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**Jo Daviess County Planning Commission/Zoning Board of Appeals  
Minutes for Meeting  
At the Courthouse-7:00 PM  
May 27, 2009**

**Call to Order:** Mel Gratton called the meeting to order at 7:00 p.m.

**Roll Call Present:**

**Planning Commission:**

- ✓ Melvin Gratton
- ✓ Susie Davis
- ✓ William Tonne
- ✓ Nick Tranel
- ✓ Dave Jansen

**Staff & County Board Members:**

- ✓ Steve Keeffer, Highway Engineer
- ✓ Sandra Nolan, JDC Health Dept.  
Terry Kurt, State’s Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ Ron Mapes, JDC Board Member
- ✓ Marvin Schultz, JDC Board Chair

**Approval of Minutes:** A motion was made by Bill Tonne to accept the March 18<sup>th</sup> & 25<sup>th</sup> minutes. Seconded by Dave Jansen Voice Vote: All Ayes. Absent: Nick Tranel and Susie Davis

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

Nick Tranel & Susie Davis arrived at 7:10 PM

**New Business**

**Leroy & Lela Mae Hilby, owners, and Scott Temperly & Carrie Wiene, petitioners** requesting a rezoning from Ag to R-2 Rural Residential, a one lot subdivision, and a variance in the lot frontage requirement, to allow for a non-agricultural residence. Common Location: Adjacent to the east of the address of 8965 Illinois Route 84 North, Galena IL

**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: Comment not available at time of Staff review. Staff will comment at public hearing.
- Access Considerations: The proposed parcel would access from an existing private drive. Per the county subdivision ordinance, the private drive will have

to be improved to subdivision road specifications because this will be the third parcel using the same access road. Consequently, the easement for the private road will have to be increased to 66 feet. The grade on the private drive is well under the maximum 10% allowed by the subdivision ordinance, and it is also on a straight tangent, so ‘improving’ it will essentially consist of widening and adding aggregate. The sight distance for an entrance from the parcel to the private drive is adequate, and the sight distance from the private drive onto Illinois Route 84, appears to be adequate as well, but that is IDOT’s jurisdiction.

- Other Considerations: A LESA has been completed and scored at 240. 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. An Eco Cat was done for the requested area. There was no record of State-listed threatened or endangered species, Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location, therefore, the review was terminated. Adjacent to this parcel is an existing subdivision created prior to 1995. There have been a couple of lots in the near vicinity that were rezoned in 2001 & 2005.
- Sandra Nolan, JDC Health Department, commented on the Waste Treatment – The initial report from the Soil & Water Conservation District indicates that this location is suited for a septic system with slight limitations. Soil borings will be required to determine specific septic location and size.
- Linda Delvaux also wanted to comment that the 911 Coordinator, Mike Moser indicated that addresses in this area may need to be changed as development occurs, in order to conform to the numbering system.

Paul Brashaw, surveyor representing petitioner

- After looking at this parcel I was worried about the LESA score, and then when the LESA was done and scored a 240 it made me a little nervous, we are within 1.5 miles of Hazel Green, WI. Scott Temperly is the son of Theresa Cole, who lives adjacent to this request. The Furlong Subdivision was created in 1959 and recorded and the lots are roughly 0.5 acres in size, so most of the parcels share two to three lots. There were parcels that were created prior to zoning and have had parcel that were approved by this board so I feel a precedent has been set when those were approved in 2001, 2005 and others in the area. The Kaiser rezoning that was done across the road had a LESA of 227. We realize that the easement is 66 feet wide in case any development in the future was to be done to access this area in the back. I do realize this is poor planning, but this is what the owner wanted. If any more is to be done a master plan would need to be done. This area is pasture, wooded area, with a ravine on the north side which prevents them from using it in the larger scale operation of farming. We do not have frontage on a public road, so we are asking for a variance on road frontage.

**Public Testimony**

Steve Cole, adjacent property owner & step-father of petitioner

- We built a building on our property about five years ago that has a hoist and Scott does maintenance work on things and would be more convenient to have him next door instead of traveling back and forth to town. We want to have him close to have the grandkids next to us; we have a daughter in San Diego, with grandkids which we hardly get to see. The roadway would access for just Hilby, Straka, and us for the shop and now possibly the new lot.

**Public Testimony Closed**

**Discussion:**

- Tonne asks to see a wider picture of the area on the overhead view. This seems to be a straight forward request.
- Tonne asks about the LESA score and the vicinity to communities.
  - Delvaux states that Hazel Green, WI was not used because it would not have the option to annex or provide services to this property that we are looking for. The commitment to Ag in the area was a large number and overall the other questions scored larger numbers as well.
- Tonne states that this is good Ag ground in this area, but the addition of this particular lot wouldn't affect much, and that this is contiguous to other development in the area.

A motion was made by William Tonne to recommend approval to rezone from Ag to R-2 Rural Residential with the following conditions:

1. Easement to be up to subdivision specifications
2. Fences to be maintained between new lot and the adjacent agriculture
3. Addresses may need to change in the area to conform to the numbering system
4. Soil borings to be done to determine septic size and location
5. Contiguous to other development

Seconded by Nick Tranel

**Discussion:**

- Jansen states that we had considered Hazel Green previously, but could not use in the LESA score. This is a wooded area, and would have to be cleared in order to row crop anything.
- Paul Brashaw states that the fence between Cole and this new lot would be torn out and relocated on the perimeter of this new lot to the farm ground.
- Gratton states that the LESA does indicate this to be good ag ground, if this were an isolated parcel the LESA would indicate this to remain ag ground, but with the other development and rezoning in this area even though this has not been planned to the degree we would like to see, going forward if further development moving outside of the tree area there will need to be a good plan and reasoning for development of this property.

Roll Call: Dave Jansen – Aye  
William Tonne – Aye

Mel Gratton - Aye  
Nick Tranel – Aye  
Susie Davis – Aye

A motion was made by Dave Jansen to approve the variance request on the lot frontage requirement.

Seconded by Susie Davis

- Tonne states that we have approved other requests in this area, but it may be an advantage that it does not access directly off Route 84. This easement may be better if additional development were to be done.
- Jansen asks what the long term plan along that easement would be.
  - Paul Brashaw states that in the future if additional development were to be done a plan would be done of the area.

Standards for variation have been met.

Roll Call: William Tonne - Aye  
Mel Gratton – Aye  
Nick Tranel – Aye  
Susie Davis – Aye  
Dave Jansen – Aye

A motion was made by Nick Tranel to recommend approval of the one (1) lot subdivision.

Seconded by William Tonne

Roll Call: Mel Gratton – Aye  
Nick Tranel – Aye  
Susie Davis - Aye  
Dave Jansen - Aye  
William Tonne - Aye

**Reports and Comments:**

Susie Davis made a motion to adjourn at 7:30 PM. Nick Tranel seconded. Voice Vote: All Ayes