ordinance unless the erection of a building or structure is started or the use is commenced within such period. As with all Guest Accommodations, window egress and hardwired smoke detector standards will have to be met in order to be licensed as well as other guidelines and standards stated in the Guest Accommodations Ordinance.

- Heather states that the septic system was installed in 1988 and installed for a three bedroom house and in 1988 soil borings were not done and to complete the Guest Accommodations soil

borings need to be done. The size of the system is for a three bedroom. The lot has replacement room.

- Mel asks if the parking area is sufficient.
    - Steve states that it was a little tight, but could add area for the parking. May have to take trees out to add parking area. Making the driveway wider so you can pull off to the side would be helpful.
    - Trees less than 4 inches in diameter can be removed without permission, but anything over that will require permission.
- Bill suggests having the area for three cars pulling in then they can back up in the other area to pull straight out the driveway.
- Nick asks how close the house is to the lot line
    - The house is 15 feet from the property line

A motion was made by Susie Davis to approve the request stating the following

1. 2 bedroom request – very little rentals in area, but this is a small rental
2. Well screened

With the following conditions:

1. Soil borings are required
2. Ample parking to be provided for 3 cars – Approval by the Staff

Seconded by Nick Tranel

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 does not endanger the public health, safety, morals, comfort or general welfare. The size of the rental will have low impact on the area; Standard Met**

(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 diminish the enjoyment of the properties in the immediate vicinity or temporarily impair the values with the neighborhood; Standard Met**

(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; Standard Met**

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

**The property will have adequate parking; Standard Met**

(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 are adequately provided; Standard Met**

(6) 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.

**Conforms to the applicable regulations of the district; Standard Met**

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

**Doug & Marsha Knuckey, owners,** requesting a Special Use Permit to allow for a single-family home to be used for transient rental. Current Zoning: RP Planned Residential District. Common Address: 1 Wildwood Court (ER 33 Lot 1), Galena Territory

Doug Knuckey, owner

- Six bedroom request, contacted Ramona Trabanino at Eagle Ridge rental and Amber Creek rental and they are looking for six bedroom homes for rental. This lot was chosen because it has central sewer. The parking area is to be broken up on the property. Three lots on the cul-de-sac with two already built on. Placed the home behind the other house and the drainage should go under the parking area with a culvert to follow the property line to the back of the lot or take it around the back side of the house.

**Public Testimony**
None
**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 lot is served by central sewer.
- Access Considerations: Since the house has not been constructed, access and parking can be built to the required standards.
- Design Considerations: This is a request for a 6-bedroom rental on approximately .6 acres.
- Other Considerations: House placement is shown to be about 15 feet from the closest lot line. The outdoor activity (deck) area is located at the rear of the house. Screening would have to be addressed. There is greenspace on three sides of this parcel. The area map indicates rental adjacent to this request. The parking area indicated on the

site plan would appear to have a large area of impervious surface and consideration should be given to the drainage from this property.
Please note the following:
The Jo Daviess County Zoning Ordinance states that no ordinance granting a special use permit shall be valid for a period longer than twelve (12) month from the date of such ordinance unless the erection of a building or structure is started or the use is commenced within such period. As with all Guest Accommodations, window egress and hardwired smoke detector standards will have to be met in order to be licensed as well as other guidelines and standards stated in the Guest Accommodations Ordinance.

- Bill states that he is looking for the drainage plan on the site plan.
    - Doug states that he is not sure which way he will go with the drainage, but will accommodate the water on his property.
- Greenspace on three sides of the property, drainage to be controlled on the property, topography for driveway looks good
- Screening to be done on the property yet and water control on the property.
- The difference in this request is the distance to a lot line of another lot. This request is about 37 feet from the neighboring house lot line and 50 feet from rear lot line plus the greenspace. The screening can be done very easily on the property.
- Tom questions the impervious surface area on the lot.
- Within the ordinance it will allow up to 30% of coverage for structures
    - Doug states the impervious surface is about 15% on the lot including the driveway.
    - Steve states the driveway covers about 2,000 square feet.
- Tom states that we need to make sure that the water stays on the property, screening
- Mel states with a six bedroom home you will attract larger groups of people that will utilize the outdoor activity and with that there is noise.
- We do not encourage the larger units unless the lot is sufficient to accommodate the house and the occupancy. This lot with the topography and the adjacent greenspace can accomplish this.

A motion was made by Tom Heidenreich to approve the request with the following conditions:

1. Engineered drainage plan submitted showing how the water will be managed on the property and not impact the neighboring properties
2. Screening to the southwest to the neighboring lot and to the rear of the house with types of evergreens that will be at a mature height of 10 feet or higher
3. Greenspace is on three sides of home
4. Central water and sewer
5. Other larger rentals in the area

Seconded by Nick Tranel

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 does not endanger the public health, safety, morals, comfort or general welfare provided the water runoff is controlled and screening are provided. The three sides of greenspace gives a greater setback; Standard Met**

(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 diminish the enjoyment of the properties in the immediate vicinity or temporarily impair the values with the neighborhood provided the water runoff and screening are provided; Standard Met**

(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 provided the drainage and screening are done; Standard Met**

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

**The property will have adequate access, parking, drainage, and screening; Standard Met**

(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 are adequately provided; Standard Met**

(6) 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.

**Conforms to the applicable regulations of the district; Standard Met**

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

**Reports and Comments:**
November 9, 2005 at 7:00 pm LESA Meeting in Elizabeth

Nick Tranel made a motion to adjourn at 9:10 PM. Mel Gratton seconded the motion. Voice Vote: All Ayes