

JO DAVIESS COUNTY
PLANNING COMMISSION/ZONING BOARD OF APPEALS
MEETING MINUTES
JUNE 24, 2026

I. Call to Order

Hill called the meeting to order at 7:00 PM on Wednesday, June 24, 2026 in the Jo Daviess County Highway Department Building, 1 Commercial DR, Hanover, Illinois.

A motion to appoint Ron Mapes as temporary Chair was made by Gary Diedrick and seconded by Steve McIntyre.

The motion carried by roll call vote. Ayes – Gary Diedrick, Don Hill, Steve McIntyre, Ron Mapes, LaVonne Deininger (Alternate). Ayes: 5. Nays: 0. Absent: 1 (Peter Huschitt)

II. Roll Call

Roll Call was answered as follows: Present – Gary Diedrick, Don Hill, Steve McIntyre, Ron Mapes, LaVonne Deininger (Alternate). Present: 5. Absent: 1 (Peter Huschitt).

Staff Present: William Meeker, P&D Dept. Administrator; Melissa Soppe, P&D Dept. Office Manager

III. Establishment of a Quorum

Temporary Chair Mapes declared that a quorum of members was present.

IV. Approval of Minutes (None)

None

Administration of Oath:

Meeker administered the oath to those present and via zoom who wants to testify on any request this evening.

V. Unfinished Business (None)

None

VI. New Business

A. CASE NO 26-26: Petition of Dan Offenheiser (1735 W Steele RD, Hanover, IL 61041) owner/petitioner; for a Variance from Use Standard 8-5B-48 Lot Configuration to permit a lot configuration of 1.47 where 1.40 is the maximum ratio permitted for a newly created 77.536-acre parcel. Property is zoned Agricultural (AG); located at: 1735 W Steele RD, Hanover, IL 61041.

ZONING DISTRICT: Agricultural (AG)

ACRES: 77.536-acres (Parent Parcel: 180-acres)

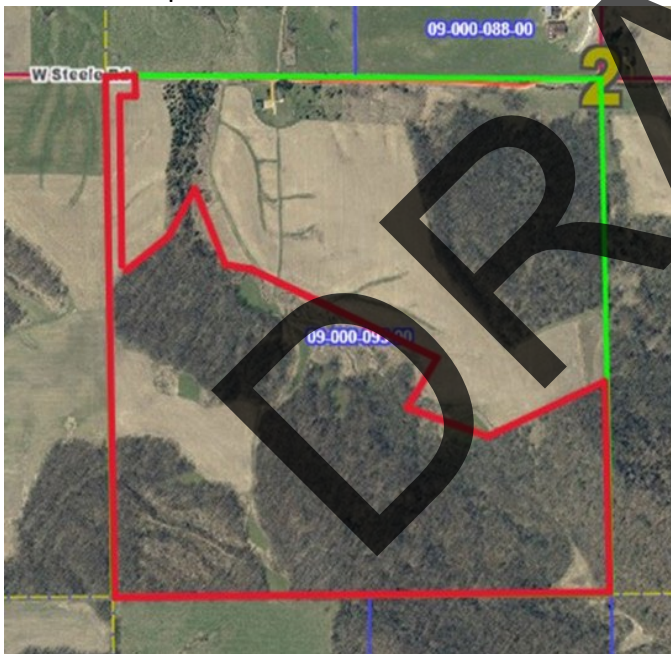
PARCEL NO: 09-000-093-00 parent parcel

Wastewater Treatment: At the time of future development of the parcel, the owner will be required to work with the Jo Daviess County Health Department to identify an appropriate location for a septic system.

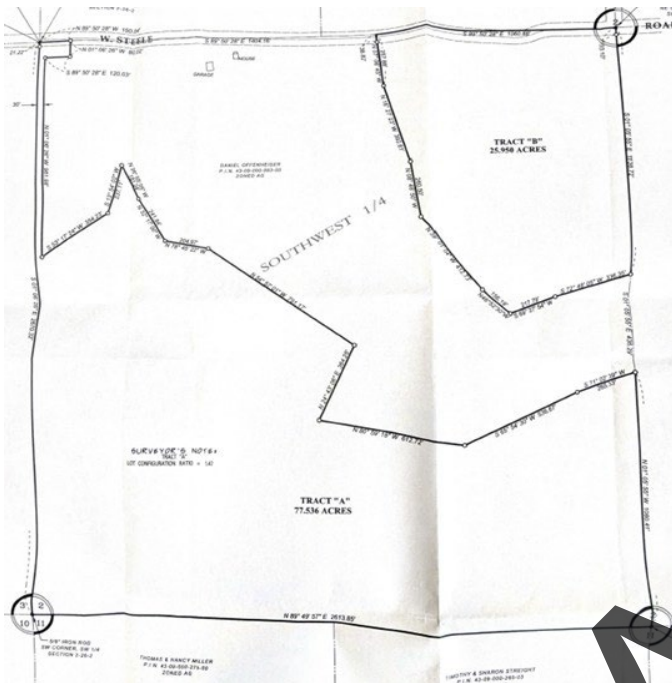
Access Considerations: The petitioner will need to seek approval of the proposed access from the Hanover Township Road Commissioner. The County Highway Engineer finds the access acceptable.

Other Considerations: The petitioner owns 180-acres of land situated at 1735 W Steele RD, Hanover. He ultimately wishes to sell the parcels that are non-productive agricultural land and timber covered as future buildable parcels. Two parcels are shown on the survey for the property; creation of Tract B on the survey is exempt from the provisions of the Plat Act given its nearly 26-acre area and more than adequate road frontage; Tract A on the survey includes 77.536-acres; the unusual shape of the property (in order to preserve active farmland) exceeds the maximum Lot Configuration Ratio of 1.40 (Jo Daviess County Code, Section 8-5B-48 Lot Configuration); the proposed parcel has a ratio of 1.47 and necessitated filing the request for a Variance.

Location Map



Site Plan



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:

1. 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.
2. 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.
3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
4. The alleged difficulty or hardship is caused by this ordinance and has not been created by persons presently having an interest in the property.
5. 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.

6. 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.
7. The variation requested is the minimum variation that will make possible the reasonable use of the land or structure.

Variance Findings of Fact/Explanation of Criteria:

1. What is there about the physical nature of this particular site that creates a necessity for a variance?
2. What is there about the request in general that distinguishes itself from other properties in this same zoning classification?
3. Is the purpose of this request to solve a problem for the property owner or strictly to increase the value of the property for purposes of selling it?
4. From the testimony, who was responsible for creating the situation which now requires that a variance be granted on this property?
5. Will this request be out of character with the neighborhood (such as allowing a forty-foot structure in a high-density residential area)? Will it be detrimental to the public, such as creating a blind spot at an intersection?
6. What affect will this variation have on the public's safety or on the value of other property or improvements to property in the area?
7. Can reasonable use be made of this property without the variance and is the variance requested the least amount needed? (Have they asked for a 20-foot variance, when only a 10-foot variance is needed?)

McIntyre asked if there were any letters received on this request.

- Meeker states no letters have been received.

Dan Offenheiser, owner

I got a guy that is really interested in buying this from me. I am a farmer, I don't hunt or any need for this timber. My family has actively farmed this for over 20 years, the owner wanted to sell it to me in a whole, he didn't want to divide it up any. The part I'm keeping, I plan on keeping as long as I am here and the rest I would like to sell to somebody that I know, he does want to be able to build on it.

Public Testimony Opened

None

Public Testimony Closed

Diedrick states that as far as the property, it will not be affected by any agricultural land, you have a small parcel area, I would guess that the small parcel location would be the proposed home.

- Soppe states that there is no request for a home at this time. The parcel is over 40 acres, if you allow this parcel to be created like that, he would be able to sell and somebody could just come get a building permit to place a home on there.

McIntyre states that I thought we didn't allow flag lots.

- Soppe states that is what he is asking to vary is the lot configuration to allow this shape of lot.
- Meeker states that the lot configuration is what is asked to be varied.
- McIntyre states the other option is to run across there and have an easement.
- Meeker states that yes, but the preferred route is to have the public road right of way frontage.

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 26-26: Dan Offenheiser (1735 W Steele RD, Hanover, IL 61041) owner/petitioner; for a Variance from Use Standard 8-5B-48 Lot Configuration to permit a lot configuration of 1.47 where 1.40 is the maximum ratio permitted for a newly created 77.536-acre parcel. Property is zoned Agricultural (AG); located at: 1735 W Steele RD, Hanover, IL 61041 was made by Gary Diedrick stating the variance standards have been reviewed and met. Seconded by Don Hill.

The motion carried by roll call vote. Ayes – Don Hill, Steve McIntyre, Ron Mapes, LaVonne Deininger, Gary Diedrick. Ayes: 5. Nays: 0.

B. CASE NO 26-31: Petition of Maureen & Richard Kordesh (220 N Marion ST - Unit 1B, Oak Park, IL 60302) and Kathleen & Jake Emery (426 N Humphrey AVE, Oak Park, IL 60302) owners/petitioners, for a Variance from the front-yard setback to permit a 29-foot setback where 30-feet is normally required for an existing structure. Property is situated within a Planned Residential (RP) District; located at 10 Arrow Wood Lane, Galena, IL 61036.

ZONING DISTRICT: Planned Residential (RP)

ACRES: 0.81-acre

PARCEL NO: 06-208-005-00

Wastewater Treatment: The septic system for this property was installed in 1994 and upgraded in 2021 and 2026 to meet code requirements for a six-bedroom house without a garbage disposal. The system is located behind the house and should not be affected by this request.

Access Considerations: The County Highway Engineer has no concerns regarding the existing access to the property.

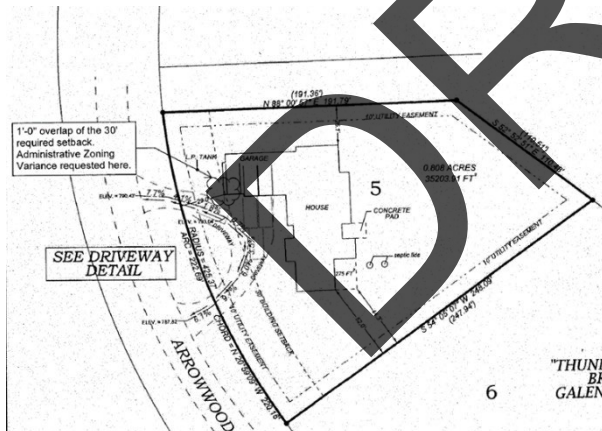
Other Considerations: The subject property is situated on the east side of Arrowwood LN, roughly 1,000-feet south of its intersection with Thunder Bay RD in the Galena Territory resort community. The 0.81-acre property is the site of a residence constructed in 1994 (originally as a three-bedroom residence with a fourth bedroom added later, and an additional bedroom added more recently). On April 22, 2026, the PC/ZBA considered requests for Variances from the front-yard setback (as with the current proposal) with an additional request for a variance from the side-yard setback for a six-bedroom home to be licensed for Guest Accommodations; 26.1-foot existing setback where a 30-

foot setback would be required based upon the number of bedrooms. With the current request, the petitioners are only requesting a variance from the standard 30-foot front-yard setback to recognize the existing 29-foot setback (the home was built one-foot too close to the front property line when constructed in 1994). The petitioner indicates that the existing five-bedrooms will be retained within the residence without an additional sixth bedroom. In the event that they request approval of a Guest Accommodations License in the future, the existing 26.1-foot side setback meets the standard for a five-bedroom home (five-feet for every bedroom).

Property Location



Site Plan



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:

1. 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.
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5. 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.
6. 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.
7. The variation requested is the minimum variation that will make possible the reasonable use of the land or structure.

Variance Findings of Fact/Explanation of Criteria:

1. What is there about the physical nature of this particular site that creates a necessity for a variance?
2. What is there about the request in general that distinguishes itself from other properties in this same zoning classification?
3. Is the purpose of this request to solve a problem for the property owner or strictly to increase the value of the property for purposes of selling it?
4. From the testimony, who was responsible for creating the situation which now requires that a variance be granted on this property?
5. Will this request be out of character with the neighborhood (such as allowing a forty-foot structure in a high-density residential area)? Will it be detrimental to the public, such as creating a blind spot at an intersection?

6. What affect will this variation have on the public's safety or on the value of other property or improvements to property in the area?
7. Can reasonable use be made of this property without the variance and is the variance requested the least amount needed? (Have they asked for a 20-foot variance, when only a 10-foot variance is needed?)

Maureen Kordesh & Richard Kordesh & Kathleen Emery, owners

Maureen presents - Thank you for listening to our petition again. In the event that there are owner comments after our presentation we might want to clarify or respond to, I hope that we can reserve a few minutes after public comment. I hope that you can indulge me this evening, the presentation may be a little more in-depth than usual both for the record and for the benefit of those present. We brought this petition in April of 2026 and we made two requests. The first was to allow six bedrooms even though the side yard distance wasn't sufficient under the law, but we fear that request which essentially was an extra under the ordinance may have obscured the real problem that we need to resolve to mainly bring the house into compliance with the local zoning law. We bought the house in May 2025 and the corner of the garage is within the setback area, it is a violation of the Zoning Ordinance and under Title 8-2G-1 that is a finable offense. Under Section 2 of that statute that each week is a separate offense. Being in violation of the zoning creates a cloud on the title and we want to say that we would like to have all the property rights that are inherent in ownership when there is not non-compliance. We are bringing a petition for variance for area variance, not a use variance in order to bring the house into compliance with the Zoning Ordinance. The house was built in 1994 and to the best of our knowledge the house was built with the exact footprint that you see in that plat of survey, the garage encroaches a foot into the setback, we haven't changed the house in any way to create that encroachment, which I believe is one of the elements that we have to prove to be entitled to the variance. As you said Jo Daviess County did not a Zoning Ordinance at the time the house was built, we suspect that the requirements of the Galena Territory were probably violated at that time when the house was built. It has been in violation of the Zoning for 32 years. We have to show that we will be unduly burdened if we don't receive this variance, if we don't receive the variance and we want to avoid fines which we do.

- Meeker states that you are not going to be fined, this is an existing condition. We would not be fining you on daily basis for something like this. I just want to clarify that. It does violate the code, but it is not something we would assess a fine against.
- Maureen Kordesh states that I understand, but it is there and it is a violation. If we want to avoid that situation we have to alter the garage. We have consulted a building contractor who states in order to alter the garage to shave off that piece of the structure, it would cost up to as much as \$40,000. We think that cost is an undue burden. We also have to show that there are not complaints by other owners that the encroachment creates an inconvenience or danger to them in the way of sight lines or other public safety concerns. To the best of our

knowledge there have been no such complaints ever. Therefore we believe we satisfy that element for receiving the variance. We also have to show that there have been no complaints by other owners that this one -foot encroachment has decreased their property values or otherwise negatively affect their properties. There have been, as far as we know, no complaints by other owners ever of such concerns. We also need to show that no one in the area needs a similar variance, and to the best of our knowledge again we believe that is not the case. We also have to show that the variation that we are requesting is the minimum necessary to bring the property into compliance. The variance we are asking for includes that one foot encroachment and only that. We don't need more than that and we are not asking for more than that. We are also required to show the variance is not for purposes of making extra money from the property, since we are hoping to bring the house into minimum compliance with the law, making money is not part of our request. Therefore we believe that we satisfy all of the requirements to be granted the area variance to allow this small one foot encroachment into the front yard. Because our ownership rights are not equal to those property owners on our street in the Galena Territory generally and actually anywhere owners are subject to zoning, we might have to sell the house for less than the property worth because we don't have the same rights as all other owners because the property title is defective. A cloud on the title creates uncertainty around certain types of transactions that require us to guarantee that no one has the right to make demands on a property right that will compromise the quiet enjoyment of the land. The major uncertainty is that the cloud creates because we are in violation of the zoning ordinance. Theoretically, the County would be entitled to enforce that against us, notwithstanding any promise to the contrary, which I believe the county would not want to do that. If we want to take out a construction loan to refinance the house and the bank wants us to guarantee the title, we can't do that, our ownership is subject to that possibility, not a probability even, but it is a possibility and an uncertainty. The possibility the county might decide to enforce and that could compromise the banks interest in our property and then the bank requires us to seek a variance to secure its interests we will end up right back here requesting what we are requesting right now. If we were wanting to take out a building permit we would need a zoning certificate, that requirement lands again right back here before this board exactly for what we are asking for now. In fact if we do have to come back to the board again for a building permit to modify the garage so that it meets the exact setback requirement, we could be in the impossible position of being denied a building permit on the basis that we can't get a zoning certificate because we are in violation of the zoning ordinance. Further when we go to sell the house, we will represent to our buyers that we own the land free and clear of any encumbrances, meaning among other things the county can't enforce this zoning ordinance violation against that new owner. The county has that prerogative, so either we violate the covenant of title that makes us liable to our buyers for breach, because we will not be able to guarantee the title, or once again we end up right back here once again before the board asking for the variance that we are asking for now. If certainly, if we want to apply for a Guest Accommodations license, we

would need to prove to the Zoning Administrator that we have clear title, which we can't do. I would also like to speak to an issue that is not relevant to our petition this evening, but is likely to become part of the record. This very hearing allows for a kind of uncertainty that the cloud on title creates. The uncertainty that other owners who already have the same property rights that we lack, have the opportunity to come before the board and attempt to change the discussion for our request to correct a violation of the law and turn it into a fight about what they and we have the right to do with our lands. We no more have the right to prevent them from using their property in a lawful manner than from prevent us from doing the same, neither should be allowed. A zoning variance is a gateway drug that will lead to some kind of illegal use of our home. We simply want to comply with the law so that we can enjoy our home without the anxiety that the county might exercise its right to punish us for what clearly is a violation of the law. We recognize that we are violating the law, we simply want to fix it. We are asking to possess the same property rights as every other owner everywhere who is in compliance with their local zoning law. We are not asking for any kind of extra like the right to build more stories to the house that would exceed the maximum height limit, or put other structures on the lot that would violate maximum lot coverage ordinances. We are certainly not asking for additional use rights for example to open a coffee shop at our house. We are simply petitioning for the forgiveness of a violation of the law mainly a one-foot encroachment into the setback that we did not create will be expensive to remediate and that did not, does not, and will not inconvenience any other owner in any way.

Diedrick asks when did you acquire this property.

- Maureen Kordesh states May 2025.

Diedrick asks if there was a title search done at that time.

- Maureen Kordesh states to the best of my knowledge, yes. I think that is part of the sale process.

McIntyre asks what the front setback was at time.

- Meeker states that we believe it was 30 feet at that time in the Galena Territory. There was no zoning at the time in 1994, but the standards were 30-feet in the Galena Territory at that time per the subdivision.

McIntyre states that it was built not meeting the setbacks.

- Meeker states that sometimes, as you know being involved in real estate business, when structures are built in the field something may happen to cause the as built to not fully comply with what was showing on the survey at the time of the building permit. Why it

wasn't caught at that point, we have no way of knowing because we did not exist at that time.

McIntyre states this is from the edge of the road.

- Meeker states it is from the property line.

McIntyre states that to my knowledge doesn't the property line go to the middle of the road.

- Soppe states no, not in the Galena Territory because the roads are dedicated to the township. The right of way is there, so the green line is the front property line.
- Meeker states that the rest of this is right-of-way.
- Soppe states that if you see in the image it does look like the road is shifted over so it does seem like they do a larger front yard, but the right of way is still probably 66 feet from their front property line to the front property line to the people across the road. The road wasn't built in the middle.
- Meeker states that our aerial photos are not necessarily 100% accurate in terms of measuring on there and getting the setback. The survey is what revealed this inconsistency.

McIntyre states that there were no additional additions to the garage.

- Meeker states no, it was built like this originally.

Public Testimony Opened

Beth & Don Rupp, 12 Arrowwood Lane, Galena

Beth - We do not want this variance approved. This is a gateway to a rental permit that we do not want in our neighborhood. There are no rentals in our neighborhood, our neighborhood is full of private residences, and we were there first before anybody decided to turn a home into a commercial enterprise. If the county has already commented on record that they would not penalize or come after the owners of this property, there is a standard either 5 or 6 that the board is asked, is this for profit, absolutely, this is the gateway to a profit enterprise. Will this disrupt the neighborhood, yes, my first amendment rights life, liberty, and pursuit of happiness in my home if this turns into rental will be violated. My property value will go down because our neighborhood is coveted as having no rentals and fortunately anyone who owns this house bought this house as it sits. This should have come up on a title search, this should have been addressed with the previous sellers and whomever decided to purchase the property. Whoever decided to purchase this house could live in the house in theory as it sits for the next 100 years and nobody would be at this meeting discussing this. The fact that it wants to be turned into a commercial enterprise in a residential neighborhood is what is driving all of this, unfortunately. I am not sure how many weeks ago, but the neighbors who own number 10 were at the house and I believe it was grandkids or children and they

were outside playing and you could hear them playing and it was wonderful even when their ball came into our yard, nobody ran outside and said get off our property, we welcome families, we want a family to live there and be part of the neighborhood, not turn it into a commercial enterprise. I hope that people look pass the oh this is only a thing to make the record correct to the end goal. We live there, we are part of the community, we just really hope that we can see past this and that, unfortunately, if we took a poll if we wanted to be like how many people for or how many people against, well guess what there are more against than are for. If you wanted the end goal to be a rental, you should have bought a rental, there were houses for sale with current rental licenses that were county compliant at the time and there are some for sale now. I feel that we are just going around and around and I can sit here and tell you how much it is a blessing to live here and look out and either watched the sunrise or watch the sunset, sometimes the sun just sinks and it is magical and mystical. I am blessed to live here, I did not buy my house to live next to a rental, which is where this enterprise is going. It does affect me and will affect me; it will affect my family.

Don - It is all about profit, they bought the house, main reason. We bought our house 1 month before them, we looked at that house, it was the cheapest house in Galena Territory per foot, because it is huge, it is almost 6,000 square feet and it was about \$500,000. We know why they bought it, and it is not really designed for a rental, the septic was too small, they did put a lot of money in it, put a huge septic system in, they had to have it surveyed, they eliminated their garbage disposal, I don't know who does that on a 5-bedroom house, but they did. They wanted to add an additional bedroom, if you were all at that last meeting and they said about their grandkids, would we have to be here if they wanted to make an extra bedroom in their basement for their grandkids. Beth states they could put 10 bunk beds.

Don states that Beth's dad had a bunch of grandkids and he made bedrooms in his basement and he didn't have to go to the Dubuque County Zoning committee, he could put 10 bunk beds. The only reason we are here is they eventually want to make it a rental. Somebody was quoted as saying in the paper, if you live next to a noise place, it is your problem, because you chose to live there. Are you telling everybody in the neighborhood we should move even though we were there first? We have people in the crowd here that built their houses there. So at 80 years old you want them to move because people want to make their house next door into a rental, are you going to tell your parents that?

Beth states that we bought in a quiet neighborhood, we bought in a residential neighborhood, specifically for this reason.

Don states that their deck is 50-feet from our bedroom, so we are going to have to go sleep in the basement when they have parties.

Beth states that they were there their last night and we could hear them on the deck and that was wonderful, but that is people enjoying their home, it was not a party, it was not a commercial rental enterprise.

Don states that you can't pick your renters, not sure who thinks they can, but if you rent it and go through a private company, we are going to get what we get. I appreciate your listening to us. Beth states please consider this with a long-term view. That is all we ask. This is our home. We bought our home and the configuration of our home floor plan thinking when I am 90 or 95 in a wheelchair, I can live in my home. We bought this home for that reason. I moved from a property that my family had owned since 1869. We are the kind when we plant, we plant. We bought this home specifically for this reason. Thank you for your time.

Don & Linda Klinger, 8 Arrowwood Lane, Galena

I am the longest resident in that neighborhood that is here tonight. We too bought to live in a nice, quiet, residential area and we have a unique place that is a quiet, residential area. As was brought out in the previous zoning board meeting that the people that own 10 Arrowwood having engaged a rental company to manage their property for friends and family, I think is an absurd concept, but so be it, which leads it to be a rental property and the rental company will be the one that determine when it is rented and when it is not rented. We would prefer it to not be a rental property, we would like it to remain residential property where families can grow and have fun and we can watch the deer and fawns and bobcats and the rabbits, the good things we have in the neighborhood. We are asking you to continue your stance from the last meeting and not grant the variance, we would appreciate that. Thank you very much.

Veronica & Larry Michelau, 2 Arrowwood Lane, Galena

I won't take a lot of time, because I laid everything out at the last meeting we were at to address this. We were all very pleased that the board denied the variance. My only comment is that here we are again and the reasons still stand and I want you to consider why it was denied before and even though they are breaking it down into these little pieces, we will have to come back for this and then this. As it has been said their intention is to do all of this in order to get a rental license because obviously it would be grandfathered in and they would not be fined and they bought the house and the people before them bought the house and somebody else after them can buy the house, that one foot is not going to matter, but it does matter in clearly one hurdle for a guest rental license. I just think that is not fair, I think they put their case forward, I think we put our case forward, the variance was denied and here we are again. I understand variances, my husband and I built a garage a couple years ago and we bent over backwards to follow the setback rules, because those were the rules and sometimes, I just think while there are valid reasons for variances, if you become incapacitated and you need a variance to put a ramp in your front yard or something like that, obviously. This isn't the case and I think we just need to sometimes say, no. As other people said there are houses in the Galena Territory that have rental licenses, there now our street when my

husband and I bought, one of the reasons was because it was away from the core, it was set off to the side, it is almost on the edge of the territory boundaries and it had no rentals, it was one of the reasons we bought the house. We bought the house, we put a ton of money into, we have established our roots as other people have said, you become part of the community and now here we are. We have seen times when people have gatherings and cars are coming up and down the street and we are like who is having a party, we are aware of it and that is fine and we welcome that, but to have that every weekend starting on Thursday, starting on Friday, leaving on Sunday, leaving on Monday cars and noise and all that, that is not what this street is, it is a cul-de-sac, you can't even drive through it. I just want to say, that it is, that is how I feel. We love the area; we love our street. I do believe in my heart and I know they do to this one hurdle has to be cleared and then the next hurdle, and then the next hurdle, and then they can get their guest license and so I don't begrudge them this foot or anything, I do know it is a step towards a guest license and that is why I am against it.

Richard Kordesh, 10 Arrowwood Lane, Galena, owner

There is the global issue of short-term rentals. There are 100's in the Galena Territory. I am aware of the meeting that took place that you were working on some of the tough micro issues involving short term rentals and where to go with it. This is a legitimate problem with setback, the home was built out of compliance and we have had other attorneys that told us it could be a problem as some point in not securing title. The other factual matter is we haven't rented this to anyone, we have not engaged any rental company, this has not been a rental. We are waiting for having the license and all that kind of stuff. As I stated last time, I was here it would be primarily a second home, I don't think renting it enough to help pay a mortgage on your second home is a profit-making enterprise, that is simply sustaining the family, this isn't about profit, this is not a commercial enterprise. Since we went there on the rental, I just wanted to clear a couple things up on that, but hoping that lets just fix the small problem of being in compliance, I believe you that you all won't come after about this, but down the road it could happen so let's get it cleared up and cleaned up right now and move on from it. Thanks

Public Testimony Closed

Diedrick asks in the event that a variance is not approved, does that stop the request for a resubmission of a Guest Accommodation.

- Meeker states that if they don't meet the setback, yes, it would prevent that. However, you need to keep in mind that in this instance, this is not a request for a Guest Accommodations License. You have to look at the facts before you. This is a request to clear the title on a property that was built out of compliance with the code. They may very well request a Guest Accommodations license for a five-bedroom home and the side setbacks do meet the requirements for a five-bedroom home, but they have every right to make this request and

have it considered by the commission. You can't presume what the future will hold on this property, you have to look at the fact before you and make your decision based solely on that.

McIntyre asks that the petitioner states that to correct this it would be about \$40,000, so if they wanted to spend \$40,000 to correct this problem, and shave a foot of the corner of the garage, they would get a Guest Accommodations License anyway. I don't think you are going to stop that, it is just, the evidence before us is that they are trying to clear up the title. I know and LaVonne can attest to this, it does cloud the title, when your disclosures are prepared, in Illinois you must disclose what you know about the property, you cannot hide it, even if you are for sale by owner, you still have to fill out a disclosure form. In that disclosure form it asks if there are any encroachments or encumbrances on the property and having that knowledge now. When you bought the property, you didn't know it existed, most likely the previous owner did not disclose that, just assuming. If they did you probably wouldn't have bought the property. Now that you have knowledge that it is in violation of the setback, you need to disclose that, so it does cloud the sale of the property. If we do not pass this, are we actually doing a government taking and violating their rights constitutionally.

- Meeker states that I cannot speak to that, I am not a legal authority. I do want to make it clear that we would consider this if they were to come in for building permit to add onto the house in other locations, that non-conformity would not prevent them from doing that. It is a legal non-conforming situation, but again their request is to clear the title as you said and I would presume that the prior owners of the property may not have even known, this came out when a survey was done for Guest Accommodation License.

Deininger states that I am very familiar with this property, actually I had it listed for over two years when the original owners owned that property. I have been a realtor for 32 years and yes you do title searches; title searches usually disclose when there are utilities going through your property, when permanent easements go through your property, I don't believe I have ever seen a garage encroachment on title work show up. We don't know what we don't know and I know the original owners didn't know because they were honest as a day is long, it was the person that built the house. We don't know what we don't know, but now they do know that and as McIntyre said, now they have to disclose it. They are trying to correct this, so theirs that. As far as the septic, I understand that they have owned it a short time and neighbors have owned a short time, when I had the property listed there was a beautiful tree in between 10 and 12, that would have helped eliminate some of the noise. As far as being a party ground, I am not buying that, you can go to areas where there is three rentals and a property and everybody gets along, I don't believe it is going to be so noisy that it is going to disrupt your life and if that is the case, then maybe five acres or 40 acres to go buy that property, nobody is going to bug you back there. We can't fault them for correcting something that is a detriment to them, that has just been discovered.

Mapes states that the variance tonight is for the one-foot setback, nothing else matters.

Soppe states that talking about the clouds on the titles and such, typically when somebody is selling a property and they need a mortgage or whatever on it, usually the appraiser calls and we will let them kind of know, hey we have a concern that maybe there is a setback issue, that is usually the time it is found then. So it is not necessarily on the title, but usually in the appraisal. Honestly, we have not been getting many questions or calls from appraisers, so for it to be found is not likely then at that point.

Deininger states that I would agree, that is probably minute and it would depend on the loan project that the buyer was getting and people that are going to buy this property, they are not in that small pool of buyers that would have a very, very strict appraisal.

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 26-31: Maureen & Richard Kordesh (220 N Marion ST - Unit 1B, Oak Park, IL 60302) and Kathleen & Jake Emery (426 N Humphrey AVE, Oak Park, IL 60302) owners/petitioners, for a Variance from the front-yard setback to permit a 29-foot setback where 30-feet is normally required for an existing structure. Property is situated within a Planned Residential (RP) District; located at 10 Arrowwood Lane, Galena, IL 61036 was made by Steve McIntyre stating the variance standards have been reviewed and met. Seconded by LaVonne Deininger.

The motion carried by roll call vote. Ayes – Steve McIntyre, Ron Mapes, LaVonne Deininger, Gary Diedrick, Don Hill. Ayes: 5. Nays: 0.

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

None

VIII. Reports and Comments (Commission Members and Staff)

Steve McIntyre asked about the text amendments and when they would be going to County Board.

- Meeker indicates that they will be going to the July 14th County Board meeting.

The July 22, 2026 Planning Commission/Zoning Board of Appeals meeting is canceled due to no agenda items. Our next regular meeting will be held August 26, 2026.

IX. Adjourn

A motion to adjourn was made by LaVonne Deininger and seconded by Ron Mapes.

The motion carried by roll call vote. Ayes – Ron Mapes, LaVonne Deininger, Gary Diedrick, Don Hill, Steve McIntyre. Ayes: 5. Nays: 0.

The REGULAR meeting of the Planning Commission/Zoning Board of Appeals Scheduled for Wednesday, July 22, 2026 is Canceled due to a Lack of Agenda Items; the Next Regular Meeting will be Held on Wednesday, August 26, 2026.