

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
January 24, 2018**

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

Roll Call Present:

Planning Commission:

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

Staff & County Board Members:

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

Approval of Minutes: A motion was made by Diedrick to approve the minutes. Seconded by Tranel. Voice Vote: All Ayes

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

New Business

Edward Hammel (194 Peace Pipe Lane), owner, has petitioned for a Variance from the required front yard setback as established in Title 8, Chapter 3, Article H, Section 8-3H-7 A. 2a; Single and Two Family Dwellings. Requesting to vary from the required thirty (30) feet at the front of Peace Pipe Lane lot line to eighteen (18) feet, a twelve (12) foot variation. Also requesting to vary from the required thirty (30) feet at the front of Badger Road lot line to twenty eight (28) feet, a two (2) foot variation. Property is located in the RP Planned Residential District. Commonly known as 194 Peace Pipe Lane, East Dubuque, IL 61025.

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of maintaining the rural character and excellent quality of life in the County.
- Wastewater Treatment: A permit has been issued to replace the septic system on this property to serve the new home. The variance request should not have an effect on the installation of this system. The components may be located anywhere on the lot while maintaining all of the required separation distances.
- Access Considerations: More information to be provided – No concerns per Steve Keeffer
- Other Considerations: The property is located in Dunleith Township in the Pioneer Acres subdivision on the corner of Peace Pipe Lane and North Badger Road. The lot measures 82x119 feet.
- The applicant is requesting to replace the existing home with a new mobile home of a larger size. A site plan was provided showing the size and location of the new home compared to the existing one, indicating a slightly wider structure.

- There is a garage adjacent to the existing home and a wood deck on the west side of the home facing Badger Road. Utility connections are on the east side of home, including the gas meter. A permit for placement of the new home structure will need to indicate distance to the adjacent garage.

All the surrounding properties are zoned RP Planned Residential.

The following variations have been reviewed and approved by the Zoning Board within the Pioneer Acres subdivision:

- October, 2011 116 Tomahawk Lane
4' variance in side yard setback for an addition (to correct violation)
- August, 2006 73 Tomahawk Lane
9' variance in side yard setback for accessory structure, garage (to correct violation)
- August, 2004 7015 Badger Road
31' variance in front yard setback for principal use structure
- June, 2003 30 Remington Park Circle
3' variance in side yard setback for accessory structure, garage
- February, 1997 106 Smoke Signal
Variance equal to the setback dimension of the existing home (at the time was closer to the street than any structure on neighboring property)

Gratton asks about the distance that needs to be maintained between structures for building code.

- Eric Tison indicated 5 feet

Diedrick thanks Eric for providing information of past variances

- Eric Tison indicated your welcome, but I can't take complete credit because it was Melissa's idea.

Ed Hammel, owner

- The existing trailer is 45 years old and is falling apart, would take \$30,000 to redo existing, so thought would just purchase a new one to replace the old one.
- Eric Tison indicates that if the trailer would have been the same size it is likely that he could have used the existing foundation or support structure, because the support structure needs to be replaced that requires the variance request.
- Replacement was going to be 16x80, but now they took out a room inside and made it smaller so it will be the same length as the previous one, but 2 feet wider. The old size is no longer available.

Diedrick asks if the structure was new when it was placed there.

- Mr. Hammel indicates not sure.

Public Testimony

None

Public Testimony Closed

Eric Tison indicates that the southwest corner of the trailer will be starting in the same location as the previous trailer was, it will be 2 feet wider toward the garage.

Winter asks if we determined if we have 5 feet between the house and the garage.

- Eric Tison indicates that will be determined on submission of the building permit. I wasn't concerned when at the site.
- Ed Hammel indicates that you have about 12-15 feet.

Standards for variation were reviewed. – 1- difficult, limited by the lot size, 2- Common to others in the district, 3 – no concern, 4 – no concern, 5 – no concern, 6 – no concern, 7 – met

Eric Tison asks about the deck on the Badger Road side of the house.

- Mr. Hammel indicates that will come off and the company is selling me some stairs.

Gratton states based on information provided it seems to fit in with what has been done in the past. The lots are small and are difficult to meet all of the requirements. We try and look at neighboring properties and try and not do additional harm than what is already there. The other setbacks in the area are in line with the request. Will not alter the character of the area.

A motion was made by Tranel to approve the variance request as requested stating the following:

1. Standards for variations were reviewed and met

Seconded by Winter

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

Wesley and Carla Galliard (215 Peace Pipe Lane), owners, has petitioned for a Variance from the required front yard setback as established in Title 8, Chapter 3, Article H, Section 8-3H-7 A. 2a; Single and Two Family Dwellings. Requesting to vary from the required thirty (30) feet at the front lot line to zero point seven (0.7) feet, a twenty nine point three (29.3) foot variation. Also requested is a variation in the side yard setback as established in Title 8, Chapter 3, Article H, Section 8-3H-7 A. 6b; All Other Lot Lines. Requesting to vary from the required ten (10) feet at the side lot line to three point one (3.1) feet, a six point nine (6.9) foot variation. Property is located in the RP Planned Residential District. Commonly known as 215 Peace Pipe Lane, East Dubuque, IL 61025.

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of maintaining the rural character and excellent quality of life in the County.
- Wastewater Treatment: This home is served by an existing septic system which was installed in July 1973. This variance request does not appear to have an effect on this system. The Illinois Sewage code requires a 10' separation between a structure and drainfield. There is limited area on this lot for a replacement system when needed.
- Access Considerations: More information to be provided
- Other Considerations: The property is located in Dunleith Township in the Pioneer Acres subdivision on the corner of Peace Pipe Lane and Iroquois Trail. The lot measures 79x110 feet.
The applicant is requesting to replace a garage damaged beyond repair by a fallen tree. A site plan was provided showing the approximate size and location of the new garage compared to the location of the previous garage. Confirmation

of the distance between the proposed location for the new garage and the house may be necessary.

All the surrounding properties are zoned RP Planned Residential.

The following variations have been reviewed and approved by the Zoning Board within the Pioneer Acres subdivision:

- October, 2011 116 Tomahawk Lane
4' variance in side yard setback for an addition (to correct violation)
- August, 2006 73 Tomahawk Lane
9' variance in side yard setback for accessory structure, garage (to correct violation)
- August, 2004 7015 Badger Road
31' variance in front yard setback for principal use structure
- June, 2003 30 Remington Park Circle
3' variance in side yard setback for accessory structure, garage
- February, 1997 106 Smoke Signal
Variance equal to the setback dimension of the existing home (at the time was closer to the street than any structure on neighboring property)

Eric Tison spoke to Chuck Williams, Dunleith Township Road Commissioner, via phone on January 22, 2018 and he indicated a preference that the entry point and parking be from off Iroquois, for road maintenance and snow removal.

Huschitt asks about contacting adjacent neighbors.

- Eric Tison indicates that we are required to notify by certified mail. I had an inquiry from the resident at 234 Moonstone, but there were no concerns. We also put a legal notice in the paper.

Carla & Wesley Galliard, owner and Travis Halverson, Morton Buildings 29 County Rd I, Montford, WI 53569

- Travis Halverson is from Morton Buildings for the replacement and he took care of the tear down of the old garage. The garage had been there since we purchased the land in 1970's and we were hoping to just have it replaced. We have pictures of the tree that crushed the garage. Morton Buildings put up strings to mark the corner points of the new garage. I did also bring pictures as well. The tree was removed totally. The old garage was 25 feet wide by 20 feet long.

Gratton talks about option if it has a foundation

- Travis Halverson states that it did have a foundation with our column sets in concrete in the bottom of every hole. It did have a foundation underneath; the problem is that the treated lumber around the foundation was starting to rot and not able to be reused.

Eric Tison states that this is a legal non-conforming structure if they are damaged or destroyed may be replaced if it is on the same foundation and fully intact and useable and said non-conforming structure will not be enlarged, it may be replaced without cause for a variance. We are changing the size of the structure therefore need to request the variance.

- Travis Halverson states that if this building was to be the 25 feet by 20 feet we would have not had to appear, correct.
- Eric Tison states that yes if the foundation was reusable.

Gratton asks about the use of the building.

- Carla Galliard indicates we used for both storage and cars. We had mostly storage in the building.

Gratton states that the septic tank is on the east side of the lot as well, where does the drainfield go?

- Carla states goes north and comes down the east line toward the garage. Wesley Galliard indicates that the drainfield goes way north, the line from the tank to the field goes north along east property line.

Gratton states that the septic is probably the original septic that was installed. Septic tanks and fields do not last forever.

Eric Tison asks the distance from the outside of the house wall and the wall garage will be 40 inches

- Carla Galliard confirms that measurement.

Eric Tison states that creates an issue, we need another variation; it needs to be 60 inches. The garage still will not meet the ordinance.

Diedrick asks about the entrance to the garage.

- Carla indicates it will be Peace Pipe.
- Eric Tison indicates that conversation with Road Commissioner would like to see it off Iroquois. The previous garage had vehicles parked in front of the garage within the right of way.
- Wesley Galliard indicates the satellite dish and a really nice big garden.

Huschitt asks if cars are to not be parking on the right of way.

- Eric Tison confirms that parking is to be on their property, no off street parking is dedicated here.

Heuerman asks about the circle drive, driveway does not go to the garage. Having the driveway come in on Iroquois would solve some issues

- Carla states it connects the two streets; the place the car is parked is just a narrow patch of gravel.
- Travis states that most of the time they park on the southwest corner of the lot on their driveway. As long as they are on their own property we shouldn't have any issues, correct?
- Gratton indicates that you can park on your own property.

Public Testimony

None

Public Testimony Closed

Gratton looks at the general line of structures along the road; this and one other were the closest.

- Eric states that the owner actually owns the adjacent lot, but not the mobile home on the lot.

Diedrick talks about the access to similar lots within that block via the ortho-photography

Standards for variation were reviewed. – 1- Hardship based on road commissioner information and address the entrance; address by changing garage door location from Peace Pipe to Iroquois, 2- other similar situations, not unique, 3 – no concern, 4 – was an existing building, 5 – general no, but what road commissioner stated about location of access,

- Travis asks as long as they are parking on their property, is that an issue with the road commissioner.
 - Gratton indicates probably not with the road commissioner, but we have to deal with the setbacks. Which if you have a gravel drive to the front of the garage human nature is to park there.

5 – Gratton asks about the variance of 0.7 how far do we go before changing the character of the neighborhood; are we thinking that it is okay here, would we grant other places as well if requested, there are other properties like this. Eric states that could bring more variance requests and we understand there was a garage there, but said garage was not used to park vehicles, we understand that storage is an issue, where are the items that were in the garage?

- Carla Galliard states that I have a rental POD on the adjacent lot.
- Eric states that was not 24 feet wide.
- Travis states that it is about 30 feet long.

Huschitt with seeing this for the first time and new to the board seeing a basically 0 setback it caused concern for me. There are reasons for setbacks and I don't see approving a drastic setback of 0.7 feet; this would be a major precedent.

Heurman states that this was platted before zoning, now we are trying to fit within the rules to the lot

Winter asks if the garage size is necessary or could it be made smaller.

- Wesley states it is just not practical, I have my woodworking equipment, plainer, radial, and all the attachments, this is all in the POD that is stuffed full. I have a lot of different tools, a car that was stored in there, a motorcycle stored in there; I have five pounds of mud in a two pound bag.
- Carla states the old garage had a loft built in so that we would fit everything in it.

Gratton asks if you could accomplish the same square feet, but make longer and narrower to get the setback from side and front.

- Wesley states that to the north is bedrock, where the oak tree used to be. I tried to break it up; I couldn't even make a dent or scratch anything off of it. You will not have anything to put the post in.

Gratton asks if you could make it narrow and run it east west along the front of the lot.

- Travis states that if we are coming in off Iroquois with overhead door you could narrow to an 18 foot wide building instead of 24 feet, we would have to do some more excavation, we would be infringing on the front 23 feet, so we are about 2 feet from setback. Front of house to front property line is 25.51 feet – 5 feet between buildings, 18 foot wide garage that would be total of 23 feet so I will be about 2.51 feet from front property line. I would be conforming the 5 foot between structures and asking for 2 feet from the front property line. The length would need to be 32 feet long.

Heurman asks to narrow and then create the loft to get the storage.

Gratton asks if there is a height restriction.

- Eric indicates no
- Travis states that if you are talking a secondary floor system the minimum height would be 8 feet on main floor, 1 foot of subfloor, then total about 16 foot high building with trusses and roof beam yet, being 21-22 foot high structure. The insurance claim is requiring it be up and done within 12 months from claim. The claim was filed July 1st, so I have until end of June.

Huschitt states that insurance claims can be asked to be extended if need be. What are the possibilities to putting a garage on the adjacent lot?

- Wesley states that the trailer on other lot is owned by someone else, they have no interest to remove it. I have talked to 4 different law firms and have no interest in trying to get the person to move it. If I remove it I have to pay to have it removed and pay storage to keep it. I am not wealthy, we just spent a couple grand having the land surveyed, \$60 on gas and wear and tear on the vehicle to see Eric about this, and then we had to go back

again. It is eating into what little money the insurance is sending our way. I already have to dip into money I don't have, I am disabled, and I don't have a real income other than social security.

6 – If you cause parking off site, it may; zero setback may be safety issue, 7 – not minimum

Tranel states that if we were to move it closer to the home

- Eric states that if we move this closer to the home the fire separation can be addressed with the building code, but they would still need the variance for building separation.
- Travis asks about the regulations. If it is a three hour fire wall it is an additional \$3,000-\$4,000 or if I can move it to get the 5 feet, it would be no additional cost.
- Eric states that I believe it is a 1 hour firewall.
- Travis states that it would be minimal cost if that is the case, as a cost standpoint, I would be able to add this to the proposal at no additional cost to them.

Huschitt covers the numbers that we are dealing with.

Gratton states that I did not see anything granted with less than a 6, 7, or 8 feet setback.

Eric states that we can grant a variance less than what they asked for.

Carla states that we have the smallest lot, compared to other lots. Wesley states that our lot on the north side is 69 feet wide. Our double wide is not within the building lines, it was existing when we bought it.

Gratton states that it sounds like we want to work with you, get you within the time frame needed for insurance, but I don't think the original request was sounding desirable from the front. I think the overhead door needs to be on the left side facing Iroquois. I think between a single car and a car and a half garage size.

Eric states that if you narrow the distance between the structures they will need a variance and extend the time because we have not received an application for that and would require notification and mailings.

Travis states that we are changing to 18x 32 from the requested 24x24, same square footage. 10 feet from side property line, 5 feet from existing mobile home, the front setback would be 2.51 feet. They would lose the garden.

Gratton states to the board are we comfortable with this.

Eric states that if we move the structure closer to the mobile home then we need to request a variance from the separation, which we could get on next month agenda.

Huschitt asks about the existing sidewalk

- Travis states that the sidewalk is 3 feet wide, and Carla states that the sidewalk is not right up to the house. What I am intending on doing would set the wall on the outside of the sidewalk or the 5 feet separation.

Carla indicates that they would like to proceed with what has been revised to.

Gratton states that the side setback goes away.

Eric states we need to still rule on that.

