

**JO DAVIESS PLANNING COMMISSION/ZONING BOARD OF APPEALS
MEETING MINUTES
JULY 23, 2025**

I. Call to Order

Chairperson Huschitt called the meeting to order at 7:00 PM on Wednesday, July 23, 2025, in the Jo Daviess County Highway Department, Hanover, Illinois.

II. Roll Call

Planning Commission Members were answered as follows: Present – Gary Diedrick, Don Hill, Steve McIntyre, Ron Mapes, Peter Huschitt. Present: 5. Absent – . Absent: 0.

Staff and County Board Members Present: William Meeker, P&D Dept. Admin.; Melissa Soppe, P&D Dept. Office Manager.

III. Establishment of a Quorum

IV. Approval of Minutes

A. June 25, 2025

A motion to approve the June 25, 2025 minutes was made by Mapes and seconded by Hill.

Roll call vote. Ayes – Don Hill, Steve McIntyre, Ron Mapes, Peter Huschitt, Gary Diedrick. Ayes: 5. Nays – None Nays: 0. Absent – . Absent: 0.

Administration of Oath:

Huschitt administered the oath to those present in person and via zoom who want to testify on any request this evening.

V. Unfinished Business

None

VI. New Business

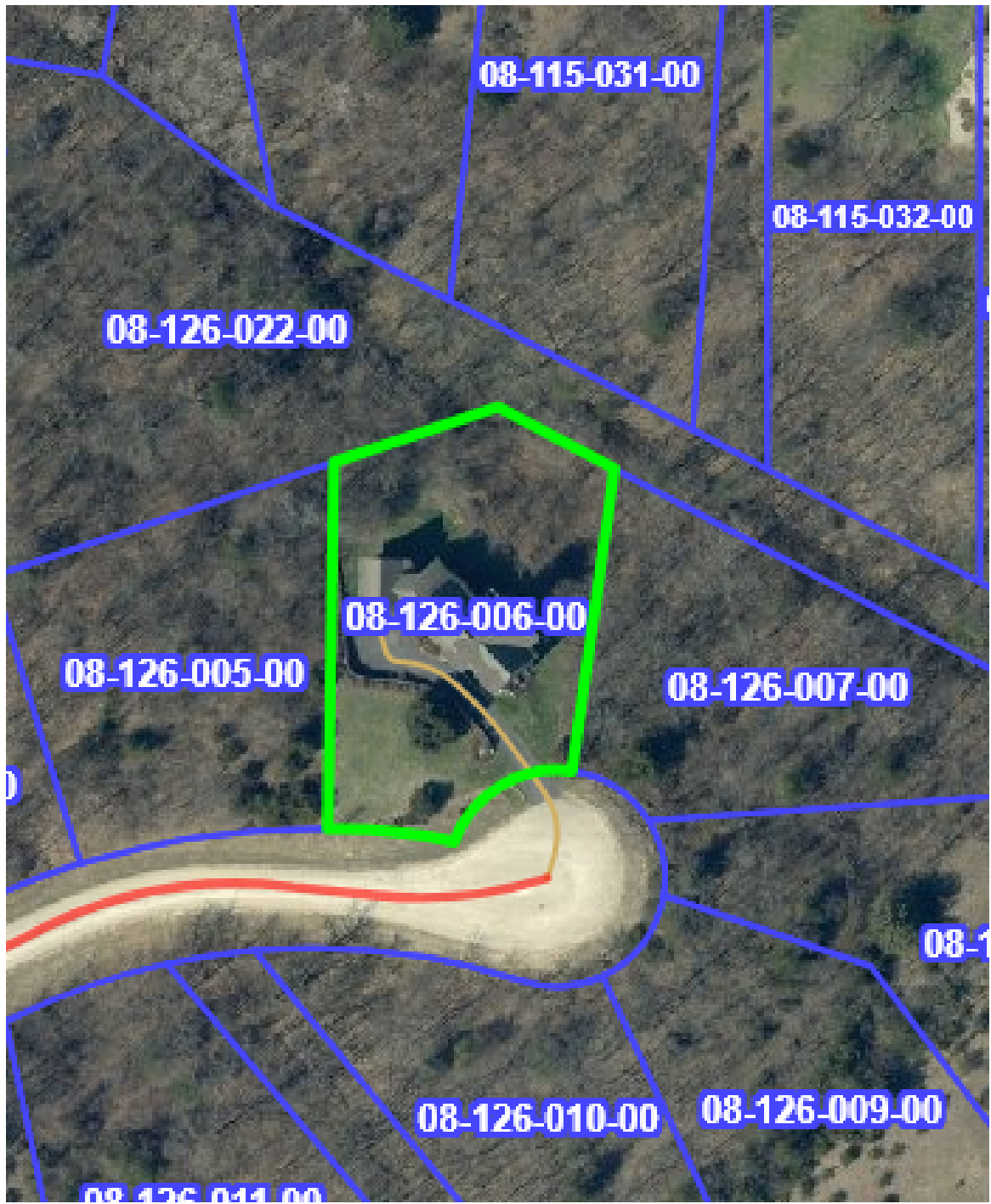
- A. Case No 25-29: Dennis & Judith Miller (9359 Powder House Hill RD, Galena, IL 61036), petitioner/owner; petition for a variance from the side yard setback requirements to permit a setback of 23.8 feet from the west property line and 22.5 feet from the east property line from the required 30 feet required to permit the home to be licensed for Guest accommodation as a six bedroom home. Property is currently zoned: RP Planned Residential. Commonly known as: 8 Trillium Lane, Galena IL 61036**

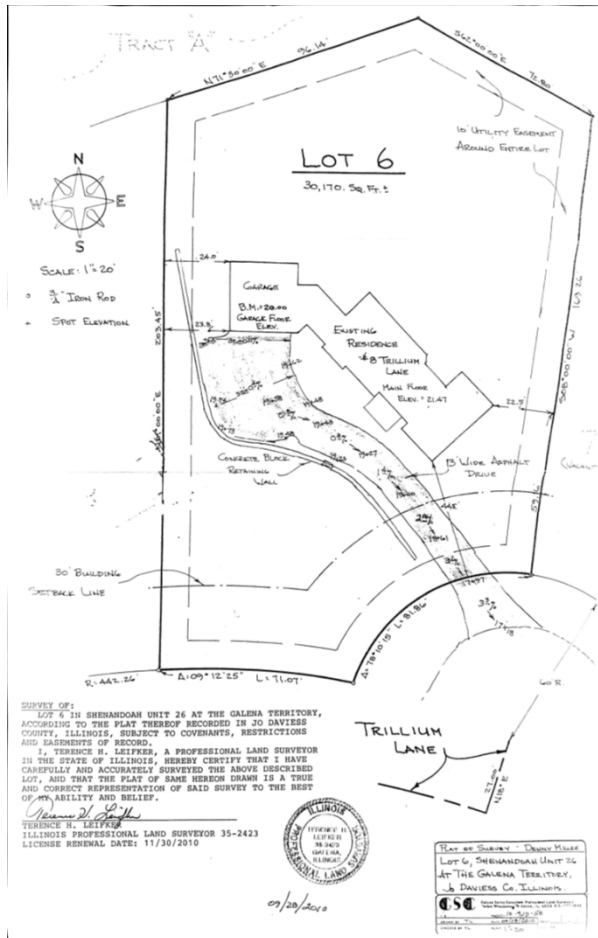
Staff Report:

ZONING DISTRICT: RP - Planned Residential District
ACRES: 0.69-acre

PARCEL NO: 08-126-006-00

- **Wastewater Treatment:** A permit was issued in May to upgrade the septic system on this property from 4- to 6-bedroom sizing and to comply with current septic construction requirements.
- **Access Considerations:** The County Highway Engineer notes that the existing driveway to the property from the cul-de-sac is the best location for it.
- **Other Considerations:** The property in question is the site of an existing 4-bedroom single-family residence constructed in 2007. A Guest Accommodations License was issued for the residence in 2010. Since that time, the residence was modified to create one additional bedroom, and now they wish to convert an area above the garage for an additional bedroom, making it a 6-bedroom home. The property owners were contacted by staff and advised that a revised Guest Accommodations License would be required following review and approval of a Zoning Certificate for the enlarged home. With the increase in the number of bedrooms, the required side-yard setbacks increase to a minimum of 30-feet. As noted, the existing setbacks are 23.8-feet from the west property line and 22.5-feet from the east property line, variations of 6.2-feet and 7.5-feet, respectively.





Dennis Miller, owner

I would like to point out the unique situation of where the house is. It is in a unique position at the end of the cul-de-sac, which is totally by itself. I understand the setbacks are for considering the noise that there might be. I only have a small deck out back in the middle of the house for barbecue, no party deck. The measurements are off the back of the garage and the back of the master bedroom. I have been renting it since 2010, because I couldn't sell it. I built it as a four-bedroom spec house in 2008. Because of the unique financial situation, the whole country was suffering and the banks, I sat on it for two years and I stuck more money into it so I could start renting it and generate some cash to make the payments on it. At that point, it was a four-bedroom, so that is what I rented it for. I noticed they were asking more for five and six-bedroom homes, so I added a bedroom where the storage room was. It was pointed out to me that I wasn't supposed to be doing that. I didn't do that right away, but I did after a while to generate more income. If you look at the feedback online for the house, I have not had any problem with anybody complaining about noise. This is a five-star rental, and it is an asset to the Galena rental. It is one of the nicest rentals out there. By increasing it to a six bedroom, I can generate more money, which in turn generates more tax dollars for the county too. It makes it more appealing when I do decide to sell it.

Diedrick asks if you have been renting the property and if you had a Guest Accommodation for the four-bedroom.

- Dennis Miller indicates he has since 2010 when he was issued the Guest Accommodations License. I sat on the house for two years as a spec house. I built this as a large four-bedroom home 5,000 square feet. Being unable to sell it I had to stick another \$100,000 into furnishing it and put it on the rental.
- He does currently have a license for a four-bedroom rental.

Public Testimony Opened

None

Public Testimony Closed

Huschitt asks if there was any additional feedback that you received in the office on this case. Also asked if the adjacent lots are privately owned.

- Meeker states that he received one phone call and spoke to the individual. They were across the street and, once I explained, they did not have any interest at that point.
- The adjacent lots on each side are privately owned.
- Diedrick states that they are also densely wooded.

Standards for Variance

a. The physical surroundings, shape, or topographical conditions of the specific property will cause practical difficulties or a particular hardship to the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

True: (Why) **YES** False: (Why)

b. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties within the same zoning classification.

True: (Why) **YES** False: (Why)

c. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

True: (Why) **YES** Not exclusively. False: (Why)

d. The alleged difficulty or hardship is caused by this ordinance and has not been created by persons presently having an interest in the property.

True: (Why) **YES** False: (Why)

e. The granting of the variation will not alter the essential character of the locality, and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

True: (Why) **YES** It has been in the rental program since 2010 and just expanding it a little bit to a larger home. False: (Why)

f. The proposed variation will not impair an adequate supply of light and air to adjacent

property, or substantially increase the congestion of the public street, or increase the danger of fire or flooding, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

True: (Why) **YES** False: (Why)

g. The variation requested is the minimum variation that will make possible the reasonable use of the land or structure.

True: (Why) **YES** False: (Why)

A motion to approve Case No. 25-29: Dennis & Judith Miller (9359 Powder House Hill RD, Galena, IL 61036), petitioner/owner; for a variance from the side yard setback requirements to permit a setback of 23.8 feet from the west property line and 22.5 feet from the east property line from the required 30 feet required to permit the home to be licensed for Guest accommodation as a six bedroom home. The property is currently zoned: RP Planned Residential. Commonly known as: 8 Trillium Lane, Galena IL 61036 was made by Gary Diedrick stating the following:

1. Standards for variance have been met

Seconded by Ron Mapes

Roll call vote. Ayes – Don Hill, Steve McIntyre, Ron Mapes, Peter Huschitt, Gary Diedrick. Ayes: 5. Nays – None Nays: 0. Absent – . Absent: 0.

- B. Case No 25-30; Stephenson Service Company (Jay Kempel, General Manager – 410 South Hancock Ave, Freeport, IL), petitioner & Thomas L and Judith A Schuldt Living Trust (12275 E Howardsville RD, Stockton, IL), owners petition for a map amendment/rezoning from AG Agricultural to I Industrial of approximately 8.016 acres. Property location: property surrounding 1859 IL Route 78 N, Stockton IL 61085.**

Staff Report

ZONING DISTRICT: AG - Agricultural

ACRES: 8.016-acres

PARCEL NO: Part of 11-000-190-03 & 11-000-191-00

- Comprehensive Plan: The Jo Daviess County Comprehensive Plan Land-Use Element (adopted 2024) identifies the entirety of the subject property as “Agricultural”.
- Wastewater Treatment: No information is on file for a septic system on this property. A soil investigation and new system will be required to be installed to serve the new facility.
- Access Considerations: The Illinois Department of Transportation (IDOT) has indicated that they will not approve a second access to the Stephenson Services property. The agency indicates that they will work with the petitioner in the event that they wish to

move the existing access, but will not approve a second access. The site plan submitted by the petitioner shows an easement for field access along the north side of the site; IDOT does not object to this easement as long as it is only used for field access for the farmer. The County Highway Engineer has no issues with the existing access and notes that there will not likely be drainage issues related to its location.

- Other Considerations: Stephenson Service Company maintains an Anhydrous Ammonia facility on a 5-acre property located at 1859 IL Route 78 N, Stockton. The company wishes to enlarge the area of the property so that a new office, mixing shed, and additional Anhydrous Ammonia tank may be added to the facility. To accommodate this expansion, the company intends to acquire property from properties lying north, south and east to enlarge the site by an additional 8.016-acres, bringing the total site area up to just over 13-acres.

Initially, the property occupied by Stephenson was zoned Agricultural (AG); a Special Use Permit was granted in 2001 to permit expansion of the operation (SU 01-48). In 2013, the site was rezoned to Industrial (I) (ZMA 13-14) resulting in the use being classified as a “permitted use” within the zone. The company is now requesting that the additional 8.016-acres that is to be added to the property also be rezoned to Industrial (I) to permit expansion of the operation consistent with this zoning classification.

Green outlined area represents area to be rezoned

- Meeker states that I had a call from an adjacent property owner to the property to the north that they are acquiring property from. When she understood the proposal, she didn't have any interest at that point. She is far removed from the site.

Jay Kempel, Stephenson Service Company General Manager

- When we acquired it from Jo Daviess Service Company and has been an outstanding facility for us, we basically have outgrown this property and would like to expand and improve the facility site we have. We would like to work with IDOT to get that other roadway in there. We have a lot of semi-traffic that comes in and out of there now, but it would be a great addition for the company to give us the ability to expand. We keep hiring more people at that location, and we are just a little tight.

Huschitt states that the Ag industry is a huge driver, if not the number one industry in Jo Daviess County, and we talk about how we need to continue to support Ag, and so we can't, in my opinion, support Ag without supporting the infrastructure that Ag needs and, obviously, an Ag chemical plant goes hand in hand with that. I personally welcome this expansion. We are obligated to explain certain points, obviously we will be taking some prime farm ground out of production, which is something the Comprehensive Plan does talk about. We would be remiss if we did not include that in our conversation. While we are taking, in my opinion, prime farm ground out, we are putting it into an industry which its number one goal is to support the farming community. As far as you wanting the second drive with IDOT, that is going to be between you and them. I believe you understand the verbiage that they are not going to let you do it, but want to make the petitioner understand.

McIntyre asks if there will be any additional chemicals at this site or disposed of.

- Jay Kempel states no additional chemicals.

Public Testimony Opened

None

Public Testimony Closed

Factors to Consider for Rezoning: The ZBA/PC shall consider the following factors related to the Rezoning request:

1. Existing uses and zoning of nearby property;
2. Extent to which property values are diminished by particular zoning restrictions;
3. Extent to which destruction of value of plaintiff's property promotes the health, safety, morals, or general welfare of the public;

4. Relative gain to the public compared to hardship imposed upon individual property owners;
5. Suitability of subject property for zoned purposes, including, but not limited to, LESA score; - Stated that no LESA was completed, but would most likely have a high number.
6. Length of time the property has been vacant as zoned, considered in the context of land development in the vicinity;
7. Community need for the proposed use; - Stated that this has been a successful site for them and they have outgrown it.
8. Care with which community has undertaken to plan its land use development.

A motion to recommend approval of Case No. 25-30; Stephenson Service Company (Jay Kempel, General Manager – 410 South Hancock Ave, Freeport, IL), petitioner & Thomas L and Judith A Schuldt Living Trust (12275 E Howardsville RD, Stockton, IL), owners for a map amendment/rezoning from AG Agricultural to I Industrial of approximately 8.016 acres. Property location: property surrounding 1859 IL Route 78 N, Stockton IL 61085 was made by Ron Mapes and seconded by Peter Huschitt.

Roll call vote. Ayes – Steve McIntyre, Ron Mapes, Peter Huschitt, Gary Diedrick, Don Hill. Ayes: 5. Nays – None Nays: 0. Absent – . Absent: 0.

VII. Citizens' Comments (Matters not otherwise on the Agenda)

None

VIII. Reports and Comments

McIntyre updates from the Zoning Ad-Hoc Committee on the two items that were talked about: the home occupation we adjusted some things and moved some things from not allowed to allowed.

Diedrick asked for an example of what was disallowed that would be allowed.

- Meeker states that they talked about prohibition on selling items that weren't grown on the property. They want to allow people to be able to sell ancillary items in addition to items grown on the site. If you are selling fruit, you could do a fruit basket, for example, that go along with that.

McIntyre states that we also adjusted the number of employees per site. There may be seasonal times of the year that it may need to be adjusted.

Meeker states that we are an area of ag tourism and to promote those uses.

McIntyre states that with internet that home occupations could be going through the roof.

Huschitt talks about the similar cases that come in front of the ZBA if that is something that could be done administratively.

- McIntyre states that is something they are looking at. And to encourage business.
- Meeker states that the aging farming community to allow building a second home on the ag property.
- McIntyre states building an accessory dwelling unit.
- Soppe states that we do allow that now.
- Meeker states allowing a larger home and not it requires a special use. They are trying to simplify that process.
- McIntyre states that they are looking at the location of the second home and what to look at if the owner wants to split it off and sell it in the future. We have a lot of family farms that we want to make sure they stay family farms.

IX. Adjourn: Next Regular Meeting: August 27, 2025 at 7:00 p.m.

Motion to adjourn was made at 07:33 PM by Steve McIntyre and seconded by Peter Huschitt.

Roll call vote. Ayes – Ron Mapes, Peter Huschitt, Gary Diedrick, Don Hill, Steve McIntyre. Ayes: 5. Nays – None Nays: 0. Absent – . Absent: 0.
