

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
April 25, 2012**

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

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- William Tonne
- Nick Tranel
- ✓ Dave Jansen
- ✓ Jody Carroll, Alternate

Staff & County Board Members:

- ✓ Steve Keeffer, Highway Engineer
- Sandra Nolan, JDC Health Dept.
- Terry Kurt, State's Attorney
- Linda Delvaux, Building & Zoning
- Ron Mapes, JDC Board Member
- ✓ Marvin Schultz, JDC Board Chair
- ✓ Melissa Soppe, Building & Zoning

Approval of Minutes: A motion was made by Dave Jansen to accept the March minutes. Seconded by Jody Carroll Voice Vote: All Ayes

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

New Business

Michael & Debra Salvi (5 Bedford Ct, Hawthorn Woods IL), owners and Tod & Diane Luppen (9930 14th St West, Rock Island IL) contract purchaser, is requesting a variance from the required side property line setbacks as established for Guest Accommodations use of twenty (20) feet. Requesting a three (3) foot variation for the residence from the side lot line. Common Address: 3 Colony Lane, Galena

Staff Report

- 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 property is served by the central sewer system.
- Access Considerations: This property has an existing entrance onto an East Galena Township maintained roadway that will not be changed as a result of this request.
- Other Considerations: This house structure is existing, built in 2003 and Guest Accommodations Standards were adopted in 2006. The

petitioner is requesting a variance from the side lot line to the east. The lot size is approximately .28 acres and is somewhat of an odd pentagon shaped lot that narrows to the rear which puts house placement towards the front and center of the lot. The Galena Territory has a small portion of greenspace adjacent to the rear of this lot. This area appears to be well built up with just a few empty lots sprinkled throughout. This request is for a setback variance only; the use of a single family home as guest accommodations is a permitted use in the RP District. Regardless of whether the variance is granted or not, the applicant must still apply for the Guest Accommodations Zoning Certificate and Guest Accommodations License and meet criteria established for each in order to use the home in such a manner.

Tod Luppen, owner

- When initially looking at property in this area we had interest from friends and family that were interested in what we were going to do with the property. Our thoughts were that we would allow friends and family to use the property as well. We did not buy the property to have just as an income property. We were told that we could rent to friends and family under the radar, but we didn't want to have to worry about cleaning after friends and family had been there, so we decided to run through an agency to do the cleaning and mowing. There may be some parking issues with putting gravel down and were told it should meet the requirements. We are respectful people and we had contacted both owners on both sides to let them know what we were looking to do and we didn't get a lot of objection to it prior to purchasing the property. We do not plan on putting it in with Eagle Ridge Rental; we want a manager and not a place to run people through the property.

Gratton states that when Guest Accommodations was changed to an administrative process there were standards put in place and you do have a house that could meet for a three bedroom rental.

- Melissa Soppe states that I believe so with maybe some additional parking area designated.

Gratton states that you would meet for a three bedroom on the setback, but with having the four the setback does not meet the criteria.

- Tod Luppen states that we were told that we need 20 feet to be rental and then heard five feet per bedroom.

Gratton states that the setback depends on the number of bedrooms. If a house has more bedrooms the setback is larger.

Jansen asks if you have selected your rental agency yet.

- Tod Luppen states that we have not.

Public Testimony

Lynn Krause, 5 Colony Lane, adjoining landowner

- With respect to the Jo Daviess County Guest Accommodations Ordinance Section

16 Parking, (should be Chapter 6 Guest Accommodations 4-6-10 G.) This property should have parking for 5 cars according to the ordinance.

- Jo Daviess County Zoning Ordinance Section 12.20 (should be Guest Accommodations and Guest Houses/Homes 8-5B-46 B. 1. Parking) read section of the standard on parking. States that this property does not meet in its present state. Provides pictures showing how the parking situation is abused by other rentals. Right now 25 % of the properties have a rental license, 1 Colony Lane owners Russ and our property 5 Colony Lane will be surrounded by rentals. This will make it hard to consummate our right to quiet and enjoyment of our property. The Building Inspector did visit the property n Wednesday, April 11th and she stayed in her car for about 10 minutes and left the premises. Talks about Special Use Standards (This is not a special use request, Guest Accommodations are a permitted use in the RP District.)

Tod Luppen, owner

- We talked to the owners on both sides of the property prior to purchasing the property via email and this information is news to us about the objection. We are not trying to make this a nuisance, our thoughts on the property are with it left vacant it suffers from neglect so we are hoping to be in the property and try to keep it up. We want to allow friends and family to use the property.

Lynn Krause, 5 Colony Lane, adjoining landowner

- He has the rental Accommodations for a three bedroom house, which would be eight people to rent to with four cars in his parking lot. If it is truly for friends and family why do you need the variance for the fourth bedroom>

Diane Luppen, owner

- When we began the process we were instructed by realtors and the Zoning Office that you can not pretend the house is a three bedroom if it has four bedrooms. That being the case we were instructed that we had no option because it has four bedrooms. If we could rent as a three bedroom and not as a four bedroom we would do that, but it is a four bedroom and that is why we are here.
- Melissa Soppe states that you do have the option to change out a bedroom to not be a bedroom make it into a game room for example and possibly have to take out closet depending on the situation, and then you could do a three bedroom.

Gratton asks how many people are you wanting to accommodate in the home, because if it is 8 people then the three bedrooms would be sufficient, but if it is 10 then you would need the four bedrooms.

- Diane Luppen states that we would have six to eight people. We are looking to use this home as our vacation home and holidays.

Gratton states that we are not looking at this tonight if it should be a Guest Accommodations or not, but whether or not the variance should be granted.

Mike Russ, 1 Colony Lane, adjoining landowner

- Are you applying for rental to other people than your family?

- Diane Luppen states to friends, but not to strangers.
- I am concerned about the noise. I have a party house next to me and I don't want the same situation at this location. They do not know who they are renting to. Testified to situations that have happened at 2 Colony Court.

Tod Luppen, owner

- We have rented as well as many of our friends in the Galena area for many years and have not heard of these stories in this area. That is not the way we conduct our lives, nor our friends and family. When we looked at this house and considered putting this in rental we were pretty warm about having permanent residences there because if something did get out of hand they are there to help us or call the police. We do not want people to carry on like that at our house. If financially we can swing having our permanent home and this home then we would not rent it out at all, but short term we may not be able to do that.

Mike Russ, 1 Colony Lane, adjoining landowner

- If you are the ones renting it out you know who is renting, but if you go to a company you will just get the money and will have no clue who is coming to that place and what they are doing to it. Claims significant damage is done by renters in the homes. Noise is the most important thing.

Diane Luppen, owner

- We would not tolerate our property being mistreated, if we go with a rental agency it would be strictly as a management company to go in and clean or mow the property. Also being a good neighbor is to keep your own property up for your neighbors. We do not want strangers in our home.

Sue Schlegel, 2 Colony Lane, landowner across road

- We have lived here a long time and we have seen the process that has happened and everyone's concerns. We are in the core area of the resort and they have more people than they are allowed. I worry because my daughter is a junior and when it is rented to a lot of guys or being a party house she is not allowed in that area right then. We have come across the situations of noise on the weekend and multiple cars. We don't want another crazy house.

Tod Luppen, owner

- We looked at houses that were rented 150 to 200 times a year and we did the math and those properties did not have the huge income for us so our thoughts are why do we want a property that is not going to give us income property, but get wrecked. If we could get a house that we could rent to a small group such as friends and family to offset some of the costs is our thought. We would like to enjoy most of the summer months here.

Cathy Russ, 1 Colony Lane, adjoining landowner

- If they are going to be able to rent I would like it to not get bigger number wise since the other house has five bedrooms. Describes situations of behaviors of

others that have rented. People have lost respect for others property.

Steve Krause, 5 Colony Lane, adjoining landowner

- The current owners have good intentions, but once that license is granted it stays with the property, so if they sell we have to live with it not them. If we can not appeal to the rental license then lets keep it at the low number.

Diane Luppen, owner

- If we are in the position to rent as a three bedroom we will. I am not asking to withdraw; I want to assure our neighbors that we are respectful.

Public Testimony Closed

Discussion:

Gratton talks about the reasoning for the larger setbacks with the larger homes.

Jansen states that it has always come back to behavior. Keep track of the incidences and challenge the rental license when it comes up for renewal. Licenses are issued annually. I think it would be unfair to not give this property a license because of what happened on another property.

Carroll asks about the parking.

- Gratton states that the parking is done administratively and not an issue tonight.

Gratton states that the reasoning for the setbacks for the different number of bedroom is to provide that buffer, in this case three feet is not much of a difference. We need to make sure this is a unique situation and is not exclusively to gain more income from the property. As I looked at this the outdoor activity areas of all the houses come together in the back of the properties. This is a little bit unique because it does not have the spatial characteristics and the deck that is not secluded from the neighbors. This is also a relatively small lot and a small amount of greenspace. This is a judgment call whether it works best or does no harm as a four rather than a three bedroom and it meets the standards for variation.

Jansen states that I do not see anything in the standards that raises a red flag.

Carroll states that if there is a requirement of screening, but we are only talking about the variance.

Gratton states it is for this particular setting as to why we made those setback requirements. We have granted variations like this, but there has been greenspace next door or the outdoor activity area was secluded. I am thinking this house not be granted a variance for the fourth bedroom.

Carroll states this is a smaller lot, there really isn't much screening, and the activity area is not secluded.

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

1. Congestion in the area – smaller lots with houses close together
2. Activity areas for all the homes in the area are to the rear and creating problems with the four bedroom request.

Seconded by Jody Carroll

Standards for variation are not met: F. congestion of area, public safety a concern.

Roll Call: Jody Carroll – Aye
 Dave Jansen – Aye
 Mel Gratton – Aye

Reports and Comments:

Marvin Schultz talks about the options for complaints of rental homes via the Galena Territory Association, the Sheriffs Department and the Zoning Office

Dave Jansen made a motion to adjourn at 8:15 PM. Jody Carroll seconded. Voice Vote:
All Ayes