

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

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

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

New Business

Jack & Lillian Wirtz, owners (address: 2030 S Rodden Road, Hanover IL 61041), have petitioned for a variation from the required rear lot line setback as established in Title 8, Chapter 3, Article A, Section 8-3A-6 A. 3 Minimum Rear Yard of forty (40) feet to thirty (30) feet; a variation of ten (10) feet. Property is located in the AG Agricultural District. Commonly known as 2030 S Rodden Road, Hanover IL 61041

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: The septic system was installed in 1999 for a 3 bedroom house and is located on the northwest side of the home. This variance request should not affect the system.
- Access Considerations: No concerns; existing entrance.
- Other Considerations: The property is located in Elizabeth Township on S Rodden Road. The parcel was created as part of a two lot subdivision approved in April, 1997. There is an existing home and garage/shed on the parcel and records indicate the structures were permitted and built in 1999. Under the Zoning Ordinance at the time, the same setbacks were in place that exists now, both a 20 foot side yard and 40 foot rear yard. At the time, the nearest lot line appears to have been interpreted as a side yard. The Zoning Ordinance did not define front, side or rear lot lines at that time. The applicants would like to add a mudroom to the NE side of the house; the structural addition would be placed

within the setback, determined to be the rear lot line. From the Zoning Ordinance Definitions:

LOT LINE, REAR: That boundary of a lot which is most distant from and is, or is approximately parallel to the front lot line. If the rear lot line is less than ten feet (10') in length within the lot or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet (10') in length within the lot, parallel to and at a maximum distance from the front lot line.

Staff did receive a written response from IDOT, stating that there are no roadway construction plans for this area. This request does not require a new access or modification of the existing access. All the surrounding properties are zoned AG Agricultural.

An adjoining neighbor, McCaffrey, inquired by phone and showed no formal objection on the phone.

Diedrick asks where the 2nd lot is.

- Eric indicates just to the south west of the requested lot.

Lillian Wirtz, owner

- The staff report covered everything we were requesting. We would like a mudroom to help on the north side of the house for cover and entering during the winter weather. The addition will come out as far as the existing house to the rear property line.

Gratton states the house sits within the setback, would this clear up the house and the addition

- Eric indicates that the existing house would remain a legal non-conformity; only the addition would be what you are reviewing tonight.

Public Testimony

None

Public Testimony Closed

Gratton states that definitions are good to have in the ordinance

Mapes asks if they wanted to sell would they have problems.

- Eric states that the house is a legal non-conformity, so they should not have any problems.

Standards for variance were reviewed. – 1- ok, 2- true, 3 – true, 4 – ordinance created hardship, 5 – true, 6 – ok, 7- true

A motion was made by Mapes to approve the variance request as presented stating the following:

1. Standards for variance have been met

Seconded by Diedrick

Roll Call: Gary Diedrick – Aye Ron Mapes - Aye
Nick Tranel – Aye Mel Gratton – Aye

Jeff and Jennifer Korte, (901 Washington St, Scales Mound, IL 61075) owners, and Brad Werner (8005 Veta Grande Road, Scales Mound IL 61075), petitioner, have petitioned for a

variance from the required side yard setback as established in Title 8, Chapter 3, Article A, Section 8-3A-6 A2 Minimum Side Yard from twenty (20) feet to six point four (6.4) feet; a variation of thirteen point six (13.6) feet for an existing structure. Property is located in the AG Agricultural District. Commonly known as 760 Stagecoach Trail, Scales Mound, IL 61075.

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of agriculture as one of greatest assets of the county and farmer. Agriculture relies on the preservation and protection of farmland for a successful future.
- Wastewater Treatment: There is no septic or well information on file for this property. The variance request should not affect these systems, but it is recommended to locate the septic system and protect these areas if near construction.
- Access Considerations: No concerns; existing entrance.
- Other Considerations: The property is located in Scales Mound Township on Stagecoach Trail. A split of the property caused an existing storage bin to be located too close to the property line. This is a corrective action on the part of the owner to bring the property into compliance and will be completed by the owner utilizing an Existing Agricultural Residence Split. The owner is proposing to also add a garage to the property. No permit has been submitted; however, the proposed location of said garage near the existing house is intended to meet setback requirements. All the surrounding properties are zoned AG Agricultural.

An adjoining neighbor, Mr. Pintozzi, inquired by phone and showed no formal objection on the phone.

Diedrick asks when this property was split.

- Eric is not sure
- Brad Werner states that he thought it was 2011.

Brad Werner, petitioner

- They are looking to put a garage right behind the existing house and will meet setbacks. The grain bin and is 6.4 feet from the property line, it is in use and is small, Jeff farms. Jeff and Jen bought the property this way already split, they did not create this.

Public Testimony

None

Public Testimony Closed

Standards for variance were reviewed. – 1- true, 2- true, 3 – true, 4 – current owner did not create, 5 – true, 6 – true, 7 – true

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

1. Standards for variation are met

Seconded by Mapes

Roll Call: Nick Tranel – Aye
Ron Mapes - Aye

Mel Gratton – Aye
Gary Diedrick – Aye

Apple Canyon Lake Property Owners Association Inc., owners, have petitioned to amend a Special Use Permit (13-08) to allow for the addition of fitness center for the Apple Canyon Lake property owners. Property is located in the RP Planned Residential District. Commonly known as 14A159 Canyon Club Drive, Apple River, IL 61001.

Staff

- Comprehensive Plan: Although Apple Canon Lake is not a municipality, the Comprehensive Plan recognizes the importance of the Planned Residential Community and its growth potential. The Plan also encourages repurposing existing structures as opposed to letting them deteriorate.
- Wastewater Treatment: There is an existing septic system serving this building. The system was installed in 1979 and upgraded in 1992. The system is sized for a flow of 600 gallons per day in optimal soil conditions. There is no soil information on file for the location of this existing septic system. This capacity will accommodate 36 people per day in a facility with showers or 120 people per day in a facility with only restrooms. Any full time employees in the building will change these capacities. A portion of the septic system is located on a different parcel than the building it is serving.
- Access Considerations: No concerns; existing entrance.
- Other Considerations: The location of this request is within the Apple Canyon Lake development near the ACL Owners Club in Thompson Township. A Special Use (13-08) for the same building was approved in 2013, formerly the firehouse. That approved request allowed the building to be converted to a self-storage/warehouse facility. 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. A portion of the existing structure will be repurposed to house a fitness center for use by the property owners. Per the application, no remodeling will be necessary and the room will include approximately 10 pieces of donated fitness equipment. The area is separate from the storage portion of the building and proximity to the clubhouse provides plenty of parking, if necessary. All surrounding properties are within Apple Canyon Lake and zoned RP Planned Residential. No LESA was prepared for this request.

Cindy Carton, Communications & Recreation Director for ACL

- We are looking to amend the existing special use. The building is in good condition and will continue to use the larger portion for storage. We will not have to do anything to the structure. It will not have a full time employee within the building; we will check the facility on employee rounds. It is very close to the clubhouse.

Eric asks about the long range plans for the clubhouse.

- Rick Paulson states that he and his boss have met with Eric to talk about an extensive plan to redo the clubhouse and the area from the proposed building including new parking lot, pavilion and make it a town hall type of square. The reason for the fitness center in the old firehouse is because people have been asking and we want to see how it goes and if a need then we will work that in with the new clubhouse.

Diedrick states that the warehouse would be where the double garage doors are on the building correct?

- Cindy indicates that is correct.

Diedrick asks if there is a full time employee in that building at any time now.

- Cindy indicates no, we are in and out
- Eric asks about restrooms within the existing building
- Cindy indicates there is a restroom in there, but we don't plan on offering showers, the bathroom is handicap accessible.
 - Eric states that this information should not change anything from the Health Department analysis and should be ok.
- Mapes asks if this is for ACL members only
- Cindy indicates that you need to be a property owner or a guest of the property owner.

Public Testimony

None

Public Testimony Closed

Standards for special use were reviewed. – 1- met, 2- no concern, 3 – no concern, 4 – existing facilities, met, 5 –existing facilities, met, 6 – met

A motion was made by Diedrick to recommend approval to amend the existing Special Use Permit 13-08 to add Fitness Center for ACL property owners stating the following:

1. Standards for special use have been reviewed and met

Seconded by Tranel

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|------------|-------------------|---------------------|
| Roll Call: | Ron Mapes - Aye | Gary Diedrick – Aye |
| | Mel Gratton – Aye | Nick Tranel – Aye |

Reports and Comments:

No business so far for May Planning Commission/Zoning Board of Appeals Meeting

Tranel made a motion to adjourn at 7:45 PM. Gratton seconded. Voice Vote: All Ayes