

JO DAVIESS COUNTY
PLANNING COMMISSION/ZONING BOARD OF APPEALS
MEETING MINUTES
OCTOBER 22, 2025

I. Call to Order

Chairperson Huschitt called the meeting to order at 7:00 PM on Wednesday, October 22, 2025 in the Jo Daviess County Highway Department Hanover, Illinois.

II. Roll Call

Planning Commission Members responded to Roll Call as follows: Present – Peter Huschitt, Steve McIntyre, Ron Mapes, Don Hill, Gary Diedrick. Present: 5. Absent – None. Absent: 0.

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

III. Establishment of a Quorum

IV. Approval of Minutes

A. Minutes of September 24, 2025

A motion to approve the minutes of September 24, 2025 was made by Mapes and seconded by McIntyre.

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

Administration of Oath:

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

V. Unfinished Business

None

VI. New Business

- A. CASE NO 25-46: Petition of the Dale Nederhoff Trust (50 Stony Point, Galena, IL 61036), owner & Lisa Viertel, Trustee (1825 Horizon CT, Dubuque, IA 52001), petitioner; request for a Variance to permit a side-yard setback of 11.56-feet where a 20-foot setback would normally be required pursuant to Section 8-5B-46 B 4a of the Jo Daviess County Zoning Ordinance, for a 4-bedroom home to be licensed for Guest Accommodations; property is situated within a Planned Residential (RP) zone. Property location: 50 Stony Point, Galena, IL 61036**

ZONING DISTRICT: RP Planned Residential

ACRES: 0.79 acres

PARCEL NO: 08-120-023-00

Comprehensive Plan: The 2024 update of the Jo Daviess County Comprehensive Plan designates the property as agricultural.

Wastewater Treatment: The property is served by the Galena Territory central sewer system.

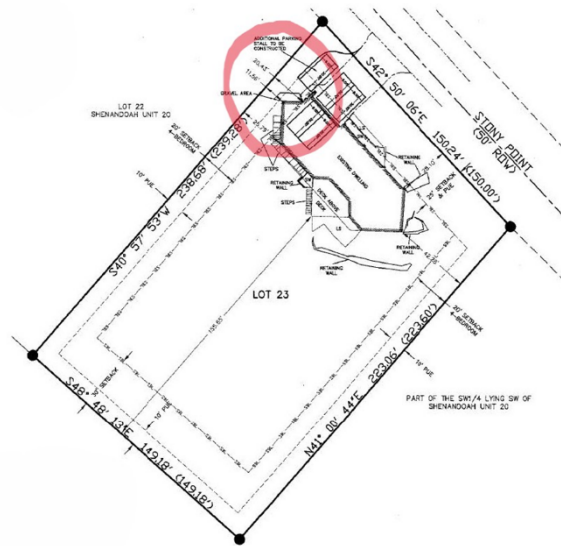
Access Considerations: The access to the property has a site distance of 253-feet to the west (design speed 20 MPH) and a site distance of 443-feet to the east (design speed of 40 MPH). The County Highway Engineer has no issues with the access location.

Background/Other Considerations: Prior to 2001, the property was considered grandfathered for short-term rental as a two-bedroom residence. In 2001, the property owners requested approval of a Special Use Permit to allow rental as a four-bedroom residence for transient/short-term rental (pre-dating the current Guest Accommodation License process). The PC/ZBA forwarded a recommendation to approve the request for a three-bedroom to the County Board following a public hearing held on December 18, 2001. The County Board considered the matter at its meeting of January 8, 2002, and referred the matter back to the Commission to address concerns regarding parking. The PC/ZBA reconsidered the matter at its January 23, 2002, meeting with the review of Steve Keeffer and Linda Delvaux stating the parking was sufficient and PC/ZBA found that there was insufficient information provided to warrant reconsideration; the Commission again moved to recommend approval of the request. At its meeting of February 12, 2002, the County Board ultimately denied the request for a Special Use Permit. From 2000 to 2016, the property owners retained the ability to rent the property for short-term occupancy as a two-bedroom property. They eventually withdrew the property from that use in 2016. The heirs to the estate of the original owner of the property are seeking to obtain a Guest Accommodation License for transient/short-term rental under the County's current procedures. The existing residence contains four (4) bedrooms. Based upon the number of bedrooms, a 20-foot side-yard setback would be required since the property is intended to be licensed for Guest Accommodation. A small section of the westerly side of the home lies within 11.43-feet from the westerly property line. Therefore, a variance is requested to reduce the 20-foot setback requirement by 8.57-feet.

Green outline is parcel



Site Plan - Red denotes area of variance



Brad Nederhoff, son of owner

I also have my sister, Lisa Viertel, who is the trustee, my daughter Rachel and my wife Carrie. We grew up in Dubuque. When my parents retired, they built this house in the Galena Territory. My father, Dale, was an architect and designed the home and they put a lot of work into it. I later also became an architect. He just recently passed away about two months ago. Rather than just sell the property we have a lot of history and we would like to keep it, if we can. Part of that is if we can rent it out to help offset our costs. We are not looking to make a huge profit here, but being able to rent it would allow us to keep it in the family. The way the garage is there are 2 parking spaces and it juts out kind of in a triangular shape, that is basically storage, there is no living space in that whole area where the setback would be required. My understanding is the setback is mostly about noise, I don't think that would be an issue on this house here. The reason it was placed so far to the left and it is within the building setbacks, the site slopes down from front to back and left to right, putting the house in that corner made it possible to get a driveway and not have it down a hill. The house is in really good shape, it is set up nice for a rental having 3 bedrooms with suites. We are planning to use it quite a bit and then also my sister and family will be going back and forth. My family is from the Boston, Massachusetts area, so this is why we would like to rent it. We have talked to our neighbors, the one right next door has no problem, they support this. The neighbor across the street also. I don't think anyone is against it. It would be monitored carefully in terms of noise and those types of things. We are planning on adding another parking spot to get the 5, there are 4 now. We are looking at exactly how to do that because there are some trees, we will make sure we get the 5 parking spots.

Huschitt asks if you could quantify the best you can on how often you will use for family, friends, personal versus how often rented out.

- Brad Nederhoff states that I think my family will be back from Boston area for at least a couple months of the year, we have a lot of family and friends in the area who may also use it. Our goal really is to cover our costs which would be about a couple thousand dollars a month, so it wouldn't take a lot. We are looking to do it and break even.

Diedrick asks that you spoke to the neighbors, are they full-time or are they part-timers.

- Brad Nederhoff indicates both of them are full-time
- Meeker indicates that the Millers did call our office and state that they spoke to the applicant, and they do not have any objections.
- Brad Nederhoff indicates that we did reach out to the other 2 neighbors, but could not get a hold of the

others.

Mapes states that you said you were going to change the driveway and make it bigger

- Brad Nederhoff states that there are 2 parking spots in the garage and then 2 behind, and so we would need a 5th one, right. We thought about putting another one off to the side. There is a big oak tree and looking with a contractor it might be better to widen the driveway out and have the 3 straight in.

Public Testimony Opened

None

Public Testimony Closed

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 25-46:Petition of the Dale Nederhoff Trust (50 Stony Point, Galena, IL 61036), owner & Lisa Viertel, Trustee (1825 Horizon CT, Dubuque, IA 52001), petitioner; for a variance to permit a side-yard setback of 11.56-feet from the required 20-foot setback to Section 8-5B-46 B 4a of the Jo Daviess County Zoning Ordinance, for a 4-bedroom home to be licensed for Guest Accommodations; property is situated within a Planned Residential (RP) zone. Property location: 50 Stony Point, Galena, IL 61036 was made by Diedrick stating the following:

1. Standards for variance have been reviewed and met.

Seconded by Mapes

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

We want to put up an ag building for the sole purpose of my garden expansion and the farm equipment. I have established a specialty crop this year with the tree farm and we would like to expand that on our farm and have a place to store our equipment. My understanding and maybe some clarification off of the building permit requirements for the setback. My understanding is that we just don't meet it because we don't come directly off the public roadway and we are coming off our private roadway.

- Meeker states that is correct.
- Soppe states that it is not the setback.
- Meeker states that is is the lack of frontage on the public street. Your setbacks were fine.

Olivia Middendorf asks that the setback would be 80 feet from the township road being the north side.

- Meeker states this variance has nothing to do with the setbacks, it is the fact that you don't have public road frontage.

Eldon Middendorf asks the 150 feet is going diagonally.

- Meeker states that 150 feet would be frontage along the roadway, which you don't have and that is why the variance is needed, it has nothing to do with the setbacks.

Huschitt states that I understand the setbacks are not the request, but for the benefit of the petitioner. Assuming this variance would be granted, and they would request a building permit, what is the setback from that gravel road?

- Soppe states that this would be township so it would have to be 50 feet from the north line, since you are not fronting a public roadway which typically is 80 feet from centerline of roadway or 50 feet from property line, whichever is greater, so you would have to follow the 50 feet from that front property line.
- Meeker states that I believe your building permit application has been submitted and when I reviewed it, it did meet the setbacks.

Olivia Middendorf asks about the side setback would also be 50 feet.

- Soppe states no, it would be 20 feet from the side lot line. The 50 feet is only on a front property line unless you had a corner lot on 2 roadways.

Hill asks just for clarity, if they were to move the shed over on the other side of the line where the red line (roadway) is, it would be ok, they would have the 150 feet.

- Meeker states that would be ok on that piece because they have the road frontage.

McIntyre asks that you said you were starting a tree farm.

- Olivia Middendorf states I started a little orchard on the farm already, and so I want to

expand that.

Hill asks if your house was the one that was way back down the lane.

- Olivia Middendorf states no, we are off of High Ridge Road.
- Eldon Middendorf states that if you pull off Middendorf to the right, then we are the first house on the left. The apple orchard is right off High Ridge Road.

McIntyre states that you are just trying to farm the land.

- Olivia Middendorf states yes.

Public Testimony Opened

None

Public Testimony Closed

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 25-47: Petition of the Eldon & Cynthia Middendorf (8520 N High Ridge RD, East Dubuque, IL 61025), owners and Olivia & Eldon Middendorf (8520 High Ridge RD, East Dubuque, IL 61025), petitioners; for a variance from the required 150-feet of public road frontage at the road right-of-way as required by Section 8-3A-4 D of the Jo Daviess County Zoning Ordinance to

zero (0) road frontage at the road right of way; property situated within an Agricultural (AG) District. Property location: property lies south of 8363 N High Ridge RD, East Dubuque, IL 61025 and will have an address to-be-determined on Middendorf Rd. was made by McIntyre stating the following:

1. Standards for variance have been reviewed and met.

Seconded by Huschitt

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

- C. CASE NO 25-41: Petition of Terry Havens (509 West Monroe Street, Hanover, IL 61041) & Hunter Havens (850 Young Street, Galena, Illinois, 61036), petitioners/owners; request for a Special Use Permit to allow for a rural business of logging and firewood, pursuant to Section 8-5A-6 of the Jo Daviess County Zoning Ordinance. (This is a proposed extension of the Special Use Permit granted by the Jo Daviess County Board on September 10, 2024 for a period of one-year); property is situated within an Agricultural (AG) zone. Property location: 9681 IL Route 84 S, Hanover, IL 61041**

ZONING DISTRICT: Agricultural AG

ACRES: 1.1 acres

PARCEL NO: 09-000-515-00

Comprehensive Plan: The 2024 update of the Jo Daviess County Comprehensive Plan designates the property for agricultural usage.

Wastewater Treatment: The septic tank and well that remain on the property should be inspected to ensure that they are protected and not posing a safety hazard. If they are not being used, then both must be properly abandoned.

Access Considerations: The County Highway Engineer notes that there is more than adequate site distance in both directions at the location of the existing access.

Background/Other Considerations: In the Spring of 2024 the Planning & Development Department received calls registering complaints that the petitioner was hauling logs from his business location and splitting firewood at the property located at 9681 Illinois Route 84 S, Hanover. Following staff investigation the petitioner agreed to apply for a Special Use Permit for the use. Which was considered by the PC/ZBA later that year.

The initial Special Use Permit for the property was granted by the Jo Daviess County Board on September 10, 2024. Copies of the August 28, 2024 PC/ZBA minutes regarding the matter and the signed County Board ordinance approving the request on September 10, 2024 are included as attachments to this report. The August 2024 staff report to the PC/ZBA is also attached.

The photos following this section of the report provide the general property location, the original site plan approved by the County Board on September 10, 2024, and current photos of the site taken in October 2025

The following conditions were included in the Board's 2024 approval:

1. *Hours of Operation: 8am to 2pm for cutting/processing/splitting of logs, no on-site sales*
2. *Fence: Solid wood fence to be installed along South property line with a setback of twenty (20') feet from said south property line with a height of seven (7') feet*
3. *Stacking of processed/split firewood: No pile of processed/split firewood is to be higher than seven (7') feet*
4. *No milling of wood on-site; only cutting, processing, and splitting of wood for firewood*
5. *Only equipment for the use of splitting firewood and hauling of uncut logs and firewood is allowed*
6. *Special Use Permit shall have a one (1) year conditional use – applicant shall come back in front of the Zoning Board of Appeals for review of Special Use Permit prior to the one (1) year anniversary from the issuance date*

7. *Storing of uncut logs: Uncut logs are to be stored in the northeast quarter of said property with no height restriction*
8. *Standards reviewed and met with above conditions.*
9. *Adherence to all state and county rules and regulations*

With respect to “Condition 2”, staff confirmed that the fence along the south side of the site is erected 20-feet north of this property line and is at a height of seven (7) feet above grade (though there is a gap below the wood fence presumably to reduce the potential for rot). Though the condition simply states that the fence was to be installed along the south property line, when inspecting the property after construction of the fence, the Planning & Development Administrator felt that extending the fence completely along the south property line beyond the flat portion of the site would not provide any significant benefit in terms of views into the property as the rear of the site is much lower than the adjacent property to the south.

Though the Special Use Permit was granted only for one (1) year, the Planning & Development Administrator required the petitioners to apply for renewal of the permit prior to its expiration date with the understanding that the business could continue operating while the renewal request is processed.

During the past year, staff has received a number of complaints from neighboring property owners regarding the following:

- Noise from the equipment used
- Operating outside of permitted hours
- Parking equipment within the 20-foot buffer between the fence on the south property line and the adjacent property to the south
- Wood being burned on the site unattended
- Concerns about neighbors’ grandchildren being able to crawl under the fence on the south property line
- Wood being stored at the front of the property and/or stacked higher than the fence
- Concerns about fuel tanks on the property

In most instances, by the time staff was able to investigate the complaint (frequently regarding activities on a weekend) the purported violation had been eliminated. Neighbors were informed by staff to contact the Sheriff’s Department after-hours and on weekends to lodge and document complaints. Staff reached out to the Sheriff’s Department and was advised that it had received no complaints during the past year regarding the property and the operations thereon. This is not to discount the reality of the complaints, but only that the conditions could not be observed by the staff member investigating the complaint.

The petitioners are requesting a continuation of the operation as it was initially approved in September 2024 with no operational changes (as far as staff is presently aware).

Green outline is parcel



2024 Approved site plan



Current site - October 2025





Janelle Havens requested a continuance, Phil Jensen, our attorney, was not able to be here to represent us tonight and we do not feel comfortable without him being here. Phil did contact Bill Meeker late this afternoon.

Meeker states that Phil Jensen did contact me and suggested continuing the item. I would suggest continuing to next month to the November 19th meeting. We do have other people present, my suggestion would be to defer any discussion until the November 19th meeting so that we are not having to repeat everything.

Huschitt asks, so you are requesting a continuance of the request.

A motion to continue Case NO 25-41: Petition of Terry Havens (509 West Monroe Street, Hanover, IL 61041) & Hunter Havens (850 Young Street, Galena, Illinois, 61036), petitioners/owners; to the next regular scheduled Planning Commission/Zoning Board of Appeals meeting on November 19, 2025, for a Special Use Permit to allow for a rural business of logging and firewood, pursuant to Section 8-5A-6 of the Jo Daviess County Zoning Ordinance. (This is a proposed extension of the Special Use Permit granted by the Jo Daviess County Board on September 10, 2024, for a period of one-year); property is situated within an Agricultural (AG) zone. Property location: 9681 IL Route 84 S, Hanover, IL 61041 was made by Hill.

Seconded by Mapes

Meeker states that we will not send notices again, please note the meeting of November 19th at 7pm. This is not the normal 4th Wednesday due to the Holiday, we move the meeting a week earlier.

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

Daniel Lamz, an adjoining landowner to Havens, states that my time is valuable, and I made a lot of effort to be here today and would have been nice for me to speak my opinions and fact tonight so I don't have to reschedule to come back. I traveled for 2 hours to be here, and now I have to come back? They had a whole year to prepare for this. Can I present my information tonight for the record?

Meeker states that they requested the continuance, and it has been granted. We have no latitude at this point.

- It was indicated that no testimony will be taken tonight for this request.

The meeting of November 19, 2025, is the 3rd Wednesday of the month and not the typical 4th Wednesday due to the Thanksgiving Holiday.

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

Diane Gallagher talks about Ad Hoc Zoning Committee discussion and maybe possible changes need to be looked at regarding accessory structures and also about land sites that have no buildings because events like this an address is needed and there was a question from one of the board members of what the process is and which department could be contacted to create addresses for empty land.

- Meeker states that would be the Planning & Development Department and we have resolved that issue with the question that came up from the board member. The code allows property owners to request an address for a vacant property, but it is not mandatory that they are assigned an address. It is only mandatory that they are assigned an address in instances where there are structures on the property.

Diane Gallagher asks if that will be answered at a board meeting.

- Meeker states it will not, it has already been responded to. The Chair of the Board has been brought in as well as has the County Administrator.

Diane Gallagher states that the review from the Ad Hoc Zoning Committee talked about accessory structures and that is what you were up against tonight and I want to remind the Zoning Board members to be cognizant of what is in the Zoning Ordinance and what they may perceive.

VIII. Reports and Comments (Commission Members and Staff)

Meeker states McIntyre may want to weigh in as I was sick yesterday.

McIntyre states he was not present either; I was in the emergency room.

Meeker states that my understanding is that they have pretty much completed the process now and are at the stage of generating the report, which will ultimately come here after a process of that being prepared. What I am anticipating occurring there will be the opportunity of the chair of the Ad Hoc Zoning Committee to prepare his report, then staff and State Attorney will review that just to make sure we can legally do everything that is proposed, then get the board's consent to move it forward back to us for consideration. My understanding from Angie Kaiser, County Administrator, was that the process concluded last night and now waiting for the report to be generated.

Soppe states that they may also want to have a special meeting, so we will be contacting you.

Meeker states that we will, after we know the status of the report, be contacting you or if we don't have anything on an agenda for a regular meeting, we can do it then.

An adjoining landowner to Havens asks if we come back to a meeting or will you send a letter.

- Meeker states that you will need to come back on November 19th.

Judy Petty asks if you will hear my complaints tonight.

- Meeker states no, we are not able to.
- Huschitt states we were not able to hear anyone's complaints.
- The adjoining landowner states I know everyone has a right. That is fine. I hope nobody gets hurt on his property. We have grandkids and only have a partial fence, come on, really.

Diedrick asks if the gentleman earlier that came a distance, did you get his name?

- Soppe states it was Daniel Lamz.
- Diedrick asks if you can advise him that zoom is available.
- Meeker states that we can, and I believe he was, and I have spoken to him as well.
- Soppe states that I don't know that I originally indicated to him that zoom was available.
- Meeker states that I may have his email address and can inform him of that. The last people that just left did get a copy of the report electronically. They are the next-door neighbors.
- Soppe states that we can't guarantee that zoom will always work.

IX. Adjourn

A motion to adjourn was made at 7:43 PM by Diedrick and seconded by Mapes.

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

The next meeting is WEDNESDAY, NOVEMBER 19, 2025 (Meeting is One Week Early Due to Thanksgiving Holiday)
