

JO DAVIESS COUNTY
PLANNING COMMISSION/ZONING BOARD OF APPEALS
MEETING MINUTES
NOVEMBER 19, 2025

I. Call to Order

Chairperson Huschitt called the meeting to order at 7:00 PM on Wednesday, November 19, 2025 in the Jo Daviess County Highway Department in 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. Approval of the Minutes of October 22, 2025

A motion to approve the minutes of October 22, 2025 was made by McIntyre and seconded by Hill. Roll call vote. Ayes –Gary Diedrick, Ron Mapes, Don Hill, Steve McIntyre, 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 wants to testify on any request this evening.

V. Unfinished Business

- A. 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 (*Item Continued from October 22, 2025 Meeting*)**

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



Phil Jensen, lawyer representing owners

Apologize for not being able to make it here last month. I am here in support of their request for extension of their special use permit. I want to honor all of your time, I can honor that I can give all my comments in about 5 minutes, but I would like to address four very, very important key points. One of them I addressed last year and it remains every bit as important as it was then. Here are the four points. 1 - the proposed use I believe is already a permitted use within the Agricultural District. Strictly speaking so no special use permit should be allowed. I will address that momentarily. 2 - Even if a permit is deemed necessary by this August board, the applicants have complied in good faith with the operational, fencing, and setback requirements, many of which are unreasonable. To suggest that a fence has to be 20 feet inside a property line is unreasonable. To require that work can only be done only between 8 am and 2 pm in an Ag District is unreasonable, but they have substantially complied with those requests.- that was 3. 4 - the complaints that have been lodged are unfair, they are exaggerated, and their source is the very neighbors that vehemently oppose agricultural use in an Agricultural District one year ago. My clients have been forced to put up with repeated video filming and harassment every time they work on the property. They have made

allegations of violations, but no substantive violation has been proved true. If there were allegations going on you call the Sheriff, the Sheriff shows up, and if something is going on, we would have documentation from other than a biased source, there are none. To the first point, Jo Daviess County has a Zoning Ordinance that allows for A-1 Agricultural uses. Interestingly enough, our ordinance doesn't define what an agricultural use is. So, consequently, you look to other statutes to find a definition. I will submit that forestry in an agricultural use allowed in the Agricultural District. There is Statute 505ILCS 5/1 Agricultural Areas Conservation and Protection Act, it says that it is the policy of the State to conserve, protect, and encourage the development and improvement of agricultural lands and agricultural uses, and agricultural products. That is the policy of the State. The definition within that Statute says that we will protect and encourage agricultural uses and this is an Agricultural District that the property is being operated in. Here is the definitions of crops - livestock, livestock and aquatic products, include but not limited to legume, hay, grain, fruit, trucks, vegetables, crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry, greenhouses. Forestry is an allowable use in the Agricultural District. The Federal Code of Regulations defines forestry as follows - cutting, hauling, transportation of timber, logs, pulp wood, cord wood, lumber, and the like and the sawing of logs into lumber. It is my ascertain that no special use permit is even necessary, but one year ago my clients came before you and fortunately you authorized the Special Use Permit with restrictions that I believe that are unreasonable, but restrictions that they will continue to abide by if you extend the Special Use Permit. But make no mistake, I do not believe that their use is anything that even requires a Special Use Permit for the reasons I have stated. Splitting, cutting, seasoning firewood, temporary outdoor storage of cord wood, with no onsite sales, but only delivery from that location is an agricultural use. These activities are plainly agricultural in nature, their directly related to harvesting, processing, and marketing of natural products that are grown on land in Jo Daviess County. And Illinois courts have long recognized that forestry and its byproducts are agricultural pursuits. So #1, we do not believe that a Special Use Permit is even necessary for the reasons stated, but we were here one year ago and I asserted that and we are here today asserting that, but as I said, willing to comply with any restrictions you place. Secondly, there has been substantial compliance with what I would argue are unreasonable restrictions. The mandate of a 7 foot fence in an Agricultural District, the mandate that they can only work from 8am to 2 pm. Those are not reasonable restrictions. Imagine a neighbor who could only harvest between 8 and 2. Image a neighbor who could only dry corn between 8 and 2, you see how crazy and restrictive that is. These limits are not imposed on comparable farms. Tractors, livestock, grain hauling, routine issues related to agricultural there is no restriction on the time of work, but they will abide by 8 to 2, though it is unreasonable. Fencing and screening, what reasonable need is there for a 7 foot fence, 20 feet inside their property line, that is a regulatory taking of their land, but they agreed to abide by it. They built the fence. By every measurable standard there is no increase in noise, traffic, appearance, no environmental impact, no concerns whatsoever and yet they are here having to get a Special Use Permit. Over regulation results in a taking without compensation and the Fifth Amendment of the State Constitution clearly prohibits unreasonable regulation of property and I will trust you will consider that enlght of the fact that their in the Ag District and it is an ag usage. And yet you are requiring a Special Use Permit and then on top of that imposing what could only be viewed as unfair regulations and it penalizes a rural enterprise. They are not operating an industrial mill, they are not opening a trucking depot, they are not operating a feed lot or a hog confinement. They are bringing logs onsite, harvested in the county, cutting them, storing them and seasoning them and then hauling them away. It has a minor impact on the area.

The exaggeration of the claims, it is claimed that on two occasions in October of 2024, they worked beyond the 2 o'clock prohibition. The claim in the likemost favoble to the opponents is that 2 times in a year they worked beyond 2 o'clock. We will grant that on one occasion, that was correct, we denied the second one. But let me tell you what happened, they were under a mandate to get those piles of logs cut down to size, that is what all of you wanted. They hired a company out of Green Bay, I told them get those logs cut as soon as possible, the company out of Green Bay shows up, started working and worked beyond the 2 o'clock, why because of your mandate that the height of those stored logs be cut down and put in a proper location. That was October 2024, in a like most favorable to the opponents, at most 2 times in one year that it is even alleged that they worked past 2 o'clock. They claim parking equipment, there is nothing in the conditions that were imposed that even addresses that and want to know something, when the complaint was made they moved the trailer. Claiming that children can crawl under the fence and wood is stored at the front, I trust that you went out and looked at the property. You will see that it is far cleaner than it was before they bought it and far cleaner than it was when we were here before you one year ago. We promised at that time if you granted the permit it would be in tip top shape. Look at that property, it is in perfect shape and yet they had to put a 7 foot fence up 20 feet inside their property. This nonsense about wood being burned when they are not there, if you are interested we have 3 separate videos of these neighbors burning garbage at times when it is not even allowed under the County Zoning Ordinance. That is not what we are here about, there is not a shred of legitimate evidence that they have fires burning unsupervised. If you are interested we will show you videos of black pollutant smoke plastic and garbage being burned from their property. Image everytime you go out to get work done, somebody peering around a fence with a video camera, that is what they have had to endure, while they engage in agriculture in an Agricultural District. Let me conclude, they are here again asking that the Special Use Permit be extended for 1 year, I think if you read the fine report of Mr. Meeker, it is thorough and it does not give credence to the complaints. It simply identified them and says when they have been followed up on, there is no evidence. I ask to continue the Special Use Permit, bearing in mind that I don't believe that it is even necessary, but my clients were here one year ago and we made promises to you and I believe they have substantially complied. Two days out of probably 300-400 days now since the application that they claim they worked past 2 o'clock. 2 o'clock in an Ag District and they best they can do is two times, they worked a little beyond 2 o'clock. I ask you to consider the standards it is clearly an allowable use as a Special Use Permit as I believe it is a use that authorized even without a permit, but my clients commit again to keep that property in the beautiful condition it is in, this is a minor impact. You realize that if a residence was there they could run their chainsaw and lawn mower until 11pm at night, think about that, nothing would prohibit that, but they can't run a chainsaw after 2 pm or split wood after 2. Thank you for your time and answer any questions you may have.

Heuerman asks if the complainant here.

- Phil Jensen states apparently in the first row.

Heuerman states I would like to see your videos.

- Judy Petty states I have videos.
- Huschitt asks if there are any questions of the petitioner.

Mapes states for one there was no time limits to get the wood cut.

- Phil Jensen states that you wanted the height down as soon as possible. I was here before you and I promised those things would be done, I trust that you all recall that. That was the issue on one occasion beyond 2pm. They are claiming twice.

Huschitt states that if I am not mistaken, the wood was piled across the property line, whether we asked for it or not, it is a forgone conclusion, it should have never happened in the first place.

- Phil Jensen states that we don't agree that it was ever across the property line. It did not encroach upon anybody else's land. Their may have been that ascertain, the staff report did not indicate that. It may have been within 20 feet of the side lot, but that was as quickly as possible remedied.
- Huschitt states that I will review the minutes from last year. The pile was like 20 feet high and everyone agreed that it was stacked in an unsafe manner.

Huschitt asks about the following conditions, Mr. Jensen how many times have you been to the site.

- Phil Jensen states I drive by it every time I go to Savanna, IL.

Huschitt asks about condition 3 - stacking of processed/split firewood: no pile of processed/split firewood is to be higher than seven feet (7')

- Phil Jensen states that I don't believe there has been a claim that has been violated.

Huschitt asks petitioners if the piles of wood less than or more than 7 feet tall.

- Terry Havens states they are right at it.

Soppe states that the fence is seven feet.

Meeker states that the fence is seven feet and staff has reviewed it periodically and it has consistently been at seven feet.

Hill states that it looked like it was right at the top of the fence.

Meeker states that, Soppe and I measured the fence.

Huschitt states that the piles that are not next to the fence, the piles I saw now as a point of fact I took them to be more than seven feet, because I am six feet tall.

- Phil Jensen states that nobody has complained that they are over seven feet tall.
- Huschitt states that I am not saying it is a complaint, I am saying it is a condition.
- Hill is asking if Huschitt is talking about the split wood.
- Huschitt states yes. The condition states stacking of processed/split firewood: no pile of processed/split firewood is to be higher than seven feet (7').
- McIntyre states when I was there I didn't see anything over seven feet.

Hill asks about condition 1 — I do not remember cutting it off at 2pm. Growing up on a farm and being in the farm community, it is too short of a day. Everybody goes longer, farmers go all day, but 8-5 to me is a work day, in my opinion.

Huschitt states that the conditions were part of the motion then.

Hill states I remember the motion, but I don't remember the 2pm.

McIntyre asks the staff, I went through the use table and there is nothing in there that talks about logging operations, I am assuming it is in the general bucket that says as long as it agricultural.

- Meeker states that it is in rural business category.
- McIntyre states that is that something we need to address later because. I think Phil Jensen's point that he is bringing up has to do with Ag uses in an Ag District, however Phil the county has ruled on what processing of a crop that comes off of your land. So as soon as you take the grape and squash it into whatever that is processing of the crop that comes off of that land. If you cut the wood, that is processing of the wood that comes off of the land. That is why the staff voted to have it be a Special Use, from a cleanup standpoint we might want to address that in the future to bring that into the matrix here so we can clearly state and clearly show in front of the individuals.
- Meeker states that we can't deal with that at this point.
- McIntyre states, I know that, but I wanted the staff to bring in the reasoning behind the processing of the wood, we have always had, correct me if I am wrong Melissa, we have always had that if you process anything that comes off the land, that is something that needs a Special Use.
- Phil Jensen asks if drying corn needs a special use? I don't think so.
- McIntyre states that is not really processing, that is not taking the corn and making it into ethanol.
- Phil Jensen states that we are not taking the wood and turning it into gas, we are doing nothing more than cultivating and cutting it.
- McIntyre states that I am not disagreeing with you, I am just saying that is where we have ruled in the past and so I don't disagree that processing it into something else, like grapes into wine or corn into ethanol. I understand that, but only option for wood is either planked wood, which we did not allow. That to me the milling part of it is definitely a finished product.
- Phil Jensen states and that is not taking place. We are prepared to comply with the Special Use Permit.
- McIntyre states that the ordinance is silent on forestry and logging, not even a definition.
- Phil Jensen says the state statute has a definition.
- Huschitt states that tonight hearing is for the Special Use, that is what they came for. I am going to be clear, because I think we talked about this the last time, you could choose not to ask for a Special Use Permit and perhaps taken a different avenue.
- Phil Jensen states litigation.
- Huschitt states I am not suggesting that. Tonight's hearing is to follow the standards we have in the Special Use request. Good conversation, but a conversation for another time. We are here to hear this under the Special Use permit request as your clients to apply with the standards that we feel. Melissa, this may not have been noted in the minutes, but I recall that this issue of not needing a Special Use Permit, I thought we got consultation from our States Attorney.
- Soppe states we did from Chris Allendorf, State's Attorney. He had listened in on that meeting and confirmed that processing needs a permit. The forestry is the cutting down of

the trees, that is the harvesting of the tree, anything more than that is the processing.

- Huschitt states that the review of that is the processing and is subject to the Special Use Permit.

Public Testimony Open

Daniel Lamz property owns: 9668 S Lost Horizon Road, Hanover, address: 24952 N Holly Dr, Cary, IL

I would just like to state that there was a lot that I just listened to, as far as people not complaining or calling the Sheriff in the last year, there being only 2 complaints, is so unreasonable. I would like to start with a couple things, the first is the original hand written application by Terry Havens applied for the Special Use Permit on page 2 it states that there shall be no other effects on neighbors land. When we are on the property working and splitting firewood the sound will be no louder than the amount of a mower or a weed eater, this was from the original application for the Special Use Permit. On the minutes from a year ago, since there has only been 2 complaints in the last year, I would just like to state that Phil Jensen stated on page 8 of the minutes, it will not be a sawmill operation, the noise will be no more cutting and splitting and stacking of the wood, it will not be loud at all. I am here to tell you that I don't live out there full time, I am a little surprised this committee is not voting tonight or not that they are recommending, they are not saying excepting of fascia, soffit, eaves being close to a border line, this has dramatic effects. The no noise or louder than a weed eater or a mower, I am here to tell you in the past year, I don't live out there full time, on multiple occasions my back deck is 4,000 plus feet more than 3/4 of a mile away, up 300 feet of elevation, through dense woods, that is where my deck is from the middle of this property that we are talking about, on multiple occasions I went inside my house and the only way I could get away from the noise of the sawmill that was never supposed to be there, was going inside, closing my windows and turning on my air condition. In the minutes of the meeting, back from last year there was a lot of questions being asked back and forth, there was even frustration on page 9 between the committee and the questions were not really being answered. The last thing Terry Havens states that we are just going to be doing firewood, no milling. That was not the case at all, because the few times I was out there, there were a few times and I have a very good friend of mine out there also across the street about 500,000 feet away, over a mile now, just because people aren't calling or are not here. The last meeting that you all had there wasn't even another postponing or just because people aren't complaining don't mean they are upset about it. As far as them complying, the very day after the last meeting, where it was postponed, because their attorney couldn't make it there, the very next day they worked past 2 pm. Two weeks within the past two weeks ago, I called the Building & Development committee to go out and look because the firewood 7 feet, no way and they said they were going to go out and take pictures. I asked has the committee who is voting or recommending something on this have they been by there, cause let me tell you that is way over 7 feet, I don't know that it is tonight, I wish I was out there, I drove for two hours last time and I didn't even get a chance to speak. The facts of the matter are they are not exaggerated the claims, they are legit. Those are three lots that are cut off from my property, sometime in the 50's or whenever it was, actually Highway 84 used to run behind there over a bridge back in the day. There were three homes since the 50's, one of those homes recently burnt down, one of those homes is still there, and the other home where this lot is basically collapsed, it was quiet, it was peaceful, there was no issues. This is effecting the neighbors, they are not complying. I wouldn't be surprised, I would be willing to say grant the special permit, if it isn't over 7 feet right now. I don't know how many of you committee members have driven by there, but it is 100's of yards away from where you are sitting

tonight. The compliance is not there. They go past 2 pm, two times in a year, every time I go by there they are there past 2 pm. I just don't understand how it has come to this, I know you have tons of pictures, they have been very vocal, but I can't image my house where it was always three homes right there and a duck farmer, the duck noise was amazing, but it was quacking ducks. The noise that has come out of this and I understand in the argument going to be that the sawmill is no longer there, but it was never supposed to be there. And it surely, especially after reading the minutes of the meeting from last year, it definitely wasn't supposed to be there after those minutes because it clearly stated multiple times that it would not be a sawmill operation after the committee asked multiple times to where it almost seemed from the minutes of the meeting, which I read every minute of it, and it is quite a read, it almost seemed like some of the members of the committee, Huschitt was getting frustrated that the questions weren't getting answered, they got an answer and they didn't follow it, there was a sawmill, there is horrendous noise, they are working past 2 pm. The stack of firewood right now is I almost bet a lot of money that it is over 7 feet tall right now. I called a week or two ago talked to someone in Planning & Development and asked can you get the committee out there to see what it is right now. The answer was that is not going to be possible, but I will go there and take pictures, so I don't know if anybody that I spoke with is there tonight, but I called to report it well ever 7 feet, it was over 12 feet, I didn't have a tape measure, I didn't go out there. I also want you to know, I have never videoed anything, I have never complained about anything or how they had to work under the hindrance of being video taped all the time, come on they are cutting firewood. How much of a hindrance is that going to be, but I want to tell you how much of a hindrance it has created for me, I have contemplated selling my property, I bought that place 20014, I believe, after many years of being a small business owner myself, I didn't care, cut down all the firewood you want, but you are not following things you said you would do and the sawmill was a big deal breaker for me. This has affected the people in the immediate area, there is not an overabundance, you send a letter, people have time, people have lives, it doesn't mean your decisions has not affected the people and if it doesn't change, I can't say that my retirement plans are not going to change, I am very disappointed in the committee for letting it get this far and I don't know if it is the committee fault or not, but if the committee has not been there to look at what they are voting on, I would fault the committee. Because the fact that it is less than 1,000 yards away from you, you drove there right now, it would take less than two minutes, so if you are voting on things that you have not gone out and seen, disappointing. Even the way the minutes showed from last years meeting, I thought it was kind of interesting that every single picture in this document never showed what it would like from the neighbors house right there, I am not pulling from them, I am pulling for my peace and quiet, I own almost a mile behind them and it was very annoying is an understatement, it was a very piercing sound, a sawmill whether at 108 or 120 decibels, it is a different frequency, it doesn't get subdued by wood and logs and leaves, it travels very, very far. It totally ruined a couple, I live much closer to Chicago, I go out there for peace and quiet and it just wasn't that. As far as whether it is processing, manufacturing, forestry as I heard tonight from a State's Attorney opinion, I believe, or the recommendation, it is not forestry anymore they are processing firewood, wood a furniture company be okay to make right there, it is not forestry anymore, it is effecting the neighbors and the community. It should not have been allowed to go this far, but I will tell you I would have been fine with everything, right up to the point where the sawmill came in, the hours weren't being followed, the stack of wood is higher go by after you make your decision tonight and have a clean heart and go by and see what it looks like tonight and how high it is. I have no idea, I haven't been out there for a while. I am willing to be it is higher than it should be.

This is something that I hope gets fixed, I wouldn't be here complaining if was 8 to 2 o'clock, which I think is unrealistic to put those regulations on somebody, I think a lot of things are true, the facts of the matter are it is not forestry, it is processing, special occupation permit should have been questioned and then when they thought about the effects or how it was going to be on the neighbors whether or not they were going to have 2 calls or 4 calls, 5 complaints, yes those poor people that live in that house, there was a sawmill that I heard from 3/4 of a mile away, I can't imagine what the sound was like 25 feet away. This was allowed by the committee and I can only hope that you correct your action and at least look into it further, postpone it or do what ever you got to do, but I implore the committee to do something about it. Thank you for your time and I hope that affects your decision.

Meeker states that the photos up on the screen are photos that I took the day that Daniel Lamz called me and spoke to me. These were taken within an hour after I spoke to him, I went out again at 2pm and they were leaving the site.

Judy Condon, 9793 IL Route 84 S, Hanover, adjoining landowner

2 Videos shown to the Zoning Board Member from a view from my kitchen window.

Meeker states that you will need to email us those videos to become part of the file.

- Judy Condon states that I did send those via email, and I was told I was in the wrong time zone, my phone was.

Meeker states that you will need to send it again.

As far as a fire left unattended, I have dozen of these. He lights them and leaves, continuously.

Phil Jense asks if we can have foundation, that is before the fence was put up. I think that is important that you have foundation.

Meeker states that since we do not have any of these in the record, please don't keep going through multiple videos, because you are going to have to send every one of them to us. This is very irregular and you need to identify yourself for the record.

The hours of operation, we are fine with those, we had no problem with those. He ran that wood processor which you heard in my kitchen from it until 7pm at night. That was uncalled-for, very disturbing. The stacking of the wood is only supposed to be 7 foot high, it is probably 20 foot at least. They have the elevator for it to get it up higher than what they can throw it. They are higher than 7 feet by just glancing at it. The storing of uncut logs, he was supposed to put down in the bottom corner, he never has, he has junk crap down there like old tractors or you name it thrown back in there. He can't put logs back there because of that. So far he has not followed any of the conditions you guys gave him. It is like he doesn't have to follow the rules, we do in life, but he doesn't. This is my grandson, he helps take care of us.

Seth Rekenthaler, 211 E Locust St, Lanark IL, grandson of Judy Condon

Question about the fence, it is supposed to go along the south end of the property line 20 feet in, how far west does it have to go, we know you said it can't go east because of the hill, how far to the front does it have to go.

- Meeker states that it can't go any further than the property line, so there will be a gap from

the fence to the roadway, that is the right of way.

I believe I have seen a picture of the property line pulled up on here as well, so right there so the trees end at the property line, correct?

- Huschitt states the yellow line north and south is the property line.

There is a driveway that goes through there. The fence ends before that driveway. It is probably a good 40–50 feet away from the roadway. I have photographs of it if you would like to as well. I was questioning how far forward it has to come, does it have to go to the full property line, if so, that was made a requirement in 2024, again not followed. There is a small gap underneath of it, they have remedied that, however I do believe they are not allowed to use the other 20 feet to store property on the other side, I can personally attest knowing that I am under oath, they have and have put property over there and left it parked. They do drive on it, which I don't know if that is requirement or not.

- Huschitt states I don't want to interrupt you, but as a point of reference it wasn't to me from my interpretation, it wasn't one of the conditions that it could not be driven on or items couldn't be parked there. Just as a point of reference, does anyone disagree with me, please speak up.
- McIntyre states that you are talking about their own property, in the setback between the fence and their property line. He is questioning that they use their own property to park equipment on it. No condition was for that.
- Huschitt states that we did have the fence setback 20 feet, but it didn't mean that they couldn't use the 20 feet between the fence and the property line.

Seth Rekenthaler states I was under the impression that the fence was kind of to seclude the business from the house.

- Heuerman states it was not an invisible fence for their dog.
- McIntyre states that my recollection was that the reason why we had the fence there was because she watches grandchildren periodically and the grandchildren would be a safety issue, if anything over 7 feet would fall on them or whatever. We did that for that reason to have a safe environment.

Seth Rekenthaler states I apologize for that. The stacking of the firewood, if you go to the pictures on the site of the actual property, they have that elevator there, I don't know exactly how tall that elevator is set or how tall it goes, I currently picked my grandma up right before this meeting and looking at it, if you go out right now, I am willing to be that it is well over the 7 foot requirement, it is almost to the top of that elevator. That is just glancing as I was pulling in the driveway with my headlights on, since it was dark already.

- Heuerman asks if you are talking about the conveyor?

Seth Rekenthaler states no, the split wood.

Hill states the fence is supposed to be 7 foot, right? They are pretty close.

Seth Rekenthaler states that the northeast quadrant for the storage of logs, currently there is

machinery or broken things down in that corner. I don't think I have ever seen actual unprocessed logs or trees down in that quadrant, I go there frequently to cut the grass for them, I see it all the time.

- Huschitt asks that you stated you didn't see logs, but did you see logs somewhere else.

Seth Rekenthaler states yes, they were up more center on the hill on the higher side of the hill more toward the center of the property. If you look at the white spot on the map, more toward the right, but right behind where the gravel sits on that image, that is commonly where I see the logs, I have never seen one down in the northeast quadrant. 8 to 2 for the time, that is not something I set or anything of that nature, but it was an ordinance you guys set forth and it was not followed, we are going to urge you guys to consider not giving them another SUP for the fact that they disregarded a lot of the guidances that you guys gave them and regulations on multiple accounts. All of the neighbors, to my knowledge are making complaints of this business being in operation in that area.

Meeker states that large square box is the area for the uncut wood, that was not limited to 7 feet; The 7-foot limitation is for the cut wood next to the fence.

Phil Jensen

It is important to take neighbors concerns into consideration, I won't deny that. We indicated the occasion in October 2024 when they did processing beyond 2 o'clock. It was the company from Green Bay, they were not the ones doing it, it was a company from Green Bay, the video she showed was before the fence was even put up, that all occurred initially and that has not occurred since. Secondly, there is no prohibition as I understand it to being on the property after 2 and to be stacking wood after 2. The first provision states, cutting, processing, splitting, I think they have adhered to that 1,000% other than that October occasion. But they can be on their property and they can be stacking and I think that is part of the misunderstanding that they have to vacate their property after 2. That said, they don't want to cause undue problems for this neighborhood. Interestingly enough the neighbor just listed their property for sale and said it was a quiet area, maybe inconsistent with what they are asserting under oath, their own advertisement says quiet, rural setting. There are infinite conclusions you can draw from that, they are pretty finite. They will continue to comply with the hours, that initial processing, if you recall there were just piles of wood and it had to get processed and taken care of. It is now an intermittent process, they don't do processing once a week, even once a month, when the logs come in they process them, but that initial incident was when there were piles of wood and again they weren't the ones that violated it, it was the company from Green Bay that came down, they acknowledge that happening, but they absolutely deny that they are working beyond 2 o'clock since then.

Huschitt asks I was under the understanding, I agree that they are welcome to be on their property from 8-2, because when we wrote up these conditions and can be challenging and trying to hammer out verbiage and a lot of what I am hearing tonight is interpretation of what the conditions meant. I am asking for help, my understanding was while they are welcome to be on their property, my understanding of the intent whether we agree or not, my question is what is the intent of the 2pm cutoff, I thought it was for anything that had to do whether you were cutting, processing or splitting of logs including stacking them with that red elevator so I am asking for clarification. Because you thought they could be working there.

Hill states that I was thinking the noise level, there would be no chainsaws or anything going on, but if you could work there and be quiet, I didn't see the 2 o'clock affecting that part of it.

Huschitt states that we are going to have to clarify this, there is that red elevator, that is a power unit.

Hill states if that elevator is running, I guess, and creating noise, that is 2 o'clock.

Huschitt states that is how they stack the wood. There is confusion over the conditions themselves. I thought it meant you couldn't do anything with your wood cutting business after 2.

McIntyre states that I didn't understand it that way. I understand it that it was the noise and safety, from a 2 o'clock standpoint, if she was watching grandkids they would usually come home after school which is around 3. That is what I was thinking. I don't want to stop an individual from enjoying their own property, that to me is an illegal taking from.

Huschitt states that we know there is that red elevator which is a power unit, it obviously will create noise.

McIntyre states that it is an AG District, if they were drying corn or using a chainsaw on their own property after hours, its an AG District.

Soppe states can we ask them their process when they are there, do you cut it, use the elevator the elevator and stack it that way or do you cut it then, that may help, I think.

- Terry Havens states that logs are delivered, we cut them with a chainsaw to 16 inches, we put them in front of the wood splitter, we split them off the splitter into the elevator and the elevator takes it up to the pile. Stacking we do by hand. When it is peaked up like this, we go up and throw it down so it is down, the one does look higher, but we throw that down so it is level.
- Huschitt asks what the splitter machine is.
- Terry Havens states it is gas-powered that you pull behind a truck.
- Huschitt states you split it, run it up the elevator into a temporary pile, and then you restack it by hand and throw it down.

Heuerman asks if you do the cutoff with a chainsaw or a buzz saw.

- Terry Havens states chainsaw, that was a buzz saw she had in her videos, that is what Lamz heard also. That was the same thing as the chainsaw, but that was where it pushed it down into the cylinder and it pushed it out and up the elevator. That was October 2024 where we worked overtime for 2 days.
- Heuerman states that may have been the sawmill sound they heard.

Mapes states the cutting, processing, splitting of logs, their is noise, elevator is no louder than a lawn mower as far as I am concerned. They have the right to do that after.

Hill states the chainsaw is the loudest thing, I do everything you do for my own house and the chainsaw is the loudest, the splitter is very little noise and the elevator is very low.

Daniel Lamz

I have one question if either Phil Jensen or Terry Havens can answer. From August 28, 2024 to now have you ever operated a sawmill on that location.

- Terry Havens states no.

Daniel Lamz states that is 100% not true.

Huschitt asks why do you believe that your statement that you did, did you see a sawmill?

- Daniel Lamz states no, but I have been out on my property since August this year and unless they have a chainsaw that you can hear from 4,000 feet away, up 300 feet of elevation, I heard it, I know what it sounds like. I know what my neighbor across the street heard on a different time when I wasn't even out there. Has a sawmill ever been on that property.
- Terry Havens states there was, but we never used it.

Public Testimony Closed

Heuerman asks people are awful whiny complaint, you make more noise than that in your own daily runnings around at your house.

McIntyre states this is a case of non-AG use mixing AG use, and the issues that come up with that. That is to me where the issue was because anybody in an AG District out in the country and a house that the guy comes out, Lamz stated, when you own a second home and come out here you want peace and quiet, but that is not what you get in an AG District, because there is cows, chainsaws, skidloaders, there are all kinds of things being operated in an AG District. People that buy homes in an AG District need to be aware of that, as a realtor you tell people that, hey this is an AG District, it is not like it is going to be peace and quiet all the time, so this is where my rub is. We have nearby residential and how do we split that hair.

McIntyre states that they could just store logs there, they just couldn't process anything.

Mapes asks that the fence we heard earlier there was a big gap underneath, has that been addressed.

- Terry Havens states that it is about 8 inches at the most, a kid can't crawl under that. I haven't seen a kid there.

Heuerman asks Judy Condon how old your grandkids are?

- Judy Condon states 2 years old, and 4 new ones this year.
- Heuerman asks if you let them run loose out in the yard.
- Judy Condon states that I have not allowed her out in the back yard, I did one time and she

went across around the fence on the other side of it and brought her back right away and took her in the house. I can't let her outside, she is 2 years old.

- Heuerman states you should be videoing her kids.
- Terry Havens states I have not seen them.

Hill states about the 8-2, I was thinking nothing going on after 2 o'clock and that is why it is unreasonable and should be until at least 5, but if they are doing their stacking from 2-5 I can see that as long as all the machinery is cut off and nothing going on like that past 2. I never thought you should vacate your property or business after 2 o'clock. Are we extending these things or can we make changes?

- Meeker states that you can make changes because it was only a one year term, so you can modify conditions, you can add new, this is considered a new request.

Mapes states that if we extend it, it will be permanent.

- Meeker states that if you don't extend it, then they are out of business. They won't have the Special Use Permit then.
- Hill states that we can extend it with different conditions.
- Mapes states if we don't have a time frame in there.
- Meeker states that you are not required to put a time line on it. Most Special Use Permits that are issued do not have a time limit on them.
- Huschitt states that I would assume in the motion can address whether it is going to be a permanent extension with conditions as they are. It could be an extension with the conditions with a new time frame. It could be that we grant a special use with no conditions, I would suspect they are here tonight, right and we can amend the conditions. Think of it as we are here for the first time.

Hill states that when we came here last year when I visited the place, it was a mess, you had logs that were 20 feet up in the air, you had junk in the front yard, you had all this stuff going on and I just shook my head how could this be and that is where we ended up with all these conditions. When I went there this year to look at it again, it looked 100% different, it looked like you met everything in my eyes and I was proud that you went ahead and did all of this. I was thinking they would not get all of that stuff done, and they did, and I applaud you for that.

McIntyre asks if anyone feels about the point that Phil made about the 20 foot fence on the property offset by 20 foot and he made the comment that might be a government taking.

Hill states that as long as they can still use that 20 feet, we are not stopping them from using it. If you make the condition that you can't do anything in that area, that would be.

McIntyre asks if the wood fell off the pile and over the fence, they have the opportunity to retrieve that and put it back on the pile.

Huschitt states that I think it was more like a self-imposed setback, if you will, and try to get separation.

McIntyre states that I wanted it addressed so that it was in the minutes because he did make the claim.

- Phil Jensen states I wasn't quite that strong.

McIntyre states that it was more for the safety of the neighbors.

Standards for Special Use reviewed

a. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare

True: Mapes, Hill, McIntyre, Diedrick False: Huschitt Not Conclusive: None

Standard met

b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair values within the neighborhood

True: Mapes, McIntyre, Hill False: Huschitt, Diedrick Not Conclusive: None

Standard majority met

c. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district

True: McIntyre, Mapes, Hill, Diedrick False: Huschitt Not Conclusive: None

Standard met

d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided

True: Huschitt, Diedrick, Hills, Mapes, McIntyre False: None Not Conclusive: None

Standard met

e. That adequate measures have been or will be taken to provide ingress and egress designated to minimize traffic congestion in public streets

True: Huschitt, Diedrick, Hills, Mapes, McIntyre False: None Not Conclusive: None

Standard met

f. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located. In addition, the Special Use shall meet any applicable standards set forth in this ordinance which specify additional standards to that specific special use as defined in this ordinance.

True: McIntyre, Hill, Mapes, Diedrick, Huschitt False: None Not Conclusive: None

Standard met

Standards have been reviewed and met.

A motion to recommend approval of 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; 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. Property is situated within an Agricultural (AG) District. Property location: 9681 IL Route 84 S, Hanover, IL 61041 was made by Mapes stating the following conditions.

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

Seconded by Diedrick

Discussion:

McIntyre asks about the time frame from 8 to 2 pm to 8 to 5pm.

Mapes states everything the same from previous request except the 1 year conditional use permit.

Hill states that we clarified what can be done from 8-2 o'clock, as long as they can do stacking and work on their ground or loading in trucks they can do that after 2 o'clock.

Huschitt states that I assumed it different intent.

Mapes asks if this has to go in front of the County Board again.

- Meeker states yes it does.

Roll call vote. Ayes – Ron Mapes, Don Hill, Steve McIntyre, Gary Diedrick. Ayes: 4. Nays – Peter Huschitt. Nays: 1. Absent – None. Absent: 0.

VI. New Business

A. Consider Approval of Planning Commission/Zoning Board of Appeals 2026 Meeting Calendar

2026 Planning Commission/ZBA Meeting Dates

All meetings to be held on the 4th Wednesday of the month at 7:00 p.m. at the Jo Daviess County Highway Department Building (1 Commercial Drive, Hanover) unless otherwise noted:

- January 28, 2026
- February 25, 2026
- March 25, 2026
- April 22, 2026
- May 27, 2026
- June 24, 2026
- July 22, 2026
- August 26, 2026
- September 23, 2026

- October 28, 2026
- November 18, 2026*
- December 16, 2026*

* Meetings proposed for the 3rd Wednesday of the month due to Thanksgiving & Christmas Holidays.

Meeker states that the meetings will be held here in Hanover for the entire year due to Courthouse Security needed for night meetings and budgeting.

Huschitt asks is there an ability to get some type of microphone system.

Meeker states that I have requested to our County Administrator.

McIntyre asks if we can get some type of internet here. I think Joe can figure that out pretty easily, but we have our minutes and everything electronic now and unless I want to print out large pieces of paper on 24x48 pieces of paper or whatever.

Mapes states that he was told that all the stuff from the temporary courthouse would be coming here.

Meeker states I believe that the audio and visual at the temporary courthouse will be moved here after speaking to Angie. Meeker states I will check into the internet.

Huschitt states that we invite the public to a Jo Daviess County, I think we need to be able to have microphones system, better visual, internet.

A motion to approve the Planning Commission/Zoning Board of Appeals 2026 Meeting Calendar was made by Mapes.

Seconded by Hill.

Roll call vote. Ayes – Don Hill, Steve McIntyre, Peter Huschitt, Gary Diedrick, Ron Mapes. Ayes: 5.

Nays – None. Nays: 0. Absent – None. Absent: 0.

- B. CASE NO 25-49: Petition of Ionut O Sas (7910 S Clarendon Hill RD, Willowbrook, IL 60527), owner and Danielle Cline (7A152 Teepee CT, Apple River, IL 61001), petitioner; request for a Variance from the side-yard setback to permit an 11.5-foot setback where 20-feet would normally be required for a four-bedroom residence to be licensed for Guest Accommodations (Section 8-5B-46 B 4a of the County Zoning Regulations); property is situated within a Planned Residential (RP) District. Property Location: 10A52 Cardinal CT, Apple River, IL 61001**

ZONING DISTRICT: Planned Residential (RP)

ACRES: 0.62-acre

PARCEL NO: 18-010-052-00

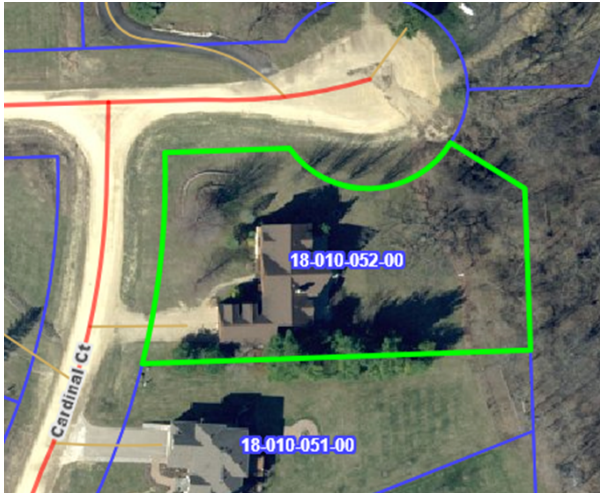
Wastewater Treatment: The septic system on this property was installed in 2005 to serve a four-bedroom home. The system is located east of the house utilizing most of the yard. The system includes a clay lined sand filter which no longer meets code requirements and must be replaced before guest accommodations approval. Approval of the Variance request should not affect the system.

Access Considerations: The County Highway Engineer finds the access to the property to be acceptable.

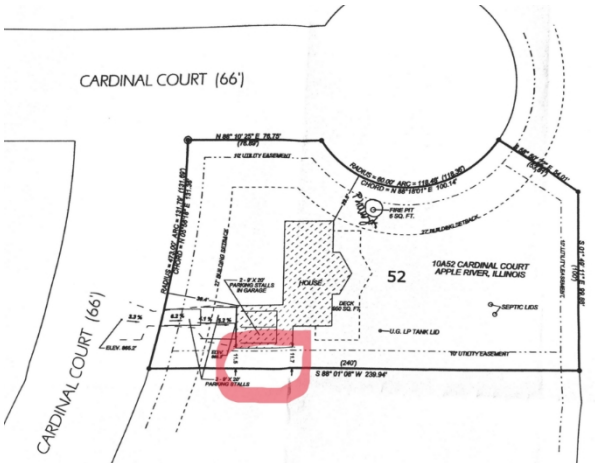
Other Considerations: The subject property is situated in the southeasterly portion of the Apple

Canyon Lake resort area, near the intersection of Canyon Club DR and Cardinal CT. The 0.62-acre property is the site of a four-bedroom residence constructed in 2005-08. The petitioner will ultimately seek approval of a Guest Accommodation License for the property, however, the setback between the structure and the south property line is 11.5-feet where a 20-foot setback would be required for a home of this size for short-term rental (Section 8-5B-46 4a of the County Zoning Regulations). All other development standards applicable to the home for a Zoning Certificate for Guest Accommodations are met.

Property Location



Red Outline Denotes Location of Variance



Danielle Cline, petitioner for owner

The owner purchased it this summer and would like to use it for short-term rental when they are not using the home personally.

Huschitt asks if they plan on using the home themselves and supplement the time they stay as short-term rental.

- Danielle Cline indicates yes.

Huschitt asks what is the occupancy of the home which is closest to the setback, is it part of the

garage, bedroom.

- Danielle Cline states that it is garage and kitchen area.

Mapes asks if it is being used now for guests.

- Danielle Cline states no.
- Mapes states I was by there and they had a lot of cars.
- Danielle Cline states that no, we are going to manage it and we haven't even taken pictures of it yet. I think the family is using it personally. We do not have it listed, we don't have pictures yet. I don't know if it is even fully furnished yet.

Diedrick asks if the property owners to the south, if they have been in touch with them, it looks like the garage side of their house that is closest to the property line there.

- Meeker states that we did receive a call from that property owner, Marion Nagorzanski, and she also sent an email today regarding the variance for the neighboring property.

Hello, On behalf of 10a51 cardinal court regarding the variance for the neighboring property. The variance setback for a property to have guests will be close to our home and free (feel) that it may bring added risk to our property. Thank you, Marian Nagorzanski Sent from my iPhone

- Danielle Cline states no I have not been in touch with them.

Public Testimony Open

None

Public Testimony Closed

Standards for Variance reviewed

1 - true, 2 - true, 3 - true, 4 - true, 5 - true, 6 - true, 7 - true

Standards have been reviewed and met.

A motion to approved CASE NO 25-49: Petition of Ionut O Sas (7910 S Clarendon Hill RD, Willowbrook, IL 60527), owner and Danielle Cline (7A152 Teepee CT, Apple River, IL 61001), petitioner; for a Variance from the side-yard setback to permit an 11.5-foot setback where 20-feet would normally be required for a four-bedroom residence to be licensed for Guest Accommodations (Section 8-5B-46 B 4a of the County Zoning Regulations); property is situated within a Planned Residential (RP) District. Property Location: 10A52 Cardinal CT, Apple River, IL 61001 was made by McIntyre stating the following:

1. Standards for variance reviewed and met

Seconded by Huschitt.

Roll call vote. Ayes – Steve McIntyre, Peter Huschitt, Gary Diedrick, Ron Mapes, Don Hill. Ayes: 5.

Nays – None. Nays: 0. Absent – None. Absent: 0.

- C. CASE NO 25-50: Petition of Cory Heine & Carissa Heine (237 Foxford Dr, Cary, IL 60013), owners and Adam Johnson, Architect (211 4th ST, Galena, IL 61036), petitioner; request for a Variance from the front-yard setback to permit an 18-foot setback where 30-feet would normally be required (Section 8-3H-7 2a of the County Zoning Regulations); property is situated within a Planned Residential (RP) District. Property location: 16 Stony Point, Galena, IL 61036**

ZONING DISTRICT: Planned Residential (RP)

ACRES: 0.77-acre

PARCEL NO: 08-109-043-00

Wastewater Treatment: The septic system for this property is located within the rear-yard approximately 40-feet from the home. Approval of the Variance request should not impact the system.

Access Considerations: The County Highway Engineer finds the access to the property acceptable.

Other Considerations: The subject property is located in the central portion of The Galena Territory, approximately one-quarter mile west of the intersection of Blackhawk Trace and Stony Point. The 0.77-acre property is developed with a single-family residence built in the mid-1990s (with an addition currently under construction – permit issued in 2025). The petitioner seeks to construct a garage on the property at a setback of 18-feet from the front property line where a 30-foot setback would normally be required (Section 8-3H-7 2a of the County Zoning Regulations). The original placement of the home on the property, as well as the topography as you proceed to the rear of the property, restrict the options for location of the garage.

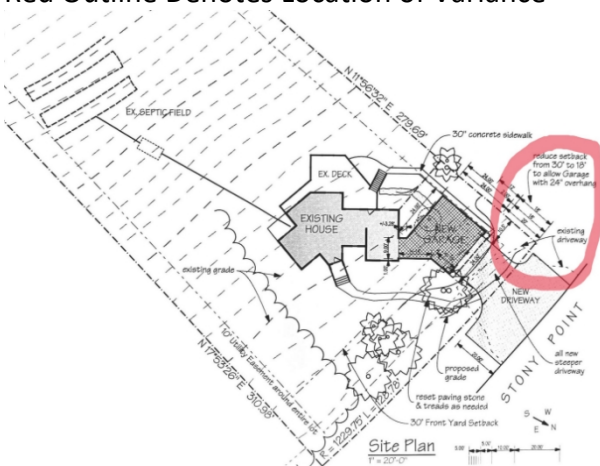
The site plan submitted with the application shows that the petitioner plans to install a new driveway and approach to the property. The driveway apron shown on the site plan shows a width of 44-feet within the public right-of-way for Stony Point. Section 8-4D-6 E “Driveways” states: *“No driveway that crosses public property at the right of way line shall exceed a width of twenty-five feet (25') in a residential district and thirty-five feet (35') in commercial and industrial districts.”*

In this instance, the petitioner will be required to revise the plans for the site to reduce the driveway apron to no greater than 25-feet in width where it is located within the right-of-way, as stated above. This plan revision may be made prior to submittal of an application for a building permit for the new garage. The petitioner will also be required to seek approval of the driveway location by the Guilford Township Road Commissioner prior to submittal for a building permit.

Property Location



Red Outline Denotes Location of Variance



Adam Johnson, Architect and petitioner for owner

The practical problem with the siting of the house we really wanted to have an attached garage and to connect to the house in a reasonable manner. I have been through that right side of the house through the mud room and kitchen area. The left side of the house is bedroom and trying to have a connected garage from that side did not create a good outcome for how we want to place it. The property drops off so we are trying to keep the garage as close as we can to kind of work with the

existing grade, we would like to take that parking pad out and try to get the grade back to what it was originally and try to maintain some of those oak trees in the front.

Diedrick asks if you have contacted the Township Road Commissioner in regards to the new proposed driveway. Part of that driveway will fall within the township right of way, correct?

- Adam Johnson states no we have not. That is correct. As the staff report said we didn't really address the width of the driveway, it is all kind of, I was showing the maintaining that paving because it was already there, but if we are required to reduce that driveway back to the minimum of 25 feet, we will make the change on the plans for the building permit.
- Meeker states that they will be required to comply with our code standard
- Huschitt states while that is not a condition of the variance, it is an integral part of the project and you will need to address that in a different avenue.
- Adam Johnson states that the Galena Territory, they don't allow the roof overhang to go over the front yard setback where the County allows them, we are asking for an extra two feet for the roof overhang, we will keep the garage 20 feet the property line, but we are asking to be able to overhang that.
- Huschitt states that we do not trump or override any particular property owner association rules, we may decide to grant you a variance based upon County rules, but just to be clear if the Galena Territory has different rules, they defense won't be that the County gave us a variance.
- Adam Johnson states that is why we are asking for that two feet, is we ask or what you would like to give us, the 20 feet, that actually pushes the garage back another two feet because then the Galena Territory would make us push it back so that the overhang is within that 20 feet.
- Cory Heine, owner of the property. We have already gotten approval from the Galena Territory on the property.

Meeker states that we did receive a call from Charles Cook and he does not have an objection, his property is at 12 Stony Point, Galena.

Public Testimony Opened

None

Public Testimony Closed

Standard for Variance reviewed

1 - true, 2 - true, 3 - true, 4 - true, 5 - true, 6 - true, 7 - true

Standards have been reviewed and met.

A motion approve CASE NO 25-50: Petition of Cory Heine & Carissa Heine (237 Foxford Dr, Cary, IL 60013), owners and Adam Johnson, Architect (211 4th ST, Galena, IL 61036), petitioner; for a variance from the front-yard setback to permit an 18-foot setback where 30-feet would normally be required (Section 8-3H-7 2a of the County Zoning Regulations); property is situated within a Planned Residential (RP) District. Property location: 16 Stony Point, Galena, IL 61036 was made by Huschitt stating the following:

1. Standards for Variance have been reviewed and met.

Seconded by Diedrick.

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

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

Meeker states that we have a new alternate ZBA member - Lavonne Deininger, which is on Zoom tonight.

McIntyre and Huschitt thank her for serving.

Diane Gallagher, I know I am not telling you something you don't know already, but I would like to be recorded for your meeting that the discussion that occurs in the future regarding any potential change for the Ag residence for residences that occur in an AG District on parcels that are less than 40 acres, I think tonight Special Use hearing could be used as a case study and may result in additional case load for your zoning board. As I listened, I had earlier looked at the building permits for new homes and I tried to think what it would be like if a similar situation happened anywhere in our County. Just for future consideration, keep this case in front of other people. Thank you.

Heuerman states I think we all learned something from that case.

VIII. Reports and Comments (Commission Members and Staff)

Mapes will be here in December, but not from January to March.

McIntyre will be gone in December.

IX. Adjourn

A motion adjourn was made at 8:50 PM by Mapes and seconded by Hill.

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

The next regular meeting of the Planning Commission/Zoning Board of Appeals will be held on WEDNESDAY, DECEMBER 17, 2025 (date is one-week early due to the Christmas Holiday)
