

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
May 22, 2019**

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
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 Tranel to approve the minutes of March 27, 2019. Seconded by Winter. Voice Vote: All Ayes Mapes: Abstain

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

New Business

Mark Heller (11521 E Meyer Rd, Stockton, IL 61085) owner, requesting the following: A variance from the required rear yard setback, as established in Title 8, Chapter 3, Article A, Section 8-3A-6 A3 Minimum Rear Yards, of forty (40) feet to fifteen (15) feet, a twenty five (25) foot variation for a detached accessory structure. Also requested is a variance from the required side yard setback as established in Title 8, Chapter 3, Article A, Section 8-3A-6 A2 Minimum Side Yards, of twenty (20) feet to fifteen (15) feet; a five (5) foot variation. Property is located in the AG Agricultural District. Commonly known as: 11521 E Meyer Rd, Stockton, IL

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of agriculture as one of the greatest assets of the county and farmer. Agriculture relies on the preservation and protection of farmland for a successful future.
- Wastewater Treatment: There is an existing septic system on this property. The system is located behind the house to the south. The variance request should not affect this system. The ends of the drainfield lines should be located so they can be protected during construction.
- Access Considerations: This parcel has an existing entrance onto Rush Township maintained Meyer Road with adequate sight distance.
- Other Considerations: The property is located in Rush Township just west of IL

78 on Meyer Road, north of Stockton. The 1 acre lot, as shown on the exhibit, less the right-of-way acreage, was created in December, 1992. Subsequent legal descriptions do incorporate the .13 acres of right-of-way as part of the property, including the most recent sales transaction to the applicant in June, 2010. Staff has determined that this is an AG Lot of Record; the house was built in 1994. The owner, per the application, is proposing to place an accessory structure on the southwest corner of the property, behind the house. Said structure will max out the accessory square footage for this lot. Parcels less than three (3) acres are allowed up to 2,400 square feet of non-agricultural accessory space. Because the house was built in 1994 the three car garage is exempt from the square footage calculation. As indicated on the exhibit, and confirmed by the Health Department, the area behind the house contains the septic drain field and cannot be utilized for construction. A septic field map is included for your information.

Mark Heller, owner

- The setback variance is to allow access to the rear yard primarily. For maintenance for the septic system and any repairs that will need to be done down the road. A standard setback putting that building that close to the house, with a potential fire, just makes sense to get it a little farther away from the house and to maximize the useable yard space.

Diedrick asks if any adjoining property owners have contacted him.

- Mark Heller indicates that my neighboring property owner is my uncle, Randy. This was my grandpa's farm and this was where the house was built. My uncle told me put it on the property line for all I care.
- Eric states no formal objections were received.

Gratton states that when we came up with the rural setbacks it was more for a 2 acre parcel and this is a smaller lot with 1 acre. This does limit the amount of useable space.

Public Testimony

None

Public Testimony Closed

Gratton states we like to have people be able to maintain buildings and go around the building to do that.

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

A motion was made by Mapes to approve the variance request as presented from the side property line of 20 feet to 15 feet and from the rear property line of 40 feet to 15 feet for an accessory building stating the following:

1. Standards for variance are met

Seconded by Diedrick

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

Mark Ritter & Shawna Robinson (801 IL Route 35 N, East Dubuque, IL 61025) owners, requesting the following: a variance from the required front yard setback, as established in Title 8, Chapter 3, Article H, Section 8-3H-7 A.1.a. Public Streets, of one hundred twenty-five (125) feet to seventy seven (77) feet from the center line of IL Rte. 35; a forty eight (48) foot variation; or from the property line from the required seventy five (75) feet to thirty six point five (36.5) feet; a thirty eight point five (38.5) foot variation for placement of a detached accessory structure. Property is located in the RP Planned Residential District. Commonly known as: 801 IL Route 35 N East Dubuque, IL

Staff

- **Comprehensive Plan:** The Comprehensive Plan does not address Variances, however this parcel lies just outside of the municipal boundary of East Dubuque and in the designated Contiguous Growth Area.
- **Wastewater Treatment:** There is an existing septic system serving this home. The system is behind the house to the south. The drainfield crosses into both parcels. The variance request should have no effect on the system. An upgrade to the septic system will be required if plumbing is to be installed in the garage.
- **Access Considerations:** This property has an existing entrance onto state maintained Illinois Route 35 with adequate sight distance. No objection from IDOT.
- **Other Considerations:** The property is located in Dunleith Township on the south side of IL Route 35. The applicants own adjoining lots totaling +/- 0.715 acres. The home was built in 1968 and does encroach into the IDOT right of way. During 2018, the applicant contacted the department regarding improvements to the existing home on the westerly parcel in the form of a deck, as well as options for adding a garage. Because the house lies within the right of way and the proposed deck addition was on the rear of the house, staff advised the applicants to pursue a non-conforming structure addition. A permit was issued in June, 2018 to allow for construction of the rear deck. Per the information in the application, at this time the owner would like to proceed with a detached garage on the easterly parcel. The Zoning Ordinance states that the setback shall be measured from the centerline of the right-of-way or property line or 'whichever is greater'. Staff advised the applicant to provide both measurements in this request given that the calculations are so close together. Staff also requested that the corners of the proposed structure be laid out on the property for site visits, which has been completed. It should be noted, the inclusion of the detached garage will necessitate that both parcels be tied together as part of any sale. As confirmed by the Health Department, the drain field encompasses parts of both parcels as well, per the attached exhibit. The adjoining parcels to the south, west and east are in East Dubuque. The parcels across IL Route 35 are zoned RP.

Mark Ritter, owner

- The reason for wanting to put up a detached garage, there is a 2 car attached garage on the house, the height of the attached garage is barely 6 feet, which is not high enough for a standard sized pickup truck to fit in. This does not give us area to store recreational vehicles, which we are renting storage facility off site for. The 36x36 detached garage would give us place to store our standard pickup truck, recreational vehicles and also as a hobby shop. Anything below the red line on the property drops off at a very steep angle, initially about 30 degrees and then continues at 20 degrees beyond that. In my mind it is unreasonable to build anything below that area, leaving the only buildable flat area up on

the easterly property

Diedrick asks if you have given any thought of widening the existing driveway or utilize what is there.

- Mark states we would utilize the existing driveway.

Diedrick asks if the existing tree in that area would be taken down

- Mark indicates it will remain for now.

Eric states that changes to the entrance would have to be approved by IDOT

Diedrick asks Steve Keeffer if there are any plans to Highway 35 through that area for widening or anything.

- Steve states that I am not aware.
- Eric states that in the letter they indicated no road construction plans for this location.

Mark Ritter indicates that the north wall of the detached garage will not come any closer to the road than the house already is. If any widening they would have to deal with house as well because they would be the same distance.

Gratton asks where the doors will be on the garage.

- Mark indicates they will face the house.

Winter asks about making these parcels one.

- Eric states that the two parcels need to be tied together. If the garage is put up he needs to sell the garage with the house. The reason he can do this is because he owns both lots.

Diedrick asks if response from adjoining landowners.

- Eric indicates no response from adjoining property owners.

Public Testimony

None

Public Testimony Closed

Gratton states that we don't like to see structures closer than other buildings on the property and this is slightly behind or in line with the house.

Eric states that the petitioner has indicated the measurement from the centerline of the road is further back.

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

A motion was made by Tranel to approve the variance request as presented from the property line from the required seventy-five (75) feet to thirty six point five (36.5) feet; a thirty eight point five (38.5) foot variation stating the following:

1. Standards for variance are met

Seconded by Mapes

Roll Call: Gary Diedrick – Aye
Ron Mapes – Aye
Nick Tranel – Aye

Mel Gratton – Aye
Laura Winter – Aye

Eileen Townsend and Mark Anger (2378 US Highway 20 East, Elizabeth, IL 61028) owners, requesting the following: a variance from the required nonagricultural accessory area, as

established in Title 8, Chapter 3, Article A, Section 8-3A-4 B2, of three thousand six hundred (3600) square feet to four thousand eighty (4080) square feet; a four hundred eighty (480) square foot variation for an addition to an existing accessory structure. Property is located in the AG Agricultural District. Commonly known as: 2378 US Highway 20 East, Elizabeth, IL

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of planning for future infrastructure such as roadway expansion and utility replacement, and variances should be reviewed with that in mind.
- Wastewater Treatment: There is an existing septic system serving the house on this property. The variance request will not affect this system. If there are any plumbing fixtures included in the accessory building, a new septic system will be required.
- Access Considerations: This parcel has an existing entrance onto state maintained US Route 20 with adequate sight distance. No objection from IDOT.
- Other Considerations: This request is located on Highway 20 in Woodbine Township, east of Elizabeth, consisting of just over 40 acres. A permit was issued to the applicant for a new home in 2010 as well as an accessory structure in 2013. Staff was able to field verify the size of the accessory structure at 2,240 square feet (40'x56'). When combined with accessory square footage on the existing home of 1,040, the applicant has utilized 3,280 square feet of the allotted 3,600. The proposed addition adds 800 square feet, per the application request, thus exceeding the maximum square footage allowed by the Zoning Ordinance. Surrounding properties are zoned AG.

Eric indicates that an adjoining landowner Eugene Olson inquired, but no concerns were expressed to staff.

Eileen Townsend and Mark Anger, owners

- When we originally put the shed up it was not up to what we asked for on space and as we acquired more equipment I want to be able to put in under cover.

Diedrick asks if the structure will be stand alone or attached.

- Eileen indicates attached.

Gratton states our Ordinance was written at 3,600 square feet and at 3 acres or more and this is considerably over 3 acres. We do run into smaller lots where this does become an outsized structure, on 40 acres the ratio to land should be ok.

Public Testimony

None

Public Testimony Closed

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

A motion was made by Diedrick to approve the variance request as presented from the allowed 3,600 square feet to 4,080 square feet; a 480 square foot variation for an addition to an existing accessory structure stating the following:

1. Standards for variance are met

Seconded by Winter

Roll Call: Ron Mapes – Aye
 Nick Tranel – Aye
 Mel Gratton – Aye

Laura Winter – Aye
Gary Diedrick – Aye

Reports and Comments:

Eric indicates Development & Planning meeting Tuesday will include information regarding procedures of our office from a concerned citizen.

Tranel made a motion to adjourn at 7:50 PM. Winter seconded. Voice Vote: All Ayes