

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
January 22, 2020**

Call to Order: Meeting to order at 7:00 p.m.

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- ✓ Nick Tranel
- ✓ Laura Winter
Ron Mapes
- ✓ Gary Diedrick
- ✓ Peter Huschitt, Alternate
vacant, Alternate

Staff & County Board Members:

- ✓ Steve Keeffer, Highway Engineer
Sandra Schleicher, JDC Health Dept.
John Hay, State's Attorney
- ✓ Eric Tison, Planning & Development
- ✓ Robert Heurman, JDC Board Member
- ✓ Melissa Soppe, Planning & Development

Approval of Minutes: A motion was made by Huschitt to approve the minutes of December 18, 2019. Seconded by Tranel. Voice Vote: All Ayes

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

New Business

Joe Nack here to represent opposing neighbors.

Petitioner waves the right to have his own legal counsel and wishes to continue with request.

Jenkins Family Trust (Donnell & Marilou Jenkins, co-trustees, 7 Seneca Trail, Galena IL 61036) owners, and Eric Jenkins (1137 Indian Trail Dr, Hinsdale IL 60521) petitioner have petitioned for a Variance from the required side lot line setback as established in Title 8, Chapter 5, Article B-46, B.4.a.; Building Siting and Orientation. Requesting to vary from the required twenty (20) feet to twelve point two eight (12.28) feet for the existing home, a seven point seven two (7.72) foot variation, to allow for Guest Accommodations use. Also requested is a Variance from the front yard setback as established in Title 8, Chapter 4, Article A 3 A. 1 from the platted thirty (30) feet to twenty five point nine (25.9) feet, a four point one (4.1) foot variance for an existing residence to be used for Guest Accommodations. Property is located in the RP Planned Residential District. Commonly known as: 7 Seneca Trail, Galena, IL.

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of tourism and the use of the homes for rental is a direct result of tourism.
- Wastewater Treatment: This home is served by an existing septic system installed in 1994 to serve a 3 bedroom house. The system is located south of the house. A soil investigation conducted in November 2019 revealed that upgrades will be required before the system can be approved for guest accommodations.

- Access Considerations: The property has an entrance onto East Galena Township maintained Seneca Trail. The entrance is at a cul-de-sac and has adequate sight distance.
- Other Considerations: The property is located in the Galena Territory and was constructed in 1994. Per the application and exhibit, this variance request applies to the location of the home and deck. Because this is a four (4) bedroom home, GA zoning requires a twenty (20) foot setback from the side yard. A Zoning Certificate for GA application has not yet been received; however, during a site visit staff observed the home and activity areas are well screened from the adjacent properties, specific to Zoning Certificate GA requirements. Driveway grade compliance must be rectified when making improvements to meet width requirements. On Seneca are 3 full time occupants and 1 non full time residence. Department records indicate that there are 5 other existing rentals in the vicinity of the request on Shorewood, Peninsula and Champlain. All parcels are zoned RP in accordance with their location in the Territory.

Eric Tison indicates the driveway near the road will need to be widened because it does not meet the 10 foot wide requirement.

Eric Tison indicates we did receive letters in opposition, which have been forwarded to the board.

Diedrick asks about the driveway, this is not part of this request, correct?

- Eric Tison indicates that is correct, they have to widen the driveway near the top so at that time they would correct the driveway grading issues.

Huschitt states that if later they widen the driveway and fix the grade that would not require a variance request

- Eric Tison indicates that is correct.

Eric Jenkins, petitioner and son of owner

- My father is 86 years old, my parents built this house a long time ago. My mother recently passed away and we have had a change in circumstance with the house. My parents have been trying to sell the property for 5.5 years. My father is ill and needs to relocate closer to family and given the change in circumstance we are requesting a Guest Accommodations to allow us to relocate my father and as a result of the Guest Accommodations the setback has changed since they built the house prior to when there were zoning requirements. The proximity of where the house is they needed to move it closer to one of the side setbacks to get a better view of the lake because of the change of circumstance and the requirement of the Guest Accommodation we now have the 20 foot setback, which we have a corner of a deck that is encroaching that setback by about 7 feet. To try and remove that would be a hardship because it is a significant cost and difficulty to tear down and relocate that deck therefore necessitating the request for the variance. I understand the neighbors have concerns and question, I look forward to hearing those and addressing those. I want to make note that my parents have loved living in Galena, they enjoy their neighbors, the intent is not to be disruptive or do anything negative to the neighbors, it is a circumstance we are faced with and so we are trying to be as accommodating as possible so that we can appease any concerns that the neighbors have.

Huschitt asks what your long term intent of the property is.

- Eric Jenkins indicates that there is currently a sale contract pending. That is with local residents who want a Guest Accommodations capability. If that contract does fall through then we would maintain the property with a Guest Accommodations. The purpose for us is not only to potentially sell the house, right now it is very difficult to sell houses here right now, the market has shifted where buyers are wanting the Guest Accommodations so several of the interested parties have wanted Guest Accommodations for the property. That would potentially make it more marketable or if not at least my father can afford to maintain the residence.

Winter asks if you are planning on renting out yourself or renting it through a service with a local rental company.

- Eric Jenkins states there is a sale contract on the house, quite frankly it is contingent on the Guest Accommodations, they are local residents, I don't know what their plan is on how often, but they are local and they do have another rental property around, they may also want to use it as a primary at some point, I just don't know the details. The plan is to have with local owners with the possibility of having a Guest Accommodations.

Public Testimony

Nancy Brewer, 10 Seneca Trail, Galena

- I live directly across the street from this home. According to the Jo Daviess County rules for zoning a variance is an action granted by the County Zoning Board which provides property owners relief when strict compliance with the requirements of the Zoning Ordinance causes undue hardship. According to the Zoning Board #1 the purpose of the variance is not based exclusively upon the desire to obtain higher financial return on the property. In his application for the variance Mr. Donnell Jenkins stated that my wife recently passed away and I have been unable to sell my home and need rental income to afford the home. Mr. Jenkins does not plan to remain in this home as stated. This home has been sold to a company according to him with the sale of the home contingent upon this variance. He told neighbors and myself that he has had 2 other offers on the home, but they were not substantial. This is absolutely requesting a variance for the desire to obtain higher financial return. Mr. Jenkins does not plan to remain in the home. According to the Zoning Board #2 if the strict letter of the ordinance were carried out it would result in a hardship and not a mere inconvenience. We have had years of friendship with Mr. Jenkins and years of watching his home when he and his wife were at their Florida home. According to Mr. Jenkins himself, this home has been sold to an investment firm by law it is the applicants burden to prove hardship not the objecting neighbors burden to prove wealth. Mr. Jenkins plans to move to the northwest suburbs of Illinois as soon as the purchasing company takes over this home for the sole purpose of investment income for financial gain. This does not cause undue hardship, waiting for the sale is merely an inconvenience. According to the Zoning Board #3 if the plight of the owner is due to unique circumstances beyond the owner's control, sadly Mr. Jenkins plight is due to the loss of his wife last year, but has stated many times to many neighbors that this was Marilou's house, and emotionally he needs to get out. We are all saddened by the loss of Marilou and acknowledge his emotional desire to leave the home, he does not plan to stay in the home and therefore does not need rental income. He wants the sale to proceed and accepted the most lucrative deal with an investment company. He is extremely anxious to leave Galena as soon as the sale goes through. He is not asking this for help with rental income for him to afford the home, he is asking the board for a financially lucrative way to move on. According to the Zoning Board #4 the variance is granted will not alter the essential of the area. Mr. Jenkins answer to the Zoning Board application question, the variance request will not be detrimental to the

surrounding neighbors or community, and he checked no. Granting this variance will result in the homes sale proceeding to a company that will use it as a short term rental for their profit. This will dramatically alter the character of the area. The close proximity of our homes on the cul-de-sac will cause increase congestion, traffic, parking issues, and trash as well as increase light in a dark skies neighborhood. There are already rental homes in the neighborhood that have resulted in increased hazards and not to mention complaints. The safety of the permanent residents of the young children and the dogs that live on this cul-de-sac will forever be altered. According to the Galena Territory guidelines all the lots described in Thunder Bay Unit Lot 1-151 are restricted to single family residential use. A company running a commercial venture is not a residential use. This variance request is for financial gain, not undue hardship. This is a sizeable variance request, this is significant passing this variance would set a precedent. The ordinance was established for a reason to protect the property owners of the Galena Territory. It is the Zoning Boards job to enforce the ordinances that are written. There is no undue hardship in this request. I respectfully ask that you deny this variance.

Jim Kurts, 11 Seneca Trail, Galena

- With my wife, Denise and our two children ages 10 and 12. Our house is just around the cul-de-sac, but our properties are very, very close. We are very much opposed to the variance request and their subsequent request to turn it in to a short term rental. The variance request states that Mr. Jenkins needs the rental income to afford the home and intends to convert to a short term rental, given what Donnell Jenkins has repeatedly told us about his families success over the years, we believe this is not a hardship issue and this variance request is purely for monetary gains with no regard to the negative consequences to the existing homeowners in the cul-de-sac. This is a residentially planned community with strict covenants. It was not intended for homes to operate businesses or short term rentals in a residential community. The homes in the cul-de-sac are close together in proximity due to the pie shaped configuration of the lots. If the variances are granted with the sole purpose of the property being granted a Guest Accommodations status this would absolutely change the entire integrity of the cul-de-sac as all of the homes on Seneca Trail are currently single family residences. In our opinion it will be the equivalent of spot zoning the street to allow for one home to be a short term rental. Safety is also a big concern for us. The Jenkins driveway is very steep and has a steep grade and exceeds the maximum allowed variance. In the winter with snow and ice the driveway is nearly impossible to stand or walk on. These conditions will force the allotted cars approximately up to five or six vehicles to park in our cul-de-sac. I think Mr. Jenkins had to park in the cul-de-sac tonight because his car was parked there not in the driveway. The cul-de-sac is not big enough to park five or six vehicles, it would make snow removal difficult and create safety concerns. Also due to the parking restrictions around fire hydrants and mailboxes currently located in the cul-de-sac, there is no room to park five or six cars in the cul-de-sac in the event they are unable to navigate the steep driveway and congested parking area. The congested parking area and driveway would make it extremely difficult for emergency vehicles to access the home as well as the other homes in the area in the event of an emergency situation, if those other cars are parked in the cul-de-sac. Even if the driveway is reconfigured, the parking area is next to a steep ravine and could create extreme challenges. We are greatly concerned about our property values and the negative impact of being located next to a party house or a short term rental property. Most potential home buyers do not want to purchase a home next to a short term rental with unknown individuals coming and going every week. It would deter future residential home buyers in the area and further drive down

home values in our opinion. There is also potential for increased crime in the area with many unknown individuals coming and going every week, with no vested interest in our community or our area. Given all the reasons stated we respectfully request the variances to the property at 7 Seneca Trail and the subsequent request to receive Guest Accommodations status be denied and the current zoning be upheld as a residential property and residential community. Thank you.

Joe Sener, 4 Seneca Trail, Galena

- If the map was updated we are the 2nd lot on the left with a new house that we live at since May 2017. I am also a retired professional engineer as we were building our home we chose the property because of the topography and the lay of the land and given the original position of the house we were not going to be able to drive out of our driveway and back up to the street, we changed the design using our architect to raise the home 2 feet to accommodate for that, in order to make the current grade requirements for our driveway which are about 7%. The grade going into 7 Seneca Trail is breaks through 15% grade as more than one position and to me that is a significant health and safety issue, not only is it tough to walk up and down, but you will not get an emergency vehicle down, you are not going to get an ambulance down, and you will not get a gurney back up with a 200 pound adult on it. I think that we have got health and safety issues for first responders as well as people that may be using it as a rental property. With my background, I am concerned about the allowance of this variance going forward and would strongly disagree with it.

Joe Nack, lawyer, 106 N Main Street, Galena

- Representing the opposing neighbors that have spoken already. I don't know if I can say anything much better than what they did. The criteria the Zoning Board looks at when making these determinations, I believe there are 7 criteria. Some of the criteria does not apply in this case. 1- The physical surroundings, topographical conditions of the property are not an issue because the house is already built, it is already there and was built in 1994 prior to zoning. None of these restrictions really apply when it was built. The petitioner indicated the hardship had to do with the deck being over the property line, I don't think this is the hardship that is considered that is contemplated by the ordinance when the Zoning Board creates this. The hardship is coming and saying that you had to take that deck off or moving the garage or taking it down which would hamper the value of the property. It is not a hardship because the variance is not required if you sell the house as a residential property. The variance only becomes an issue if you want to turn it into a rental property, so it doesn't exist in the setting it is in right now. 2- The condition for variation is based are unique to the property and not generally applicable to other properties, I don't think this one applies because there is nothing unique about this, this is a simple encroachment is what it comes down too. I would say this board deals with that on a regular basis, but for the rental license, this may not be an issue, which will change the integrity of the property. 3- The purpose of this variance request is to increase profit, sell it and make more money. Or for someone to make more money off this property after the purchase. We don't know what the other offers were, I know the property has been on the market for a while. It seems it is purely for the subsequent buyer to make more money off this property. This is clearly a negative in the consideration in what the Zoning Board goes through. 4- the alleged difficulty or hardship caused by this ordinance and has not been created by persons presently having interest in the property, I don't think that applies, granted they built the house, but the house was built prior to zoning, they didn't cause this, it wasn't intentional. This is a

result of Zoning coming in after the house was built. 5- The granting of the variation will not alter the essential character of the locality, and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located – I think this is a big issue, the whole dynamic of the cul-de-sac will be changed. There are other rentals in the area, but none on this cul-de-sac. I think you are familiar with the Galena Territory and its resort property. There are many rental properties, but this area has none on this cul-de-sac, so to allow one in creates a great change, whether it would increase property values down the road, you don't know that. It will increase traffic, congestion and create other problems that currently don't exist. 6- The proposed variation will not impair an adequate supply of light and air, it does not do that. There is a public safety issue with more people, more cars coming down as there are children in the area and obviously vacation properties are generally used more for a party atmosphere than not vacation rental properties. 7- The variation request is the minimum variation, which it is, they are not asking for anything additional. I think taking this request as a whole, the real intent here is for the next owner to make more money off this property and I think that is the true negative and real basis for denying the request. On behalf of the people I am here for we ask that you deny the request. Thank you.

Richard Beutel, 17 Shorewood Drive, Galena

- We are just up the street from this request, but a distance from this property, but we are not directly affected. When we bought our house, which can't be a rental, we knew that and was the understanding at that time. In this case you have a very major variance to the code and it seems that it gets progressively bigger, we are not talking about 12 inch variance against a greenspace. My concern as a resident that once you start moving down this path where do you stop, the codes are in place for a reason and you really have to be very careful when you start giving variances and have a pretty good plan to limiting it in where you go.

Eric Jenkins, petitioner and son of owner

- Thank you everyone for voicing your concerns. What I am hearing is an indictment on rental. This is a variance of 7 feet encroachment of a deck, the reality is we could tear down that deck and have a rental, then there is no variance request. That would be a hardship, would cost us money to remove, but that is an option. The mention of this to make money could not be further from the truth, the situation is we can't sell the house, it has been on the market for 2,000 days, for the last 6 months we have dropped it over \$100,000. There is little equity in the house so if we don't sell the house it could be a foreclosure. I don't know if the neighborhood and the people would want a deterioration of value based on foreclosure prices. So this is not something to maximize value, this is something to be able to sell the house and get him to move. There are no other offers on the house, there has not been offers that are greater because of the rental, and we are trying to sell the house, if anyone want to buy a house please let us know. The standards for variation discussion, I disagree with. I think there is a hardship, this house was built before the codes were set, because of that the setbacks are now requiring that 20 feet, and there is a hardship to try to meet that variance by having to tear down a deck to do that. I would look at how much of that variance really going to create a difference between that and bringing that setback in, so it is a 7 foot corner, I have pictures if you want them, but it is not impacting anybody of the neighbors, the location of the immediate adjacent house is facing the other direction we have blockage of trees so it is not like the variance component is infringing upon privacy, not having anything to do with the driveway. The driveway is something separate and is not in this variance and that will have to meet the

standard. I understand the concerns, I just want hopefully to be able to focus on this is not an indictment and should be on rentals. That is going to be the reality of Galena these days. I think it has become the reality, tourism is feeding the community, and it is necessary, rental properties are a part of that. A lot of owners are going to want to have the options of rental property. I think in terms of being able to increase the values of properties that rental options are going to be necessary in the community. I understand and appreciate the concerns, but I hope that we can focus on the reality that this is a hardship, that it is not to make money, that the variance is for the deck encroachment area and not on the entire rental accommodation capability because that is something that is particularly the issue at case here.

Public Testimony Closed

Gratton asks about information in one of the correspondence that was received about the lot line. Has that issue been addresses and are we working with the proper designation.

- Eric Tison states that I talked to the GIS Director and what is reflected on GIS mapping is not reflective of what a site survey might show. The plat for the subdivision as a whole, when taken into context for a specific use like this could differ from the platted information. The site plan is reflective of the proper distances to the property lines that may differ slightly from what could be reflected on the platted survey information that was filed for the Galena Territory as a whole. In other words GIS is not going to move property lines based on a survey for rental properties.
- Gratton states that if we had a legal survey done we would probably use those dimensions.
 - Eric Tison indicates that is the purpose of the survey to verify that everything on the property is where it is supposed to be. In certain occasions there might be an egregious error that needs to be corrected by GIS, but it is unlikely that a rental property is going to cause GIS to make changes because the overall plat for the subdivision.

Gratton asks about the other portion of this request.

- Eric Tison states there is a front yard request, the survey shows the encroachment of the garage is about 4 feet as is relates to Guest Accommodations use.

Gratton asks if these are both because of the Guest Accommodations use not anything else.

- Eric Tison indicates that is the purpose of the request. Also the driveway grade is not a concern of the Zoning Board at this time.

Gratton states that there was comment about covenants and restriction of the Galena Territory, I think what we are looking at there is the definition of a single family residence, that is referring to the type of structure they were looking at allowing in there. There are other areas that allow multifamily. I couldn't find where it indicated that it meant the use, the use has to be residential. The rental falls under a residential use. If a covenant were not allowing something to happen, we certainly wouldn't be here doing this.

- Eric Tison states that is how our code interprets it. The Galena Territory owns the abutting property so they received a certified notice of this request, and I have received no comments from them.
- Gratton states that covenant is enforced by The Galena Territory and not this board.

Diedrick asks about the parking, I know that is not part of the variance but because of the driveway situation there even when the petitioner makes revisions to the driveway there is still the issue of parking. Steve do you think you could park 3 or 4 cars even on a nice summer day, without having to go out to the cul-de-sac.

- Steve Keeffer states that they are showing they can and they could park in the garage.

- Eric Tison states inside of the garage is allowed, so there is more than enough room to park 5 cars on this property. Again that is not relevant to the discussion at hand and the request at hand.

Huschitt states that I don't think that I can be pro or con for Guest Accommodations. We are to see if this property is an acceptable use for this lot line based upon the encroachment. I asked myself the corner of the garage is behind trees, I don't think that would cause to turn down the request. The deck seems to be the issue and materially speaking, Mr. Jenkins did speak to it, if this wasn't approved and he chooses to remove the deck, has it really materially changed what the question was. I am looking at it as we have a variance request for one reason and one reason only and that is a deck encroaching 7.7 feet. All the other concerns while very valid, are not addressable by a deck that is over 7.7 feet.

Winter asks if this were a three bedroom would they have different setbacks.

- Eric Tison indicates yes, it would change from a twenty foot side setback to a side setback of fifteen feet. The fifteen feet is the minimum setback that it could be regardless of the number of bedrooms.

Gratton talks about the history of the setbacks and the purpose of those. With having these properties with other residential properties that are owned by either part time or full time residents, it was a challenge to come up with standards that make them fit. They will not make everyone happy all the time. As the bedrooms increase, that increases people and then the setback increases. The reason and purpose is to create some distance and space. For some people you could have a quarter of a mile and it would be too close, but others may not. What we came up with were minimum standards. We did have stricter standards when these first were done. We did loosen it up so that homes could be utilized, but realizing that we need to create some distance to make this a more livable situation. It is the setbacks that we look at, but this is a tremendously steep lot from the driveway and ending at the lake. I would ask how you access the rear of your property, there is enough space to drive around there, but if your septic tank plugs up today, it will be hard to get equipment back there. A lot of reasons for setbacks, if this lot goes into Guest Accommodations that septic tank will need to be pumped, may need a hose long enough to pump it uphill, but I don't know. It was hard for me to walk out there and the driveway was clean. This is the ordinance that we have to enforce and why do we want to make a variance for everyone that does not have the right distance back or the minimum that we established, then we have reason to change the requirements such as taking them out or changing them if they are impeding growth.

Eric asks if both variances are being reviewed together.

- Gratton states that I am looking at both because they are both for Guest Accommodations Standards for variance reviewed

1 – Huschitt indicates that the hardship is that the owner is asking for a Guest Accommodation, which they cannot get without a variance, because of the position of the home to the lot line, I think it is a hardship. Also they do not have to ask for Guest Accommodations, but they would like a Guest Accommodations so is it a hardship in relation to the lot.

Gratton indicates this one is hard to determine.

2 – Diedrick indicates this is not solely unique, but it is unique by the fact that it is located in this particular neighborhood, we have seen others under this same circumstance, and I would say it is unique to this property.

Gratton states it is unique, but we have a lot of unique properties.

Huschitt asks how many Guest Accommodations we have in Jo Daviess County and or just the Galena Territory.

- Eric indicates that we have about 530 total and about 70% are in the Galena

Territory.

Huschitt asks out of those how many of those needed variance requests.

- o Eric states that we anticipated this question and looked it up, filtering only to the Galena Territory we had about 18 variance requests of which 2 were denied.

Huschitt states that with that information this is unique, with 18 out of 350 or so that is unique.

- o Eric states that some of the Guest Accommodations properties have been grandfathered, as well as the previous process of the Special Use for Guest Accommodations. There were slightly more restrictive requirements when these were Special Uses.

3 – Gratton states that we heard testimony on this both ways. We don't have numbers to look at or no evidence one way or the other.

Winter indicates this question always gets me on Guest Accommodations because it will be income producing, so no matter what this question.

Gratton states the key word is exclusively. Others may desire to move the property.

4 – Gratton indicates the ordinance caused it because that is where the standards are.

5 – Gratton states that we hear comments both ways on this.

6 – Gratton states do rentals create more traffic than full time residents. Maybe during the week they have none. No issue with light or air. Increase congestion of public streets, take that for what it is. Increase danger of fire or flooding, no issue. Endanger public safety, diminish or impair property values in the neighborhood – Diedrick indicates the variation will not do that.

7 – Minimum request, building exists

Huschitt indicates that to remove a deck or this go through, if we say minimum variation is to remove the deck and then you automatically get the Guest Accommodations, I don't know if it materially changes it that the deck encroaches 7.7 feet.

Gratton states that I have an issue, if we do this we set precedence every time we make a decision and if we say this is okay because of other circumstances, it makes a difference on the decision we make next month. Do we want to have variances every time there is a setback request, if we do and if we are going to do that, let's change the setbacks? If we feel these are minimum and reasonable then we have to uphold the ordinance.

Tranel states that we talk about precedence, however we do look at these individually, and each one comes in here on their own merit. I don't compare this to others we did last month or year.

Gratton states that if there was greenspace on the side that makes a difference.

A motion was made by Diedrick to approve the variance request from the required side property line setback of twenty (20) feet to twelve point two eight (12.28) feet for the existing home, a seven point seven two (7.72) foot variation, to allow for Guest Accommodations use. Also from the platted front property line setback of thirty (30) feet to twenty five point nine (25.9) feet, a four point one (4.1) foot variance for an existing residence stating the following:

1. Standards for variance were reviewed

Seconded by Huschitt

Roll Call: Gary Diedrick – Nay
Laura Winter – Nay
Nick Tranel – Nay

Peter Huschitt – Aye
Mel Gratton – Nay

the building for animals. I let it go in a state of disrepair. I have been living here permanently since 2006, I bought the Honeywell plant in Warren and moved my business here from Chicago. I have no way to cover my cars or put a tractor, the property slopes steeply. From the road to the house it is a good 20 foot drop. I am wanting to put a pole building right where the existing barn is, some foundations walls and concrete can be used. The setback was in place after I bought the property. If I go any further back I would have to turn the barn and a lot of grading behind the property to put the building that far from the road, which would make it hard to get to and have it plowed. It will have 12 foot sides, 24 feet by 36 feet pole barn, no sides on it. I will stack cut boards in there. I am looking to do solar on the building.

Gratton states I went in the circular driveway, which is better, but I see that it is on someone else's property.

- Matt Alschuler states there is no easement. I did contact the neighbor many years ago and said it is easier for me to get out that way, would you mind if I had someone come and clean that up and put gravel, they agreed. I come in toward the steep end and go out the lower access.

Gratton states that the reason for the different setbacks for the different roads is to save the taxpayers some money if the jurisdiction needs to move a road. This road, I came in on the north and the amount of traffic might be from the north end to the south end.

- Steve Keeffer states that it transitions from Township to State, and the State portion is worse than the Township. I don't know what the future holds, I know the State would like to get rid of it. If they were wanting to do anything it would be on the other side of the road, moving the road away from this property.

Public Testimony

None

Public Testimony Closed

Standards for variance reviewed 1 – true; 2 – yes; 3 – true; 4 – true; 5 – true; 6 – true; 7- true

A motion was made by Winter to approve the variance request as presented from the centerline of the State Highway of one hundred twenty-five (125) feet to ninety one (91) feet from the center line of N Canyon Park Road; a thirty four (34) foot variation for placement of a detached accessory structure stating the following:

1. Standards for variance reviewed and all met

Seconded by Tranel

Roll Call:	Nick Tranel – Aye	Gary Diedrick – Aye
	Peter Huschitt – Aye	Laura Winter – Aye
	Mel Gratton – Aye	

Alexander K Phillips Trust (dated June 30, 1999, Alexander K Phillips, Trustee, 399 E Hanover Road, Hanover, IL 61041) owner, has requested a Special Use Permit to allow for an existing non-agricultural residence on a lot less than forty (40) acres. Property is zoned AG Agricultural District. Common Location: 3426 E Albrecht Road, Elizabeth, IL

Staff

- Comprehensive Plan: The Comprehensive Plan would indicate that this parcel is located in Agriculture Preservation Area 2 and more than 5.5 miles east of

Hanover. Soil types for the proposed location are designated as 55% prime farmland, 34% farmland of statewide importance and 11% not prime farmland.

- Waste Treatment: This home is served by a septic system installed in 1998 to serve a 4 bedroom house. The system is located south of the house toward Albrecht Road. The request appears to leave adequate room for an expansion or replacement system in the future.
- Access Considerations: The property has an existing entrance onto Jo Daviess County maintained Albrecht Road with adequate sight distance.
- Other Considerations: This property on E Albrecht Road, between Derinda and Massbach, currently consists of just over 39 acres. The existing residence was constructed with permit, in 1997. Per the application, the present owner/applicant is requesting to create a new parcel for the homestead encompassing just over 5 acres as shown on the exhibit. There is no proposal or permit application to construct any new buildings on the remaining acreage. The parcel, as proposed, does meet lot configuration requirements. All adjoining parcels are zoned AG Agricultural.
- LESA: The Land Evaluation score on this property is 74.5 (above the County average), with an overall LESA score of 207.5. Some of the Site Assessment factors contributing to the overall score were the size of the parent parcel (5/15 pts), the commitment to AG adjacent (5/25 pts) and the percent of AG land adjacent (20/25 pts). Additionally contributing factors including distance from community services (max 15 pts), availability of water/sewer utilities (both max 10 pts) and the soil suitability for onsite disposal (20/25 pts).

Tison indicates prospective buyer called asking about property and adding an accessory building.

Gratton swore in Alex Phillips.

Alex Phillips, owner

- Purchased this acreage which was a little more than 39 acres. My goal was to own some Ag ground and I love to hunt. I want to keep everything else there. I have a farm down the road on E Hanover Road, which is where I live. I just want to sell off the house. I have no intention on building on the remaining portion.

Gratton states that we look at the LESA score and what it tries to accomplish. You are not looking at doing any additional building, with that high LESA score it causes us to take an extra look at these because it doesn't fit all the other categories that we look at. Anything over 200 triggers that, we sometimes look favorably on existing properties to be able to use those efficiently and effectively.

Winter states that if someone wanted to build a house or a shed on the remaining acreage what would they have to do.

- Eric Tison indicates that a house would be a request here. Agricultural structure probably could be issued without taking it through a process.

Tranel asks where you will access the balance of your property.

- Alex Phillips states I would come in from the east side on the north end or off the west side as well.
- Steve indicates the building next to the larger acreage is the county shed.
- Alex Phillips states if you need help through there I would be happy to cut through there.

Public Testimony

None

Public Testimony Closed

Eric Tison talks about the minimum acreage for county for this is 2 acres, but to avoid the State Plat Act they need 5 acres.

Standards for Special Use reviewed 1 – met; 2 – met, no issues; 3 – true; 4 – yes; 5 – not an issue; 6 – true

A motion was made by Huschitt to recommend approval of a Special Use Permit to allow for an existing non-agricultural residence on a lot less than forty (40) acres stating the following:

1. Standards for Special Use reviewed and met

Seconded by Diedrick

Roll Call:	Peter Huschitt – Aye	Laura Winter – Aye
	Mel Gratton – Aye	Nick Tranel – Aye
	Gary Diedrick – Aye	

Reports and Comments:

Discussion on the Comprehensive Plan review with Diane Gallagher. Going to try and put this on the February 25, 2020 5:30 pm Development and Planning Committee meeting agenda. Suggested a couple sites to check out for some information such as the American Planning Association and www.orton.org (Vermont). Also talk about our Vision Statement 2020.

Eric Tison states that we may be able to get help from NWIL Economic Director and also Rose Noble from the Tourism Bureau as well as the consultant that we hire. We want the consultant that is selected to be familiar with what was done before, public outreach is imperative otherwise this this will not work. Covers sections of the document. This document needs to be updated prior to any requested changes to the Zoning Ordinance.

Tranel made a motion to adjourn at 8:54 PM. Winter seconded. Voice Vote: All Ayes