

**AGENDA OF THE LEE COUNTY BOARD**

AUGUST 16, 2005

**3<sup>RD</sup> FLOOR BOARDROOM, OLD LEE COUNTY COURTHOUSE  
112 E. SECOND STREET, DIXON, ILLINOIS**

OPEN MEETING WITH INVOCATION OR PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS

APPROVAL OF BOARD MINUTES OF PREVIOUS MINUTES

PUBLIC/VISITOR COMMENT:

- A. ITEMS ON THE AGENDA – VISITORS ALLOWED 10 MINUTES
- B. ITEMS NOT ON THE AGENDA – VISITORS ALLOWED 5 MINUTES

TO ZONING BOARD:

05 -P-1410 A & J PROPERTIES LLC

TO PLANNING COMMISSION:

NONE

FROM ZONING BOARD:

05-P-1403 GARY SCOTT & JAMES FIFIELSKI, PALMYRA TWP 05-P-1405 KELLY HICKS, SUBLETTE TWP

05-P-1404 AMCORE INVESTMENTS GROUP, DIXON TWP 05-P-1406 LEE CO(ROBT FARINA) NACHUSA TWP

FROM PLANNING COMMISSION:

05-P-1407 JOEL SCHNEIDER, BROOKLYN TWP

05-P-1408 LEE CO(JACK SWANSON) ASHTON TWP

05-P-1409 TERRY NEAL, BROOKLYN TWP

REPORTS OF COMMITTEE:

FINANCE

R.C.&D. – BLACKHAWK HILLS

CLAIMS

COUNTY SERVICES

SOLID WASTE/HEALTH & WELFARE

911 BOARD

ROAD & BRIDGE

ADMINISTRATIVE SERVICES

COMMITTEE CLAIMS

EXECUTIVE/JUDICIAL/LAW ENFORCEMENT

COUNTY PROPERTIES

COUNTY OFFICERS REPORTS, REQUEST FOR DEPOSIT OF FUNDS, ORDERS PAID IN VACATION

OLD BUSINESS

NEW BUSINESS

APPOINTMENTS

ORDINANCE: ANIMAL CONTROL AMENDMENT (HELD OVER)

RADIFICATION OF FOP CONTRACT

MILEAGE & PER DIEM

ALL BILLS & APPROPRIATIONS ALLOWED BY ROLL CALL

ADJOURN

LEE COUNTY  
**ZONING BOARD OF APPEALS**  
TELEPHONE 288-3643      LEE COUNTY COURT HOUSE  
DIXON, ILLINOIS 61021

ZONING REPORT FOR JULY 2005

There were a total of 47 permits issued for the month of July with a total dollar volume of \$2,033,516. There were 9 permits issued for single-family homes in the amount of \$1,573,000.

There are 7 petitions for the County Board to take action on.


1. 05-P-1403, Gary Scott/James Fifielski  
Petitioner is requesting PPN #16-01-26-477-001, Palmyra Township be rezoned from AG-1, Agricultural District to Special Use for a greenhouse, wholesale and retail. The property is located on the south side of Palmyra Road approximately ¼ mile east of Swarts Road and commonly known as 491 Palmyra Road, Dixon.
2. 05-P-1404, Amcore Investment Group, N.A., not individually but as Trustee of Land Trust No. 03-15010  
Petitioner is requesting part of PPN #07-02-30-403-005, Dixon Township be rezoned from C-3, Commercial Service District to R-4, Multi-Family Residential Dwelling District. Property is located to the south of Plum Hollow Fitness and Recreation Center.
3. 05-P-1405, Kelly Hicks  
Petitioner is requesting PPN #19-22-09-402-001, Sublette Township be rezoned from I-1, Light Industrial and PPN #19-22-09-300-008 be rezoned from AG-1, Agricultural District to C-3, General Business District for commercial sale of trailers and other related businesses. Property is commonly known as 610 N. Inlet Road, Sublette.
4. 05-P-1406, Lee County Zoning Office  
Petitioner is requesting PPN #14-03-17-200-006, Nachusa Township (owned by Robert Farina) be rezoned from Special Use for a bed and breakfast to AG-1, Agricultural District since this use is no longer needed. Property is commonly known as 1375 Flagg Road, Dixon, Illinois.
5. 05-P-1407, Joel Schneider  
Petitioner is requesting a variance on PPN #05-17-03-400-016, Brooklyn Township from the AG-2, Concentrated Livestock Production District zoning requirement of one mile radius to one half mile from existing lot line for the entire parcel of 17.297 acres. Property is located on the west side of IL Rt. 251 approximately 1000 feet south of Shaw Road.

6. 05-P-1408, Lee County  
Petitioner is requesting PPN #03-04-19-300-008, Ashton Township (owned by Jack Swanson) be rezoned from AG-2, Concentrated Livestock District to AG-1, Agricultural District since this use is no longer needed. Property is commonly known as 2015 Hoosier Road, Ashton.
  
7. 05-P-1409, Terry & Kristyne Neal  
Petitioner is requesting a variance on PPN #05-17-03-200-003 (52.3 acres) and #05-17-02-100-001 (4.02 acres), Brooklyn Township from the AG-2, Concentrated Livestock Production District zoning requirements of one mile radius for proposed building sites. Property is located on both Beemerville Road and Richards Road approximately a ¼ mile west of IL Rt. 251.

The Lee County Zoning Board of Appeals voted unanimously to recommend approval on Petitions 05-P-1403, 05-P-1404, 05-P-1405, 05-P-1406, 05-P-1408, and 05-P-1409.

The Lee County Zoning Board of Appeals voted 4-1 to recommend denial on Petitions 05-P-1407.

Respectfully submitted,



Chris Henkel  
Zoning Administrator

## LEE COUNTY ZONING BOARD OF APPEALS

Ron Conderman, Chairman  
Craig Buhrow, Member  
Gene Bothe, Member  
Tom Fassler, Member  
Mike Pratt, Member

Chris Henkel, Zoning Officer  
Erica Scheidecker, Clerk

The Lee County Zoning Board of Appeals met on Thursday, August 4, 2005 at 7:00 p.m. in the Lee County Courthouse, Dixon, Illinois. Chairman Ron Conderman called the meeting to order and the clerk Erica Scheidecker called roll. The following members were present: Ron Conderman, Mike Pratt, Tom Fassler, Craig Buhrow, and Gene Bothe.

Chairman Conderman asked if there were any changes or corrections to June's meeting and there were not. Gene Bothe made a motion to approve and Mike Pratt seconded it. All were in favor.

The first petition was 05-P-1403 by Gary Scott and James Fifielski requesting that PPN #16-01-26-477-001 in Palmyra Township be rezoned from AG-1 to Special Use for a greenhouse, wholesale and retail. The property is commonly known as 492 Palmyra Road, Dixon, Illinois. Mr. Conderman stated that the paperwork had been turned in for notification of the neighbors.

Petitioners James Fifielski and Gary Scott were sworn in. Mr. Fifielski stated that he and his partner, Gary Scott, would like to start a business called Palmyra Greenhouse. They would like to offer retail, in addition to wholesale, which is why they need the special use.

Chris Henkel stated the LESA score was 204.

Craig Buhrow asked what was on the property and Mr. Fifielski replied that a single family dwelling was located on roughly 12.1 acres. Mr. Buhrow asked what type of structure they would build, and Mr. Fifielski said they would need a 20 x 30 building with wood frame construction.

Mr. Henkel reported that the Palmyra Township zoning voted unanimously in favor.

Mr. Buhrow inquired if they would need restrooms on-site and Mr. Fifielski replied that the Lee County Health Department said they did not.

Chairman Conderman proceeded with the "Finding of Fact." The first was the impact on the character of the neighborhood. Mr. Henkel stated he had received a call from a neighbor who was pleased about the change.

Mr. Henkel clarified that they are not required to rezone the entire ten acres, only the building itself and the immediate area surrounding it.

The second finding of fact was in regards to the impact on traffic. Mr. Scott replied that they would be located along IL Route 6, which is already a high traffic route. (For clarification, the location for this requested Special-Use is along Palmyra Road).

The third finding of fact was the impact upon public utilities. The board agreed there was none.

The fourth finding of fact was the effect on public health, safety, or general welfare. The board agreed there would be little effect.

Tom Fassler made a motion to approve the petition and Mike Pratt seconded it. All were in favor. The petition will go to the Lee County Board on August 16 at 6:00 pm with a favorable recommendation.

The second petition 05-P-1404 was by Amcore Investment Group, not individually but as Trustee of Land Trust No. 03-15010. Their attorney, Douglas Lee, was sworn in and spoke for the petition. Mr. Lee stated they are requesting that PPN #07-02- 30-403-005 be rezoned from C-3 to R-4, Multi-Family Residential Dwelling District. The area is approximately 28 acres and is located to the south of Plum Hollow Fitness and Recreation Center.

Mr. Henkel stated the notification to neighbors and receipts from the newspaper have been submitted to the zoning office.

Mr. Lee said there were no immediate plans to subdivide the property. He reported the City of Dixon Planning Commission voted unanimously to approve. The City Council voted to recommend with one dissenting vote.

Craig Buhrow asked for the reason of the dissenting vote, and Mr. Lee replied that the newspaper reported the council member felt the area should be annexed first and then subdivided.

Chairman Conderman asked if there was anyone else in the audience who wanted to speak. Visitor David Long was sworn in.

Mr. Long asked if they were planning a development with single family homes or apartment buildings, and Mr. Lee replied that the R-4 would allow for multiple dwelling apartments. Mr. Long replied that up to this time the area has been single family homes. He would not mind duplexes, but he did not want large apartment homes.

Mr. Buhrow asked where Mr. Long lived and he stated he was a resident in the Plum Creek area.

Mr. Conderman stated that under R-4 zoning the maximum allowable height is a 45 foot building. The current C-3 zoning does not have any restriction on building height. Tom Fassler stated that actually the R-4 was more of a protection for the neighbors.

Mr. Lee reported that no specific plans had been made yet. He and his client felt the better use of the property would be as an R-4 rather than a C-3.

Mr. Pratt asked if there were more checks on the development, and Mr. Henkel replied that once they have the R-4 zoning they can build unless they plan to do a subdivision.

Local resident Mr. Long said he was definitely against apartments and didn't believe it was fair. Mr. Lee pointed out that they can build right now under the current C-3 zoning.

Mr. Pratt stated that the C-3 zoning is the worst case scenario for the neighborhood, rather than the R-4.

A motion to approve was made by Gene Bothe and seconded by Mike Pratt. All were in favor. Chairman Conderman stated the petition will go to the Lee County Board on August 16 with a recommendation for approval.

The third petition 05-P-1405 was by property owner Kelly Hicks to rezone PPN#19-22-09-402-001 from I-1 to C-3, and PPN#19-22-09-300-008 from AG-1 to C-3. The property is commonly known as 610 North Inlet Road, Sublette.

Attorney Doug Lee spoke representing Mr. Hicks. Mr. Lee stated the road had been moved which created 7/10 of an acre which is currently AG-1. The owner's business is on property that is zoned I-1. Mr. Lee reported that the owner wants to combine the two properties. The appropriate zoning per Chris Henkel is C-3, General Business District for commercial sale of trailers and other related business.

Tom Fassler made a motion to approve and Craig Buhrow seconded it. All were in favor. Chairman Conderman stated this petition will go to the Lee County Board on August 16 with a recommendation for approval.

The fourth petition 05-P-1406 was for PPN #14-03-17-200-006 in Nachusa Township to be rezoned from Special Use for a Bed and Breakfast to AG-1, Agricultural District. Zoning Officer Chris Henkel was the petitioner for Lee County. He stated in 2004 the property was rezoned for a Bed and Breakfast, however the owners are not currently using it and do not plan to in the future.

Mike Pratt made a motion to approve and Craig Buhrow seconded it. All were in favor. Chairman Conderman stated this petition will go to the Lee County Board on August 16 with a recommendation for approval.

The fifth petition 05-P-1407 was by property owner Joel Schneider requesting a variance on PPN #05-17-03-400-016, Brooklyn Township from the AG-2 zoning requirement of

one mile radius to one half mile radius from the existing lot line for the entire parcel. The property is located on the west side of IL Rt. 251 about 1000 feet south of Shaw Road and is approximately 17 acres.

Chris Henkel stated the paperwork had been turned in and the LESA score was 188. He explained that LESA scores are now required for variances, which is a new procedure under the recently adopted ordinances.

Ron Conderman asked Ron Jacobson from the State's Attorney's office how many homes the variance would allow for, and Mr. Jacobson replied it allowed for one. Mr. Henkel reported this property is within a mile and a half of Compton, so is suitable for development. However, even though it is in compliance with the Comprehensive Plan, the AG-2 is adjacent to it.

Chairman Conderman asked if anyone was present representing this petition, and property owners Joel and Wanda Schneider were sworn in.

Mr. Schneider stated the purpose for the variance was to be able to sell the property for residential use.

He said he had concerns about the quantity of development occurring in Lee County, and the absence of impact fees to offset the additional costs to the community. Tom Fassler said he believed some of that is offset by taxes.

Wanda Schneider said their intent was to get the property rezoned. They had planned to build on the property since they acquired it in 1992.

Mr. Conderman stated that the State's Attorney's office has advised the board that the variance would only allow building one dwelling. If they wanted to build a second home, they would need to come back to the Zoning Board of Appeals to get another variance.

Edward Gilmore was sworn in. Mr. Gilmore stated that he owns the adjacent AG-2 property and that Joel Schneider is his nephew. He is speaking for himself and his two sons who are co-owners. Because the home proposed to be built is not for Joel, but for a potential buyer, he is against it. He is concerned that people who move out to the country don't understand the problems they may face. Mr. Gilmore said he didn't want to have complaints about tractor noise, chemicals, and livestock odors. He wouldn't object if it was Joel building it, but not for someone else.

Craig Buhrow stated that homes are sold about every seven years, so even if the builder was someone you know, odds are it would be sold. Mr. Henkel stated the variance will go with the dwelling.

Wanda Schneider said she believed that when people move to an agricultural community they expect the conditions Mr. Gilmore had mentioned.

Ron Conderman had a letter from Gilmore Farms, the neighboring AG-2 owners. The letter stated they believe subdividing the property would harm the Gilmore Farms and they object to the board granting a variance.

Chairman Conderman proceeded with the "Finding of Fact." The first finding of fact was in regards to the impact on the character of the neighborhood. Tom Fassler stated it wouldn't change the character, since it's just one dwelling.

The second and third finding of fact was the impact upon traffic conditions and public utilities, respectively. The board agreed the impact on both was negligible.

The fourth finding of fact was the effect on public health, safety, or general welfare. The board agreed there was no effect on public health or safety. The effect of general welfare could possibly be on the Gilmore farming operation.

Craig Buhrow made a motion to deny the variance, and Mike Pratt seconded it. Roll was called by the clerk and the following members voted aye to deny: Gene Bothe, Mike Pratt, Craig Buhrow, and Ron Conderman. Member Tom Fassler voted nay to deny the petition. Chairman Conderman stated the petition will go to the county board on August 16 with a recommendation to deny the petition.

The sixth petition 05-P-1408 was by Lee County requesting that PPN #03-04-19-300-008, Ashton Township be rezoned from AG-2 to AG-1. The property is owned by Jack Swanson and is commonly known as 2015 Hoosier Road, Ashton.

Chris Henkel acted as the petitioner. He stated they need to remove the AG-2 zoning since the owners are not meeting the minimum requirements for livestock production. The owner is aware of this petition. Craig Buhrow asked the size of the parcel and Mr. Henkel said it was about five acres.

Tom Fassler made a motion to approve, and Gene Bothe seconded it. All were in favor. Chairman Conderman stated this petition will go to the Lee County Board on August 16 with a recommendation for approval.

The seventh petition 05-P-1409 was by property owners Terry and Kristyne Neal requesting a variance from the AG-2 zoning requirement of one mile radius for proposed building sites. The property is located on both Beemerville Road and Richards Road about ¼ mile west of IL Rt. 251.

Mr. Henkel reported the adjacent landowners have been notified and the receipt for the Telegraph had been turned in. He said the area is not farmable and is currently sitting barren. The LESA score was 152, as they are within a mile and a half of the town.

Petitioner Kristyne Neal said the terrain does not allow for multiple dwellings and they have no intention of subdividing. Mr. Buhrow asked if they live in the farm house and she replied they did not, that the person there is renting.

Ms. Neal said they want to share the property with their family. They have owned it two weeks. The previous owners were very close friends, who are now deceased.

Mike Pratt asked for clarification as to what the board is being asked to approve. Ron Jacobson from State's Attorney stated the variance was for one dwelling which could be placed anywhere on the 52 acres.

Edward Gilmore stated he had no objection to one home built, since they are located far enough away from his operation. Mr. Pratt asked if he was in favor of this variance, and Mr. Gilmore stated that he was. He submitted a statement to that effect.

James Youssi was sworn in. He said his wife is Sue Gilmore Youssi, and that she is one quarter owner of the Gilmore AG-2 property. He doesn't object to one house being built, but does have concerns about setting precedent and potential future variances.

Chairman Conderman stated each petition is reviewed on its own merit.

Mr. Youssi stated he had no objection for the one house.

Visitor Robert Kromm asked if the board's aim was to promote growth or preserve farmland. Mike Pratt replied their goal was the highest and best use of the land.

Craig Buhrow clarified that the comp plan encourages development within a mile and a half of municipalities because it allows utilities to be sourced directly from the town.

Tom Fassler asked if there was any ruling from Brooklyn Township, and Terry Neil replied there was not, as they don't have a formal planning commission.

Ron Conderman read a letter submitted by the Gilmores which stated that in regards to the AG-2 variance, they have no objection since the owners say they don't intend to subdivide.

Mike Pratt stated that the power lies with the AG-2 owners. If they are in favor, then it would pass.

Joel Schneider spoke and asked if you grant the variance to one owner, why doesn't everybody receive approval.

Kris Neil restated it is not their intent to subdivide. She did not feel a couple homes on this property would be intrusive.

Chairman Conderman proceeded with the "Finding of Fact." The first was the impact on the character of the neighborhood. As it is only one dwelling, the board agreed there will be no real impact.

The second finding of fact was in regards to the impact on traffic, and it was agreed that there was none.

The third finding of fact was the impact upon public utilities. The board agreed there would be very little.

The fourth finding of fact was the effect on public health, safety, or general welfare. The board agreed there would be little effect on health or safety. The only possibility was the general welfare of the Gilmore farms, and they stated they had no objection.

Tom Fassler made motion to approve the variance for one dwelling, Mike Pratt seconded it. Chairman Conderman stated this petition will go to the Lee County Board on August 16 with a recommendation for approval.

Chairman Conderman stated that the meeting could move on to new business. Chris Henkel reported that he and Mr. Conderman had met with Midwest Wind Energy. He said this is the same company that built windmills in Bureau County. They will be coming in front of the Zoning Board of Appeals in approximately two months to petition for special uses for an undetermined amount. Mr. Conderman stated the windmills would be larger than those in Compton.

Mr. Buhrow asked how Bureau County got along with the company. Mr. Henkel said they petitioned one windmill at a time instead of the whole farm. They went to court and the judge ruled it was OK. Mr. Henkel said the company has built the windmills, and some of them are working.

A motion to adjourn was made by Craig Buhrow and was seconded by Mike Pratt. All were in favor. The meeting was adjourned at 9:03 p.m

