

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:30 PM
July 24, 2002**

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:

- Duane Olivier, County Administrator
- ✓ Steve Keeffer, Highway Engineer
- ✓ Heather Eisbach, Environmental Health
- Shane Temple, Assistant State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ Merri Berlage, Jo Daviess County Board Chairperson
- ✓ Sally Toepfer, Jo Daviess County Board Member

Approval of Minutes: A motion was made by Nick Tranel to accept the June minutes. Seconded by Tom Heidenreich Voice Vote: All Ayes

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

Unfinished Business:

Scott & Jodi Townsend, owners, requesting a variance from the required setback of 125 feet from the centerline of the right-of-way or 75 feet from the property line, whichever is greater, to 63 feet from the centerline of the road for the placement of an Accessory Building. Location: 2100 IL Route 78 North, Stockton

Presented by Paul Bradshaw:

- Petitioner would like to alter his request and ask for an 18 foot variance to allow for an attached garage to the existing home
- Presented a survey with measurements
- 26 feet from the North side of the property line will allow enough room to get to the septic

- The garage will now be back 107.8 feet from the centerline of Highway 78
- The back of the garage would be in line with the back of the house

Discussion:

- Heather states that if the addition is parallel with the house it would not affect the septic area.
- The request fits in the character of the neighborhood
- If the ordinance is applied strictly it would encroach on available septic area to the rear of the house.
- Mel states many buildings along there which do not satisfy setback requirements as they currently exist

Mel Gratton read the standards for Variance

D. **Standards for Variance**

- (1) The Zoning Board shall not vary the regulations of this Ordinance, as authorized in Paragraph A above, unless it shall make findings based upon the evidence presented to it in each specific case that
 - (i) The plight of the owners is due to unique circumstances
Existing house – prior to zoning
 - (ii) The variance, if granted, will not alter the essential character of the locality
It will not alter the character of the neighborhood
- (2) In determining whether the strict application of the Zoning Ordinance creates practical difficulties for, or imposes a particular hardship on, an applicant for a variance, the Zoning Board shall consider the extent to which the following facts have been established by the evidence:
 - (i) The particular physical surroundings, shape, topographical condition of the specific property involved would result in a particular hardship on the owner, as distinguished by a mere inconvenience, if the strict letter of the regulations were carried out
If the strict letter of the regulations were applied it would encroach on available septic area
 - (ii) The conditions upon which the petition for variance are based are unique and would not be applicable, generally, to other property within the same zoning classification
The setback of the existing house and septic would make it unique
 - (iii) The purpose of the variance is not based exclusively upon a desire to obtain higher financial return on the property
The variance is for the petitioners use and not financial gain

- (iv) The alleged difficulty or hardship has not been created by any person presently having an interest in the property

House placement is pre-zoning

- (v) The granting of the variance will not be materially detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located

It will not affect neighboring properties

- (vi) The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or substantially diminish nor impair property values in the neighborhood

There will be no negative affect

A motion was made by Susie Davis to approve an 18 foot variance to allow for the placement of an accessory building 107 feet from the centerline of Highway 78 stating:

1. If the ordinance is applied strictly it would encroach on available septic area to the rear of the house.

Seconded by Nick Tranel

Roll Call Votes: All Ayes

Chains & Links, Inc. (Tom & Connie Wiene), owners, requesting rezoning of approximately 49 acres from Ag-1 General Agricultural District to R-2 Rural Residential District and preliminary plat approval of a 27 lot subdivision. Location: Red Gates Drive, Section 23 West Galena Township

Presented by Paul Bradshaw:

- Submitted a revised section of the subdivision
- Adding another 750 feet of road with 10% cross slope. Thinks hardship on potential buyers
- 41 driveways are on Red Gates Road currently
- Had severe limitations, but ended up with 2 more lots
- Drainage tube would probably be used
- City of Galena reviewed it and made 2 changes then would approve it

Discussion:

- More curb cuts are not desirable on Red Gates Drive
- Paul Brashaw, the petitioner's surveyor, looked at other possibilities to reconfigure the lots and the roads.
- Eliminates 5 curb cuts when having shared driveways
- Drainage concerns were addressed
- Each has adequate site distance, but downside is they do drive fast on this road

- Steve Keeffer suggests the abandonment of Red Gates Drive and make a T-intersection with stop signs to make people slow down. Would not agree with shared driveways.
- Seeding of the existing Red Gates Drive needs to be done
- Concern is with the lots on the west side of the subdivision
- Red Gates Drive will not be taken over by the township until it is chipped and sealed

A motion was made by Nick Tranel to approve rezoning of approximately 49 acres from Ag-1 General Agricultural District to R-2 Rural Residential District and preliminary plat approval of a 27 lot subdivision with the following conditions:

1. Erosion and drainage plan would need to be submitted

Seconded by Susie Davis

Roll Call Votes: All Ayes

New Business:

Kenneth & Molly Torbik, owner, requesting a variance from the required setback of 110 feet from the centerline of the right-of-way or 60 feet from the property line, whichever is greater, to 70 feet from the centerline of the road for the placement of an Accessory Building. Location: 3106 Schapville Road, Elizabeth

Motion by Nick Tranel to table till next month. Petitioner was not present at the meeting.
Second by Susie Davis. Voice Vote: All Ayes

This request has been tabled to the next regular Planning Commission meeting, August 28, 2002.

Dan & Barbara Millage, owners, requesting a Special Use Permit to allow for a single family home to be used for transient rental. Common Address: 17 Gleneagle Drive, (ER 15 Lot 12) Galena Territory

This request has been tabled to the next regular Planning Commission meeting, August 28, 2002 due to notification.

Robert Keeling & Connie Koralik, owner, requesting a Special Use Permit to allow for a single family home to be used for transient rental. Common Address: 4 Wildflower Rim, (SH 1 Lot 26) Galena Territory

Presented by Robert Keeling:

- 2 Bedroom home – little under 1500 square feet and built in 1977
- Bought the property 2 ½ years ago and refurbished it
- Concern about a lower bedroom egress issue. Did look into changing the window to meet code.

Public Testimony

Dave Jansen, Galena Territory

- Is it your intention to change the tank?

Robert Keeling, owner

- Abandon the drainfield and place a whole new drainfield

Bonnie Garrity

- What control does the owner have on the renters of the property?

Robert Keeling, owner

- They will be their own rental agency.

Public Testimony Closed

Discussion:

- Staff Report
 - A request by Robert Keeling & Connie Koralik for a Special Use Permit to allow a guest accommodations rental at 4 Wildflower Rim, Lot 26 Shenandoah Unit 1 in the Galena Territory.
 - Comprehensive Plan: Although the Comprehensive Plan does not address transient rental directly it does support tourism.
 - Waste Treatment: There is an existing septic system on the property installed in 1977. The soils on the site of the septic system drainfield are shallow and would not be considered adequate for a new system. A replacement/expansion area has been located at the back of the lot by soil borings performed 11-25-01.
 - Access Considerations: Access off of Wildflower Rim is adequate. The driveway grade falls within the County guidelines.
 - Design Considerations: This is a 2-bedroom home on approximately $\frac{3}{4}$ of an acre. The lot has existing adequate screening on all sides with greenspace to the rear. Parking is sufficient, and outdoor usage areas are well placed.
 - Other Considerations: This is an existing home and is well located on the lot for Guest Accommodation usage. The Guest Accommodations Ordinance would require that each bedroom have an egress window with an opening of no less than 5.7 square feet. Site investigation revealed that it is questionable that the bedroom windows would meet the required opening.
 - Staff Recommendation: Existing screening, access and parking are all adequate. If the septic is upgraded and the egress window issue can be dealt with satisfactorily, the staff would recommend approval of the request.
- Thinks it is a great place for a rental home.
- Owner has complied with the requirements of a rental home.

A motion was made by Tom Heidenreich to recommend approval for the Special Use to allow for a single family home to be used for transient rental with the following conditions:

1. The egress window in the lower level meets code requirements

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

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

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

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

The plans are adequate.

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 and parking are adequate

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.

Roll Call Votes: All Ayes

I&I Foods Inc (Luis Alfaro & Tod Eland, stockholders), owner, requesting a Special Use Permit to allow for a single family home to be used for transient rental. Common Address: 1 Wedgewood, (ER 27 Lot 1) Galena Territory

Presented by Luis Alfaro:

- 3 Bedroom home on a 1/3 of an acre
- Would ask that they can use it as a guest accommodations

Public Testimony

None

Public Testimony Closed

Discussion:

- Staff Report
 - A request by I&I Foods Inc. (Luis Alfaro & Tod Eland, Stockholders of 20% or more) for a Special Use Permit to allow a guest accommodations rental at 1 Wedgewood, Lot 1 Eagle Ridge Unit 27 in the Galena Territory.
 - Comprehensive Plan: Although the Comprehensive Plan does not address transient rental directly it does support tourism.
 - Waste Treatment: This lot is served by public sewer.
 - Access Considerations: Access off of Wedgewood is adequate. The driveway grade falls with the County guidelines.
 - Design Considerations: This is a 3-bedroom home on approximately 1/3 of an acre. This lot has some existing screening to the north and west of the lot. Greenspace is adjacent to the rear of the lot and the Walnut Hill Townhomes are located directly across the road to the north. Parking is adequate and located off of the right-of-way. Outdoor usage areas are located to the rear of the lot.
 - Other Considerations: This area is quite built up and would appear to have mix of rentals and occupied homes. The Guest Accommodations Ordinance would require that each bedroom have an egress window with an opening of no less than 5.7 square feet. Site investigation revealed that it is questionable that the bedroom windows would meet the required opening.
 - Staff Recommendation: The staff recommends approval subject to satisfactorily compliance with the egress window requirements of the Guest Accommodations Ordinance.
- Thinks this is a good place for a rental in the core of the territory with surrounding rentals and occupied homes
- The pool was made by Branigar to be accessed by Walnut Hill Townhouses, Walnut Hill Golf Villas, and Eagle Ridge 27, which form the Walnut Hill Umbrella Association.

A motion was made by Nick Tranel to recommend approval for the Special Use to allow for a single family home to be used for transient rental with the following conditions:

1. The egress window in the lower level meets code requirements

Seconded by Susie Davis

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

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

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

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

The plans are adequate.

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 and parking are adequate

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.

Roll Call Votes: All Ayes

Reports and Comments:

Jim Otis asked if we could add to the Agenda the zoning district in which the request falls. Also if you could add the road names or any additional information to the GIS presentation, it would be helpful for the audience to understand more clearly where the requests are located.

Dave Jansen reports that the Galena Territory has developed a system somewhat similar to Apple Canyon Lake in reference to septic.

Nick Tranel made a motion to adjourn at 10:00 PM. Tom Heidenreich seconded the motion. Voice Vote: All Ayes