

JO DAVIESS COUNTY
PLANNING COMMISSION/ZONING BOARD OF APPEALS
MEETING MINUTES
DECEMBER 17, 2025

I. Call to Order

Chairperson Huschitt called the meeting to order at 7:00 PM on Wednesday, December 17, 2025 in the Jo Daviess County Highway Department in Hanover, Illinois.

II. Roll Call

Roll Call was answered as follows: Present – Peter Huschitt, Ron Mapes, Don Hill, Gary Diedrick. Present: 4. Present electronically, non-voting – Steve McIntyre. Present electronically: 1.

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 November 19, 2025

A motion to approve the minutes of November 19, 2025 was made by Don Hill and seconded by Gary Diedrick.

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

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

None

VI. New Business

- A. CASE NO 25-53: Petition of Kari Hendlin (18550 July AVE N, Forest Lake, MN 55025), owner/petitioner for a Variance from the side-yard setback requirement of 20-feet to 11.08-feet for a home 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. Site location: 3 W Bay Path, Galena, IL 61036.**

ZONING DISTRICT: Planned Residential (RP)

ACRES: 0.69-acre

PARCEL NO: 06-204-132-00

Wastewater Treatment: The septic system for this property was upgraded in November 2025 to meet code requirements for a four-bedroom home. The system is to the rear of the home and also appears to be located in the side setback. Approval of the variance will not affect the existing

system.

Access Considerations: The County Highway Engineer finds the access and site distances related to the property are acceptable.

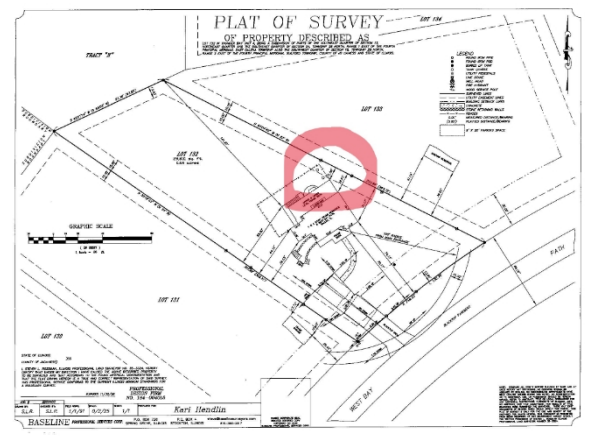
Other Considerations: The subject property is situated north of Lake Galena in The Galena Territory resort community. The property lies northwesterly of W Bay Path, just west of Shorewood DR. The 0.69-acre property is the site of a four-bedroom residence constructed in 1986 with an addition constructed in 2007. The petitioner will ultimately seek approval of a Guest Accommodation License for the property, however, the setback between the structure and the northerly property line is 11.08-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).

If the Variance is approved, the property owner will then be required to apply for a Zoning Certificate as a precursor to applying for a Guest Accommodations License. It is notable that, based upon the site plan submitted, one additional guest parking space will be required on the property for a total of five spaces, as required for a four-bedroom residence. Additionally, driveway grades will need to be adjusted to comply with the maximum slopes allowed for guest parking spaces. In the event that the side-setback variance is approved, this action will not waive the requirement to meet all other requirements of the Guest Accommodations License.

Property Location:



Red Outline Denotes Location of Variance



Meeker read an email from John Schultz, 27 W Arrowhead Drive, Galena, County Board Member

I will be unable to attend the Zoning Board of Appeals meeting on Wednesday 17 Dec. I have been

asked by Mr Mitch Wisdom of 5 W Bay Path in the Galena Territory to write to the board about a setback variance to his next-door neighbor's property. I understand that these requests are usually granted; however, the neighbors appear to be united in opposition to this. We may be at a point in the County when we have enough non-conforming guest accommodations. Either the rules should be followed or, if necessary, changed.

Diedrick asked Meeker about the slope of the driveway and parking situation. If this variance is approved tonight for the setback, does that mean there will be another review that requires to come before us.

- Meeker states no, when they come in for the Zoning Certificate, the statement in the staff report is a forewarning for them that the parking will need to comply with the Zoning Certificate. If they don't, they will need to come back for a variance. Our thought is that we will want them to comply with the standard.

Kari Hendlin, owner

This, for me, is a second home/rental home. I have precedence that I also own a home in Florida, in addition to my primary home, which I run as a rental for just over three years now. I have done a lot to educate myself to hold high standards for Guest Accommodations, have all the technology and processes to abide by the local requirements. I attract very good guests and stay on top of things. I manage them myself, I don't offload things to a property manager, so I am very much in touch. For me, this house is a lot closer to Minnesota than my Florida property, so we plan to be here often. My partner and I fell in love with the community and, for us, this is really a retirement kind of dream. We are both about 10 years from retirement, so this is a way to also be able to afford this. We weren't aware of the setback, my realtor thought it was okay and then discovered during the survey it wasn't, decided to move forward in hopes of that. I had talked to the neighbor bordering that house, to let him know that we had identified this issue and that I was happy to work with him to make sure that he would not be interfered, I am not going to attract party guests and that kind of thing and would not put up with it, in case there was a noise or visual concern. I have already invested because of the timing of the purchase. I have already upgraded the septic to meet the code. I have plans for the driveway with somebody lined up to do that, and I would obviously follow all the other requirements to get the house up to speed before setting it up as a rental.

Huschitt clarifies, your primary home is in Minnesota. If you could quantify how often you may rent this home out versus how many times occupied by you.

- Kari Hendlin states that we only have so many vacation days, but it is a lot closer. I personally work mostly remotely and my partner does not, so it really would kind of depend. We would use it when it wasn't rented, so it would be rented as much as it would be available and people were interested. Obviously, I ideally want to pay the bills with using it as a rental.

Public Testimony Opened

Mitch Wisdom, 5 W Bay Path, Galena

My lot line is not in conflict here, but I do have a conflict with the driveway itself. As you can see, the

driveway is very close to the lot line and one of the things Ms. Hendlin would need to do is widen and extend the driveway. It will need to go deeper down into the lot. I believe I measured it at one time. I believe it is about 8 feet and has a slick drop-off over the lots. In the Galena Territory, they are built on ridges with downhills. My concern is to do that, she already has it pinned for where the new driveway would go. So to do that and make it somewhat level, because it is such a drop-off, I believe she is going to have to put limestone rock around it and have it built up. I am very concerned about water runoff into my backyard. If you notice that the tree lines do not follow the lot lines. When the houses were built, they took down trees to give everybody yards, so, for example, as you can see the lot line between Ms. Hendlin's house and 5 W Bay Path, it goes through my backyard, the lot line does. The GTA has very strict rules about removal of trees and all the residences appreciate that, but they go through yards and not along tree lines. As you can see, the lot line goes through my backyard on the other side or on the other side it goes through the neighbor's back yard, that is an issue. The driveway is a major concern of mine. I am a full-time resident. I retired in the Galena Territory and I don't have any plans to leave. I have the variance application that Ms. Hendlin followed and if you look at page 11, item number 3, and she has sworn to this, the purpose of the variation is not based exclusively upon a desire to make more money on the property, and I feel, we feel, my attorney felt that was a direct reflection, so there is that. I also have the petition that she filled out. I met Ms. Hendlin once in the past. She is a very nice person. I believe she believes what she says. I struggle with that a little bit more. She lives on a 19-acre ranch north of Minneapolis with horses, and now she wants to spend a lot of time in the Galena Territory. Galena Territory is a beautiful place to live. We love it and so do the neighbors, but I think it is more of a business than it is anything else. I would like to point a couple of things out in her application. The home does not meet the setback requirements, the variance she is asking for is almost half, she needs 20 feet and she is asking for a variance of just about 9 feet. If you look at that map pretty darn close to that next house. I would also like to point out on the application, #9 will granting this variance in the form requested be in harmony with the neighborhood and not contrary to the intent and purposes of the Zoning Ordinance. She has checked yes, I believe that not to be true. You could interpret that how you wish, but I believe that not to be true. The next paragraph down she states - granting this variance will permit modest, well-regulated, residential-scale transient use of an existing structure. Due to design and operational safeguards, it will maintain the peaceful, stable residential character of the surrounding neighborhood. Accordingly, it upholds both the letter and spirit of the Jo Daviess County Zoning Ordinance and is in harmony with existing and intended residential land uses. We don't believe as a neighborhood that the peace and tranquility can continue when you have people coming on a regular basis most weekends for 2, 3, or 4 days. We would have 5 cars. She would have to rebuild the driveway, she has a fuel tank in her front yard, so the only place she can put the driveway is where it is closer to my lot line and to avoid that tank. Right to the left of that white vehicle in the image, is a walnut tree that is on her property, and it is a full-grown walnut tree, and I am worried that she is going to need to take that down for that driveway. I don't know her intention, but I believe that would and that is a tree that shades my house from the east, so it is a great shade tree. I have pictures and I have handouts. I don't know how long you want me to go on with this, but I have a number of things. I have a picture of all the homes in the neighborhood and have signatures from all the highlighted homes who have signed a petition that you not approve this. The reason being there is a ravine between all of these houses and the noise carries nonstop. We hear dogs barking, people talking half a mile away. Ms. Hendlin has said in conversation that she intends on putting a hot tub and she is intending on putting in a

fire pit, which creates more noise in that ravine, affecting all of these neighbors.



OBJECTION TO PETITION FOR VARIATION

Save the Peaceful Tranquility of Our Neighborhood

To: The Zoning Board of Daviess County

We, the undersigned residents of the West Bay Path, Shorewood Drive and Laurel Court area in the Galena Territory, are deeply concerned about a variance request for a short-term rental located at 3 West Bay Path.

As petitioners we respectfully request the Zoning Board to consider the non-issuance of a variance due to a lack of meeting county guidelines. We also feel the peaceful tranquility of our neighborhood would be disrupted due to excessive noise carrying throughout our neighborhood.

Name CORINNE F. BENTEL Address 17 Shorewood Dr

Signature Corinne F Bentel Date 12-16-2025

Name Richard Bentel Address 17 Shorewood Dr

Signature Richard A Bentel Date 12-16-25

Name Timothy J Piotrowski Address 1 W Bay Path, Galena, IL 61036

Signature Timothy J Piotrowski Date 12/15/2025

Name MARVIN PIOTROWSKI Address 1 W Bay Path Galena, IL 61036

Signature Marvin Piotrowski Date 12/15/2025

Name MaryAnn Schaffer Address 5 W Bay Path Galena, IL

Signature MaryAnn Schaffer Date 12/16/2025

Name MITCH WISDOM Address 5 W Bay Path

Signature Mitch Wisdom Date 12-16-25

Name Patricia A. Hattery Address 4 W Bay Path

Signature Patricia A. Hattery Date 12/15/2025

Name John J. Hattery Address 4 West Bay Path

Signature John J Hattery Date 12/15/2025

Name Robert C. Jackson Address 8 W Bay Path

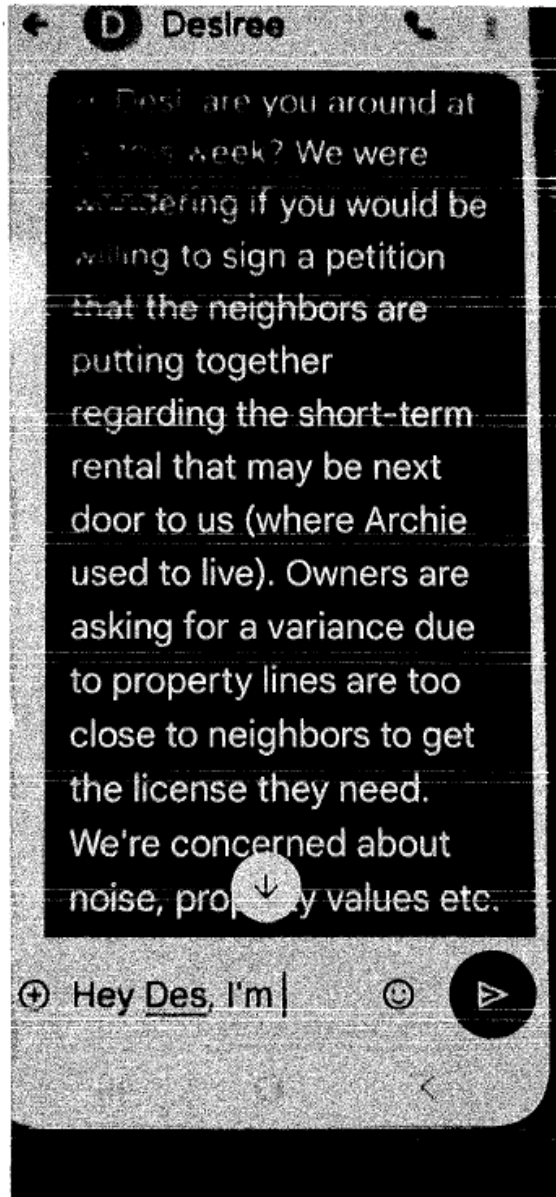
Signature Robert C Jackson Date 12-13-2025

Name Resiree Irwin Address 4 Laurel Ct

Signature Resiree Irwin Date 12/14/25
(See Attached)

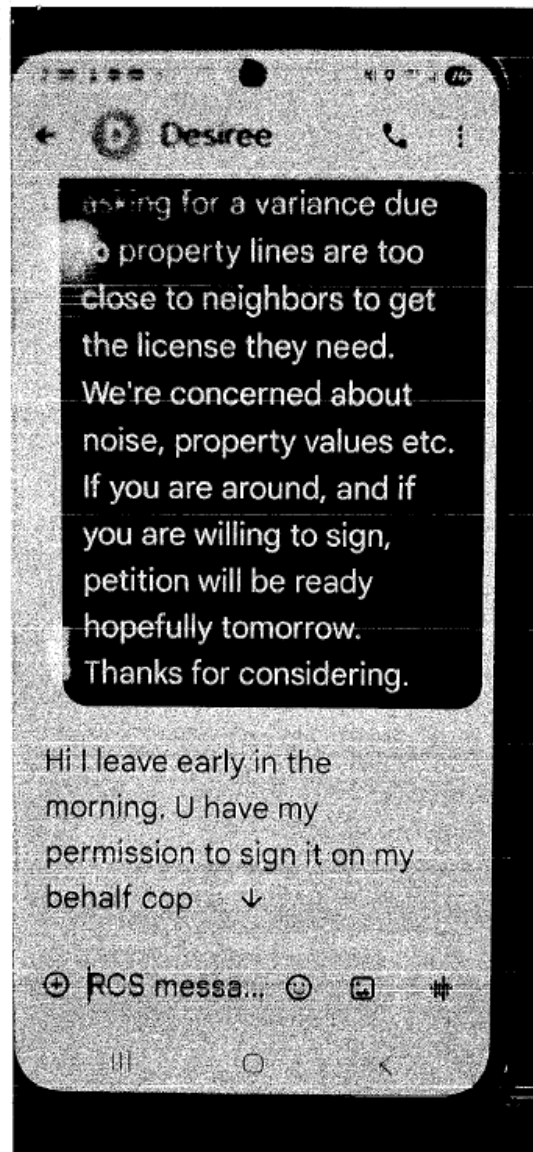
12/13/25, 3:00 PM

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12/13/25, 2:37 PM

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Name Carol A Wrabl Address 9 W Bay PathSignature Carol A Wrabl Date 12/14/25Name William Small Jr Address 7 West Bay PathSignature [Signature] Date 12/14/2025Name Julie Small Address 7 W Bay Path, Galena, IL 60136Signature Julie Small Date 12/14/25Name Chris Canelake Address 2 Laurel Ct., Galena, IL 60136Signature [Signature] Date 12/14/2025Name Robin Jackson Address 8 W. Bay PathSignature [Signature] Date 12-13-25

Name Robert Beckelmann Address 6 W Bay Path

Signature [Signature] Date 12-17-2025

Name Liam Nicolás Kelly Address 11 West Bay Path, Galena, IL 60136

Signature [Signature] Date 12/13/25

Name Joyce Beckelmann Address 6 W Bay Path

Signature [Signature] Date 12-17-2025

The noise is an issue. Ms. Hendlin has said that she wants to self-manage. I would challenge her to explain to me if I called her at 11pm at night, because there are 8 guys standing around a hot tub drinking, how is she going to get that noise to stop? Now the common approach would be to call Galena Territory Security, and we have just about 7,000 acres. It is a long way around the lake and I checked with security and, with the exception of holiday weekends, there is only one security person on duty at any given time. If that security officer is 5 miles away dealing with a deer that is in the road that got hit by a car, somebody that drove off the road, and they are waiting for an ambulance, the issue of noise is going to go on the backburner. And again, all the neighbors are concerned about that. One of the things that we noticed, I purchased my property 8 years ago. We walk a lot and, as do the other neighbors, we are older people. I am one of the young guys in the neighborhood, and I am also most 70. I don't believe any of the neighbors that signed the petition are younger than me. Most of them have dogs, they walk, there are no streetlights or sidewalks, there are no curbs and gutters, and they walk along the road. The roads are winding roads, there are not straight roads and cars come flying around, and you are scurrying to get out of the way. It is an issue. What we have noticed is, if you are a resident, you get a placard to put on your car in a certain place that tells security that you are a resident. Whenever I see a UPS truck or a car going fast or a pickup truck going fast, I always look to see if they have one of these placards and the majority of the time they don't. The people that are driving fast are the people that are not familiar with the roads, not familiar with the neighborhood, don't realize that people walk around these tight corners. The speed limits in the Galena Territory are always a problem. We have the County come and patrol on some of the main through roads, but they can't cover it all. The area that we are talking about, W Bay Path, is a dead end cul-de-sac. People ask where I live. I live on a dead end road off a dead end road. Shorewood Drive is a dead end road with a cul-de-sac. Laurel Court is a cul-de-sac also. The area is meant for local traffic, not through traffic. We do get people driving around looking. I have a picture that shows the proximity of the neighborhood. I apologize for the quality, it was taken with my cell phone from my back deck. I am looking from that back deck. I didn't expand it or change it. From my back deck, the three orange circles are the houses around the neighborhood. These are all houses that will be affected by the noise. Again, the people that signed the petitions are all concerned about the noise.

12/19/25, 10:22 AM

20251213_094810.jpg



—AFFECTED HOMES

—HILLSIDE THAT CARRIES SOUND

—PICTURE FROM DECK OF SW BAY PATH

—NOT IN PICTURE - HOME AT I-W BAY PATH

Mapes asks the people that signed the petition are they full-time residents or part-time.

- Mitch Wisdom states that I believe four are part-time. When I say part-time, I am saying real part-time. One guy is there maybe 1–2 weeks at a time, and he might leave for five days and come back for another week or two. Another person is a chaplain in a hospital and he is there almost every weekend. The house directly southwest of me is owned by a surgeon in Chicago, and he might come twice a month, and then you might not see him for two months. Otherwise, the rest are full-time residents. I believe I am the youngest one out of all of them.

Mapes states that as far as the roads go, those are public roads and you really can't control them.

Where I live in an area, they go 70–80 miles per hour past me.

Huschitt asks if we have any questions about his comments.

Richard Beutel, 17 Shorewood Drive, Galena

Our property is adjacent to the north of Lot 133, which is 1 West Bay Path at the corner. We are kitty corner to this property, and we hear the noise, and they can hear us, but the thing is that we purchased our home in 2007 and moved here full-time in 2014. When we purchased this, it was made very clear to us that our house, because of the driveway, would not qualify for rental, but at the same time we were reassured that none of the other houses around us could be rental either because if they were, we would not have bought the property. The thing is, when you look at the variance request, it is easy to look and say this is only a foot and so many inches, that really isn't the issue. The issue is that the Galena Territory was set up as a residential neighborhood and the ordinances were set up to preserve it as a residential neighborhood. As you start changing these you now are using these terms guests, which is a euphemism, but it is changing it to businesses. As the lady mentioned these are businesses. When you have renters coming in, they are not guests, they are not the same when you have family or friends that come occasionally to stay, it changes the entire complexity of the whole area and if you doubt that talk to people in the Galena Territory who live near rentals and some even near here that have the problems. It was setup as a residential

community, it still is and the answer to question number 9 is just plain incorrect. As Mitch Wisdom mentioned, where we are sound does travel even when we are on the screened in porch, Corrine and I who own the house will say be careful because everything carries and do not want to interrupt other people. For that reason this is not with the intent of the residential community and it does not fit with the regulations and should not be approved. Thank you.

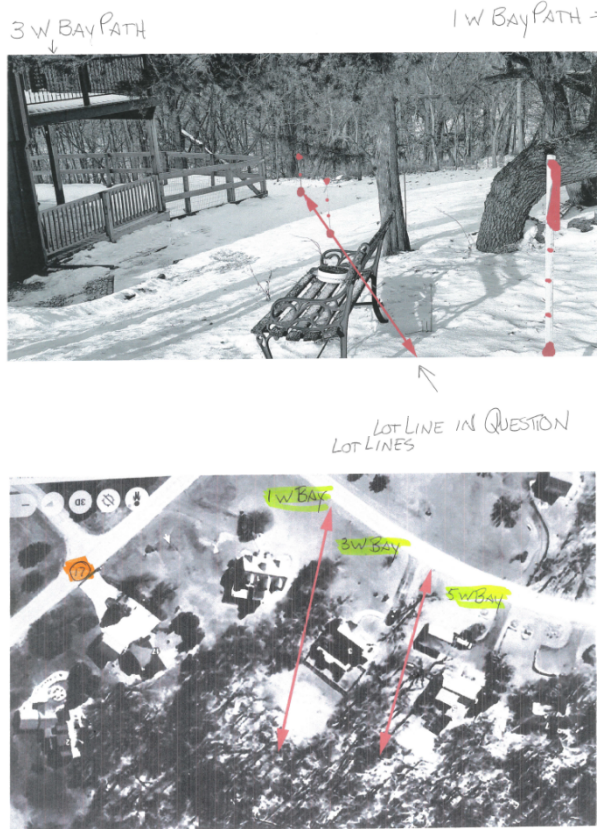
Tim Piotrowski, 1 West Bay Path, Galena

I have the house directly north of the home that is in question. I have owned it since 1980, bought the property as a young 21-22 year old who just married, lived in a one bedroom apartment, driving a 10 year old car, but I saw the future here. We learned about the Mississippi Palisades, we went and camped 10-15 times a year. We started skiing at Cascade Mountain and we always had our sites on this. We took a mortgage out on that property with the future that we saw for ourselves. We came out there and March 1980, purchased that property and paid it off and over time we loved it out there so much. We started raising a family and came out and stayed at the lodge or wherever, we enjoyed the amenities. In 1993 we made another investment when we built that home. Over the years we didn't get to use it a lot because our family was growing and we couldn't get out there all the time, but we made our summer vacations here. We loved it out there and we still do, but in 2019 when home values were low, we had our house on the market for about a year and a half and things were not selling and we finally decided and checked with our kids and now have grandkids and we decided we will just stay, we will fix the place up a little bit for a place for them to come as well. This year we took it off the market and this year we invested a ton of money in the home, we resided it, new windows, new deck, railing, painted the inside, we have been working on it for 7 months now and during the 7 months before we saw the for sale sign pop up, I hadn't seen Tim the former owner. We caught him one day when working and he said he was selling and is moving tomorrow. We invested so much in this home because we love the county, we love the Galena Territory, we love everything about it and our neighbors, but we have somebody coming in buying this house not at an investment in the community or an investment in Jo Daviess County, but rather an investment in a business. That business being a short term rental property. We are not happy about it. I don't want the noise, we are not full time residents, but we do come up. We are both retired so we are coming up more and staying longer. I am not looking forward to noise at night, we really don't want our grandkids coming up on weekends and more traffic. We don't know who these people are renting to, strangers there every weekend, we are not interested in that. Interesting paperwork from my original Galena Territory property, it is a supplemental declaration dated March 2, 1978 - permitted uses all lots which are subject to this supplemental declaration are restricted to single family residential use, no structure shall be erected or re-erected or maintained on any lot except for one dwelling designed for occupancy by a single family and one dwelling accessory building designed for use as a private garage. Goes on to say that it is basically for owner occupancy. This was in my original documents when I purchased that property. It is specific about lots 1-151 of Thunder Bay Unit 4. My thing is here that I am hoping that rules are in place to protect all residents, rules are lot line setbacks, all that stuff is what they are there for to protect everybody. I think that we should abide by those. I am asking the board to hopefully look in our favor and deny the request for the variance.

Mitch Wisdom, 5 West Bay Path, Galena

Submitted a couple of pictures. Written on them are the actual lot lines on where they go and how

close. Kari, when she bought the house, had it surveyed and had the flags, which are still there. I went out and took pictures. It shows exactly how close that lot line is to the house. I think it would be an injustice to grant a variance when you are dealing with that close of a proximity. Again we are not talking a few inches or a foot or two, we are talking almost 10 feet.



Diedrick asks of either gentleman that spoke. The declaration that you cited, was that part of your deed and has that been publicly recorded at the courthouse or is that just something that was in your file.

- Tim Piotrowski states that was part of my original purchase when I bought the lot from Branigar.
- Meeker states it is part of the covenants and restrictions of the Galena Territory. We do not have the ability to enforce their covenants.
- Tim Piotrowski states that this was what I was lead to believe when we purchased the property on what the property uses were.

Public Testimony Closed

Huschitt states that it can be an emotional topic. As a ZBA, we are governing all of Jo Daviess County. These rules are uniform for all of Jo Daviess County. If there are any specific property owner association guidelines, we don't have jurisdiction over those per se. I guess on my part, we have heard these types of cases numerous times. We talk about traffic on roads, and it is a public roadway. When we hear these cases, one thing I think about is private property ownership. Some of the points made of where these property lines are are always where they have been; these homes

are relatively close together. The home was on the market and people could buy them not for Guest Accommodations and could have large gatherings. GTA does have security, and we do have a Sheriff's Department, so some of the concerns that are raised, in my opinion, they can come up with common property ownership, is it just a situation of just a Guest Accommodation request. Also, some of the concerns of my own are does it seem that these things would be taking place on the property which is owned by the petitioner, in my opinion anybody can choose to enlarge their driveway. We have to balance property rights of the individual that owns the property. Anybody can buy the property and enlarge the driveway to allow 6 cars. We have to try and balance that. If a property owner chooses to take down a tree on their property, I respect that and it may be a tree that is shading your property, we only have control over so much. I think it is important to keep individual property rights in mind.

Diedrick asks if the variance is primarily for a deck. Is that correct?

- Meeker states it is primarily an open deck.

Diedrick states that is what the variance request is for.

- Meeker states that the variance only addresses that setback, nothing about the driveway, parking, or trees.

Diedrick asks if that deck was not encroaching into the setback to provide for a Guest Accommodations License. If that deck was not there or if it was smaller, there would be no need for the property owner to be before us requesting a variance.

- Meeker states that if they met the 20-foot setback, then for the Guest Accommodations License they would apply first for the Zoning Certificate so we can verify compliance with all the standards and that would be approved when we confirm that, and then they would apply for the Guest Accommodations License. No public hearing if they meet the standards.

Tim Piotrowski states that I don't believe that to be correct, the house is only 16 feet.

- Meeker states my point being, if they met the 20-foot setback, regardless what part of the house it is, the Guest Accommodations License could be approved.
- Huschitt states that the point that falls on me, sometimes it is a portion of a deck or a portion of the house and that is what prompted the variance because it is encroaching, but in and of itself, that small encroachment in and of itself has an overall bearing on this.

Hill states that we normally hear a variance and no complaints from neighbors and it won't affect the neighborhood. You might have one person 10 miles down the road stating I don't know if I like the traffic going by. This seems to be a neighborhood that does not have Guest Accommodations in it, and it is a family residential area that they use for their own families to have a little vacation or getaway and some are there permanently. I think this is a variance request that is different than any of them we have heard yet. There are a lot of different situations of the driveway. I don't think that is a factor. If they cut down a tree and affect the neighbor, I think this is a different variance than we have heard before.

Huschitt states that the real estate values and Guest Accommodations in Jo Daviess County, I can't quantify this, but I think it is a fair statement to make that many times the property values in Jo Daviess County in either of Apple Canyon Lake or Galena Territory or anywhere is the ability to have a Guest Accommodations permit. We have hundreds of permits for Guest Accommodations in Jo Daviess County. There are ongoing discussions about whether that number is too large, or should it be changed, you would have a room full of people and you would say half the room saying absolutely not we need more and the other half would say we have too many. When we talk about property values if it is going to hurt property or values or help property values.

Diedrick states that the testimony that we have heard tonight has indicated there are some neighbors that are not full-time, and they do spend time out here. Even though they are not full-time and not in the Guest Accommodations, where do we stand in the neighborhood as far as Guest Accommodations in this particular neighborhood?

- Soppe states that I searched the roadways and these are the rentals I have in that area — 1 Laurel Court — new in 2022, 13 Shorewood Drive is closer to Thunder Bay Road, 40 Shorewood Drive is further down the cul-de-sac.

Standards for Variance

1. The physical surroundings, shape, or topographical conditions of the specific property will cause practical difficulties or a particular hardship to the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out. True: (Why) X False: (Why)
2. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property within the same zoning classification. True: (Why) X False: (Why)
3. The purpose of the variation is not based exclusively upon a desire to make more money out of the property. True: (Why) DIEDRICK False: (Why) MAPES, HILL, HUSCHITT — not indicated as being used primarily for self, but as a business.
4. The alleged difficulty or hardship is caused by this ordinance and has not been created by persons presently having an interest in the property. True: (Why) X False: (Why)
5. The granting of the variation will not alter the essential character of the locality, and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. True: (Why) DIEDRICK, HUSCHITT, we are considering variance for side lot; other considerations really don't apply. False: (Why) MAPES, HILL
6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire or flooding, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. True: (Why) X, we are looking at setback, not drainage or driveway False: (Why)
7. The variation requested is the minimum variation that will make possible the reasonable use of the land or structure. True: (Why) X False: (Why)

2 of the 7 standards not met — 3 and 5

A motion to approve CASE NO 25-53: Petition of Kari Hendlin (18550 July AVE N, Forest Lake, MN 55025), owner, for a variance from the side-yard setback requirement of 20-feet to 11.08-feet for a home 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. Site location: 3 W Bay Path, Galena, IL 61036 was made by Gary Diedrick stating the following:

1. Standards for variance were reviewed — 5 of the 7 were met

Motion failed for lack of second.

A motion to deny CASE NO. 25-53: Petition of Kari Hendlin (18550 July AVE N, Forest Lake, MN 55025), owner for a variance from the side-yard setback requirement of 20-feet to 11.08-feet for a home 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. Site location: 3 W Bay Path, Galena, IL 61036 was made by Ron Mapes stating the following:

1. Standards for variance were reviewed — 2 of the 7 were not met

Seconded by Don Hill.

Roll call vote. Ayes — Don Hill, Ron Mapes, Peter Huschitt. Ayes: 3. Nays — Gary Diedrick. Nays: 1.

Absent — Steve McIntyre. Absent: 1.

- B. CASE NO 25-55: Petition of Jesus & Jill Marie Hernandez (11702 Sunflower LN, Huntley, IL 60142), owners and Adam Johnson (211 Fourth ST, Galena, IL 61036) for a Variance from the front-yard setback requirement to permit a front-yard setback of 19-feet where 27-feet would normally be required as shown on the recorded Plat of “Apple Canyon Lake”, Eagle Unit. Property is situated within a Planned Residential (RP) District. Site location: 10A56 Cardinal CT, Apple River, IL 61001.**

ZONING DISTRICT: Planned Residential (RP)

ACRES: 1.12-acres

PARCEL NO: 18-010-056-00

Wastewater Treatment: The septic system for this property was installed in 1981 and no longer meets code requirements for soil conditions on this lot. A new system must be installed which will be challenging because of limited space above the 100-foot lake setback.

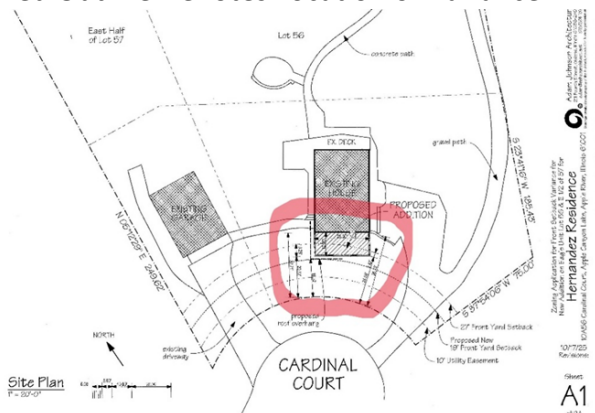
Access Considerations: The County Highway Engineer finds the access and site distances related to the property are acceptable.

Other Considerations: The subject property is situated southeast of Apple Canyon Lake within the Apple Canyon Lake resort community. The property lies adjacent to the lake, north of the intersection of Cardinal CT and Canyon Club DR. The 1.12-acre property is the site of a four-bedroom residence constructed in 1981 with an accessory building added to the property in 2021. The property owner wishes to construct an addition on the front of the property that projects within the required 27-foot front-yard setback as shown on the recorded subdivision plat.

Property Location



Red Outline Denotes Location of Variance



Huschitt asks what might be challenging on the property.

- Meeker states the septic needs to be replaced and, due to the 100-foot lake setback, there is a limited area behind the house. Not to say that it is impossible.
- Huschitt states that we are only looking at the variance and want the petitioner to understand about the septic requirements.

Adam Johnson, architect for owner,

I do have a stamped septic plan here if you want a copy of it. This is an early home in Apple Canyon Lake. It is somewhat of a substandard home right now. We have three bedrooms and one bath on the first floor that shares with the kitchen, dining and living room. To add another bathroom and

expand the first floor to make an accessible bedroom in the house. The most reasonable place to do it is to extend the house out the way it is. Adding to the front of the house would disrupt the front porch and the connection to the garage. Adding to the other side of the house, we would end up with a two-story addition that would be more than the owner would want to do. Adding on to the front of the house, we have a nice flat area in front and not destroy or disrupt the grade much. We have greenspace on the right side of the property and the owner across the street will not be affected much, his views of the lake will remain intact. This seems to be a reasonable request. We hope you will approve it.

Diedrick asks about the septic field if it does not fall within the 100-foot setback.

- Adam Johnson states it does not. We have been to Apple Canyon Lake and have gotten approval for the variance and the septic.

Huschitt asks if this is owner-occupied or Guest Accommodations.

- Adam Johnson states it is owner occupied.

Public Testimony Opened

None

Public Testimony Closed

Diedrick asks if any additional comments or correspondence from adjacent property owners.

- Meeker states no additional comments.

Huschitt states that the most feasible and economical way is to bring it out toward the street.

Standards for Variance

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

Standard are met

A motion to approve CASE NO 25-55: Petition of Jesus & Jill Marie Hernandez (11702 Sunflower LN, Huntley, IL 60142), owners and Adam Johnson (211 Fourth ST, Galena, IL 61036) for a variance from the front-yard setback requirement to permit a front-yard setback of 19-feet where 27-feet would normally be required as shown on the recorded Plat of "Apple Canyon Lake", Eagle Unit. Property is situated within a Planned Residential (RP) District. Site location: 10A56 Cardinal CT, Apple River, IL 61001 was made by Peter Huschitt stating the following:

1. Standards for variance were reviewed and met

Seconded by Don Hill.

Roll call vote. Ayes – Ron Mapes, Peter Huschitt, Gary Diedrick, Don Hill. Ayes: 4. Nays – None. Nays:

0. Absent – Steve McIntyre. Absent: 1.

- C. **CASE NOS 25-57 & 25-58: Petition of Eugene D Schubert (616 Burnett AVE, Warren, IL 61087) petitioner/owner for Variances to permit the creation of two (2) parcels that will continue in agricultural usage, both of which will have 0-feet of frontage on a public roadway, where 150-feet of frontage would normally be required (Section 8-3A-2 C of**

**the County Zoning Regulations). Property is situated within an Agricultural (AG) District.
Site location: TBD Burnett AVE, lying East of 616 Burnett AVE, Warren IL 61087.**

ZONING DISTRICT: Agricultural (AG)

ACRES: 106.85-acres

PARCEL NOS: 21-000-187-10 & 21-000-181-00

Wastewater Treatment: The County Health Department expressed no concerns with respect to wastewater disposal on the property.

Access Considerations: The County Highway Engineer finds the access and site distances related to the property are acceptable.

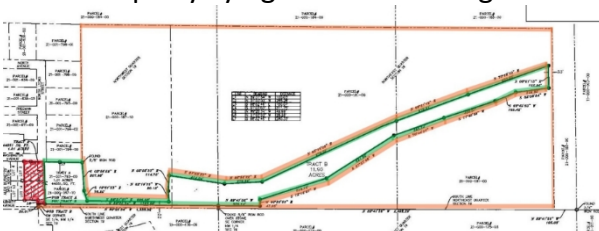
Other Considerations: The subject property is located adjacent to the eastern village limits of Warren at the terminus of Burnett AVE. The total land area involved is 106.85-acres (includes only property lying outside of the Village of Warren). The property owner resides at 616 Burnett AVE within the village limits of Warren. He wishes to sell off the portion of his property that contains agricultural structures along with an area that is a creek and pasture that runs from the southwest to the northeast through the larger site; this proposed parcel contains 11.9-acres and fails to provide the required 150-feet of frontage on a public roadway, though access may be achieved off of the end of Burnett Avenue within the Village of Warren. Additionally, the remainder 94.95 parcel is intended to remain in agricultural usage and also fails to provide the required 150-feet of frontage on a public street; it is also accessible off of the terminus of Burnett AVE. The parcels are exempt from the County's lot configuration standards as they are to remain in agricultural usage.

Since the action proposed will result in two parcels lacking the required public roadway frontage, the Commission should make separate motions regarding each parcel to ensure a clear record of action for both parcels.

Property Location



Red is Property Lying within the Village of Warren



Diedrick asks if any correspondence was received.

- Meeker indicates no.

Eugene Schubert, owner

The reason I am requesting this is that I have farmed the property for 35 years and this is the first year I have not farmed it. I rented the farmland to my neighbors. I want to divide it off as a farmette and the property that was surveyed is a pasture, a creek, the farm buildings, and the house. The two fields are cropland and I rented them to my neighbor.

Huschitt asks about the two parcels. They are the house, buildings and the pasture one parcel and the two ag fields are the second parcel. Or are there three parcels with the house separate.

- Meeker states that the house is within the Village limits of Warren, so we don't have jurisdiction over that.

Huschitt states that the house is not part of the request. Building and pasture are one parcel and the tillable ground is the second parcel.

- Meeker states that is correct, but the buildings will be one parcel.

Eugene Schubert states that I knew that when I first moved there a farm was in the back and the name on it was Frank Grape. There was an easement to that property that comes straight down Burnett Avenue and one mile back along my fence line to that farm. This was the only access to that property.

Mapes asks if it was an easement

Diedrick states that as long as it was recorded it may still exist.

Eugene Schubert states that there was a 40-foot dip which has been filled in overtime.

Huschitt states that we do not have any legal jurisdiction over easements. If we grant a motion for a variance, it then allows you to work on your plan, but that, in it of itself, is a guarantee that the splitting of the property gave someone else access.

Eugene Schubert states he is a little confused with myself; the variance is needed because I don't have enough frontage.

- Meeker states that is correct.

Eugene Schubert states that I only have one city block for frontage.

Huschitt states that how the access is and where it is going to be. Any parcel we create the rules states it needs 150 feet of road frontage.

Public Testimony Opened

None

Public Testimony Closed

Standards for Variance

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

A motion to approve CASE NO 25-57: Petition of Eugene D Schubert (616 Burnett AVE, Warren, IL 61087) petitioner/owner for Variance to permit the creation of Tract B parcel 11.9 acres that will

continue in agricultural usage, which will have 0-feet of frontage on a public roadway, where 150-feet of frontage would normally be required (Section 8-3A-2 C of the County Zoning Regulations). Property is situated within an Agricultural (AG) District. Site location: TBD Burnett AVE, lying East of 616 Burnett AVE, Warren IL 61087 was made by Gary Diedrick stating the following:

1. Standards for variance were reviewed and met

Seconded by Peter Huschitt.

Roll call vote. Ayes – Peter Huschitt, Gary Diedrick, Don Hill, Ron Mapes. Ayes: 4. Nays – None. Nays:

0. Absent – Steve McIntyre. Absent: 1.

A motion to approve CASE NO 25-58: Petition of Eugene D Schubert (616 Burnett AVE, Warren, IL 61087) petitioner/owner for Variance to permit the creation of Tract A parcel 94.95 acres that will continue in agricultural usage, which will have 0-feet of frontage on a public roadway, where 150-feet of frontage would normally be required (Section 8-3A-2 C of the County Zoning Regulations). Property is situated within an Agricultural (AG) District. Site location: TBD Burnett AVE, lying East of 616 Burnett AVE, Warren IL 61087 was made by Peter Huschitt stating the following:

1. Standards for variance were reviewed and met

Seconded by Ron Mapes.

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

Steve McIntyre. Absent: 1.

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

None

VIII. Reports and Comments (Commission Members and Staff)

Commission members talk about the standards for variances with Guest Accommodations.

IX. Adjourn

A motion to adjourn was made at 08:32 PM by Don Hill and seconded by Ron Mapes.

Roll call vote. Ayes – Don Hill, Ron Mapes, Peter Huschitt, Gary Diedrick. Ayes: 4. Nays – None. Nays:

0. Absent – Steve McIntyre. Absent: 1.

The next regular meeting of the Planning Commission/Zoning Board of Adjustment will be held on WEDNESDAY, JANUARY 28, 2026
