

**JO DAVIESS COUNTY**  
**PLANNING COMMISSION/ZONING BOARD OF APPEALS**  
**MEETING MINUTES**  
**AUGUST 27, 2025**

**I. Call to Order**

Chairperson Huschitt called the meeting to order at 7:00 PM on Wednesday, August 27, 2025 in the Jo Daviess County Highway Department Hanover, Illinois.

**II. Roll Call**

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

William Meeker states that a letter from an adjoining landowner of Stephenson Service Company from the July 2025 meeting was submitted, she had tried participating in the meeting last month via zoom, but was unable to at the time of the meeting. She has been informed that we cannot edit our minutes to say anything that wasn't stated at the meeting, but she wanted her comments on record. If you could receive and file her letter as part of the proceedings tonight and then go to the minutes as you normally would.

Mapes states everything will need to meet EPA requirements.

JMH Boyer, LLC  
Holly Deitelhoff, Manager  
N168W21700 Main St. Lot 211  
Jackson, WI 53037

JMH Boyer, LLC  
Property Location  
1180 N. Mammoser Rd.  
Stockton, IL 61085



August 08, 2025

Jo Daviess County Illinois - County Board of Directors  
Planning Commission & Zoning Board of Appeals  
219 Kelly Lane  
Galena, IL 61036

To the Planning Commission & Zoning Board of Appeals:

After multiple interactions with your office, it was proposed that I submit a letter to be included with the County Board's Reports/Correspondence and/or the Planning Commission & Zoning Board of Appeals section of the consent agenda.

On July 23, 2025, the Planning Commission & Zoning Board of Appeals conducted a meeting which included under VI. New Business: Topic B a discussion about Stephenson Service Co. request to rezone 8.016-acres of PARCEL NO: 11-000-190-03 & 11-000-191-00. As an adjoining property owner, we were informed of the public hearing. In separate correspondence we were provided with information to attend the hearing via the Zoom option. At the time of the meeting, the Zoom link and phone numbers would not connect to the meeting, and the other Zoom link information stated the meeting would take place on 08/12/2025.

We have received apologies for the confusion and incorrect information surrounding the Zoom meeting connection. However, because the public hearing was our only opportunity to floor concerns, we are using this exception to express that we have interest in the ground water impact and runoff generated by the increased manufacturing footprint. JMH Boyer is actively working on the requests for past and scheduled soil testing results.

We support agriculture and understand their need for this expansion. We are also aware of the environmental impacts it could have on our adjoining property.

Thank you for considering the factors that lead to us not being able to attend the public hearing, and for offering an alternate path to have the record reflect that we do have an interest and stake in this topic.

Respectfully,



Holly Deitelhoff, Manager  
JMH, Boyer LLC

A motion to receive and file a letter from an adjoining landowner for the Map Amendment request of Stephenson Service Company from the July 2025 meeting was made by Mapes and seconded by McIntyre.

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

#### **A. PC/ZBA Minutes of July 23, 2025**

A motion to approve the July 23, 2025 minutes was made by Diedrick and seconded by Mapes.

Roll call vote. Ayes – Steve McIntyre, Ron Mapes, Peter Huschitt, Gary Diedrick, Don Hill. 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

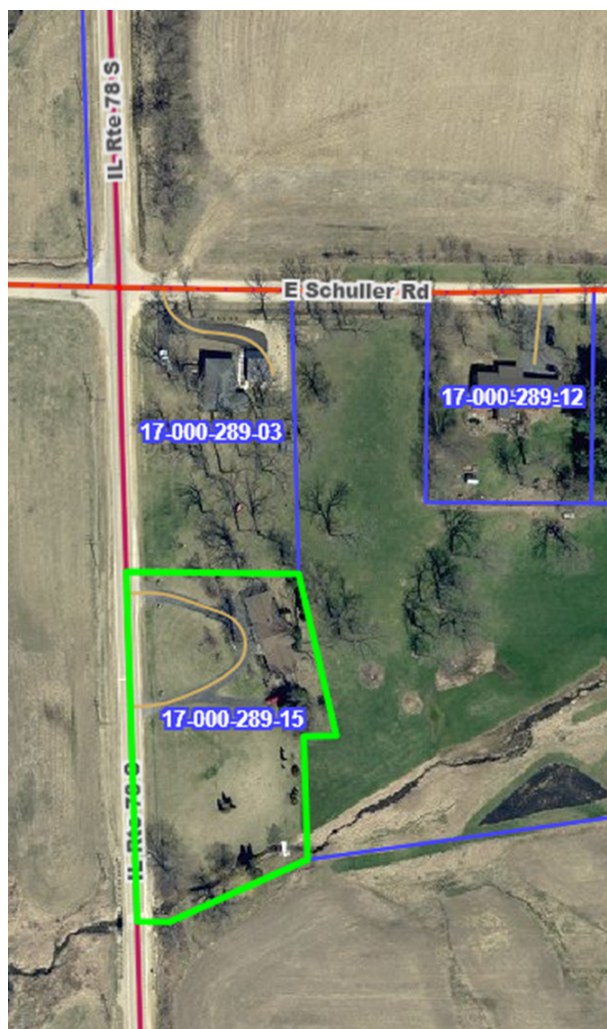
#### **VI. New Business**

- A. CASE NO 25-32: Paul & Rita Steen (4145 IL Route 78 S, Stockton, IL 61085), petitioners/owners; Variance from the rear-yard setback requirement in the Agricultural (AG) District to permit a rear setback ranging from 14-feet to 32-feet for a detached accessory building (pole barn), where a 40-foot setback would normally be**

**required; pursuant to Section 8-3A-6 A 3 of the Jo Daviess County Zoning Ordinance; on property zoned AG (Agricultural). Property located at: 4145 IL Route 78 S, Stockton, IL 61085**

ZONING DISTRICT:     Agricultural (AG)  
ACRES:                 1.55 acres  
PARCEL NO:            17-000-289-15

- **Wastewater Treatment:** The existing residence is served by a septic system installed in 1978 and located southwest of the house. Any plumbing in the new building must be connected to a new septic system.
- **Access Considerations:** There are no modifications to the existing driveway access to the property that will be required as part of the request.
- **Other Considerations:** The subject property, Carl Klett's 3<sup>rd</sup> Addition to Stockton Township which is 1.48 acres and was recorded in 1978 and also acquired additional acreage of 0.0703 acres in 1987, is situated east of IL Route 78 S, 300+ feet south of E Schuller RD approximately two-miles south of Stockton. The three-bedroom, one and one-half bath home was constructed in 1978. As noted, the property includes a total of 1.55-acres. The petitioner wishes to construct a 28' x 32' pole barn just south of the residence (see site plan below) at setbacks ranging from 14-feet to 32-feet from the easterly (rear) property line where a 40-foot setback would normally be required. The petitioner states that the location was chosen to avoid the septic system for the property and an area in the southern portion of the property that floods (see notes on site plan showing septic and creek locations).





Diedrick states that case numbers on the agenda to the staff report are reversed.

Meeker states we will fix that.

**Paul Steen, owner**

I do not have anything to add to that. Unless you have a question for me.

Huschitt states that between the diagram and seeing it on the map, it seems relatively clear. One may say, why don't you put the shed there in the open area farther away from the backyard line, but then you would be over your drainfield. Or why don't you move it to the side, south of the drainfield

line you are fearful of putting it in an area that is prone to flooding. The site you have picked is not going to interfere with the septic system. Hopefully it will be high enough that it won't be flooded. It just puts it closer to the rear property line.

Public Testimony Opened

None

Public Testimony Closed

Diedrick asks if any adjoining landowners called.

- Meeker states none

Standards for Variations - The Zoning Board of Appeals shall make findings of fact based upon the evidence presented to it specifying the reason for making such variation including findings with respect to the following standards:

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 property 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** 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** 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 25-32: Paul & Rita Steen (4145 IL Route 78 S, Stockton, IL 61085), petitioners/owners; for a variance from the rear-yard setback requirement in the Agricultural (AG) District to permit a rear setback ranging from 14-feet to 32-feet for a detached accessory building

(pole barn), where a 40-foot setback would normally be required; pursuant to Section 8-3A-6 A 3 of the Jo Daviess County Zoning Ordinance; on property zoned AG (Agricultural). Property located at: 4145 IL Route 78 S, Stockton, IL 61085 was made by Huschitt stating the following:

1. Standards for variance have been reviewed and met

Seconded by Mapes

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

- B. CASE NO 25-31: Marcin Szewczyk & Alexis Janik (1402 Clove CT, Mount Prospect, IL 60056), petitioners/owners; Variances from side-yard setback requirements to permit a setback of 16-feet from the west property line and 11.97-feet from the east property line where 20-feet would normally be required pursuant to Section 8-5B-46 B 4a of the Jo Daviess County Zoning Ordinance and to permit a parking slope that exceeds the 8% maximum slope, as required by Section 8-5B-46 B 1 of the Jo Daviess County Zoning Ordinance, by 0.2% in order to permit the home to be licensed for Guest Accommodations as a 4-bedroom home; on property zoned RP (Planned Residential). Property located at: 3A39 General Grant DR, Apple River, IL 61001**

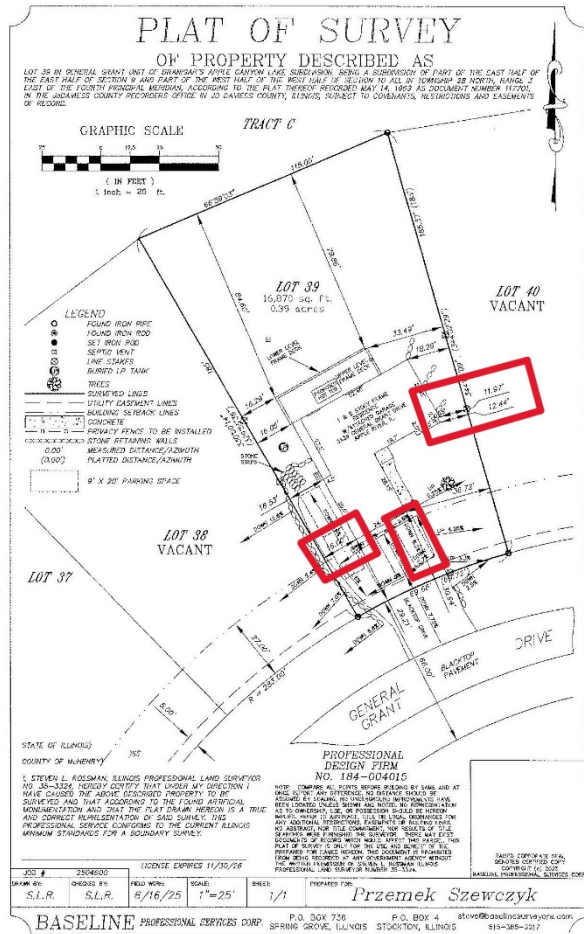
ZONING DISTRICT: Planned Residential (RP)

ACRES: 0.39-acre

PARCEL NO: 18-003-039-00

- Wastewater Treatment: A permit was issued in August 2025 to upgrade the existing septic system to meet guest accommodations requirements for a four-bedroom house without a garbage disposal. The septic system is located north of the house. Approval of the Variance will not affect the septic system.
- Other Considerations: The subject property is situated east of Apple Canyon Lake near the intersection of E Apple Canyon RD and General Grant DR. the 0.39-acre property is the site of a three-bedroom residence constructed in 2004-05. The petitioners wish to add an additional bedroom, increasing the number of bedrooms to four. The Variances requested are intended to accommodate the licensing of the property for Guest Accommodations. The existing residence is placed roughly 11.97-feet from the east property line and 16-feet from the west property line where a 20-foot setback would be required for a four-bedroom home licensed for Guest Accommodation. Additionally, a total of five parking spaces are required for guests visiting the property. Parking spaces are limited to a maximum slope of 8%; the easternmost guest parking space located near the driveway entry has an existing slope of 8.2%, 0.2% greater than the maximum slope permitted, therefore the petitioners seek relief from this standard as well.





Przemyslaw (Peter) Szewczyk, on behalf of owner and Marcin Szewczyk, owner

Would like to point out the unique positioning of the property that it is located by vacant lots. Our plans are to use this as a vacation home and then we would also like to rent it out when it is not being used.

Huschitt asks if you own the vacant lot on either side.



- Marcin Szewczyk indicated no.

Huschitt asks if you are looking to increase the footprint of the home or are you renovating the interior of the home to make it a four-bedroom.

- Przemyslaw Szewczyk indicated that we purchased the property as a four-bedroom home. We didn't know that it wasn't recorded as a four-bedroom; it was only a three-bedroom. That is part of the reason why we are requesting the setback variance. No construction, it is all done.

Soppe states that when the building permit was applied for, the basement was unfinished and, in the meantime, from finishing of the building permit to them purchasing it, they finished the basement without a building permit.

Huschitt states that it is an existing four-bedroom home by physicality of it.

Mapes states was this ever a Guest Accommodation before.

- Przemyslaw Szewczyk states no.

McIntyre states that we can't go in the house; we can just look from outside. I have a question about the four-bedroom, if the basement bedroom is an egress bedroom.

- Przemyslaw Szewczyk states there are two egress windows.

McIntyre states that they are of egress size.

- Przemyslaw Szewczyk states they are.

Soppe states that the requirements are 44 inches from the floor to the top of the sill and then, depending on what type of window, if casement or double-hung, would then determine the minimum size requirements.

- Przemyslaw Szewczyk states they are double-hung windows.

Soppe states that they need to open 24 inches tall by a little over 34 inches wide. We will double-check that for the Guest Accommodations. If they don't meet, they will have to be replaced.

- Przemyslaw Szewczyk states they were drawn to the basement. They actually had 2 rooms in the basement, but one does not have an egress window, so it will be a kid's room.

Huschitt states that you stated you plan on using it as a vacation home yourselves as well as Guest Accommodations. If you had to quantify it, how much you would use it and how much for Guest Accommodations.

- Przemyslaw Szewczyk states yes. I don't know at this point how much use, we are playing it by ear. We have been at the house pretty much every weekend thus far since we bought it. We bought it about 2-2.5 months ago.

Hill states that when he was there the driveway seemed narrow. If you have more than one or two cars, where are they going to park?

- Przemyslaw Szewczyk states the garage is going to be available to guests. We have had many cars there. Over the 4th of July weekend, we had our entire family there, and we had 6 cars with no issues using the garage.

Hill states that you haven't had the property during the winter months, that slope is going to be a concern with slipping and sliding.

- Przemyslaw Szewczyk states that our plan is to contract someone for snow removal at this point and de-icing. My dad likes to go out here a lot too. He is willing to chip in.

Meeker asks to clarify if they are going to allow the garage to be used.

- Przemyslaw Szewczyk states yes.

Meeker states that the site plan shows five parking spaces shown on the site plan that meet the requirements now. They are stating that they will allow usage of the garage as well. We did also have neighbors contact us. We did receive an email from John Piest, located to the west of the requested lot, objecting to the request based upon the Guest Accommodation License and I don't believe he is online or is here. Damiane Mlynski, she is across the road and wondered why she had received the notice. I explained the request and she had no issues.

- Przemyslaw Szewczyk states to be clear that we have not seen anyone on either of those vacant lots since we have been there, and we have been there every weekend since owning.

Public Testimony Opened

None

Public Testimony Closed

Mapes asks if we have granted a variance on the maximum slope for Guest Accommodations.

- Soppe states that I did research on this. The Ordinance changed in 2006 from what was a Special Use request, which actually was a 10% requirement at that time, to now an 8% on the parking and the remaining driveway went to 15%. From 2006 to current, we have had about a total of Zoning Certificates applied for were about 290 total. This board has granted two parking variations for the grade. One was from 8% to 9.8%, and the other was from 8% to 10.2%. Those were 2020 and 2021.
- Mapes states that we are in the range.
- Meeker states that this request is such a small deviation that it could have theoretically been approved administratively with an Administrative Variance, but since there were multiple variances on the property needed, we lumped them all together to bring here which makes the most sense under those circumstances. If they did not have the setback variance, this most likely would have been approved.
- Soppe states provided the neighbors did not oppose the Administrative Variance. If the neighbor had opposed it, he would have had to come here to the Zoning Board or fix the driveway for the parking grade. The other 280 + have met the grade requirement for that.

Huschitt states that it is a minor variation request, we don't have those same requests for an owner-occupied home. We want to make sure these are safe units, but then I personally feel the EMT and fire departments are saying if we have to go into that home to save somebody on an icy driveway, whether it is the homeowner or someone who is staying there on a part-time basis, it is something that we need to speak to.

Diedrick states that the length of the driveway also makes a difference.

Standards for Variations - The Zoning Board of Appeals shall make findings of fact based upon the evidence presented to it specifying the reason for making such variation including findings with respect to the following standards:

- 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)
- 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 property within the same zoning classification.  
True: (Why) **YES**      False: (Why)
- 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)
- 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)
- 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**      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 25-31: Marcin Szewczyk & Alexis Janik (1402 Clove CT, Mount Prospect, IL 60056), petitioners/owners; for a variance from side-yard setback requirements to permit a setback of 16-feet from the west property line and 11.97-feet from the east property line where 20-feet would normally be required pursuant to Section 8-5B-46 B 4a of the Jo Daviess County Zoning Ordinance in order to permit the home to be licensed for Guest Accommodations as a 4-bedroom home; on property zoned RP (Planned Residential). Property located at: 3A39 General Grant DR, Apple River, IL 61001 was made by Diedrick stating the following:

1. Standards for variance were reviewed and met.

Seconded by Huschitt

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

A motion to approve CASE NO 25-31: Marcin Szewczyk & Alexis Janik (1402 Clove CT, Mount Prospect, IL 60056), petitioners/owners; for a Variance to permit a parking slope that exceeds the 8% maximum slope, as required by Section 8-5B-46 B 1 of the Jo Daviess County Zoning Ordinance, by 0.2% in order to permit the home to be licensed for Guest Accommodations as a 4-bedroom home; on property zoned RP (Planned Residential). Property located at: 3A39 General Grant DR, Apple River, IL 61001 was made by Hill stating the following:

1. Standards for variance were reviewed and met

Seconded by Mapes

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

## **VII. Citizens' Comments (Matters not Otherwise on the Agenda)**

None

## **VIII. Reports and Comments (Commission Members and Staff)**

Ron Mapes has concerns about how they are receiving the packets and being able to print them out.  
Meeker and Soppe states that we will look into this and see how we can get them to you to

better access them from the new Agenda Management Program.

Steve McIntyre gives an update on the Ad Hoc Zoning Committee. Talked about Guest Accommodations and allowing to have setbacks same as allowed for the neighborhood ordinances, such as in Apple Canyon Lake and Galena Territory, which have lesser setback so 10 feet on side. Grade requirements were also talked about to be the same as a homeowner building as Guest Accommodations. Some felt it shouldn't be different for either, but a full-time resident takes that into their own hands versus being rented.

Discussion regarding how that would be referenced in the ordinance if per the district setback or platted setback, but that will affect a lot of properties across the county, not just Apple Canyon Lake and Galena Territory. Discussion regarding grade requirements was about full-time versus rental properties.

McIntyre states that the LESA scoring was also talked about at the Committee meeting. There is a difference between the State LESA scoring and our County scoring system.

#### **IX. Adjourn**

Motion to adjourn was made at 7:49 PM by McIntyre and seconded by Mapes.

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

**NEXT REGULAR MEETING: September 24, 2025**

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