

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
February 26, 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 Tranel to approve the minutes of January 22, 2020. Seconded by Huschitt. Voice Vote: All Ayes

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

New Business

Michael and Virginia Anthony (2520 W Council Hill Road, Scales Mound, IL 61075) owners, have petitioned for a Variance in the side yard setback, as established in Title 8, Chapter 3, Article A, Section 8-3A-6 A.2 Minimum Side Yards, from the required twenty (20) feet to fifteen (15) feet; a five (5) foot variation. Also requested is a Variance in the rear yard setback, as established in Title 8, Chapter 3, Article A, Section 8-3A-6 A.3 from the required forty (40) feet to twenty (20) feet; a twenty (20) foot variation, for placement of a detached accessory structure. Property is located in the AG Agricultural District. Commonly known as 2520 W Council Hill Road, Scales Mound, IL.

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of the rural character and excellent quality of life existing in the county, stating that it shall be enhanced and protected.
- Wastewater Treatment: This property is served by a septic system which was installed in 1979 and located southwest of the house. This variance request should not affect this system. If there will be plumbing in the proposed structure, a new septic system or upgrades to the existing system will be required.
- Access Considerations: This property has existing entrances onto Jo Daviess County Highway maintained Council Hill Road with adequate sight distance.
- Other Considerations: The property is located in Scales Mound Township at the intersection of Stagecoach and W Council Hill Road. The parcel is a Lot of Record with an existing residence dating to approximately 1979. Per the application and exhibit, the owner would like to construct a detached accessory

structure, north of the existing residence. The proposed location of the structure is in compliance with the platted front setback of 50'. Because this parcel is on a corner, the north property line is designated as side yard and the east property line is designated as rear yard. A total of 2,400 square feet of non-agricultural accessory square footage is allowed on parcels under 3 acres in size. The adjoining parcels to the west and east are zoned AG. The parcel to the south is zoned R1.

Michael Anthony, owner

- We are requesting the variance because the setbacks in trying to put the accessory structure out front would not be there and so the southwest of the house is the septic system. On the east property line there is really no place to put it without running into setback problems from the road or being so close to the house and coming across the driveway. We looked at several other options. This was the best option, set into the hill, keeps it behind the house, and keeps it down in elevation so that it is not objectionable to the neighbors. We talked with the neighbors and have no problems. We are looking at a 30'x35' structure, I did want a 30'x40' but I didn't want to get too greedy with a variance. This is the only viable location without interfering with septic or setbacks. Thank you for considering this.

Tranel asks about the small building to the north east side, whose is that

- Michael Anthony indicates that is the neighbors and it has been there for a long time.

Gratton states the back ground indicates that rock is near this area.

- Michael Anthony did some probing and went down about 5 feet and didn't hit anything.

Heuerman asks about the use of the building

- Michael Anthony indicates storage for boats, lawn mowers, and small workshop for my woodworking tools. Not to run a business out of.

Public Testimony

None

Public Testimony Closed

Standards for variance reviewed 1 – true, not like to place accessory structure in the front yard, also double road frontage; 2 – true; 3 – true; 4 – true; 5 – true; 6 – true; 7- agree

Gratton states that this is a typical request. He does only have 1 acre, the standards were established thinking that the minimum was 2 acres in size.

A motion was made by Huschitt to approve the variance request from the required side property line setback of twenty (20) feet to fifteen (15) feet; a five (5) foot variation. Also from the rear yard setback from the required forty (40) feet to twenty (20) feet; a twenty (20) foot variation, for placement of a detached accessory structure stating the following:

1. Standards for variance were reviewed and met

Seconded by Tranel

Roll Call: Peter Huschitt – Aye
Nick Tranel – Aye

Mel Gratton – Aye

Timothy Hannon (7A 171 Coyote Lane, Apple River, IL 61001) owner, has 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 fifteen (15) feet to nine point three (9.3) feet for the existing home, a five point seven (5.7) foot variation, to allow for Guest Accommodations use. Property is located in the RP Planned Residential District. Commonly known as: 7A171 Coyote Lane, Apple River, 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 variance request should not affect the existing septic system, which is located west of the house in the backyard, but a soil investigation and upgrades to the system will be required before approval of the septic system for guest accommodations.
- Access Considerations: The property has an existing entrance onto Thompson Township maintained Coyote Lane with adequate sight distance.
- Other Considerations: The property is located in the Apple Canyon Lake with an existing residence dating to approximately 1973. Per the application and exhibit, this variance request applies to the location of the home in relation to the north property line. Because this is a two (2) bedroom home, GA zoning requires a fifteen (15) foot setback from the side yard. A Zoning Certificate for GA application has not yet been received. The applicant acknowledges that the front stoop will be removed upon improvement of the weather in order to meet the front setback requirement. There is only one other single family residence on Coyote and the parcel to the rear (west) is owned by ACL. All parcels are zoned RP in accordance with their location in ACL

Eric states adjoining landowner did call, but did not indicate any objection.

Timothy Hannon, owner

- I would like from time to time to rent the property. I thought with the double lot I would be okay, there are not residences around me, but Eric suggested pull a survey and we found out the variance was needed. The deck was on the house when I purchased from a bank, I will remove the front deck.

Gratton asks about acquiring with the double lot.

- Tim Hannon indicates that is the way it came when purchased.
- Eric Tison indicates together they are 0.8 acres.

Eric Tison asks what the contents of the home are on the north side where the variance is being requested.

- Tim Hannon indicates that they are bedrooms.

Tranel asks if we can require screening on the north property line.

- Eric Tison indicates that part of the Zoning Certificate I review that and require additional screening, but typically that applies to outdoor activity areas. At this point should the board deem acceptable for the variance, I can work with Mr. Hannon to add screening, especially if there is a residence proposed for the adjoining lot, if that is satisfactory. I didn't notice anything particular, but it was snow covered when I went out.

Public Testimony

Joe Wiener, Building Inspector Apple Canyon Lake

- The committee discussed the notice we received and the committee takes no stand

designed for a 5 bedroom house. The type of system installed does not meet current code requirements for construction and will require upgrades before septic approval for guest accommodations.

- Access Considerations: This property has an existing entrance onto Guilford Township maintained Wachter Road with adequate sight distance.
- Other Considerations: The property is located in the Galena Territory and was constructed with permit in 2005. Per the application and exhibit, this variance request applies to the location of the home and driveway. 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 been received; however, during a site visit staff observed the driveway grade at multiple locations (near the bottom, before entering the parking area and near the entrance) was higher than the variance requested and would need to be rectified to meet grading requirements. All parcels are zoned RP in accordance with their location in the Territory.

Eric Tison indicates that Administrative Variance fall within 10% of the requirement, this does fall within that range, but they had to request side setback, so that is why it was included.

Eric Sledgister, owner

- We purchased this home in 2007 for personal use, our financial circumstances have changed with having 2 kids that have a rare syndrome, so we would like the ability to rent this out on a limited basis to capture some of the costs. The property is fairly well setback from the road, one house in close proximity which is also a part timer. The lot to the north is wooded and to the back. The house across the street we can only see the roof of it. The house itself is u-shaped so on the boundary of the variance setback we have bedrooms with no exterior entrance or exit and from the inside you can't see any neighbors.

Gratton asks about intent to change the grade requirements, it is a steep driveway.

- Eric Sledgister states that we are somewhat limited because of the way the land is situated so it is downhill into the home. That is a challenge for us.

Public Testimony

None

Public Testimony Closed

Huschitt asks what is that part of the house that the variance is being requested.

- Eric Sledgister indicates bedrooms. The only outdoor space is the patio which is screened from neighboring house and is setback.

Gratton states that it has a house next door, we like to see space between adjoining. This is a four bedroom with maximum 10 occupancy with five cars.

- Eric Tison asks if allow parking in garage
 - Eric Sledgister indicates yes, two cars.
- Eric Tison indicates that it looks like parking would work, but there are grade issues in a couple areas that exceed the requested amount. That area has to be rectified before the Zoning Certificate can be issued if the board approves the 16.4 percent, because there are areas that exceed this.

Huschitt indicates that we have natural screening and nothing heard from the neighbor

Gratton talks about the setbacks and the old grade requirement of 10%.

building. No design has been received for a new septic system to serve the community center.

- Access Considerations: The site has an existing entrance road that terminates into a parking lot. There are no sight distance issues.
- Other Considerations: Per the application and exhibits, ACL Property Owners Association is proposing to replace the existing community center with a new building to better serve the property owners in Apple Canyon Lake. The RP District is intended to permit flexibility and variety in development, as well as providing opportunity for areas and uses designed for the convenience of the residents of the neighborhood. Per the application, a new Community Center building would be constructed to replace the existing structure. A new administrative services building would also be constructed and is permitted as an accessory to a Community Center. A map detailing existing uses on the parcel is included. ACL also provided a parking plan to accommodate the proposed new structures while attempting to meet requirements for the existing pool as well. All surrounding properties are within Apple Canyon Lake and zoned RP Planned Residential. No LESA was prepared for this request.

Adjoining property owner called, was not sure they were adjacent.

Joe Wiener, Building Inspector Apple Canyon Lake, Chairman for the ARC Commission, as well as a property owner

- The community center was built about 1975, 1980 expanded, expanded a couple more times since that time. It has come to the end of its useful life. We are wanting to replace the community center with a community center and an accessory administrative office building. The idea would be to build the administrative building first then move into that before the community center is torn down. The community center will be same uses but just bigger meeting rooms, event room, and library. Another benefit will be to meet current Energy Codes, Life Safety Codes, Building Code, and correct problem with outdated septic system. We can fit the parking spaces for pool, community center, and administrative building, and repurposed fire station. Tom Golden is the septic designer with the proposed system. Septic would be laid underneath the renovated parking lot. We are committed to install the septic system.

Public Testimony

None

Public Testimony Closed

Discussion on the 3 year time extension – seemed in line with other requests.

Tranel asks about the cove entrance

- Joe Wiener talks about the parking area. The access goes in front of the administrative building.

Gratton asks about the pool being drained.

- Joe Wiener indicates it goes to one of the septic systems

Standards for Special Use reviewed 1 – improvement, met; 2 – met; 3 – met; 4 – met 5 – met; 6 – met

Gratton states this is a major improvement.

(15/25 pts). Additionally contributing factors including distance from community services (max 15 pts), availability of water/sewer utilities (both max 10 pts), the Fire District Rating (0/15 pts) and this is consistent with the Plan (0/20 pts).

Huschitt asks about the parcel and acreage. The farmstead to the south.

- Eric Tison indicates the farmstead is under different ownership

Steve Barg, Executive Director

- Others present from board and attorney. Established in 1994 as a Non-Profit, we own and operate 10 preserves covering 1600 acres in the county. 7 preserves are open to the public, we offer educational. We are specifically establishing this to generate money to support our land stewardship activities that is our biggest expense each year.
- Attach slides shown by petitioner - Shows pictures of standard burial 5-6 feet deep, vault with metal casket, body embalmed, vertical headstone versus natural burial lightly shallower, no embalming of body, casket is natural materials, no headstone, we may allow flush gravesite markers. 266 natural burial ground in US and Canada. Have restrictions and limit area to be used. Relationship of JDCF and Casper Creek Natural Cemetery. Covers Special Use Standards. 3 services a month estimating.
- Talked with neighbors about the request. Scharpfs have concerns about users complaining about the farm activities during services. We will educate the prospective customers of what could be happening next door. Hunting – close down preserve during hunting season, safety concerns, don't want to move deer while others are hunting. Some religions require burials within 48 hours of death, if we had an instance we would let neighbors know and customers hunting may be taking place on adjoining property. They like that the dog is able to move on their own property with no leash, dog does go on other property, keep dog so that it is away from people as well as people away from livestock. Improve fence along the property with signs.

Huschitt asks the ability of a dog or animal from digging.

- Steve Barg indicates they are placed below the sniff line. These are 3-3.5 feet down

Public Testimony

John Schultz, 362 N Pilot Knob Road, Galena

- Live immediately north of the request. Many burial grounds near this property, Indian Burial grounds. Biggest issue with conservation easements is that they are permanent, forever is a long time. I know what it takes to maintain property. I am in support of the request. My daughter is in process of buying house and has no issue. My philosophy, if you want to control a piece of property then own it.

Donna Berlage, 390 S Pilot Knob Road, Galena

- The area this is at was my family farm, the 80 acres my 2 brothers have started in our family back in late 1800's. Part of Casper Bluff and where the Caspers live was part of our family starting in mid-1800's. The now Martin farm was acquired by my family in the 1900's. The concerns are the continuing farm operation on the adjacent property with livestock and farming operations. JDCF state that is won't be a problem, but what is the assurance down the road. The livestock boarding the cemetery, will people try and pet the cattle, pester to make them run, bull in the pasture, calf in the pasture with mom trying to protect. We have friends hunt our property. Additional traffic in the neighborhood is a concern, we have seen increase, but the Indian mounds were not to be

bothered when we were kids. Increase number of people to property, disrupts our quietness for us. This is a historical burial site for the Native Americans and not an appropriate place for a cemetery right next to an active farm. Asking the board to take another look at this project, if this is the best place or appropriate for a cemetery. Thank you.

John Scharpf, 578 S Pilot Knob Road, Galena

- Owner of the cattle next to this request and farm. Talks about the shape of the property and how it was separated for sons. Uncle used other for sheep, but sold and I didn't buy it. Military funeral will disrupt the cattle and they will run. I have concern with the cattle adjacent to this. I may be forced to take cattle out and sell them. Shallow depth for sites, we have had things bury up dead animals that we have buried, natural waterways that cross the property, burial sites were planned for that area. Area is highly erodible in that area for the burial area.

Steve Barg

- Dan Harms – Agronomist indicates areas to not have burial sites such as those waterways.

Donna Berlage

- Indicate 750 burial sites, correct.
 - Steve Barg indicates 400 on the 4-5 acres, then 350 on the other area. This is a lot lower density than other sites. 20-25 years for the life of the cemetery. 6% are wanting natural burials. Survey around here was a little higher than that percentage.

John Schultz, 362 N Pilot Knob Road, Galena

- Charging for a lot
 - Steve Barg states about \$1000 per plot to cemetery. JDCF ask for a donation per year not sure what that will be but, figuring about \$50,000-60,000 a year.

Tom Cunningham, 2 Valley Road, Galena – Chairman for committee for JDCF

- Education will be done with client, we will have a customer service person indicating what is involved and will be onsite for every burial. They will keep track of people at the site, contract with information of the area, fencing will be maintained and signage included. Military services may be a case, but if problems can deal with that. People come to the property now. Will be less than once a week use for this.

John Scharpf

- Talks about cattle know if someone different is around

Steve Barg

- Can we write some of this in the Special Use request?
 - Eric Tison indicates that you can add reasonable conditions.

Tom Cunningham

- The relationship would be between JDCF and the cemetery corporation with a legal document with restrictions.
 - Eric Tison states that these sound like business related concerns not land use

concerns.

- The decomposition takes about 8-12 years. The maintenance would be by JDCF employee.

Bob Heuerman Scharpf

- Military funeral is a special thing. When you deer hunt guns go off, does that scare the cattle.
 - John Scharpf indicates that the cattle will come home if they are walking over there.

John Schultz

- Talks about another cemetery that has 1 burial per 3 years, hopefully financially can make it work.

Tranel states they do spook at gun shots and new people.

Gratton states that cows become accustomed to people. Maybe notify adjoining property owner if have military funeral.

Huschitt agrees that cattle will get accustomed, need some give and take, and trying to be good neighbors

Public Testimony Closed

Gratton asks about perpetual care funds.

- Steve Barg states it is required

Tranel asks about screening

- Eric Tison indicates that they need a 15 foot buffer along the property

Standards for Special Use reviewed 1 – met; 2 – met; 3 – true; 4 – met; 5 – met; 6 – true

Huschitt asks about signage for the entrance by township for a cemetery

- Steve Keeffer states not aware of standard for cemetery

Eric Tison states this is a one way road, have traffic control. Someone may not be associated with service and visiting site

- Tom Cunningham indicates traffic control will be during services
- Eric Tison indicates off-street will need to be hard-surfaced

A motion was made by Huschitt to recommend approval of a Special Use Permit to allow for conservation ‘natural’ burial Cemetery on a portion of the subject property as presented stating the following:

1. Standards for Special Use reviewed and met

Seconded by Tranel

Roll Call: Mel Gratton – Aye
Peter Huschitt – Aye

Nick Tranel – Aye

Reports and Comments:

Review of Comprehensive Plan continues with Goals and Objectives. March 24, 2020 at 5:30

Tranel made a motion to adjourn at 9:35 PM. Gratton seconded. Voice Vote: All Ayes