

**Jo Daviess County Planning Commission/Zoning Board of Appeals  
Minutes for Meeting  
At the Courthouse-7:00 PM  
August 22, 2007**

**Call to Order:** Mel Gratton called the meeting to order at 7:00 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
- ✓ Matt Calvert, JDC Health Dept.  
Terry Kurt, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ Ron Mapes, JDC Board Member

**Approval of Minutes:** A motion was made by Susie Davis to accept the July 25, 2007  
Seconded by Mel Gratton Voice Vote: All Ayes Abstain: Dave Jansen

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

**Unfinished Business**

**Delores Levens, owner,** requesting rezoning from Ag-1 General Agriculture District to R-1 Rural Residential District to allow for a single family residence Common Location: US Route 20 West, Hanover

**Paul Brashaw, surveyor representing owner**

- Received letter from IDOT stating they can use the existing entrance for the additional single family residence. Provided a survey for the state and the Zoning Board, 1.29 acre area to be rezoned for a home instead of the whole parcel. 12 foot wide road, with about 500 lineal feet of gravel driveway to the serve the home. Show the house and garage location on the property. Soil borings were done and would be served by gravity and downhill. Showed the tree clearing to a minimum along the property line so that it would not be seen from the road. Profile from Highway 20 was done and feels that you will not see the house when traveling east, but maybe traveling west during the fall or winter you may see the house. Showed the screening between the driveway and the highway of arborvitaes to screen the headlights.

Contacted Lester Johnson about the view shed, but did not get a phone call returned from him.

Delores Levens, owner

- The right of way on my current driveway will not be touched. The house will be set back 100 feet from the right of way line instead of 75 feet. This area is wooded; my house will be a neutral gray color to blend in. Lived in house on Dewey Avenue for over 35 years and bought this property in 2000 and would like to build a house on the 17 acres. Not intending on dividing the property for any more houses.

Paul Brashaw

- Brashaw states that we are looking at going 100 feet off front property line and 200 feet in from the east side lot line. We will be putting the driveway on state right of way and would not remove any trees on private property.

**Discussion:**

- Davis asks if IDOT is allowing the driveway to be placed on the right of way.
  - Brashaw states the letter from IDOT states they will allow it provided they meet all the conditions.
- Gratton asks about the driveway entrance coming off the existing driveway.
  - Delores Levens states that any trees that will be removed are on the private property. I met personally with IDOT and went over the request.
- Delvaux states she talked with IDOT and they confirmed the site plan and would approve the driveway on state right of way provided the additional conditions are met.
- Gratton asks if other alternatives were discussed with the state such as straight in the property, or even using the driveway to the right of the property.
  - Brashaw states that the driveway to the right is an entrance for another home next door that goes down the hill the other way. This was found to be the least obtrusive and could be screened. There would be a rock cut that would need to be done to go straight into the property. We felt we have an existing entrance and did not want to create another entrance off the Highway.
- Gratton asks about the site plan if that has gone to the state to review yet.
  - Brashaw states that we have not submitted to the state until we get through this process.
  - Gratton states that the way they are planted may not always grow when planted in scraped soil when creating a road.
- They are proposing a 3 bedroom house with a gravity fed septic system.
  - Brashaw states that they will just disturb an amount for the backhoe to go through the woods.
  - Matt Calvert states that they can use a gravel less type pipe as long as they stay level they can curve around the trees and the tree removal would be minimal. The septic contractor applied for a septic permit

and their plan is to use this type of system.

### **Public Testimony Reopened**

#### Bruce Hoff, 3223 Headquarters Road, Elizabeth

- Speaking on behalf of the Nayar's and Jones which own property next to this request. As we see it this proposal is at least, incompatible with, if not in direct contradiction of the whole Comprehensive Plan about residential zoning and ridge top property. There are only three contiguous property owners, Levens, Jones, and Nayar, Jones and Nayar are objectors and this should be a factor that should weigh on this request.
  - Delvaux states that the information he is talking about is a state statute and that is in our ordinance under Map Amendment. Delvaux reads the information from that section in the ordinance. The objection would have to be done before the County Board meeting.
- This body should take into consideration that the adjoining neighbors object to the request.
- The vertical profile shows the site line from the highway at the optimum position of visibility and non-visibility. I believe that you would have a different view from the road. Mrs. Jones can't believe IDOT would approve that road running parallel with the highway, but she is not here to talk on that issue. I think that more applications would be made if this property would be rezoned and this is the most outstanding scenic aspect in Jo Daviess County is the ridge in this area.

#### Paul Brashaw, surveyor representing owner

- The profile line we chose was opposite the house. I was traveling toward Elizabeth and I had a hard time seeing even the existing house on the property. The traffic will be minimal traveling on that road after dark. This is not agriculture ground, wooded property, and the best use is for a home, even though it does have some scenic possibilities.

#### Delores Levens, owner

- I drove to your property Mr. Hoff off Headquarters Road, which was about 2 miles away. The adjoining property owner Mrs. Jones is way down from my property line and is visible when traveling westbound. These homes are not in close proximity to my property. This property is heavily wooded and you would not see the house. No sense in putting in another driveway when I have an existing driveway to work with and stay along the existing tree line, and less expensive and easier.

#### Bruce Hoff, 3223 Headquarters Road, Elizabeth

- I did not say that my property is not next to your request, Vicki Jones house in not visible from the road when traveling westbound. She states she had trouble getting that simple entrance off Highway 20. The Comprehensive Plan and the Zoning Ordinance are going to be a role in this application.

### **Public Testimony Closed**

- Jansen understands what Mr. Hoff is talking about.

- Davis talks about the ridge top and the Comprehensive Plan talks about protecting those views. I feel that if we approve this request then more requests will be made. Work has been done with the state, but can't believe they are approving a driveway on the right of way. Refers to the request on Stagecoach Trail and the denial they made and this is more heavily traveled.
- Jansen states that there is precedence when the Stagecoach Trail view request was denied. That would have been 55 houses and not one, but that still is a concern. Talks about a tower with a view issue, even though that was approved. We have to refer to the Comprehensive Plan and what that provides us with guidance. The driveway bothers me because of the safety issue of seeing those lights in the wrong spot.
- Gratton talks about the LESA score of 164.5. This would lend to not being good agriculture land. We are not protecting this in the name of agriculture. Would like this to be less obtrusive with the driveway and other aspect of the location. This county is a sensitive area and need to maintain the integrity of Jo Daviess County. A request like this on a different roadway may be approved. This is on a ridge top and the underlayment of the Silurian on the ridge lines with the underground geology. There are other concerns, we could get a septic system and minimize the tree removal on the property. The precedence is something that we struggle with and do we want to start this type of development along this scenic 1 corridor or any ridgeline as referred to prior on the Johnson request. The scenic 1 corridor also refers to the placement of signs in the county as well. Protection of the views and ridge tops is important in this scenic area.

A motion was made by Dave Jansen to deny the request stating the following:

1. Elements of the Comprehensive Plan regarding ridge lines as noted as a sensitive area.
2. Scenic byways or routes to be protected.
3. Concern of safety of the driveway even though IDOT approved with many conditions, regarding headlight views.

**Further Discussion:**

- Gratton states LESA score was 164.5 and is only used as a guideline as is the Comprehensive Plan and there was opposition to the request.

Seconded by Susie Davis

Roll Call:     Susie Davis – Aye  
                   Dave Jansen – Aye  
                   Mel Gratton – Aye

**New Business**

**Vintaj Natural Brass Co., owner Wendy Mullane, Jeanne Holland, Jess Italia,** requesting a Special Use Permit to allow for the use of existing structures to be used for professional offices and the processing, cleaning, storage and distribution of product. Current Zoning: Ag-1 General

### **Staff Report**

- **Comprehensive Plan:** The Comprehensive Plan Land Use Map would recognize this area to be designated as Agriculture. This request is off of Stagecoach Trail which is considered to be a scenic route in the comprehensive plan. This request borders a commercial type use, which, is encouraged in the Comprehensive Plan to be adjacent or in existing communities. This request is approximately 3/10 of a mile from the corporate limits of Galena. The City's Contiguous Growth Area Map show this as an area indicated for development. The parcel is located in the U.S. Route 20 Bypass Corridor.
- **Waste Treatment:** The existing property has a 1000 gallon septic tank and 600 square feet of drainfield. This system is sized to handle a flow rate of 400 gallons per day. According to the state's sewage code, this system is large enough to handle the flow from 20 workers. The use of chemicals for the processing and cleaning of brass should be avoided, because it can have adverse effects on the septic system.
- **Access Considerations:** There are existing entrances to this property from Stagecoach Trail. Sight distance to the west is adequate for all existing entrances. Sight distance to the east is affected by trees, vegetation, and the roadway alignment. The westernmost entrance has 500' of sight distance to the east; the other entrances have less sight distance.
- **Other Considerations:** This request is coming forward as a special use under Article III, Section 3.2, C. Special Uses, (35). A parking area would need to be delineated for the public use existing of four (4) spaces with one being handicap accessible. Any on premise signage must comply with the County's Ordinance. This request has certain commercial/industrial flair, but, in this particular area, if approved, would fit better as a special use. I did receive word from the City of Galena, that they have no opinion on this request.

### Wendy Mullane, President of Company

- We do not use chemicals in cleaning our product. We use corn cob media. This product is reusable and has very little waste. We do not deal with the general public. We have a UPS truck that comes once a day to pickup and deliver. We have 10 employees which 6 are full time and work at the site. 4 of us work from our home offices. The 4 that work at home stop by the location a few times a week. We would like to add more employees and we are looking at a 5% growth rate. We see hiring six to 10 employees in the next 24 months. The use within the house is less than a normal residence house. This is an existing building that we have made about \$75,000 worth of improvements to. This property is not even a half of an acre. The State of Illinois encourages this type of business. This has a low impact on the location, but yet a high impact on the county to what we can provide. This property could be returned to a home because of the way we have done the renovations. Refer

to other businesses along Stagecoach Trail and the impact.

**Discussion:**

- Gratton asks about the activities that will be taking place on the property.
  - Mullane states that we import craft products from the United States then we process them and do a non chemical treatment then we ship that product back out. Then the manufacturer does the assembly.
- Davis asks what the end product out of this location is.
  - Mullane states that we sell to wholesalers and they are small pieces that could be made into jewelry or what ever they wanted. This would be a craft item.
- Jansen asks about the use of the garage. Are there restrooms in the garage?
  - Mullane states that we use the garage for the manufacturing. The restrooms are located in the house. We may accumulate a five gallon bucket of corn cob media in a three month time period.
- Davis asks about the parking.
  - Delvaux states that she used the square footage off the structures to figure the parking spaces with the ordinance, but I didn't realize the number of employees that were going to be working there. I would suggest that a parking space for each full time employee be designated.
  - Mullane states that we surfaced an area and could hold maybe eight vehicles in that location. You would never have to back out onto the road to get turned around. We have two parking spaces down by the house.
  - Paul Brashaw did the parking area on the survey and only showed parking for four cars, that could be increased. This is in order with the Comprehensive Plan of the additional employees.
- Gratton asks about the activity in the house and the garage.
  - Mullane states there would be similar activities.

**Public Testimony**

None

**Public Testimony Closed**

**Discussion:**

- Gratton states that I like that there will not be much waste. The only thing would be how long would it be before you outgrow this location.
  - Mullane states that we do about \$300,000 worth of product a month; the only thing is to get the employees in that space provided. We would probably be at that point in 36 to 48 months. We are looking at two to four years in this location.
  - Gratton states that you stated that you would like to have additional six to 10 employees within 24 months. This would max out the location with that number of employees.

- Jansen asks about doing a second shift and that would not require increase in parking or a building.
- Davis asks about the site distance.
  - Delvaux shows the spot of entrance that meets the site distance requirements.
- Gratton states a special use seems appropriate for this location and use.

A motion was made by Dave Jansen to approve the request stating the following:

1. The Comprehensive Plan to support small businesses
2. Appropriate site distance
3. Appropriate septic
4. No chemicals being used
5. Parking is adequate
6. No sign currently on the property
7. Within 1.5 miles of Galena
8. No comment from the City of Galena

With the following conditions:

1. Parking to be a maximum of 10
  2. Lighting to be downward if additional is needed especially for parking area
  3. No retail operation from the site.
- Matt Calvert, Health Department, requests that they limit the parking so that a parking area does not encroach on the septic replacement area.
  - Mullane indicates that the septic is sized for up to 20 employees.
  - Calvert states the only thing is if this system would fail, another location on the site must be found to install a new system.
  - Gratton states that the septic is an issue and we need to reserve a location for the replacement area. Request that Matt look at the site and make sure location has sufficient area.
  - Calvert states that the well is in the front of the house so a septic would have to be set back from the well.

Seconded by Susie Davis

Standards have been met

Roll Call:     Dave Jansen – Aye  
                   Mel Gratton – Aye  
                   Susie Davis – Aye

**John & Betty Schueller, owners, Connie Schueller, petitioner,** requesting a rezoning from Ag-1 General Agriculture District to R-2 Rural Residential District and a 1 lot subdivision to allow for a single family residence. Common Address: Just west of 13601 W Chetlain Lane, East

**Staff Report**

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the Agricultural area, and is shown to have small pockets of important farmland soils. This request is approximately 2.5 miles west of Galena and approximately 2 miles southeast of Menominee’s corporate boundaries. The Comprehensive Plan would encourage development adjacent to or within a mile and a half of a municipality.
- Waste Treatment: Soil borings were performed for this property on 4/21/00. Borings indicated that suitable soils for a conventional septic system are present throughout the lot. Surface water will have to be addressed when placing the septic system because there are culverts that discharge from the north and west onto this property. Drainage tiling will be needed to address a high seasonal water table.
- Access Considerations: An existing entrance is proposed to be utilized for this proposal. The sight distance on the existing entrance is adequate to the west. Sight distance to the east is compromised by a sag curve where low profile vehicles could be hidden from view for a few seconds.
- Other Considerations: A LESA has been completed and scored at 191. This parcel is surrounded by agriculturally zoned property, some of which is being used residentially. Coursen’s Landing Subdivision which is zoned RP Planned Residential is approximately ½ a mile to the east of this request. Sgt. Mike Moser, 911 Coordinator has indicated that in order to address new housing along Chetlain, corrections will have to be made on some of the existing addresses.

Paul Brashaw, surveyor representing owner

- July of 2000 this was initially brought forward and now we have an entrance that meets the site distance requirements when sharing the driveway. Would ask that the driveway next door be the only entrance with an easement for this parcel. The location of the septic system with a curtain drain on the property was shown. An easement be made for the driveway and the well to be shared. The lawyers will have to draw up an agreement to cover the maintenance of the well.

**Public Testimony**

None

**Public Testimony Closed**

**Discussion:**

- Gratton states that the site distance was an issue previously, but they have addressed the issue. The LESA score of 191 is high, but this is a topographically challenged site, not suitable for agricultural uses.

A motion was made by Susie Davis to approve the rezoning request and a 1 lot subdivision

stating the following:

1. Well agreement
2. Mandatory to use existing next door driveway with an easement for that driveway
3. LESA score 191 is high, but not suitable for Ag due to drainage and topography of the parcel.

Seconded by Dave Jansen

Delvaux states that the plat can be drawn up to be access controlled for the entrance.

Roll Call: Mel Gratton – Aye  
Susie Davis – Aye  
Dave Jansen– Aye

**Mark & Matthew Wand, owners,** requesting rezoning from Ag-1 General Agriculture District to Rural Residential Districts and a three lot subdivision to allow for single family residences.  
Common Location: 3531 S Eby’s Mill Road, Elizabeth

#### **Staff Report**

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the Agricultural area, and is shown to have small pockets of important farmland soils. This request is approximately 300 feet northeast of the City of Elizabeth. The Comprehensive Plan would encourage development adjacent to or within a mile and a half of a municipality. The Comprehensive Plan shows the generalized growth area for Elizabeth to be just north and west of the community.
- Waste Treatment: No soil borings have been completed this property. According to the county soil survey, soils present on the southern half of the lot are suitable for a conventional septic system. If the house placement or topography will be such that the southern part of the lot cannot be utilized, then a sand filter system would be required.
- Access Considerations: It appears that an entrance to lot 2 can be located to achieve 500 feet of sight distance. Vegetation and topography impairs sight distance for potential entrances to lot 3. There are, however, existing residential entrances along the same stretch of road. Prevailing speed on Eby’s Mill Road is most likely less than 55 mph requiring less sight distance.
- Other Considerations: A LESA has been completed and scored at 138. Parcels directly across the road are zoned residential and other parcels adjacent are also zoned Agriculture, but, are being used residentially. A Subdivision just outside of Elizabeth located off of Highway 20 is zoned Residential. Lot 1, 1.41 acres has an existing residence with outbuildings. The other two lots are intended to be used for new residential construction.

Paul Brashaw, surveyor representing owners

- LESA score is 131.
- Intention is to shave the bank from the goat shed to the western side of the property.
- Lot 3 will have to be to the southern lot line of lot three. Lot 2 has enough site distance.
- Soil borings were done on August 15, 2007 and a conventional system can be used on Lot 3.
- Eliminating the shared well easement between Lot 1 & 2

### **Discussion:**

- Keeffer states that the shaving of the bank will help and I don't believe that people are traveling 55 MPH on that road. I am not concerned with the entrance due to the scope of the road.
- Davis asks about the driveways lining up.
  - Brashaw states that there is an existing house across the road.
  - Gratton states that this request is more on the site distance than lining up the driveways.
- Jansen asks what the right of way is on the road.
  - Brashaw states that in 1994 a 33 foot right of way was dedicated and this request will also have a 33 foot right way giving a 66 foot right of way.
- Calvert states there is suitable area for a conventional septic system.

### **Public Testimony**

#### Richard Lotter, owns property adjoining to request 3586 S Eby's Mill Road

- When large equipment is brought in who will pay for the road damage.
  - Brashaw states that if they damage the road they would work that out with the road commissioner.
  - Wand states that Jim Knauer the road commissioner states that they are planning on resealing the road next year.
  - Gratton states that you should abide by any road postings. The largest equipment may be a bulldozer to shave that bank.
- How far is the bank going to be shaved?
  - Brashaw states that it would be about 20 feet past the right of way; this would be about 50 feet.
- Concerned with the size of the property requests.
  - Brashaw states that this is compatible with the subdivision across the road.
- The house that is currently there is grand fathered in, anything new would have to meet the setback requirements.

#### Larry Lyons, well driller, Route 20 Stockton

- Issue of 1 well versus the shared well. The more water you use the better the water. Shared wells can sometimes not be the best situation sometimes resulting in arguments with maintenance and such.

### **Public Testimony Closed**

A motion was made by Mel Gratton to approve the request for R-2 zoning with a three lot

subdivision stating the following:

1. This is an area that is in Elizabeth's Contiguous Growth Area
2. Not prime farmland, highest and best use is for residential
3. Site distance can be met – road is lightly traveled with certain elements to not travel 55 MPH.
4. Comprehensive Plan encourages development within 1.5 miles of a community.
5. LESA score of 138

Seconded by Dave Jansen

Roll Call: Susie Davis – Aye  
Dave Jansen – Aye  
Mel Gratton – Aye

**Robert & Kay Hammer, owners, and Foster Field LLC, (Steven & Loraine McIntyre), petitioners** requesting rezoning from Ag-1 General Agriculture District to R-2 Rural Residential to allow for a single family residence. Common Location: Adjacent to Foster Field LLC, Lake Road No. 1, Apple River

#### **Staff Report**

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the Agricultural Preservation area 1 and is shown to have pockets of Prime and important farmland soils. This request is approximately 1 mile north of the planned development of Apple Canyon Lake. The Comprehensive Plan would encourage development adjacent to or within a mile and a half of a municipality. Although Apple Canyon Lake isn't a municipality, it is recognized as a subdivision, and is interested in preserving the rural character of the area.
- Waste Treatment: Soil borings were performed for this property on 7/11/07. Borings indicated that suitable soils for a conventional septic system are present throughout the lot. Drainage tiling will be needed to address a high seasonal water table.
- Access Considerations: There is an existing entrance at the north edge of the parcel with sufficient sight distance. If the entrance were moved to the south, sight distance would be an issue.
- Other Considerations: A LESA has been completed and scored at 226. This parcel is adjacent to property zoned and used agriculturally, as well as sits adjacent to Foster Field. This piece is split off of the parent parcel by North Lake road No. 1. Just south of this request is a parcel of land being used both residentially and commercially. This use was grandfathered in when zoning was adopted.

Steve McIntyre, petitioner

- Requesting a single family home for a manager/operator for the airport.

- Show the proposed area for the house, septic and to use the existing well on the airport property. This is not a request for subdivision because we will incorporate this into the airport property.
- This airport is open to the public and would like to keep that amenity safe and secure. Airport security is now a concern. Security agencies with in the United States contacted me about securing airports and what is in place. Submitted a pamphlet showing what they are looking for on security. I can not put fences around the property because I do not own enough property to do that. The soils are suitable for septic system with curtain drain; site distance is adequate with the north corner of the lot. Water source will be provided from the well on the airport property. The drainage will be to the southwest corner of the airport property which we will build a berm and detention pond.
- LESA score of 226 would be to keep this property agriculture, but this would not be setting a precedent because this would be a house in support of the airport and this is the only airport in the county. This would not be setting precedence.

**Discussion:**

- Davis asks if the added security is mandated.
  - Steve states that nothing is mandated yet, but we have about 15 airplanes at this location and to keep those airplanes secure we need some type of monitoring 24/7.
- Jansen asks that you currently live at Apple Canyon Lake and do you plan on selling your house and living at this location.
  - Steve states that yes I live at Apple Canyon Lake and my plan is to sell my house and live at this location, but I am taking one step at a time.
- Gratton asks when people are at the airport.
  - Steve states no one is there after 6 pm during the week and no one on the weekends. We did over 12,000 acres of crop dusting from this location.

**Public Testimony**

Bill McFadden, 2939 East Stagecoach Trail, Apple River

- We have property that is north of this request and we do not object to the request.

Larry Lyons, well driller, Route 20 Stockton

- Freeport airport is making changes to update on the security that is being requested from certain agencies

Lori McIntyre, 11-A-152 Bogey Court, Apple River

- Security is an issue and we would be there 24/7.
- We have had people drag racing on the strip and other incidents, if we would be there, that may not happen.

**Public Testimony Closed**

- Steve McIntyre states that the runway lights may not go on all the time and to have

- someone there would help in those situations instead of me relying on neighbors.
- Gratton states that this is agriculture, but the LESA is only a guide. This is a property that is a small piece broke off of the farm by road. The security of the airport is something to be considered. Asking if this property be an ancillary use or by deed restriction to the airport.
    - McIntyre states that I would not want litigation against the airport or vice versa to take my home in the litigation if it was attached together.
    - Gratton states that there is probably quite a bit of liability that you cover for the airport.
    - McIntyre states that the house that would be located on this property would be a financial interest and would not want that attached with the airport. I have tied it to the well on the airport property.
  - Davis understands the litigation issue and not wanting to tie them together.
  - Jansen agrees with the request.

A motion was made by Mel Gratton to recommend approval stating the following:

1. Transportation Security Administration requesting additional security at the airport
2. Proximity of the parcel to the airport
3. This being an ag piece separated from the larger tract by a roadway
4. The separation of the parcel does not make it conducive to modern day farming
5. Positive testimony for the request

Seconded by Susie Davis

Roll Call:     Dave Jansen – Aye  
                  Mel Gratton – Aye  
                  Susie Davis – Aye

**Reports and Comments:**

Zoning Ordinance Rewrite August 24, 2007 at 9 am and September 12, 2007 at 7pm County Board Room.

Susie Davis made a motion to adjourn at 9:30 PM. Dave Jansen seconded the motion. Voice Vote: All Ayes