

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

New Business

Scott and Kelli Nicks (8951 Badger Road, East Dubuque, IL 61075) owners, have petitioned for a Variance in the front yard setback, as established in Title 8, Chapter 3, Article H, Section 8-3H-7 A1c Public Streets, from the required eighty (80) feet to forty two (42) feet, a thirty-eight (38) foot variation to place a new front porch/deck addition. Property is located in the RP Planned Residential District. Commonly known as 8951 Badger Road, East Dubuque– Case #20-33

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, however this parcel lies within the 1.5 mile planning radius of East Dubuque.
- Wastewater Treatment: The septic system serving this home was installed in 1985 and is located east of the house in the back yard. This variance request should have no effect on the septic system.
- Access Considerations: This property is access from Dunleith Township maintained Ken Court. The access has adequate sight distance.
- Other Considerations: The property is on the east side of Badger Road, south of Route 5. The parcel shows the existing residence on the attached survey, which dates to 1963. There are no platted setbacks, so current front setback requirements for the RP district apply to new structures. Per the application, the owner would like to construct an accessory deck in front of an entry door that faces Badger Road. The survey shows the residence is already within 50' of the centerline of Badger Road, which requires an 80' setback. The deck will extend an additional 8' toward Badger Road. The adjoining parcels to the north and west are zoned RP. Adjoining parcels to the east and south are zoned AG.

Eric indicated no calls or emails for this request.

Scott Nicks, owner

- I would like to construct a 96 square foot deck on the front of my house, right outside my front door. I removed roughly a 5 foot by 9 foot concrete stoop that was deteriorated to the point that railings were falling off. I would like to put something nicer there and request your approval of this variance.

Diedrick asks about the 5 foot by 9 foot concrete stoop that was removed.

- Scott Nicks indicated that the 9 foot ran parallel to the house and was 5 feet out toward the street. I want to go just a little bigger with 8 feet out from the house.

Public Testimony

None

Public Testimony Closed

Gratton states that there is no platted lesser setback so we have to follow the rules for the RP District, it does appear this is a little closer than we would like, but on the other hand there are others with the same situation on this road. This is pretty typical and usual for the area.

Diedrick asks about jurisdiction and does not anticipate any widening on Badger Road anytime soon.

- Tison indicates that the access is actually off of Ken Court, but Badger is a township road and requires an 80 foot setback.

Standards for variance reviewed 1 – true; 2 –unique to this property, but others like it, this is a gray area 3 – true; 4 – true; 5 – true; 6 – true; 7- true Standards have been reviewed and met

A motion was made by Diedrick to approve the variance request as presented from the required eighty (80) feet from the centerline of the road right of way to forty-two (42) feet, a thirty-eight (38) foot variation to place a new front porch/deck addition. Common Address: 8951 Badger Road, East Dubuque, IL – Case #20-33 stating the following:

1. Standards for variance reviewed and all met

Seconded by Winter

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

Thumser Entertainment Inc (1625 Route 35 N, East Dubuque, IL 61025) and Dale Thumser (1194 Hiawatha Dr, East Dubuque, IL 61025) owner and petitioner, have petitioned for a Special Use for a Restaurant, general and Recreation and entertainment, outdoor for an existing business. Also requested is a Variance in the front yard setback, as established in Title 8, Chapter 3, Article A, Section 8-3A-6 A1a Public Streets, from the required one hundred twenty five (125) feet to eighty (80) feet, a forty-five (45) foot variation to allow for an addition to the existing restaurant; additionally requested is a Variance in the hard surface parking requirement as established in Section 8-4D-6 B Surfacing; further requested is a Variance from Section 8-4A-5 Number of Uses on a Lot to allow for more than one. Property is located in the AG Agricultural District. Commonly known as 1625 IL Route 35 N, East Dubuque– Case #20-34

Staff

- Comprehensive Plan: The Comprehensive Plan shows that this parcel lies within the 1.5 mile planning radius of East Dubuque.
- Wastewater Treatment: The septic system serving this establishment was completely replaced in 2016 and is located behind the building to the east. The size of the system was calculated to serve 3 employees and 100 restaurant meals per day. These requests should not affect the existing septic system. The kitchen addition as presented will not require any upgrades to the septic system.
- Access Considerations: This parcel has existing entrances onto IDOT maintained Illinois Route 35. While IDOT may have additional comments regarding these entrances, they appear to have adequate sight distance.
- Other Considerations: Per the application and exhibits, the petitioner is proposing an addition to the existing 19th Hole Restaurant and Bar which will extended 20’ toward IL Route 35 N. The restaurant and existing outdoor mini golf course date to the mid-1980s. Each of these uses can and do qualify as a primary use on this parcel, so the applicant is also requesting a variance in the number of principal uses on lot to allow for more than one. Lastly, there is a variance requested from the hard surface parking requirement. No changes are proposed to the physical layout of the golf course as a result of the addition; although one existing hole appears to be impacted as shown on the application exhibit. As to parking requirements, based on the size of the building approximately 30 parking spaces are necessary for the restaurant/bar. An

additional 12 spaces would be required for the outdoor mini golf. Based on 9x20 parking spaces and the available volume for parking on the site plan as submitted, there does appear to be sufficient space for the required number of parking spaces, inclusive of 2 handicap accessible spots.

- Due to an administrative oversight, the applicant was not advised to provide a variance for the setback requirement to residential districts or dwellings related to outdoor recreation area standards. It would be appropriate to continue the review of the outdoor recreation area and request for additional principal use with the use standard setback variance at the next regularly scheduled meeting, contingent on an application being filed. The Board can take action on the special use request for the restaurant, restaurant addition setback variance and parking surface variance.
- Adjoining parcels to the west and north are in the City of East Dubuque. Parcels to the south are zoned AG. The adjoining parcel to the east is zoned RP.
- LESA: The Land Evaluation score on this parcel is 64.14 with an overall LESA score of 117.14. Some of the Site Assessment factors contributing to the overall score were the commitment to AG adjacent, the percent of AG land adjacent and the commitment to AG adjacent (all 0/25 pts). Additionally contributing factors included transportation accessibility adjacent to State highway (5/15 pts), availability of central sewer (8/10 pts) and availability of public water (6/10 pts).

Eric states no calls or emails were received. City of East Dubuque being within 1 ½ miles provided no comment. No comment either from IDOT.

Dale Thumser, owner

- I am trying to put on that addition on the northwest corner of the building because that is where my kitchen is and that would allow me to have a bigger walk in cooler, walk in freezer, prep area. We are not affecting the septic system. Currently in this building where the main entrance is there is a closet and that is where my walk in freezer currently sits. This would allow me to remove the walk in cooler; that room was setup for a handicap family restroom, so that was another goal by moving the cooler into this 20 foot addition. The changing of the mini golf is we are going to still use that square that is there to enter into that hole, but just loop it around a little bit different to make up for the change in the 20x20 area. We are sticking with what works for us. I didn't quite realize these variances were needed because they were put in place after the structures and mini golf were here. We need to make sure we go through all of the processes to make sure we get this done. My drain field is to the west of the sidewalk that is near the north of the property. The tank is just south of the sidewalk.

Diedrick asks if the septic was new in 2016

- Dale Thumser indicates yes.

Mapes asks if we need variance for the addition to the building

- Tison states that the variance is specific to the position of the addition

Mapes asks if both of them will need a variance.

- Tison states that the variance for the outdoor entertainment area standards is relative to residential dwellings not roadways. That portion will be on the agenda for September because it was missed. The closest residence is to the south along with across the road.

Dale Thumser indicates that the well and septic are on my property. I do not have any of the city services. I have a fire hydrant to the south which is the end of the water line for the city. The city just purchased to the north to place a water tower on that property.

Gratton asks about the parking surfacing.

- Dale Thumser indicates that due to Covid-19 kind of put blacktop on the back burner for quite some time now. Since the aerial photo was taken near the white building that area has been leveled and is used. Once we get the handicap restroom in, we will add the two handicap parking spots to the very front of the building. I will maintain with gravel and there is some hard surface blacktop here.

Diedrick asks about the parking to the north of the buildings so that if you don't utilize the restaurant but do for the golf is that an area that can be utilized.

- Dale Thumser indicates that we have a back door on the north east end of the building, this is an easier place for a handicap person to come in because it is just a one door. Doing this will also help in us increasing the main entrance to be more accessible for handicap people. Current handicap customers park around back for easier access.

Mapes asks about the white building if still in place.

- Dale Thumser indicates it is still there and used for storage and will remain.

Gratton asks about other options for the location of the addition that would not require a variance. What is the setup of the building and why?

- Dale Thumser indicates that is one of the reason why we want to move it now because it is in a very inconvenient place where it is at. My kitchen is in the north part of the building, this is the only logical place to put the addition, any place else I might as well leave it where it is in the building. I would gain nothing because I would still be walking through the area where the customers are sitting to get to it.

Diedrick asks if you would consider putting it on the north side of the building.

- Dale Thumser states that we looked at that, but structurally it was harder to do it that way, it would interfere with the miniature golf much more. There is a white roof on the north side, which is where my pizza ovens are, we would have to relocate those then. We did look at many different options.

Mapes asks about parking 30 for restaurant and 12 for the golfing. Do you have enough for 42 cars?

- Tison indicates that is at peak times if the occupancy of the restaurant and the golf area was being used at full capacity. Measurements that I took indicated, yes it can be done, they would not be as uniform a parking space as we would like to see, but yes the requisite number of vehicles could fit on the site.
- Mapes states that when I was there the parking was all over the place with no set place.
- Dale Thumser states one of the goals is to get a blacktop parking spots so we can get the lines in. Most people that frequent the place pretty much have the system down about how we park.

Tison asks to confirm the 1983 date of the construction of the building

- Dale Thumser states that is correct to the best of my knowledge.

Public Testimony Opened

None

Public Testimony closed for only Special Use for Restaurant, variance for addition setback, variance for hard surface.

Special Use Restaurant, general

Standards for special use for Restaurant, general reviewed 1 – true; 2 – ok; 3 – correct; 4 – correct; 5 – existing; 6 – ok Standards have been met

Gratton states this is standard with many grain bin setups and we understand the logistics and placement need.

A motion was made by Mapes to recommend approval of the Special Use request for the Restaurant, general. Commonly known as 1625 IL Route 35 N, East Dubuque – Case #20-34 stating the following:

1. Standards for Special Use were reviewed and all met

Seconded by Winter

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

Variance for setback of addition

Standards for variance reviewed and have been met

A motion was made by Winter to approve the variance request as presented from the required front yard setback of one hundred twenty-five (125) feet to eighty (80) feet, a forty-five (45) foot variation to place an an addition to the existing restaurant. Commonly known as 1625 IL Route 35 N, East Dubuque – Case #20-34 stating the following:

1. Standards for variance reviewed and all met

Seconded by Mapes

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

Variance for hard surface parking area

Standards for variance reviewed and have been met

A motion was made by Diedrick to approve the variance request as presented from the hard surface parking requirement. Common Location: 1625 IL Route 35 N, East Dubuque - Case #20-34 stating the following:

1. Standards for variance reviewed and are all met

Seconded by Winter

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

A motion was made by Gratton to continue the requests for Special Use Permit for Recreation and Entertainment, outdoor and Variance for multiple principal uses on a lot to September.

Seconded by Mapes

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

Reports and Comments:

Gratton asked about approval of minutes from the previous month, it doesn't make sense to approve the previous months minutes after requests have already gone to County Board for approval. If Eric can look into if it is possible to approve the ZBA minutes from the previous month before the requests go to County Board for review. Suggestion is that on other committees, they email as soon as the minutes are drafted and the members record their vote electronically.

Tison indicated not sure what flexibility we have with State Statutes. The Statute requires the Finding of Fact to be forwarded, that is what the County Board should be making their decision off of, not the minutes, the minutes are supplementary with the testimony that is taken under oath and is presumed to a degree to be factual. You are approving the recordings of the proceedings of the body afterwards, but those minutes are not used to make determinations at the County Board level.

Gratton states that what if in the minutes something major is inadvertently is left out of the minutes.

Tison states that if something is major and discussed in the finding of fact it should be included with the finding of facts. If something is not included in the finding of fact or deemed incorrect and found out then it would have to be rectified in the court system.

Diedrick made a motion to adjourn at 8:10 PM. Winter seconded.

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

This meeting was held virtually. The public may attend in person; however we encourage you to attend via Zoom audio as follows:

This meeting will be held virtually. The public may attend in person; however we encourage you to attend via Zoom audio as follows:

Join Zoom Meeting

Time: Jul 22, 2020 07:00 PM Central Time (US and Canada)

<https://zoom.us/j/91078498183?pwd=U3dJSUJDZENGYZNLNS9CT0F0ZzFFZz09>

Meeting ID: 910 7849 8183

Password: 149929

Dial by your location +1 312 626 6799 US (Chicago)