

**Jo Daviess County Planning Commission/Zoning Board of Appeals  
Minutes for Meeting  
At the Courthouse-7:00 PM  
June 27, 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  
Terry Kurt, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ Ron Mapes, Jo Daviess County Board Member

**Approval of Minutes:** A motion was made by Tom Heidenreich to accept the May 23, 2007  
Seconded by Nick Tranel Voice Vote: All Ayes Abstain: Bill Tonne

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

**New Business**

**Brian Yugar**, requesting a variance from the required roadway setback of 80 feet from the centerline of the road to 25 feet from the edge of the road to allow for a structure. Current Zoning: Ag-1 General Agriculture District Common Address: 2114 S River Road, Galena

**Staff Report**

- Comprehensive Plan: the Comprehensive Plan does not address setback Variances.
- Wastewater treatment: A septic permit for a holding tank to serve a 1-bedroom cabin was issued 07-07-06. Setback from septic tank to well is 50 feet, and septic tank to drainfield is 75 feet. Septic drainfield to a body of water is 25 feet.
- Access Considerations: The site will use an existing entrance with adequate sight distance. Rice Township and the County Highway Department are currently developing a project to relocate River Road to the other side of the BNSF railroad tracks. If this project is constructed, the road in front of this site could become a private road.

- Other Considerations: This is a parcel that the Corps of Engineers oversee, and allow cabins to be built on. There was previously a structure on this parcel that was torn down. This is in the flood plain and any structure will have to comply with the Counties Flood Plain Ordinance. From a flood view point the further away from the water the structure the better. This area has other existing structures that were prior to zoning that do not meet today setback requirements.
- Mel asks Linda to share some information about the County Flood Plain Ordinance.
  - Linda states that anywhere prone to the 100 year flood plain we need an elevation certificate when someone wants to put up a structure. The certificate would show the lowest possible level a livable area must be, and that is at least one foot above the indicated flood plain level. The county needs to be compliant to be eligible for flood assistance and flood insurance.
- Bill asks who determines the flood elevation.
  - Linda states they are required to hire an engineer or a surveyor to shoot the elevations, but there are base flood elevations done in certain areas.

Brian Yugar, leasing property from Army Corps of Engineers

- Topography is not a problem in this area, but the Mississippi River is to the rear of the property. There are other properties down the road that are closer than my request. I am not going to be making money on it. The property is owned by Army Corps of Engineers and I lease from them and they approved what I am looking to do. This cabin will be safer because the previous structure was 12 feet from road and in bad shape. This will not be a traffic hazard because not much traffic. Will build the structure 1 foot above flood level or even a little more. This will benefit the property and the area. If I put it at the 50 foot setback then I will be too close to the water and I will have to cut trees and the Army Corps does not want to cut trees. Lot is only 100 feet deep and I have to maintain the flood elevation for the structure. This is the minimum setback for the request. The structure will be on piers.

**Discussion:**

- Mel asks if the structure can be moved back further from road and elevated any more.
  - Brian states that its not advisable, the closer to the water the higher the elevation must be. .
- Tom asks about the well
  - Brian states there is a well on the property already. The septic is only a holding tank
- Bill asks when he signed the lease for this property.
  - Brian states it will be a year around Labor Day
- Bill asks about the length of the lease and the requirements.
  - Brian states that it is a one year lease
  - Larry Kohler, 157 North Pilot Knob Road, states that the properties

have a 10 year lease, but they pay annually, then at the end of the 10 years they look at the lease agreement.

- Bill asks about the issue of terminating the leases of certain areas.
  - Larry Kohler states that in areas where abandoned or not desirable they do check on.
- Tom asks if the Army Corps requires you to build on the lot.
  - Brian states in the agreement there has to be a structure on the property
- Dave talks about areas where the Federal Government is buying up property that were built in the flood plain in or around communities that did not meet the elevation.
- Linda states that the county has been involved with some of those buyouts. This covers homes that have been inundated with flood year after year, a buyout is done because it's less costly then paying out flood insurance every year.
- Bill asks about different floods that we have had and the elevation of the water in that area.
- Dave talks about the 100 year flood with the latest being 2001. There have been 2 maximum floods since 1858 that have been established.
- Mel asks Steve about River Road. Steve states that they are looking into moving the road to the other side of the tracks and the current road would become private. Traffic volumes are very low on this area.
- Bill talks about the number of trains that go by, something like 50 a day.
  - Brian states he likes trains.

### **Public Testimony**

#### Larry Koehler, Pilot Knob Road, Galena

- I have been driving by this area for about 30 years and the old cabin never had water near it and this will be at least one foot above that.

### **Public Testimony Closed**

- Bill states that this may be unique and the public welfare to the remoteness of this area is not threatened.
- Tom talks about the safety issue, because I would think being further from the water would be safer than a road not highly traveled.
- Mel talks about the small size lot, low traffic roadway, Mississippi River is the rear of the property, this is not for a profit, and this would be compatible with the area, consistent with other properties, and should not be detrimental to the other properties.

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

1. Meets the Variance Standards

Seconded by Nick Tranel

Roll Call: Tom Heidenreich – Aye  
Nick Tranel – Aye  
Dave Jansen –Aye

Bill Tonne – Aye  
Mel Gratton – Aye

**Glenn & Cynthia Moser, owners,** requesting rezoning from Ag-1 General Agriculture District to R-1 Rural Residential District to allow for a single family residence Common Location: South Rocky Hill Road, Galena

### **Staff Report**

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the Agriculture area. This area is shown to have some pockets of important farmland soils. This parcel sits just south of Galena. Our Comprehensive plan recognizes this area to be outside of the mile and half of the City.
- Waste Treatment: No soil borings completed on the proposed 5 acre parcel. According to the county soil survey, soils present are not suitable for a conventional septic system. A sand filter system would most likely be installed. Onsite soil borings may reveal an area of suitable soil.
- Access Considerations: There is adequate sight distance for an entrance to this parcel. The owner may have to cut/trim brush and trees along the property frontage from time to time to maintain the sight distance.
- Other Considerations: A LESA was done and resulted in a score of 166. Just north of this request, the County Board approved rezoning of a couple of parcels from Ag-1 to Residential Zoning in 2003 and two more in 2007. Just north and adjacent is an existing subdivision that was in existence prior to zoning, these lots range in size from 5 to 10 acres. This five (5) acre piece is split off of the larger parent parcel by Rocky Hill Road. The parent parcel will be left at approximately fifteen (15) acres with an existing home. The parent parcel will still be zoned Ag-1 General Agriculture District and can be used accordingly.

### **Paul Brashaw, surveyor representing owner**

- This property does not have any agricultural benefits, it has a high voltage line running through the property, and the slope does not lend to agricultural uses. There is a subdivision to the north and other rezoning in the neighborhood has been done.

### **Public Testimony**

#### **Mark Cooper, 976 Timberline Trail, Galena**

- Do not object to the request, but concerned with the survey line description and also where the fence currently is. States that the fence is not on that survey line that is being described and wants the potential buyer to be aware of that. Brought the issue to Linda Delvaux and she suggested writing a letter to the surveyors and the owner. Terry Leifker and Paul Brashaw contacted him back and addressed the issue.
  - Mel states that these are some legal questions that you are asking.
  - Mark Cooper describes the description of the two surveyors and cannot come up with the difference in the measurement.

- Paul Brashaw states that he made an assumption on the same line as Terry Leifker and it is the section line. The person will buy the property to a legal description not to a fence line.
- Linda Delvaux confirmed with the GIS office the lines described in both the Cedar Lake Subdivision and the new survey for this proposed lot does describe the same line being the section line.
- If there are any fence disputes, the potential owner and Mark Cooper would have to abide by the Illinois Fence Law.

**Public Testimony Closed**

A motion was made by Bill Tonne to recommend approval stating the following:

1. Septic capabilities – sand filter system potentially
2. LESA 166
3. Other residential in the area
4. Site distance to be maintained
5. Consistent with trend of development in area

Seconded by Dave Jansen

**Discussion:**

- Bill states that if the fence ever needs to be replaced, the Illinois Fence Law would be in place.
- Mel states that there is likelihood that the septic will have to be a sand filter system.

Roll Call:     Nick Tranel – Aye  
                   Dave Jansen – Aye  
                   Bill Tonne – Aye  
                   Mel Gratton – Aye  
                   Tom Heidenreich– Aye

**Reports and Comments:**

Potential dates for rewrite Zoning Ordinance meeting July 11<sup>th</sup> & 30<sup>th</sup> 7:00 pm for County Board members and committee for rewrite of ordinance.

Dave Jansen made a motion to adjourn at 8:15 PM. Nick Tranel seconded the motion. Voice Vote: All Ayes